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CIVIL RIGHTS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RELATIVE TO

CIVIL RIGHTS, AND A DRAFT OF A BILL TO ENFORCE THE CONSTITUTIONAL RIGHT TO VOTE, TO CONFER JURISDICTION UPON THE DISTRICT COURTS OF THE UNITED STATES TO PROVIDE INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PUBLIC ACCOMMODATIONS, TO AUTHORIZE THE ATTORNEY GENERAL TO INSTITUTE SUITS TO PROTECT CONSTITUTIONAL RIGHTS IN EDUCATION, TO ESTABLISH A COMMUNITY RELATIONS SERVICE, TO EXTEND FOR FOUR YEARS THE COMMISSION ON CIVIL RIGHTS, TO PREVENT DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS, TO ESTABLISH A COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY, AND FOR OTHER PURPOSES

JUNE 19, 1963.—Referred to the Committee on the Judiciary and ordered to be printed

To the Congress of the United States:

Last week I addressed to the American people an appeal to conscience—a request for their cooperation in meeting the growing moral crisis in American race relations. I warned of "a rising tide of discontent that threatens the public safety" in many parts of the country. I emphasized that "the events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them." "It is a time to act," I said, "in the Congress, in State and local legislative bodies and, above all, in all of our daily lives."

In the days that have followed, the predictions of increased violence have been tragically borne out. The "fires of frustration and discord" have burned hotter than ever.

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At the same time, the response of the American people to this appeal to their principles and obligations has been reassuring. Private progress—by merchants and unions and local organizations—has been marked, if not uniform, in many areas. Many doors long closed to Negroes, North and South, have been opened. Local biracial committees, under private and public sponsorship, have mushroomed. The mayors of our major cities, whom I earlier addressed, have pledged renewed action. But persisting inequalities and tensions make it clear that Federal action must lead the way, providing both the Nation's standard and a nationwide solution. In short, the time has come for the Congress of the United States to join with the executive and judicial branches in making it clear to all that race has no place in American life or law.

On February 28, I sent to the Congress a message urging the enactment this year of three important pieces of civil rights legislation:

1. *Voting.*—Legislation to assure the availability to all of a basic and powerful right—the right to vote in a free American election—by providing for the appointment of temporary Federal voting referees while voting suits are proceeding in areas of demonstrated need; by giving such suits preferential and expedited treatment in the Federal courts; by prohibiting in Federal elections the application of different tests and standards to different voter applicants; and by providing that, in voting suits pertaining to such elections, the completion of the sixth grade by any applicant creates a presumption that he is literate. Armed with the full and equal right to vote, our Negro citizens can help win other rights through political channels not now open to them in many areas.

2. *Civil Rights Commission.*—Legislation to renew and expand the authority of the Commission on Civil Rights, enabling it to serve as a national civil rights clearinghouse offering information, advice, and technical assistance to any public or private agency that so requests.

3. *School desegregation.*—Legislation to provide Federal technical and financial assistance to aid school districts in the process of desegregation in compliance with the Constitution.

Other measures introduced in the Congress have also received the support of this administration, including those aimed at assuring equal employment opportunity.

Although these recommendations were transmitted to the Congress some time ago, neither House has yet had an opportunity to vote on any of these essential measures. The Negro's drive for justice, however, has not stood still—nor will it, it is now clear, until full equality is achieved. The growing and understandable dissatisfaction of Negro citizens with the present pace of desegregation, and their increased determination to secure for themselves the equality of opportunity and treatment to which they are rightfully entitled, have underscored what should already have been clear: the necessity of the Congress enacting this year—not only the measures already proposed—but also additional legislation providing legal remedies for the denial of certain individual rights.

The venerable code of equity law commands "for every wrong, a remedy." But in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens for which no effective remedy at law is clearly and readily available. State and local laws may even affirmatively seek to deny the rights to which these citizens

are fairly entitled—and this can result only in a decreased respect for the law and increased violations of the law.

In the continued absence of congressional action, too many State and local officials as well as businessmen will remain unwilling to accord these rights to all citizens. Some local courts and local merchants may well claim to be uncertain of the law, while those merchants who do recognize the justice of the Negro's request (and I believe these constitute the great majority of merchants, North and South) will be fearful of being the first to move, in the face of official, customer, employee, or competitive pressures. Negroes, consequently, can be expected to continue increasingly to seek the vindication of these rights through organized direct action, with all its potentially explosive consequences, such as we have seen in Birmingham, in Philadelphia, in Jackson, in Boston, in Cambridge, Md., and in many other parts of the country.

In short, the result of continued Federal legislative inaction will be continued, if not increased, racial strife—causing the leadership on both sides to pass from the hands of reasonable and responsible men to the purveyors of hate and violence, endangering domestic tranquillity, retarding our Nation's economic and social progress and weakening the respect with which the rest of the world regards us. No American, I feel sure, would prefer this course of tension, disorder, and division—and the great majority of our citizens simply cannot accept it.

For these reasons, I am proposing that the Congress stay in session this year until it has enacted—preferably as a single omnibus bill—the most responsible, reasonable, and urgently needed solutions to this problem, solutions which should be acceptable to all fair-minded men. This bill would be known as the Civil Rights Act of 1963, and would include—in addition to the aforementioned provisions on voting rights and the Civil Rights Commission—additional titles on public accommodations, employment, federally assisted programs, a Community Relations Service, and education, with the latter including my previous recommendation on this subject. In addition, I am requesting certain legislative and budget amendments designed to improve the training, skills, and economic opportunities of the economically distressed and discontented, white and Negro alike. Certain executive actions are also reviewed here; but legislative action is imperative.

I. Equal Accommodations in Public Facilities

Events of recent weeks have again underlined how deeply our Negro citizens resent the injustice of being arbitrarily denied equal access to those facilities and accommodations which are otherwise open to the general public. That is a daily insult which has no place in a country proud of its heritage—the heritage of the melting pot, of equal rights, of one nation and one people. No one has been barred on account of his race from fighting or dying for America—there are no "white" or "colored" signs on the foxholes or graveyards of battle. Surely, in 1963, 100 years after emancipation, it should not be necessary for any American citizen to demonstrate in the streets for the opportunity to stop at a hotel, or to eat at a lunch counter in the very department store in which he is shopping, or to enter a motion picture

house, on the same terms as any other customer. As I stated in my message to the Congress of February 28, "no action is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities."

