



# CIVIL RIGHTS AND LEGAL WRONGS

*A critical commentary upon the President's pending "Civil Rights" Bill of 1963, prepared and distributed by the Virginia Commission on Constitutional Government. ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★*



# CIVIL RIGHTS AND LEGAL WRONGS

From the moment the President's omnibus Civil Rights Bill was introduced in June, the entire resources of the Federal Government have been thrown behind its support. As a consequence, many Americans have heard only a case *for* the bill.

This commentary is an attempt to present the other side.

VIRGINIA COMMISSION ON CONSTITUTIONAL GOVERNMENT  
*Travelers Building, Richmond, Virginia*



## CIVIL RIGHTS AND LEGAL WRONGS

The logic is said to go something like this: All decent Americans should support good things. All decent Americans should oppose bad things. Racial discrimination is a bad thing. Bills to prohibit racial discrimination are good things. The President's pending Civil Rights Bill is intended to prohibit racial discrimination. Therefore, his bill is a good thing, and all decent Americans should support it.

If this were all there were to it—if the problem were as simple as A plus B, and therefore C—nothing could be gained by further discussion of the President's proposal. All decent Americans would be of one mind.

But the problems that have produced this bill are not easy problems, and the bill is not a simple bill. One of the great distinctions of the American system is that we try always to distinguish between the means and the end—between the goal itself, and the way in which a goal is reached. Such careful distinctions need to be made in this case.

We believe this bill is a very bad bill. In our view, the means here proposed are the wrong means. The weapons the President would contrive against race prejudice are the wrong weapons. In the name of achieving certain "rights" for one group of citizens, this bill would impose some fateful compulsions on another group of citizens. The bill may be well-intentioned—we question no man's motivation in supporting it—but good intentions are not enough. In this area, we need good law. And the President's bill, in our view, is plain bad law.

That is perhaps the least that could be said of it. In our judgment, this bill violates the Constitution in half a dozen different ways:

It would tend to destroy the States' control of their own voting requirements.

It would stretch the Commerce Clause beyond recognition.

It wrongly would invoke the 14th Amendment.

It would undermine the most precious rights of property.

It would raise grave questions of a citizen's right to jury trial. The bill would open new doors to the forces of government regimentation.

And in the end, because of the violence that would be done to fundamental law, Americans of every race would suffer equal harm.

The emotionalism of this turbulent summer is largely responsible for the serious attention now given the bill and for the eminent voices raised in its behalf. In a calmer climate, the bill's defects would be readily apparent. But this is not a calm time; it is a passionate time, and dispassionate thought comes hard. What is here proposed, in this brief pamphlet, is simply that we sit down and reason together. Those of us who strongly oppose the bill believe our position is sound. We should like to explain this position to you.

## THE BILL ITSELF

Mr. Kennedy's omnibus Civil Rights Bill of 1963 (S. 1731) is divided into seven major titles. Briefly:

- Title I relates to "voting rights." It would place elaborate new controls upon the States' constitutional authority to fix the qualifications of voters.
- Title II relates to "public accommodations." It would compel the owner of almost every business establishment in the United States to serve all persons regardless of race.
- Title III, relating to the "desegregation of public education," would vest sweeping new powers in the U. S. Commissioner of Education and the Attorney General to deal with "racial imbalance" in schools throughout the country.
- Title IV would set up a new Federal agency, the "Community Relations Service."
- Title V would continue the Commission on Civil Rights until 1967, and endow it with broad new authority.
- Title VI amends all statutes providing financial assistance by the United States by grant, contract, loans, insurance,



guaranty, or otherwise. It would permit such assistance to be suspended upon a finding of racial or religious discrimination.

- Title VII authorizes the President to create a "Commission on Equal Employment Opportunity," possessed of "such powers as may be conferred upon it by the President" to prevent discrimination under contracts in programs or activities receiving direct or indirect financial assistance from the United States government.

This is what the bill is all about. At first glance, perhaps, many persons may see nothing wrong in the several proposals. In this emotional hour, one is tempted to leap from a sincere conviction that discrimination is wrong, to a false conclusion that a Federal law is the proper way to prevent it. We do not believe the intensely personal problems of racial feeling can be solved by any Federal law; the roots go deeper than Congress can reach. In any event, we believe that whatever might be gained by this particular Federal law, if anything, the positive harm that would be done to constitutional government would far outweigh the hypothetical good.

## TITLE I—VOTING RIGHTS

In the United States, beyond all question, the right to vote is just that—a *right* to vote. For most Americans, probably the ancient right of property ranks first in their daily lives; it is the oldest right of all. But as political beings, they view the right to vote as basic. As the President has said, it is ultimately the right on which the security of all other rights depends.

A moment's reflection, however, reminds us that the right to vote is not an absolute right. Children cannot vote. Lunatics cannot vote. Certain convicts cannot vote. Beyond these obvious limitations, it is evident that persons in Virginia cannot vote for a Senator from New York. Residents of Albany cannot vote for the City Council of Schenectady. And the man who moves to Manhattan on a Monday cannot vote for the Mayor on Tuesday. These are elementary considerations, of course, but it does no harm to spell them out.

Why is all this so? It is because the right to vote, though it is described in the 15th Amendment as a right accruing to "citizens of



the United States," is in its exercise a right accruing to citizens of the several separate States. It never should be forgotten that whenever we vote, we vote as citizens of our States. We never vote nationally. We are always, at the polls, Virginians, New Yorkers, Texans, Missourians. As voters, we are never "Americans." The idea is hard to get accustomed to; but it is so. The Constitution makes it so.

Three provisions of the Constitution merit attention. First, the 15th Amendment. It is very short:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State *on account of race, color, or previous condition of servitude.* [Emphasis added].

The Congress shall have power to enforce this article by appropriate legislation.

The briefest perusal of Mr. Kennedy's pending Civil Rights Bill will disclose that some of its most important provisions are not related to the denial or abridgment of the right to vote "on account of race, color, or previous condition of servitude." The 15th Amendment is not relied upon at all. If the bill were based clearly upon the Fifteenth, the position of the Virginia Commission would be wholly different. We might object that a bill along these lines were unwise, or unwarranted; but we would not oppose it as unconstitutional. No. In its provisions relating to a standard literacy test, and in other provisions, the administration's bill has nothing to do with State deprivals in the area of "race, color, or previous condition of servitude." *This bill applies to all citizens, everywhere.*

Therefore, other provisions of the Constitution come into play. The first of these provisions appears in the second paragraph of Article I. It tells us who shall be qualified to vote in what often are termed Federal elections—that is, who shall be qualified to vote for members of the Congress. It reads:

The House of Representatives shall be composed of members chosen every second year *by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.* [Emphasis supplied].

visions quoted. The bill would prohibit the use by any State of a literacy test unless such tests met Federal requirements—unless the tests were “wholly in writing” and unless a copy of such test were furnished the individual registrant “within 25 days of the submission of his written request.” Beyond this, the bill would provide that State literacy tests were of no consequence anyhow: Any person who had completed the sixth grade in a public school or an accredited private school would arbitrarily be deemed to possess “sufficient literacy, comprehension, and intelligence to vote in any Federal election.”

We take no position here on the merits of these proposals as such. They are as may be. Our contention is that such proposals plainly deal with the qualifications of electors in the several States. These proposals have nothing whatever to do with the “times, places, and manner of holding elections.” In our view, they are simply beyond the authority of the Congress to enact. They plainly encroach upon the power of each State to fix “qualifications requisite for electors of the most numerous branch of the State legislature.”

The President’s bill continues with a provision aimed at certain of the Southern States, in which—in a scattering of counties—fewer than 15 percent of the adult Negroes have registered to vote. The Virginia Commission would make its own position clear: We have no patience with conspiracies or chicanery or acts of intimidation intended to deny genuinely qualified Negroes the right to vote. We have no patience with acts of bland partisanship that may give the vote to certain white persons and prohibit the vote to Negroes of equal stature. Wherever such acts have occurred, they are to be emphatically condemned. We do say this: There is abundant law on the books—there was abundant law on the books even prior to enactment of the Civil Rights Acts of 1957 and 1960—to prohibit and to punish such willful acts by local registrars. All that is required is that the existing laws be enforced. If the Congress somehow is persuaded that still further law is required to enforce the 15th Amendment, the Virginia Commission will raise no constitutional objection. In the area of “race, color, or previous condition of servitude,” the Amendment plainly vests in Congress the power to adopt appropriate legislation.

We come back to the larger point. The key provisions of Title I, as a whole, have nothing to do with “race, color, or previous condition of servitude.” These provisions assert, on the part of the



There are two other such provisions, but it is needless to quote them. The second proviso impales the smallest hotdog stand upon the transportation of its mustard. There is not a neighborhood soda fountain in American, not a dress shop, not a hat shop, not a beauty parlor, not a single place or establishment beyond the tiniest roadside stand of which it may be said that a substantial portion of its goods, held out for sale or use, has not moved in interstate commerce.

We would urge thoughtful Americans, wherever they may live, whatever their views may be on questions of race relations, to ponder the twisted construction here placed upon the Commerce Clause. When the Congress first began to regulate "commerce among the several States," the object was to regulate the carriers in which the goods were hauled. In time, a second area of regulation developed, as the nature of the goods themselves came into the congressional power. Then a third area developed, as Congress sought to regulate the conditions under which the goods themselves were manufactured.

In this bill, a fourth area is opened up. It is as wide as the world. Here the Congress proposes to impose a *requirement to serve*. Heretofore, such a requirement has been imposed solely in the area of public service corporations—the telephone companies, electric power companies, gas and water companies—the companies that operate as regulated public utilities. Now the restricted class of public service corporations is to be swept aside. Here Clancy's Grill and Mrs. Murphy's Hat Shoppe are equated with AT&T. The neighborhood drug store is treated as the gas company: *It must serve*. Within the realm of Section 202, the owner has no option, no right of choice. Yes, he may reject drunks, rowdies, deadbeats. But his right to discriminate by reason of race or religion—or any other related personal reason—is denied him under the pain of Federal injunction and the threat of prison sentence for contempt of court.

At this point in our argument the Virginia Commission would beg the closest attention: We do not propose to defend racial discrimination. We do defend, with all the power at our command, the citizen's right to discriminate. However shocking the proposition may sound at first impression, we submit that under one name or another, this is what the Constitution, in part at least, is all about. This right is vital to the American system. If this be destroyed, the whole basis of individual liberty is destroyed. The American system does not rest upon some "right to be right," as some legislative majority



may define what is "right." It rests solidly upon the individual's right to be wrong—upon his right in his personal life to be capricious, arbitrary, prejudiced, biased, opinionated, unreasonable—upon his right to act as a free man in a free society.

We plead your indulgence. Whether this right be called the right of free choice, or the right of free association, or the right to be let alone, or the right of a free market place, this right is essential. Its spirit permeates the Constitution. Its exercise colors our entire life. When a man buys union-made products, for that reason alone, as opposed to non-union products, he discriminates. When a Virginian buys cigarettes made in Virginia, for that reason alone, as opposed to cigarettes made in Kentucky or North Carolina, he discriminates. When a housewife buys a nationally advertised lipstick, for that reason alone, as opposed to an unknown brand, she discriminates. When her husband buys an American automobile, for that reason alone, as opposed to a European automobile, he discriminates. *Every one of these acts of "discrimination" imposes some burden upon interstate commerce.*

The examples could be endlessly multiplied. Every reader of this discussion will think up his own examples from the oranges of Florida to the potatoes of Idaho. And the right to discriminate obviously does not end with questions of commerce. The man who blindly votes a straight Democratic ticket, or a straight Republican ticket, is engaged in discrimination. He is not concerned with the color of an opponent's skin; he is concerned with the color of his party. Merit has nothing to do with it. The man who habitually buys the *Times* instead of the *Herald Tribune*, or *Life* instead of *Look*, or listens to Mr. Bernstein instead of to Mr. Presley, is engaged in discrimination. Without pausing to chop logic, he is bringing to bear the accumulated experience—the prejudice, if you please—of a lifetime. Some non-union goods may be better than some union goods; some Democrats may be better than some Republicans; some issues of *Look* may be better than some issues of *Life*. None of this matters. In a free society, these choices—these acts of prejudice, or discrimination, or arbitrary judgment—universally have been regarded as a man's right to make on his own.

The vice of Mr. Kennedy's Title II is that it tends to destroy this concept by creating a pattern for Federal intervention. For the first time, outside the fully accepted area of public utilities, this bill undertakes to lay down a compulsion to sell.

We raise the point: If there can constitutionally be a compulsion to sell, why cannot there be, with equal justification, a compulsion to buy? In theory, the bill is concerned with "burdens on and obstructions to" commerce. In theory, the owner of the neighborhood restaurant imposes an intolerable burden upon interstate commerce if he refuses to serve a white or Negro customer, as the case may be. But let us suppose that by obeying some injunction to serve a Negro patron, the proprietor of Clancy's Grill thereby loses the trade of ten white patrons. In the South, such a consequence is entirely likely; it has been demonstrated in the case of Southern movie houses. Can it be said that the refusal of the ten whites imposes no burden on interstate commerce? Plainly, these ten intransigent customers, under the theory of this bill, have imposed ten times as great a burden on commerce among the several States. Shall they, then, be compelled to return to Clancy's for their meals? Where does this line of reasoning lead us?

How would all this be enforced? Under Title II, the Attorney General would be required to investigate complaints of denial of service. Persistent acts of discrimination would be prohibited by Federal injunctions, obtained in the name of the United States. Any person who attempted to interfere with Clancy's decision would be subject to individual injunction. And at the end of every such proceeding lies the threat of fine or imprisonment for contempt of court. *There would be no jury trials.*

This has been a very abbreviated summary of the "public accommodations" features of the President's bill. A definitive analysis could be much extended. Not only is the Commerce Clause distorted beyond recognition, the provisions of the Fourteenth Amendment also are warped to cover individual action as opposed to State action. Our hypothetical Clancy could not call upon the police to eject an unwanted customer, trespassing upon his booths and tables. Reliance upon local police to enforce old laws of trespass, under this bill, would be regarded as an exercise of "State action." Clancy has become the State. Like Louis of old, he too may say, "L'état, c'est moi."

### TITLE III—DESEGREGATION OF PUBLIC EDUCATION

Title III of the President's bill goes far beyond all decisions of the Supreme Court in the field of school desegregation, for it im-



plicitly couples the formal desegregation of public schools in the South with the elimination of "racial imbalance" in schools throughout the land. The bill proposes to achieve these aims by vesting broad new powers in the Commissioner of Education and the Attorney General. Even private schools, if their pupils received tuition grants from a governmental source, would be brought into line.

The opening provisions of Title III authorize the Commissioner, upon application from local school officials, to engage in a wide variety of programs of advice, technical assistance, grants, loans, contracts, and training institutes. The Commissioner would control the amounts, terms, and conditions of such grants. They would be paid on the terms he prescribed. He alone would fix all "rules and regulations" for carrying out these programs to promote desegregation and to relieve "racial imbalance."

Presumably, the authority of Congress to promote this busywork for the Commissioner is to be found in the fifth section of the 14th Amendment. This is the section that empowers Congress to adopt "appropriate legislation" in support of the Equal Protection Clause. If the Equal Protection Clause truly were intended to prohibit a State from maintaining racially separate public schools, such legislation perhaps would be "appropriate." The history of public education in the United States, in the years immediately following the purported ratification of the 14th Amendment in 1868, utterly denies any such intention. To this day, no law of the United States requires desegregation. These programs of the Commissioner of Education are cart before horse; they are the sort of programs that would implement a law if there were a law; but there is no law. There is the Supreme Court's opinion of 1954 in *Brown v. Board of Education*, and there are other high court opinions emanating from it, but impressive and historic as these decisions may be, they are still no more than judgments binding named defendants in particular lawsuits.

It should be emphasized, again, that these decisions have nothing to do with "racial imbalance" in public schools. They are limited to judgments requiring that the States shall not deny to any person on account of race the right to attend any school it maintains. The shifting of students from school to school in order to "remove racial imbalance," with or without Federal aid and regulation, is not within the ambit of the desegregation decisions. Under this gross distortion of the 14th Amendment, school children throughout the country would become pawns in a game of power politics.



It seems to us desirable to keep this distinction in mind, between laws enacted by the Congress, and judgments imposed by the court. The Constitution is the supreme law of the land, but when the court acts in a suit arising under the Constitution it acts judicially, not legislatively. If local school boards throughout the South are to be prohibited *by law* from maintaining separate school systems, a law must be passed "pursuant to the Constitution" to impose such a prohibition. Until then, any such grants and loans and training programs as these would appear premature. And we would take the position, in the light of the history of the 14th Amendment, that such a law would not be "pursuant to the Constitution." It would violate the plain intention both of those who framed the amendment and also of the States that ratified it. Such legislation would not be "appropriate" legislation.

Meanwhile, we do not intend to be captious or legalistic. The *Brown* decision has been treated as if it were indeed legislation. For good or ill, the desegregation of public schools proceeds. These particular provisions of Title III are better subject to criticism simply as manifestations of the bureaucratic Federal sprawl.

More serious, in our view, are the provisions of Title III that would vest elaborate new powers in the Attorney General. The effect of these provisions would be to throw the entire massive weight of the Department of Justice, with its unlimited resources, into the scales of almost any parent in search of a free lawsuit. The basic complaint would be that some local school board "had failed to achieve desegregation." But as we have tried to point out, in the overwhelming majority of school districts in the South, there is now no legal requirement that local school boards even attempt to achieve desegregation. Before there can be a failure of a duty, there must first be a duty. These provisions of the bill simply assume the duty, and leap to its failure.

Our apprehension is that the awesome power here proposed, for a proliferation of suits "in the name of the United States," would create more turmoil than it would settle. The "orderly progress of desegregation in public education" would not be enhanced, but impaired, as resentments were stirred up that otherwise might be peacefully resolved. And we cannot see the end to the bureaucracy that could be required to prosecute suits "in the name of the United States," once this precedent were set in the single area of school desegregation.

## TITLE IV—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

This title would create a new Federal agency, the "Community Relations Service," headed by a director at \$20,000 a year. Presumably, it would fulfill some functions not now fulfilled by the Civil Rights Commission, the President's Fair Employment Practices Committee, the established churches and various civic bodies, the countless racial commissions around the country, and the civil rights division of the Department of Justice. The duties of this Service would be "to provide assistance to communities *and persons therein* in resolving disputes, disagreements, or difficulties relating to discriminatory practices." [Emphasis supplied].

We are not inclined to haggle over the amount of time, energy and money that might be wasted by one more Federal agency in the civil rights field. We do call attention to the italicized language. In our own view, it simply is not the function of Congress, under any provisions of the United States Constitution, to dispatch Federal agents to countless communities in order to resolve racial disagreements among "persons therein."

## TITLE V—COMMISSION ON CIVIL RIGHTS

The Virginia Commission on Constitutional Government expresses neither opposition to nor support of Title V of the President's bill. This portion of the bill would extend the life of the Commission on Civil Rights to November 30, 1967, and would lay down certain standardized rules for its further hearings and investigations.

In our own view, the Commission on Civil Rights has contributed little or nothing toward the unraveling of the knotty tangles of race relations in the United States. Its recommendations in the spring of 1963, proposing the withdrawal of grants, loans, and even contracts from Southern States that did not meet its own notions of right conduct, amounted to an outrageous proposal for denial of the very equal protections it professes to support. We perceive no useful achievements of this Commission, but we raise no constitutional objections to its continuance.



## TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Title VI of the President's bill is not long. It had perhaps best be quoted in full:

Sec. 601. Notwithstanding any provisions 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 benefitting 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. [Emphasis supplied].

The thinly veiled intimidation of Title VI goes back to a statement made by Attorney General Robert Kennedy in London in October of 1962. At that time, he speculated publicly that a threat to withdraw Federal subsidies, grants, loans, and contracts might be used as a club over the Southern States. Mr. Kennedy was quick to point out that such a threat would have to be used with great delicacy. He seemed unsure of its desirability. He did not defend its constitutionality. He was just thinking aloud.

In April of 1963, the Civil Rights Commission evidenced no such finesse. The Commission recommended flatly to the President that he seek power to suspend or cancel either all, or selected parts of, the Federal financial aid that now flows to such States as Mississippi, "until [such States] comply with the Constitution and laws of the United States." It was unclear precisely how a judicial determination would be reached that entire States had failed to comply with the Constitution and laws of the United States, but this small question of due process apparently troubled the Commission not at all.



The question troubled Mr. Kennedy. In his press conference of April 17, the President blinked at this startling proposal and turned away from it:

I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power because it could start in one State and for one reason or another might be moved to another State which has not measured up as the President would like to see it measure up in one way or another.

It is a fair question to ask what happened. What happened between April 17, when the President voiced these comments at his press conference, and June 19, when his majority leader introduced his Civil Rights Bill? How did a power that was "probably unwise" in April become a power that was "essential" in June? The obvious answer is that the interim was marked by widespread racial demonstrations. But it is not pleasant to conclude that the President of the United States may be coerced, intimidated, or black jacked into changing his mind so swiftly on a legislative proposal of fateful importance. What happened?

We earnestly submit that the punitive terms of Title VI of this bill threaten gross violation of every principle of due process of law. No provision whatever is made for determining when individuals "participating in or benefitting from" various programs are "discriminated against." The two sentences of this Title define no terms. They propose no judicial inquiry. They leave hundreds of millions of dollars in "Federal funds," paid for by all of the people—black, white, Liberal, Conservative—at the uncontrolled discretion of the President or someone else who may determine this "discrimination."

These programs include aid to dependent children, aid to the blind, aid to the permanently disabled. They include funds for vocational education, hospital construction, public housing, the insurance of bank deposits. Federal personnel would be authorized to supervise loans by banks and building and loan associations, farm financing of all kinds, government subsidies, conservation programs, small business loans and contracts in any activity affected by government loans, insurance, guaranties, or grants. If a Federal agency made an administrative finding that discrimination exists, Federal support

could be withdrawn and the institution or program wrecked.

To permit a President—any President—to suspend such programs on his own unchecked conclusion that certain beneficiaries are “discriminated against” would violate the whole spirit of uniformity that pervades the Constitution. The supreme law of our land provides that “direct taxes shall be apportioned among the several States according to their respective numbers.” Duties, imposts and excises “shall be uniform throughout the United States.” There must be a “uniform rule of naturalization” and “uniform laws on the subject of bankruptcies.” Many other provisions attest this same concept of equal treatment among the States.

Only by a fantastic distortion of the congressional power under the 14th and 15th Amendments could this Title VI be justified. Its effect would be to penalize the many for the occasional unlawful conduct of the few. Its potential application would jeopardize the very lives and well-being of thousands of innocent and law-abiding persons, including veterans, blind persons, and disabled persons, in order to bludgeon a handful of State officials into line with a President's desires.

It seems to us sufficient merely to quote the language of this tyrannical Title of the President's bill. The language speaks most eloquently for itself.

## TITLE VII—COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY

This final substantive section of the bill authorizes the President to establish a “Commission on Equal Employment Opportunity.” This permanent agency of the government would be headed by the Vice President; the Secretary of Labor would serve as vice chairman. There would be up to 15 members in all. An executive vice chairman would run the operation. The Commission would be empowered to employ “such other personnel as may be necessary.” The bill defines the commission's duties:

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 sub contractors, and by contractors and sub contractors 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. [Emphasis supplied].

Again, it seems to us necessary merely to quote the provisions of the bill in order to make their autocratic nature evident to every thoughtful observer. The power here proposed to be conferred upon the President is virtually unlimited. No legislative limitations of any sort are suggested. The President may confer upon the Commission "such powers as he deems appropriate." And whether these include the power to impose criminal sanctions, or to seek civil injunctions, or to abrogate contracts awarded under sealed bid, no man can say. The Commission's powers would be whatever the President regarded as appropriate; and the definition of "government employment" is as wide as the Federal budget itself. The administration's bill proposes, in effect, that the Congress abdicate, and turn its legislative powers over to the White House. The powers here demanded are not the powers rightfully to be exercised by a President in a free country. These are the powers of a despot.

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There is a final Title VIII in the bill, authorizing the appropriation of "such sums as are necessary to carry out the provisions of this Act." What these sums might amount to, again, no man can say.

This is the package Mr. Kennedy has asked of the Congress. He has asked it in an emotional hour, under the pressures of demonstrators who have taken violently to the streets, torch in hand.

We of the Virginia Commission ask your quiet consideration of the bill. And we ask you to communicate your wishes to the members of the Congress who represent you in the House and Senate.

Richmond,  
August, 1963.



Members of the Virginia Commission on  
Constitutional Government:

- DAVID J. MAYS, *Chairman*, Richmond, Va.  
Attorney; Pulitzer Prize winner for historical biography.
- JAMES J. KILPATRICK, *Vice Chairman*, Richmond, Va.  
Editor, *The Richmond News Leader*; author.
- ALBERTIS S. HARRISON, JR., Richmond, Va.  
Ex-officio member of Commission; Governor, Commonwealth of Virginia.
- E. ALMER AMES, JR., Onancock, Va.  
Attorney; member Virginia Senate; Vice-President and Director, First National Bank, Onancock, Va.
- HALE COLLINS, Covington, Va.  
Attorney; member Virginia Senate.
- W. C. (DAN) DANIEL, Danville, Va.  
Business executive; member Virginia House of Delegates; past National Commander, American Legion.
- JOHN A. K. DONOVAN, Falls Church, Va.  
Attorney; member Virginia Senate; General Counsel and Director, Security National Bank, Fairfax County, Va.
- J. SEGAR GRAVATT, Blackstone, Va.  
Attorney; Trial Justice for Nottoway County, Va.
- FREDERICK T. GRAY, Richmond, Va.  
Attorney; former Attorney General of Virginia.
- BURR P. HARRISON, Winchester, Va.  
Attorney; former member of the United States Congress.
- EDGAR R. LAFFERTY, JR., King William, Va.  
Business executive; farmer.
- GARNETT S. MOORE, Pulaski, Va.  
Attorney; member Virginia House of Delegates.
- WILLIAM T. MUSE, Richmond, Va.  
Dean, T. C. Williams School of Law, University of Richmond; author.
- W. ROY SMITH, Petersburg, Va.  
Business executive; member Virginia House of Delegates.
- W. CARRINGTON THOMPSON, Chatham, Va.  
Attorney; member Virginia House of Delegates.
- WILLIAM L. WINSTON, Arlington, Va.  
Attorney; member Virginia House of Delegates.



Q.—(From May Craig, the Portland Press Herald) Mr. President, do you think that Mrs. Murphy should have to take into her home a lodger whom she does not want, regardless of her reason, or would you accept a change in the civil rights bill to except small boarding houses like Mrs. Murphy?

A.—The question would be, it seems to me, Mrs. Craig, whether Mrs. Murphy had a substantial impact on interstate commerce. [Laughter]. Thank you.

—The Press Conference,  
July 17, 1963.



Additional copies of this commentary may be obtained on request to the Virginia Commission on Constitutional Government, Travelers Building, Richmond, Virginia. The Commission is an official agency of the Commonwealth of Virginia, created by act of the General Assembly in 1956. Up to 10 copies no charge; 50 copies \$5.00; 100 copies \$9.00; 1,000 copies \$75.00.

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# ter Bias & the Law uction 30 States, Some Cities ing Bar Discrimination in Public Accommodations

## New York Agency Penalizes Motel for Barring Negroes; St. Louis Tavern Is Fined

### Some Lessons for Congress?

By WILLIAM F. BLINDELL  
Staff Reporter of THE WALL STREET JOURNAL

States and communities increasingly are banning discrimination in such places as restaurants, theaters, resorts and hotels, a fact generally overlooked in the current Congressional battle over the "public accommodations" section of President Kennedy's civil rights bill.

Though opponents of the Administration proposal are charging the provision to ban discrimination in public places is either unenforceable or an invasion of individual rights, some 30 states with 70% of the nation's population already forbid such discrimination. And, in general, Negro leaders are pleased with the effectiveness of the state laws.

"There are some states where the laws aren't worth the paper they are printed on, but on the whole the state statutes are working out very well," says Robert L. Carter, general counsel for the National Association for the Advancement of Colored People. "We're delighted at how closely most of the people concerned have been abiding by them."

#### More City Ordinances

As might be expected, state laws against discrimination in public accommodations are concentrated in the North and West. Not a single Dixie state has adopted such legislation. But in some states which have balked at enacting such laws, cities have adopted measures. Among them are St. Louis, El Paso, Wilmington and Louisville. Tulsa city officials are considering an ordinance against discrimination in public places soon.

Most states and cities have set up elaborate enforcement machinery to back up their statutes, although they usually try to settle disputes by private negotiation before taking sterner measures. In New York, where anti-discrimination laws are among the most stringent in the country, the State Commission for Human Rights generally seeks to persuade a businessman who appears guilty of discrimination to mend his ways before it takes forceful action.

For example, not long ago a young Negro couple from New York City decided to take a brief vacation at a resort motel near Albany, N.Y. They made reservations by phone and drove to the motel. But when they arrived the owner turned them away.

Incensed, the couple complained to the Human Rights Commission. After a talk with commission officials, the motel owner agreed to pay the Negroes \$150 as compensation for their troubles. He also was required to display a commission poster stating his motel abided by the New York law banning discrimination in public places.

If a New York businessman balks, he is summoned before a public hearing of the commission. If bias is definitely established, the rights group can order it halted and can use local or state courts to insure compliance.

#### Quiet Settlements in St. Louis

Most violations are settled quietly away from any court. "Businessmen generally shrink from a public airing of their violations," says W. J. Duford, an official of the St. Louis Council on Human Relations. The council has had to go to court only once since the city adopted a public accommodations ordinance in 1961. In that instance, the offender—a tavern owner who refused to serve Negroes—was fined \$100. Nearly 100 other complaints have been settled without court action, according to Mr. Duford.

Some observers suggest that businessmen often prefer public accommodations legislation to voluntary desegregation, a move some fear would cost them white trade. Comments John de J. Pemberton, Jr., executive director of the American Civil Liberties Union: "The businessman who's been afraid to stand out by desegregating on his own can safely say to adverse public opinion, 'Look, I had to. It's the law.'"

An amusement park operator in one Midwestern city went so far as to privately request that the local rights commission bring him before a public hearing over his refusal to integrate a swimming pool at the park. "He wasn't adverse to integration, but he didn't want to leave that impression," explains a commission official. After the show of resistance, the park operator was "forced" to bow to the commission's wishes.

#### Courts Uphold Laws

Though Southern legislators are attacking the Federal bill as an unconstitutional infringement of private property rights, state courts have upheld public accommodations laws. In Kansas City, for example, one big restaurant owner filed a test case attacking the constitutionality of the city ordinance banning discrimination, but the Missouri supreme court ruled in favor of the city. In general, state courts have taken the view that any curtailment of property rights resulting from public accommodations laws is outweighed by the "public good" inherent in anti-bias legislation.

To be sure, discrimination in public places has not been wiped out in states and cities with public accommodations laws. Many businessmen still resist integration, although they don't cite race as the reason for not admitting Negroes. Dick Williams, a young Negro member of the Congress of Racial Equality in Chicago, recently entered a South State Street burlesque house on the heels of two whites in sport shirts. The whites were seated, but Mr. Williams was told it was now "evening" and he would have to have a tie. "Funny how night falls so suddenly, isn't it? I thought of getting a tie and coming back, but I just didn't bother," says Mr. Williams.

New York has had trouble with defiant barbers. One in Nassau County, a suburban area on Long Island, wanted to cut a Negro boy's hair; the usual rate for youngsters was 75 cents. The shop posted a sign saying:



**THE  
SUPREME COURT  
THE  
SUPREME LAWBREAKER**

Informing the people how  
their liberty and property  
are being embezzled in  
Washington.

*by*  
HARRY P. GAMBLE, SR.  
Attorney-at-Law-Retired  
of  
New Orleans Bar

## PREFACE

To those who respect Harvard wisdom, listen to the warning in 1958, of Dr. Mc Ilwain, a Professor of the **Science of Government**:

"Never in recorded history, I believe, has the individual been in greater danger from government than now; never has law been in greater jeopardy from arbitrary will; and never has there been such need that we clearly see the danger and guard against it."

He does not name all the sources of this danger; but those most obvious are:

The President, when he commands Federal troops to invade States; or, for example, issues "executive orders" threatening to take bread from the mouths of thousands of working people, by withdrawing Federal funds appropriated for local projects, till his commands are obeyed;

AND the Attorney General, who may and does pin the badge of a U.S. Marshal's authority on hundreds of bullyboys, and sends them out to intimidate local authorities to bring them to his views;

AND bureaucrats who freely issue "directives" to control the daily lives of thousands of people, from one to two thousand miles distant from Washington; people whose local laws and culture may be very different, even repugnant, to those of the area of their upbringing;

AND the Supreme Court commanding obedience to their indefensible decisions, under threat of unlimited deprivation of liberty and property for noncompliance.

It is true the Professor relies largely on an "able, honest, **learned**, and independent judiciary" to protect us from the aggressors, but adds:

**"I am not defending indefensible decisions of our courts. I would not shield them from the severest criticism."**

It is these lawbreakers and unauthorized law-makers who are dealt with in the following paper.

New Orleans, Louisiana, July 14th, 1963.

HARRY P. GAMBLE, SR.

Of the New Orleans Bar

Note 1: Pertinent provisions of the Constitution are found in the appendix.

Note 2: All emphasis supplied by the writer.



## WHO ARE THE LAWBREAKERS

The parrot cry, "Obey the law," is heard daily from Washington. Yet the chief lawbreakers are there; among them, the President, who issues unauthorized "executive orders," and commands the Federal army to invade the States.

**But the cocks of the roost, are the nine men on the Supreme Judicial Bench of the United States. These nine men are uncontrolled. Their power is supreme, irresistible, and absolute, in our so-called democracy. Yet in every age in the long ages of government, it has been demonstrated, in the language of Lord Acton, often quoted, that:**

**"Power corrupts; absolute power corrupts absolutely."**

**There is no authority in our system to check these nine men; or correct their mistakes, however grievous; or nullify their seizure of unauthorized power; or punish their acts of tyranny.**

From time to time the earlier Judges sitting on that Bench have recognized their freedom from control, and asserted that it was not their function to go beyond "judicial review."

Chief Justice Marshall (1801-1835) briefly defining this **Judicial Review** said:

"The Court is merely a legal tribunal for the decision of controversies brought before them in legal form."

Judicial review means in general, that in cases appealable to the Supreme Court, it will review the evidence introduced in the lower court, and weighing the law applicable, will affirm, reverse, or correct the judgment there rendered. The law applicable has never been held to mean that the Court may contrive, forge, or enact a law, which in its opinion fits the case, but shall render a decision on existing law enacted by the lawmaking power, constitutionally authorized so to do. If the law applied to the case below, in the opinion of the Courts is not constitutionally authorized, then it applies other existing law; still not contriving one of its own, either by strained interpretation, or downright enactment. No one has ever contended otherwise.

A recent announcement of that limitation by Chief Justice Vinson (1946-1953) declares:

"Since we must rest our decisions on the Constitution alone, we must set aside predilections on social policy and adhere to the settled rules which restrict the exercise of our power to **judicial review**." (346 J.S. 240 1953)

Judge Harlan, father of the sitting Judge Harlan, stated the same thing in this language:

"When the American people come to the conclusion that the Judiciary is usurping to itself the function of the legislative department, and by judicial construction is declaring what should be the public policy of the United States, **we will be in trouble**."

In referring to the 14th Amendment, fraudulently adopted in 1868, which has become a bottomless fish hatchery, from which the Court has hooked some queer fish, never before suspected of inhabiting those waters, the eminent Judge Holmes (1902-1938) said:

"I cannot believe that the Amendment was intended to give **carte blanc** to embody our economic or moral belief in its prohibitions." Referring to the rights reserved to the states in the 9th and 10th Amendments, he remarked that:

**"There is hardly any limit but the sky to invalidating these rights if they happen to strike the majority of this Court as for any reason undesirable."**  
251 U.S. 580 (1930)

And Chief Justice Hughes (1930-1941) commented:

**"It is not for the Court to amend the Constitution by judicial decree."** This frank spoken jurist once observed, **"The Constitution is what the Supreme Court says it is."**

This assertion of a submerged truth did not much shock the careless American people; though displeasing to the Court.

Judge Douglas, still sitting, exploded furiously in the California-Colorado water diversion case, against the majority decision, saying:

"This case will be marked as **the baldest at-**



**tempt by Judges in modern times to spin their philosophies in the fabric of the law in derogation of the will of the legislature."**

It will come as a surprise when disclosed that this same Judge (one of the law school teachers appointed, maybe a DEAN) in the earlier case of the Black School decision of **1954**, took a contrary stand, and agreed to founding the decision in that case on the mind reading speculations of a Swede, Gunar Myrdal, and associates, **who figured that it would make the Negro children feel bad if they could not sit with white children in public schools.**

### **THEIR OWN WILL THE ONLY RESTRAINT OF THESE NINE MEN**

In reorganizing their absolute freedom from control, the Court has frequently stated, to use the words of Chief Justice Stone (1925-1946).

"The only check on our exercise of power is our own sense of **self-restraint**," Butler case.

In thus admitting their freedom from control, they declare they are a **super-government**.

**Such a super-government, not elected by the people, but appointed for life, is not tolerated by the great democracies of Europe,—not by England, nor France, nor Germany, nor Italy. This fact is unknown to the great mass of the American people. The continuance of this uncontrollable power in the hands of nine men, is undeniable proof that a potent segment of our political leadership does not trust democratic processes; and have somehow contrived to surround these mere human beings with a halo of sanctity not merited in the experience of life, except by saints; a sanctity which endeavors to protect them from criticism, no matter what.**

It is as if assumed and asserted that the appointment by the President of a politically deserving friend (or to get rid of an opponent), will make that politician qualified to sit on the highest Tribunal in the Nation.

In more than one instance such an appointment by the President has been charged to this mode of ridding himself of an active opposition candidate.

President Lincoln appointed Senator Samuel B. Chase to be Chief Justice in 1864, when Lincoln was a candidate for re-nomination of the Republican Party, and Chase was an avowed candidate for the same nomination.

It has been printed that a political deal was made at the 1952 Republican National nominating convention between Governor Warren, who controlled the 72 votes of California, and Eisenhower managers—Eisenhower to get the votes for a decisive lead to the nomination, and Warren to be paid off by appointment to the Supreme Court. This may or may not be true, but since Warren was appointed shortly after Eisenhower assumed office—with no visible judicial qualifications for that high office; low-minded persons could scarcely be censured for raising their eyebrows.

It may be that a miracle can be performed by hanging a black cloth on a politician, to forthwith convert him into a Judge; but few would believe such a ceremony preceded by a sordid political deal, is a correct method to procure SUPERMEN for the Supreme Bench.

It may be accepted as an axiom in government that once a politician, always a politician. A politician cannot escape from a lifelong practice of proposing to amend and improve existing law. His success in politics has been founded on such promise and performance. That mode of thinking has become second nature. **And though politicians are an honorable necessity in a democracy, without whom it could not function, the highest tribunal in the land is no place for them.** School boys know that it is not the business of Judges to make laws, or amend laws, but to interpret and apply the laws enacted by the lawmaking power authorized so to do by the Constitution; and then only in cases duly brought before them. Relying on **self-restraint** by men exercising uncontrollable power is the zenith of folly—proven in all ages.

Thomas Jefferson who spent fifty years with public men in public affairs, expressed his distrust of **judicial restraint** in these words:

"The Judiciary is the instrument which is to press us at last into one consolidated mass. . . . If Congress fails to shield the States from dangers so palpable and so imminent, the States



must shield themselves, and meet the invader foot to foot." (Thomas Jefferson to Archibald Thweat, 1821)

And:

"The Judiciary of the United States is the subtle corps of sappers and miners constantly working underground, undermining the foundation of our constitutional fabric."

This worldly wise man did not mean to imply that the men who would serve on the Supreme Bench were dishonest or traitors; but simply that their natural bent would be to make the National Government of which they were a part, supreme. In the long history of the Court, not more than one instance is suspected to have brought the shame of lack of integrity to the Supreme Bench.

That is not the charge. The charge is that when appointed they do not know anything about **judicial restraint** and are not likely ever to be much impressed by that limitation. For they are not appointed on the basis of their judicial training and learning.

That these men not elected by the people to reign over them, attain their appointments for political reasons, and not for their judicial qualifications, is abundantly proven by the fact that it is rare indeed to appoint a member of a state Supreme Court, or a Judge from the Federal Judiciary, where men of proven ability and many years of experience are to be found.

In recent years, in respect to this "**judicial restraint**" a new note has been interjected by some now sitting on the Bench, Judge Douglas among them; that it is within the province of judicial action to do some lawmaking; which as we shall see, they have boldly done—united with its partner, **lawbreaking**.

This far afield **lawmaking and law breaking** in recent years have drawn sharp and unusual criticism from the official organ of American lawyers, the American Bar Association; and the official condemnation of an assembly of Chief Justices of state Supreme Benches.

Judicial seizure of power has grown so intolerable, that an Amendment to the Federal Constitution is now in process of adoption for holding them in check, and reducing their powers of **super-**

**government.** This Amendment has already been adopted by several states.

## **HOW THESE SUPERMEN BREAK THE LAW**

When these nine SUPERMEN do not like a law enacted by Congress or a State Legislature, they shatter it. All they have to do is to call it **unconstitutional**. That it is not authorized, or is prohibited, by the Federal Constitution; and since, in the words of Chief Justice Hughes, the Constitution is what they say it is, the law is broken, and any decision which had before held it to be law is also broken, however long that decision may have been held to be law. In our kind of democracy, there is no remedy.

Often the law is busted by the vote of one of the SUPERMEN. Four say 'tis or 'taint constitutional; and four say 'taint or 'tis; then one decides the question—to make a majority of five to four. Right here it is easy for the unawed mind to become confused with trying to keep up with the "now you see it, now you don't," juggling going on among the SUPERMEN. For in one decision you see that five are truly SUPERMEN, and the other four are bush leaguers; but in the next decision, the bush leaguers are back in the majors, and some of the former SUPERMEN are banished to the minors. These chameleon changes so baffles one contemplating this coming and going, that he is likely to head for the nut house. Only a lizard in the animal world can pass through these changes without loss of prestige.

