

No Legal Remedy Against Bias In Businesses Without Public Accommodations Bill—Marshall

Marshall Appeals For Passage Of Rights Bill

By JOHN HERBERS
(United Press International)

WASHINGTON — (UPI) — Burke Marshall, the government's top civil rights trouble-shooter, said Monday that President Kennedy's proposed public accommodations law could have averted racial strife in Birmingham, Ala., this year.

He told the Senate Commerce Committee that Negroes staged protest demonstrations against discrimination in business establishments because there was no legal remedy, no action the government could take to end it.

Marshall, assistant attorney general in charge of the Justice Department's Civil Rights Division, appealed for passage of the proposed law to ban racial discrimination in such places as hotels and restaurants. During his testimony, he also:

— Questioned the accuracy of a published report that managers of the Social Security and Veterans Administration offices in San Antonio, Tex., had been ordered by Washington to give job preferences to Negroes. The report was cited by Sen. Strom Thurmond, D-S.C., chief committee foe of the proposed public accommodations law. Marshall said he did not believe any government official had issued such a directive but would look into it.

— Testified that racial discrimination in public establishments cannot be wiped out by persuasion alone. He said this approach has resulted in some success but that it has its limitations.

Sen. Hugh Scott, R-Pa., asked Marshall if he could have used the proposed public accommodations law in Birmingham, site of protest demonstrations in May.

Marshall replied that "the demonstrations would not have had to take place." The problem in Birmingham and elsewhere, he said, was that there was no legal remedy. The only recourse, he said, was voluntary desegregation.

When Birmingham business proprietors "agreed to take voluntary action, that ended the demonstrations," he concluded.

Scott said that up to a week before the President sent his civil rights requests to Congress, the Justice Department was telling senators that "persuasion could do the job" and that legal authority was unneeded.

The Republican senator suggested that the accommodations law was needed in 1961, first year of the Kennedy administration. Marshall replied that it also was needed "in 1960, in 1959, really since 1861" — a year that saw "sit-ins" in Louisville, Ky.