The U.S. Government has taken action through the courts and by other means to protect those who are peacefully demonstrating to obtain access to these public facilities; and it has taken action to bring an end to discrimination in rail, bus, and airline terminals, to open up restaurants and other public facilities in all buildings leased as well as owned by the Federal Government, and to assure full equality of access to all federally owned parks, forests, and other recreational areas. When uncontrolled mob action directly threatened the nondiscriminatory use of transportation facilities in May 1961, Federal marshals were employed to restore order and prevent potentially widespread personal and property damage. Growing nationwide concern with this problem, however, makes it clear that further Federal action is needed now to secure the right of all citizens to the full enjoyment of all facilities which are open to the general public.

Such legislation is clearly consistent with the Constitution and with our concepts of both human rights and property rights. The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest. While the legal situations are not parallel, it is interesting to note that Abraham Lincoln, in issuing the Emancipation Proclamation 100 years ago, was also accused of violating the property rights of slaveowners. Indeed, there is an age-old saying that "property has its duties as well as its rights"; and no property owner who holds those premises for the purpose of serving at a profit the American public at large can claim any inherent right to exclude a part of that public on grounds of race or color. Just as the law requires common carriers to serve equally all who wish their services, so it can require public accommodations to accommodate equally all segments of the general public. Both human rights and property rights are foundations of our society—and both will flourish as the result of this measure.

In a society which is increasingly mobile and in an economy which is increasingly interdependent, business establishments which serve the public—such as hotels, restaurants, theaters, stores, and others—serve not only the members of their immediate communities but travelers from other States and visitors from abroad. Their goods come from all over the Nation. This participation in the flow of interstate commerce has given these business establishments both increased prosperity and an increased responsibility to provide equal access and service to all citizens.

Some 30 States,[1] the District of Columbia, and numerous cities—covering some two-thirds of this country and well over two-thirds of

[1] Alaska, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming. Cities with public accommodations ordinances which are outside the above States include Washington, D.C., Wilmington, Del., Louisville, Ky., El Paso, Tex., Kansas City, Mo., and St. Louis, Mo.

its people—have already enacted laws of varying effectiveness against discrimination in places of public accommodation, many of them in response to the recommendation of President Truman's Committee on Civil Rights in 1947. But while their efforts indicate that legislation in this area is not extraordinary, the failure of more States to take effective action makes it clear that Federal legislation is necessary. The State and local approach has been tried. The voluntary approach has been tried. But these approaches are insufficient to prevent the free flow of commerce from being arbitrarily and inefficiently restrained and distorted by discrimination in such establishments.

Clearly the Federal Government has both the power and the obligation to eliminate these discriminatory practices: first, because they adversely affect the national economy and the flow of interstate commerce; and secondly, because Congress has been specifically empowered under the 14th amendment to enact legislation making certain that no State law permits or sanctions the unequal protection or treatment of any of its citizens.

There have been increasing public demonstrations of resentment directed against this kind of discrimination—demonstrations which too often breed tension and violence. Only the Federal Government, it is clear, can make these demonstrations unnecessary by providing peaceful remedies for the grievances which set them off.

For these reasons, I am today proposing, as part of the Civil Rights Act of 1963, a provision to guarantee all citizens equal access to the services and facilities of hotels, restaurants, places of amusement, and retail establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure. The proposal would give the person aggrieved the right to obtain a court order against the offending establishment or persons. Upon receiving a complaint in a case sufficiently important to warrant his conclusion that a suit would materially further the purposes of the act, the Attorney General—if he finds that the aggrieved party is unable to undertake or otherwise arrange for a suit on his own (for lack of financial means or effective representation, or for fear of economic or other injury)—will first refer the case for voluntary settlement to the Community Relations Service described below, give the establishment involved time to correct its practices, permit State and local equal access laws (if any) to operate first, and then, and only then, initiate a suit for compliance. In short, to the extent that these unconscionable practices can be corrected by the individual owners, localities, and States (and recent experience demonstrates how effectively and uneventfully this can be done), the Federal Government has no desire to intervene.

But an explosive national problem cannot await city-by-city solutions; and those who loudly abhor Federal action only invite it if they neglect or evade their own obligations.

This provision will open doors in every part of the country which never should have been closed. Its enactment will hasten the end to practices which have no place in a free and united nation, and thus help move this potentially dangerous problem from the streets to the courts.

II. Desegregation of Schools

In my message of February 28, while commending the progress already made in achieving desegregation of education at all levels as required by the Constitution, I was compelled to point out the slowness of progress toward primary and secondary school desegregation. The Supreme Court has recently voiced the same opinion. Many Negro children entering segregated grade schools at the time of the Supreme Court decision in 1954 will enter segregated high schools this year, having suffered a loss which can never be regained. Indeed, discrimination in education is one basic cause of the other inequities and hardships inflicted upon our Negro citizens. The lack of equal educational opportunity deprives the individual of equal economic opportunity, restricts his contribution as a citizen and community leader, encourages him to drop out of school and imposes a heavy burden on the effort to eliminate discriminatory practices and prejudices from our national life.

The Federal courts, pursuant to the 1954 decision of the U.S. Supreme Court and earlier decisions on institutions of higher learning, have shown both competence and courage in directing the desegregation of schools on the local level. It is appropriate to keep this responsibility largely within the judicial arena. But it is unfair and unrealistic to expect that the burden of initiating such cases can be wholly borne by private litigants. Too often those entitled to bring suit on behalf of their children lack the economic means for instituting and maintaining such cases or the ability to withstand the personal, physical, and economic harassment which sometimes descends upon those who do institute them. The same is true of students wishing to attend the college of their choice but unable to assume the burden of litigation.

These difficulties are among the principal reasons for the delay in carrying out the 1954 decision; and this delay cannot be justified to those who have been hurt as a result. Rights such as these, as the Supreme Court recently said, are "present rights. They are not merely hopes to some future enjoyment of some formalistic constitutional promise. The basic guarantees of our Constitution are warrants for the here and now * * *."