When a citizen is told about these things, he is amazed that a meek Congress does not perform even the minor checking that the Constitution does authorize it to do, if it had any spunk.

The highly intelligent men who have made it to Congress, you may be sure, are not for a moment smitten with the preposterous idea that hanging a dozen yards of black cloth on a politician (or a law school teacher), and giving him a job for life, will convert him into a SUPERMAN. (The State Judges are elected for periods of from eight to twelve years; and generally re-elected, since they never set up as SUPERMEN.)

But somehow a potent minority who distrust the people prevails; **so we in the great American democracy have our super-government.**



**A TESTED STATUTE ENACTED BY CONGRESS  
OR STATE LEGISLATURE WHEN FOUND  
CONSTITUTIONAL IS LAW:  
THAT IS, UNTIL BROKEN**

It not infrequently happens that an Act of Congress or a state Legislature is charged before the Courts as being unconstitutional, and therefore, null. If in its decision the Court of last resort pronounces this law to be constitutional, **then it is the law**. Somewhat carelessly, this decision is itself sometimes referred to as the law in question.

Then business and government, state and national, may and often do, expend millions, even billions, on faith thereof. That to the ordinary mind seems logical. The questioned law is settled. Let's go. But to the SUPERMEN, no! Any upcoming set of SUPERMEN may, and often do, assert that their predecessors were not the SUPERMEN that their contemporaries thought. Not at all. That was a big mistake. They were bush leaguers, or old fogies who did not know what was what. This is most extraordinary, since their own claim to absolute supremacy is founded on the proposition that as a body they **are** SUPERMEN. Their puzzling refusal to regard each other as SUPERMEN, while demanding that in a body they be so regarded by the people, is disclosed by the fact that:

**"In the brief span of sixteen years, between 1937 and 1953, this Court has reversed itself not fewer than thirty-two times on questions of constitutional law."** Kirkpatrick in "The Sovereign States," p. 270. This work is less than 300 pages, by a distinguished journalist, quite understandable by laymen. Published by Henry Regnery Co., Chicago.

In every one of these instances, and many more, before and after, where their predecessors had presumably settled the question by declaring that a disputed act of Congress or Legislature is constitutional, and **therefore the law**, the reversal **broke that law**.

In some of these instances, that law had been settled for many years, in the meantime frequently referred to and approved by subsequent Supreme Court decisions.

A case of reversal and breaking, occurring since

the above record of thirty-two times in sixteen years, is one which will presently be brought under inspection. That was a decision of the Supreme Court of **1896**, declaring an act of the Legislature to be constitutional law. In the interim of nearly sixty years, Supreme Courts presided over by such eminent jurists as Chief Justices White, Taft, Hughes, and Stone, had quoted that decision with approval. **It was the law.**

### **THE SEGREGATION LAW**

That law was an act of the Legislature requiring the separation of the races in passenger transportation. In a case before the Court in **1896**, it was directly charged that this state law violated the 14th Amendment in not granting equal rights to Negro travellers. It was there decided that if the accommodations were equal, the separation of the races was not prohibited by the Amendment. This established the so-called doctrine of "Separate if equal;" and through the years up to **1954**, hundreds of millions have been expended in separate schools and other construction, and in educating Negroes in separate schools. This was the case of *Plessy vs. Ferguson*; 163 U.S. 537. In referring to other contemporary laws requiring separation of the races, not only in the South, but in the North, it was stated in that decision:

"The most common instance of this is the establishment of schools for white and colored children, which has been held a valid exercise of legislative police power even by Courts where the political rights of the colored race have been longest and most earnestly enforced."

It is true that in public education, which had to be supported by local taxation, the South was far behind the more prosperous North, which had been enriched by the Civil War, as the South had been impoverished. Added to the ravages of war, was the ten years of misgovernment and looting by adventurers from the North—called **carpet-baggers** because when they arrived in the South their whole worldly possessions were contained in a piece of luggage made of material used in carpet making. These were maintained in office by the votes of the recently enfranchised Negroes, and thousands of Federal bayonets in each South-



ern state. Just as the same self-seeking class of Northern politicians are doing today, these carpetbaggers, instead of trying to do something of economic value for the Negroes, who, when they were freed by their Northern emancipators, were turned out to barren fields, without economic aid from their touted benefactors—these carpetbaggers used the Negro vote to maintain themselves in office, paying off the Negroes with a minimum of participation in the looting, and a maximum of sweet talk about sterile "equality."

Among the Southern people, regrettable as it must be admitted, there was then, as there is today, a relative few who profited by deserting to the enemy. These, called **scalawags**, aided the carpetbaggers and the Negroes; and, with their descendants, were ostracized for three generations.

When these carpetbaggers were forced to flee by the bargain of the Southern Democrat leaders of Louisiana, Florida, and South Carolina, with the Republican President Rutherford B. Hayes, withdrawing the Federal troops they left the Negro in the lurch.—just as their modern white models will do when the Northern white voters turn on them for exciting the Negroes to insurrection in those parts.

After the flight of the carpetbaggers, both white and black had to endure another forty years of poverty—though gradually decreasing; until in 1915, the European war, demanding cotton, lumber, and other natural resources of the South, permitted a more rapid economic movement upward. The Second World War accelerated this movement. In 1961 the United States Chamber of Commerce published certain conclusions relating to that development, referring to it as "nothing short of spectacular."

Under this improved economic prosperity, the whites and blacks of the South were making impressive advance in rational partnership when under New York prodding, the SUPERMEN led by Earl Warren, the astute politician from California, broke the law of **1896**—separate if equal. This man, with not an hour's training as a Judge, had just been appointed by President Eisenhower to be Chief Justice over the other eight who had been sitting as Judges for several years. This appoint-

ment was not so reprehensible as might first appear, since of these eight, seven had been put on the Bench without any Judicial training. It must be admitted, in all fairness, that one of them, Judge Black, still there, had been a Justice of the Peace down in Alabama.

The case before them in **1954**, in which they broke the old law of separate if equal of **1896**, was where some Negroes in Kansas, Delaware, South Carolina, and Virginia (the cases consolidated) claimed that the segregated Negro schools of these locations were not equal to the white schools, and they wanted the advantages of the white schools for their children. The Court did not agree that they were not equal, saying:

"The Negro and white schools have been equalized, or are being equalized, with respect to building, curricula, qualifications and salaries of teachers, and other 'tangible factors'."

That under the existing law, and its approval by intervening Supreme Court decisions, should have ended the case; the Negroes continued in their equal schools, and the separate if equal doctrine again affirmed. But the SUPERMEN said "No." That did not end the case, they had found something their predecessors, the White, Taft, Hughes, Stone, Vincent, Court Judges did not know. The SUPERMEN said that they had read in a book by a fellow by the name of Gunar Myrdal, who lived over in Sweden on the icy Baltic Sea where there are no Negroes, in which he claimed it would **make the Negro children feel bad** if they could not sit with white children in public schools, though their own Negro schools might be equal to the white schools. He was cited as "ample authority;" an **expert**, in other words. The Court noted the names of some half dozen other book writers, who penned more or less the same sentiments in their books.

Now something peculiar happened in this case—something unheard of in judicial procedure where the opinions of persons alleged to be experts are introduced to aid the Courts. In such cases it is common for the alleged "expert" to be brought into Court so that it may be determined by due examination, and cross-examination by opposing



counsel, whether the witness is in fact an expert whose testimony will be of value to the Court. Unhappily for all concerned, the Judges as well as others, this was not done in this case.

What a field day a competent cross-examiner would have had with this Swede; and incidentally, protecting the Court from embarrassment in their subsequent exaltation of the opinions of the Swede, and his Communist tainted associates.

What a joy it would have been to question this resident of the Arctic regions on how he became acquainted with what it took to make Negroes feel bad; what Negroes did he consult; was the feeling **only mental**, or also physical; what schools of medicine did he graduate from; or was he a follower of the Austrian Freud, who emphasized sex in evaluating mental operations; or the German Adler, who stressed fear more than sex in probing the mind; or had he strayed off with the Swiss Jung, who had acquired some twists of his own in thought reading. He could have been required to state whether his investigations related only to what made Negroes feel bad, or if he had included the yellow Chinese, the brown Malays, and the red Indians. Especially he could have disclosed what made white children feel bad, that is if they were important enough to be included in his roamings; and if by making colored children feel good by bringing them into association with white children, it might make the white children feel bad; and which, if either, was the more important, to continue the coloreds in feeling bad, and the whites not, or make the coloreds feel good at the expense of the whites?

The examination would have disclosed what we hope the Judges were ignorant of, when they accepted the Swede, and his companions, as "ample authority," as they said. These authors were rotten with Communist associations, some with more than a dozen Communistic front citations. One must wonder whether, when they approved the Swede as "ample authority," they had read that part of his book declaring that what the Founding Fathers did when they confected the Constitution "was almost a plot against the common people." An instrument of government which non-Communist statesmen have acclaimed for one hundred and

seventy-five years. And was he "ample authority" when he asserted that our Constitution "is impractical and outmoded?"

Having agreed with the Swede that it would make the Negro children feel bad not to sit with white children; it was next in order to determine whether the authors of the 14th Amendment in 1868 had intended by it to turn over to the Federal Government Public Education in the States. If that Amendment did not do this then the SUPERMEN could not seize control of these schools. They concluded, happily for their intent, that from "exhaustive investigation" of the times and what was then said, the evidence was "inconclusive." That opened the way for them to insert in it their own views of what ought to have been, or might have been; that is **to amend it** to suit what they had in mind—namely, that it did take away from the States the right to manage their own schools which they had taxed themselves to support; and turned over to the SUPERMEN the power to say how they should be operated.

It is poetic justice that the fraudulent adoption of that Amendment permits equally fraudulent interpretations—like the one by the SUPERMEN, the latest and most disastrous—which has resulted in the bitter interruption of good relations between the races. That adoption was achieved in an atmosphere of rancour, followed by the very same kind of deception and betrayal of the Negroes by the carpetbaggers, as is certain to result from similar conduct of the modern form of carpetbaggery.

Having now so interpreted the Amendment that they could use it as a basis for their decision to adopt the Swede's cozy views to bring the white and colored children together to make the colored children feel better; that they proceeded to do. The Court's precise language in agreeing with the Swede is as follows:

"To separate Negro children from others of similar age and qualifications solely because of their race, generates a feeling of inferiority as to their status in the community that **may** affect their hearts and minds in a way unlikely to ever be undone."

The Court failed to discuss whether it would "generate a feeling of inferiority" in the hearts



and minds of white children, if forced to sit with Negro children. Apparently the Swede had no musing on this point.

**The modern mania for equal rights evidently does not include within its vague crusade, the white race.**

To digress for a moment: Every century or so a craze unaccountably seizes on the world, as this egalitarian craze has appeared in our times. In the 13th century thousands of children were preached in Europe into a march on Jerusalem to free the Holy Sepulcher from the infidel Saracens. These who did not starve or drown before they reached sea ports, were sold into slavery? The witch craze of the Middle Ages took the lives of 300,000 men and women in Europe; not forgetting the seventy-five (75) tortured and executed in Massachusetts in the 1600s. The South Sea and John Law Investment Bubbles of the 1700s impoverished tens of thousands in France and England.

One which much resembles that of today, was the St. Vitus Dance mania, in Germany, where people went prancing about the country in swarms.

Due to the more rapid and far distant communications, the egalitarian mania of today extends from Washington and New York to Africa; where the natives of Angora and Congo "demonstrate" their claim to equality by perpetrating crimes on hundreds of white men, women, and children—priests and nuns—so bestial as to be beyond any civilized imagination—the women raped before the eyes of dying men bleeding to death from unprintable mutilations—being the mildest. Covetous of the riches of Africa, the white nations of Nato, including our own, hastily sweep these horrors under the rug, and hypocritically toady to the "ambassadors" from that country.

The brand of hypocrisy is the same; whether the white politician is bootlicking for the Negro vote in America; or the international "statesmen" are kotowing to African ambassadors—the result will be the same—the black man will end up with his pockets picked by these self-seeking fakirs.

Writing of the crusades, Wells remarks: "From the very first flaming enthusiasm was mixed with baser elements."

Returning to the integration decision; strangely

enough in this case, and all the others which have followed in respect to adult Negroes, an admission is inherent in what the Court said, and accepted by all who agree with the Court, including the "demonstrating" Negroes, that the Negro **is** inferior, and the only hope for his advance is "forced" close association with whites. Later disclosures of his advancement in a segregated society, will not support such a contention.

### **BARRIERS WHICH THE COURT HAD TO ELUDE**

But the Court was confronted with several apparently insurmountable obstacles. How could this constant association, required to improve the asserted inferiority of the Negro children in this case, and subsequent adult cases; and to make them all feel better; be achieved in the face of the segregation laws of many states, North and South? The only answer was for the SUPERMEN to break the laws requiring segregation. That they just hauled off and did. They said the WHITE, TAFT, HUGHES AND VINSON COURTS did not know what they were talking about when they approved the "separate if equal" doctrine. The oldtimers did not have the benefit of the Swede's discovery that it would make the Negro children feel bad not to sit with the whites; and, too, they might not have been frank and cold enough, to say that the Negro is inferior, and that the only remedy for that is constant contact with the white. The knockout blow came in these precise words:

"Any language in Plessy vs. Ferguson (the old decision of **1896**) contrary to this finding (that is what they and the Swede had agreed upon) **is rejected.**"

It may again be repeated that the man who wrote this opinion downgrading the old Judges, had never before his appointment served as a Judge.

It may be added here that the practice of appointing deserving political friends has not ceased. A little while ago the President appointed Messrs. White and Goldberg to fill vacancies on the Court. In these cases, one was the associate of Bobby Sox, Attorney General, whose judgment of what are the qualifications of a Supreme Judge, may be measured by the fact that his first contact with any



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Mr. R. KIRK MOYER, Treasurer  
P. O. Box 5348, New Orleans 15, La.

Mr. Moyer is an Insurance Executive, and Past President of the Louisiana Society of the Sons of the American Revolution.

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At a recent meeting held in Los Angeles' Wrigley Field, Martin Luther King, Jr., collected 35 thousand dollars. This is to be used to create more racial strife.

### Hollywood Stars Donate to King

Sammy Davis, Jr., donated 20 thousand dollars. Later that evening, a gathering of Beverly Hills citizens responded to an invitation sent out under the signature of California Governor Edmund Brown, gathered into the home of film star Burt Lancaster. Guests of honor were Martin King and Ralph Abernathy. The guests were given the usual hearts and flowers sob story, etc. Then they came to the point. According to King and Abernathy, **they have to have one thousand dollars a day** to keep their organization operating. "Who wants to pay for one day's operation?"

Actor Paul Newman and his wife, Joanne Woodward, wrote out the first check for one thousand dollars.

Singer Polly Bergen with her husband, Freddie Fields, gave the next check for one thousand dollars.

Anthony Franciosa, who participated in the Wrigley Field meeting, gave another one thousand dollars.

Actor Marlon Brando, gave a check for five thousand dollars.

Lloyd Bridges, TV actor gave five hundred and Mrs. Burt Lancaster the hostess, gave one hundred.



Film stars supporting the Wrigley Field meeting were, right to left, Joanne Woodward, Paul Newman, Rita Moreno and mulatto Dorothy Dandridge.

Judge, and first appearance in any Court, was lately before the Supreme Court in an integration case—a tremendous leap even for a Kennedy.

If I may interject a personal statement: I come from a football family, and we all admired the stardom in that field of "Whizzer" White. But he, no doubt, would readily admit that decking a husky youngster out in football togs does not make a football star, anymore than hanging black cloth on a politician will make a Judge. That the benign Goldberg had a special ability, too, is admitted. If these two apply themselves to their Judicial duties as faithfully as in their preceding specialties, we may wishfully expect that in time they will attain Judicial stature. In the meantime, they share the power of the other SUPERMEN.

It is never enough, however, just to say that an old law is out of date and haul off and break it. Correct Judicial procedure requires that somewhere something professed to be superior must be found to justify the law breaking.

Where better than in the old reliable 14th Amendment? So these modern Isaac Waltons baited their hooks with the Swedish bait, and went fishing in those bottomless waters.

What they caught is the prize fish story of all fish stories, surpassing in that field of exaggeration all others, except only that one banishing God from public school rooms.

That part of the Amendment to which the right fish story could apply reads:

"No state shall make or enforce any law which shall deprive any person within its jurisdiction of the equal protection of the law."

Since the schools were equal in the instant case, nobody had been denied the equal protection of the law on that score. The Swede solved that obstacle. The separation would make the Negroes feel bad; but not the whites. So the "generation" of this feeling bad was adopted as granting the Federal Judiciary a new area of control in passing on laws enacted by the authorized lawmaking powers.

The **Integration** fish had been landed. The next, it may be expected, given time for new breeds to hatch—will be the **miscegenation** shark.

This addition of the state of the **feelings** of



groups of people in considering the application of this Amendment, has opened a vast new field, so vast indeed that the imagination cannot encompass where it will end.

Crowds of adult Negroes have lately been persuaded that a large number of their relations with whites, heretofore not suspected, make them feel bad—not eating at the same tables, swimming in the same pools, sitting on the same toilets, and such—and they are filling the Courts with demands, and the streets with “demonstrations,” that they be made to feel better by intimate association in these matters—forced by Judicial decrees, and new law enactments. The inherent admission of implied inferiority to be cured by these intimate social and school ties is ignored. Also ignored in these “demonstrations” is that the right to “assemble and petition for a redress of grievances” requires that such assemblies be “**peaceable.**” Are they?

The unexpected catch of this feel bad fish in the school case met with shouts of joy from the surprised New Yorkers, who from the first promoted only suits claiming inequality in such “tangible” things as building, curricula, teacher qualifications, salaries, etc.

Now the objective was quickly changed, and the New Yorkers, mainly an organization called the Association for the Advancement of Colored People, the well-known NAACP, sent out emissaries, at first only to the South, but later to all parts of the country, to teach the Negroes how to feel bad about a variety of things besides not mixing in schools. This went exasperatingly slow in the beginning, for the innocent Negroes did not know that they should feel bad about these things. In fact, they were feeling pretty good about the advancement they were making along all lines in America. An example of their progress is noted even in bad old Mississippi. Governor Barnett of that State, quoted in the June 3rd issue of the U.S. News and World Report, said:

“We have Negroes who own their own businesses, quite a number of them wealthy businessmen. There are more than 27000 Negro farmers who own title to land valued at approximately 100 million dollars. More than

27% of the privately owned homes in Mississippi are owned by Negroes. We have Negro professional people, such as lawyers, doctors, teachers, dentists, social workers, nurses and many others."

Does that sound like the grade of inferiority that the Court must cure by "side by side" contact with whites? Is that really poor achievement for the Negroes in the last fifty years, when both black and white in the South got the chance to move upward economically?

Propagandists refer to the "plight" of the American Negro. What in fact is that plight? The Census Bureau has released figures for 1960 showing that the Negro in the United States has an annual income exceeding that of the whole people of France, Germany, Italy, Russia, Norway, Mexico, Japan—and equal to that of Great Britain, \$1150.00. Only Canada, Australia, Switzerland exceeds that level.

Nevertheless, the agitators made progress, at first having to pay some of the Negroes to feel bad. The NAACP with its annual expenditure of one million dollars, according to its public audit, was the leader. But at once, Northern politicians, sensing votes to be had, hypocritically sprang into the act.

Progressively in the last year, discovering that feeling bad about all sorts of things, and shouting "equality," could get their names in a sensation-seeking press, and their pictures on TV, Negroes are filling the streets with hysterical yelling mobs of men, women and children, disturbing the public peace, lying down in public places, throwing pop bottles and stones; their ministers making political speeches disguised as prayer; in short, having the time of their lives in all these forms of emotional excitement.

Bored by the monotonous routine of preaching the gospel, white ministers, not indifferent to their names and pictures being broadcast, can persuade themselves that they are martyrs by going to jail for a few days.

Then there are other white ministers who from higher stations in their clerical organizations, speak with pompous authority, who expect the populace to be impressed that they had just received a tele-



phone message from God directing them to spring to the front of marching, lawbreaking Negroes, demanding "rights"—claiming the constitutional right of "peaceable assembly." One wonders at the colossal conceit of these men, who imagine, or profess to believe, that God had withheld such instructions from their learned and spiritual predecessors; awaiting till these chosen ones should appear. One may suspect that among these, too, "the itch for the praise of fools," is not absent.

Teenagers, according to a pattern emerging all over the world join in "demonstrating." Maiden ladies and frustrated wives, lying down in the streets and offices, force police to drag them off bodily; not a little titillated by indecent exposure.

Many of these come from distant places to do their bit; ignoring the opportunities in their own back yards. Dickens etched this type indelibly in **Bleak House** a hundred years ago, describing Mrs. Jellyby who was "involving the devotion of all my energies," as she said, in improving the condition of those unfortunates away off yonder—in her case—Darkest Africa; while her own children were ill clad, unwashed, ill nourished, one of them tumbling down stairs, so that a visitor could count the sounds of his bumping head as it struck each step; and another "crying loudly, fixed by the neck between two iron railings," "while Mr. Guppy, with the kindest intentions possible endeavored to drag him back by the legs, under a general impression that his head was compressible by these means." **To all of this, Mrs. Jellyby was serenely oblivious, while she made diapers for the babies of the Congo, and "discussed the Brotherhood of Humanity, and gave expression to some beautiful sentiments."**

Not to be left behind their brethren of the South in all these "demonstrations," the Northern Negroes are going at it on so large a scale as to scare the tar out of their politicians; and these, in their consternation that they have aroused barbarous emotions which they cannot control, are crawling on their knees, begging for restraint, lest these riotous eruptions turn Northern white voters against them, and they will lose their jobs. Callous to all else, they neither think nor care what all this will do to the poor Negro. It takes no major prophet to foresee that a check in Negro advance-

ment will come; a setback which may last for decades; and the innocent Negroes will see that they have been deceived by heartless self-seekers, and will turn on the leaders, both white and black, who have cost them so much.

### **FEELING BAD AS AN EXCUSE FOR BREAKING THE LAW**

As we have seen, the NINE MEN have as a reason for breaking the old law of separate if equal, that it made **Negroes** feel bad.

How easy it will be to extend that feeling bad defense to persons charged with crime. We have State laws prohibiting and punishing all sorts of acts deemed against public safety; acts from the disturbance of the peace to stabbing, murder and rape. What a laugh it would be for a culprit called before the Courts for breaking one of these laws to plead: "I reject that law. To condemn me as it requires, will make me feel bad." And what a carnival of crime would ensue. **That is exactly what has happened from the lawbreaking judgment of 1954 of these politicians sitting on a supposedly Judicial Bench.**

Not only have mobs gathered in streets, marching and yelling, disturbing the public peace under the mask of right of assembly, making speeches to God under the blasphemous guise of the sacred rite of prayer; throwing pop bottles and stones at the police; **but felonious crimes have multiplied—murders, rapes and stabbings.** Most frightening of all, murderers and rapists, tried and condemned to death before State Courts, may now be observed peering from beneath the black robes of Federal Judges, where for years they have basked in security; protected by some technicality of the law discovered by these SUPERMEN.

At this writing there are twenty-six (26) tried and condemned to execution in the Angola Penitentiary of Louisiana; three whites for murder; and twenty-three Negroes, nine for aggravated rape and fourteen for murder. Four of the Negroes sentenced in 1957; 1 in 1958; 1 in 1959; 1 in 1960; 8 in 1961 and 2 in 1962.

Two of the Negro rapists in Angola were condemned for raping white women in the state capital at Baton Rouge. Their exemption from execution has encouraged the nephew of one of them to



another rape of a white woman in that city, taking place July 6th, 1963. Police know that the rape of white women by Negroes has multiplied since 1954; not more than one out of six or seven being brought into the Court, the victims not wanting their shame publicized. Within the last week a Negro has been identified by his victims, and charged with attempted rape of one nun and the beating of another, within their convent walls; in New Orleans. How many in all Southern States?

In Washington, where it was expected that the concentrated glare on integration would disclose everybody made happy, the contrary is proven by a record of crime since 1954, exceeding that of any city of comparable size in the country. Washington, where a white American soldier may be killed on the streets, scarcely noticed, while on the same day, trumpets blare for a murdered Negro buried in Arlington. Washington, where white women may be assaulted by a Negro in a church in sight of the Capitol, and in their homes, while their men only whimper, lest they lose votes, or their jobs. Did I say **men**?

Based on his personal observations, no doubt the Negro Congressman Adam Clayton Powell bragged for the nation to read:

**"We have the white man on the run. After him, men; sic 'em."** Some Congressmen, unnamed, have been quoted as saying "We should take a recess." Take a powder, they mean.

It is impossible to believe that even Washington would inflict that disgrace on the American people in the face of approaching Negro thousands. Let them take heart. We are informed that right up front, there will be some of Hollywood's quick-draw heroes to keep order; along with some nice white gentlemen in clerical garb sidling up to the camera boys.

What would the Father of his country say, if he could see this city named for him, become a jungle; a monument to the folly of the SUPERMEN?

It is unbelievable, that when a young Negro was condemned to execution for raping and murdering an elderly white woman in Washington, and released by the Supreme Court; *Mallory vs. U.S.* 354 p. 441 in 1957,—one of the Judges is reported to have remarked afterward, "After all he was but

a lad." The "lad" was reported to have promptly committed another offense in Pennsylvania, and killed by Police. The technicality on which this convicted murderer and rapist was freed to commit another crime, is simply too incredible to put down if it were not verifiable by reading the decision. The question of guilt was of no concern. He was released because, for some reason he was committed to prison, and not questioned until seven hours had passed. It is not now in the recollection of the writer whether the Court fixed a time within which the questioning must begin; say one hour, ten minutes, and twenty-five seconds, or possibly ten seconds longer. But it is a fact that law enforcement officers the nation over are dismayed lest this ridiculous and indefensible holding of the Court, results in freeing many vicious criminals.

**Who is to blame for setting the example of lawbreaking? On whose shoulders should horrid responsibility settle for these crimes?**

### **THE ADVANCEMENT OF THE NEGRO OBSTRUCTED BY THESE PAID AGITATORS**

More than fifty years ago, June 4th, 1910, in the Outlook magazine, Theodore Roosevelt quoted with approval the statement of Sir Henry R. Johnson:

"That nowhere else in the world, certainly not in Africa, has the Negro been given such a chance of mental and physical development as in the United States. Intellectually he has attained his highest degree of advancement as yet in the United States. Politically he is freer there; socially he is happier than in any other part of the world."

The ex-President added: "The book is of great interest and permanent value; and should be in the library of every American who cares to devote a little thought to one of the largest of the problems of today." Quoted from Book Review, printed in the words of Theodore Roosevelt, Vol. XII, pp. 221-2.

This progress had continued up to 1954. Fine public schools built solely for Negro children, taught by competent teachers of their own race who best understand them, have multiplied all over the South. This day go into hundreds of communities and one will see that the newest and most



modern schools and campuses are for the Negroes, **a fact concealed from the Northern people.** The greatest Negro University in America, is in Louisiana—five miles from the State Capitol, beautifully located on the Father of Waters. This Negro University has all the trimmings that the white State University has; located two miles from the State Capitol. (Maybe that is an offense, being three miles further from the State Capitol than the white). It has full academic courses, granting degrees at a regular graduating exercise (upwards of 500 in June 1963); homecomings, fraternities and sororities, football and other sports, bands and cheerleaders. There is nothing collegiate, social, and cultural, on the white campus not also seen on the Negro campus.

Negro graduates at other Negro colleges in the state total 401, not including the privately endowed Dillard in New Orleans, a large and well-managed Negro University whose attendance and graduate level is not at the moment available to the writer.

In the school year just closing there were 286,605 Negro students in 164 Negro High Schools, with 8,876 graduates in Louisiana, with a total population in 1963, estimated as 3,300,000—less than the population of Chicago. It would be interesting to compare these figures with those in Chicago.

In the smaller state of Mississippi, near the population of Philadelphia, to quote Governor Barnett again, there are "more than 4000 Negro students in State supported colleges; 7,382 Negro school teachers in the Negro public schools with masters' degrees and above; and of 190 million dollars spent on public schools since 1953," in this by no means rich State, "63% went for Negro public school facilities." There is much more in the Governor's interview by U.S. News and World Report that would show misinformed Northerners that the Negro is better off in Mississippi, than in the great Northern cities. But presenting a fair picture of the condition of the Negro in Mississippi, or any other Southern state, to the Northern people cannot be expected so long as the egalitarian mania persists.

There is some sense in the Negro making a plea for a job. He cannot stay on relief forever; be-

sides most of them have the pride of preferring to work to mooching on the taxpayers; but the cry of lack of employment is something recently thought up by those who profit by agitation. Heretofore those who presumed to speak for them; those whose real object is to cause racial division and clash; those who were stirring to howling complaints, sit-ins, lie-ins and butt-ins, were eloquent with phrases as meaningless as they are sonorous—"human dignity," "plight of the Negro," "social revolution." A favorite is "second-class citizenship," used in a sense which disregards good conduct as the indispensable duty of "citizenship." A later one is produced by Bobby Sox,— "Human rights are superior to States' Rights." Whatever meaning Bobby attaches to this bombast, it is certain that for him States' Rights do not exist. Another is in constant use,— "discriminate." Would these good white men of the clerical cloth, who are opposed to "discrimination" refuse a daughter's hand to one of the lusty young Negro "demonstrators?" Maybe these particular show offs would not. Ask them.

### **IMPENDING DESTRUCTION**

Is the advancement of the Negro made in the United States in the last hundred years, and especially in the South in the last fifty years, to be ignored, obstructed, possibly destroyed by the vote hustlers, financial profiteers, and gullible do-gooders?

When the unsuspecting Negro is being aroused to heights of insurrection passion, white men and women of the South, of good will and compassion—and these are, or were, in the vast majority—are reluctantly compelled in self defense to remind all concerned, that in his own country of Africa he made no advance whatever in the 6000 years that the white man was painfully creating the civilization of which now in America the transplanted Negro has the advantage.

Is it unkind to suggest to Martin King, Wilkins, et al, that if their ancestors had remained in Africa; what with disease, tribal wars, and cannibalism, they might not have survived to become sires of these descendants now demanding so much from the white man's civilization in America?

In those 6000 years that the Negro achieved



nothing in his own country of a hundred million—in Egypt, next door to him, her engineers constructed the Great Pyramid 5000 years ago, an amazing feat still puzzling to moderns. Separated from Caucasians of the West by the vast length and height of the Himalayas, the Yellow Chinese more than 2000 years ago built the Great Wall 1400 miles long, to protect them from the Mongolian Hordes—the Empire then more than 1000 years old, with great cities, and art and literature. The Brown Japanese boast of a culture 2000 years old when Christ was born. And when Columbus crossed the sea, he found 3000 miles from Western civilization, the rich culture of the Red man, which Cortez and Pizarro pillaged in the Halls of Montezuma and Golden Palaces of the Incas.

In referring to the kindly feeling existing between the races in the South before the Supreme Court caught its integration fish, I beg to interject a personal note. I was born and reared on a cotton plantation in North Louisiana; grew up with Negro playmates; know their good qualities when not deceived and misled; and I am saddened when I perceive what is in store for them under a leadership so fraudulent as to be criminal. One of my playmates, bedridden in his home in his last years, I never failed to visit when frequently visiting his section of the State. We would spend a happy hour recalling incidents of our boyhood and early manhood. I can assure our Northern fellow citizens, that there were many thousands of such relationships between Negroes and whites of the South.

So far as the South is concerned there is more seeming than fact in all this Negro hurrah. The Negro is by no means the fool that the front runners of his race are making him out to be. I haven't the least doubt that the majority of them within their own thoughts, wish these disturbers would subside. But as is frequently the case with the whites, these remain quiet lest they be censured by the more vocal, or even injured.

### **BREAKING ONE LAW CALLED FOR THE BREAKING OF ANOTHER**

The politicians sitting on the Supreme Bench in **1954** did not stop with breaking the old law of **1896**. Having decided what will make the Negro

feel bad, they went on to the next step, and determined that they must do something to make him feel good. But here they were confronted with another Constitutional obstacle; the specific declaration in the very same 14th Amendment (Sec. 5) that only

“Congress shall have the power, by appropriate legislation, to enforce the provisions of this Article.”

But what if Congress did not agree with what the SUPERMEN professed to have discovered in this Article, since it was not so written; and what if Congress did not take any stock in what the Swede & Co. said about it making the Negroes feel bad if they could not be right there by the side of the whiteman in whatever he was doing—leaving the presumption that he had no ideas, likings, business, or choices of his own. There are in fact many Congressmen, especially those from the South, who do not believe any such thing. They have known and lived beside the Negroes all their lives, and they are quite positively certain that the Southern Negro would prefer to have his own schools and teachers, and run his own affairs; and that all the commotion whipped up by New York, et al. is just so much profitable poppycock.

But since the SUPERMEN had gotten away with it before, they decided to go it alone in this case. The judgment they issued required the District Judges:

“To take such proceedings, and enter such orders and decrees, as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed,” the parties to the case.

This has been expanded so, as a matter of course, the Federal Judges, and not Congress, are “enforcing the provisions” of the 14th Amendment.

It will be noted that in the accompanying specific instructions to the District Judges, the SUPERMEN delegate to these Judges the rights and duties—which they had themselves usurped—to break State laws or local ordinances, and enact others to take their places. These are the precise instructions given to the District Judges:

“Full **implementation** of these constitutional



principles (meaning those which they had inserted in the Amendment) may require solution of local school problems . . . to that end Courts may consider problems relating to administration, arising from the physical condition of the school plant, the school transportation system, personnel, **revision of school districts** and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and **revision of local laws and regulations which may be necessary** in solving the foregoing problems."

Even King Jehosaphat did not assign such whopping jobs to his Judges. Presumably these District Judges know all the multiplied aspects of public school management required of a competent Superintendent of Public Education who has learned them by many years of observation and practice; or they must instantly learn them—in what school not stated. It is a marvel that more of them do not reluctantly assume these added executive duties; but maybe very many **are** reluctant but are scared of the SUPERMEN—except some who may be eager for earned promotion; such as our New Orleans District Judge Skelly Wright, whose quick promotion is expected to entice others to follow his example.

That the SUPERMEN quite well understood that they were usurping the exclusive authority of Congress, is perceived in their evasion of the word "enforce" when they instructed the District Judges to "implement" their judgment. In their embarrassment, they tried, not too cleverly, to escape from the specific constitutional limitation, by adopting a word to take its place. They have said repeatedly that their decisions shall be "**implemented**" (meaning "enforced") by the directions they gave to the lower Judges. The word **implement** as a verb is not found in any legal dictionary, the old reliable Bouvier, Ballantine, or the 1951 edition of Black. The lower Judges have understood their superiors quite well; and have issued orders and decrees by the dozens to "enforce" the provisions of the 14th Amendment, the exclusive right of Congress so to do be damned. The Courts have also adopted another word to serve their purposes—

"desegregate" which was not in any dictionary, academic or legal, until it was inserted in Webster's International Dictionary in 1959.

So we find the Court in the business of supplementing the English language to convey its meaning in the assault on the Constitution. It will not be long before the Federal Judiciary will ease into the use of the word "integrate," as a substitute for "desegregate." Then it will have gone the whole hog. The thin mask will be completely off. There will be no need for Congress to exercise its specifically granted and exclusive power to "enforce" integration of the races in all cases where the lack thereof is alleged to make the Negro feel bad. The obliging Federal Judiciary will do it.

### STILL MORE LAWBREAKING AND LAWMAKING

It soon becomes obvious that in lawbreaking by an all powerful governmental body like the SUPERMEN, some very serious and **dangerous law-making** must follow in its wake to carry out their enactments. The Court has ordered integration of the races wherever demanded by NAACP; and masks off, proposes to enforce their commands by expanding the rule of Contempt of Court to punish noncompliance.

The world over when the lawmaking power enacts a statute where a compliance is required or a violation punished, the same law fixes a penalty for disobedience. The limitation of punishment is clearly stated, generally in such terms as "fined not more than" so many dollars, or "imprisoned not exceeding" a term stated.

Again the world over, there the lawmaker stops. It is left to another and not self-interested authority to hear and condemn breaches, and assess punishment with the stated limits. There was a time three hundred years ago when the Divine Right Kings claimed the right, (called Prerogatives) to make laws, fix punishment for noncompliance, try culprits, and clap them in jail; all without the intervention of Parliament. Those Divine Right claims petered out when one was exiled, and another had his head chopped off.

A revival of that right is now claimed, or at least apparently threatened by Federal Judges.



Under the guise of well-known and admitted right to maintain decorum in their court rooms, to require witnesses to answer proper questions, and enforce a well-known general line of Court orders, noncompliance with their **integration** laws, orders, and decrees is now threatened with unlimited fines or incarceration in jail, without the right, as old as Magna Carta of 1215, to a trial by jury of their peers. The authority for this taking away the property and liberty of American citizens, specifically prohibited by Articles of the Constitution (appended), they will call Contempt of Court. In that procedure, the lawmaker, the prosecutor, the Judge, and the executioner will all be centered in one person,—contrary, it is repealed, to a universally admitted principle, and specifically prohibited by the Constitution.

Some imaginative journalists have speculated on the infliction of fines as much as one hundred thousand dollars, and imprisonment up to ten years. It is remarkable that in mentioning these possibilities, these generally well-informed men, did not express the slightest dismay. That is how far we have gone in our indifference to the warning of the Harvard Professor that, "Never in recorded history has the individual been in greater danger from government than now."

It may take the infliction of such punishment to awaken complacent Americans to their peril, lest their liberties so valiantly and bloodily fought for by their ancestors, will fade away under the tyrannical rule of uncontrolled SUPERMEN.

**"Power corrupts; absolute power corrupts absolutely."**

When the sage, Benjamin Franklin, in his old age, was asked by a lady, after the adoption of the Constitution in 1787, in the confection of which he took an active part, "What kind of government have we now, Mr. Franklin?" He replied, "A Republic, Madam, so long as the people hold fast to it."

Are the people "holding fast to it?" It is concealed from them that in this country there are determined and influential men who, in the language of Jefferson, "are mining and sapping at the foundation of our Constitutional government," with the aim to center all power in pressure groups at

Washington; robbing the States of the guarantees of the right to manage their local affairs; reducing them to the level of provinces.

**OBEY THE LAWS? LET WASHINGTON  
SET THE EXAMPLE.**



**APPENDIX  
PERTINENT PROVISIONS OF  
THE FEDERAL CONSTITUTION  
Article III**

Section I. The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

**The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crime shall have been;**

\* \* \*

(Note: "The Courts derive their powers from the grant of the people made by the Constitution and they are all to be found in the written law, and not elsewhere." *Wheaton vs. Peters*, 591, 658; *Bucher vs. Cheshire*, 125 U.S. 555. "It must therefore find its power to punish the crime in laws of Congress passed in pursuance of the Constitution, defining the offenses and prescribing what courts shall have jurisdiction over them. No act can be a crime against the United States which is not made so or recognized as such by federal constitution, law, or treaty." *U.S. vs. Hudson*; 7 Cranch, p. 32; *Cooley Principles of Constitutional Law*, p. 138.

**AMENDMENT V**

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment of a grand jury . . . **nor shall any person be deprived of life, liberty, or property** without due process of law . . .

**AMENDMENT VI**

In all criminal prosecutions, the **accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committed.**

\* \* \*

**EQUALITY DEFINED**

Under the 14th Amendment "equal protection" means "that every man's civil liberty is the same with that of others, That Men Are Equal before the law in rights, privileges and legal capacities. Every person, however low, or degraded, or poor, is entitled to have his rights tested by the same general laws which govern others." *Cooley*, pp. 235-6.

\* \* \*

**AMENDMENT XIV.**

**"Section 1. . . . No State shall make or enforce any law which . . . shall deny to any person within its jurisdiction the equal protection of the laws."**

(Note: "The guarantee of equal protection is not to be un-

derstood, however, that every person in the land shall possess precisely the same rights and privileges as every other person. The amendment contemplates classes of persons, and the protection given by the law is to be deemed equal, if all persons in the same class are treated alike under like circumstances and conditions both as to privileges conferred and liabilities imposed." Cooley, p. 237. Citing authorities.

**"Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."**

With reference to enforcement, it may be said that no one will deny that when an authority is granted in the Constitution, it is exclusive, unless otherwise stated.

The application of the authority granted to the Congress here to enforce the provisions of the article, by appropriate legislation, denies to the Supreme Court the right to "enforce its provisions" by the enactment of any law by it; or to enforce its provisions by the formulation of "orders and decrees" which amount to enforcement. That is to say, that when Congress has enacted appropriate legislation to prohibit states from denying equal protection of the laws in any instance—in the racial cases here, the judiciary can ascertain when such legislation is violated, and apply the remedies set out by the Congress.

What the Court has done in the school case, for instance, is this in effect: It has inserted in the Amendment substantially these words:

"The amendment contemplates Federal control of public education in the States. Therefore when a State enacts legislation providing separate schools for the races, that legislation is prohibited as denying equal protection to the Negro race."

Having found, in effect, that language in the Amendment, as one of its provisions, the next question should be whether Congress has enacted appropriate legislation to prohibit state laws violating the provision. If Congress did not know that such legislation by the States is prohibited by the Amendment; or if Congress should recognize this Judicial Amendment, but has not enacted any legislation to enforce the prohibition; does that give the right to the judiciary to "enforce" it. The Supreme Court has answered that question by again inserting in the amendment, in effect, these words: "But if Congress does not see fit to enforce the prohibition by appropriate legislation, the Supreme Court may do so by its own decision;" and may "implement" their decision by such "orders and decrees" as may be necessary to take the place of the missing act or acts of Congress, and "may provide unlimited punishment for non-compliance with its decrees."

In eluding the exclusive right of Congress to "enforce the provisions" of the Article, by using the word "implementation," and other expressions, we observe all the arts of a slick politician in writing this decision. The wonder is that the others who had been on the Bench for some years, could be persuaded to follow him along these twisting trails.



