trol. The National Academy of Sciences remains associated with Mohole, through the site selection committee and a committee on scientific objectives, but Haworth has left no doubt that, since NSF is footing the bills, its outside advisers are no more than advisers. Since AMSOC is an organization that prides itself on having no organization, it is difficult to verify its existence or activities. But AMSOC members say it still exists and they are thinking about holding a meeting abroad sometime during the next few years.

—D. S. GREENBERG

Title VI: Universities, Others Affected by Federal Moves To End Discrimination by Aid Recipients

Over the past few months the government has been moving to implement the provision of the 1964 Civil Rights Act that many observers feel will do more than any other to break the pattern of segregation in the South. The provision, known as Title VI, declares that "no person in the United States shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Under regulations just issued by the 20-odd agencies administering assistance, the billions of dollars annually dispensed by the federal government for programs ranging from support of basic research to rural electrification are to be held back until written assurances of intent to comply with the nondiscrimination provision are received in Washington.

Such a policy has an enormous potential impact on education, which, on all levels and throughout all areas of the country, is heavily dependent on the federal government. Agencies have begun holding up payments pending receipt of assurances, and, faced with the threat of delays or cutoffs, previously recalcitrant institutions and districts in the South have scrambled to affix their signatures to statements of compliance. The boards of education of Georgia and Virginia, for example, as well as local districts elsewhere in the South, have concluded that it would be impossible to finance their programs alone and have voluntarily signed the pledge. And just in the last few weeks some 200 southern colleges and universities —including some like the University of Mississippi which began modest desegregation only under duress—have also committed themselves in writing to a degree of egalitarianism perhaps unrivaled since the days of Reconstruction.

According to Washington officials who spent much of the summer talking with people in the South about the implementation of Title VI, there are several reasons for the apparent surge of compliance. In the first place, they say, Title VI only gives added incentive to the desegregation already occurring in many places under court order. Secondly, there is the money itself. Although it is difficult to calculate the total amount of federal funds going to each southern state, the number of affected programs in each of them is huge. Even in the relatively limited area of higher education, the amounts are substantial. The Public Health Service, for example, last year gave more than $17 million to institutions of higher education in Mississippi, Alabama, and Georgia, and the National Science Foundation contributed another $5 million. These figures represent a sizable contribution to those states' total expenditures for higher education, and it is felt that school administrators, reluctant to see their institutions begin a slow decline, will use the threat of Title VI to put pressure on rabble-rousing politicians who have frequently made the task of integration more difficult. It is also felt that college faculties, unwilling to jeopardize their federal grants, will press the administrators into compliance with the new law.

Despite the appearance (and the logic) of massive compliance, however, and the conviction of federal officials that they have a tool that will be second only to the cotton gin in its impact on southern life, the effect of Title VI—at least on higher education—is still open to question. The uncertainty arises both from the nature of the regulations themselves and from the complexities of their administration. Though it is too early to say for sure, there are some indications that the law may have relatively little effect on the pace of change in the South.

The Regulations

The regulations, which were developed by an interagency committee under the leadership of the Justice Department, are basically the same for all agencies. They combine an extremely tough definition of "discrimination" with very complicated and cumbersome procedures for enforcing compliance. In higher education, the regulations would seem to prohibit discrimination in everything from recruitment of students, to the use of fraternity houses, to the employment practices of a contractor hired to build a facility on a campus having an altogether unrelated grant from the federal government. In an explanatory question-and-answer sheet drawn up by the Department of Health, Education, and Welfare and sent out along with copies of its assurance forms to all aid recipients, the following points are raised.

What effect will the Regulation have on a college or university's admission practices or other practices related to the treatment of students?

A. An institution of higher education which applies for any Federal financial assistance of any kind must agree that it will make no distinction on the ground of race, color, or national origin in the admission practices or any other practices of the institution relating to the treatment of students.

(a) "Student" includes any undergraduate, graduate, professional, or postgraduate student, fellow, intern, student, or other trainee receiving education or training from the institution.

(b) "Admission practices" include recruiting and promotional activities, application requirements, eligibility conditions, qualifications, preferences, or quotas used in selecting individuals for admission to the institution, or any program of the institution, as students.

(c) "Other practices relating to the treatment of students" include the affording to students of opportunities to participate in any educational, research, cultural, athletic, recreational, social, or other program or activity; the performance evaluation, discipline, counseling of students; making available to students any housing, eating, health, or recreational service; affording work opportunities, or scholarship, loan or other financial assistance to students; and making available for the use of students any building, room, space, materials, equipment, or other facility or property.

Does the Assurance of nondiscrimination apply to the entire operation of an institution?

A. Insofar as the Assurance given by the Applicant relates to the admission or other treatment of individuals as students, patients, or clients of an institution of higher education, a school, hospital, nursing home, center, or other institution owned or operated by the Applicant, or to

the opportunity to participate in the provision of services, financial aid, or other benefits to such individuals, the Assurance applies to the entire institution. In the case of a public school system the Assurance would be applicable to all of the elementary or secondary schools operated by the Applicant.