In order to achieve a more orderly and consistent compliance with the Supreme Court's school and college desegregation decisions, therefore, I recommend that the Congress assert its specific constitutional authority to implement the 14th amendment by including in the Civil Rights Act of 1963 a new title providing the following:

(A) Authority would be given the Attorney General to initiate in the Federal district courts appropriate legal proceedings against local public school boards or public institutions of higher learning—or to intervene in existing cases—whenever—

(1) he has received a written complaint from students or from the parents of students who are being denied equal protection of the laws by a segregated public school or college; and

(2) he certifies that such persons are unable to undertake or otherwise arrange for the initiation and maintenance of such legal proceedings for lack of financial means or effective legal representation or for fear of economic or other injury; and

(3) he determines that his initiation of or intervention in such suit will materially further the orderly progress of desegregation

in public education. For this purpose, the Attorney General would establish criteria to determine the priority and relative need for Federal action in those districts from which complaints have been filed.

(B) As previously recommended, technical and financial assistance would be given to those school districts in all parts of the country which, voluntarily or as the result of litigation, are engaged in the process of meeting the educational problems flowing from desegregation or racial imbalance but which are in need of guidance, experienced help, or financial assistance in order to train their personnel for this changeover, cope with new difficulties and complete the job satisfactorily (including in such assistance loans to a district where State or local funds have been withdrawn or withheld because of desegregation).

Public institutions already operating without racial discrimination, of course, will not be affected by this statute. Local action can always make Federal action unnecessary. Many school boards have peacefully and voluntarily desegregated in recent years. And while this act does not include private colleges and schools, I strongly urge them to live up to their responsibilities and to recognize no arbitrary bar of race or color—for such bars have no place in any institution, least of all one devoted to the truth and to the improvement of all mankind.

III. Fair and Full Employment

Unemployment falls with special cruelty on minority groups. The unemployment rate of Negro workers is more than twice as high as that of the working force as a whole. In many of our larger cities, both North and South, the number of jobless Negro youth—often 20 percent or more—creates an atmosphere of frustration, resentment, and unrest which does not bode well for the future. Delinquency, vandalism, gang warfare, disease, slums, and the high cost of public welfare and crime are all directly related to unemployment among whites and Negroes alike—and recent labor difficulties in Philadelphia may well be only the beginning if more jobs are not found in the larger northern cities in particular.

Employment opportunities, moreover, play a major role in determining whether the rights described above are meaningful. There is little value in a Negro's obtaining the right to be admitted to hotels and restaurants if he has no cash in his pocket and no job.

Relief of Negro unemployment requires progress in three major areas:

(1) *More jobs must be created through greater economic growth.*—The Negro—too often unskilled, too often the first to be fired and the last to be hired—is a primary victim of recessions, depressed areas, and unused industrial capacity. Negro unemployment will not be noticeably diminished in this country until the total demand for labor is effectively increased and the whole economy is headed toward a level of full employment. When our economy operates below capacity, Negroes are more severely affected than other groups. Conversely, return to full employment yields particular benefits to the Negro. Recent studies have shown that for every 1 percentage-point decline in the general unemployment rate there tends to be a 2 percentage-point reduction in Negro unemployment.

Prompt and substantial tax reduction is a key to achieving the full employment we need. The promise of the area redevelopment

program—which harnesses local initiative toward the solution of deep-seated economic distress—must not be stifled for want of sufficient authorization or adequate financing. The accelerated public works program is now gaining momentum; States, cities, and local communities should press ahead with the projects financed by this measure. In addition, I have instructed the Departments of Labor, Commerce, and Health, Education, and Welfare to examine how their programs for the relief of unemployment and economic hardship can be still more intensively focused on those areas of hard-core, long-term unemployment, among both white and nonwhite workers. Our concern with civil rights must not cause any diversion or dilution of our efforts for economic progress—for without such progress the Negro's hopes will remain unfulfilled.

(2) *More education and training to raise the level of skills.*—A distressing number of unemployed Negroes are illiterate and unskilled, refugees from farm automation, unable to do simple computations or even to read a help-wanted advertisement. Too many are equipped to work only in those occupations where technology and other changes have reduced the need for manpower—as farm labor or manual labor, in mining or construction. Too many have attended segregated schools that were so lacking to adequate funds and faculty as to be unable to produce qualified job applicants. And too many who have attended nonsegregated schools dropped out for lack of incentive, guidance, or progress. The unemployment rate for those adults with less than 5 years of schooling is around 10 percent; it has consistently been double the prevailing rate for high school graduates; and studies of public welfare recipients show a shockingly high proportion of parents with less than a primary school education.

Although the proportion of Negroes without adequate education and training is far higher than the proportion of whites, none of these problems is restricted to Negroes alone. This Nation is in critical need of a massive upgrading in its education and training effort for all citizens. In an age of rapidly changing technology, that effort today is failing millions of our youth. It is especially failing Negro youth in segregated schools and crowded slums. If we are ever to lift them from the morass of social and economic degradation, it will be through the strengthening of our education and training services—by improving the quality of instruction; by enabling our schools to cope with rapidly expanding enrollments; and by increasing opportunities and incentives for all individuals to complete their education and to continue their self-development during adulthood.

I have therefore requested of the Congress and request again today the enactment of legislation to assist education at every level from grade school through graduate school.

I have also requested the enactment of several measures which provide, by various means and for various age and educational groups, expanded job training and job experience. Today, in the new and more urgent context of this message, I wish to renew my request for these measures, to expand their prospective operation and to supplement them with additional provisions. The additional $400 million which will be required beyond that contained in the January budget is more than offset by the various budget reductions which I have already sent to the Congress in the last 4 months. *Studies show, moreover, that the loss of 1 year's income due to unemployment is more*

than the total cost of 12 years of education through high school; and, when welfare and other social costs are added, it is clear that failure to take these steps will cost us far more than their enactment. There is no more profitable investment than education, and no greater waste than ill-trained youth.