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rial studies; William Prince, boys' P.E.; science; Warren Hull, biology; Phyllis Taylor, commerce; Charles Potts, science; Daryl Thompson, commerce; Miss Bettye Jo Suhr, home economics; Clarence Finegel, agriculture; Allen Bard, driver education; David Babcock, industrial arts and Kenneth Pickerill, athletic director.

Others are Reeve Thompson, music; William Kontos, science, boys' P.E.; Miss Sidonie Hylander, girls' P.E.; Miss Dorothy Barnhardt, girls' P.E.; William Workman, general business manager; Miss Anne Rockenbach, librarian; James Aird, guidance counselor; Howard Smucker, principal.

Coaching assignments are as follows — Varsity football, Kenneth Pickerill and James Aird; varsity wrestling, William Kontos; varsity basketball, James Aird; varsity track, Lewis Hankinson and David Babcock; varsity baseball, Kenneth Pickerill and Allen Bard.

Fresh-soph football, David Babcock, Allen Bard and William Kontos; wrestling Lewis Hankinson; basketball, Gerner Anderson, Daryl Thomson; baseball, William Prince.

Registration of new students for the fall term of Oswego High School is scheduled for Tuesday, Aug. 6. If you were not enrolled in the Oswego Schools last year and have recently moved into the school district, you should register Aug. 6th. Registration is in the office of the High School between the hours of 9 a.m. to 12 noon and 1 to 4 p.m.

The library is open on Wednesday from 3 until 9 p.m. and Saturday from 10 a.m. until 3 p.m. New books have been added, "Gold in your Attic" and "More Gold in Your Attic." These books were given in memory of the husband of Mrs. Gertrude Bulla.

Mrs. K. Beardsley of Beverly Hills is spending this week in the home of her friend, Mrs. Nellie Clark.

Miss Debbie Classen of Rockford is visiting in the home of her grandparents, Mr. and Mrs. Clifford Olson, on Park Avenue.

Mrs. Dorothy Sanger Krush and daughters, Flora and Melody, of Washington, D.C., are spending a few weeks in the home of her mother, Mrs. Flora Sanger, and brothers and sisters in the community.

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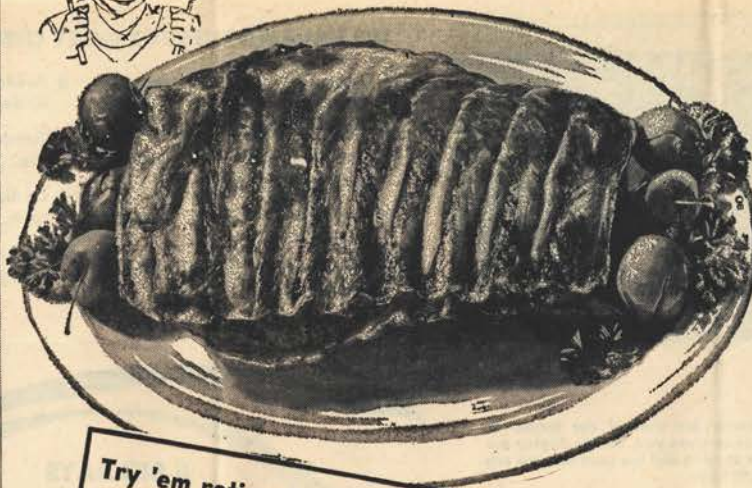


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**2** Lbs.

732 P  
OPPOS

Mrs. Leonard Haas

3786 Ivy Lane, N. E., Atlanta 5, Georgia

Joan —

Did you see the  
enclosed? Helen Bullard  
sent it to me —

Be



All Alone With His Courage

# A Dixie Mayor and Rights

By Walter Rugaber  
Special to the Herald Tribune

ATLANTA.

For days the word went out from the big business men and civic leaders, the political pros and public opinion molders, the people in Atlanta who usually count the most.

"You're making a big mistake."

The message was plain, blunt and nearly unanimous. Ivan Allen Jr., the 52-year-old merchant-turned-Mayor, listened very carefully.

Then, all alone with his courage, he flew off to Washington and went before the Senate Commerce Committee to read a carefully drafted 14-page statement.

"Gentlemen," the Mayor said firmly, "If I had your problem, armed with the local experience I have had, I would pass a public accommodations law."

Mr. Allen thus became the first—and just possibly the last—Southern politician to voice public approval of the most controversial portion of the civil rights bill.

The Mayor followed an outraged squadron of Southern political leaders, including Gov. Ross R. Barnett of Mississippi and Gov. George C. Wallace of Alabama. The air was heavy with denunciation.

Sen. Strom Thurmond of South Carolina, a member of the Senate committee, seemed hardly able to believe his ears at the Mayor's stand. A lot of the home folks had the same reaction.

"I wish to nominate you," one man wrote, "as Mr. Mau Mau of 1963. . . . I understood that you are a half-brother of Martin Luther King and that may explain your position."

It came as somewhat of a surprise that at least those who wrote the Mayor supported his stand about 2 to 1 in initial stages of the reaction last week.

"Deeply proud of you," a telegram said.

But few believed the majority to be on Mr. Allen's side.

The state and city chambers of commerce had moved in the opposite direction, and a canny political observer said:

"He has taken a very perilous step. I seriously doubt he can make it stick in the political forum—particularly if these things are still unsolved."

Mr. Allen, with strong Negro support, took office in January, 1962, after a harsh battle with arch-segregationist Lester Maddox. The Mayor drew 64 per cent of the vote.

He went in as a son of the city's old-line business community. While with his

father's multi-million dollar office supply firm he became president of both the city and state chambers of commerce.

But now the board room boys are a little on edge. None of that "Mau Mau" stuff, of course. While the Mayor's political life may be damaged, his personal stature is adjudged secure.

"It took a lot of courage to do what he did," one acquaintance said with a touch of awe, "and if that's his personal view—hell, I respect him for it."

Sure, the friend continued, segregation is wrong. But a Federal law against is something else. This was the crux of the worry: Mr. Allen had "deserted private enterprise."

The prominent owner of several cafeterias in town sent the Mayor a long, stinging telegram expressing shock and disappointment, then placed blown-up copies in his windows.

But in perfect illustration of the temper of things, the man's eating places were being picketed at the same time by whites whose signs branded him a "leader for integration."

The cafeteria owner had desegregated most of his chain last June. His concern was not civil rights, he insisted, but the preservation of free enterprise.

The Mayor came back to Atlanta and found two main schools of thought about his startling behavior before the Commerce Committee.

The least substantial version put it down as a shallow bid for Negro votes. But seasoned observers said that even with a full turnout he would still need plenty of whites.

For a quarter-century winning Atlanta politics has been based on a highly successful "alliance" between Negroes and the so-called "better-class" whites.

And the thought was that the latter might prefer free enterprise over Mr. Allen when the 1966 term comes up. The Mayor has indicated that he now intends to run again.

The second feeling about the Mayor's testimony considered the possibility that he had talked with President

Kennedy and was angling for a Federal job.

Mr. Allen denied it stoutly, insisting that he talked with no one in Washington except the committee official who invited him to appear.

He later received a short letter from the President which praised "a number of effective points" in the statement. Mayor Allen seemed genuinely surprised by it.

About his testimony he says simply that the nation's Mayors have been stuck out on a limb and left there to handle the whole racial crisis by themselves.

The Supreme Court has been striking down segregation laws for years, he points out, and yet no really solid legislation has taken their place.

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"CP" Scrapbook

MRS. J. BEAUCHAMP COPPEDGE  
10 VERNON ROAD, N. W.  
ATLANTA 5, GEORGIA

Dearest Irene:

This editorial in the  
Christian Science Monitor  
is favorable to Joan and  
I was so happy to read  
it, coming from an  
International unbiased  
newspaper, it bears  
a lot of distinction



MRS. J. BEAUCHAMP COPPEDGE  
10 VERNON ROAD, N. W.  
ATLANTA 5, GEORGIA

and weight. I wish  
there were more statesmen  
like your wonderful son.

Much love to you  
and congratulations for  
being the mother of Joan  
Sincerely  
Sophie

Saturday.

article in C. R. Scrap Book

Walter Reuther's

"Herald Tribune"



מלון שרדטון-תל אביב  
SHERATON-TEL AVIV HOTEL

~~Hotel Sheraton Tel Aviv~~  
August 8, 1963

Honorable Ivan Allen Jr

Atlanta, Georgia

Dear Mr. Allen:

It would be of interest to many

of our citizens that your views are

not only local interest but

international. An enclosing clipping

from New York Herald Tribune

European edition which shows how  
much the world is interested in what you  
say and do.

I am very very proud of you



Handwritten text at the top of the page, including a circular logo with the number '2' and some illegible words.

and your courage, and look forward to your continuing the good job you are doing with best wishes and kindest personal regards, I am

Sincerely  
Berry Pittman

Handwritten text at the bottom of the page, including a signature and some illegible words.

BERRY RITTENBAUM  
מלון שרתון-תל אביב

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Honorable Ivan Allen Jr  
City Hall  
Atlanta, Georgia  
USA



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Office of the Mayor

ATLANTA, GEORGIA

I

From Betty Robinson

Lang  
Distance

July 31st  
to

Lewis Tingley

Administrative Asst.

to

Mayor Cowger  
Louisville

Will be here 7-31  
to talk to

will call for appointment  
Mayor Allen's  
with IAS  
Assistant

re public accommodation order



our hearts we are helping other fraternal parties in this  
nations construct a new life. We and most important matter



Herblock in The Washington Post

"It's not only the committee room—the whole country is  
being packed with those damned American civil-righters."

would not have thought it nec-[peaceful coexistence] and con-  
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# OFFICE MEMORANDUM

To Mayer Allen  
From Bill Howland  
Date July 31, 1963

Here is some more info on the ABC -TV series on civil rights . This seems like a pretty solid , both sides documentary job .

By contrast , the Press and Race ~~Issue~~ Issue scheduled for CBS TV on August 21 seems loaded on the backward looking side -- ~~Guest~~ <sup>Host</sup> Grover Hall, Jr., and James Kilpatrick , Jr., are noth die hard segregationists and Confederates .

**TIME**  
INCORPORATED

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# OFFICE MEMORANDUM

To Mayer Allen

From Bill Howland

Date July 31, 1963

A very pertinent comment on the role of Congress in civil rights

**Reporting From The World  
Of Television and Radio**

**Civil Rights' 2 Faces:  
Confrontation on ABC**

By John Horn

Govs. Orval Faubus of Arkansas and George Wallace of Alabama, former Mayor William Hartsfield of Atlanta, Ga., and the Rev. Dr. Martin Luther King jr., founder and president of the Southern Christian Leadership Conference, will be among those interviewed Aug. 11 on "Chronology of a Crisis," first of five ABC-TV half-hours on civil rights (Sundays at 10:30 p.m.).

The ABC-TV series, "Crucial Summer: The 1963 Civil Rights Crisis," announced last week, will be the first network airing of the nation's dominant domestic issue. A three-hour NBC-TV special on the subject, announced Monday, will be telecast Labor Day.

The first ABC-TV program will be a review of major and significant events of the civil-rights story in the United States, especially since the end of World War II.

Filming is continuing in Atlanta, Ga.; Clinton, Tenn.; Jackson, Miss.; Little Rock, Ark.; Montgomery, Ala., and New York City and other areas.

Others who will appear on the series are Autherine Lucy, first Negro at the University of Alabama; Mrs. Dasy Bates, NAACP leader in Little Rock; Rosa Parks, of Montgomery, who refused to yield her bus seat to a white woman; William Simmons, leader of the Jackson Citizens Council, and Atlanta Constitution publisher Ralph McGill.

Opinion is expected to range from segregationist to integrationist, not excluding the equivalent of the fabled Mrs. Murphy, small Southern business woman.

The fourth program, on Sept. 1, will include coverage of the planned march on Washington and a review of President Kennedy's civil-rights legislation.

Ron Cochran is anchorman, with John Rolfson and Roger Sharp heading a traveling corps of ABC news correspondents. The producer is Bill Kobin.

**'Press and Race Issue'**

An hour program on press, television and radio handling of the race issue will be telecast on CBS-TV Aug. 21 (7:30 to 8:30 p. m.).

The program, "The Press and the Race Issue," will include a discussion of Southern and Northern press charges and countercharges moderated by Dean Edward Barrett of the Columbia University's Graduate School of Journalism.

Participants will include Grover Hall jr., editor in chief of the Montgomery, Ala., Advertiser; James Kilpatrick jr., editor of the Richmond, Va., News-Leader, and CBS News president Richard S. Salant.

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Chicago, July 26, 1963.

## Striking at Bias

### Varied Powers of Congress to Enforce Civil Rights Cited

*The writer of the following is Hamilton Fish Professor of International Law and Diplomacy and Professor of Law, Columbia University.*

TO THE EDITOR OF THE NEW YORK TIMES:

So much of the discussion of the proposed civil rights legislation appears to ask which is the proper constitutional provision to be incanted in support of legislation outlawing discrimination. Surely, the question is rather in what respects racial discrimination is properly the concern of Congress under the Constitution. The concerns and powers of Congress, moreover, are cumulative, not alternative.

A determined Congress could strike at important segments of racial discrimination with the far reaches of its defense powers (for example, discrimination which hampers the defense effort); its foreign affairs power (for example, discrimination which affects our foreign relations, at least discrimination against diplomats); its spending power (for example, discrimination by bodies or agencies which receive Federal funds).

There are also the powers of Congress that have been discussed. Of course, Congress can outlaw discrimination in interstate commerce, or which affects interstate commerce.

#### Public Authority's Complicity

Congress can, in addition, pursuant to the 14th Amendment, strike at discrimination for which the state is responsible, and at the widespread complicity of public authority in private discrimination. It may be possible to draft a provision outlawing discrimination for which the state is responsible, perhaps even leaving it to the courts to determine later where the state may properly be held responsible.

Congress could also forbid state and local officials to require, promote, encourage or enforce racial discrimination.

In regard to places of public accommodation, I am confident that the Supreme Court would uphold an act of Congress which forbids local judges and local police to enforce discrimination, for example, through trespass prosecutions. These prohibitions on the acts of local officials could be enforced by criminal penalty, by injunction, by suits for monetary damages.

It is not either one power of Congress or another, nor a matter of incanting several. The various powers of Congress can support various provisions adding up to an effective civil rights act. LOUIS HENKIN.

New York, July 25, 1963.

*Office of the Mayor*

ATLANTA, GEORGIA

*From Ann Drummond*

Ivan. . .

It is my humble opinion that the National press has a good horse in you and might just try to ride you to death. . . .

Don't let them paint you (or the situation) other than it absolutely is, as it will hurt you and will probably hurt the bill if they make you and Atlanta appear to be so far out of step with everyone else.

You are a progressive moderate, realistically facing issues!!

Ann



UNITED STATES SENATE

COMMITTEE ON COMMERCE

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Honorable Ivan Allen  
Mayor of Atlanta  
Atlanta, Georgia

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7/30

Mayor Allen:-

I thought you might want  
an extra copy of this.

All of us were very proud  
of your appearance before the  
Committee.

Sincerely,  
Fred Davis





# The New York Times

ADOLPH S. OCHS, Publisher 1896-1935  
 ORVIL E. DRYFOOS, Publisher 1961-1963

PUBLISHED EVERY DAY IN THE YEAR BY THE NEW YORK TIMES COMPANY

ARTHUR HAYS SULZBERGER, Chairman of the Board  
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## After the Treaty

The historic treaty between the United States, Britain and Soviet Russia banning all nuclear weapons tests in the atmosphere, under water and in outer space is being hailed throughout the world as a promising beginning of a new epoch in East-West relations. After all the bleak years of cold war and the recurring crises that found their climax in the near-collision over Cuba, the world breathes easier today and there is new hope that it can banish the threat of nuclear holocaust.

But, important as the treaty is for what it says and what it may portend, it is at best only a start toward larger goals. President Kennedy rightly warns that it is not the millennium and that the road ahead is still long and rocky. As he pointed out, it is a limited treaty which does not even stop all tests, though it would stop further lethal fallout. Both real disarmament and the political settlements that must go hand in hand with it remain far off.

The key to a solution of these problems is largely in Soviet hands. Premier Khrushchev agreed to the test-ban treaty he had previously rejected because, as Under Secretary of State Harriman says, he "very much wanted one at this time." The Soviet ruler says he wants more agreements. If so, the West will do its utmost to reach them. But will Khrushchev? And on what terms?

The hard fact is that Soviet Russia's signature on the treaty does not mark the end of its drive toward a Communist world triumph, though it may now pursue that goal by means short of nuclear war. In fact, both the treaty and the "nonaggression pact" Russia wants may become weapons in the Soviet "peace" arsenal—to line up Asia and Africa against the "war-mongering" Chinese Communists and to soften up the West for political settlements that would impair its alliances. As Mr. Khrushchev told the Chinese: "The struggle for peace, for peaceful coexistence, is organically bound up with the revolutionary struggle against imperialism. It weakens the front of imperialism, isolates its more aggressive circles from the masses of the people and helps in the struggle for national liberation." The West is warned.

Furthermore, the treaty itself can be abrogated if "extraordinary events" jeopardize "the supreme interests" of any of its signatories. The Russians insisted on this reservation, over a narrower definition proposed by the West, as an obvious safeguard against nuclear armament by other powers. They may have Germany in mind and certainly they are concerned about

to very little? Is it not a game that every country is playing with every other? A game that nobody can win? A game that isn't worth the effort?

## Adjusting to Automation

The United Steelworkers of America and the employers with whom it deals have again demonstrated that collective bargaining can produce constructive answers to the problems of technological change without tests of economic muscle or Government coercion. The contracts just reached by the union and the major aluminum producers represent an imaginative extension of the progress-sharing principles embodied in the union's agreements with the steel and can companies.

All the aluminum workers—not just those with long seniority—will qualify for 10 weeks of vacation every five years, with 13 weeks' pay to help them enjoy their sabbatical. Fringe benefits will also be liberalized, but there will be no increase in direct money wages. The changes are designed to give the workers a share in the benefits of increased productivity on a basis that will expand total employment opportunities and avoid any increase in aluminum prices.

The new contracts, coupled with those already signed by the union through its joint Human Relations Committee in basic steel and its long-range committee in Kaiser Steel, ought to serve as a spur to the deadlocked negotiators in the nation's railroads. The guidelines for a sound agreement have been laid down by two Presidential commissions, created only because of the atrophy of the bargaining process in this pivotal industry.

Any formula Congress approves for barring a rail strike through legislative compulsion will set a damaging precedent. The month-long truce agreed to by the railroads provides a last opportunity for the unions to demonstrate that their concept of bargaining is not summed up in the single word "no."

Up to now they have been gambling on the proposition that the Government will continue to retreat in the face of their obduracy, and that finally they can extort a settlement that will saddle the carriers with thousands of unneeded jobs. The trouble with this venture in brinkmanship is not only that the gamble involves a strike in which the economy would be the chief victim but that a "victory" for the unions would jeopardize all job security by pushing the railroads closer to bankruptcy.

This is the lesson the disastrous 116-day strike of 1959 taught both sides in steel. Unfortunately, there is no sign yet that the railroad unions

## Topics

### Diving to Tidy Up

There came a brief note the other day from the Sudan, where for a month a team of scientists had been living deep in the Red Sea in watertight villages containing such home comforts as air-conditioning and television. The wife of Jacques-Yves Cousteau, French explorer, diver and head of the group, would go below and would tidy up the place a little. This item was received with cooing sounds the world over, for as half of the world's adult population chooses to believe, no man is capable of even emptying an ash tray, either on the surface or 45 feet down under. The cooing changed to a higher, triumphant pitch as the next day or so went by, with images becoming more lifelike of a tired, wan Mme. Cousteau working her fingers to the bone with the carpet sweeper, while he just sat around, probably ogling mermaids. Half the world's adult population had the time of its life pointing out alleged similarities between itself and the Cousteaus, while the other half tried to think of other things, hoping that eventually the noise would quiet down.

### Actually for a Party

There is in all newspaper work a trade expression called the follow-up story. This means that what is reported upon today will also be watched closely tomorrow, for whatever new, relevant happenings that day may bring. Those newspapermen of the Sudan are superb representatives of their craft, and no sooner did Mme. Cousteau break surface after her trip below than they were asking her questions. Immediately, a large, furry cat was let out of the bag. She had gone to the underwater village to celebrate with her husband their 26th wedding anniversary, and nothing further was said about tidying up. All about the world the cooing that had changed suddenly to a frozen silence. All about the world the other half that had tried to think of other things uttered a yelp of complete and pure delight. Down many a long and weary year, this half always has contended that the other, while casual about tidying up, could be counted upon to plunge through either hell or high water in order to reach a party, in particular an anniversary party. Here was Mme. Cousteau, not only plunging, but with the high water recorded in actual feet.

### The Final Word

It is clear that only one half of the world is getting the last word on the Cousteau incident.

## Physicist Backs Test Ban

### Selove Declares Agreement Is in Interests of Both Sides

The writer of the following is professor of physics at the University of Pennsylvania.

TO THE EDITOR OF THE NEW YORK TIMES:

As the test ban negotiations move ahead beyond initial agreement, it is strange to see the reluctance, if not opposition, to make such an agreement shown by some members of this Government.

It is encouraging that a large number of Senators have joined in the remarkable Humphrey-Dodd resolution in support of an air-space-water test ban, and encouraging also that so highly informed and influential a Representative as Chet Holifield has indicated his feeling that such a ban should receive support.

Why is there any question as to whether such a ban is in the interests of the United States? I believe the opposition is due primarily to two mistaken attitudes. First, there are those who believe that this country can better achieve security by further nuclear weapons development rather than by "trusting" the Soviet Union to adhere to the air-space-water ban. This is a gross mistake. For one thing, no "trust" is necessary. More important, no foreseeable development (at least in the next decade, as far as can now be seen) will change the ability of each of the two nuclear giants to utterly devastate each other.

### Orbiting Bombs

Indeed, if nuclear tests of large weapons continue, we would probably move closer to Herman Kahn's "doomsday" machines—perhaps with each side working toward orbiting bombs of hundreds of megatons. A very few such bombs from continuous orbit could be used to set fire to the entire eastern coast of this country. We have the judgment of Secretary McNamara that no really effective anti-missile defense is visible, and we can expect that prospect to become stronger with the passage of time.

The second mistake made by opponents of a test ban has to do with simple distrust of the other side. The question posed is essentially the following (and could be used by Soviet opponents of a test ban as well as by our own): Why should the "other" side want a test ban unless it is to their advantage, and consequently, it is implied, to our own disadvantage?

The mistake here is to think that a test ban can be or must be to the

## Letters to The Times

life and his honor to be used to the best moral interests of his country. Your view [editorial July 17] would deny him any moral dignity of his own. Segregation is morally wrong, and any citizen, military or otherwise, has the right and the moral obligation to make known, even by demonstrating, his views in reference to it.

If the Brown Shirts and the German regular army and the German citizens had taken to demonstrations, rather than bowed to accepted immoral tradition, perhaps the cost to European Jewry would not have been so devastating. Historical precedent and honored tradition have their place in society, but they should not be above the individual's right publicly to make known his own moral standards.

I would have thought The New York Times would have been the first to defend such rights and obligations.

JOSEPH COLLINS.  
 Rhinebeck, N. Y., July 18, 1963.

## Taxing Foreign Securities

### Administration Proposal Declared No Cure for Present Gold Outflow

TO THE EDITOR OF THE NEW YORK TIMES:

The Times is to be congratulated for having immediately pointed out [editorial July 19] the dangers of the Administration's proposed tax on American purchase of foreign securities. These dangers have not been eliminated by its more recent proposal to exempt new Canadian issues. Indeed, the Canadian exemption dramatizes how completely arbitrary this kind of currency regulation and manipulation is sure to be.

When the niceties are stripped away, the proposed tax is a form of exchange control, defined as an effort by Government to limit and to restrict the use of its own currency. Such restriction on foreign transactions was widely practiced by Nazi Germany and is the stock in trade of all totalitarian regimes. It is the entering wedge for other types of control over the domestic economy.

The President wants the tax in order to stanch the outward flow of American investment dollars which is augmenting the deficit in our balance of payments. But the proximate cause of this outflow is that United States interest rates are lower than in many other countries, which both encourages United States citizens to buy foreign securities and likewise encourages foreign companies to float their securities in our markets on easy terms. It is notable and regrettable that the President has no intention of curing

## Founding Fathers' Intent

### Citing 18th Century Leaders in Support of Religion Disputed

The writer of the following letter is Minister of Education for the First Church in Boston, Unitarian.

TO THE EDITOR OF THE NEW YORK TIMES:

The current debate on your editorial page about the intentions of the Founding Fathers in drafting, enacting and ratifying the "establishment of religion" clause of the First Amendment discloses more about the condition of American religion than it does about the historical problem of whether the clause was intended to apply to the establishment of a national religion based upon an "essential consensus respecting God, man and the moral law." Especially revealing is the zeal with which Christian leaders, lay and clerical, have clasped the Founding Fathers to their bosoms as upholders of this "essential consensus."

No matter how much we should like to re-create our Revolutionary saints in our own image, historical facts cannot be ignored without endangering both our honesty and our sense of history's vicissitudes. Recent research indicates that John Adams, Jefferson, Washington, Paine, Madison and Franklin were deists. While they differed on particular points of doctrine, they agreed that, in Franklin's words, "there is one God, who made all things," and that "the most acceptable service of God is doing good to man."

In short, the religion of the most eminent Founding Fathers was based largely on Genesis i, 2 and Matthew iv, 7. The deist position is clearly embodied in Jefferson's Declaration of Independence, where he refers to "the laws of nature and of nature's god."

### Deist Theology

A comparison of the essentials of deist theology and the doctrines of Judaism and Christianity shows that the West's two great religions have properly regarded deism as their enemy. For, as expounded by most of its followers, deism denies the possibility of a covenant and of a savior.

I can but marvel, therefore, at the industry of Christian leaders in finding champions in the Founding Fathers and in treating their religious testimonies as if anchored in the bedrock of theological orthodoxy. If we are to believe that America's "essential consensus" is embodied in the ideas of Jefferson and his friends, we must admit this nation is not and never has been rooted in the Judaeo-Christian tradition.



break the "white" nuclear monopoly. They may also mean France, busily building its own nuclear force.

President Kennedy is trying to persuade President de Gaulle to adhere to the treaty, but success is unlikely unless France, an acknowledged nuclear power, is put on a par with Britain and supplied with the same nuclear information we now give the British. If we did so, the purpose would not be to "cause, encourage or participate in" further French tests, which is forbidden by the treaty, but to make such tests unnecessary without hampering France's nuclear development.

French adherence to the new pact might prove a preliminary to agreement by France to join in building a NATO nuclear force and to restore Western solidarity. That is still an essential safeguard of peace.

## The Art of Spying

Do not implicitly trust anything you read about spies and spying even if the source is impeccably official. By the accepted rules of the game, government statements may be deliberately false in order to mislead "the enemy." But, of course, they may be true. Naturally, truth is often very confusing.

The layman can be excused for ruminating in this fashion as he reads his morning newspaper. The cast of characters needs a Dickens or a Dostoevsky (not a historian, of course) to do justice to the parade of diplomats, scientists, journalists, homosexuals, prostitutes and—best of all—intelligence agents who betray their outfits and their fellow spies. Nothing could be more devious or fascinating than a double agent.

At least, it is comforting for the layman to contemplate the bungling and blindnesses of the professionals. Devotees of the whodunits surely could do better. Trained by Eric Ambler, Georges Simenon and Ian Fleming, they would never have permitted a Bay of Pigs invasion; a successful Christine Keeler; a fantastic 10-year career of ex-Nazi German intelligence officers providing the Russians with 15,000 photographs, 20 spools of tape and many a secret of the West Germans and NATO. Not that the Russians should boast; they had Penkovsky.

Even though the real spy cases may be stranger than fiction, you don't get the solutions as you do in the thrillers. Nothing could be more fascinating than the stories of the British journalist H. A. R. Philby, or the Swedish Air Force Col. Stig Wennerstrom; but at their most interesting points the volumes are snapped shut and put away in secret places where even intelligence chiefs, like characters in a Kafkaesque tale, probably cannot find them.

The outsider must be forgiven for believing that any time any government wants to arrest and/or expel X-number of spies, it digs into its files and comes up with the requisite quantity. When spies are under surveillance they are, unbeknownst, spying for the country they are spying on. The most dangerous spies of all are, to be sure, the ones who are never caught. There is nothing that the C.I.A., MI-5, K.B.G., Sureté and all the other intelligence and counter-intelligence organizations can do about them.

Is it not possible, in fact, that all this espionage and counter-espionage; all these agents and double agents, intelligence officers, counter-intelligence officers, plots and paraphernalia from infinitesimal microphones to beds, add up

## Atlanta's Mayor Speaks

On rare occasions the oratorical fog on Capitol Hill is pierced by a voice resonant with courage and dignity. Such a voice was heard when Mayor Ivan Allen Jr. of Atlanta testified before the Senate Commerce Committee in support of President Kennedy's bill to prohibit racial discrimination in stores, restaurants and other public accommodations.

On the basis of the very substantial accomplishments that his city of a half-million, the largest in the Southeast, has made in desegregating publicly owned and privately owned facilities, he might have come as a champion of "states' rights" and of the ability of localities to banish discrimination without Federal law. Certainly, he would have had much more warrant to espouse that view than the Barretts, the Wallaces and the other arch-segregationists who raise the specter of Federal "usurpation" as a device for keeping Southern Negroes in subjection.

But Mr. Allen was not in Washington to boast. He was there to warn that even in cities like Atlanta the progress that had been made might be wiped out if Congress turned its back on the Kennedy proposal and thus gave implied endorsement to the concept that private businesses were free to discriminate. He left behind this charge to finish the job started with the Emancipation Proclamation a century ago: "Now the elimination of segregation, which is slavery's stepchild, is a challenge to all of us to make every American free in fact as well as in theory—and again to establish our nation as the true champion of the free world."

## The Fiddlers

The long-legged, rasp-winged insects now come into their own, and we won't hear the last of them till hard frost arrives. They are the leaping fiddlers, the grasshoppers, the crickets and the katydids.

Grasshoppers are spoken of in the Bible as "locusts," and their hordes have contributed in many lands, including our own West, to the long history of insect devastation and human famine. Walk through any meadow now, or along any weedy roadside, and you will see them leaping ahead of you, hear the rasping rattle of their harsh wings in brief flight. But they do little real fiddling. The fiddlers now are the crickets.

Listen on any hot afternoon or warm evening, particularly in the country, and you will hear the crickets even though you seldom see them. In the afternoon you will hear the black field crickets, chirping as we say, and often into the warm evening. But in the evening, from dusk on through the warm night, the more insistent sound will be the trilling of the pale green tree crickets. Individually the tree cricket's trill is not so loud, but because all those in the neighborhood synchronize their trills the sound can be as insistent as were the calls of the spring peepers back in April.

The loudest fiddlers of all are the katydids, which look like green, hunch-backed grasshoppers. Night after night they rasp wing on wing and make that monotonous call, shrill and seemingly endless. But the katydids won't be heard for another two weeks or so. Meanwhile the crickets possess late July, chirping and trilling the warm hours away as though summer endured forever.

which is accustomed to getting it. Whether the other half will learn anything from the incident is doubtful, of course, because a setness of way began a long time ago in a certain garden, a snake and apple being present. But it is July now, and throughout the world there are thousands of summer bachelors. To hear those who are away talk about it, these bachelors, having made a hovel of the house, are continuing to live begrimed lives, surrounded by overflowing ash trays, inch-thick lint on the rugs, unwashed dishes mounded high in the sink. Everywhere are the sisters of the Mme. Cousteau of the first-day story, who say they are going down to tidy up the place a little. Do they?

A party, particularly an anniversary party—as that becomes another matter. Although it cannot be proved, of course, it may be assumed that quite possibly M. Cousteau—with his eye on scientific affairs—may have failed to remember the anniversary until reminded by ocean-floor-to-shore telephone. This has happened, and that half of the world to which it has happened has a sympathetic picture of him darting out to cool the wine in some far subsurface cave, on the way home cutting clusters of sea flowers for the table. Summer bachelors know something further, and since this is the last day that half of the world gets the last word, let it be set down so. It's dollars to doughnuts M. Cousteau himself cooked the meal, from shrimp cocktail with plankton sauce to whale steak à la mèr rouge. When they do drop in, it is not to tidy up, as the first-day story has it, but to attend a party, witness the follow-up. As guests, of course, as half the world well knows.

## EMERALD ISLE

Truly this isle is green, though heather and gorse  
Wreath its rolling fields with moderate rainbows;  
Though where the land is low, the endless moors  
Roll out mahogany earth; though nature raise  
Most silver barriers with all the rocks  
Of Ireland against the sparkling air.  
And gray  
The sheep, all summer unattended, relax  
Or clamber without effort on their lonely  
And sustaining hillsides. Near the peat bogs,  
Where the early sun beats off the chill  
Of night, an errant donkey, forefeet tied with rags,  
Brays at the Irish morning his animal  
protest against life's cruel curtailments,  
And comprehending no guilt, cries penitence.

LORA DUNETZ.

of the other side. The fact is that a test ban is in the interests of both sides. Not only as a step toward other tension-reducing measures, and not only for economic reasons, but because neither side can achieve security by its efforts alone.

A test ban will probably contribute to the understanding of that fact by both Governments and both peoples. It could indeed be a major step forward toward sanity. Public polls show that the United States public understands that fact. The test ban needs and should receive the same strong support from the Senate.

WALTER SELOVE.  
Havertown, Pa., July 25, 1963.

## Weaning Cuba Away

TO THE EDITOR OF THE NEW YORK TIMES:

It is good when The New York Times suggests the wisdom of "a more relaxed relationship" with Cuba, as you did in your July 19 editorial "Coexisting With Cuba."

I would think that an improvement in our attitude about Cuba and our actions toward her would inevitably bring about a decrease in Soviet influence there and have Cuba back with the other American countries.

As a small stockholder in one of the companies involved in the Cuban "take-over," I do not find my company very much concerned or its Cuban holdings very much of a financial issue. Some reimbursement would probably be made by Castro if the United States Government worked on the matter under "a more relaxed relationship."

What you have suggested in your editorial would seem a first step toward the United States regaining its position in Cuba and Soviet withdrawal.

CHARLES H. ALSPACH.  
Croton-on-Hudson, N.Y., July 19, 1963.

## Demonstrating in Uniform

TO THE EDITOR OF THE NEW YORK TIMES:

Followed to its logical conclusion, Defense Secretary McNamara's directive on servicemen and civil rights demonstrations would bring to our armed services the same spirit, restraint and blind "I-follow-orders" obedience that permeated the German Army during Germany's "Jewish trouble."

A man may volunteer to serve his country. By so doing he offers his

interest rates to rise.

## Unemployment's Cause

On the contrary, the President states that such a rise in long-term rates would "throw our economy into reverse" and increase unemployment. His reasoning may be doubted. The persistence of unemployment in the United States is due to continuing upward pressure on wages, to misguided efforts to hold "minimum wages" at artificial levels, and to extortionate corporate and progressive income taxation which the Administration's proposed domestic tax program will do little or nothing to cure.

If Washington wishes to promote further economic expansion and at the same time right the United States balance-of-payments position, it must abandon its blind faith in easy money and deficit spending as a cure-all.

The proposed tax on American purchase of foreign securities will not restore faith in the American dollar, the lack of which is at the root of our difficulties. It is a sign of continuing weakness, not of strength. It is also, as The Times points out, a blow against developing a true international order where currencies must be fully convertible and free.

On international no less than domestic grounds Congress should vote the proposal down as a dangerous statist measure.

JOHN DAVENPORT.  
New York, July 23, 1963.

## Worthier Goal Than Moon

TO THE EDITOR OF THE NEW YORK TIMES:

A leading space scientist was recently asked: "Is it worth 10 billion dollars to put an American on the moon?" He replied: "Possibly not. But it might be worth that as a national goal."

Surely there are much more worthy and urgent projects on earth in which our citizens would unite. General human welfare is an appealing and challenging national goal that for life, liberty and the pursuit of happiness as well as for world prestige far surpasses a moon shot.

GEORGE T. SCOTT.  
Upper Montclair, N.J., July 24, 1963.

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reading in the public schools extracts from the religious writings of the Founding Fathers, Christians who believe that they are thereby preserving our "spiritual heritage" had best recognize that their device for circumventing the Supreme Court also undercuts their own doctrines.

The confusion in the minds of so many Americans concerning the tenets of their own religious traditions and the beliefs of our 18th century leaders suggests that the total separation of church and state is long overdue.

As Madison wrote, "The tendency to a usurpation on one side or the other, or to a corrupting coalition or alliance between them, will be best guarded against by an entire abstinence of the Government from interference in any way whatever, beyond the necessity of preserving public order, and protecting each sect against trespasses on its legal rights by others."

ROBERT W. HANEY.  
Boston, July 22, 1963.

## Immigration Proposal

TO THE EDITOR OF THE NEW YORK TIMES:

The belief that immigration under President Kennedy's proposed new immigration law will be limited to 165,000 persons a year is inaccurate.

Under the proposed law, there is to be unlimited immigration from such places as the West Indies, Mexico, Haiti, Latin America and the Western Hemisphere. In contrast to this special privilege granted to these countries, the only limitation is on European countries, and therefore there is no reason why practically the entire populations of some of the Latin and Caribbean countries may not eventually immigrate here, in accordance with a growing trend.

Previous reform bills introduced by former Senator Herbert Lehman and Representative Celler proposed to eliminate these special privileges for Western Hemisphere countries and put every country on an equal basis, but President Kennedy's bill is not one of these. ALBERT MAYER, Chairman, Immigration and Naturalization Committee, Federal Bar Association of New York, New Jersey and Connecticut.  
New York, July 25, 1963.

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4990 Columbia Pike  
Apt. 304  
Arlington, Virginia  
July 23, 1963

Sent  
C/R Testimon

Mayor Ivan Allen  
City Hall  
Atlanta, Georgia

Dear Mayor Allen,

I am an Atlantan recently employed as a junior officer trainee by the United States Information Agency. A major part of the basic Foreign Service training program is seminar presentations by student officers. The presentation topic of my group involves enumerating

aspects of American life of greatest interest to foreigners seeking enlightenment about the United States, explaining their appeal, and formulating answers to possible criticisms. The social topic which we chose to discuss was racial relations. This being an obvious target of criticism from foreign audiences, our principle need is information about progress, supported by concrete examples. Because you and other Atlantans have been outstanding in your efforts to maintain a stable and peaceful situation



and to settle differences at the conference table, I ask if you would be kind enough to send me information or material useful in showing the other side of the racial picture in the South. The seminar is to be held on August 5, and therefore I would appreciate hearing from you as soon as is convenient.

Thank you for your help.

Sincerely,  
Carol Littlejohn

*Office of the Mayor*

ATLANTA, GEORGIA

*From Ann Drummond*

Ev4 -

Please file this as

"Public Accommodations  
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88TH CONGRESS }  
1st Session }

HOUSE OF REPRESENTATIVES

{ DOCUMENT  
No. 124

CIVIL RIGHTS

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M E S S A G E

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

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

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*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.



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 non-discriminatory 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,<sup>1</sup> the District of Columbia, and numerous cities—covering some two-thirds of this country and well over two-thirds of

<sup>1</sup> 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.

(1) *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 subpoena, 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 statutes 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 NON-DISCRIMINATION

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 subpoena 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 subpoena 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 subpoena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed 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 subpoenas 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 subpoena, 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.



*Office of the Mayor*

ATLANTA, GEORGIA

From Betty Robinson

Mr. Allen —

We received  
this today —  
they are sending us  
a copy of their  
Public Accommodations  
Law

Civil Rights

People in Atlanta was forced to integrate with policemen making them do so is the way that atlanta is being desingrated and not because the altnata people want integration, so it does not appear any public servant from atlanta can tell the world or the congress how we have peacefully integrated truthfully.



