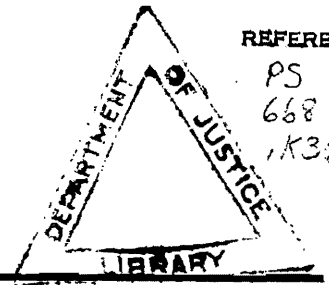




Department of Justice



STATEMENT OF ATTORNEY GENERAL ROBERT F. KENNEDY
BEFORE THE SENATE COMMITTEE ON THE JUDICIARY ON
TITLE VI OF S. 1731
August 23, 1963

I have furnished the Committee with a revised draft of title VI of S. 1731, relating to nondiscrimination in federal assistance programs. These changes spell out in positive terms and in greater detail the action which is to be taken to effectuate the policy against discrimination and, in addition, provide judicial review of executive action terminating assistance because of discrimination.

As revised, title VI consists of four sections.

Section 601 of the revision declares the policy of the United States that "no person shall, on the ground of race, color, religion, 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."

This is an unequivocal statement of basic policy. As the President said, in his message of June 19, 1963:

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

The remaining sections of title VI deal with the methods of implementing this policy.

I think all of us must agree that the overriding purpose of any non-discrimination legislation should be to end discrimination, not to cut off assistance. Title VI makes that purpose plain.

Section 601 declares the policy. Section 602 requires each agency to determine the most effective means of carrying out that policy in a variety of different programs, each with its particular statutory purpose and administrative scheme.

The basic purpose of title VI is to insure nondiscrimination in all federal programs. If necessary to secure this purpose, an agency may, under section 603, bring a suit to enforce compliance with its rules and regulations. It may also, if this is deemed more effective, terminate a program in which discrimination continues. In either event, no action can be taken until the noncompliance has been brought to the attention of the appropriate State or local authorities and efforts made to secure voluntary compliance.

Section 604 adds a provision for judicial review as a check against the possibility that an agency might impose sanctions arbitrarily or because of a mistake in fact. This bill would give a right of judicial review to any person aggrieved by a termination of assistance pursuant to section 602.

With its emphasis on ending discrimination, rather than terminating assistance, and its provision for judicial review, the revised title VI constitutes an improvement on the original proposal.

Enactment of title VI will provide clear authority to end discrimination in federally assisted programs. It will put the Congress clearly on record as favoring a principle which is basic to the ideals of this country. I invite and welcome Congress' support of this principle, and I urge that title VI be included in the Civil Rights Act of 1963.