Specifically, I now propose:

(A) That additional funds be provided to broaden the *manpower development and training program*, and that the act be amended, not only to increase the authorization ceiling and to postpone the effective date of State matching requirements, but also (in keeping with the recommendations of the President's Committee on Youth Employment) to lower the age for training allowances from 19 to 16, to allocate funds for literacy training, and to permit the payment of a higher proportion of the program's training allowances to out-of-school youths, with provisions to assure that no one drops out of school to take advantage of this program;

(B) That additional funds be provided to finance the pending *youth employment* bill, which is designed to channel the energies of out-of-school, out-of-work youth into the constructive outlet offered by hometown improvement projects and conservation work;

(C) That the pending *vocational education* amendments, which would greatly update and expand this program of teaching job skills to those in school, be strengthened by the appropriation of additional funds, with some of the added money earmarked for those areas with a high incidence of school dropouts and youth unemployment, and by the addition of a new program of demonstration youth training projects to be conducted in these areas;

(D) That the vocational education program be further amended to provide a *work-study program for youth of high school age*, with Federal funds helping their school or other local public agency employ them part time in order to enable and encourage them to complete their training;

(E) That the ceiling be raised on the *adult basic education* provisions in the pending education program, in order to help the States teach the fundamental tools of literacy and learning to culturally deprived adults. More than 22 million Americans in all parts of the country have less than 8 years of schooling; and

(F) That the *public welfare work-relief and training* program, which the Congress added last year, be amended to provide Federal financing of the supervision and equipment costs, and more Federal demonstration and training projects, thus encouraging State and local welfare agencies to put employable but unemployed welfare recipients to work on local projects which do not displace other workers.

To make the above recommendations effective, I call upon more States to adopt enabling legislation covering unemployed fathers under the aid-to-dependent children program, thereby gaining their services for "work-relief" jobs, and to move ahead more vigorously in implementing the manpower development and training program. I am asking the Secretaries of Labor and HEW to make use of their authority to deal directly with communities and vocational schools whenever State cooperation or progress is insufficient, particularly in those areas where youth unemployment is too high. Above all, I urge the Congress to enact all of these measures with alacrity and foresight.

For even the complete elimination of racial discrimination in employment—a goal toward which this Nation must strive (as discussed below)—will not put a single unemployed Negro to work unless he has the skills required and unless more jobs have been created—and thus the passage of the legislation described above (under both secs. (1) and (2)) is essential if the objectives of this message are to be met.

(3) *Finally racial discrimination in employment must be eliminated.*—Denial of the right to work is unfair, regardless of its victim. It is doubly unfair to throw its burden on an individual because of his race or color. Men who served side by side with each other on the field of battle should have no difficulty working side by side on an assembly line or construction project.

Therefore, to combat this evil in all parts of the country,

(A) *The Committee on Equal Employment Opportunity, under the chairmanship of the Vice President, should be given a permanent statutory basis, assuring it of adequate financing and enforcement procedures.* That Committee is now stepping up its efforts to remove racial barriers in the hiring practices of Federal departments, agencies, and Federal contractors, covering a total of some 20 million employees and the Nation's major employers. I have requested a company-by-company, plant-by-plant, union-by-union report to assure the implementation of this policy.

(B) I will shortly issue an Executive order extending the authority of the Committee on Equal Employment Opportunity to include the construction of buildings and other facilities undertaken wholly or in part as a result of Federal grant-in-aid programs.

(C) I have directed that all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training.

(D) I have directed the Secretary of Labor, in the conduct of his duties under the Federal Apprenticeship Act and Executive Order No. 10925, to require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis.

(E) I have directed the Secretary of Labor to make certain that the job counseling and placement responsibilities of the Federal-State Employment Service are carried out on a nondiscriminatory basis, and to help assure that full and equal employment opportunity is provided all qualified Negro applicants. The selection and referral of applicants for employment and for training opportunities, and the administration of the employment offices' other services and facilities, must be carried on without regard to race or color. This will be of special importance to Negroes graduating from high school or college this month.

(F) The Department of Justice has intervened in a case now pending before the NLRB involving charges of racial discrimination on the part of certain union locals.

(G) As a part of its new policy on Federal employee organizations, this Government will recognize only those that do not discriminate on grounds of race or color.

(H) I have called upon the leaders of organized labor to end discrimination in their membership policies; and some 118 unions, representing 85 percent of the AFL–CIO membership, have signed

nondiscrimination agreements with the Committee on Equal Employment Opportunity. More are expected.

(I) *Finally, I renew my support of pending Federal fair employment practices legislation, applicable to both employers and unions.* Approximately two-thirds of the Nation's labor force is already covered by Federal, State, and local equal employment opportunity measures—including those employed in the 22 States and numerous cities which have enacted such laws as well as those paid directly or indirectly by Federal funds. But, as the Secretary of Labor testified in January 1962, Federal legislation is desirable, for it would help set a standard for all the Nation and close existing gaps.

This problem of unequal job opportunity must not be allowed to grow, as the result of either recession or discrimination. I enlist every employer, every labor union, and every agency of government—whether affected directly by these measures or not—in the task of seeing to it that no false lines are drawn in assuring equality of the right and opportunity to make a decent living.

IV. Community Relations Service

I have repeatedly stressed the fact that progress in race relations, while it cannot be delayed, can be more solidly and more peacefully accomplished to the extent that legislation can be buttressed by voluntary action. I have urged each member of the U.S. Conference of Mayors to establish *biracial human relations committees in every city;* and I hope all communities will establish such a group, preferably through official action. Such a board or committee can provide invaluable services by identifying community tensions before they reach the crisis stage, by improving cooperation and communication between the races, and by advising local officials, merchants, and organizations on the steps which can be taken to insure prompt progress.

A similar agency is needed on the Federal level—to work with these local committees, providing them with advice and assistance—to work in those communities which lack a local committee—and generally to help ease tensions and suspicions, to help resolve interracial disputes and to work quietly to improve relations in any community threatened or torn with strife. Such an effort is in no way a substitute for effective legislative guarantees of human rights. But conciliation and cooperation can facilitate the achievement of those rights, enabling legislation to operate more smoothly and more effectively.

The Department of Justice and its Civil Rights Division have already performed yeoman service of this nature, in Birmingham, in Jackson, and throughout the country. But the problem has grown beyond the time and energies which a few otherwise burdened officials can make available—and, in some areas, the confidence of all will be greater in an intermediary whose duties are completely separated from departmental functions of investigation or litigation.