# **BACKGROUND:** **ATLANTA**

**A Handbook for Reporters  
covering the desegregation  
of Atlanta Public Schools**

*prepared by*

**OASIS**

**Organizations Assisting Schools in September**

**Room 813, 50 Whitehall Street, S.W.**

**Atlanta 3, Georgia**

# A List of People You May Want to Interview

## **ATLANTA PUBLIC SCHOOLS**

*Superintendent:* Dr. John W. Letson  
City Hall — Ja 2-3381

*Deputy Superintendent:* Dr. Rual W. Stephens

## **ATLANTA BOARD OF EDUCATION**

*Chairman:* L. J. O'Callaghan  
11 Marietta St., N. W. — Ja 1-0238

*Attorney:* A. C. (Pete) Latimer  
Healey Building — 521-1282

## **ATLANTA DEPARTMENT OF POLICE**

*Chief:* Herbert T. Jenkins  
175 Decatur St., S.E. — Ja 2-7363

## **ATLANTA CHAMBER OF COMMERCE**

*President:* Ben S. Gilmer  
American Telephone Co.: 529-8611  
*Executive Vice President:* Opie L. Shelton  
Commerce Building — 521-0845

## **ATTORNEY GENERAL OF THE STATE OF GEORGIA**

Eugene Cook  
State Judicial Building — Ja 5-0401

## **ATTORNEYS FOR THE TRANSFER STUDENTS**

Donald L. Hollowell  
859 Hunter St., S.W. — Ja 5-8372  
E. E. Moore, Jr.  
175 Auburn Ave., N.E. — Ja 4-6861

## **FEDERAL DISTRICT JUDGE, NORTHERN DISTRICT OF GEORGIA**

Frank A. Hooper, Jr.  
Old Post Office Building — Mu 8-3517

## **GENERAL ASSEMBLY COMMITTEE ON SCHOOLS**

*Chairman:* John A. Sibley  
Trust Company of Georgia — Ja 2-6000

## **GOVERNOR OF THE STATE OF GEORGIA**

S. Ernest Vandiver  
State Capitol — Ja 1-1776

## **GREATER ATLANTA COUNCIL OF CHURCHES**

*President:* Dr. Arthur Vann Gibson  
Church Office: Tr 2-8939  
*Executive Director:* Dr. Loren T. Jenks  
163 Walton St., N.W. — Ja 3-2796

## **GREATER ATLANTA AND GEORGIA COUNCILS ON HUMAN RELATIONS**

*Director (Atlanta):* Mrs. Walter Paschall  
41 Exchange Pl., S.E. — 525-6468  
*Director (Georgia):* Mrs. William C. Pauley  
41 Exchange Pl., S.E. — 525-6468



**GUTS (GEORGIANS UNWILLING TO SURRENDER)**

Lester G. Maddox

Home: Ce 3-4374, Business: Tr 4-9344

**HOPE, INC. (HELP OUR PUBLIC EDUCATION)**

*Chairman:* Mrs. Thomas M. Breeden

Home: Bl 5-3820

**LEAGUES OF WOMEN VOTERS OF ATLANTA AND GEORGIA**

*President (Atlanta):* Mrs. Rushton Coulborn  
1036 Peachtree St., N.E. — 876-0732

*President (Georgia):* Mrs. Fleming Law  
7 - 17th St. — Tr 2-4075

*Public Relations Chairman:* Mrs. Edward  
Vinson, Dr 7-5286

**MAYOR OF THE CITY OF ATLANTA**

William B. Hartsfield

City Hall — Ja 2-4463

**N. A. A. C. P.—ATLANTA BRANCH**

*President:* Reverend Samuel W. Williams  
Church Office: Mu 8-0206

*Executive Director:* James Gibson  
236 Auburn Ave., N.E. — Mu 8-6064

**OASIS (ORGANIZATIONS ASSISTING SCHOOLS IN SEPTEMBER)**

*General Chairman:* Mrs. Philip Hammer  
Home: Ce 3-0955

*Vice Chairman:* Rev. Allison Williams  
Church Office: Ce 7-6491

*Vice Chairman:* Mrs. William S. Shelfer  
Dr 3-0765

*Secretary-Treasurer:* Mrs. Hamilton Lokey  
Ce 7-4215

*Executive Director:* Mrs. J. C. Harris  
50 Whitehall St. — Ja 5-8469

*Public Information Chairman:*  
Mrs. David Neiman — Ce 7-0209

**SOUTHERN REGIONAL COUNCIL**

*Executive Director:* Dr. Leslie W. Dunbar  
5 Forsyth St., N.W. — 522-8764

**STATE DEPARTMENT OF EDUCATION**

*Superintendent:* Dr. Claude Purcell  
State Office Building — 688-2390

**UNITED CHURCH WOMEN OF ATLANTA**

*President:* Mrs. Phil B. Narmore  
872-5862

# RALPH

# McGILL

Atlanta has sought in all things to be a responsible city. This is her great tradition. As early as December 1889, Henry W. Grady, whose name



is on our modern and beautiful city hospital, on one of our finest schools, on one of our hotels, and whose statue stands in the heart of our city, said, in a speech made to the Merchants of Boston:

“The problem of race . . . is so bound up in our honorable obligation to the world that we would not disentangle it if we could

. . . I would rather see my people render back this question rightly solved than to see them gather all the spoils over which faction has contended since Cataline conspired and Caesar fought.”

This was Grady’s basic approach. His opinions, dealing with the context of his time, do not all jibe with today’s. But, he was right in the great sense . . . it must be rightly solved.

This is the city which welcomed back General Sherman, not many years after the war, and gave him a tremendous reception, including a dinner attended by Confederate veterans who directly had opposed him—and who had been driven from the city which he proceeded, in time, to burn.

This is the city which has always tried to look forward, not backward. It has never wanted to be an old Southern city, caught like a fly in amber, and dying of quaintness and musty charm. From the time the sound of hammers and the rasp of saws began to be heard in the rebuilding of the city after Sherman’s fires had died, we have sought to build into the city a belief in the principles of this country, of justice and opportunity. We have not always succeeded. The record is not unmarred. But we have never ceased to try.

One of our great strengths is that there have



been attracted here the graduates of the many institutions over the nation. Every year we are pleased to carry items about the local alumni of Wisconsin, of Minnesota, of California, of Princeton, Yale, Harvard, Smith, Radcliff, Vassar, et al, who are to have a luncheon or dinner and are calling on the faithful to attend. Atlanta has attracted, too, many of the more ambitious young men and women from the smaller cities and towns of our own state and others of the South. We are a city of transportation and communication, and this has brought to us young executive and professional men.

This press pack is an example. A great many persons, all volunteers, have worked on it. They want you to know that after the school decision by the U. S. Supreme Court, this was a city in which there was a debate and a continuing exchange of ideas. The White Citizens Councils, the Klans, and others of that mentality, could, and did, have their say. But they were answered. They did not dominate. They could not coerce or intimidate, as they did in neighboring states.

The men and women who have compiled this press pack represent volunteer citizen organizations which have worked for public schools—and for the orderly processes of law. We, of the press, radio and television, have helped them have their say. We commend them to you.

One never knows. The forces of evil and violence are unpredictable. But we believe that the overwhelming sentiment in this city is for lawful procedures. What we chiefly want you to know is that we have not been idle. We have not sat with folded hands and waited. We have not left it for others to do. The people of the city have tried to organize public opinion, and, more important, to inform it. This press pack contains the essence of that effort.

RALPH MCGILL

Publisher, *The Atlanta Constitution*



# CITY OF ATLANTA

OFFICE of the MAYOR

Atlanta 3, Georgia

To the Gentlemen of the Press:

On behalf of the City of Atlanta, it is my pleasure to extend you a cordial welcome.

You have traveled far in order to be present as history is once again made in Atlanta. Knowing Atlanta and her people, I have every confidence that the story you flash to the world will be a positive, dramatic picture of a great City facing profound change with dignity; a City continuing to be a credit to the Nation; a City too busy to hate.

May your stay with us be both enjoyable and rewarding. And when you go, may you take with you in your mind a memory of the South at its best, and in your heart, a desire to return. We are always glad to have you with us.

Sincerely yours,

Mayor





# CITY OF ATLANTA

DEPARTMENT of POLICE

Atlanta 3, Georgia

## STATEMENT OF HERBERT T. JENKINS, CHIEF OF THE ATLANTA POLICE DEPARTMENT

“The Board of Education and the Superintendent of Schools has original and complete jurisdiction to operate the public schools of Atlanta. In accordance with state and Federal regulations and under order from the Federal Court, the Atlanta schools will be desegregated when school opens on August 30, 1961.

“If any person or persons object to the manner or method of operation of the Atlanta Public Schools, those objections must be made to the Superintendent of School’s office at the City Hall, and under no circumstances will objections be discussed, or disturbances be permitted at any of the individual schools.

“Local and State laws have always surrounded and provided special protection for public worship and public schools. Section 36.14 of the City Code forbids disturbing public schools and states that ‘no person, at or near any public school, shall, by conversation, sign, or otherwise, engage the attention of any of the pupils, to the disturbance of such school.’

“The highest value of the law is the keeping of the peace—the Atlanta Police Department has full responsibility and authority to maintain the peace and good order over the entire city, and especially at and around the schools.”

August 1, 1961



# **BACKGROUND: ATLANTA (1954-1961)**

When the Supreme Court Decision of May 1954 put an end to legal segregation in the nation's schools, Georgia, like other deep South states, adopted an official policy of last-ditch legal resistance. Despite protests from the Georgia Education Association, the League of Women Voters and other responsible citizens' groups, the General Assembly of 1955 adopted a "Private School Plan" which included, among other measures, a provision to cut off funds from any school system which attempted to desegregate.

Secure in their legal "Maginot Line" and unhampered by fear of Federal initiative in enforcing the ruling in "Brown vs. Topeka," most Georgians felt the Supreme Court's emphasis was on the word "deliberate" rather than "speed." Schools would continue in the traditional way; regional mores would remain unchanged. The bitter lessons of Little Rock and Norfolk were as yet unlearned. The changes in Baltimore, St. Louis and Louisville were not deep-South enough to stir Georgians from the blanket of apathy which then covered the entire school question.

The first brush with reality came in January 1958, when a group of Atlanta Negroes, in a "class action," filed suit against the Atlanta School Board. The suit (Calhoun et al vs. Latimer) asked that the School Board be enjoined from practicing racial discrimination in the public schools. When in June of 1959 U. S. District Judge Frank Hooper ruled in favor of the plaintiffs and ordered the Atlanta Board to submit a plan for desegregation by the following December, the handwriting was clearly on the wall. The



School Board had no alternative but to submit a plan. Yet any plan to desegregate Atlanta's schools would be squarely in conflict with Georgia's massive resistance laws and would automatically force their closure.

Meanwhile, in October of 1958, echoes from Norfolk and Little Rock began to reverberate along the Peachtrees. Anxious letters were written to the newspapers. Isolated groups of citizens held meetings. In November, the School Committee of the Atlanta League of Women Voters publicly submitted ten questions to the School Board, the most important of which was, "Will every school in Atlanta close if the Courts order integration?" The School Board withheld a public answer since they were litigants in the pending Court suit; but an Atlanta Constitution columnist outlined the city's dilemma. On November 25th, under the auspices of the League of Women Voters, an open meeting was called to discuss ways and means of keeping schools open. A steering committee was formed to seek cooperation with the business and financial leadership of Atlanta. Since it was felt that a public stand at that time would be undesirable and premature, the steering committee never got off the ground.

The disengagement of the local power structure, the unyielding "never" of the State political leadership and the strident, often threatening segregationist voices claiming that "no schools are better than integrated ones" were powerful deterrents to organized community action. Yet because the Atlanta papers responsibly reported the news from other Southern cities, pointing out editorially the tragic consequences of massive resistance elsewhere, many Atlantans realized their public schools were in jeopardy and sought a way to save them.

On December 9, 1958, eighteen white parents chartered HOPE, Inc. (Help Our Public Education), choosing to avoid the integration vs. segregation issue by taking an uncomplicated stand

for open public schools, period. Conceived primarily as an educational organization designed to clear up the fog of confusion engendered by "massive resistance," "interposition" and other so-called alternatives to compliance, it rapidly became a rallying ground for moderates who previously had suffered to remain silent. With the fervor and enthusiasm only amateurs could maintain, HOPE spawned a welter of public manifestos (Ministers, Educators and Doctors, to name just a few) and generated enough interest by March of 1959 to hold a public rally which drew upwards of 1,500 people and some prominent speakers in support of open schools (Atlanta Mayor Hartsfield, Publisher Ralph McGill, Georgia Legislator M. M. (Muggsy) Smith and Editor Sylvan Meyer). Favorable press, radio and television coverage of the March rally established a bona-fide "Open Schools Movement." HOPE chapters formed in Gainesville, Marietta, Jonesboro, Rome, Athens, Macon and Savannah with other nuclei of interested supporters in cities and towns throughout the state.

Inevitably there was opposition, much of it well-financed and organized. In addition to the States Rights Council led by Augusta politico, Roy Harris, the Klans and White Citizens Councils, Atlanta-based centers of resistance such as MASE (Metropolitan Association for Segregated Education) and later GUTS (Georgians Unwilling to Surrender) headed by Lester Maddox, now a candidate in the five-cornered Atlanta mayoralty race, sprang up to harass open school advocates.

On November 30, 1959 the Atlanta School Board submitted a stair-step plan for desegregation of the public schools beginning with the 12th grade (given in full elsewhere in this pamphlet). Judge Hooper approved the plan on January 20, 1960 and ordered it into effect the following September; or as soon as the General Assembly of Georgia could enact statutes to allow Atlanta schools to operate.



In an attempt to influence legislative action, open school supporters mounted an educational crash program. Mayor Hartsfield proclaimed a "Save Our Schools Week" in Atlanta. Representatives of state-wide civic groups joined together in a coordinated effort. Legislators, business leaders and other opinion-makers throughout the state received repeated mailings underlining the social, economic and educational disasters accompanying school closings elsewhere. The Fulton and DeKalb County legislative delegations which previously had withheld unanimous support, promised to seek legislative change. They were joined by a handful of solons from other parts of the state; but the prevailing sentiment when the General Assembly convened was to let Atlanta bear the brunt of school closings to preserve segregation elsewhere in Georgia.

All during the legislative session public pressure in behalf of open schools grew stronger. Delegations of open school supporters called on Governor Vandiver, Senator Russell, Senator Talmadge and as many legislators as they could buttonhole. As a result, the Legislature appointed a nineteen-member "General Assembly Committee on Schools" empowered to conduct hearings in each of the State's Congressional Districts to find out whether "the people of Georgia may wish to make a deliberate determination as to whether future education is to be afforded through direct tuition payments for use in private schools devoid of governmental control, or whether the public school system as it presently exists shall be maintained notwithstanding that the school system of Atlanta and even others yet to come may be integrated . . ."

Cynics regarded the Committee as a delaying tactic at best. It had power only to inquire and recommend and it was a foregone conclusion that most Georgians considered "race-mixing" far more disastrous than the abandonment of public education. Yet the strong grass-roots support for

open schools in nearly every part of the State was a surprise to almost everyone.

The Committee had the good fortune to be chaired by widely-respected John Sibley, Chairman of the Board of the Trust Company of Georgia. Mr. Sibley conducted the hearings with good-humored dignity and impartiality. The importance of the "Sibley Commission" in awakening Georgians to the alternatives they faced cannot be overestimated. When the Committee issued its report in April 1960, the 11-member majority recommended a Freedom of Choice plan, somewhat similar to Virginia's. The 8-member minority stood fast for segregation, even at the cost of closed schools. The division within the Committee itself reflected the sharp differences of opinion in the state. Yet for the first time in the deep South, the *majority* of an all-Georgia committee appointed by the State Legislature with the blessings of the State Administration recommended that existing laws be changed to allow some desegregation . . . *before a Negro child actually applied to enter a white public school.*

After the publication of "The Sibley Report," Judge Hooper stayed integration of Atlanta schools for a year. On May 9, 1960, he amended the Atlanta Plan to include desegregation of the 11th and 12th grades at the beginning of the 1961 school year. The Atlanta Plan was to become effective "whether or not the General Assembly of Georgia at its session in January 1961 passes permissive legislation." In Judge Hooper's words, "to order the Atlanta Public Schools to integrate . . . in September 1960 could mean but one thing; that is, the closing of Atlanta's schools. To postpone this . . . will give the Georgia Legislature . . . one last chance to prevent this closing."

Immediately following this final Court decision, HOPE called a "Georgia Open Schools Conference" attended by 500 delegates invited from some 87 Georgia cities, towns or counties. Edward



R. Murrow televised this Conference in a nationwide documentary "Who Speaks for the South." As it became more acceptable to speak out openly for legislative change, many came forward with strong public statements. As a Gainesville editor put it, "You can hear minds changing all over Georgia."

In the Fall of 1960, open school advocates initiated "Operation Last Chance," taking their cue from Judge Hooper's words. Armed with forthright statements from Churches (all faiths and every important denomination, including the influential Georgia Baptist Convention); business leaders (the Atlanta Chamber of Commerce, the Atlanta Jaycees and key individuals throughout the State); lawyers (the Atlanta and Georgia Bar Associations); educators (the Georgia Education Association, "Mr. Jim" Peters, venerable Chairman of the State Board of Education); and many others, the issue was kept constantly before the public. "Days of Decision" Forums were held in Athens, Rome, Albany, Columbus, Augusta and Savannah to plead the case for legislative change. The Georgia Chamber of Commerce conducted its own Legislative Forums, with Administration floor-leaders Frank Twitty and Carl Sanders finding a preponderance of open-school sentiment and reflecting this in their public statements. All this was played against the backdrop of New Orleans which remained in the headlines throughout the Fall.

Coincident with the opening of the 1961 Legislative Session was the now-famous "Athen's crisis." When two Negroes were ordered admitted to the University of Georgia by U. S. District Judge William A. Bootle, Governor Vandiver and the Legislature were provided a chaotic example of what "bitter-end" resistance meant. Existing statutes would force closing Georgia's beloved University (the nation's oldest state-supported institution of higher learning) and this was too bitter a pill for even the strongest segregationists. On

January 18, 1961, S. Ernest Vandiver, who had been elected Governor of Georgia only two years prior on a platform which said he would never permit desegregation, underwent a dramatic reversal. In order to save the schools of Georgia, he offered a "Child Protection Plan," through which a community can decide by local school board action or a referendum whether it wants to close its schools when it faces a court order to desegregate. If a community decides for open schools, tuition grants provide money for children not wishing to attend integrated schools. The Legislature promptly repealed the mandatory closing laws and adopted the Governor's four-bill package.

The open schools advocates had won their battle. Atlanta was now free to comply with its Court order, with no threat of school closings. Applications for transfer to the 11th and 12th grades were submitted by 133 Negro children between May 1st and May 15th. After an exhaustive series of tests and interviews (required by the Atlanta Plan) ten were chosen to enter four previously all-white high schools (Brown, Grady, Murphy and Northside). 38 others are still in the process of appealing the Board's decision to reject their applications. One white child, Sandra Melkild, now attending Northside High School, has requested transfer to another presently all-white school, basing her request on "freedom of association." The Atlanta School Board has denied her a transfer. On August 9th the State School Board overruled the Atlanta Board's decision; but Judge Hooper has ordered a stay of the State Board of Education's ruling, pending a hearing.

Once the conflict between State and Federal laws was resolved, emphasis shifted to desegregation with dignity. The organizations comprising the "Open Schools Movement" sent representatives to call on Dr. John Letson, Superintendent of Atlanta Public Schools, early last February to ask what citizens might do to help create a climate



of calm, dignified compliance with the law. It was suggested that church, business, service and youth groups outside the immediate jurisdiction of the school administration be encouraged to play a leading role in this effort through public discussion and dissemination of information. A new group, in fact an Organization of organizations, was formed with a broad base of community support. Its name: OASIS (Organizations Assisting Schools in September) an acronym Atlantans feel is descriptive of their city.

OASIS, with its 53 affiliates, is divided into three sections—Religious, Civic and Service Groups and Youth-serving Agencies. Members range from service clubs and Girl Scouts to labor unions and the National Association for the Advancement of Colored People. Its activity has been low-key but intensive, seeking to work through already existing organizational machinery to reach hundreds of thousands of Atlanta's citizens.

OASIS has stimulated hundreds of meetings throughout the long, hot Atlanta summer. 126 volunteer discussion leaders have been on call to assist at gatherings varying from 200 in the Southwest Community Council to half-a-dozen anxious parents meeting in a neighbor's living room. A Speaker's Bureau, headed by an ex-president of The Toastmasters, provides information for business and service groups. A troupe of Theater Atlanta Players has presented improvised desegregation skits for teenagers at camps and youth centers all over town. OASIS has brought over one hundred white and Negro youth leaders together and encouraged Atlanta's more prominent citizens to speak out in behalf of responsible compliance.

OASIS' Religious Section spearheaded the observance of "Law and Order Weekend (Friday, August 25th through Sunday, August 27th) during which Atlanta's profusion of churches and synagogues conducted special prayers for peaceful transition. Ministers were asked to take their

vacations before August 15th so that they would be on hand to give moral leadership. All faiths have participated in this effort, with leading clergy and lay representatives playing active roles as catalysts.

All of these efforts have received considerable support from Atlanta's newspapers, television and radio stations. Mayor William B. Hartsfield's repeated assertions that Atlanta will preserve its reputation for good race relations have been followed by public and private measures designed to prevent trouble. Police Chief Herbert T. Jenkins has had officers from his department observing racial disturbances in other cities for two and one-half years. The Chief has publicly proclaimed that law and order will be maintained and warned would-be violators of penalties. School Superintendent, Dr. John Letson, has told Atlantans that anything less than desegregation with peace and dignity will "exact a price that will not be paid in full for a generation."

And when school opens on August 30th, this city hopes to demonstrate that careful planning and intelligent preparation can prevent the violence that has accompanied school integration nearly everywhere else in the deep South.

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**AN EDITORIAL P.S.**

**WE HOPE YOU WILL READ**

In writing the foregoing piece, we have tried to give you "just the facts." Now let us tell you what's in our hearts. We had a double purpose in preparing this kit. If our schools desegregate smoothly and without incident—and the overwhelming majority of Atlantans are praying that they will—we wanted you to know why. If a rock is thrown or a demonstration staged, you ought to know that is not the whole story of our city.

Ask any of our local newsmen to tell you about the "Open Schools Movement." They'll say we're



a bunch of starry-eyed amateurs—a strictly grass-roots-type operation held together chiefly with scotch tape and imagination. But they'll also tell you that we *held together*—through three interminable uphill years to accomplish what those who thought they knew all about Georgia said never would happen in our generation.

Who took part in the "Open Schools Movement?" The ordinary people who live in Atlanta—and believe it or not, much of Georgia. The printer who donated pamphlets and hand-bills on a "pay if you get it" basis. The businessmen who gave an office and typewriter, stationery, erasers and all that scotch tape. The lawyers who volunteered their time and brainpower to unsnarl the tangled legal thickets. But most of all, the women of Atlanta who licked the stamps, organized the meetings and stayed on the telephone until they finished the job. Yes, the unsung heroines of the "Open Schools Movement" are mostly ordinary housewives and mothers who left beds unmade and meals uncooked to insure their children's educational future.

Is it over yet? Not by a long shot. There are those with whom old ways die hard. We have heard the nation's most militant racists are marshaling their forces to make a stand at this "Second Battle of Atlanta." You must have heard it too—or most of you wouldn't be here.

When the "symbolic ten" go to their classrooms, segregation in Georgia's common schools will be officially over. There are those who wish the ten could be a thousand. There are many who object to even one. But whatever the views that divide them, Atlantans are united in a single hope: that the story that unfolds on August 30th will be much different from the one you might have expected. And when ten Negro children go to school on Wednesday, the heart of Atlanta will go in with them.

MRS. DAVID NEIMAN  
*Public Information Chairman*  
OASIS  
(Organizations Assisting  
Schools in September)

# Atlanta Public Schools

CITY HALL

ATLANTA 3, GEORGIA

To Representatives of the Press, Radio  
and Television:

Citizens of Atlanta have long recognized that good schools are an essential part of a great city. Recent developments have demonstrated a determination on the part of all concerned to assess realistically the problems we face and to proceed with the educational tasks ahead. Teachers and others who are a part of the Atlanta public school system face the future with confidence and with the firm conviction that changes and adaptations will be made as circumstances require. I am certain that I speak for all school personnel in saying that we are happy to be a part of a great city that we are convinced will become still greater in the year ahead.

Sincerely,

A handwritten signature in cursive script, reading "John W. Letson". The signature is fluid and elegant, with a large initial "J" and a long, sweeping underline.

John W. Letson  
Superintendent

JWL/frk





# ATLANTA CHAMBER OF COMMERCE

1301 COMMERCE BUILDING / P. O. BOX 1740 / ATLANTA 1, GEORGIA / 52 1-0845

Dear Visitor:

Atlanta is on trial. But so are the mass communications media of this nation. How well we both conduct ourselves will have a great and lasting effect on this city.

We, the business leaders of this city, have never faltered in our solid support of our officials in their determination to obey the law. We do not intend to let lawlessness impede this mature city's quest for greatness.

We are going to continue to do everything possible here in Atlanta to play our rightful role among American cities. We like to think of ourselves as responsible citizens.

We know we, in turn, can look to each of you—our visitors—for the same high degree of responsible journalism.

Sincerely,

Opie L. Shelton  
Executive Vice President

**The Atlanta Plan,  
Amended January 18, 1960,  
Provides:**

“Whereas, The State Board of Education has not promulgated rules and regulations relative to the placement of students in the schools, and this Board has the inherent power of pupil placement, and more complete regulations are necessary.

“Now therefore: To insure orderly procedures of uniform application for pupil assignment, transfer, and/or placement, and to enable the continuing improvement of the educational advantages offered the following rules and procedure shall be followed:

“(1). In the assignment, transfer or continuance of pupils . . . the following factors and the effects or results thereof shall be considered, with respect to the individual pupil, as well as other relevant matters:

“available room and teaching capacity in the various schools;

“the availability of transportation facilities;

“the effect of the admission of new pupils upon established or proposed academic programs;

“the suitability of established curricula for particular pupils;

“the adequacy of the pupil’s academic preparation for admission to a particular school and curriculum;

“the scholastic aptitude and relative intelligence or mental energy or ability of the pupil;

“the psychological qualification of the pupil for the type of teaching and associations involved;

“the possibility or threat of friction or disorder among pupils or others;

“the possibility of breaches of the peace or ill will;

“the effect of admission of the pupil upon the academic progress of other students in a particular school or facility thereof;

“the effect of admission upon prevailing academic standards at a particular school;

“the psychological effect upon the pupil of attendance at a particular school;

“the home environment of the pupil;

“the maintenance or severance of established social and psychological relationships with other pupils and with teachers;

“the choice and interests of the pupil;

“the ability to accept or conform to new and different educational environment;

“the morals, conduct, health and personal standards of the pupil;

“the request or consent of parents or guardians and the reasons assigned therefor.”

(2). The City Superintendent of Schools will administer these provisions, subject to the supervision of the Board.



(3). The Superintendent will designate the school to which each child applying for assignment or transfer shall go. "All existing school assignments shall continue without change until or unless transfers are directed or approved by the Superintendent or his duly authorized representative."

(4). Applications for admission, assignment, or transfer and/or placement shall be directed to the Superintendent and delivered to the school principal between May 1st and May 15th.

(5). A separate application must be filed for each child.

(6). Application forms must be filled out and signed by parents or guardians and notarized. The Superintendent may require interviews, tests, and investigation.

(7). Notice of action taken shall be mailed to parents or guardians within thirty days or not later than June 15th and will be final action "unless a hearing before the Board is requested in writing within ten days from the date of mailing such statement."

(8). Parents may file in writing objections to assignment or request transfer to "a designated school or to another school." The Board shall act on same within a reasonable time. A hearing will be begun within twenty days of decision by the Board that a hearing is necessary.

(9). Hearings on requests for transfers shall be conducted by the Board or not less than three of the members of the Board, and decisions "of the members or a majority thereof shall be deemed a final decision by the Board."

(10). Unless postponement is requested by the parents or guardian, the Board will notify them of its decision within ten days after conclusion of the hearings. Every appeal shall be finally conducted by the Board before September 1st. Any person dissatisfied with the final decision of the Board may appeal to the State Board of Education.

(11). The Board may assign certain pupils to vocational or other special schools or terminate their public school enrollment altogether.

(12). "Beginning September 1, 1960, or on September 1, following favorable action by the General Assembly of Georgia, student assignment in the Atlanta Public School System shall be made in accordance with aforesaid rules and regulations and without regard to race or color. For the first school year in which it is effective, the plan shall apply to the students in the 12th grade. Thereafter, in each successive year, the plan shall be expanded to the immediate lower grade; e.g. in 1961-62 grade 11th, in 1962-63 grade 10th, etc., until all grades are included."\*

(13). "Nothing contained in this resolution shall prevent the separation of boys and girls in any school or grade or to prevent the assignment of boys and girls to separate schools."

(14). These rules shall be contingent upon the enactment of statutes by the General Assembly of Georgia and shall be submitted to the General Assembly for approval.

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\* On May 9, 1960 U. S. District Judge Hooper ruled that the Plan of the Atlanta Board of Education for gradual desegregation be put into operation on May 1, 1961. Applications to the twelfth and eleventh grades of the Atlanta Public Schools were received from May 1 to 15.

# **The Atlanta Public Schools:**

## **Some Facts and Figures**

**Prepared by the Atlanta Department of Education**

### **THE FOUR SCHOOLS TO BE DESEGREGATED**

Brown High School, named for Joseph E. Brown, Civil War governor of Georgia, is located at 765 Peebles Street, S.W. West End, as the section is popularly known, is an old and established part of the city where the population now comprises low to middle income families, although many longtime residents still retain and live in their fine old homes. It is a section of strong loyalties and considerable pride of accomplishment. The principal of the school, Maxwell Ivey, formerly principal of Hutchinson Elementary School and former Director of Athletics and coach of champion football teams, is serving his first year as a high school principal at Brown. The school may be reached from City Hall by driving west on Whitehall, thence to Gordon, left on Peebles for three blocks. There are about 1200 students and 50 teachers in the school. In 1961 there were 131 graduates with approximately 45% attending college. Both students and teachers are very loyal to the school and its fine tradition of good conduct and high ideals.

Murphy High School was opened in 1930. Its present principal is George M. McCord whose tenure as principal began in 1942. Mr. McCord is well known in national camping circles, is very active in YMCA, and other youth serving organizations. The address of the school is 256 Clifton Street, S.E., adjacent to Memorial Drive. The school may be reached by going east on Memorial Drive for approximately 3 miles. There are approximately 1200 students and 50 teachers in the school. Of the 205 graduating this year, about 50% continued in college. The community is a section of moderate priced homes, law abiding citizens, and church-going population. The school is particularly noted for a balanced program of meeting student needs and interests.

Henry Grady High School was created in 1947 from old Boy's High School and old Tech High School which was once situated in the same building and on the same grounds. Named for Henry W. Grady, famous orator and newspaperman, the school has taken great pride in its preparation of students for college. Located at 929 Charles Allen Drive, N.E., (formerly Parkway Drive) the school is relatively close to the downtown section but is also accessible to very fine residential areas of the city. The school population ranges from families of lower middle in-



comes to relatively high incomes, with considerable diversity in religious and ethnic composition. It may be reached by way of Peachtree, Ponce de Leon and Charles Allen Drive; or by Peachtree and 10th Street. The principal is Roger H. Derthick (incidentally, brother of Lawrence Derthick, former U. S. Commissioner of Education) who is president of the Atlanta Teachers Association. The school has an enrollment of about 1500 students and there are 60 or more teachers. Approximately 80% of the students continue their education in college.

Northside High School, whose address is 2875 Northside Drive, N.W., is located in an upper income section of the city. Mr. W. H. Kelley has been principal of the school since its inception in 1950. The school is in that portion of the city annexed in 1952. Former coach and English teacher, he presides over the school with humor and dignity. The school has an enrollment of approximately 1100 and there are about 45 teachers. More than 88% of the 242 graduates this year will continue in college. The school has maintained strong lead in football championships in recent years and is one where students indicate a strong school spirit. The school may be reached by going north on the Expressway to Northside Drive, or by going Peachtree Road to West Wesley, turn left to Northside, then right one block.

#### ***Historical Facts About Atlanta School System***

Established in 1872 with an enrollment of 3293 elementary pupils and 301 high school students. Inauguration of 6-3-3 organization in 1923 with 8 junior and 4 senior high schools. Enrollment 53,491 students in all schools. Establishment of community, co-educational comprehensive high schools in 1947. Total enrollment 60,761. Annexation of 39 schools and approximately 20,000 new students in 1952. Decentralization of administration and Area organization 1956. More than 42 millions expended for new school buildings since 1946.

#### ***Board of Education***

President, L. J. O'Callaghan; Oby T. Brewer, Jr.; Dr. Rufus E. Clement; Ed S. Cook; Glenn Frick; Elmo Holt; Harold F. Jackson; Mrs. Clifford N. Ragsdale; Fred M. Shell.

#### ***Administration***

Superintendent, Dr. John W. Letson; Deputy Superintendent, Dr. Rual W. Stephens; Assistant Superintendents, Jarvis Barnes, J. Everette DeVaughn; Area Superintendents, Dr. H. A. Bowen, Dr. Ed S. Cook, Jr., D. W. Heidecker, Warren T. Jackson, Dr. G. Y. Smith; Comptroller, E. R. Holley.

#### ***Directors and Supervisory Staff***

Directors 18; Co-ordinators and Supervisors 7; resource personnel 31.

#### ***Area Organization***

Decentralization of administration and instructional supervision by subdividing to 5 geographical school areas under Area Superintendents and supervisory staffs.

### Schools

Structural organization: Elementary, kindergarten through 7; high schools, grades 7-12; 2 vocational schools; 2 evening high schools; 2 evening vocational schools; 5 special schools.

	<u>No.</u>	<u>Enrollment</u>	<u>A.D.A.</u>	<u>No. of Teachers</u>
Elementary . . . . .	119	75,302	63,562	2,265
High Schools . . . . .	26	29,456	24,640	1,220
TOTALS . . . . .	145	104,758	88,202	3,485

### High Schools

Minimum requirements for diploma (beyond 8th grade): English 4 units, social studies 3 units, math 2 units, science 2 units, "activities" 2 units, electives 5 units. College preparatory and distinctive diploma curricula available in all high schools.

<u>Name</u>	<u>No of Teachers</u>	<u>A.D.A.</u>	<u>No. of Graduates</u>	<u>% Attending College</u>
Archer . . . . .	50	988	120	23%
Bass . . . . .	36	665	112	45%
Brown . . . . .	51	1087	131	45%
Dykes . . . . .	25	516	....	....
East Atlanta . . . . .	27	547	80	....
Fulton . . . . .	41	924	177	20%
George . . . . .	30	552	64	....
Grady . . . . .	60	1356	256	80%
Howard . . . . .	81	1784	243	29%
Murphy . . . . .	49	1030	205	48%
North Fulton . . . . .	53	1091	239	85%
Northside . . . . .	44	981	242	88%
O'Keefe . . . . .	42	786	87	23%
Price . . . . .	78	1614	200	29%
Roosevelt . . . . .	43	840	107	25%
Smith . . . . .	36	532	98	18%
Southwest . . . . .	53	1147	234	47%
Sylvan . . . . .	46	1021	179	41%
Therrell . . . . .	29	585	....	....
Turner . . . . .	69	1623	201	45%
Washington . . . . .	106	2243	324	68%
West Fulton . . . . .	52	1072	148	21%

### Finances

Operating budget, 30 millions. Sources of income: local taxes 55.1%; state taxes 28.2%; other sources 2.5%; cash balance 14.2%. Allocation: administration 2.1%; instruction 71.9%; maintenance 4.7%; operation 7.0%; operating balance 5.6%; others 8.7%.

### Teacher Salaries

(Annual salary in 12 monthly payments)

<u>Certification</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Years to Reach Maximum</u>
B.A. . . . .	\$4308	\$6540	19
M.A. . . . .	4500	7164	22
6 year College . . . . .	4920	7896	24
Doctorate . . . . .	5520	8688	25

### Buildings and Grounds

<u>Category</u>	<u>No. Units</u>	<u>No. Acres</u>	<u>No. Classrooms</u>	<u>Value</u>
Elementary . . . . .	130	535.5	2194	\$41,985,331
High School . . . . .	45	343.1	1186	30,692,011
TOTALS . . . . .	175	878.6	3380	72,677,324



### Libraries

<u>Categories</u>	<u>No. of Books</u>	<u>Circulation</u>
Elementary . . . . .	280,211	1,312,974
High School . . . . .	208,413	306,972
TOTALS . . . . .	488,624	1,619,946

### Cafeterias

<u>Categories</u>	<u>No.</u>	<u>No. Lunches Served</u>	<u>No. ½ pts. Milk Served</u>	<u>Receipts</u>	<u>Expense</u>
Elementary . . . . .	113	5,416,697	8,813,776	\$1,806,116	\$1,820,732
High Schools . . . . .	24	1,666,919	2,445,015	921,274	920,331
TOTALS . . . . .	137	7,083,616	11,258,791	2,727,390	2,741,063

### Special Education

<u>Categories</u>	<u>Mentally Retarded</u>	<u>Speech and Hearing</u>	<u>Sight Saving</u>	<u>Emotionally Disturbed</u>	<u>Others</u>	<u>Totals</u>
Elementary . . . . .	60	20	17	4	11	112
High Schools . . . . .	11	2	3	0	2	18
TOTALS . . . . .	71	22	20	4	13	130

### Radio and Television Education

Radio and television stations owned by Board of Education. Over 500 radio and TV sets in the schools; over 60,000 students viewing and hearing 89 radio and 58 TV programs per week in 139 schools. TV instruction in Health, General Science, General Biology, World History, Physics, Social Studies, Mathematics, French and Spanish.

### Health and Physical Fitness

Required of all elementary pupils and 8th and 9th grade students. Interscholastic athletic program in 23 high schools comprises 17 teams in each high school in 10 different activities under 115 teacher-coaches. Participation, exclusive of bands and pep squads, by 5,000 students in 113 home games viewed by 200,000 spectators.

### Audio-Visual Education

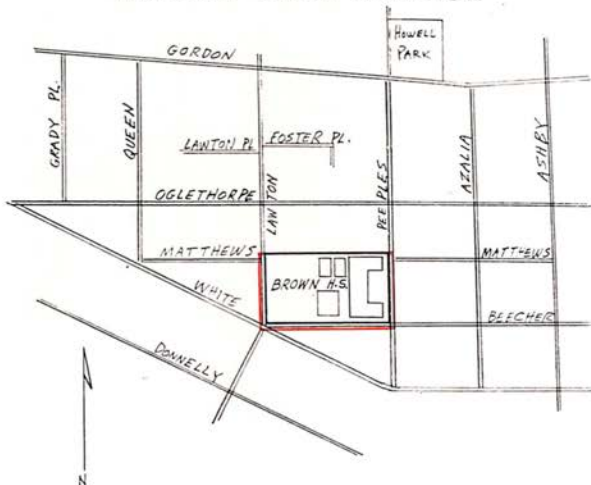
Established in 1921, one of the oldest educational audio-visual departments in the nation; school system has 5,000 pieces of A-V equipment and 10,000 A-V items; 2,000 presentations in classrooms; planetarium for space science instruction; primate house with full-time instructor.

### Future Plans and Needs

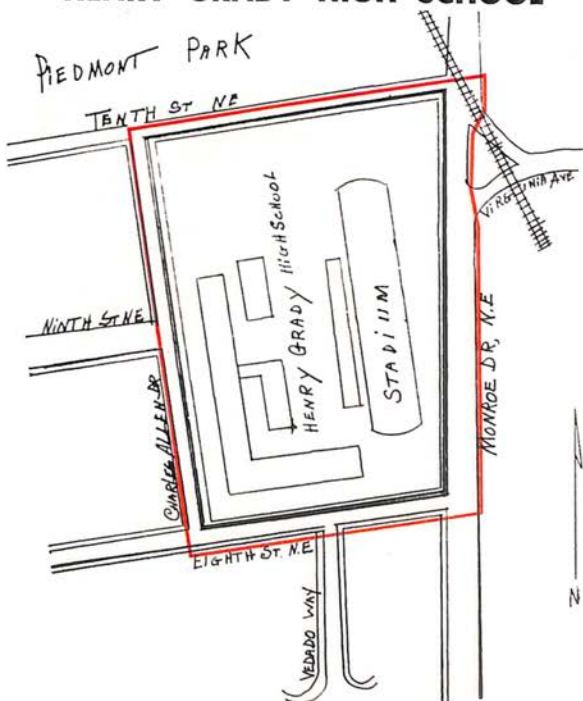
Three new high schools; 400 additional elementary classrooms; warehouse and school services building; administration building; curriculum development, supervisory, and materials center; automated data processing equipment and staffing; expansion of curricular and instructional leadership program.

# MAPS of high school grounds by Atlanta Police Dept.

## BROWN HIGH SCHOOL



## HENRY GRADY HIGH SCHOOL



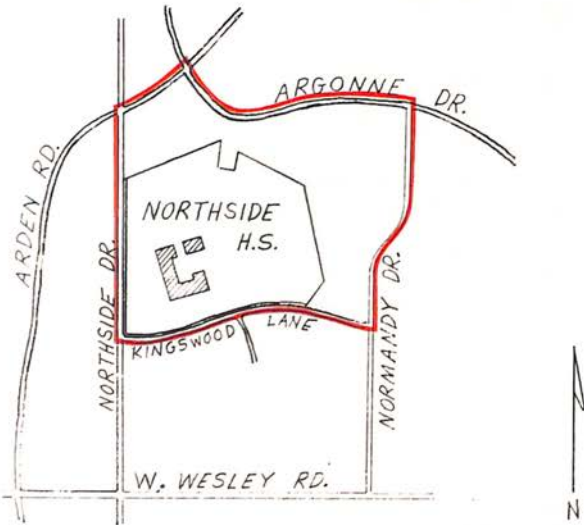


Red line marks curb across adjacent streets. This line encloses area off-limits to public and press.

### MURPHY HIGH SCHOOL



### NORTHSIDE HIGH SCHOOL



## **Information About the Transfer Students**

All of the ten transfer students, in the words of Deputy School Superintendent Rual Stephens, "have outstanding school academic records, made excellent scores on the tests given them and very favorable impressions" when they were interviewed by school officials. Some of the 10 were accepted in spite of the fact that their residences are nearer their present schools than the schools they asked to attend. School officials said that in such instances there were factors of "overriding importance" which figured in the decisions to accept the students.

In one case, a youth aspired to go to the Naval Academy at Annapolis and was unable to get the ROTC training or special college preparatory courses in mathematics and physics at his present school.

School officials made it clear from the beginning that an important consideration in whether a Negro student was accepted or rejected would be his chances of doing well in a new school environment. Those finally accepted had composite test scores which in most instances exceeded the median composite scores of the grades and schools to which they are being transferred.

Allen, Demaris—16 years old. Accepted for the 12th Grade, Brown High School. Composite test score: 94.6. Median in 12th Grade at Brown: 66.4. Asked for transfer in order to receive special training in social studies, science and mathematics. Special interest: Archaeology. Previous extra-curricular activities: Dramatic and Dance Clubs, Junior Red Cross, Honor Society.



Black, Willie Jean—15 years old. Accepted for 11th Grade, Northside High School. Composite test score: 93.8. Median in 11th Grade at Northside: 82.8. Asked for transfer because of superior curriculum offered in science and mathematics. Special interest: Medical career. Previous extra-curricular activities: Laboratory assistant, Honor Society, Science program at Morris Brown College.

Gaines, Donita—16 years old. Accepted for 11th Grade, Northside High School. Composite test score: 92. Median in 11th Grade at Northside: 82.8. Asked for transfer because of superior curriculum. Special interest: Engineering. Previous extra-curricular activities: Honor Society, Library Assistant, Student Government, Y-Teens.

Holmes, Martha Ann—17 years old. Accepted for 12th Grade, Murphy High School. Composite test score: 72.2. Median in 12th Grade at Murphy: 65.6. Asked for transfer because of crowded conditions at Howard High School. Special interests: Chemistry and mathematics. Previous extra-curricular activities: Band, Business-office assistant, English Club, Honor Society, Student Government.

