

# Marshall, Javits Ask Accommodations Bill

By JOHN HERBERS  
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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

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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.