It is my intention, therefore, to establish by Executive order (until such time as it can be created by statute) an independent *Community Relations Service*—to fulfill the functions described above, working through regional, State, and local committees to the extent possible, and offering its services in tension-torn communities either upon its own motion or upon the request of a local official or other party.

Authority for such a Service is included in the proposed omnibus bill. It will work without publicity and hold all information imparted to its officers in strict confidence. Its own resources can be preserved by its encouraging and assisting the creation of State and local committees, either on a continuing basis or in emergency situations.

Without powers of enforcement or subpena, such a Service is no substitute for other measures; and it cannot guarantee success. But dialogue and discussion are always better than violence—and this agency, by enabling all concerned to sit down and reason together, can play a major role in achieving peaceful progress in civil rights.

V. Federal Programs

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. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation. Congress and the Executive have their responsibilities to uphold the Constitution also; and, in the 1960's, the executive branch has sought to fulfill its responsibilities by banning discrimination in federally financed housing, in NDEA and NSF institutes, in federally affected employment, in the Army and Air Force Reserve, in the training of civilian defense workers, and in all federally owned and leased facilities.

Many statures providing Federal financial assistance, however, define with such precision both the administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable. No administrator has the unlimited authority to invoke the Constitution in opposition to the mandate of the Congress. Nor would it always be helpful to require unconditionally—as is often proposed—the withdrawal of all Federal funds from programs urgently needed by Negroes as well as whites; for this may only penalize those who least deserve it without ending discrimination.

Instead of permitting this issue to become a political device often exploited by those opposed to social or economic progress, it would be better at this time to pass a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guaranty, insurance or otherwise—to any program or activity in which racial discrimination occurs. This would not permit the Federal Government to cut off all Federal aid of all kinds as a means of punishing an area for the discrimination occurring therein—but it would clarify the authority of any administrator with respect to Federal funds or financial assistance and discriminatory practices.

Conclusion

Many problems remain that cannot be ignored. The enactment of the legislation I have recommended will not solve all our problems of race relations. This bill must be supplemented by action in every

branch of government at the Federal, State, and local level. It must be supplemented as well by enlightened private citizens, private businesses and private labor and civic organizations, by responsible educators and editors, and certainly by religious leaders who recognize the conflict between racial bigotry and the Holy Word.

This is not a sectional problem—it is nationwide. It is not a partisan problem. The proposals set forth above are based on a careful consideration of the views of leaders of both parties in both Houses of Congress. In 1957 and 1960, members of both parties rallied behind the civil rights measures of my predecessor; and I am certain that this tradition can be continued, as it has in the case of world crises. A national domestic crisis also calls for bipartisan unity and solutions.

We will not solve these problems by blaming any group or section for the legacy which has been handed down by past generations. But neither will these problems be solved by clinging to the patterns of the past. Nor, finally, can they be solved in the streets, by lawless acts on either side, or by the physical actions or presence of any private group or public official, however appealing such melodramatic devices may seem to some.

During the weeks past, street demonstrations, mass picketing, and parades have brought these matters to the Nation's attention in dramatic fashion in many cities throughout the United States. This has happened because these racial injustices are real and no other remedy was in sight. But, as feelings have risen in recent days, these demonstrations have increasingly endangered lives and property, inflamed emotions and unnecessarily divided communities. They are not the way in which this country should rid itself of racial discrimination. Violence is never justified; and, while peaceful communication, deliberation, and petitions of protest continue, I want to caution against demonstrations which can lead to violence.

This problem is now before the Congress. Unruly tactics or pressures will not help and may hinder the effective consideration of these measures. If they are enacted, there will be legal remedies available; and, therefore, while the Congress is completing its work, I urge all community leaders, Negro and white, to do their utmost to lessen tensions and to exercise self-restraint. The Congress should have an opportunity to freely work its will. Meanwhile, I strongly support action by local public officials and merchants to remedy these grievances on their own.

The legal remedies I have proposed are the embodiment of this Nation's basic posture of commonsense and common justice. They involve every American's right to vote, to go to school, to get a job and to be served in a public place without arbitrary discrimination—rights which most Americans take for granted.

In short, enactment of the Civil Rights Act of 1963 at this session of the Congress—however long it may take and however troublesome it may be—is imperative. It will go far toward providing reasonable men with the reasonable means of meeting these problems; and it will thus help end the kind of racial strife which this Nation can hardly afford. Rancor, violence, disunity, and national shame can only hamper our national standing and security. To paraphrase the words of Lincoln; "In giving freedom to the Negro, we assure freedom to the free—honorable alike in what we give and what we preserve."

I therefore ask every Member of Congress to set aside sectional and political ties, and to look at this issue from the viewpoint of the Nation. I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud, and priceless quality that unites us all as Americans; a sense of justice. In this year of the emancipation centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy, and domestic tranquility—but, above all, because it is right.

JOHN F. KENNEDY.

THE WHITE HOUSE, *June 19, 1963.*

A BILL To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in education, to establish a Community Relations Service, to extend for four years the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1963."

SEC. 2. (a) Discrimination by reason of race, color, religion, or national origin is incompatible with the concepts of liberty and equality to which the Government of the United States is dedicated. In recent years substantial steps have been taken toward eliminating such discrimination throughout the Nation. Nevertheless, many citizens of the United States, solely because of their race, color, or national origin, are denied rights and privileges accorded to other citizens and thereby subjected to inconveniences, humiliations, and hardships. Such discrimination impairs the general welfare of the United States by preventing the fullest development of the capabilities of the whole citizenry and by limiting participation in the economic, political, and cultural life of the Nation.

(b) It is hereby declared to be the policy of this Act to promote the general welfare by eliminating discrimination based on race, color, religion, or national origin in voting, education, and public accommodations through the exercise by Congress of the powers conferred upon it to regulate the manner of holding Federal elections, to enforce the provisions of the fourteenth and fifteenth amendments, to regulate commerce among the several States, and to make laws necessary and proper to execute the powers conferred upon it by the Constitution.

(c) It is also desirable that disputes or disagreements arising in any community from the discriminatory treatment of individuals for reasons of race, color, or national origin shall be resolved on a voluntary basis, without hostility or litigation. Accordingly, it is the further purpose of this Act to promote this end by providing machinery for the voluntary settlement of such disputes and disagreements.