Jefferson, Lawrence—17 years old. Accepted for 12th Grade, Grady High School. Composite test score: 85.8. Median in 12th Grade at Grady: 79. Asked for transfer because of overcrowding at Howard High School. Special interests: Mathematics and English. Previous extra-curricular activities: Honor Society, Student Government, City-wide Student Council.

McMullen, Mary James—16 years old. Accepted for 12th Grade, Grady High School. Composite test score: 69.6. Median in 12th Grade at Grady: 79. Asked for transfer because of overcrowding at Howard High School. Special interests: Social Science teaching. Previous extra-curricular activities: Basketball, Choir, Cheerleading.

Nix, Madelyn—15 years old. Accepted for 11th Grade, Brown High School. Composite test score: 83.6. Median in 11th Grade at Brown: 65.8. Asked for transfer because of superior curriculum in mathematics and physics. Special interest: Medical career. Previous extra-curricular activities: Honor Society, Orchestra, Student Government.

Simmons, Arthur C.—16 years old. Accepted for 12th Grade, Northside High School. Composite test score: 84.4. Median in 12th Grade at Northside: 84. Asked for transfer because of superior curriculum, particularly Mechanical Drawing. Special interest: Engineering. Previous extra-curricular activities: Honor Society.

Walton, Rosalyn—16 years old. Accepted for 11th Grade, Murphy High School. Composite test Score: 56.8. Median in 11th Grade Murphy: 67.8. Asked for transfer because of proximity to home. Special interest: Elementary school teaching. Previous extra-curricular activities: Choir, Honor Society.

Welch, Thomas E.—16 years old. Accepted for 11th Grade, Brown High School. Composite test score: 89.2. Median in 11th Grade at Brown: 65.8. Asked for transfer in order to take ROTC, unavailable at Washington High School. Special interest: Admission to Annapolis and future Naval Career. Previous extra-curricular activities: Chorus.



# **Sigma Delta Chi**

## **Code of Ethics**

- I. The primary function of newspapers is to communicate to the human race what its members do, feel and think. Journalism, therefore, demands of its practitioners the widest range of intelligence, of knowledge, and of experience, as well as natural and trained powers of observation and reasoning. To its opportunities as a chronicle are indissolvably linked its obligations as teacher and interpreter.
- II. To the end of finding some means of codifying sound practice in just aspirations of American Journalism these gains are set forth:
  1. RESPONSIBILITY  
The right of a newspaper to attract and hold readers is restricted by nothing but consideration of public welfare. The use a newspaper makes of the share of public attention it gains, serves to determine its sense of responsibility which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.
  2. FREEDOM OF THE PRESS  
Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.
  3. INDEPENDENCE  
Freedom from all obligations, except that of fidelity, to the public interest is vital.
    - A. Promotion of any private interest, contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and substance.
    - B. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of journalism; in the news columns, it is subversive of a fundamental principle of the profession.
  4. ALL SINCERITY, TRUST, ACCURACY.  
Good faith with the reader is the foundation of all journalism worthy of the name.

**Youth-Serving Organizations Section:**

*Chairman*, Mrs. John Steinhaus

*Co-Chairman*, Mrs. R. H. Brisbane

Atlanta Boys Clubs

Atlanta Girls Clubs

Atlanta Jewish Community Center

Bethlehem Community Center

B'nai B'rith Youth Organization

Girl Scouts

Grady Homes Community Girls Club

Interdenominational Youth Center

Religious Education Association

Salvation Army

Temple Youth Group

Wesley Community House

YMCA

YWCA

**Religious Organizations Section:**

*Co-Chairmen*: Reverend Nat Long

Reverend Norman Shands

Atlanta Chapter, American Jewish Committee

Diocesan Council of Catholic Women

Georgia Council of Churches

Greater Atlanta Council of Churches

Interdenominational Ministerial Alliance

United Church Women of Atlanta and Georgia

Churches of every faith:

Catholic, Eastern and Greek Orthodox, Jewish and Protestant; and every denomination within each faith:

Jewish: Orthodox, Conservative, Reform.

Protestant: Alliance, Assembly of God, Baptist, Christian Science, Church of Christ, Church of God, Congregational, Episcopal, Friends, Holiness, Latter Day Saints, Lutheran, Methodist, Nazarene, Primitive Baptist, Presbyterian, Salvation Army, Seventh Day Adventists, United Liberal, Unity.





Mississippi Governor here next Tuesday

## All Northsiders invited to hear Ross Barnett's battle plan for South

Mississippi's Governor Ross R. Barnett, crisis-tested guardian of Southern conservatism whose strength of mind forced the impulsive U.S. Attorney General Kennedy to retreat in shame and seek other opponents, will address Atlantans next Tuesday night (July 16) on how the South can restore Constitutional Government.

He will speak in the ballroom of the Dinkler Plaza Hotel, starting at 7:30 o'clock, before a first anniversary meeting of the fast-growing Atlanta Citizens Council to which admittance is free for all white patriotic Atlantans.

J.K. Callaway of Old Ivy Road, president of the Atlanta Citizens Council, says arrangements have been made to accommodate all who come.

\*\*\*

JAMES H. GRAY, editor and publisher of The Albany Herald and until his resignation was accepted by newly-elected Governor Sanders was chairman of the Georgia State Democratic Party, will introduce Governor Barnett at the meeting next Tuesday night. Mr. Gray is an able speaker, fully informed on the problems the South faces and he has never wavered in his resistance to the indignities offered Southerners since the Kennedys moved into their Washington powerhouse. He is the man who bought the integration-threatened public park in the heart of Albany and made it a private, segregated park. His forewords in his introduction of Governor Barnett undoubtedly will be as enlightening to Northsiders as will be the main address by the notable Mississippian.

Governor Barnett's plea for Southern unity in the 1960 Presidential race resulted in 15 electoral votes being cast for Senator Harry F. Byrd, the Virginia Democrat, for President. Georgia Democrats missed the boat in 1960, preferring to barter with Kennedy through a \$100 million bond issue which will never be forgotten, continuing

as it will as a tax burden over the next 30 years for property owners of this state.

\*\*\*

TODAY, Governor Barnett's plan for Southwide political solidarity in the 1964 Presidential election has Southwide interest. Recently, some 1,000 persons from virtually every Southern state attended a \$25-a-plate dinner meeting in Jackson Miss., to cheer Governor Barnett and Alabama's Governor George Wallace as they urged the Deep South to unite behind the plan to block any liberal candidate for President. . . and just which non-liberal candidate the South will endorse will be the result of unemotional, politically-expert decision to get this whole nation off the hook of communism.

Georgia's Jim Gray offered delegates to that Jackson dinner meeting a resolution calling on citizens in every Southern state to take all necessary actions for adoption of the Barnett plan and that resolution was unanimously adopted.

\*\*\*

In urging all Northsiders to attend the Tuesday night meeting, Northsider Callaway said: "Governor Barnett, by his courageous actions, has become the symbol of Southern determination. He has been on the firing line, and he has not yielded. He has earned the admiration and respect of the people of Georgia, and of loyal Americans everywhere. Let's show Governor Barnett that we in Georgia share his determination to win this fight!"

REDFERN sliced luncheon meats are  
tasty, nourishing, quickly served  
At your favorite food stores—



Mayors office  
Atlanta City Hal  
68 Mitchell st city



# Notices Going Out To Help Mail ZIP

By MICHAEL WRIGHT

Atlanta postmen were delivering 200,000 notices to postal patrons Monday announcing the start of the Zoning Improvement Plan Code program.

"The notice delivered to each resident, business firm, and box holder gives the new five-digit ZIP Code Number to be used in their return address," Postmaster Burl Sanders said at a Monday press conference.

ZIP Code, a five-digit coding system, is intended for all classes and types of mail, he said.

"The first digit identifies the geographical area," the postmaster reported. "The second and third digits, together with the first, identify the major city or sectional center, and the fourth and fifth digits identify the post office or other delivery unit."

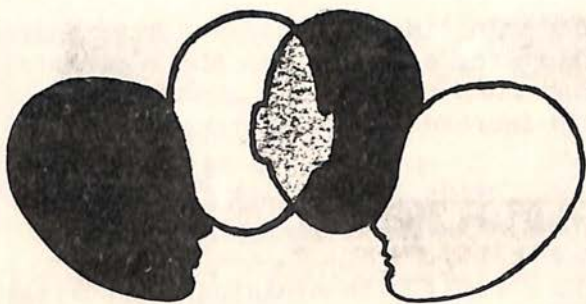
C. Banks Gladden, Regional Director of the Atlanta region of the Post Office Department, said that the new program for distributing mail was "born of necessity" and may forestall postal rate increases.

"The postal service now handles nearly 70 billion pieces of mail annually," Mr. Gladden said. "With the ZIP Code mail will be handled faster and at a lower cost."

**ZIP CODE** will not reduce the number of postal employees, he reported. "Using this new system the Post Office Department will not have to hire additional people to handle increased volumes of mail."

Public co-operation is expected, Mr. Gladden said, "because our goal is to reduce operating costs."





WHAT IS THE GREATER ATLANTA  
COUNCIL ON HUMAN RELATIONS.....?

It is primarily a meeting ground  
where Negroes and whites can dis-  
cuss their problems and get better  
acquainted. It works to secure  
dignity and freedom for all per-  
sons and to solve problems with-  
out hatred or violence.

WHAT DOES THE GREATER ATLANTA COUNCIL  
ON HUMAN RELATIONS DO..?

By informing, consulting, conferring,  
it is working...

- .To bring about desegregation of  
medical and health services and train-  
ing programs.
- .To make desegregation of Atlanta's  
schools and colleges successful.
- .To provide a Student Council for  
high school and college students with  
an opportunity to work for better hu-  
man relations in their own age group.
- .To maintain close contact with Negro  
transfer students and their parents.
- .To increase merit employment.
- .To provide hospitality for foreign  
visitors in our city.
- .To consult with ministers, educators,  
civic leaders before problems become  
critical.
- .To make cultural facilities available  
to all citizens.
- .To improve housing, education, employ-  
ment, health services, public accomo-  
dations and the arts for all citizens of  
Greater Atlanta.



## WHAT DOES THE GREATER ATLANTA COUNCIL ON HUMAN RELATIONS DO..?

By informing, consulting, conferring, it is working...

- .To bring about desegregation of medical and health services and training programs.
- .To make desegregation of Atlanta's schools and colleges successful.
- .To provide a Student Council for high school and college students with an opportunity to work for better human relations in their own age group.
- .To maintain close contact with Negro transfer students and their parents.
- .To increase merit employment.
- .To provide hospitality for foreign visitors in our city.
- .To consult with ministers, educators, civic leaders before problems become critical.
- .To make cultural facilities available to all citizens.
- .To improve housing, education, employment, health services, public accommodations and the arts for all citizens of Greater Atlanta.



### LAST YEAR THE GACHR HELPED:

- .To desegregate Decatur-DeKalb library..
- .To desegregate Grady Hospital training programs.
- .To desegregate Atlanta movies.
- .To prepare a survey of employment practices....

### ALSO GACHR

- .Counseled with Transfer Students.
  - .Compiled a list of integrated facilities.
  - .Presented UN Undersecretary Ralph Bunche and White House Associate Press Secretary Andrew Hatcher as special speakers to the community.
  - .Opened office and doubled membership.
  - .Distributed a monthly Newsletter and held monthly membership meetings.
- COOPERATED WITH OTHER GROUPS

## WHAT IS THE 1963 GOAL OF GACHR..?

- .To increase membership to 1,000
- .To continue monthly luncheons for members and friends (first Mondays at Central YWCA)
- .To continue monthly Newsletter and periodic special reports
- .To continue work in special areas such as education and housing.
- .To raise a budget of \$10,000, which is needed to maintain office and program:

Office Secretary....	\$3,300
Office rent.....	1,020
Telephone.....	780
Postage.....	720
Supplies & equipment	960
Special program projects such as student work- shops, etc.	2,500
Contingency	<u>720</u>
<u>Total</u>	\$10,000

(Salaries of Director and Assistant Director, this year provided by Unitarian Service Committee, Inc., a world-wide, non-sectarian service organization, as part of its human relations program throughout the world, total over \$10,000).



THE GACHR....?

HOW CAN YOU HELP.....?

.You can become a member. Annual dues are \$5 per person or \$9 per couple.

.You can join in soliciting new members and donations...

.You can submit names of people who may be interested in joining or giving...

.You can accept a special job to raise funds.

.You can give volunteer time at office or at home...

.You can collect \$1 from people in your church, club or social group who may say "I wish I could do something"...

.You can act on your own convictions and encourage others to do the same..

Greater Atlanta Council on Human Relations  
5 Forsyth Street, N. W., Atlanta 3, Ga.  
Phone: 523-1581

---

I would like to support the GACHR by

- ( ) becoming a member
- ( ) volunteering my services
- ( ) giving a donation
- ( ) soliciting funds
- ( ) office work

Name.....  
 Street.....  
 City.....Zone.....State..  
 Telephone number.....

- ( ) I enclose\$ \_\_\_\_\_ dues
- ( ) I enclose\$ \_\_\_\_\_ donation

## 'How Numerous Swimmers Now?'

The Editors: It would be interesting to know just what the attendance is at the formerly white city swimming pools.

Yesterday I counted two people in the Oakland city pool around 6 o'clock. Last year when my children used the pool there would be several hundred still there at that time. Earlier Sunday afternoon, just after the pool opened, the entrance of about six Negroes practically emptied the pool of what white persons were there.

The Negro speaks of moral rights and not obeying laws that he does not believe to be just. Is it morally right for a few such as the six Negroes to deny hundreds of whites their rights because they do not care to bathe with them in public?

PERRY STEPHENS.

Atlanta.



# Negro Held In Car-Bump Melee Case

A young Negro, arrested during the weekend after a melee that grew out of a minor rear-end collision of two cars, has been bound over to Fulton Criminal Court on a charge of assault and battery.

The Negro, Robert Lee Freeman, 22, of 756 Capitol Ave., was placed under a \$500 bond.

At the same hearing the judge dismissed a related charge of assault and battery against a white man, Warren D. Young, 23, of Rte. 2, Lithonia.

Detective H. A. Quave said he was told that the white man was struck with a brick and the Negro with a wrench during the melee. Both men were treated at Grady Hospital for head wounds.

The affray occurred after the Freeman's car bumped or jarred rear of Young's at a street intersection.

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## Marchers Will Defy Guard

CAMBRIDGE, Md., July 13 (AP)—Negro leaders, defying the National Guard's ban on demonstrations, have served notice they will resume street marches Monday in an effort to break down racial barriers.

"Our people are restless. They want their freedom and they are determined to acquire those legitimate rights which have been too long denied them," said a statement by the Cambridge Non-Violent Action Committee.

The committee is headed by Mrs. Gloria Richardson, militant integrationist leader.

What will happen when the National Guard confronts the demonstrators remains to be seen. Last night about 250 marchers dispersed when Brig. Gen. George M. Gelston quietly notified them they would be violating militia law, invoked by Gov. J. Millard Tawes.

The integrationists praised the guard for its "impartial" handling of the tense situation, but accused Gov. Tawes of "inaction and lack of positive leadership."

Tawes has turned down demands for a special legislative session.

Under watchful eyes of 400 Guardsmen, the city displayed an uneasy semblance of normalcy today. There was no immediate sign of a further outbreak of racial violence.

The day wore on without trouble. Gelston said he was thinking of relaxing some of the drastic curbs clamped on the town under militia law.

For example, he might change the off-the-streets curfew from 9 p.m. to 10 p.m.

"We are also investigating the possibility of allowing package goods liquor stores to reopen... we know people are bringing liquor into Cambridge and we feel it's not fair for the package goods stores to be penalized," he said.

## Louisville Bans Bias In City Jobs

LOUISVILLE, Ky., July 13 (AP)—Mayor William Cowger issued an executive order today banning discrimination by contractors doing business with the city, effective Aug. 1.

In an administrative directive to city department heads, the mayor said today a clause will be inserted in contracts and bid invitations requiring contractors to bar discrimination because of race, creed, color, religion or national origin.



—Associated Press Wirephoto

## PICKETING THE PICKETS

A SOCIETY OF HIS OWN — As members of the NAACP began picketing privately-owned St. Louis amusement parks, so did Ernest Meixner. Astride a white mule, he called for a National Association for the Advancement of White People, and picketed the pickets. However, there were no serious incidents.

## The Pickets Vanish In Torrance Peace

(Continued from Page 1)

"because it is a good home and a good buy." He denied that any integration group was financing the purchase, but declined to say where the necessary loan was being arranged.

Meanwhile, Torrance police breathed a sigh of relief. Their vacation schedule, which had been suspended during the recent Southwood picketing and demonstrations, was restored according to Lt. Swayne Johnson.

Even the "token" picket line, which leaders of the Congress of Racial Equality had indicated would continue outside the Southwood sales office until the Jacksons actually move in, failed to appear Saturday morning.

### AGREEMENT

Wilson's acceptance of the deposit—and his agreement to meet other demands of the integrationist group—were disclosed Friday at a press conference in Wilson's general offices at Gardena.

In his own statement, Wilson said he had met with heads of the NAACP and the United Civil Rights Committee Friday morning, after he dismissed charges against 40 members of CORE whom he

had arrested for trespassing in Southwood.

Jackson and his wife, Alyce, were present at the press conference and said they were "very happy" about Wilson's agreement to sell them a home.

### TROUBLE?

Asked if they expected any trouble from their new neighbors or others, Mrs. Jackson replied:

"No. I don't, really. However, if anything should happen, I hope that I shall be able to face it intelligently."

The Jacksons have a five-year-old son, Eric, who would be the only Negro child enrolled in a Torrance school. But Jackson said no trouble is expected there since the boy already attends a private school and will probably not be enrolled locally.

At present, the couple live in a rented home in West Los Angeles.

The Negro salesman, Wilson explained, is already employed by him at another of his tracts — but will be shifted in the future to sell houses at various tracts without regard to predominant racial character of the areas.

## Long, Smathers Assail Rights Bill

# The South Rises — to Fight

(From UPI and AP)

WASHINGTON, July 13—Sen. Russell B. Long, D-La., vowed today to oppose one of President Kennedy's civil rights proposals "until hell freezes over. Then I propose to start fighting on the ice."

Sen. George Smathers, D-Fla., also came out in opposition to features of the President's program and announced he would filibuster against the overall legislation.

Long objected to the President's request that the government be empowered to cut off Federal funds in areas where racial segregation is practiced. In a transcribed radio interview for Louisiana stations, Long commented:

"President Kennedy originally said he was opposed to such power being given to the Chief Executive when the Civil Rights Com-

mission recommended it, but now he flip-flops and comes out with a complete surrender to minority pressure groups."

The Louisiana senator said he would like to see a national referendum on the civil rights legislation. He acknowledged there was no chance of such a vote being held but said that if it was, "the civil rights bill would be voted down."

Smathers said: "I think... that the tax reduction bill which would stimulate the economy and provide more jobs for all of our people—and particularly the Negro citizen is much more helpful... and much more beneficial in the long run than the so-called sort of visionary rights which he talks about and the so-called civil rights bill."

The Florida senator said he will not support a section of the President's program which would desegregate private businesses serving the

public or a provision to authorize the attorney general to bring school integration suits.

Smathers said he doesn't think Southern opponents can conduct a successful filibuster without some Republican help.

## Courts Get Jackson Voting Suit

WASHINGTON, July 13 (AP)—The Justice Department has asked the courts to reopen voter registration in Jackson, Miss., shut down a week ago at the height of a Negro registration drive.

Atty. Gen. Robert F. Kennedy, announcing the filing of a suit in Jackson, said the action was taken only after informal efforts by the department had failed to get voluntary reopening.

Named as defendants in the suit were the registrar, H. T. Ashford Jr., and the State of Mississippi.

The suit said Ashford asked the Hinds County circuit court to close registration on July 3 and an order was promptly issued closing all registration in the county until after the Nov. 5 election.

Ashford said his small staff was overburdened in preparing for the Aug. 6 Democratic primary, in which 138 names will be on the ballot.

But the department declared Ashford sought the order closing registration "to frustrate the Negro registration drive, thereby perpetuating the imbalance between the percentage of Negro and white persons registered in the county."

## It's Her First 100 Years

LONDON, July 13 (AP)—Dr. Margaret Murray, noted Egyptologist and specialist on witchcraft, is celebrating her 100th birthday here.

Her 90,000-word autobiography, "My First Hundred Years," was published yesterday.

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## Uneasy Torrance Peace

# Negroes to Move On More Builders

● REACTION to Marlon Brando's charge of racial bias in movie industry. Page A-2.

An uneasy peace hung over the integration-troubled Southwood housing tract of Torrance yesterday as a Negro family prepared to move into the house on which developer Wilson accepted a \$500 deposit Friday.

There were no pickets at the tract, no demonstrators—and few sightseers.

### WIDEN DRIVE

In reality, however, the peace at Southwood was little more than a temporary armistice. Attorney Thomas Neusom of the National Association for the Advancement of Colored People said his group intends to bring pressure on other builders, now.

"We will start work immediately on every builder

of tract homes in Southern California," he said. "Those who don't agree to integrate will face mass demonstrations and picketing."

Other Negro leaders were jubilant over their "victory" though, and the Rev. H. H. Brookins said the agreement reached with Wilson was an "important breakthrough" in ending all segregation in this area.

Wilson, on the other hand, denied that he had ever discriminated against Negro buyers.

"As I have previously stated," he said, "it has not been and is not my policy to discriminate in the sale of my homes—and a statement to that effect will be posted in my sales offices from now on."

### ACCEPTS DEPOSIT

He accepted the deposit Friday from Negro attorney Odis Jackson on a single-story, three-bedroom Southwood home priced at \$30,000.

Jackson said he had picked the Southwood home

(Continued on Page 8, Cols. 2-3)

EXAMINER  
ON STORY

re, Page 1, Section B  
e," Page 4, Section B



*See - These clippings are all from just the first section of one issue - Sunday July 14 - of the L.A. Herald-Examiner - So if Southerners don't think the world is watching - There's evidence it is.*

# A DESEGREGATION FORMULA

Los Angeles Herald-Examiner A-9  
Sunday, July 14, 1963 CCC

By CATHERINE MACKIN

Herald-Examiner Correspondent With Hearst Headline Service

WASHINGTON, July 13—Face the inevitable, obey the courts and get rid of hypocrisy—that's the basic formula followed by Atlanta, Ga., in its progressive march towards peaceful desegregation.

Atlanta's mayor, Ivan Allen, has been asked to come here July 26 to tell Congress how this system works.

So far, it's proven very successful, and in an interview he told why.

In less than two years, industrial Atlanta—with a population 40 per cent Negro—has integrated schools, public accommodations and employment with hardly a flurry of discontent.

The mayor will testify before the Senate Commerce Committee currently holding hearings on the public accommodations title of President Kennedy's civil rights package.

Mayor Allen is hesitant to appear boastful in discussing Atlanta's triumph over segregation in the racially troubled South.

But he did say he has been contacted by civic officials from across the coun-

try for clues to how it's done.

"I've heard from people in towns large and small and far too numerous to mention.

"They all want to know how we went about it," he said.

Stated simply, it was court orders and voluntary decision.

The first step took place in September, 1961, when, in accordance with a court order, Atlanta desegregated schools.

The following month, department, variety and chain stores knocked down racial barriers.

In January, 1962, all city facilities were desegregated. "We just took down the 'No Colored' signs," Mayor Allen said.

A voluntary agreement

## Atlanta's Success Explained

among Atlanta's downtown theater owners did away with discrimination in May, 1962, and a year later, racial barriers were dropped in the city's fire department, the last municipal agency to integrate.

### CASE OF THE POOLS

The courts this year held that if Atlanta's swimming pools were to open, they would have to be integrated. On June 12, the pools did so and without a major incident.

Last June 18, the city's 18 leading motels and hotels voluntarily desegregated and, a short time later, Atlanta's 23 major restaurants followed suit.

The city had no master plan for desegregation but in each instance appropriate committees, usually bi-

racial, were set up to guide the process.

The hotel and motel owners, for example, met for 15 months before they were ready to put a plan into operation. The chain, variety and department stores took only six months.

"In Atlanta, we had the benefit of having a great deal of educated people in the Negro community who have provided very effective and responsible leadership," Mayor Allen said.

"On the other hand, the white people were willing to face up to the problem, get rid of their hypocrisy and realize the inevitable.

"Both white and colored knew the future of the community depended on it."

Throughout the desegregation movement, there have been repeated demonstrations, but not serious.

"There have been some who thought we went too fast and others who claimed we were too slow," the mayor said.

"But, despite these complaints, we've managed to keep the peace."

He spoke highly of the conduct among both the white and Negro communities.

### GREAT PATIENCE

Besides responsible leadership shouldered by the Negroes, he said they demonstrated patience "because they knew the effort to desegregate was being made."

The white people, particularly those with borderline feelings, controlled themselves when they might have spoken or fought against integration, he said.

Atlanta is the business center of the southeast situated in a metropolitan area of 1.1 million.

Of its 500,000 citizens, 200,000 are Negro.

Among the 150,000 registered to vote, 45,000 are Negro.

Atlanta has six colleges and universities that have been traditionally Negro and of its 6000 city employees, 32 per cent are Negro.

## 14 More-- Danville Jail Creaks

DANVILLE, Va., July 13 (AP)—Small-scale picketing by Negro civil rights demonstrators kept harried Danville police on the run today. By early evening, 14 pickets had been arrested and jailed.

The arrests stemmed from picketing in two downtown department stores by small groups of placard-carrying marchers protesting alleged discriminatory hiring policies.

Thus, little by little, leaders in the civil rights protest movement which began May 31 approached their declared objective of filling the local jail.

Today's arrests brought to 107 the number of demonstrators taken into custody and placed behind bars here since Dr. Martin Luther King Jr. called on Negroes to "fill up the jail" last Thursday.

Four of those arrested have been released on bond. Six were juveniles and were turned over to their parents. The others refused bail.

## Whites March in Savannah

SAVANNAH, Ga., July 13 (UPI)—Police broke up a pro-segregation march today of about 100 whites who were led by a former detective carrying a revolver in his belt.

It was the first march of its kind in the nation's racial turmoil which has been marked mainly by demonstrations conducted by integrationist groups.

### NO TROUBLE

There were no incidents. The whites, some carrying Confederate flags, dispersed peacefully when a police captain interrupted the march. They had walked about three blocks.

The marchers were mostly members of the "Calvacade for White Americans," a local extreme segregationist group headed by Henry Brooks a former detective. Brooks said he carried a revolver because of telephone calls he has received threatening his family and home.

The march began from a park in the city's outlying area after Brooks urged about 300 whites present to form a column and proceed to the downtown area.

Negroes have conducted numerous anti-segregation marches here and earlier this week police used tear gas to disperse them.

"It's a shame when white people can't do the same things Negroes have been doing," Brooks said.

The group returned to the park, piled into automobiles and a pickup truck and then paraded through town with their lights on and honking their horns. Crowds gathered at intersections and applauded them. Police maintained a close watch on the cars.



To Mayer Allen

# OFFICE MEMORANDUM

From Bill Howland

Date July 19 , 1963

I would suggest quoting from the attached editorial from today's Constitution in your appearance before the Senate committee . It gives outside support to your advocacy of voluntary action .

I would also suggest quoting the ~~day~~ original declaration of the ~~Chamber~~ Chamber of Commerce ,

2 , The attached column by Mary McGrery gives some insight into one of the most forthright members of the committee . He is a man who seems to be on our side.

Lois Henne ssy  
520 Pine,  
Goleta, Calif



Ma yor Ivan Allen  
City of Atlanta  
Atlanta,  
Georgia



# THE ATLANTA CONSTITUTION

For 96 Years The South's Standard Newspaper

RALPH MCGILL, Publisher



EUGENE PATTERSON, Editor

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Page 4

FRIDAY, JULY 19, 1963

## There Are Right and Wrong Reasons For Opposing the Civil Rights Bill

Sen. Richard B. Russell's original opposition to the President's civil rights bill belabored the proposed cure—legislation—but ignored the ill—existence of Negro grievances.

In a television interview he has now stated that he is "well aware that we're living in a social revolution." It seems to us this a step forward by him toward the higher ground of recognizing that a problem exists.

The other half of the question still remains, however: What to do about the problem?

The opponents of the President's bill in Congress will not have a strong argument if—though they recognize existence of the national problem he is trying to cope with—they avoid any responsibility of their own for helping solve it.

Much of the Southern congressional opposition to the bill is based on just such an avoidance of responsibility, emptying the arguments to a large extent. The implication is that even though a problem is conceded to exist, the Southerner in Congress is willing to block the President's effort to do something about it while in turn offering the alternative of doing nothing about it.

It seems to us this position is 180 degrees opposed and 100 per cent weaker than the position taken by the Board of the Atlanta Chamber of Commerce in its own resolution opposing passage of the President's bill.

The Chamber opposition is based neither on denying that a problem exists nor upon the alternative of doing nothing about solving it. On the contrary, the Chamber couples its opposition to the legislation with a specific and forthright alternative solution—voluntary progress instead of compelled progress.

Like Sen. Russell, the Chamber Board found the public accommodations portion of the bill to be "particularly objectionable" because it would bring intrusion of further federal regulation into private property.

But unlike Sen. Russell, the Chamber Board reiterated an alternative to the legislation; it appealed "to all businesses soliciting business from the general public to do so without regard to race, color or creed," solving voluntarily a problem whose solution it does not want to see federally compelled.

Atlanta itself is an example of a city that does not need the President's proposed law because it is recognizing the problem and solving it voluntarily. This, it seems to us, is the right reason for opposing the public accommodations bill.

If the Southern opposition to the bill in Congress would move up to this position which has already been taken at home, then it seems to us the arguments would be greatly strengthened, the solution of racial problems would be considerably advanced, and the dignity and reputation of the South would be better served.

\* \* \* \* \*





**Mary McGrory**

## Sen. Hart Shifts the Ground, Puts Life Into Rights Hearing

WASHINGTON—The Negro spiritual goes: "Everybody talkin' 'bout Heaven, Ain't going there—Heaven." Well, they were talking about Heaven at, of all places, the civil rights hearing before the Senate Commerce Committee. And because one was a liberal Democratic senator from Michigan and the other was the segregationist governor of Alabama they couldn't agree on whether in paradise there would be separate but equal facilities for the races.

Gov. Wallace struck the celestial chord first and later obviously wished he hadn't.

The pugnacious, pug-nosed governor had had a happy morning twanging out easy answers to easy questions played to him by like-minded Sen. Thurmond, Democrat of South Carolina.

"Governor," asked the senator, "Do you believe in equal opportunity for all men, be they white, black or tan?"

"Of course I do," the governor came in. And then his thoughts, you might say, soared.

"I am not one of these intellectuals who thinks there is no God," he said with pride.

"I think there is one and in fact I know there is one. I believe he made the whole human family and he loves all mankind, and any man who would mistreat anyone on account of his color, I feel sorry for them."

Any other man would have said "amen" to that, but Sen. Hart is highly unconventional and he promptly put to Wallace the most arresting question yet heard in the repetitious hearings.

"What will Heaven be like? Will it be segregated?"

Wallace was plainly shocked. "I don't think that you or I, either one, knows exactly what

Heaven will be like," he said reprovingly.

The governor had for two days been freely predicting what would happen here if the Senate passed the civil rights bill. He had admonished the Defense department to look away from Dixie. He had prophesied a white uprising and the end of the free enterprise system.

But Hart's shifting of the ground to the hereafter put him off. His code does not permit him to speculate, as Hart invited him to do, about the eating facilities in Heaven, provided the human family does eat in eternity.

He said stiffly he thought that segregation on earth was in the best interests of both races.

If Hart nettled the governor with his theology, he confused him with his open-mindedness.

He admitted he didn't know something, which Wallace would never do. He said he didn't know what a Negro parent would do if he were a member of the Armed Forces who had grown up in the North and were assigned to the South and had to explain local conditions to his children.

Hart asked to be excused for further civil rights duty downstairs in the auditorium where a large crowd and the Senate Judiciary Committee, of which he is also a member, had gathered to hear the attorney general. After some inaudible exchanges about whether the Southern senators should be heard first, it was decided that Mr. Kennedy should go back to the Justice department while the committee heard the views of Sen. Ervin, Democrat of North Carolina.

Hart came through loud and clear on the auditorium's chancy amplifying system. He said: "We came closer to disaster in Birmingham than in Cuba."

If he keeps up the performance of the past week, Hart may prove that a man need be neither a windbag nor a demagogue to make a name for himself in the troubled field of civil rights.



At bottom, this business is an attack on no less a thing than representative government. This is so because Congress is the only part of the Government which is literally and precisely representative in structure and character.

What the screamers, therefore, are really reaching for, whether they know it or not, is a kind of people's republic where public policy would be exclusively in the hands of a President who, though quite democratically and lawfully elected, would thereafter be under no real check at all.

#### NEED FOR EFFECTIVE CIVIL RIGHTS LEGISLATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that two recent articles reporting important statements on the need for effective civil rights legislation from outstanding church leaders be printed in the RECORD at the conclusion of my remarks. The first of these articles, Mr. President, is taken from the August 31, 1963, issue of the New York Times and reports an action taken by the Methodist Conference on Human Relations at a national meeting of 1,100 delegates representing 10 million Methodists. That statement called for Federal and State laws "that will open all facilities serving the general public to all persons without regard to race." Equally as important it called upon all of the churches within the denomination to make certain that neither their good name nor their funds be used in any way to permit racial discrimination. This is a very far-reaching policy and one that should be both commended and copied by others.

The other article, Mr. President, taken from the July 8, 1963, issue of Christianity and Crisis, is an excellent statement on the importance of congressional action on civil rights. It is typical of the growing sentiment among churchmen of all faiths. This statement is not based upon self-interest. It is not based upon group interest. It is based upon national interest and upon moral grounds. What we do here in the weeks immediately ahead is going to be watched closely by these good people. They have chosen the standard of their measure. It is not put in terms of dollar limits or the number of stores in the chain or the type of public service. It is put in terms of equal treatment of all citizens without regard to race. I hope and pray that we will have the good sense to write a bill that will meet this test.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 31, 1963]  
**METHODISTS BACK CIVIL RIGHTS PLAN—WOULD BAN DISCRIMINATION BY THOSE SERVING PUBLIC**

CHICAGO, August 30.—The Methodist Conference on Human Relations called today for Federal and State laws "that will open all facilities serving the general public to all persons without regard to race."

Support for such a policy, a major issue in pending civil rights legislation in Congress, was contained in a statement approved at a national meeting of 1,100 delegates representing 10 million Methodists.

The statement took the form of a far-ranging message to the denomination's churches that urged church units to employ their economic power to aid integration and advocated that the 135 church-related col-

leges, including many in the South, be opened to all races.

In urging that Methodist schools, colleges, hospitals and other institutions be opened to all races, the document proposed "that the name of the church and funds from its budget shall be withdrawn from any institution pursuing a policy contrary to this recommendation."

The message also stated, "We are proud that Methodist youths have participated in nonviolent demonstrations in behalf of racial justice all over the land."

Spokesmen explained that the suggestions are advisory. They will be submitted on a petition to the Methodist General Conference, the top legislative body of the denomination, which will meet in Pittsburgh next spring.

The message proposed:

That "investment funds, such as those of the board of pensions, be used to help achieve integrated communities."

That church units develop "a program of investment only with companies having non-discriminatory policies" and buy goods and make contracts only with companies that do not discriminate in hiring.

That members "work toward full integration of schools" and assist in voter registration.

That bishops "prepare the grounds" for assigning pastors and district superintendents without regard to race.

That the 1964 general conference of the church take further steps to merge the central jurisdiction, which is virtually all Negro, into the five regional jurisdictions.

"We cannot prevent another person from approaching the altar of God because of his race without being guilty of grievous sin," the message declared.

The message was approved by a show of hands at the closing session of the conference.

[From Christianity and Crisis, July 8, 1963]

#### THE MOUNTING RACIAL CRISIS

The simplest explanation for the increasingly urgent demonstrations of the Negroes against disfranchisement, segregation in school and church, lunch counter and public conveyance, and against every public custom that affronts the dignity of the human being, is that the Negro feels—as we all ought to feel—that a century is a long time to wait for the elimination of the "American dilemma."

Discriminations against a race in the present historical context are as offensive to the conscience of man and as unbearable to the victims of discrimination as slavery was in its day. If we recognize that the present situation is more unbearable to the victims of injustice than it is offensive to the conscience of men, we are confronted by the hardness of the human heart, even among those whose hearts have been softened by human sympathy and the stirrings of conscience. Try as we will we cannot feel the pain of others as vividly as they do.

If we should still find it a mystery that this burst of resentment has come in a period in which the ice of the long winter of injustice is breaking—after the Supreme Court decision on segregated schools has given unmistakable evidence that the law of the Nation is now unequivocally on the side of justice and during an administration that has shown more concern for racial justice than any previous one, despite the Southern base of the regnant party—we have only to consider that social revolt is not, as Marx thought, motivated by pure desperation. It is motivated by both resentments and hopes, particularly by hopes deferred, which "maketh the heart sick."

The Supreme Court had promised integrated schools "with all deliberate speed." Yet a decade has passed without obvious progress. The customs of the Nation, the pride of the dominant race, its fear of com-

petition from a race whose increasing education would refute the dogma of its innate inferiority have inhibited the attainment of justice.

Impatience is due in part to the fact that some Negroes have attained a college education. Thus there is now an articulate core to voice the longings of the voiceless masses. They have performed the same service for their race as the articulate craftsmen performed for the peasants at the birth of democracy in the 17th century. Moreover, they have given evidence, particularly in the realm of sports and the arts, in theater and concert hall, and in the novel that the vicious theory of their innate inferiority is a fraud. Their leaders in these fields have sparked the flame of the present revolt as much as the students did with their original sit-ins at the lunch counters and their freedom rides.

Since the record of the white Protestant Church, except for a few heroic spirits, is shameful, one must record with gratitude that Negro churchmen have been conspicuous among the leaders of the revolt. The Negro church in the person of Dr. Martin Luther King has validated itself in the life of the Negroes and of the Nation.

The impatience of the Negro will not subside until the last vestiges of legal and customary inequality have been removed. Revolutions do not stop half way. The next step has been outlined by the President's new legislative program, which is the natural fruit of the increasing tension of what he has defined as our "moral crises."

The legislative program as proposed seeks to outlaw discrimination in all private commercial ventures on the basis of the 14th amendment and the interstate commerce clause of the Constitution. It will not pass without a great political struggle. If successful it might put the legislative capstone on the emancipation of the race. But the retreating white supremacists are increasingly desperate. Their murders, their police dogs and their terror have contributed as much to the mounting tension as the impatience of the Negroes. We are, in short, confronted with the ultimate, or at least penultimate, chapter in the long history of overcoming the American dilemma.

Of course laws cannot finally change the recalcitrant. Their prejudices dictate customs that are at war with the explicit law of the land and the law that is written into the heart. These prejudices are, in the language of St. Paul, "another law in my members warring against the law of my mind." One can only hope that the church will be more effective in restraining and transmuted these vagrant and recalcitrant passions of man than it has been in the past. The contribution of Roman Catholicism is another story.

We Protestants might begin the new chapter in our national life by contritely confessing that evangelical Christianity has failed to contribute significantly to the solution of the gravest social issue and evil that our Nation has confronted since slavery.

R.N.

#### FEASIBILITY OF ADOPTING THE METRIC SYSTEM OF WEIGHTS AND MEASURES

Mr. PELL. Mr. President, on Tuesday, October 8, 1963, the White House released the first report of the Consumer Advisory Council which recommends, with other proposals, that a study be made by an appropriate executive department or agency of the desirability and practicability of conversion—by the United States—to the metric system. I applaud this recommendation of the Council, for it adds substantially to the growing weight of opinion that such a feasibility study be made.



Since I first introduced S. 1278 on April 4, of this year, calling for such a study by the National Bureau of Standards, I have received communications of support from many diverse groups and individuals—professors, professional engineers, persons concerned with international trade, editors of magazines, and others. In addition, the Departments of State, Commerce, and Defense concur that such a study would be very useful.

The Committee for the Study of the Metric System of the American Geophysical Union has done notable work in this field. The committee has polled a number of professions with regard to adopting the metric system, and has turned up some rather startling figures. The average of some 19 different groups contacted, who consider such a change advantageous to them, was a very high 94 percent. Those who felt our export trade was suffering because we have not adopted the metric system, was 69 percent; and those who felt such a change-over is inevitable, 70 percent. At this point Mr. President, I should like to have reprinted in the RECORD two documents; one the progress report of the committee and the second, an address by the committee's chairman, Mr. Floyd W. Hough entitled "Why Adopt the Metric System."

There being no objection, the progress report and address were ordered to be printed in the RECORD, as follows:

PROGRESS REPORT OF THE COMMITTEE FOR THE STUDY OF THE METRIC SYSTEM IN THE UNITED STATES

Floyd W. Hough, Chairman; Carl I. Aslakson, Finn E. Bronner, John G. Ferris, Helmut E. Landsberg, G. Medina, John A. O'Keefe, Milton O. Schmidt, Lansing G. Simmons, George D. Whitmore, Julius C. Speert and Thomas Dando as alternates; and L. V. Judson, consultant.

At the May 7, 1958, business session of the

American Geophysical Union the Bronner resolution was passed unanimously requesting President Ewing to appoint a special committee of the AGU for the study of the metric system in the United States. The resolution, printed in the Transactions of June 1958 (p. 558), directed the committee to report at the May 1959 meeting. Accordingly, the President appointed the special committee noted above.

The committee held its first meeting on October 29, 1958, and has held four subsequent plenary sessions interspersed with a number of partial meetings of working groups. Correspondence was opened with A. H. Hughes of London, deputy chairman of the metric committee of the British Association for the Advancement of Science. The British committee has parallel instructions to those of our committee with the added feature of considering the conversion of their present monetary system to a decimal system. Our committee entertained Hughes at a luncheon during his visit here on December 28. This was followed by an interesting session at which the similar problems of the two countries were discussed. Several members of the committee attended the metric system discussion at the December meeting of the American Association for the Advancement of Science.

