Close-Up C 7/12

About Mrs. Murphy's Boarding House

Atty. Gen. Robert Kennedy faces two problems in promoting a law against racial discrimination in public accommodations. One is to define the businesess to which the law would apply. The other is to get the bill passed in any form.

The attorney general has made it clear that he does not want the law to apply to small places such as "Mrs. Murphy's boarding house." Yet he objects to a dollar cut-off for affected businesses because it would not be right, and might not be constitutional, to tell large businesses they could not discriminate while small businesses could.

Perhaps the best solution is to leave Mrs. Murphy and the small business distinction out of it, and hinge the application of the law on businesses "substantially" engaged in interstate commerce. That is what the administration originally proposed, and if the formula seems vague, at least it is one with which the courts have been able to deal in federal regulations applying from everything from labor cases to oleomargarine.

In view of some of the Republican as well as Southern criticism of the proposal, this is the most controversial part of the administration program. To Negroes it is one of the most important; Roy Wilkins, executive secretary of the National Association for the Advancement of Colored People, says, "The public accommodations problem is the one that irritates Negroes from morning to night."

Yet the Chicago convention of the NAACP, though commending the Kennedy program, calls it "inadequate" and seeks, in addition, a national fair employment law and power for the attorney general to sue in behalf of all civil rights. Desirable as these objectives are, the NAACP might be better advised now to concentrate its efforts on saving the public accommodations plan. To seek far more from this Congress could result in dumping the 1963 rights program into Mrs. Murphy's chowder.—ST. LOUIS POST-DISPATCH.

SENATORS STUDY NEW RIGHTS MOVE

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proposal is a novel or far-reaching use of the Constitution's commerce clause.

Find No Legal Novelty

This feeling has been expressed particularly by Republicans. Legal experts say there is nothing to it as a matter of constitutional law — Congress, in its exercise of the commerce power, has often gone as far as the Kennedy bill goes. Nevertheless, the feeling remains.

Those thinking about the Trade Commission Act as a basis for the new legislation say that it would be difficult to denounce as a legal novelty an approach first used by Congress in 1914.

Of course, underlying policy objections on the part of some non-Southern Senators would doubtless remain. But at least they would not be confused by legalistic arguments that the Southern opponents of the bill would exploit, proponents of this approach say.

It will be difficult to get support for the ban on segregation in public accommodations from a number of conservative Northerners, especially Middle Western Republicans. Their position is based on political and philosophical views, not legal arguments.

One Democratic supporter of the bill observed today that some Middle Western Republicans who would probably oppose it were sponsors of the so-called Quality Stabilization Bill. This measure would allow national retail price-fixing by manufacturers of branded goods.

The price-fixing bill is now before the Commerce Committee. It has behind it strong lobbying support, especially from druggists and other small merchants.

"That's at least as much interference with 'private property' as restriction against racial discrimination," this Democrat said. "A retailer buys the product and then is told how much he must sell it for."

Druggists But No Negroes

"The difference is politics," he said. "These Senators have druggists in their states but no Negroes."

The Commerce Committee wil go into its third week of hearings this week on the public accommodations section of the Administration's omnibus civil rights bill. Among the witnesses will be more Southern Governors.

The House Judiciary Committee will continue its parallel hearings on all sections of the legislation. A third set of hearings will begin before the Senate Judiciary Committee, on all but the public accommodations section of the bill.

The Senate Judiciary proceedings should be interesting because of Southern dominance on that committee. The chairman is Senator James O. Eastland, Democrat of Mississippi. He has never let a civil rights bill out of his committee, and no one expects him to start now.

Tax Talks Will Resume

Nevertheless, Administration witnesses will have to go through their paces again before the full Senate Judiciary membership. The first witness will be Attorney General Robert F. Kennedy.

The other major Congressional activity of the week will be a resumption of tax deliberations by the House Ways and Means group's effort to write tax-reform and tax-reduction legislation. Earlier predictions of a bill's reaching the floor by mid-summer have been abandoned.

The hottest issue facing the committee will be a renewed effort to repeal the 4 per cent credit on taxes that corporation stockholders pay on dividend income. A compromise version may pass, although committee Republicans are unanimously and strongly in favor of retaining the e xisting credit.

Senate Panel May Pattern Rights Bill on Trade Laws

Studies Adapting Language of Existing Commerce Statutes—New Approach Aims at Meeting Legal Objections

7/15 N Y Times

By ANTHONY LEWIS
Special to The New York Times

WASHINGTON, July 14 — Members of the Senate Commerce Committee are considering a new approach to meet legal and political objections to the Administration's civil rights bill.

The idea is to tie the measure to the language of long-existing statutes regulating business practices. This would indicate that Congress was following a well-established path in using its power over commerce to end racial discrimination in commercial establishments.

One statute that committee staff members and Senators have in mind is the Federal Trade Commission Act of 1914. Section 5 of the act begins as follows:

"Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful."

The approach being discussed would start with that language. Then Congress would specifically define as one "unfair practice" the refusal of any enterprise in interstate commerce to sell its products or deal with customers on account of race.

This would be an approach entirely familiar to lawyers. The courts have long since established that a concerted refusal to deal is one of the "unfair practices" condemned by the Trade Commission Act and other antitrust laws.

The reason for tying the public accommodations bill to existing statutary language would be, basically, to answer sectorial concern that the Administration

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