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law to vote in any Federal election apply any standard, practice, or procedure different from the standards, practices, or procedures applied to individuals similarly situated who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual wholly in writing and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his written request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88).

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the words 'Federal election' shall have the same meaning as in subsection (f) of this section; and

"(C) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact it shall be presumed that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory or the District of Columbia where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election as defined in subsection (f) of this section."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) Whenever in any proceeding instituted pursuant to subsection (c) the complaint requests a finding of a pattern or practice pursuant to subsection (e), and such complaint, or a motion filed within twenty days after the effective date of this Act in the case of any proceeding which is pending before a district court on such effective date, (1) is signed by the Attorney General (or in his absence the Acting Attorney General), and (2) alleges that in the affected area fewer than 15 per centum of the total number of voting age persons of the same race as the persons alleged in the complaint to have been discriminated against are registered (or otherwise recorded as qualified to vote), any person resident within the affected area who is of the same race as the persons alleged to have been discriminated against shall be entitled, upon his application therefor, to an order declaring him qualified to vote, upon proof that at any election or elections (1) he is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. Such order shall be effective as to any Federal or State election held within the longest period for which such applicant could have been registered or otherwise qualified under State law at which the applicant's qualifications would under State law entitle him to vote: *Provided*, That in the event it is determined upon final disposition of the proceeding, including any review, that no pattern or practice of deprivation of any right secured by subsection (a) exists, the order shall thereafter no longer qualify the applicant to vote in any subsequent election.

"Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote as provided herein. The Attorney General shall cause to be transmitted certified copies of any order declaring a person qualified to vote to the appropriate election officers. The refusal by any such officer with notice of such order to permit any person so qualified to vote at an appropriate election shall constitute contempt of court.

"An application for an order pursuant to this subsection shall be heard within ten days, and the execution of any order disposing of such application shall not be stayed if the effect of such stay would be to delay the effectiveness of the order beyond the date of any election at which the applicant would otherwise be enabled to vote.

"The court may appoint one or more persons, to be known as temporary voting referees, to receive applications pursuant to this subsection and to take evidence and report to the court findings as to whether at any election or elections (1) any applicant entitled under this subsection to apply for an order declaring him qualified to vote is qualified under State law to vote, and (2) he has since the filing of the proceeding under subsection (c) been (A) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (B) found not qualified to vote by any person acting under color of law. The

procedure for processing applications under this subsection and for the entry of orders shall be the same as that provided for in the fourth and fifth paragraphs of subsection (e).

"In appointing a temporary voting referee the court shall make its selection from a panel provided by the Judicial Conference of the circuit. Any temporary voting referee shall be a resident and a qualified voter of the State in which he is to serve. He shall subscribe to the oath of office required by section 1757 of the Revised Statutes (5 U.S.C. 16), and shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53(c) of the Federal Rules of Civil Procedure. The compensation to be allowed any persons appointed by the district court pursuant to this subsection shall be fixed by the court and shall be payable by the United States. In the event that the district court shall appoint a retired officer or employee of the United States to serve as a temporary voting referee, such officer or employee shall continue to receive, in addition to any compensation for services rendered pursuant to this subsection, all retirement benefits to which he may otherwise be entitled.

"The court or temporary voting referee shall entertain applications and the court shall issue orders pursuant to this subsection until final disposition of the proceeding under subsection (c), including any review, or until the finding of a pattern or practice pursuant to subsection (e), whichever shall first occur. Applications pursuant to this subsection shall be determined expeditiously, and this subsection shall in no way be construed as a limitation upon the existing powers of the court.

"When used in this subsection, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives; the words 'State election' shall mean any other general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for public office; the words 'affected area' shall mean that county, parish, or similar subdivision of the State in which the laws of the State relating to voting are or have been administered by a person who is a defendant in the proceeding instituted under subsection (c) on the date the original complaint is filed; and the words 'voting age persons' shall mean those persons who meet the age requirements of State law for voting."

(d) Add the following subsection "(h)":

"(h) In any civil action brought in any district court of the United States under this section or title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88) wherein the United States or the Attorney General is plaintiff, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PUBLIC ACCOMMODATIONS

FINDINGS

SEC. 201. (a) The American people have become increasingly mobile during the last generation, and millions of American citizens travel each year from State to State by rail, air, bus, automobile, and other means. A substantial number of such travelers are members of minority racial and religious groups. These citizens, particularly Negroes, are subjected in many places to discrimination and segregation, and they are frequently unable to obtain the goods and services available to other interstate travelers.

(b) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate lodging accommodations during their travels, with the result that they may be compelled to stay at hotels or motels of poor and inferior quality, travel great distances from their normal routes to find adequate accommodations, or make detailed arrangements for lodging far in advance of scheduled interstate travel.

(c) Negroes and members of other minority groups who travel interstate are frequently unable to obtain adequate food service at convenient places along their routes, with the result that many are dissuaded from traveling interstate, while others must travel considerable distances from their intended routes in order to obtain adequate food service.

(d) Goods, services, and persons in the amusement and entertainment industries commonly move in interstate commerce, and the entire American people benefit from the increased cultural and recreational opportunities afforded thereby. Practices of audience discrimination and segregation artificially restrict the number of persons to whom the interstate amusement and entertainment industries may offer their goods and services. The burdens imposed on interstate commerce by such practices and the obstructions to the free flow of commerce which result therefrom are serious and substantial.

(e) Retail establishments in all States of the Union purchase a wide variety and a large volume of goods from business concerns located in other States and in foreign nations. Discriminatory practices in such establishments, which in some instances have led to the withholding of patronage by those affected by such practices, inhibit and restrict the normal distribution of goods in the interstate market.

(f) Fraternal, religious, scientific, and other organizations engaged in interstate operations are frequently dissuaded from holding conventions in cities which they would otherwise select because the public facilities in such cities are either not open to all members of racial or religious minority groups or are available on a segregated basis.