The various members of the committee have made independent studies on the adoption of the metric system in the United States and submitted reports on such phases as: the effect on industry, the effect on foreign trade, the effect on Government (including State and municipal), the advantages and disadvantages of the metric system, the history of the metric system in the United States and its use in foreign countries, the introduction of the metric system into the schools, publicity programs, best means of making the transition, and proper approach to Congress.

It was early recognized by the committee that an initial poll must be taken to ascertain the feeling of the scientific field on the question of a change to the metric system. Accordingly, a subcommittee was appointed to draw up a suitable questionnaire and a

letter to the editor of Transactions (see Trans., pp. 38-39, Mar. 1959); this plan was later extended to include the editors of a number of scientific and engineering journals. An excellent response was made to the committee's request for printing the letter and questionnaire with the result that they have been carried already in the official publications of the following organizations: American Society of Civil Engineers, American Society of Mechanical Engineers, Institute of Radio Engineers, American Association for the Advancement of Science, Society of American Military Engineers, American Geophysical Union, and American Society of Photogrammetry.

Two in addition to the above will carry the letter and questionnaire in their next issues. It is felt that these organizations with perhaps 175,000 readers, excluding overlapping membership, should furnish an adequate coverage of the scientific and engineering fields. The replies to these questionnaires are coming in daily and will no doubt continue for some time owing to the recency of some of the publication issues. To date, we have had about 700 returned. While this number is a small percentage of the readers of the above publications, it should be noted that in all cases the questionnaire was printed in such a manner that it was necessary to cut it out of the magazine, often destroying text material on the opposite side of the sheet. Add to this the necessity to address and stamp an envelope, and we must conclude that the 700 represent only the most enthusiastic of those concerned with the subject. A considerable number of one- and two-page letters have been received with excellent suggestions and encouragement. Furthermore, of the 700 questionnaires received, about 14 percent have indicated willingness to aid financially.

The tabular analysis of the first 577 questionnaires returned, for the computation of which the committee is indebted to personnel of the U.S. Coast and Geodetic Survey, is shown in table 1. The tabular analysis is self-explanatory, the nine questions being shown by number at the heads of the columns and the various professions by number at the left.

TABLE 1.—Analysis of questionnaire

Profession 1	Number answering	Present usage (question 2)				Change advantageous (question 3)			Period for change (question 4)		Use centigrade temperature (question 5)			Export trade now suffering (question 6)			Metric system adaptation inevitable (question 7)			Cost of gradual change prohibitive (question 8)			Sponsorship (question 9)				
		Metric	British	Other	Answering	Yes	No	Answering	Average	Answering	Yes	No	Answering	Yes	No	Answering	Yes	No	Answering	Yes	No	Answering	Professional society	Industry	Education	Government	Answering
0	79	Pd.	Pd.	Pd.	Pd.	Pct.	Pct.	Pd.	Years	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.	Pd.
1	50	46	52	2	97	91	9	99	22	97	89	11	100	70	30	59	63	37	99	13	87	96	30	19	16	35	97
2	123	60	39	1	98	94	6	98	21	100	92	8	100	63	32	44	53	37	92	9	91	90	48	18	08	25	92
3	3	74	24	2	99	96	4	99	21	96	98	2	98	56	44	39	71	29	97	3	97	97	39	08	09	43	98
4	101	22	76	15	100	67	33	100	20	100	100	0	100	50	50	67	33	67	100	0	100	100	44	44	11	00	100
5	50	37	62	1	98	96	4	100	25	98	98	2	100	78	22	36	65	15	61	6	94	63	37	15	14	34	99
6	35	12	85	3	100	80	20	100	26	100	83	17	100	62	38	66	62	38	94	2	92	96	42	13	08	37	100
7	25	39	61	0	92	92	8	100	15	96	88	12	100	46	54	52	64	36	100	4	96	96	41	15	03	41	100
8	2	35	60	5	100	100	0	100	20	100	100	0	100	100	0	50	100	0	100	0	100	100	17	09	17	67	100
9	14	69	31	0	100	100	0	100	18	93	100	0	100	100	0	50	93	7	100	0	100	93	59	05	16	20	100
10	9	75	23	3	100	100	0	100	20	100	100	0	100	100	0	22	88	13	89	0	100	100	50	11	17	22	100
11	13	48	41	11	100	100	0	100	23	100	100	0	100	100	0	31	73	27	85	0	100	69	40	10	17	33	100
12	2	13	87	0	100	100	0	100	15	100	100	0	100	100	0	50	100	0	100	0	100	100	67	17	00	17	100
13	10	75	25	0	100	100	0	100	26	90	100	0	100	75	25	40	75	25	80	0	100	100	28	03	18	53	100
14	26	37	55	8	100	100	0	100	19	100	100	0	100	63	38	62	67	33	92	4	96	96	32	24	16	28	96
15	3	25	73	2	100	100	0	100	28	100	100	0	100	50	50	67	33	67	100	0	100	100	11	44	11	33	100
16	13	58	42	0	92	92	8	100	16	92	100	0	92	75	25	31	77	23	100	0	100	100	58	16	06	20	100
17	11	39	60	1	100	100	0	100	22	100	100	0	100	100	0	45	60	40	91	20	80	91	46	06	16	33	91
18	8	66	34	0	100	100	0	100	21	100	100	0	100	100	0	50	63	38	100	0	100	100	39	09	14	39	100
	577	47	51	2	98	94	6	99	22	97	95	5	99	69	31	46	70	30	90	6	94	90	39	14	12	35	98

1 Key to professions:

- 0 Others (including not identified)
- 1 Physics
- 2 Chemistry
- 3 Mathematics
- 4 Civil engineering
- 5 Electrical engineering

- 6 Mechanical engineering
- 7 Geology
- 8 Aerodynamics
- 9 Medical
- 10 Pharmacology
- 11 Research scientist
- 12 Metallurgy

- 13 Biology
- 14 Photogrammetry
- 15 Geography
- 16 Meteorology
- 17 Teaching
- 18 Oceanography



with rational discourse, with mutual trust and, therefore, with joy and gratefulness for the gift of life.

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### THE ADMINISTRATION'S CIVIL RIGHTS BILL

Mr. TALMADGE. Mr. President, never before in the history of the United States—indeed, not in the history of any free and civilized people—has such vicious legislation been proposed as that part of the administration's so-called civil rights bill which would enable the Federal Government to excommunicate sovereign States, to in effect, ban them from the Union.

I refer to title VI of the civil rights bill now pending before this body, S. 1731, which reads in part as follows:

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.

Under this provision, Mr. President, the executive branch of our Government would be given carte blanche authority to withhold Federal funds paid to the States in grants-in-aid programs or to cancel Federal financial participation in contracts, loans, insurance, and guarantees.

Without any notice, without any hearing, without a judicial proceeding of any kind, and without any appeal or other safeguard against abuse, entire States could be starved out of the Federal Treasury.

By alleging discrimination in connection with any Federal aid program, the Executive would have unrestrained control over the expenditure of funds appropriated by the Congress for direct or indirect assistance to the States.

No court test to determine whether discrimination was actually being practiced would be required.

This proposal is so broad that whole States could be punished for voting wrong, if discrimination were alleged as an excuse.

Title VI is aimed of course at the States of the South, in a brazen attempt to legislate social reform and to blackmail law-abiding citizens to go against that which they believe to be in the best interests of everyone.

However, I would emphasize that no State in the Union would be secure against the wrath, whims or caprices of a Federal bureaucrat armed with the unlimited power of title VI.

A person of oriental or Mexican descent, for example, could apply for a bank loan in California or a highway job in Arizona, and be refused as a poor credit risk or as not competent for the job.

On the basis of a claim of discrimination, a Federal official could cause the cancellation of all FDIC insurance on all California banks or the loss of all Federal highway funds for the entire State of Arizona.

By the same token, the citizens of whole States receiving welfare benefits could be denied their old-age assistance or aid to the disabled.

Needy children could be deprived of food they now receive under the school lunch program.

Civil defense programs, so vital to the security of our country, could be halted in States which lost the favor of some Federal bureaucrat.

States could be denied Federal aid in hospital construction; funds for research in such critical areas as heart disease,

### CONGRESSIONAL RECORD — SENATE

cancer, and mental health could suddenly be cut off.

The ultimate effect of this iniquitous proposal would be to destroy our republican form of government.

Power to expend the funds it appropriated would be wrested from the Congress and handed over to the Executive.

Sovereign States would have to toe the administration line.

I submit, Mr. President, that title VI is totally unjustified and unwise, as the President himself said last April, when the Civil Rights Commission suggested that Federal funds be denied Mississippi. He said:

I don't have any power to cut off the aid in the way proposed by the Civil Rights Commission, and I would think that it would probably be unwise to give the President of the United States that kind of power.

I favor the full enjoyment of every American citizen of all rights guaranteed him by the Constitution. I know of no one who has claimed a deprivation of rights who has gone to court under existing statutes and has not had his rights granted him in full.

But I do not believe that a certain privileged group should be granted special rights and benefits to the extent that the rights of others are lost.

And, it is my opinion, Mr. President, that a majority of the citizens of the United States share this view.

### GOVERNMENT LOSSES OF AGRICULTURAL COMMODITIES—REFINED SALAD OIL

Mr. WILLIAMS of Delaware. Mr. President, on July 16, 1963, I called the attention of the Senate to the fact that under Public Law 480 our Government had entered into a barter agreement with Austria for the disposal of 40 million bushels of feed grains but that out of this 40 million bushels only approximately 16 million bushels ever arrived in Austria, and the other 24 million bushels were diverted while en route, destination unknown.

Just how our Government could track of 24 million bushels of grain a 3-year period without someone knowing it, is as yet unexplained.

To determine who, if anyone, our Government officials or the executive may have been a part of the cover-up to arrange this illegal transaction, I introduced Senate Resolution 171, the purpose of which was to conduct a scale investigation of all transactions under Public Law 480.

The Government of Austria has already indicted seven individuals for their part in the diversion of 24 million bushels. I did not see how this fraud could have been perpetrated without the cooperation of this side of the Atlantic. Thus far the Senate Agriculture Committee has not seen fit to conduct an investigation authorizing the release of information.

Today I wish to call attention to an example of a loose transaction in the disposal of agricultural commodities. This transaction like all others raises questions as to the propriety



his efforts to strengthen and stabilize the government.

The basic objectives of Indonesia's domestic policy are to mold the Indonesian people into a great nation, to develop the country's resources, and to improve the living conditions by giving the Indonesian people a greater share in the benefits of an expanding economy.

Indonesia's potential for economic development is great. There are large areas of land that have not yet been developed agriculturally, and the islands are rich in untapped mineral resources such as petroleum, tin, and bauxite. An 8-year plan for economic growth was launched in January 1961 as a blueprint for Indonesian development.

The United States has had an interest in Indonesia from the very outset. The United States played an important role in helping Indonesia negotiate its freedom from Dutch rule, and it has continued to encourage the development of a stable and democratic country. The American foreign aid program has helped to strengthen the Indonesian economy and to improve the living conditions of its people. The two countries have established a long record of cooperation and friendship. On the occasion of the 18th anniversary of Indonesian independence, the United States takes the opportunity to express its desire to maintain close and cordial relations with Indonesia on a basis of mutual respect.

**Civil Rights Resolutions**

**EXTENSION OF REMARKS**

**HON. ROBERT DOLE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. DOLE. Mr. Speaker, I am certain the "Resolutions Adopted by the House of Bishops, Protestant Episcopal Church, Toronto, Ontario, August 12, 1963," will be of interest to Members. These important resolutions were brought to my attention by the Rev. William E. Craig, director, St. Francis Boys' Home, Salina and Ellsworth, Kans., who is sincerely concerned with the rights and needs of all minority groups.

*Resolved*, That the House of Bishops of the Protestant Episcopal Church urges the Congress of the United States to pass such civil rights legislation as shall fairly and effectively implement both the established rights and the needs of all minority groups in education, voting rights, housing, employment opportunities, and access to places of public accommodation.

*Resolved*, That the House of Bishops of the Protestant Episcopal Church, mindful of the Church Assembly to be held in Washington, D.C., on August 28, 1963, in cooperation with the March on Washington for Jobs and Freedom, (a) recognizes not only the right of free citizens to peaceful assemblage for the redress of grievances, but also that participation in such an assemblage is a proper expression of Christian witness and obedience; (b) welcomes the responsible discipleship which impels many of our bishops, clergy, and laity to take part in such

an assemblage and supports them fully; (c) prays that through such peaceful assemblage citizens of all races may bring before the Government for appropriate and competent action the critical and agonizing problems posed to our Nation by racial discrimination in employment, in access to places of public accommodation, in political rights, in education, and housing.

*Resolved*, That the House of Bishops of the Protestant Episcopal Church commends to all people the Presiding Bishop's letter dated Whitsunday 1963, as appropriate and helpful in the present racial crisis; and that we support the Presiding Bishop in this wise and timely expression of Christian leadership.

**Call to Political Duty**

**EXTENSION OF REMARKS**

OF

**HON. FRED SCHWENDEL**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. SCHWENDEL. Mr. Speaker, in his keynote speech to the workshop meeting of the Republican Citizens Committee not long ago Gen. Dwight D. Eisenhower called strongly upon "political amateurs" to participate in politics. This call is well worth remembering and pondering for the vast majority of citizens who find it so much easier to sit back and do nothing and then complain because they are not governed as they would like to be. History plainly indicates that democracies remain strong only so long as their citizens remain actively interested in their governments.

Therefore, I call the attention of every citizen to former President Eisenhower's remarks in the article from the Saturday Evening Post of August 10, 1963, which follows below:

**A CALL TO POLITICAL DUTY**

After an illustrious career in public service, no one would criticize Gen. Dwight D. Eisenhower if he decided to take it easy in his retirement. But the former President seems to be going stronger than ever. Recently he has shown a zest for close political combat unlike anything that he showed during his "active" career.

Not long ago a group of distinguished Republicans from all sections of the country gathered at Hershey, Pa., for a workshop meeting of the Republican Citizens Committee. General Eisenhower delivered the keynote speech.

He let the New Frontier have it. Duty "requires that we call the roll, clear and loud on the opposition's record," he said. "the sorry record that stands naked to behold, when the cunningly manipulated veneer of imagery is peeled off. \* \* \* For the sake of its future, the American electorate \* \* \* should become fully aware of the political connivance that is a way of political life for those who avidly seek power at any cost—and having won it, reach out for more and more."

The main thrust of General Eisenhower's speech was a call for massive participation by Republican-oriented citizens in the campaign of 1964. "I hope this town meeting is the forerunner of many, many more across the country by different citizens' groups, all of which make their contribution toward the growth of Republicanism," he said. "Political amateurs," he added, "bring verse, sparkle and fresh ideas which perk up a



political party the way a well-advertised medicine does tired blood. Many of today's finest public officials and party organization leaders were yesterday's 'political amateurs.'

The general speaks from experience. "Dedicated nonprofessionals," he said, "were to a considerable extent responsible for my decision in 1952 to enter the political arena."

We heartily endorse General Eisenhower's call for massive Republican citizen participation in the coming campaign. The so-called amateurs can give the party something that the tired party pros seem unable to supply—a renewed energy and a hefty injection of idealism. Perhaps the "amateurs" will even uncover a Republican candidate who will give Jack Kennedy a run for his money in 1964.

### Trotters Shoals

#### EXTENSION OF REMARKS OF

**HON. W. J. BRYAN DORN**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. DORN. Mr. Speaker, the textile industry is the leading industry in the Carolinas and Georgia. This great industry, the very backbone of our economy, must never become dependent upon the Federal Government for its power. Another Federal Government dam at Trotter Shoals on the Savannah River would give the Federal Government a complete monopoly over that great river. If the Federal Government controls power and water, it will control people and their employment.

The following editorial is from the August 3, 1963 issue of Southern Textile News:

#### PRIVATE VERSUS SOCIALIZED POWER

With the textile industry's vital interest in taxes and electrical power, close watch should be kept on proposals for Uncle Sam to construct the Trotter Shoals Dam on the Savannah River in South Carolina rather than for private enterprise. This is not of interest just to South Carolinians, but has far-sweeping interests to all taxpayers.

The pseudoliberals, whatever party label they wear, like to call themselves "The party with a heart," or "The party of the people." This infers that conservatives are heartless and unconcerned with people. But close examination of the doctrine and programs of the liberals often discloses that, either their heart is blind or they are more interested in power than people. This is illustrated in the Trotter Shoals project.

As a matter of heart, the liberals argue that all of the natural resources of the Nation "belong to all the people." This is the argument they use to justify Federal construction of hydroelectric dams, notwithstanding the fact that Federal electricity is sold at cutrate prices to only a favored few of the people. Specifically, this is the argument behind Interior Secretary Udall's demand that Uncle Sam, rather than private enterprise, construct the \$78.7 million Trotter Shoals Dam, a project which would remove 22,000 acres of land from State and local tax rolls.

Would Federal construction of this dam help "all the people?" Here is what is in store for this area (and other areas in time) if the Government does not build the dam:

1. The Mead Corp. will employ 1,400 workers in the construction of a \$40 million plant at the site which will create 650 per-

manent jobs. The plant will purchase \$9 million worth of pulpwood a year which will create another 1,850 jobs. The plant will pay \$3.8 million a year in local, State and Federal taxes (not counting the taxes which the new workers will pay.)

2. Duke Power Co. will employ 1,000 workers in the construction of an electric steamplant at the site which will create 135 permanent jobs. The steamplant (which will generate 24 times as much electricity as the Federal dam) will purchase \$25 million worth of coal a year which will create more new jobs in the mining industry. The investor-owned steamplant will pay \$13 million a year in local, State, and Federal taxes.

As a matter of "heart," which would do more for the most people, the Federal Government or private enterprise?

### Is President Kennedy Afraid To Trust the American People?

#### EXTENSION OF REMARKS OF

**HON. BRUCE ALGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 14, 1963

Mr. ALGER. Mr. Speaker, why does President Kennedy refuse to trust the American people? Why does he enter into secret negotiations with Khrushchev? What has he promised Khrushchev? Who is calling the shots, our President or the Soviet dictator?

It is time the American people know just what President Kennedy has in mind for them and what kind of country he intends to leave for our children. The reports of secret agreements reached with Khrushchev should fill us with fearful foreboding.

It seems to me Congress should demand a full explanation to the questions raised in the following article from the Washington World of August 19, written by Robert S. Allen and Paul Scott.

Even Averell Harriman, famous for his negotiations with the Russians, says our goals and theirs are absolutely irreconcilable. Therefore, any agreements acceptable to Khrushchev must be against the best interest of the United States.

The article follows:

#### KENNEDY AND KHRUSHCHEV MUCH CLOSER ON AGREEMENT THAN STATEMENTS INDICATE

(By Robert S. Allen and Paul Scott)

President Kennedy and Premier Khrushchev are much closer to a step-by-step agreement on a nonaggression pact between the West and the Soviet block than their public statements indicate.

In fact, they already have reached an understanding in their exchange of letters on a plan for a piecemeal approach to cope with the opposition of West Germany and France.

#### SCHEDULE OF TALKS

Under this Kennedy-Khrushchev strategy, the following "escalator procedure" will be pursued in the "second round" of negotiations underway in Moscow:

Exchange of military missions between the North Atlantic Treaty Organization and the Warsaw Pact, the Iron Curtain military alliance.

Resumption of discussions on the security of West Berlin and its access routes.

A joint declaration to be signed by the

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cally helpful effect on numerous mentally ill people.

I personally had reservations concerning the application of this program on Indian reservations. But on the same trip we went into the largest Sioux Indian Reservation, and there we learned again how even a few "seedmen" volunteers can, with their good will, inspiration, and enthusiasm, perform practical measures to help in the almost unbelievable poverty, in all departments, on Indian reservations.

Our committee, which has dealt with migratory labor problems, has seen over the years how a few volunteers in migratory labor camps can do so much to bring a bit of needed education to the youngsters—and perhaps even to the adults. They can provide nursery day care for the very young, and assist in state health and sanitation projects also.

I hope all Senators will have an opportunity to look over the hearing record and note the unanimity of views across the country of people with knowledge in the field of social problems. More than 50 organizations have enthusiastically endorsed the bill. They are all listed in the hearings record and on pages 12 to 14 of the committee report. It is significant that those who are most knowledgeable in social work have been most articulate and strong in their endorsement.

Among the groups, church people are prominent. They are hopeful that the legislation will be passed, and that we shall be able to spark, through volunteers, an even greater community response to severe human needs and problems.

Mr. JAVITS. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. PROXMIER in the chair). Does the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. JAVITS. I join the Senator in the sentiments he has expressed. If the bill is enacted into law, I hope the President, in considering the appointment of a Director for the National Service Corps, will keep in mind the very excellent example of completely nonpartisan leadership—as high minded as that of those who serve—which has been so heavily responsible, in my opinion, for the success of the Peace Corps.

I thank my colleague.

#### CIVIL RIGHTS—ADDITIONAL COSPONSORS OF BILLS

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. MORSE. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. JAVITS] may be added as a cosponsor of S. 1665, to require that all State or local programs supported with Federal funds shall be administered and executed without regard to the race or color of the participants and beneficiaries, which I introduced on June 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask unanimous consent that the name of the Senator from Vermont [Mr. PROUTY] may be added as a cosponsor of S. 1801, to effectuate the provisions of the sixth amendment of the U.S. Constitution requiring that defendants in criminal cases be given the right to a speedy trial; and S. 1802, to protect the integrity of the court and jury functions in criminal cases, which I introduced on June 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, although all these bills have been printed, the names of the additional cosponsors will be included at the next printing.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. JAVITS. The Senator from Oregon has joined me in his bill to prevent Federal funds from being utilized for State programs which are segregated. I would like to say a word on the subject, because it is becoming quite a raging issue. I have joined the Senator from Oregon on his bill, just as I joined my colleague [Mr. KEATING] on his amendment to the omnibus civil rights bill along these lines, because I feel very deeply that the only hope for civil rights legislation is in bipartisanship; and I want to do everything I humanly can to demonstrate by act and deed my deep feeling on that score.

Neither side alone has the votes to pass civil rights legislation. In my opinion, it is a fact that, in every way open to us, we shall need to keep this bipartisan coalition together so that we may ultimately get somewhere.

I hope very much—and I know how the Senator from Oregon feels about this, but I am putting it in words—that all Members on both sides of the aisle will keep very clearly in mind that this is a burning issue on the domestic scene—as burning an issue as is nuclear testing on the international scene. The only way we are going to get anywhere is by keeping the goal very clear. Call it nonpartisan or bipartisan, the fact is that neither side alone has the votes, and we must be together on the issue.

Mr. MORSE. Mr. President, will the Senator from New Jersey yield to me a moment?

Mr. WILLIAMS of New Jersey. I yield.

Mr. MORSE. In connection with what the Senator from New York has said, it is an honor to be associated with him in his advocacy of civil rights legislation. I know of no peer of the Senator from New York in the civil rights legislation field. But I would have my colleagues take note of the fact that what my bill seeks to accomplish is to prevent the Federal Government from violating the law. If one of us were to ask a Senator to join him in an illegal act, the Senator who was asked would look askance and be horror-stricken. But Members of this body, every time they vote for Federal funds for projects involving segregation, in my opinion, are guilty of perpetrating an illegal act, for 9 years ago the Supreme

Court declared segregation to be unconstitutional, and therefore illegal. Yet we sit here in the Senate, on bill after bill, and vote millions of dollars of Federal taxpayers to continue an illegality. It is about time that we put Members of the Senate on the spot, and the senior Senator from Oregon intends to do it. He intends to go from coast to coast to call the roll of Members of the Senate who continue to vote to expend illegally Federal taxpayers' money and who continue an unconstitutional act on the part of the Congress.

Members will not be asked to vote on this issue program by program, but on the whole broad issue of funds going into segregated programs and activities.

This issue is becoming one on which we can no longer do any dillydallying. The issue is whether or not the Congress will keep faith with its right hand when its Members take the oath in this body to uphold the law. We cannot justify the appropriation of moneys for the continuation of Federal projects in which there is segregation. Let the people speak in respect to the rollcall that will be made in the Morse bill and similar proposals that seek to bring to an end the illegality that now exists in this country and that has characterized the treatment of civil rights in Federal programs.

As the Senator from New York has heard me say before, the time has come for the white people of America to deliver the Constitution of the United States to the colored people of America; and I do not intend any longer to sit here and permit politicians to get by with what they have been getting by for years in the Senate and covering it with the alibi, when they get back home, "It is the best we could do."

I will tell Senators what the best we can do is. It is to act in accordance with the law; and the Supreme Court has made perfectly clear that segregation is unconstitutional. I intend to do what I can to take that record across this Republic in the months ahead, before the election of 1964. I do not care whether a Senator is a Republican or a Democrat—he ought to be beaten for reelection in 1964—others will be up for reelection in 1966 and others in 1968—if he does not uphold the law as laid down by the Supreme Court.

Mr. JAVITS. Mr. President, if the Senator will yield, I have done precisely that, as recently as last Wednesday in connection with the Labor-HEW appropriations bill. The reason I made the comment about bipartisanship is that I had the feeling that Members of Congress, when they vote, have an idea that party loyalty requires them to stand by the administration—it might have happened just as well on our side of the aisle if our party were in the majority—and that they have to stand by and vote to table this kind of amendment.

I think the Senator from Oregon has, with his eloquence and warmth, highlighted what I have tried to do, but which I am delighted to join him in highlighting—the fact that, of all the things done in the racial field, with all the fuel added to the fire, this is the worst. It is incon-



lar workers or duplicate or replace an existing service in the same locality.

The Service Corps will be a means whereby the local community can draw on the knowledge and skills of the entire Nation. But the program is designed so that these trained volunteers will work with a community, in a program developed by the community itself. A great deal of careful study has gone into this program. More than 50 ideas for projects were submitted to the President's Study Group on a National Service Corps by various State and local, public and private organizations throughout the Nation. Twelve of these suggested projects are outlined in detail in the hearing record. A glance at these projects will show the very practical work that corpsmen would be doing. On an Indian reservation, they could act as instructors for self-help housing programs, run nursery schools and clinics; in a hospital for the mentally retarded they would help regular personnel as teachers aids and recreational aids; working with migrants, they would give basic education to adults and vocational guidance to the youngsters.

It is important to remember that these projects are not the brain children of a bureaucratic planner. They were worked out by men and women of wide experience who know the help that trained volunteers can be to them in tackling the problems of a community.

Mr. President, there are many Americans, young and old, who are anxious and able to help our less fortunate citizens. The Corps will draw not only upon enthusiasm of our young people, but upon the wisdom and experience of retired persons. There are a vast number of people both young and old ready to help if given a way.

Obviously, 5,000 men and women cannot solve all the age-old problems of human suffering. But their example will have an effect far beyond their number. If every corpsman inspires 10 others to work in their own hometowns, or to join the helping professions, the cost of this program will have repaid itself 10 times over.

I know that the dedicated work of the Service Corps volunteers will show that our material success has not blinded us to the sufferings of others. This program will be a true expression of the ideals which have made this Nation great.

The proposed legislation has been considered as carefully as any measure with which I have been associated. I am sure that Senators are familiar with its genesis and the steps that have been taken in developing the program to the point where it is now under general debate in the Senate. In first addressing himself to this noble project, the President called upon members of his Cabinet to develop policy for it. The Cabinet members so selected chose from their departments persons of great talent to undertake the staff work that is necessary to insure that the noble idea would not be emotionalized, but would become hard, tough, and practical in its development. That study group, while small in number, was

uniquely dedicated to this cause. Once created, the study group has developed ideas which were embodied in the legislation that came to the Senate. The measure was referred to the Committee on Labor and Public Welfare, and assigned to the Subcommittee on Migratory Labor for further legislative action.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. JAVITS. I am a cosponsor of this particular measure. I believe it represents an effort to translate the idealism which has been so prominent in the Peace Corps and which has worked so well abroad to the domestic service of the United States. I am satisfied, too, that the scheme which is proposed to the Congress parallels, as far as is practical, the successful pattern evolved in respect of the Peace Corps, which I believe is one of the more successful initiatives of the United States in the employment, in its foreign aid and foreign development efforts, of the idealism, skill, and interest of young Americans. There is an ample number of projects which can profit greatly from the dedication which the National Service Corps will inspire.

I feel, too, that it will be a very important channel through which volunteer services of young and old alike may go into areas—many of which have been described—of want, need, illness, and underprivilege, which are enclaves of backwardness in terms of economic advance, such as the areas of migratory farm workers. There the volunteers can be of great benefit.

I am very much for the bill. I am a cosponsor, as I said.

I have only two reservations, Mr. President.

I think perhaps, if we needed a description of what is being done, the words "practical idealism" would describe it. I hope very much that the practical idealism which is represented in the National Service Corps will not be marred by asking the dedicated people who will be involved to serve in establishments or institutions which follow a practice of racial segregation.

This is something about which I expressed my deep concern in the committee. It is something which is the subject of an amendment I have had printed, which is on the desk.

I realize that the argument can be made that those who are afflicted should receive help, and that this should be the case even if they are afflicted in a segregated institution. But I think the temper of the times is such that we are engaged in a struggle in which there must be some casualties, and those who are the subjects of segregation are the readiest to accept the "casualty" of being unable to obtain the ministrations of the National Service Corps when there is a pattern of racial segregation.

I hope very much that some way may be found of working out what it seems to me would be so opposite to the patriotic dedication which is represented by the Corps.

The other subject to which I hope my colleagues in the Senate will give a little

thought is the possibility that we are dealing domestically—not abroad, as we did with the Peace Corps—with an analogy to the National Guard and the ROTC. We could allow States to undertake some of the responsibility for training corpsmen and using them within the respective States. I have prepared an amendment upon that score.

I hope to hear the discussion in respect to the bill, to determine whether there is a sufficient amount of interest in the Senate, since the amendment was turned down in the committee, to justify my offering the amendment. I think the plan is a very sound one, to allow States to participate in the process of selection and training, and to allow them to retain the trainees within the States, at the same time maintaining the cachet of this elite corp, the National Service Corps, exactly as we do with respect to National Guard officers and men as they relate to the military forces of the Nation.

The advantage would be that we would stimulate a great increase in the number of people who could be trained, the speed of their training, and the speed of their utilization, and we could invoke State as well as national pride in respect to the trainees.

So, with those two reservations, Mr. President, which I have described—which are not, in my opinion, reservations in any way to change the quality and character of the plan—having proved the validity of the idea in terms of inspiration to youth and in terms of its usefulness to those it serves through the Peace Corps, I believe we have arrived at the point where the National Service Corps is the next logical step in terms of undertaking to give our youth an opportunity to show their dedication and their idealism.

I am grateful to my colleague for yielding. I am confident that by the time the vote occurs on the bill we shall have completely closed ranks in full support of it.

Mr. WILLIAMS of New Jersey. Mr. President, I am grateful, indeed, for those comments by the senior Senator from New York. I am grateful also for his strong support of the proposed legislation, his sponsorship of it, and the contributions he made in the committee deliberations.

As the Senator knows, after the bill was drafted 24 Members of the Senate joined in cosponsorship of the proposed legislation.

The subcommittee which received the bill held 9 days of hearings. The record is most complete. Not only did the subcommittee hold formal hearings in the Capitol, but also members of the subcommittee, together with members of a committee from the House of Representatives, went on a field trip, to see for themselves how the program could be useful in certain areas. I am sure that Members of Congress who went on the trip will never forget the experiences we had at Osawatimie State Mental Hospital in the State of Kansas and how, beyond question, it was proved to us that even one volunteer can have a dramati-



The letter follows:

**ECONOMIC AID ANALYZED: U.S. GOODS AND SERVICES ACCOUNT FOR 90 PERCENT, BELL SAYS**

To the EDITOR OF THE NEW YORK TIMES:

Some of your readers might have drawn incorrect inferences from figures you published in section IV of your July 21 edition regarding the relationship of economic aid to the balance of payments of the United States.

You showed "economic aid" as a debit in the U.S. balance of payments for 1962 amounting to \$3.5 billion—in a year in which the total deficit was \$2.3 billion. An unwary reader could easily have drawn the inference that all we need to do to remove the deficit would be to cut "economic aid" by \$2.3 billion.

Such an action would of course be ineffective. "Economic aid" as shown in your figures includes the outflow of surplus agricultural commodities under Public Law 480 (about \$1.3 billion in 1962), plus the outflow of goods and services—and dollars—financed by loans and grants under our foreign aid.

With the policies that are now in effect, more than 90 percent of total "economic aid" represents U.S. goods and services—not dollar outflow. Under these circumstances, a cut in congressional appropriations would principally reduce U.S. exports—without affecting the balance-of-payments deficit substantially.

#### EFFECT OF CUTS ON EXPORTS

Recognizing the difficulty of estimating precisely the effects of a change in a single factor in the balance of payments, it can be said as a rough approximation that a one-billion-dollar cut in "economic aid" would reduce U.S. exports by \$900 million and the deficit in the balance of payments by \$100 million. (If the hypothetical cut were assumed to affect what is ordinarily called foreign aid—and not to affect Public Law 480 and the Export-Import Bank—the proportions would be about \$800 million reduction in U.S. exports, and \$200 million in the U.S. balance-of-payments deficit.)

The conclusion is clear. Under present policies, with economic and military assistance to other countries almost entirely taking the form of U.S. goods and services, almost no gain to the balance-of-payments deficit can be achieved by reducing our foreign aid programs. Moreover, a foreign aid cut made on the mistaken assumption it would have a major impact on our payments deficit would instead serve chiefly to reduce U.S.-produced goods and services purchased for use abroad.

I should also like to point out the positive gains to the United States from the establishment of progressive, growing economies abroad—which is the main purpose of our economic assistance. U.S. exports to the Marshall Plan countries more than doubled from 1953 to 1962.

Our exports to Japan more than tripled from 1950 to 1962. In many of the countries of Asia, Africa, and Latin America, where our economic aid goes today, aid-financed U.S. exports are finding acceptance and becoming familiar to consumers—which will enhance our normal commercial export markets in the future as those countries increase their incomes and their international purchasing power.

DAVID E. BELL,

Administrator, Agency for International Development.

## The Job of Ending Job Discrimination

### EXTENSION OF REMARKS

OF

HON. WILLIAM FITTS RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. RYAN of New York. Mr. Speaker, the elimination of discrimination in employment is crucial to the civil rights battle. Until there is equality of job opportunity for all our citizens, full equality cannot be realized. A major barrier has been discrimination in the apprenticeship programs for skilled jobs. The worker of the future must be a skilled worker, and the Negro has been hurt in his search for a job because he is often, too often, unskilled. John F. Henning, Under Secretary of Labor and Manpower Administrator for the Department of Labor has written a searching statement of the problems facing Government apprenticeship programs which appeared in the July 1963 issue of the American Federationist, the official monthly of the AFL-CIO. I wish to bring his article to the attention of my colleagues:

#### EXPANDING APPRENTICESHIP FOR ALL AMERICANS

(By John F. Henning)

American Negro demands for fair employment have turned sharply to a precise area of dispute: apprenticeship training.

The new emphasis is hardly surprising. Skilled journeymen are the income elite of manual labor. They look to a brightening future. All responsible projections of U.S. labor force needs cite the continuing call for skilled labor and the declining proportions of unskilled work.

Back in 1957 the U.S. Department of Labor issued its now historic projections of the labor force requirements of the 1960's. The study estimated that in 1970 America will need 42 percent more professional and technical workers than in 1960, 24 percent more sales and service personnel, 22 percent more skilled workers, and 18 percent more semi-skilled. The percentage of the unskilled will be down.

The prophecy presumes a full employment economy in 1970. Without economic growth, both skilled and unskilled will suffer. But not alike. For example, during the past 5 years, the national unemployment rate has approximated a disturbingly high 5.5 percent, but in this period the jobless rate among the unskilled has been at least twice that of the skilled. Whatever the course of the economy, the days of the unskilled appear numbered.

Long ago Benjamin Franklin observed that he who hath a trade hath an estate. The difficulty is that he who hath a trade usually hath a white skin.

As in Franklin's time, the one certain road to journeyman training is the apprenticeship system. To some the road seems a narrow, twisted trail, bordered by bigotry and privilege. Whatever its hazards, more than 150,000 young Americans today are found in registered apprenticeship programs.

The average apprenticeship embraces 4 years of on-the-job training and normally entails 144 hours of related classroom instruction a year.

The tripartite forces of labor, management, and Government shape the character of apprenticeship training. But the shape of things does not satisfy any American sensitive to the demands of democracy.

Federal responsibility came to apprenticeship with the adoption of the Fitzgerald Act in 1937.

The Fitzgerald Act called for Federal and State Government promotion of labor-management apprenticeship programs. The Government role has been noncontrolling in that actual on-the-job training has been directed by the employer, usually under union-negotiated conditions.

The Government role has been significant in that the U.S. Department of Labor and the several State apprenticeship agencies fix minimum standards for program registration. Registration entitles apprentices in approved programs to employment on Federal public works projects and assures approved programs of the services of the Labor Department's Bureau of Apprenticeship and Training or the services of the pertinent State agency. Historically, Federal registration of programs has applied alike to State sponsored as well as federally directed programs.

Thirty States manage their own apprenticeship agencies. In the remaining 20, the Federal Government alone sponsors and guides apprenticeship.

Civil rights spokesmen long have held the idea that Federal registration should be denied any program stained by ethnic discrimination. AFL-CIO President George Meany agrees. Meany backed a 1961 attempt to write such a denial into Federal law. Meany noted, however, that discrimination in apprenticeship is only part of total job discrimination. He urged enactment of a National Fair Employment Practices Act with full powers of enforcement.

But the immediate question is, What can be realized in the absence of a national FEP law?

In July 1961, then Secretary of Labor Arthur Goldberg announced the Department of Labor would thereafter require the inclusion of a specific nondiscrimination statement in all apprenticeship standards of firms handling Government contracts. He further declared a similar provision would be required in the registration of any new apprenticeship program regardless of its relationship to Federal works.

Labor Department action did not die with the Goldberg pronouncement. The following achievements merit attention:

I. Within the past year, the Bureau of Apprenticeship and Training assigned four minority consultants to the task of opening opportunities to Negroes and other minority peoples. Now located in Washington, New York, Chicago, and San Francisco, they counsel with employers, joint apprenticeship committees and unions on a regional basis to encourage acceptance of qualified minority applicants. Additionally, they advise minority groups on apprenticeship fundamentals and admission processes.

II. Secretary of Labor W. Willard Wirtz on February 27, 1963, announced the appointment of a National Advisory Committee on Equal Opportunity in Apprenticeship and Training. The Committee consists of 15 members; 4 from management, from labor, 5 from minority organizations, and 2 from the public.

The Advisory Committee held its first meeting in Washington on May 14 under the chairmanship of the Under Secretary of Labor. The committee developed a five-point action program:



1. The establishment of apprenticeship information centers in certain critical cities throughout the Nation.

2. The fostering of apprenticeship information centers through State apprenticeship councils wherever feasible.

3. The creation of research programs to measure the present depth of minority participation in apprenticeship programs.

4. The implementation of present anti-discrimination provisions in apprenticeship programs registered with the U.S. Department of Labor.

5. The consideration of preapprenticeship programs for the training of young workers not qualified for admission to apprenticeship programs.

III. The Department of Labor, in cooperation with the District of Columbia Apprenticeship Council, the District of Columbia Commissioners and school authorities, the U.S. Employment Service, labor and management, opened its first Apprenticeship Information Center on June 17 in the Nation's Capital.

The Information Center, which the Department proposes to extend throughout the Nation, offers young apprenticeship applicants personal and group counseling, aptitude testing, information on educational requirements and related data pertaining to District apprenticeship programs. It also offers an orderly system of referral to joint apprenticeship committees and serves as a point of contact for unions, employers, and minority groups.

The values of the Information Center are intended for all young Americans, whatever their race, color, creed, or national origin. But the Center should be of particular value to Negroes and other minorities from whom the knowledge of admission procedures and requirements often has been withheld.

IV. Secretary of Labor Wirtz issued a directive to all joint apprenticeship committees of the District of Columbia June 5, 1963, on the discrimination crisis in the District jurisdiction. The Secretary listed the following requirements for programs hoping to enjoy Federal registration rights:

1. If apprentices are not selected by a merit system alone, selections must be made in a manner that demonstrates equality of opportunity.

2. Waiting lists which reflect previous discriminatory practices must be subjected to whatever action is necessary to offset such discrimination.

V. President Kennedy on June 4, 1963, directed the Secretary of Labor to require that "admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis."

VI. Following Secretary Wirtz' order of June 11, 1963, the Bureau of Apprenticeship began a 50-city check of Negro apprenticeship participation in Federal construction projects.

The varied activities here cited indicate the commitment of the Kennedy administration to equality of opportunity in apprenticeship.

The President held a national conference with 300 labor officials at the White House June 13 in which he called for the end of job discrimination at every level of union jurisdiction. This was one of a number of conferences on civil rights held with businessmen, educators, clergymen, and lawyers.

However, the President noted that genuine equality of opportunity could be meaningful only in a full employment economy.

National morality and the times will permit nothing less than full job equality, but without full employment this means sharing job scarcity regardless of race, color, creed or national origin. Job equality must mean sharing the bounty, not the scarcity of national life. But apprenticeship at its fullest would hardly have the capacity to solve youth unemployment. The problem is beyond that.

During the calendar year 1962, teenage unemployment averaged 13 percent against an overall national figure of 5.6 percent. During 1962 the average teenage unemployment total was 816,000 workers.

Between 1957 and 1962 the total number of registered apprentices in training averaged 150,000.

Apprentices in training today average only 3 percent of the 5,077,000 teenage workers in the U.S. labor force. Of the teenage total, 3,017,000 are male.

The apprenticeship solution assumes even less promise when pictured against a 50-percent mortality rate. The consistent national experience suggests that only one-half of those now in training will know journeyman status.

The proportionate place of apprenticeship must also be seen in the perspective of the awesome burdens the American economy will confront in the 1960's.

The U.S. Department of Labor tells that the economy must provide 34.5 million new jobs in the 1960's to match the demands of population growth and technological change.