What about a university which operates several campuses?

A. Section 80.4(d)(2) of the Regulation provides for a more limited Assurance only where an institution can demonstrate that the practices in part of its operation in no way affect its practice in the program for which it seeks Federal funds. This would be a rare case.

To signify compliance with these provisions, the university president or other aid recipient must simply sign a formal "assurance" (which has now been mailed out by almost all granting agencies), and that is the first possible weakness of Title VI. The federal agencies involved administer between 300 and 400 diverse programs and deal with literally thousands of recipients. Interviews with many of the responsible officials suggest that their approach will be to take the assurances—and the status reports on compliance that aid recipients are asked to file periodically—at surface value. Although federal officials are authorized to make periodic checks on their own initiative, exceptions to the passive policy will probably arise chiefly where complaints of discrimination are brought either by individuals or by legal organizations such as the NAACP. In those cases investigations may be begun and procedures initiated that might lead to a withdrawal of support—not from the institution as a whole but from the particular program to which the complaint referred.

Enthusiasm for vigorous enforcement of Title VI appears to vary from agency to agency. The Department of Health, Education, and Welfare, which administers the largest number of affected programs, took the lead in developing regulations and appears to be leading in plans for enforcement. Under one of its constituent units, the Office of Education, HEW is setting up a high-level civil rights bureau that will keep watch on all the Department's activities in higher education (including the programs of another HEW unit, the Public Health Service) and its programs in elementary and secondary education as well. The bureau, just getting organized, will be headed by a high-level civil servant and is acquiring a staff both experienced in and devoted to the promotion of civil rights. On the other hand, it appears that many other agencies are taking a more lackadaisical view, limiting themselves to preparing checklists of formally complying institutions and not quite facing the issue of what to do if a problem develops.

Unless the job of coordinating Title VI activities is taken over by Vice President Humphrey, what these agencies will undoubtedly do is turn to HEW's new office for advice. President Johnson has asked Humphrey to coordinate the government's civil rights programs generally, and it is vaguely hoped that his responsibilities will be extended to include Title VI. Some form of coordination is badly needed, both for the convenience of the aid recipients (who now must sign a separate assurance for each federal agency they deal with) and because it is important that when questions arise they be decided in uniform fashion. The alternative is bureaucratic chaos: it is hard to say who would be worse off, the university president whose assurance was accepted by the AEC but questioned by NASA or the bureaucrats who were caught making the conflicting rulings.

Other Problems

A second weakness in Title VI is that, although agencies are authorized and directed to withhold funds from institutions that refuse to comply, it will not be easy for them to do so. No order to suspend, or terminate, or refuse to grant assistance can be effective until four steps are taken: (i) the applicant has been advised of his failure to comply and it has been determined that he cannot be made to comply voluntarily; (ii) there has been an express finding, after an opportunity for hearing, of a failure to comply; (iii) the action has been reviewed by the chief of the agency or department; and (iv) the agency has filed a report, detailing the circumstances and the grounds for action, with the Senate and House committees having jurisdiction over the program involved, and they have had 30 days to review it.

The first three of these conditions are chiefly insurance of just administrative procedures. The fourth, which was appended by Congress to the Kennedy administration's proposal, is interpreted by many Washington observers as a frank contrivance by which powerful congressmen could move to discourage administrators from actually cutting off aid to an institution in their districts.

In some ways the heart of Title VI is the condition that aid will be cut off only after voluntary compliance has been found impossible. Under this provision, the only institutions to suffer will be that dwindling handful still attempting absolute defiance. Another category may be a group of institutions, both Negro and white, limited by charter to accepting students of only one race. Though there will undoubtedly be some test cases on this issue, it appears likely that a marginal effect of Title VI may be to accelerate the decline of these facilities.

For most institutions, however, the issue is not whether they will comply, but to what degree their compliance will have any meaning. Perhaps the biggest question about Title VI is the question of definitions. Although the regulations go a long way toward spelling out what is meant by "discrimination," the apparent intention of federal administrators to accept assurances at face value brings forth some contradictions. Ole Miss, which has sent in a presumably acceptable assurance, has two Negro students. The University of Alabama has 12. The University of South Carolina has 18. In all three states, complete faculty segregation is maintained. In the state of Georgia, only 71 Negro students attend public colleges with whites. Achieving even these levels of desegregation has been neither easy nor bloodless, and certainly the time to penalize these institutions by curtailing aid is not when they have finally begun the battle. But there is an alternative to arbitrary cutoffs—forceful administration. Unless a decision is made for strict enforcement of Title VI, the government is left in the hypocritical position of asserting that such tokenism is synonymous with compliance. Such a decision could probably be made only at the White House, and is not likely to come about unless the President is pressured by civil rights groups. In the meantime, the government is committed to espousing a rigorous definition of "discrimination," on the one hand, and to accepting only modest steps which plainly fail to meet the qualifications, on the other. This may be good politics, but it is not the social revolution many people expect to be witnessing.—ELINOR LANGER