(g) Business organizations are frequently hampered in obtaining the services of skilled workers and persons in the professions who are likely to encounter discrimination based on race, creed, color, or national origin in restaurants, retail stores, and places of amusement in the area where their services are needed. Business organizations which seek to avoid subjecting their employees to such discrimination and to avoid the strife resulting therefrom are restricted in the choice of location for their offices and plants. Such discrimination thus reduces the mobility of the national labor force and prevents the most effective allocation of national resources, including the interstate movement of industries, particularly in some of the areas of the Nation most in need of industrial and commercial expansion and development.

(h) The discriminatory practices described above are in all cases encouraged, fostered, or tolerated in some degree by the governmental authorities of the States in which they occur, which license or protect the businesses involved by means of laws and ordinances and the activities of their executive and judicial officers. Such discriminatory practices, particularly when their cumulative effect throughout the Nation is considered, take on the character of action by the States and therefore fall within the ambit of the equal protection clause of the fourteenth amendment to the Constitution of the United States.

(i) The burdens on and obstructions to commerce which are described above can best be removed by invoking the powers of Congress under the fourteenth amendment and the commerce clause of the Constitution of the United States to prohibit discrimination based on race, color, religion, or national origin in certain public establishments.

RIGHT TO NONDISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 202. (a) All persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the following public establishments:

(1) any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce;

(2) any motion picture house, theater, sports arena, stadium, exhibition hall, or other public place of amusement or entertainment which customarily presents motion pictures, performing groups, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce; and

(3) any retail shop, department store, market, drug store, gasoline station, or other public place which keeps goods for sale, any restaurant, lunch room, lunch counter, soda fountain, or other public place engaged in selling food for consumption on the premises, and any other establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, use, rent, or hire, if—

(i) the goods, services, facilities, privileges, advantages, or accommodations offered by any such place or establishment are provided to a substantial degree to interstate travelers,

(ii) a substantial portion of any goods held out to the public by any such place or establishment for sale, use, rent, or hire has moved in interstate commerce,

(iii) the activities or operations of such place or establishment otherwise substantially affect interstate travel or the interstate movement of goods in commerce, or

(iv) such place or establishment is an integral part of an establishment included under this subsection.

For the purpose of this subsection, the term "integral part" means physically located on the premises occupied by an establishment, or located contiguous to such premises and owned, operated, or controlled, directly or indirectly, by or for the benefit of, or leased from the persons or business entities which own, operate, or control an establishment.

(b) The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (a).

PROHIBITION AGAINST DENIAL OF OR INTERFERENCE WITH THE RIGHT TO NONDISCRIMINATION

SEC. 203. No person, whether acting under color of law or otherwise, shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 202, or (b) interfere or attempt to interfere with any right or privilege secured by section 202, or (c) intimidate, threaten, or coerce any person with a purpose of interfering with any right or privilege secured by section 202, or (d) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 202, or (e) incite or aid or abet any person to do any of the foregoing.

CIVIL ACTION FOR PREVENTIVE RELIEF

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted (1) by the person aggrieved, or (2) by the Attorney General for or in the name of the United States if he certifies that he has received a written complaint from the person aggrieved and that in his judgment (i) the person aggrieved is unable to initiate and maintain appropriate legal proceedings and (ii) the purposes of this title will be materially furthered by the filing of an action.

(b) In any action commenced pursuant to this title by the person aggrieved, he shall if he prevails be allowed a reasonable attorney's fee as part of the costs.

(c) A person shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person is unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation by him would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person, his family, or his property.

(d) In case of any complaint received by the Attorney General alleging a violation of section 203 in any jurisdiction where State or local laws or regulations appear to him to forbid the act or practice involved, the Attorney General shall shall notify the appropriate State and local officials and, upon request, afford them a reasonable time to act under such State or local laws or regulations before he institutes an action. In the case of any other complaint alleging a violation of section 203, the Attorney General shall, before instituting an action, refer the matter to the Community Relations Service established by title IV of this Act, which shall endeavor to secure compliance by voluntary procedures. No action shall be instituted by the Attorney General less than thirty days after such referral unless the Community Relations Service notifies him that its efforts have been unsuccessful. Compliance with the foregoing provisions of this subsection shall not be required if the Attorney General shall file with the court a certificate that the delay consequent upon compliance with such provisions in the particular case would adversely affect the interests of the United States, or that, in the particular case, compliance with such provisions would be fruitless.

JURISDICTION

SEC. 205. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) This title shall not preclude any individual or any State or local agency from pursuing any remedy that may be available under any Federal or State law, including any State statute or ordinance requiring nondiscrimination in public establishments or accommodations.

TITLE III—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 301. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

ASSISTANCE TO FACILITATE DESEGREGATION

SEC. 302. The Commissioner shall conduct investigations and make a report to the President and the Congress, within two years of the enactment of this title, upon the extent to which equal educational opportunities are denied to individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

SEC. 303. (a) The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit, to render technical assistance in the preparation, adoption, and implementation of plans for the desegregation of public schools or other plans designed to deal with problems arising from racial imbalance in public school systems. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation or racial imbalance, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

(b) The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation or measures to adjust racial imbalance in public school systems. Individuals who attend such an institute may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for dependents and including allowances for travel to attend such institute.

SEC. 304. (a) A school board which has failed to achieve desegregation in all public schools within its jurisdiction, or a school board which is confronted with problems arising from racial imbalance in the public schools within its jurisdiction, may apply to the Commissioner, either directly or through another governmental unit, for a grant or loan, as hereinafter provided, for the purpose of aiding such school board in carrying out desegregation or in dealing with problems of racial imbalance.

(b) The Commissioner may make a grant under this section, upon application therefor, for—

(1) the cost of giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation or racial imbalance in public schools; and

(2) the cost of employing specialists in problems incident to desegregation or racial imbalance and of providing other assistance to develop understanding of these problems by parents, schoolchildren, and the general public.

(c) Each application made for a grant under this section shall provide such detailed information and be in such form as the Commissioner may require. Each grant under this section shall be made in such amounts and on such terms and conditions as the Commissioner shall prescribe, which may include a condition that the applicant expend certain of its own funds in specified amounts for the purpose for which the grant is made. In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation or racial imbalance, and such other factors as he finds relevant.