The labor force will realize a net increase of 12.5 million through population expansion. This involves an increase of 26 million young workers. Death and the retirement of older workers will determine the 12.5 million net figure.

The technological impact will be greater. The Labor Department estimates the annual rate of productivity increase will be about 3 percent throughout the 1960's. This means the output per man-hour will jump about 3 percent each year. The job displacement statistics become frightening when the 3 percent productivity rate is applied to an annual average employment figure of 74 million workers. For the 1960's this means the economy must provide 2.2 million new jobs each year to care for technological progress. The decade's demand will be 22 million jobs.

The statistics are germane because apprenticeship, unlike vocational education, always has been a job-related training system. Unless employers determine to hire apprentices there is no apprenticeship system. Further, unions relate the number of admitted apprentices to the number of employed journeymen.

Given full employment, apprenticeship could come to its greatness.

But at this hour, the immediate crisis of apprenticeship discrimination plagues the national conscience and cries for action.

The Kennedy administration reforms must succeed. There is hope and precedent in the experience of California.

Four years ago Gov. Edmund G. Brown named apprenticeship bigotry a special evil and called for remedies. Adoption of an FEP law in 1959 helped greatly but was not quite enough. The subtleties of apprenticeship bias often escape FEP enforcement.

California's plan has won national praise. It features (1) statewide and local committees on apprenticeship opportunities for members of minority groups; (2) local apprentice information centers for making vital data available to high-school students and graduates.

The statewide opportunities committee was founded in 1960. It is comprised, like the National Advisory Committee, of labor, management and minority group representatives and includes Government spokesmen.

The California committee last year developed two precedent-smashing surveys of the depth of discrimination.

The initial study approached the ethnic identity of the more than 20,000 apprentices receiving training in California. The second involved an ethnic sampling of journeymen who completed their apprentice training in 1955.

The first survey, based on a one-third return of questionnaires, revealed the startling evidence that there were 283 American

Indians participating in California apprenticeship programs as against 150 Negroes. Mexican-Americans numbered 521, Japanese-Americans 31 and Chinese-Americans 18.

The findings suggest that Negroes number just a bit more than 2 percent of California's apprentices. In the Federal census of 1960, Negroes formed 5.8 percent of the total State population and 4.7 percent of the State's male labor force.

The State committee data on minority representation among journeymen certified in 1955 also are revealing.

A one-fourth return of inquiries pegged Negro participation at 1.5 percent.

The journeymen survey indicates the rewarding nature of skilled employment. Seventy-two percent of the graduate apprentices were earning \$7,000 or more a year, while 52.4 percent were earning over \$8,000 per annum. Only 11.2 percent were earning less than \$6,000 per year.

Ninety percent were enjoying full employment on a yearly basis.

Both surveys confirm the skilled labor problem of the Negro. But the totals do not necessarily prove discrimination. For example, in certain survey areas Negroes had rarely, if ever, applied for apprenticeship admission. The failure could represent either resignation to bias or the absence of training qualifications.

Traditionally, Negroes have been the particular victims of hasty and frequently indifferent counseling in the high school systems. In California's soaring school population, a senior student is fortunate if he receives 1 hour of personal counseling in his final year. This obtains for any student whatever his race or skin. The national practice is scarcely different.

Each year thousands of young Americans emerge from the secondary schools without any sense of occupational direction. Adequate high school counseling would be of particular benefit to the children of Negro families recently removed from the agrarian South. These young people suffer the same lack of skilled labor tradition as did most of the 19th century European immigrants who poured into America searching for freedom and opportunity.

But where immigrant Europeans could seek manual labor in coal and steel and maritime employment, today's young Negro faces a labor market in which there is little future for the unskilled.

Not only because of discrimination but also because of lack of skills, Negro unemployment is consistently twice the overall national average. In the calendar year 1962 the rate of unemployment among Negroes was 11 percent against a national average of 5.6 percent. Negroes represent 11 percent of all American workers but represent 22 percent of all unemployed.

As indicated earlier, economic growth is the first requisite of full employment in the 1960's, the full employment that will give job opportunity to all Americans.

Economic growth, however, will not find employment for the unskilled.

America needs an active labor market policy to accompany the fiscal and monetary policies of growth. An active labor market policy would directly answer the training needs of the U.S. labor force. The rate of unemployment among unskilled workers in the calendar year 1962 was 12 percent against the national average of 5.6 percent.

An active labor market policy also would end racial and ethnic discrimination in employment.

But it would do more than that. It would also achieve these ambitions:

1. An updated labor market information service for workers and employers.

2. An employment service warning system for impending technological changes and other changes causing serious job displacement.



3. An effective informational service for career guidance and counseling.

4. An educational system, vocational as well as academic, which would answer current and upcoming manpower needs.

5. An expanded apprenticeship training program.

6. An improved system of job placement services.

7. A program for aiding the mobility of workers.

In summary, it is obvious that Negro discrimination in apprenticeship has its unique and general features. The Negro suffers because of his skin. But he suffers also because he often is an unskilled worker in an economy which has limited place for the unskilled. Finally, he suffers because he is a worker in a society which has not yet found the way to full employment.

The issue of employment discrimination is not peculiar to apprenticeship. It will be found everywhere, including the banking, insurance, and newspaper worlds. It will be found in the professions and the religions of America. Indeed, discrimination is often strongest in sectors of non-union employment.

American labor must persist in its efforts to realize full employment and the abolition of the last measure of job discrimination. The efforts must reach to the State councils, local councils, and local unions.

The matter is moral. For more than 100 years labor has served as the social conscience of the Nation. Unpurchased and unafraid, it has led the everlasting struggle to attain a society in which bread, security, and freedom shall be the right of all Americans whatever their racial, religious, or ethnic identity.

Labor holds priceless credentials of sacrifice and struggle. It must use these credentials now as mortal conflict shakes the Nation. The honor and duty of leadership rest with the trade union movement.

## Diplomatic Relations With a Quisling

### EXTENSION OF REMARKS OF

**HON. EDWARD J. DERWINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. DERWINSKI. Mr. Speaker, one of the proofs of retreat of the appeasement-minded dreamers of the New Frontier is their handling of the Soviet-imposed Eastern European Red governments.

The St. Louis Globe-Democrat, in an editorial on Monday, August 12, very concisely discusses our relations with Hungary, and under unanimous consent, I insert it into the Record at this point:

#### DIPLOMATIC RELATIONS WITH A QUISLING

As was widely predicted, the United States is seeking to resume full diplomatic relations with the Hungarian regime. Readers will recall that diplomatic ties were curtailed during the 1956 revolution against Soviet control.

The loss of that revolution yoked the Hungarians with a quisling regime run by the traitor, Janos Kadar, the liaison man with the Soviet tank commanders who decimated his people.

Doubtless, the new American move will be hailed by those who seek to avoid irritants in our relations with the Soviets. But what in the name of diplomacy do we have to gain by sending an American minister to

exchange views with the special toady of Mr. Khrushchev in Budapest?

Can anyone actually believe that 7 years after the Budapest bloodbath, the regime ensonced at the point of victorious Russian bayonets is now the legitimate representative of the Hungarian people?

If this American palliative to the touchy Soviet sensibilities over their wretched role in Eastern Europe is to be typical of our moves to ease tensions, we would prefer to return to the cold war.

## The Legacy of Project Mercury

### EXTENSION OF REMARKS

OF

**HON. CHARLES H. WILSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. CHARLES H. WILSON. Mr. Speaker, one of the companies actively engaged in the conquest of space is the Garrett Corp. of Los Angeles. This company employs more than 10,000 skilled personnel and produced the important environmental control system (ECS) for Project Mercury.

In the Spring issue of *New Frontiers*, a Garrett publication, an article dealing with the aspects of both the Project Mercury program and the Project Gemini program has caught my interest. I know many Members of the House are constantly searching for more information on the race to the Moon, and I therefore bring this article to the attention of my colleagues.

The article is as follows:

#### THE LEGACY OF PROJECT MERCURY

(By John W. Bold)

He was the last to go. Shepard, Grissom, Glenn, Carpenter, and Schirra already had experienced the tense countdown, the surge of rocketing into space, the exhilaration of weightlessness and the security of recovery. But Gordon Cooper's 22-orbit flight was the longest and most precise.

His was, for 29 hours, a textbook flight. But in the last few hours the NASA-McDonnell team used "all the pages in the book." In the last few minutes, an electrical problem forced the youngest astronaut to carefully position his spacecraft, fire the retro rockets and guide his Faith 7 spacecraft down through the atmosphere—all by hand. He completed his long 34-hour, 600,000-mile flight without the aid of automatic equipment.

It was a suspenseful epilogue to the 4 year saga of Project Mercury. Shepard's flight was the daring first. Grissom confirmed data and prepared us for an orbital mission. Carpenter's took a breathless "month" of minutes before recovery was accomplished in the Atlantic. Astronaut Glenn's was a "real fireball." Schirra flew the first "textbook" flight. All six, each in his way, contributed new data, new drama, to the story of manned space flight, told in an unprecedented frankness by NASA's Manned Spacecraft Center.

But now is the time for retrospection. The highly successful Project Mercury program has ended. During this 5-year program, what have we learned? What new theories have evolved from this Nation's first manned space program? What new engineering concepts will help us in future spacecraft development work? In particular, what have we learned

from Project Mercury that will aid us in Project Gemini?

An insight into the answers to these questions can be gained at Garrett-AiResearch, which produced the vital environmental control system (ECS) for Project Mercury, under contract to McDonnell Aircraft Co. It is now developing a similar system for Project Gemini, again under a McDonnell contract. Both programs are under the technical direction of NASA's Manned Spacecraft Center.

Naturally, the experience of both companies gained in Project Mercury transcends into the Gemini program. "Experience is the best schoolmaster, and it has taught us a great deal," reflects R. C. "Dick" Nelson, AiResearch's program manager for the Project Gemini environmental control system. "At an early meeting at McDonnell," he recalls, "we were able to sit down and quickly determine and analyze problem areas. Immediately we foresaw changes in the ECS which would be necessary because of changes in the mission profile and what we learned from Mercury."

"From our point of view," Nelson believes, "there's one important thing we've learned from Mercury. That's about the man. He has shown that a well trained 'test pilot,' who can think and act is more desirable than the most sophisticated, automatic equipment yet designed."

"As a result," Nelson continues, "the Gemini environmental control system will have less automatic control more manual operation. By reducing the complexity of the system we will increase reliability. Since the Gemini astronauts will have 'time on their hands' to think and act during their 2 week mission, less automation is required."

(Following Gordon Cooper's flight, Walter C. Williams, associate director for NASA's Manned Spacecraft Center, told the press that if a man were not aboard the Faith 7 he doubted if it could have reentered and been recovered.)

In Project Gemini, man's requirements will be basically the same. Thus the function of the ECS remains unchanged—to provide two astronauts a safe and comfortable atmosphere for 2 weeks in space.

The system will provide fresh oxygen, cabin and suit pressurization, thermal control, water management and toxic gas removal. To accomplish these functions, the Gemini ECS can be grouped into the following functions: the loop, or circuit, for suit cooling and pressurization; the cabin loop for cooling and pressurization; the fresh oxygen supply—primary secondary, and emergency egress; the water management loop; the coolant loop. The egress oxygen supply is part of the launch abort system, similar to aircraft type ejection seats. It will be used in Gemini in lieu of the escape tower system which was used in Project Mercury.

The learning curve which "lifted off the pad" with Mercury has dictated some changes in the Gemini system as compared to Mercury.

Nelson lists seven areas in which Mercury experience has resulted in improvements:

1. Coolant subsystems and thermal regulation.
2. Pressure regulation.
3. Moisture removal.
4. Suit compressors.
5. System geometry and installation.
6. Testing.
7. Reliability.

In addition, the longer mission profile has resulted in new concepts in the following areas:

1. Oxygen supplies.
2. Heat transfer equipment.
3. Power supplies.
4. System servicing.
5. Water management.



For oxygen storage, a different source replaces the high pressure system (7,500 pounds per square inch) used in Mercury. The new source, a supercritical system, will serve as the primary source of oxygen. A high pressure source (5,000 pounds per square inch) will be secondary. Supercritical storage defies definition in layman's terms. However, it is oxygen compactly stored in a state between a gas and a liquid. In orbit the supercritical storage provides enough oxygen with ample reserve for two men, for 14 days, in the Gemini spacecraft—occupying a minimum of space and weight. During reentry, the high pressure source, which also serves a backup for the supercritical system, will supply the necessary oxygen, pressurization and cooling.

In Project Mercury, cooling was totally dependent on a cabin and suit heat exchanger boiling water as the coolant. These water boilers were ideal for the weight and short mission of Mercury. In fact, in some instances, water will continue to be used for cooling in Gemini. However, the cooling burden in Project Gemini will fall on six heat exchangers using a recycling oil-type coolant instead of water. Heat absorbed by the coolant will be radiated into space instead of boiled off as steam as in Mercury.

The constant manual control of the heat exchangers will also be eliminated. This operation, similar to adjusting a home air conditioning system, will be replaced by an automatic system with manual override. This will eliminate excessive temperatures incurred before the boiling process stabilized temperatures in the spacecraft—usually before the end of the first orbit.

Expulsion of the coolant in Mercury was accomplished in a pressurized tank with a bladder forcing the water out. The Gemini system will comprise a closed loop unit including four parallel pumps—two in a loop—for more effective coolant circulation.

During each launch the Mercury lithium hydroxide canister required special attention. Engineers kept an accurate count on the time each cannister was used and tested. This way, launch personnel were assured sufficient lithium hydroxide was available for carbon dioxide removal for the entire length of the mission. In Gemini, lithium hydroxide will be used again; however, the amount installed in the re-entry module will be more than adequate.

The water separator, which was a pneumatically operated sponge type, will be replaced by a static type separator with no moving parts. This development is an outgrowth of Garrett's extensive aircraft air conditioning and pressurization experience. It eliminates the possibility of high moisture content (humidity) in the spacecraft, and with no moving parts, is more reliable.

Suit and cabin compressors will have greater capacity (23 and 88 cubic feet per minute respectively) but will require little additional power. Conservation of electrical power has been a design objective throughout the Gemini program. But it is not an easy goal.

In Mercury, AiResearch delivered 49 different ECS components to McDonnell where they were assembled. The Gemini system contains 114. However, as Dick Nelson puts it, "we are marrying many of the components here at AiResearch," so that 84 components will be integrated into 11 modules. This marriage, instigated by McDonnell, insures optimized design and better performance. The other 30 components will be delivered individually.

The marriage of components into compatible modules enables the subsystem to be quickly divorced from the spacecraft. Thus, during the countdown if a malfunction occurs in a module it can be quickly removed and replaced. In fact the entire Gemini suit module ECS can be replaced in 40 minutes. By comparison, in Mercury it required 24

hours to remove the carbon dioxide absorption canister alone.

What is the status of the Gemini environmental control system? In May, the first major segment of the Gemini environmental control system was shipped to McDonnell, St. Louis for testing. Dick Nelson took personal charge of the shipment. After telephoning several department heads to insure proper packaging and shipment, Nelson swung his 6-foot, 6-inch, 220-pound frame around and said, "I feel I'm sending my first child on a trip." Without a doubt, every AiResearcher who had nursed the production of the equipment along felt the same way.

Today, comprehensive manned tests are being conducted to prove the operational compatibility of the environmental control system to the man. These tests are being conducted in AiResearch, Los Angeles and soon reliability and qualification tests will begin in AiResearch's new lab in Torrance. This new multimillion-dollar facility is replete with clean rooms and high altitude chambers (capable of simulating 240,000 feet altitude). New data acquisition equipment electronically records more than 300 measurements on each test. This equipment enables detail-conscious engineers to analyze test data in hours when previously it required days, often weeks.

The meticulous task of designing, fabricating and testing the Gemini environmental control system is a carryover from Project Mercury. Much of the technology gained in Project Mercury ECS is directly applicable to Gemini. As an example, Nelson cites the Gemini testing program: "We are not trying to devise new testing procedures," he said. "Experience enables us to retain the valid concepts used in Mercury and add improvements."

"The experience we gained in Mercury has given us confidence in our Gemini work and in systems for the future," says Nelson.

And what of the future? Our national goal is to land a man on the moon. Just as experience gained from Project Mercury is applied to Gemini, so will Project Gemini data be applicable to Project Apollo. The Apollo Spacecraft, with an AiResearch environmental control system aboard, will carry three men to the moon.

Cost of the Nation's space program rests heavy on the Federal budget. Today, cost conscious engineers are optimizing their design and using their creative ingenuity to minimize development costs. Certainly, the carryover experience from Mercury to Gemini will result in vast savings.

Willard E. Wilks, in his new book "The New Wilderness—What We Know About Space" notes that it will require an average of \$7 billion a year to accomplish our national space goal. "It is less than the \$7.5 billion Americans spend annually on cigars and cigarettes," he wrote.

At first glance the cost of the Nation's space program seems as high as the apogee of Gemini itself. However, erudite planning on the part of the National Aeronautics and Space Administration has kept costs nominal.

Already, nine new astronauts are selected and are gaining from experiences of the original seven. (At a recent Cape Canaveral press conference, astronaut "Deke" Slayton, who is coordinator of Astronaut Activity, quipped to newsmen that they preferred to be called the "original" rather than "old" astronauts.) Of the original astronauts Wally Schirra was assigned the environmental control system as his special assignment. In the new group, John Young, a Navy pilot, will concentrate on the ECS.

But it took one of the "original" sages to place the manned space program in proper perspective. Astronaut John Glenn said, "But the greatest of all benefits from manned space flight will undoubtedly come from

some now-unforeseen discoveries occasioned by man's ability to assess the new things he encounters in the unknown."

For the present little is unforeseen or unknown. The Nation's space program stands strong, bolstered by legs of experience.

## Civil Rights by Bishop Andrew Grutka

### EXTENSION OF REMARKS OF

### HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 15, 1963

Mr. MADDEN. Mr. Speaker, the following are excerpts from a pastoral letter by Bishop Andrew G. Grutka of the Gary, Ind., Catholic diocese.

Bishop Grutka's diocese contains the great Calumet industrial region of Indiana. It is made up of many nationalities, races, and religions.

This great cosmopolitan region for over a quarter of a century has been actively making a sincere effort to practice civil rights. Our area is probably more free from racial agitation than any area in the Nation.

Religious leaders like Bishop Grutka, business leaders, public officials, and all segments of business have been making a sincere effort to practice civil rights.

The following is a news item on Bishop Grutka's message and also an editorial from the Gary (Ind.) Post Tribune commenting on the message:

#### GRUTKA ASSAILS RACE PREJUDICE IN PASTORAL LETTER

A pastoral letter issued today by Bishop Andrew G. Grutka of the Gary Catholic diocese brands racial prejudice and injustice as heinous crimes against God and man.

Divided into three parts, the letter follows the theme of racial justice and charity. It explains Christian teaching, areas of concern, and the roles of the church and the individual in eliminating racial discrimination, prejudice, and segregation.

The bishop wrote that the letter wasn't fulfillment of an official duty. "It is rather the expression of a deep and painfully felt concern for many sorely tried and shamefully treated members of our community, Negroes in particular."

He cited the fact that Negroes are pooling resources and energies and enduring hardships to get free exercise of human rights and dignities. He urged "right-thinking persons and practicing Christians" to lend Negroes a hand in this effort.

Admitting the message offers no simple or easy solution for the elimination of prejudice, discrimination, or segregation, the bishop said it hopes for a change in attitude and that Christians will follow the meaning of John 13:34: "A new commandment I give you that you love one another."

Grutka explains the unity of the human race by references to the teachings of the story of creation in the Bible, to statements by Pope Pius XXII, Pope John XIII and to action of the bishops of the United States in 1958. The equality of all men, the human dignity of all men and the honor of all men are cited in his explanation.

He explains how foreign immigrants, once rejected, have been assimilated into our society and are not easily recognized as distinct ethnic groups.

Then, he writes, "The Negro is faced with similar challenges in housing, employment,



# [COMMITTEE PRINT]

JUNE 20, 1963

PRINTED FOR THE USE OF THE COMMITTEE ON  
COMMERCE

88TH CONGRESS  
1ST SESSION

S. 1732 ✓

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IN THE SENATE OF THE UNITED STATES

JUNE , 1963

Mr. ----- introduced the following bill; which was read twice and referred  
to the Committee on Commerce

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## A BILL

To eliminate discrimination in public accommodations affecting  
interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the "Interstate Public Accom-  
4 modations Act of 1963."

### FINDINGS

6 SEC. 2. (a) The American people have become increas-  
7 ingly mobile during the last generation, and millions of  
8 American citizens travel each year from State to State by  
9 rail, air, bus, automobile, and other means. A substantial  
10 number of such travelers are members of minority racial



1 and religious groups. These citizens, particularly Negroes,  
2 are subjected in many places to discrimination and segrega-  
3 tion, and they are frequently unable to obtain the goods and  
4 services available to other interstate travelers.

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

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

19 (d) Goods, services, and persons in the amusement and  
20 entertainment industries commonly move in interstate com-  
21 merce, and the entire American people benefit from the in-  
22 creased cultural and recreational opportunities afforded  
23 thereby. Practices of audience discrimination and segrega-  
24 tion artificially restrict the number of persons to whom the  
25 interstate amusement and entertainment industries may offer

1 their goods and services. The burdens imposed on inter-  
2 state commerce by such practices and the obstructions to the  
3 free flow of commerce which result therefrom are serious  
4 and substantial.

5 (e) Retail establishments in all States of the Union  
6 purchase a wide variety and a large volume of goods from  
7 business concerns located in other States and in foreign  
8 nations. Discriminatory practices in such establishments,  
9 which in some instances have led to the withholding of  
10 patronage by those affected by such practices, inhibit and re-  
11 strict the normal distribution of goods in the interstate  
12 market.

13 (f) Fraternal, religious, scientific, and other organiza-  
14 tions engaged in interstate operations are frequently dissuaded  
15 from holding conventions in cities which they would other-  
16 wise select because the public facilities in such cities are  
17 either not open to all members of racial or religious minority  
18 groups or are available only on a segregated basis.

19 (g) Business organizations are frequently hampered in  
20 obtaining the services of skilled workers and persons in the  
21 professions who are likely to encounter discrimination based  
22 on race, creed, color, or national origin in restaurants, retail  
23 stores, and places of amusement in the area where their  
24 services are needed. Business organizations which seek to  
25 avoid subjecting their employees to such discrimination and



1 to avoid the strife resulting therefrom are restricted in the  
2 choice of location for their offices and plants. Such dis-  
3 crimination thus reduces the mobility of the national labor  
4 force and prevents the most effective allocation of national  
5 resources, including the interstate movement of industries,  
6 particularly in some of the areas of the Nation most in need  
7 of industrial and commercial expansion and development.

8 (h) The discriminatory practices described above are  
9 in all cases encouraged, fostered, or tolerated in some degree  
10 by the governmental authorities of the States in which they  
11 occur, which license or protect the businesses involved by  
12 means of laws and ordinances and the activities of their  
13 executive and judicial officers. Such discriminatory prac-  
14 tices, particularly when their cumulative effect throughout  
15 the Nation is considered, take on the character of action by  
16 the States and therefore fall within the ambit of the equal  
17 protection clause of the fourteenth amendment to the Con-  
18 stitution of the United States.

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

1 RIGHT TO NONDISCRIMINATION IN PLACES OF PUBLIC  
2 ACCOMMODATION

3 SEC. 3. (a) All persons shall be entitled, without dis-  
4 crimination or segregation on account of race, color, religion,  
5 or national origin, to the full and equal enjoyment of the  
6 goods, services, facilities, privileges, advantages, and accom-  
7 modations of the following public establishments:

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

11 (2) any motion picture house, theater, sports arena,  
12 stadium, exhibition hall, or other public place of amuse-  
13 ment or entertainment which customarily presents mo-  
14 tion pictures, performing groups, athletic teams, exhibi-  
15 tions, or other sources of entertainment which move in  
16 interstate commerce; and

17 (3) any retail shop, department store, market,  
18 drugstore, gasoline station, or other public place which  
19 keeps goods for sale, any restaurant, lunchroom, lunch  
20 counter, soda fountain, or other public place engaged in  
21 selling food for consumption on the premises, and any  
22 other establishment where goods, services, facilities,



1 privileges, advantages, or accommodations are held out  
2 to the public for sale, use, rent, or hire, if—

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

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

11 (iii) the activities or operations of such place  
12 or establishment otherwise substantially affect in-  
13 terstate travel or the interstate movement of goods  
14 in commerce, or

15 (iv) such place or establishment is an integral  
16 part of an establishment included under this sub-  
17 section.

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

24 (b) The provisions of this Act shall not apply to a  
25 bona fide private club or other establishment not open to

1 the public, except to the extent that the facilities of such  
2 establishment are made available to the customers or patrons  
3 of an establishment within the scope of subsection (a).

4 PROHIBITION AGAINST DENIAL OF OR INTERFERENCE WITH  
5 THE RIGHT TO NONDISCRIMINATION

6 SEC. 4. No person, whether acting under color of law  
7 or otherwise, shall (a) withhold, deny, or attempt to with-  
8 hold or deny, or deprive or attempt to deprive, any person  
9 of any right or privilege secured by section 3, or (b) inter-  
10 fere or attempt to interfere with any right or privilege  
11 secured by section 3, or (c) intimidate, threaten, or coerce  
12 any person with a purpose of interfering with any right or  
13 privilege secured by section 3, or (d) punish or attempt to  
14 punish any person for exercising or attempting to exercise  
15 any right or privilege secured by section 3, or (e) incite or  
16 aid or abet any person to do any of the foregoing.

17 CIVIL ACTION FOR PREVENTIVE RELIEF

18 SEC. 5. (a) Whenever any person has engaged or  
19 there are reasonable grounds to believe that any person is  
20 about to engage in any act or practice prohibited by section  
21 4, a civil action for preventive relief, including an application  
22 for a permanent or temporary injunction, restraining order,  
23 or other order, may be instituted (1) by the person  
24 aggrieved, or (2) by the Attorney General for or in the  
25 name of the United States if he certifies that he has received



1 a written complaint from the person aggrieved and that in  
2 his judgment (i) the person aggrieved is unable to initiate  
3 and maintain appropriate legal proceedings and (ii) the  
4 purposes of this Act will be materially furthered by the  
5 filing of an action.

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

9 (c) A person shall be deemed unable to initiate and  
10 maintain appropriate legal proceedings within the meaning of  
11 subsection (a) of this section when such person is unable,  
12 either directly or through other interested persons or organi-  
13 zations, to bear the expense of the litigation or to obtain  
14 effective legal representation; or when there is reason to be-  
15 lieve that the institution of such litigation by him would  
16 jeopardize the employment or economic standing of, or might  
17 result in injury or economic damage to, such person, his  
18 family, or his property.

19 (d) In case of any complaint received by the Attorney  
20 General alleging a violation of section 4 in any jurisdiction  
21 where State or local laws or regulations appear to him to  
22 forbid the act or practice involved, the Attorney General  
23 shall notify the appropriate State and local officials and,  
24 upon request, afford them a reasonable time to act under  
25 such State or local laws or regulations before he institutes an

1 action. Compliance with the foregoing sentence shall not  
2 be required if the Attorney General shall file with the court  
3 a certificate that the delay consequent upon such compliance  
4 in the particular case would adversely affect the interests of  
5 the United States, or that, in the particular case, compliance  
6 would be fruitless.

7 (e) In any case of a complaint received by the Attor-  
8 ney General, including a case within the scope of subsection  
9 (d), the Attorney General shall, before instituting an action,  
10 utilize the services of any Federal agency or instrumentality  
11 which may be available to attempt to secure compliance with  
12 section 4 by voluntary procedures, if in his judgment such  
13 procedures are likely to be effective in the circumstances.

#### 14 JURISDICTION

15 SEC. 6. (a) The district courts of the United States  
16 shall have jurisdiction of proceedings instituted pursuant to  
17 this Act and shall exercise the same without regard to  
18 whether the aggrieved party shall have exhausted any ad-  
19 ministrative or other remedies that may be provided by law.

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



[COMMITTEE PRINT]

JUNE 20, 1963

88TH CONGRESS  
1ST SESSION

S.

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**A BILL**

To eliminate discrimination in public accommodations affecting interstate commerce.

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By Mr. -----

JUNE , 1963

Read twice and referred to the Committee on  
Commerce

# Senate Committee

## Gets Civil Rights

### Hearings July 16

BY JOHN HERBERS  
United Press International

WASHINGTON — (UPI) — The Senate Judiciary Committee, headed by Mississippi Democrat James O. Eastland, announced Tuesday it will begin hearings on President Kennedy's civil rights bill on July 16, with Atty. Gen. Robert F. Kennedy as first witness.

The announcement appeared to confirm predictions that the full committee would conduct the hearings rather than turn them over to a subcommittee first. This means it will be a one-stage procedure, but does not necessarily shorten consideration of the issue.

Senate Democratic leaders are convinced there is little hope of getting Kennedy's full civil rights bill out of Eastland's committee. Thus they have devised alternative methods to get it to the Senate floor for consideration.

#### DIVERTED TO CALENDAR

This strategy calls for diverting the House civil rights bill to the Senate calendar when it arrives, thereby avoiding having it assigned to the so-called "graveyard" of the Judiciary Committee. It could be then called up for the beginning of what is expected to be a determined southern filibuster.

The Judiciary Committee will deal with all sections of the President's proposals except the public accommodations feature, which is under consideration by the Senate Commerce Committee.

Up for judiciary study will be proposals involving voting rights, school desegregation and the possible cut-off of federal funds for projects where discrimination is practiced.

Senate GOP Leader Everett M. Dirksen, who opposes the public accommodations bill, is the ranking Republican on Eastland's Judiciary Committee. He favors other portions of the administration program, but Eastland and fellow southern senators oppose it generally.

#### MARK THIRD APPEARANCE

The July 16 hearings will mark Atty. Gen. Kennedy's third major appearance before a congressional committee on the President's civil rights legislation. He testified before the House Judiciary Committee last week and went before the Senate Commerce Committee Monday and Tuesday. He will return Wednesday.



# Civil Rights Program Must Be Enacted, Wilkins Declares As NAACP Opens Nat'l Convention

60  
12

## CIVIL RIGHTS PROGRAM

(Continued from Page One)

last year was, "We Wait No Longer." This year, the slogan "Now or Never" seems to be the choice.

From convention headquarters in the Morrison Hotel to the far reaches of the Southside, interest in the convention and its work has been intense.

Mr. Wilkins delivered the keynote address on the night of the opening session.

Other speakers for the six-day session include: AME Zion Bishop Stephen G. Spottswood, chairman, NAACP Board of Directors; the Rev. Fred Shuttlesworth, of Birmingham; James Meredith, of the University of Mississippi; Dr. Charles Wesley, president, Central State College, Wilberforce, Ohio.

Also, Harvey Gantt, of Clemson, S. C.; Cecil Poole, United States Attorney for Northern California; Eli Ginzberg, of Columbia University; and Robert L. Carter, NAACP general counsel.

The Spingarn Medal, awarded annually to a Negro American for distinguished achievement, will be awarded posthumously to Medgar

W. Evers, slain NAACP field secretary for Mississippi. The presentation will be made to Mrs. Evers.

## NAACP Delegates Meet In Chicago For Convention

From Wire and News Reports

CHICAGO — (UPI) — The National Association for the Advancement of Colored People Monday opened a convention which could make history. The top NAACP spokesman said new mass demonstrations would result from the meetings.

Roy Wilkins, executive secretary of the NAACP, said at the start of the 54th annual convention that President Kennedy's civil rights program "must be enacted."

But Wilkins warned Negroes could not be expected to go along with the President's request for a moratorium on demonstrations for equal rights while Kennedy's program is being debated in Congress.

"This convention will stimulate additional demonstrations because we will point out areas in which progress has not yet been made," Wilkins said.

The NAACP convention in Chicago could be the most significant in the organization's 54-year history, just as the year 1953 has been one of the most significant in the Negroes' century-long civil rights struggle.

The 1,500 to 2,000 delegates will spend six days making new plans for advancing their cause of equal rights and racial integration. They do so at a time when the issue dominates domestic politics and Congress is about to begin debate on the most sweeping civil rights program to be laid before it in modern times.

From North, South, East, and West, delegates by the hundreds had converged on the Windy City at the weekend for the convention.

The meeting is the first national gathering of a civil rights organization since the birth of the 1953 "civil rights crisis" in the streets of Birmingham and elsewhere.

Delegates are discussing and developing plans for future action in such vital areas as employment, political action, school desegregation, housing and legal action.

They are exploring ways and means of insuring enactment of pending civil rights legislation. "NOW OR NEVER"

Roy Wilkins, executive secretary of the NAACP, told President Kennedy two weeks ago that the demonstration which inflamed the country could not be halted until equality for Negroes had been achieved.

The motto of the organization's 53rd annual convention is "NOW OR NEVER"

(Continued)

## Rights Bills May Change Loyalty Of Ga. - - Sanders

By (UPI)

Gov. Carl Sanders said Tuesday that future events in President Kennedy's civil rights campaign could put him in a "different position" about party loyalty if Georgia's interest is at stake.

"I'm a loyal Democrat," Sanders said. "I intend to stay in the party. That doesn't necessarily mean the future would not be such that couldn't be put in a different position."

"The people of Georgia are my number one interest."

Sanders discussed with a United Press International reporter the fact that Georgians, including Democrats, are angered by the

(Continued on Page 5, Col. 2)

President's civil rights program in Congress.

The governor pointed out that he himself had already denounced the so-called "public accommodations" proposal as an invasion of private property rights.

"My position will be, I'm going to find some way to present the views of Georgia Democrats to the national party," Sanders said.

"I hope I can convince them that what they're trying to do is not in the best interest of the party."

Sanders added he will "certainly be firm and fight within the party for what Georgia Democrats believe and come up with a proposition that the people of Georgia can live with."

"I think I can't think the national Democratic Party can push all the civil rights legislation through without some compromise."



# WHAT ABOUT TOMORROW?

Top level, strategically planned racial demonstrations are springing up 'spontaneously' all over America. These groups warn of national revolution unless racial demands are met. What was once 'a problem for the South' has become a problem for every state, city and community. It threatens the Negro, just as well as the white man.

These same organized racial agitators, who proclaim and cite their constitutional right of 'peaceful integration' are aiming at destruction of orderly freedom. History of the last 30 years reveals a long list of nations taken over by Communists, through use of racial agitation.

These agitators are not merely asking for 'equal rights' for the Negro; they are demanding 'special rights' in violation of the rights of all people. They are demanding the right to violate city ordinances and state laws.

They are demanding—and getting—immunities and special privileges for Negro citizens which white citizens do not possess.

Demonstrators claim they are fighting for their 'dignity', but is there any 'dignity' shown here in these hysterical demonstrations? Do they not suggest that they are a phony front for something alarmingly different? In other countries racial upheavals have been created to bring about artificial conditions designed to climax a need for military dictatorship. America was born in the hearts of men because of the urgent need for freedom from oppression and dictatorship. Love of God and fellow man was the strong fabric from which it was constructed. Today there are salesmen selling hate of their fellow man and inflaming racial tensions, rather than seeking fair solutions.

## Rights and Responsibilities

Private property, such as a restaurant, can not be regulated as though it were a public highway. It is up to each individual to set the standards for his establishment, to which his clientele must conform. Private rights include the right to be left alone, as well as the privilege to make or lose money, according to the way the individual chooses to conduct his business, no matter how wise or how foolish. It is the responsibility of all men to respect the rights of others.

Until now it has been the storekeeper's right (and that means every man's right under the Constitution) to serve the persons of his choice—to cater to whom he chooses. This is a Constitutional Right, incident to the ownership of private property. He has been free to refuse to serve anyone whom

he chooses not to serve. If a storekeeper can be compelled to serve in his store, people he would rather not serve, the institution of private property is endangered. His store has become public property—and your private property rights have become endangered. Yet that is precisely what the present administration is seeking to accomplish by invoking the "interstate commerce" clause of the Constitution.

Under this kind of dictatorship, the doctor, who prefers to select his office location, choose his nurse and be a heart specialist, can be required to be a general practitioner, told whom to employ and where he shall work. If he refuses, he can have his office seized and occupied by the favorites of the bureaucracy. The same would become the case for editors, lawyers, salesmen, etc.

## Private Property Rights

If the right of private property is taken away from the citizen in an artificial emergency, created by professionally sponsored racial riots, then Congress might be 'pressured' into passing Federal 'Emergency' measures under the label of saving our nation from internal disorders. This could result in a total dictatorship, and our hard fought-for freedoms will have vanished. This would prove as disastrous for the Negro as for the white man.

There is now substantial agreement that the Negro should have equal voting opportunities and equal opportunity in the use of all public facilities. But to give the Negro his due is one thing. To sacrifice any of our basic liberties in the process is quite another. "Eternal vigilance is the price of liberty," and in this day and hour the Negro agitator is asking for more than equality; he is demanding, and getting special rights (in the form of decisions by our courts) which invade the rights of all citizens. The voices of the responsible Negro leaders who are alert to these dangers are drowned out in the mounting hysteria over the attainment of false goals.

## Constitution and Congress—Law of the Land

According to the Constitution of the United States, the laws of the land are made by the Congress. The Supreme Court merely renders an opinion, as to the applicability of these laws to a specific case before it. Its opinion becomes the law of that case. As such, it is indicative of how the Court (as currently constituted) may be expected to decide a similar case. However, to declare an opinion of the court to be

'the law of the land' is to declare that the Supreme Court and not the Congress makes the laws. This is unconstitutional. But you may be sure that this is what a dictatorship in control of the court, but not of the Congress, would like to have you believe.

## Senator Russell Charges

Of the planned race riots going on all over the United States Senator Richard B. Russell charged on June 12, 1963 that President Kennedy was raising the spectre of mass racial violence to push Civil Rights proposals that were a step in the direction of Socialism or Communism.

"I was . . . shocked" he said "to hear the President justify, if not encourage, the present wave of mass demonstrations, accompanied by the practices of sitting or lying in public streets and blocking traffic; forming human walls before the doors of legal businesses and assaulting with deadly weapons officers of the law, whose only offense was to maintain order and protect private property."

## Let the "Cause" Be Removed

If the Communists succeed in America it will be because of a constant whittling away of our constitutional rights. To succeed in this, he must have a 'cause' with which to bring about chaos. If the 'cause' is removed, another must be created, and the pattern repeated. Without 'cause' the Communists are soldiers without ammunition. In Brazil their cause was 'inflation'; in China—agrarian reform; in Cuba it was to 'abolish the Batista dictatorship'. After a 7-year struggle in Algeria, Communist-led Moslems, using racial discord, succeeded in gaining control of the government from the French. As in Algeria, the 'cause' they have adopted in America is racial conflict.

There can be no doubt that the Communist is delighted at the opportunity being presented him to adopt this 'cause'. He will render every aid to the 'pressure-demand' tactics which serve his end. For him every assault on one of our basic liberties is a stepping stone towards a Communist America. There are none so blind as those who will not see, and none so dangerously blind today as those who refuse to recognize the blueprint for the Communist takeover of America.

## What Savannah Citizens are urged to do:

1. There is a Savannah city ordinance (Section 24—123.1, 2 and 3) which prohibits mass picketing. This was passed to protect each citizen's right to conduct his business. However, this ordinance permits the picket the right of self expression. Recently mass marches have been practiced. In long columns of single file, pickets have interfered with customers' access to business establishments, in violation of this ordinance. Urge the Mayor and all merchants to have this ordinance enforced. Write Mayor Malcolm Maclean, City Hall, Savannah, and tell him you want him to protect your right to own property, and your individual right to carry on your business as you see fit.
2. Urge the City Council to immediately enact new and stronger ordinances to better control and regulate demonstrations and parades.
3. Write your Senators and representative, and urge them to protect your private property rights. (Senator Richard Russell, Senator Herman Talmadge, Senate Office Building, Washington, D.C.; Congressman G. Elliott Hagan, House Office Building, Washington, D.C.)
4. Support and encourage by phone or letter, the merchants who are defending property rights. They are the front line soldiers for you! Purchase from them to show your support.
5. Every American should discontinue buying magazines that give untrue reports of the news. Insist on moral standards in everything you do.

## What Atlantans are urged to do:

The time has come for every voter to consider future elections and the candidates who will be run. They should evaluate this carefully. It is time both political parties learn that those who were able to get themselves elected on either ticket, could just as well be elected on an independent ticket. To get proper representation, people of principles and integrity must be selected as your Electors and sent to the Conventions unpledged and committed to no candidate, unless the candidate proposed fills the high standards the voter should require in the men selected to run our Nation.



## AN OPEN LETTER TO THE PRESIDENT

1. The 14th Amendment did not make the Bill of Rights applicable against the States, as proved conclusively by a distinguished and lengthy article, based upon exhaustive research, by Stanford University's former Law Professor Charles Fairman—supplemented by another splendid article by his colleague there, Professor Stanley Morrison—in the Stanford Law Review of December, 1949. Citing the Fairman article, the Supreme Court admitted the truth of this proposition in the 1959 *Bartkus* case (page 124 of opinion), stating:

"We have held from the beginning and uniformly that the Due Process Clause of the Fourteenth Amendment does not apply to the States any of the provisions of the first eight amendments as such. The relevant historical materials have been canvassed by this Court and by legal scholars. These materials demonstrate conclusively that the Congress and the members of the legislatures of the ratifying States did not contemplate that the Fourteenth Amendment was a shorthand incorporation of the first eight amendments making them applicable as explicit restrictions upon the States."

\*Citing earlier cases. \*\*Citing the Fairman article (mentioned above). No scholar possessing requisite competence and intellectual integrity would pretend to the contrary. The two articles mentioned above exposed, scorned, Justice Hugo Black's conflicting pretenses as being based upon inexcusably inadequate research.

2. A power granted to the Federal government under the Constitution cannot be misused to accomplish a prohibited end, as the Supreme Court soundly decided in the *Buster* ("AAA") case in 1936—pp. 73-74 of opinion: namely, the power to tax and spend cannot be misused to effect control over agriculture, farmers. This decision, entirely in keeping with the controlling intent with which the Constitution was framed and adopted (and no contrary amendment was ever adopted), continues to be the correct construction of the Constitution; which makes null and void the conflicting decision in 1942 in the *Wickard* case by which the Court committed rank usurpation.

