



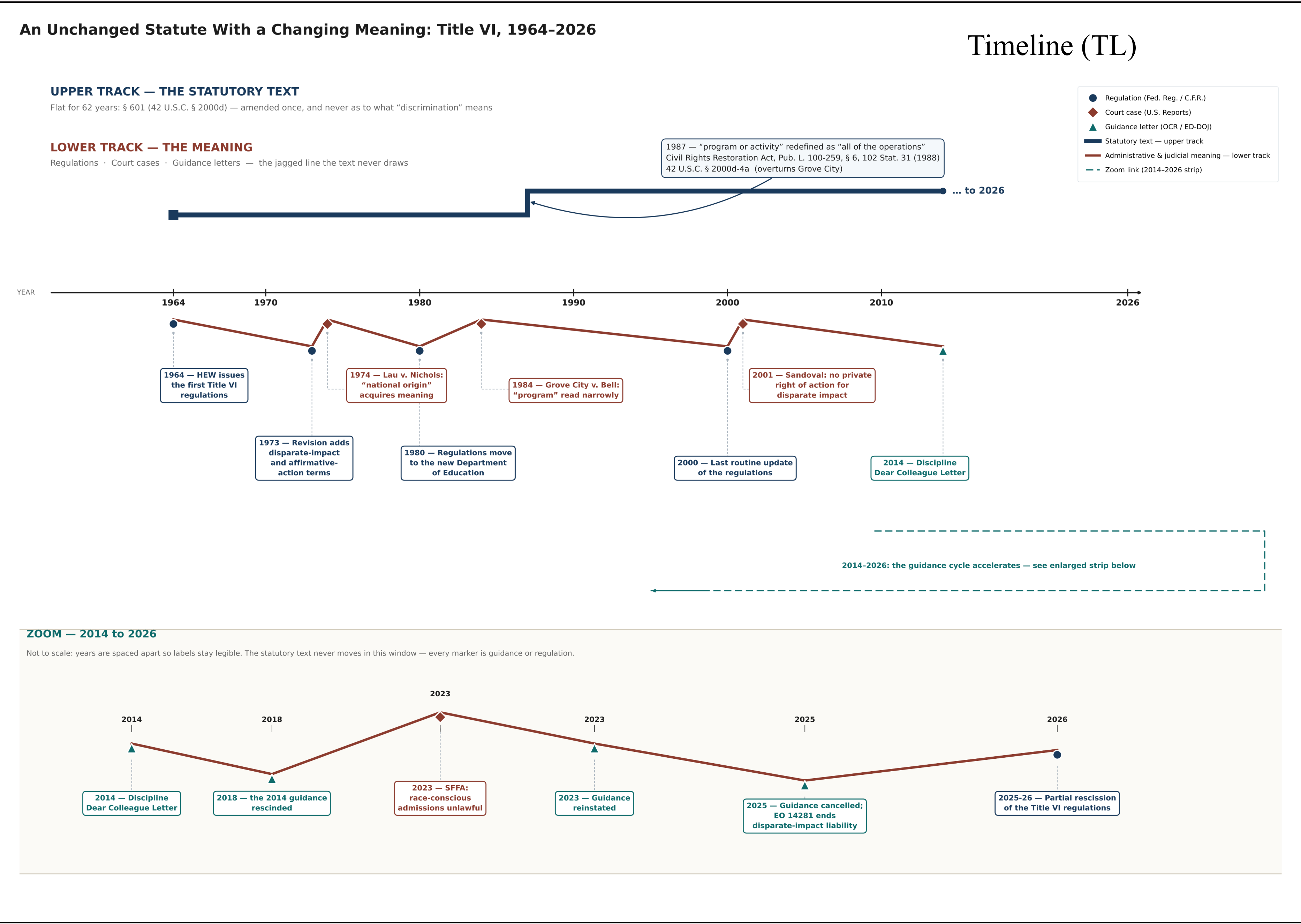
Who Defines Racial Discrimination? Title VI's Unchanged Text and Shifting Meaning

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1. The Issue

The text of Title VI, enacted by Congress, has hardly changed; its one amendment only expanded its scope but did not redefine discrimination; and Title VI's text is simple but precise-enough (National Archives, 2022; Martin, 2025). While the courts, agencies, Congress, and the President shift the interpretation of Title VI (Hsin, 2019; as my timeline shows), the price of such changes is paid by students, teachers, classrooms, schools and communities (Owens, 2025) ... Thus, to benefit every person in America, the power to interpret, enforce and preserve Title VI should largely return to public understanding and public action rather than remaining merely in the hands of those who govern (Kramer, 2004, p. 8).



4. The People's Proper Role

To combat racism in education under Title VI, individuals can engage with local schools by volunteering, mentoring, tutoring, providing financial support, supporting community leaders, knowing and critiquing school policies, and forming coalitions of students, teachers, families, and advocates who monitor Title VI enforcement together (Owens, 2025).

People should be as a symbolic orientation of debates - one that transcends society, that can be represented by conflicting yet unconfirmable claims, and that claims human rights to reflect on their identity of the people by questioning inclusion (Gill-Pedro, 2020).



2. Rationale

I have chosen this issue because of the pressing debates now surrounding Title VI, which can be framed around two sets of questions: first, whether the current U.S. government's approach to Title VI, which ends disparate-impact liability and weaponizes the policy (through concepts, such as, antisemitism), actually benefits the people (Li, 2025; Sorial, 2026; and, if it does not, what those who govern should do instead); second, to what extent the public should have the power to define Title VI (Kramer, 2004).

3.1. Common Ground, Common Limits

Despite the Trump administration's effort to end disparate-impact liability under Title VI (Trump, 2025), I follow Suthammanont (2009): disparate-impact tools better address unconscious racism, including racial animosity, hidden stereotyping, apathy and inaction toward minorities; people and the government should not eliminate disparate-impact tools but should be more sensitive to implicit biases and minorities' opinions.

3.2. Common Ground, Common Limits

As some campus scholarship, advocacy, and protests support Palestinians enduring Israel's genocidal war in Gaza, the U.S. government and pro-Israel actors often use Title VI to counter antisemitism, anti-Zionism, and criticism of Israel (Li, 2025);

but Title VI must not be weaponized by individuals or government for self interest (Li, 2025).

Public sympathy for suffering is essential; Palestinian students have also used Title VI to defend their human rights (Assad and Ramos, 2024), which indicates its broader potential.

References



TL Explained



5. The Government's Proper Role

- The President and his party should counter racial hostility, since political leadership is crucial to civil rights enforcement (Grofman, 2000), and preserve popular sovereignty over laws or policies (Kramer, 2004).
- The courts should respect Congress's definition of racial discrimination and the public's understanding under Title VI (Suthammanont, 2009); the courts should also block unlawful presidential action (Meckler, 2025).
- Congress should challenge the Court; could update laws and correct Court decisions (Suthammanont, 2009).
- U.S. Department of Education (ED) can and should investigate and address racial discrimination under Title VI, rather than solely cutting funding after individuals file complaints (Owens, 2025).
- Most states have similar processes as ED for handling individual complaints; if federal agencies do not respond, one can turn to one's state government (Owens, 2025).