(d) The Commissioner may make a loan under this section, upon application, to any school board or to any local government within the jurisdiction of which any school board operates if the Commissioner finds that—

(1) part or all of the funds which would otherwise be available to any such school board, either directly or through the local government within whose jurisdiction it operates, have been withheld or withdrawn by State or local governmental action because of the actual or prospective desegregation, in whole or in part, of one or more schools under the jurisdiction of such school board;

(2) such school board has authority to receive and expend, or such local government has authority to receive and make available for the use of such board, the proceeds of such loan; and

(3) the proceeds of such loan will be used for the same purposes for which the funds withheld or withdrawn would otherwise have been used.

(e) Each application made for a loan under this section shall provide such detailed information and be in such form as the Commissioner may require. Any loan under this section shall be made upon such terms and conditions as the Commissioner shall prescribe.

(f) The Commissioner may suspend or terminate assistance under this section to any school board which, in his judgment, is failing to comply in good faith with the terms and conditions upon which the assistance was extended.

SEC. 305. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, and on such conditions, as the Commissioner may determine.

SEC. 306. The Commissioner shall prescribe rules and regulations to carry out the provisions of sections 301 through 305 of this title.

SUITS BY THE ATTORNEY GENERAL

SEC. 307. (a) Whenever the Attorney General receives a complaint—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived of the equal protection of the laws by reason of the failure of a school board to achieve desegregation, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion or national origin,

and the Attorney General certifies that in his judgment the signer or signers of such complaint are unable to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public education, the Attorney General is authorized to institute for or in the name of the United States a civil action in a district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) A person or persons shall be deemed unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or when there is reason to believe that the institution of such litigation would jeopardize the employment or economic standing of, or might result in injury or economic damage to, such person or persons, their families, or their property.

(c) Whenever an action has been commenced in any Court of the United States seeking relief from the denial of equal protection of the laws by reason of the failure of a school board to achieve desegregation, or of a public college to admit or permit the continued attendance of an individual, the Attorney General for or in the name of the United States may intervene in such action if he certifies that, in his judgment, the plaintiffs are unable to maintain the action for any of the reasons set forth in subsection (b) of this section, and that such intervention will materially further the orderly progress of desegregation in public education. In such an action the United States shall be entitled to the same relief as if it had instituted the action under subsection (a) of this section.

(d) The term "parent" as used in this section includes other legal representatives.

SEC. 308. Nothing in this title shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States under existing law to institute or intervene in any action or proceeding.

SEC. 309. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

SEC. 310. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

TITLE IV—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 401. There is hereby established a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President. The Director shall receive compensation at a rate of $20,000 per year. The Director is authorized to appoint such additional officers and employees as he deems necessary to carry out the purposes of this title.

SEC. 402. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever in its judgment peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate local official or other interested person.

SEC. 403. (a) The Service shall whenever possible in performing its functions under this title seek and utilize the cooperation of the appropriate State or local agencies and may seek and utilize the cooperation of any nonpublic agency which it believes may be helpful.

(b) The activities of all officers and employees of the Service in providing assistance under this title shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions for any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service.

SEC. 404. Subject to the provisions of section 403(b), the Director shall, on or before January 31 of each year, submit to the Congress a report of the activities of the Service during the preceding fiscal year. Such report shall also contain information with respect to the internal administration of the Service and may contain recommendations for legislation necessary for improvements in such internal administration.

TITLE V—COMMISSION ON CIVIL RIGHTS

SEC. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"RULES OF PROCEDURE OF THE COMMISSION, HEARINGS

"SEC. 102. (a) The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

"(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. In the event the Commission determines that such evidence or testimony shall be given at a public session, it shall afford such person an opportunity voluntarily to appear as a witness and receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000 or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process."

SEC. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2; 60 Stat. 808)."

SEC. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975 (b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expense Act of 1949, as amended (5 U.S.C. 835–42; 63 Stat. 166)."

SEC. 504. Section 104 of the Civil Rights Act of 1957 (42 U.S.C. 1975c; 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and

"(4) serve as a national clearinghouse for information, and provide advice and technical assistance to Government agencies, communities, industries, organizations, or individuals in respect to equal protection of the laws, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, transportation, and the administration of justice.

The Commission may, for such periods as it deems necessary, concentrate the performance of its duties on those specified in either paragraph (1), (2), (3), or (4) and may further concentrate the performance of its duties under any of such paragraphs on one or more aspects of the duties imposed therein.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than September 30, 1967.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist."

SEC. 505. (a) Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975(d); 71 Stat. 636) is amended by striking out in the last sentence thereof "$50 per diem" and inserting in lieu thereof "$75 per diem."

SEC. 506. Section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(g); 71 Stat. 636) is amended to read as follows:

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as it deems necessary to carry out the purposes of this Act."

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain such conditions as the President may prescribe for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin.

TITLE VII—COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY

SEC. 701. The President is authorized to establish a Commission to be known as the "Commission on Equal Employment Opportunity," hereinafter referred to as the Commission. It shall be the function of the Commission to prevent discrimination against employees or applicants for employment because of race, color, religion, or national origin by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the United States Government is provided by way of grant, contract, loan, insurance, guaranty, or otherwise. The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President. The President may also confer upon the Commission such powers as he deems appropriate to prevent discrimination on the ground of race, color, religion, or national origin in government employment.

SEC. 702. The Commission shall consist of the Vice President, who shall serve as Chairman, the Secretary of Labor, who shall serve as Vice Chairman, and not more than fifteen other members appointed by and serving at the pleasure of the President. Members of the Commission, while attending meetings or conferences of the Commission or otherwise serving at the request of the Commission, shall be entitled to receive compensation at a rate to be fixed by it but not exceeding $75 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 73b–2 of title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 703. (a) There shall be an Executive Vice Chairman of the Commission who shall be appointed by the President and who shall be ex officio a member of the Commission. The Executive Vice Chairman shall assist the Chairman, the Vice Chairman, and the members of the Commission and shall be responsible for carrying out the orders and recommendations of the Commission and for performing such other functions as the Commission may direct.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Executive Vice Chairman, Commission on Equal Employment Opportunity."

(c) The Commission is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable it to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, and is authorized to procure services as authorized by section 14 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for individuals not in excess of $50 a day.

TITLE VIII—MISCELLANEOUS

SEC. 801. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 802. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances shall not be affected thereby.

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