3. Individual Liberty—for instance, that part of Liberty pertaining to the constitutional rights of owners of private property—can never properly be sacrificed in the name of Equality, misconstrued to have a meaning never contemplated by the Framers and Adopters of the original Constitution or of any Amendment. Equality—meaning only in the eyes of God and of Law, according to the Declaration of Independence—is always subject to the duty and responsibility, including the legal and moral duty to respect the limits of the right to Equality stop where the limits of the right to Liberty begin; neither can ever infringe upon the other's area, constitutionally.

4. The foregoing is apropos, for example, of current violations and proposed violations of the constitutional rights of property—such as stores and restaurants; and it is particularly pertinent regarding those who violate Rule by Law, including law and order, to achieve the means: This leads to moral bankruptcy.



# Pass Rights Bills, Save Name Of U.S. Adlai Asks

UNITED NATIONS — (AP) — Adlai Stevenson warned Congress last week that the world stature of the United States demands prompt approval of President Kennedy's civil rights program.

As if to substantiate what America's UN ambassador was saying a letter was presented to Undersecretary of State George W. Ball in Washington, voicing the protests of 27 African governments to slanderous remarks made by Louisiana's intemperate senator, Allen J. Ellender.

Ellender has repeatedly declared that Negro peoples, including Africans, are incapable of governing themselves.

Stevenson declared that as a United States delegate to the United Nations he was concerned with the United States' world stature and that the "new world" stirring in Asia, Africa and Latin America looked to the United States.

"In the long run it will do us

little good to demand the tearing down of the wall in Berlin unless we tear down the wall that separates us in our own land," he asserted.

"Of what value is it for us to talk of ourselves as the vanguard of freedom and democracy while any of our fellow citizens suffer the indignities of second-class citizenship?"

Stevenson said most delegates with experience in the country understood that racial progress had been stepped up in recent years and were "patient, tolerant and understanding" of United States efforts.

However, he acknowledged that some delegates had been shocked by racial disorder and violence and that such events had had effect on some diplomats and their staffs.

He declared that he was gravely concerned with the way racial disorder was exploited abroad by a hostile press, creating a false im-

pression of the United States.

Stevenson said he favored mass action to strengthen the President's hand on the civil rights program by presenting the moral issue in every community.

Meanwhile, ambassador of 27 African governments sent a letter to President Kennedy protesting Senator Ellender's public statements that Negro people are incapable of governing themselves.

The letter was presented to Under Secretary Ball by a committee of Ambassadors and chiefs of mission. The committee was composed of the chiefs of mission of the United Arab Republic, Nigeria, Sudan, Malagasy, Somalia and Morocco.

Senator Ellender's television appearance on June 16 led to a number of conferences of African chiefs of mission in Washington. The Ambassadors, who felt that the Louisiana Democrat had insulted their countries on previous occasions too, decided to take their views to President Kennedy.

## Down With *all day* SENATOR RUSSELL! *7/13*

Senator Russell has outlived his usefulness as a spokesman for the state of Georgia. As a matter of fact, if the laws of this state were enforced from top to bottom, Russell would be facing trial on charges of "inciting to riot."

Last week, the honorable Senator made a speech clearly calculated to stir up racial strife and domestic tumult. In his speech, Senator Russell charged that the civil rights measures presently before Congress are ten times worse than what prompted the Civil War 100 years ago.

Ever since the senior Senator has been in office, his sole approach to the problem of civil rights for Negroes has been a negative one. "Leave the states alone," Russell suggests.

For how long should they be left alone? They have been left alone for 300 years and Negroes are still enslaved by a vicious system of bigotry.

Does Senator Russell believe that Negroes should be extended the rights guaranteed them in the nation's constitution, or doesn't he? If he does not, he is not fit to hold the high office of a legislator. If he does, it's about time he made it known.

Russell has called moves by Negroes to win their rights "communistic." We ask "What's communistic about citizens who have lived in a country all their lives wanting to share in the equal benefits of that citizenship?"

We think Senator Russell is unfit to serve this state as a Senator because he does not even attempt to represent all of the state's citizens. The best contribution he could make to this state is his signed resignation.



# Feels Tax Cut More Important Than Rights Bill

now  
7/16

WASHINGTON — (UPI) — Sen. George A. Smathers, D-Fla., said Friday that federal income tax cut is more important to the nation's Negroes than enactment of the administration's civil rights program, much of which he opposes.

The senator said that if the Negro can be given better economic conditions which will mean more employment "many of the complaints which he legitimately now has would immediately disappear."

Smathers, in his weekly radio-television program for Florida constituents, said the only civil rights proposals he could support involve voluntary desegregation of public accommodations, literacy tests, vocational training and voting guarantees. He opposed empowering the federal government to enforce desegregation of privately-owned and operated hotels, restaurants and similar establishments.

Smathers said he believed that "if a man or woman puts his or her money into a business that they have the right to sell only to red-headed, club-footed, cross-eyed people — that is their privilege, and that is their legal privilege."

He said there is a moral issue involved if a proprietor advertises for business from everyone. But he said it is a "moral issue to be decided by the individuals involved," not by the government. He said he would have to vote against the administration package if the compulsory desegregation were included. Otherwise, on an plan were included. Otherwise, on an individual basis, he would vote for those he accepts and against those he opposes, he said.

"I think that a tax reduction bill as far as the negro citizens is concerned is even more important than this so-called civil rights legislation," he said. The senator said a mass Negro march on Washington would be a "very unfortunate thing." He said conditions are moving along now more than satisfactorily, and I think they should leave well enough alone in this particular respect."

# Positive Civil Right Action Urged By GOPs

Georgia's high state officials and representatives to congress have been called upon by the Fulton County Republican Club, B. F. Bullock, president, to stop making statements, or taking action to perpetuate segregation and discrimination, and to support strong civil rights legislation now before the legislators.

The Fulton County GOPs also, in a second resolution, called upon Republicans in both houses of Congress to develop civil rights legislation to alleviate and solve the crisis in race relations in this country.

Said the Fulton County Republican Club in the resolution on the action of officials:

"WHEREAS, the crisis in race relations, which is threatening the position of the United States as world leader in the field of human rights and liberties, has resulted from the failure of Congress to enact and enforce legislation against segregation and discrimination,

"AND WHEREAS, Senator Russell and Talmadge and Governor Sanders of the great State of Georgia have publicly declared themselves to be opposed to the civil rights legislation presently proposed by the President of the United States for the purpose of eliminating segregation and discrimination,

"BE IT RESOLVED, THEREFORE, that we, as members of the Republican Party, which has historically and traditionally supported the principles of freedom and justice for all, call upon these high State officials and all other officials elected by the people of the State of Georgia, to refrain from making any public statement or taking any action which would tend to perpetuate segregation and discrimination, and to support the legislation which would make secure the United States' position as world leader in the field of human rights and liberties."

In reference to need for action by Republican members of Congress, the Fulton GOP resolved:

"WHEREAS, the Congress faces a crisis in race relations in the United States, in which the future of this country and its international power and reputation are at stake abroad and in which its honesty in fulfilling the ideals of demo-

cracy are questioned at home and abroad.

"BE IT RESOLVED, THEREFORE, that we call upon the Republicans in both Houses of the United States Congress to recognize the evils and injustices of segregation and discrimination which have violated the Constitution of the United States and the basic principles of the Republican Party for one hundred years, and to initiate, develop and support legislation which will eliminate all evils and injustices in voting rights, public accommodations, public education, housing, employment opportunities and public health and welfare."



# NAACP Calls For "Sweeping" Additions To President's Programs For Civil Rights

ADW  
7/13

## Six Organizations Plan Campaign To Aid Passage

By MARGERY McELHENTY  
(United Press International)

CHICAGO — (UPI) — The National Association for the Advancement of Colored People (NAACP) Tuesday demanded sweeping additions to President Kennedy's civil rights program, which the NAACP labeled inadequate.

### An Inconsistency In Senator Russell's Speech

717 ADW

Georgia's senior Senator of the United States, Richard B. Russell let go to the citizens of Jasper County and his fellow Georgians, which might be expected on the filibuster front, when the Civil Rights Bill grind gets going in the Senate. He rehearsed the names and times of Thad Stevens and Charles Sumner, ghosts of a past image, sufficient to frighten those on down generations when questions of race is needed to block change.

While it was a blistering hot July the 4th, an occasion usually consumed in renewing patriotic fervor and accelerating national fealty, the Senator chose best to "let 'em have" something on the President's Civil Rights bill, which he has already pledged to "fight these outrageous proposals with all of the power in my being." He referred to the document as "the most inhuman and sadistic" legislation in U.S. history!

Senator Russell "gave 'em the works" on the public accommodation portion of the bill. The main argument the Senator makes against this portion of the bill is that it would be an encroachment on the property and individual rights of certain proprietors of businesses. This is true, but it is also true that all laws affect one or both of these rights.

However, the main point we would like to make is that some cities and states have already on their books laws which forbid a proprietor from accommodating or serving members of both racial groups. Have not the individual rights of those individuals who might have desired to serve members of both races without discrimination been encroached upon? We have never known our senior senator to ever oppose a law requiring segregation at the city, state or national levels. So it seems that segregation laws have already encroached upon the individual and property rights of many citizens.

Moreover, while we are on this subject of encroachment, we are reminded of the many filibusters in the Senate in which our senator has participated. Boiled down, is not a filibuster an effort to prevent an expression by other members of that body? It not it an encroachment on their individual rights?

The Civil Rights bills are now pending before the Congress and they should be given due study and consideration and passed by that body. In our opinion, they are needed to put our nation in line with the true meaning of the Declaration of Independence.

sulted from neighborhood racial patterns.

—In Detroit, the National Educational Association NEA demanded an end to racial segregation in its local affiliates. The group also agreed to consider a merger with the predominantly Negro American Teachers Association.

—Police questioned four white boys in St. Augustine, Fla., about a shooting incident in which four Negro youths were struck by shotgun pellets in front of the home of a civil rights figure. Police said the white teen-agers told conflicting stories about the incident, but there apparently was an exchange of gunfire in front of the home of Dr. Robert B. Mayling, a Negro dentist.

The 2,000 delegates to the 54th annual NAACP convention approved unanimously a lengthy resolution that said the President's program is commendable but "inadequate to meet the minimum needs of the threatening situation."

The resolution also called for a mass civil rights convention next month in Washington and "grass roots" rallies in the states and congressional districts the last week of this month.

In other civil rights developments Tuesday:

—Leaders of six national Negro organizations, including the NAACP, held a "summit conference" in New York City to plan strategy for a nationwide campaign in support of Kennedy's civil rights proposals. Later they were to meet with leaders of 55 other organizations representing religious, labor, business, civil and fraternal organizations.

—The New Jersey State Education Commissioner ordered the city of Englewood to begin desegregating its public schools by September. Commissioner Frederick Raubinger said there was no deliberate attempt to segregate pupils by race, but unintentional segregation re-

(Continued on Page 5, Col. 4)



# Civil Rights Protest Takes New Twists Here

## Students Protest Job Ban On Negro Liquor Buyers

*Att Aug - 7/6*

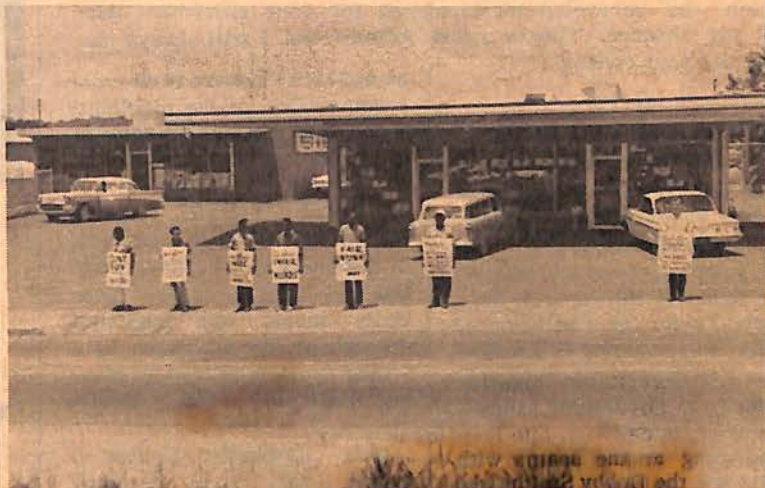
"I won't fire any of my white help, just to hire any niggers." were the words spoken by R. E. Parks Jr. when asked for the second time after a week notice if he would hire Negroes in his liquor store, according to student leader Ralph Moore. The store, now under full-time picket, is located on Simpson Rd. near Mayson Turner Rd.

The Committee on Appeal for Human Rights is taking immediate action in seeing that Negroes are fairly employed there since it is supported predominately by Negroes.

Picket lines have been set up and are proving to be 100% effective in reducing Negro trade at the store. The Committee on Appeal For Human Rights does not expect too much trouble from Parks and thinks he is about ready to negotiate.

The Parks own about eight liquor stores in the Atlanta area. The store presently under attack does an estimated \$750,000 worth of business yearly. At this rate the store will lose some \$14,000 weekly if the boycott continues.

A spokesman for the student group told the Inquirer that the



### "Don't Buy Here," Students Urge

Simpson Street Liquor and wine stores are just the first on their list. "We will carry our

protest to every store in town where Negroes can buy but can't work," the spokesman said.



# Civil Rights Proposal Shakes American System

Waycross Journal-Herald

WE ARE in accord with the views of Sen. Richard B. Russell on the Kennedy administration's new civil rights and the racial situation in general.

Among other things, the distinguished Georgia lawmaker said "no American citizen has the right to select the laws he will obey and those he will disobey."

Referring to the wave of racial demonstrations in recent weeks, he said the American system has always rejected the idea that one group of citizens may deprive another of legal rights in property by process of agitation, demonstration, intimidation, law defiance and civil disobedience.

The civil rights proposals sent to Congress by the President contain a section that should be repugnant to all Americans, regardless of race.

This public accommodations proposal would enable the federal government to enforce desegregation of private establishments catering to the general public.

It seems to Sen. Russell, to many other members of Congress and to us that this is itself a move to deprive Americans of property rights.

Court decisions have laid down a clear line on the use of public facilities supported by tax refunds and those directly related to interstate commerce such as transportation facilities.

But the move to dictate to the owner of a store or restaurant whom he may or may not serve is a more crucial point. Should this right of property owners be taken away, it would represent the fall of one of the last great bulwarks of the American initiative and free enterprise system. . . .

# Negro Voting Bill Offers Upheaval

By TED LIPPMAN  
Constitution Washington Bureau

WASHINGTON — While the heat and thunder across the South is being concentrated on the public accommodations section of President John F. Kennedy's civil rights bill, a recent study of Negro voting and population has indicated that another civil rights measure might have a far-reaching political effect.

The public accommodations section of the Kennedy bill (Title II) is the one that would outlaw racial discrimination in such businesses as hotels and restaurants. Hearings are being held on that measure now by two committees of Congress.

Last week Sen. Richard B. Russell of Winder told a Jasper audience that such a bill "levels an all but mortal blow at the right of a man who owns property to decide how the property shall be used."

### CALLED SOCIALISTIC

Earlier the Georgia senator and leader of the Southern group in the Senate had called Title II "socialistic and communistic."

However, more and more interest is being shown in Washington about another civil rights proposal. That is the voting rights section of the bill the President sent to Congress in April, before the Negro demonstrations around the country had reached the fever pitch of today.

Part of that bill would allow the federal government to go into counties where fewer than 15 per cent of the adult Negroes were registered to vote and put them on voting rolls.

### COULD GET ORDER

Here is how it would work: In Miller County, Georgia, no Negroes are registered to vote. The Justice department would file a suit charging that there is a "pattern of discrimination." If a federal district court agreed, then any Negro in that county could get an order declaring that he was entitled to vote, if the judge found that he was qualified under state law and that he had been denied the opportunity to register.

The county officials or the state could contest this order, but meanwhile Negroes would be allowed to register and vote. The court could register them or it could appoint federal referees. If an election came along before the case had finally been settled, the Negro votes would be impounded until there was a decision.

### 261 COUNTIES INVOLVED

A somewhat similar provision was written into law in 1960. The important difference was this: Negroes could not register or vote until after the case had been decided.

According to a study just completed by a non-government organization, there are 261 counties in the South in which less than 15 per cent of the adult Negroes are registered to vote.

Thirty-six of those counties are in Georgia, mostly in south Georgia. If federal referees were to be allowed to register Negroes to vote in all those counties, it could very well have a decided impact at the polls on local races though probably not in congressional races, with two possible exceptions.

The exceptions are the Second District (southwest Georgia) represented in Congress by J. L. Pilecher of Meigs and the Third (southwest central) represented by E. L. (Tic) Forrester of Leesburg.

### WHERE THEY'RE FEW

The Second District has 14 counties. In half of them less than 15 per cent of the Negroes are registered to vote. The Third District has 24 counties. In 14 of them less than 15 per cent of the Negroes are registered to vote.

In Georgia's other districts, the situation is this: First—In only three of 18 counties are less than 15 per cent of the adult Negroes registered. Fourth—two of 15 counties. Sixth—four of 16. Eighth—two of 20. Tenth—four of 17.

In Atlanta (Fifth District) and the two north Georgia Districts (Seventh and Ninth) there are no counties in which less than 15 per cent of the Negroes are registered.

The Georgia situation compares favorably to several other Southern states. In Alabama there are less than 15 per cent of the Negroes registered to vote in half

of the state's counties. In Louisiana the "pattern" is seen in over a third of the counties. In Mississippi 76 of the 82 counties have registered less than 15 per cent of the adult Negroes. In South Carolina less than 15 per cent are registered in over half of the counties.

Those 36 counties in Georgia represent less than one fourth of the state's 159.

If Negroes were suddenly registered to vote in relatively large numbers in counties and congressional districts where they had not participated before, what would the result be?

### TO LIBERALIZE POLITICOS?

Some Southern politicians think it would be to "liberalize the politicians from many of the areas—in economic matters if not in civil rights matters. The reasoning behind this seems to be that most of the Negroes thus registered would be those who are interested in minimum wage legislation, welfare programs and the like.

Their votes, together with whites similarly interested, would be a power in congressional districts and probably to a greater extent, statewide.

It is unlikely, according to several Georgians in Congress, that these Negroes would have the numerical strength to insist on congressmen who would vote for or champion civil rights laws.

### IN MISSISSIPPI

If the result in Georgia would be most heavily felt in only two districts, contrast that with Mississippi: in four of the five districts every county has registered less than 15 per cent of the adult Negroes. In the other district, less than 15 per cent of the Negroes are registered to vote in 10 of the 16 counties.

A majority of the counties would be affected by the new law in all but one South Carolina congressional district. Most of the counties in two of Louisiana's eight districts would be affected.

One Georgia congressman believes that the impact of registering Negroes would be less than expected. He says that most of the counties where the abuses have occurred are rural and that a majority of the Negroes in such counties would not be qualified to vote even if the registrars were fair. This is because of low education standards, he says.

### IN URBAN AREAS

But he, too, concedes that congressmen would have to take the wishes of the newly registered Negroes into account. He thinks the state's two senators would be more likely to feel "pressure" from any drive to register Negroes.

His reasoning here was that there is already a substantial Negro vote in urban areas in the state. That plus "a little here and a little there" from elsewhere in the state would, he says, "add up to a real force in statewide elections."

Another congressman sees the most important result of a new voting law as being its contribution to the early death of whatever two-party system may be developing in the South. He points out that Negroes are going to vote Democratic more and more in the South because they are mostly in the lowest economic level and the Republican appeal to the poor is very slim.

The only reason that Negroes voted Republican in the South in the past is that the "aura of Lincoln" according to this congressman, lingers on. That is being replaced, he says by the "aura of Bobby and Jack."



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

## Marshall Appeals For Passage Of Rights Bill

*Atkley  
Dawley  
W  
7/9*

By JOHN HERBERS  
(United Press International)

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

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

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

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

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

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

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

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

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

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

*repet*



# Marshall, Javits Ask Accommodations Bill

By JOHN HERBERS  
(United Press International)

ASW 7/10

WASHINGTON — (UPI) — Asst. Atty. Gen. Burke Marshall said Tuesday the administration's public accommodations section of its civil rights package would bar racial discrimination at "most hamburger stands."

Sen. Jacob K. Javits, New York Republican who supports the administration program said the section should even cover "Mrs. Murphy's" rooming house, which Atty. Gen. Robert F. Kennedy has already indicated willingness to exempt.

Marshall and Javits testified before the Senate Commerce Committee on the ramifications bill to end segregation in private businesses which cater to the public.

Marshall was questioned particularly on whether the 14th Amendment to the Constitution could be used as the basis for a public accommodations law, without also involving the federal power to regulate interstate commerce, the administration proposes.

The administration civil rights expert replied that he felt both were needed. He said a law based on the 14th Amendment alone might be declared unconstitutional and also would not "cover everything."

## SCHOOL BILL CLEARED

Other congressional developments:

—A House education subcommittee headed by Rep. John H. Dent, D-Pa., cleared the way for possible action Wednesday on a bill which would forbid racial segregation in schools receiving aid under five federal programs paying out more than \$500 million a year.

—Welfare Undersecretary Ivan A. Nestingen urged a House labor subcommittee to approve expansion of the manpower training program to provide subsistence payments to unemployed illiterates while they learn to read and write. He said many of the illiterates were Negroes.

Marshall appeared for the second day before the committee headed by Sen. Warren Magnuson, D-Wash., Sen. Strom Thurmond, D-S.C., who continued his sharp questioning of administration witnesses, cut the hearing off at noon by involving the rule against committee meetings while the Senate is in session.

Thurmond charged that the public accommodations bill would turn private businesses into "public utilities."

Marshall countered that business already is highly regulated from wages and hours to labeling and packaging—and this is not inconsistent with private ownership.

Thurmond said he agreed "We've gone a long way toward a welfare state. Do you believe the government should have done all these things?"

"Yes, senator," Marshall replied.

# Rusk Applauded In Push for Civil Rights

ASW 7/11

WASHINGTON — (UPI) — Secretary of State Dean Rusk won applause at a Senate hearing Wednesday with a staunch endorsement of civil rights legislation but clashed with a Southern senator who said the audience was packed with "civil righters and left wingers."

At one point the senator, Strom Thurmond, D-S.C., questioned whether Rusk was not giving support to Communist propagandists. Rusk tartly replied that "of course" he was not, and said he hoped no committee of Congress would take the position Thurmond had.

Rusk told the Senate Commerce Committee that failure of the United States to provide racial equality "embarrasses our friends and heartens our enemies."

He said that if Congress fails to enact civil rights legislation, "questions would inevitably arise in many parts of the world as to the real convictions of the American people."

Rusk was commended by both Republicans and Democrats on the committee for his testimony. As he left the witness stand, he was applauded by approximately 350 spectators.

Thurmond, who had peppered Rusk with questions during the session, demanded that the ovation be halted. Thurmond charged that the audience was packed with civil rights advocates and "left wingers" trying to pressure Congress into passing "an unconstitutional civil rights bill." There were these other developments on the administration's civil rights proposals:

—Chairman Emanuel Celler, D-N.Y., of the House Judiciary Committee announced a "speed-up" effort to complete committee consideration of the legislative package. He announced that any witnesses wanting to testify must submit their requests by Saturday. Celler also said he would hold night sessions if necessary to expedite consideration of the measure.

—The House Education and Labor Committee approved in principle a bill which would set up a federal fair employment practices commission with strong powers to order an end to racial discrimination in private industry. The way was cleared for final approval Thursday when the House group rejected a substitute proposal by Rep. Robert P. Griffin, R-Mich., which would have limited the commission's powers.

—The Senate constitutional rights subcommittee approved 5 to 1, the subcommittee approved 5 to 1, the U. S. Civil Rights Commission for another four years. The bill now goes to the full Senate Judiciary Committee headed by Sen. James O. Eastland, D-Miss. The Judiciary Committee will open hearings Tuesday on the omnibus civil rights program.



# Others Have Rights, Too

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We are sympathetic with the desire of the Negro race in America to obtain the full civil, educational and economic rights to which they are entitled under the U.S. Constitution, although the bellicose attitude shown recently by some Negro leaders makes us doubt their wisdom and self-control.

But we are emphatically opposed to that part of President Kennedy's "civil rights" program in Congress that would force a man in private business to serve customers against his will. This attitude is based on legal and moral principles which would hold true even if the question of race were not involved.

In the various discussions of this issue which we have read recently we have found nowhere a point which seems vital to us -- the difference between a public utility and a purely private business. Yet it is one that is clearly recognized in law.

When a city, a county or a state enfranchises a public utility such as telephones, electricity, gas or transportation it is usually granted a monopoly. In return, it agrees to serve any person who can pay for its services. The reason for this is obvious; if it did not do so the citizen could not obtain the service anywhere else. He would be forced to do without a necessity of life.

In like manner it can be argued with some plausibility that any citizen, particularly any tax-payer, is entitled to any services offered by the Federal, state, county or city governments.

But a private business such as a restaurant, hotel, theater or barber shop falls in neither category. It is not a public utility with a monopoly franchise, nor is it a public institution. Private businesses of the type named are many

in number and operate in keen competition with each other. In Atlanta and most cities hundreds of them are operated by Negroes for Negroes. It is only logical and right that others are operated by white persons for an exclusively white patronage. (As a matter of fact, many such businesses will not admit white patrons whom they consider undesirable).

If the owner of such an establishment agrees voluntarily to accept Negro business -- as many in Atlanta recently have done -- he has a perfect right to do so. That is a very different thing from being coerced into doing it by the power of the Federal Government. But those who do not care for Negro business are not depriving a citizen of some needed service. There are many other places where he can obtain it.

The air is filled these days with cries of "minority rights". But what about "majority rights", including the right of any citizen to establish a legal business and conduct it as he sees fit, so long as he operates it honestly and within the law?

This right is so fundamental to the American system of free enterprise that we do not believe Congress will abridge it.

Senator Richard B. Russell of Georgia and other Southern senators already have made it clear that they will conduct a "last-ditch" filibuster to prevent passage of this part of the Kennedy "civil rights" program.

We hope this will not be necessary. Surely there are many men in both the House and Senate from all parts of the United States who will recognize the seriousness of the Administration's attack on what has been a cardinal point of American freedom.

## Talmadge Sees Rights Terror

Constitution Washington Bureau  
WASHINGTON—There would be "terror throughout the land" if President John F. Kennedy's civil rights bill became law, Sen. Herman Talmadge said in a radio interview Thursday night.

"It would take troops all over America to enforce this," the Georgian said.

But he said he didn't believe the Senate would "approve this bill in its present form."

Talmadge hit hardest at the three principal sections of the seven-section bill. He scored those parts that would require desegregation of some private businesses, allow the Justice department to

have federal voting registration referees appointed and give the President power to withhold federal funds from government programs under which segregation was practiced.

The senator also predicted that Congress would pass very little other legislation this year. At one point he said, "it is doubtful that action on the tax bill can be completed this year."

Later in the interview (on CBS Capital Cloakroom) Talmadge seemed to indicate he felt the tax bill had a chance.

"I suspect that outside the field of civil rights and taxes, the appropriations bill will be about the

only major legislation that will result," he said.

The President and his legislative leaders have said the tax bill shares "uppermost" legislative priority with civil rights.

Asked to predict how President Kennedy would run in the 1964 elections, Talmadge declined. He said it was too far off.

Asked if President Kennedy's apparent loss of popularity in the South meant Sen. Barry Goldwater of Arizona was picking up strength, Talmadge said he did not believe the President's loss "had been translated into a particular party or any particular candidate."



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# 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 businesses 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 not 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 drug-

gists 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 will 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 the floor by midsummer have Means Committee.

There has been a recess of more than three weeks in the 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 existing credit.

## Senate Panel May Pattern Rights Bill on Trade Laws

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

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 statutory language would be, basically, to answer senatorial concern that the Administration

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# NEGRO RALLY SEEN AS THREAT TO BILL

Celler Says Capital March Could Cost Rights Votes

The proposed march on Washington by Negro demonstrators slated for Aug. 28 might cause uncommitted legislators to turn against the President's civil bill, Representative Emanuel L. Celler, chairman of the House Judiciary Committee, declared yesterday.

The Brooklyn Democrat appeared on "Direct Line," an NBC television program.

Mr. Celler said the demonstration would not affect his own vote for the measure. However, he said he hoped integration leaders would recognize that there were neutrals in Congress who resented what they consider "pressure, bludgeoning and coercion."

In effect, he continued, the demonstration might actually cause the loss of favorable votes.

For example, he said, one Western Senator has told him, "I'm for civil rights — but if they stage it [the march] I'm going to vote against it [the bill]."

Mr. Celler said he hoped "better counsel will prevail" to cause the leaders to reconsider holding the march.

## Riot Is Feared

WASHINGTON, July 14 (AP)

— Representative James A. Haley expressed concern today that the march on Washington "could be the spark which could touch off an ugly, blood-letting riot, accompanied perhaps by killings."

# Civil Rights in the City

Despite Its Efforts to Help Minorities, New York Is Under Growing Pressure

By CLAYTON KNOWLES

No city government in the country has exceeded New York's in efforts to be sympathetic and helpful on the problems of Negroes, Puerto Ricans and other minorities.

In spite of this record, the Wagner administration is beset on all sides with rising demands to do even more to assure equality. These pressures, capped by many demonstrations, focus on furthering integration in the schools,

opening jobs—particularly in the construction field—sharpening civil rights machinery and winning more policy-making posts in government.

Demonstrations have been sponsored by organizations ranging from long-established groups such as the National Association for the Advancement of Colored People and the Urban League, which had become almost sedate in their march forward, to newer, brasher groups like the Congress of Racial Equality.

The emergence of CORE, with its aggressive leadership, meant from the outset to the informed that the N.A.A.C.P. and the Urban League would "either be pushed into the background or be pushed to the forefront." Developments took the second course.

## Caught by Surprise

The Wagner administration was caught by surprise. It had felt secure because its record was good and because year after year it had the overwhelming support of Negroes and Puerto Ricans at the polls.

The feeling was that it couldn't happen here. In Birmingham, yes, but not here.

But it did happen here, and the administration, stunned at first, is still floundering.

Picketing used to be sharply restricted at City Hall and elsewhere whether unions, taxpayer or minority groups were involved. Many had to be content with marching within barricades around the park outside City Hall Plaza.

Yet for nearly a week now there has been a sit-in inside City Hall, at the very gate to the Mayor's executive offices. The demonstrators brought pillows, blankets, radios—even a guitar—and the sit-in has gone on around the clock.

When it began, even the Mayor was shaken; he entered City Hall by a side door.

An action panel set up by the Mayor proposed 15 steps to get more jobs in the construction field for qualified Negroes and Puerto Ricans. But work has yet to be resumed on the Har-

lem Hospital annex; construction has been halted for weeks on just this issue.

The application of a Negro couple to have their son transferred to a high school out of his neighborhood was denied by school authorities, who later reversed themselves on the basis of a medical report showing the boy had bronchial asthma. It was said the boy would be less subject to emotional stress in a school with fewer Negroes.

With the Mayor away, charges of discrimination made against Deputy Commerce Commissioner Anne M. Kelly were ordered heard by a retired Federal judge. When the Mayor returned, the order was countermanded and the case was turned over to the City Commission on Human Rights.

A call for an overhaul and strengthening of the City Commission on Human Rights came shortly after its staff was cut and the remaining employees were given raises.

Council President Paul R. Screvane has proposed barring the investment of city pension funds, totaling more than \$3,400,000,000 in securities of companies that practice discrimination. Both the Mayor and Controller Abraham D. Beame, concede the goal is laudable but they question whether the proposal is administratively feasible.

The one steady hand at the tiller amid this uncertainty and confusion seems to be that of the Mayor. A first-generation American, Mr. Wagner identifies with minorities both in their problems and in their aspirations.

## Mayor Has Guided City

More than any individual, he has shaped the city's approach to civil rights issues whether it was striking at discrimination in housing through the pioneering Sharkey-Brown-Isaacs Act or seeking to open job opportunities in city government for Negroes and Puerto Ricans.

The excesses of some of the demonstrations may have alienated support for the minority cause among both whites and Negroes. Yet the Mayor's calm, deliberate approach, while suggestive to some of coddling, has averted tragic incidents and clashes that often attend racial unrest.

Administratively, it is a headache for Mr. Wagner.

Politically it could be an asset when President Kennedy, viewed by Negroes as "standing 10 feet high on civil rights," looks for a New York running mate for the Senate with a record that backs his views.



# Women Leaders Feeling Mixed On Plea For Rights Support

WASHINGTON — (NNPA). — In his attempt last Tuesday to enlist the support of the nation's women in the current civil rights fight, President Kennedy ran into some fine support and some unexpected opposition.

The Chief Executive invited about 300 leaders of about 100 women's organizations to meet with him in the East Room of the White House.

Collectively, they held a direct line to the ears of about 50 million women, since the majority represented organizations with 100,000 or more members.

The organizations ranged from the National Association for the Advancement of Colored People to the United Daughters of the Confederacy.

## FIVE POINT PROGRAM

Mr. Kennedy urged the women to adopt a five - point program in which they would:

1. Support the Administration's civil rights program, especially that part of it that would open public places such as hotels, theaters, restaurants and stores to all citizens regardless of race, creed or color.

2. Support the establishment of

leadership training courses for women of all races.

3. Take an active part in getting school dropouts back on the classroom register.

4. Take the lead in setting up bi-racial and human relations programs that would lead to closer communication between responsible white and Negro members of the various communities.

5. Drop the color bar in all women's organizations.

At one point, Mr. Kennedy asked the women to express their feelings frankly and freely.

Mrs. Diane Nash Bevels, of Atlanta, Ga., who represented the Southern Christian Leadership Conference, told the President: "It is difficult to participate on bi-racial committees when you must demonstrate and go to jail."

She asked Mr. Kennedy if he had "any suggestions for us in the deep South? Would you come to Mississippi and talk to Negro leaders there?"

## PROGRAM "SHOT DOWN"

The President did not answer her question, but he drew smiles when he replied that his program in the South had "been shot down", especially in Mississippi, where "we have a long way to go."

"It has taken two divisions of troops, two deaths, and a good many wounded to get one student into the University of Mississippi. There are still 400 troops there." This answer did not satisfy Mrs.

Bevels, who had a child born in jail. After the conference was over, and the women broke up into small groups, she expressed critical concern over a number of Mr. Kennedy's policies and actions.

Her views coincided with those of Mrs. Gloria Richardson, a leader in the recent demonstrations at Cambridge, Md. Both women joined by other colored leaders in their outspoken appraisal of the accomplishments of the New Frontier.

They were especially critical of the work of some of Mr. Kennedy's colored advisers, saying that some were "unreachable" while others were not "in tune with the times."

Mrs. Richardson thought the meeting itself "was not particularly worthwhile." Mrs. Grace Hamilton, of Atlanta, said the subject of the meeting was an important one, but "Albeit, a little late."

## DR. ROSA L. GRAGG

Dr. Rosa L. Gragg, of Detroit, president of the 100,000-member National Association of Colored Women's Club, stood out almost alone among Negro women in her enthusiastic support of the conference.

She said the President had given "this country leadership that has never been given since the days of Lincoln."

Dr. Gragg told reporters that it was she who first suggested Kennedy during his June 22 conference with a group of Negro leaders. Brief remarks were made to the

women by Vice President Lyndon B. Johnson and Attorney General Robert F. Kennedy. Later, at a meeting in the Interdepartmental Auditorium called by Mrs. Mildred McAfee Hinton of Atlanta, who was chosen to head the group, they heard from Assistant Secretary of State Esther Peterson.

Among other women who took part in the White House conference were: Dr. Sarah Bateman, Mental Health Service, Charleston, W. Va.; Mrs. Dollie Robinson, former assistant to Mrs. Peterson and now officer in the Hotel Service Union, New York; Mrs. Harriet I. Pickens, New York Commission on Human Rights.

Mrs. Patricia Harris, assistant to Mrs. Peterson; Mrs. Maida Springer, AFL-CIO, Washington; Dr. Jean Noble, national president, Delta Sigma Theta Sorority, New York; Mrs. Christine Ray Davis, staff director, House Committee on Government Operations, Washington; Mrs. Ethel Payne Women's Division, Democratic National Committee.

Mrs. Julia Porter, Girls Friendly Society; Mrs. Mable Staupers, Washington, D. C.; Mrs. Velma McEwen Strode, Washington Urban League; Mrs. Verda Welcome, Baltimore, Md.; Mrs. Katie Whickham, president, National Beauty Culturists League, New Orleans.

Dr. Helen Edmonds, North Carolina College, Durham; Mrs. Cernoria Johnson, Washington bureau, National Urban League; Mrs. Erma Dixon, Maryland House of Delegates Baltimore; Mrs. Marjorie McKenzie Lawson, municipal judge, Washington; Mrs. Juanita Mitchell, attorney, Baltimore.

Mrs. Esther LaMarr, Detroit; Mrs. Theresa Lindsay, Los Angeles; Mrs. Louis Martin, Washington; Mrs. Lillian McDaniel, National Association of College Women, Richmond, Va.; Mrs. Fannie Allen, AFL-CIO, Montgomery, Ala.

Mrs. Thomasina Johnson Norford, New York City; Mrs. Vel Phillips, Milwaukee, Wis.; Mrs. Ruth Jackson, Southern Beauty League, Birmingham, Ala.; Mrs. Kelsey Beshears, St. Joseph, Mo.; Mrs. Edith Sampson, municipal judge, Chicago; Mrs. Jeanne Dolan Dago, Chicago.

# Sanders to Testify Against Rights Bill

Gov. Carl Sanders will testify in late July against President John F. Kennedy's civil rights program, The Constitution learned Tuesday.

Sanders will accept an invitation from Sen. Strom Thurmond to give his testimony before the Senate committee now considering the bills.

A source close to the governor said the testimony will be firmly against the proposals "but won't go into all the Communist, socialist talk that other witnesses have used."

Instead, Sanders plans to argue against the proposal on legal precedents, the aide said.

Several other Southern governors have testified, including Govs. Ross Barnett of Mississippi and George Wallace of Alabama.

Sanders' appearance likely will be on either July 28 or 29. He had not decided until early this week whether to testify.

Capitol observers said his decision to testify reflects strong sentiment in the state against the rights bills which have stirred a storm in Washington and deadlocked many other pieces of legislation.

His appearance will be delayed until late July by his attendance at the National Governors Conference in Miami next week and the National Association of County Officers in Denver the following week.



# Wallace Asserts He'd Ignore Rights Laws

WASHINGTON, July 16 (AP)—Gov. George C. Wallace of Alabama declared Tuesday he would make no effort to help enforce a federal public accommodations law nor would he encourage compliance with it in his state.

"I would just go ahead and be the governor of Alabama and let the federal folks try to enforce it," Wallace told the Senate Commerce Committee.

In that connection the governor restated his view it would take an army of federal agents or troops to enforce a law opening restaurants, motels and theaters and other places of business to racial integration.

Wallace returned to the committee to complete the fiery testimony against President Kennedy's bill which he began Monday.

**MEANWHILE**, Atty. Gen. Robert F. Kennedy's appearance before the Senate Judiciary Committee on the President's overall civil rights program was deferred until Wednesday. That will be Robert Kennedy's third round at the capitol in the civil rights fight—and undoubtedly the toughest in view of the weight of Southern membership on the committee.

After arriving at the packed hearing room, Kennedy was told by Chairman James O. Eastland, D-Miss., that he might as well return to his Justice Department office since a number of committee members had opening statements to make.

Eastland is one of the strongest foes the whole administration civil rights package has on Capitol Hill.

Sen. Sam J. Ervin Jr., D-N.C., said it would take him about an hour to read his statement even if he hurried through it.

Sen. Philip A. Hart, D-Mich., a sponsor of the administration program, said he would withdraw a statement he intended to make, in view of what he called urgency of acting on the legislation.

**HART SAID** that in his judgment the nation had come "closer to disaster in Birmingham than in Cuba."

Another supporter of the bill, Sen. Edward V. Long, D-Mo., said he would put his statement in the record, but both Sens. Everett M. Dirksen, R-Ill., and Kenneth B. Keating, R-N.Y., said they had brief statements they wanted to make.

It became apparent that Kennedy would not have a chance to testify before the Senate met at noon, and unless an exception to the rules is granted, committees may not sit after that.

Wallace's declaration he would not help enforce a public accommodation law came during an

exchange with Hart, which even got into the question of whether Heaven will be segregated.

**THE GOVERNOR** had concluded a lengthy friendly questioning by Sen. Strom Thurmond, D-S.C., with the assertion that he bore no hatred for Negroes or anyone, that he believed in God, and tried to follow religious teachings.

Hart, a member of both the Commerce and Judiciary committees, said that since Wallace had introduced this "solemn note" into the proceedings, he would like to ask, "What you think Heaven will be like, will it be segregated?"

Wallace answered that "I don't think any of us knows what Heaven will be like." He went on to say "God made us all, he made you and me white, and he made others black. He segregated us."

Hart said he would not pursue it further except to comment that he presumed "We would all be one family in heaven under one loving Father."

**AT THE** judiciary committee hearing, Ervin reviewed each of the seven parts of the administration's omnibus bill and denounced the whole package as unconstitutional, undesirable and unnecessary.

He called the legislation "as

drastic and indefensible a proposal as has ever been submitted to this Congress."

Much of Ervin's criticism was directed at the public accommodations provision, with which the Commerce Committee is dealing as a separate measure. Ervin said it is "condemned by its manifest unconstitutionality."

Ervin also argued that liberty is being destroyed in a drive for equality and that "the rights of all are being sacrificed for the special rights of a few."

Long, in the statement he put in the record, contended on the other hand that the proposed legislation does not seek to create any right that does not already exist.

Asserting that discriminatory practices have created a grave danger for the nation, Long said the civil rights bill "merely seeks ways and means to help make the guarantees of our Constitution, the law of the land, a reality for all Americans."