

ROBERT KENNEDY FACES RIGHTS FOES

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Rebuts Southern Charges
Bill Would Infringe Upon
State or Property Rights

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WASHINGTON, July 18 —

Attorney General Robert F. Kennedy denied today that the Administration's civil rights bill would "improperly" interfere with either the rights of the states or the rights of private property.

Southern opponents argue that four sections of the bill, dealing with schools, voting, public accommodations and Federal funds, are an infringement on states' rights.

They are joined by many Northern legislators of both parties in asserting that the proposed ban on discrimination in public facilities would impair property rights.

The Attorney General addressed himself to both these arguments today as he began testifying on the bill before the Senate Judiciary Committee. The committee, headed by Senator James O. Eastland of Mississippi, has never in recent times reported a civil rights bill.

Mr. Kennedy accused the Southerners, in effect, of forgetting the debates in the Constitutional Convention and misapplying their favorite doctrine. He said:

"States' rights, as our forefathers conceived it, was a protection of the right of the individual citizen. Those who preach most frequently about States Rights today are not those seeking the protection of the individual citizen, but his exploitation.

"The time is long past — if indeed it ever existed — when we

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should permit the noble concept of States Rights to be betrayed and corrupted into a slogan to hide the bald denial of American rights, of civil rights and of human rights."

While the Administration believed in the principle of "the less Federal intervention the better," the Attorney General said, it could not forget that a citizen of Alabama or Mississippi "is also an American citizen."

Stresses Federal Roles

"We expect him to obey American laws, to pay American taxes, to fight and die in American wars, whatever the color of his skin," Mr. Kennedy said.

As for the argument on property rights, he reminded the committee that thirty-two states already had laws banning discrimination in public facilities. Most of those laws, he asserted, were "more encompassing and far more stringent than the legislation we have suggested."

Senator Sam J. Ervin, former Associate Justice of the North Carolina Supreme Court, was the principal interrogator of the Attorney General. Senator Ervin, with help from Senator Richard B. Russell of Georgia, will spearhead the Southern legal assault on the Administration bill.

Surrounded by a three-foot high pile of law books, the man who describes himself in his press releases as "the North Carolina solon," began his questioning by asking Mr. Kennedy to "discuss why the founding fathers decided to have a written Constitution."

"They wanted the citizen to be sure what his rights, liberties and responsibilities would be, and the relationship of the Federal Government to the states," the Attorney General replied, as if he were a schoolboy taking an examination.

Then, beginning with Ex Parte Milligan, a Supreme Court decision of 1866, the Senator began to read to Mr. Kennedy excerpts from court decisions and Constitutional authorities, all dealing with the protection of citizens from usurpations of power by the executive.

Mr. Ervin had hardly begun his reading, however, when the noon bell rang summoning the Senate to session.

Because Senator Strom Thurmond, Democrat of South Carolina, refuses to join in the required unanimous consent required to permit committee meetings while the Senate is in session, the committee adjourned until Monday.

In an impromptu news conference afterward, Senator Ervin was asked to comment on charges made by Govs. Ross R. Barnett of Mississippi and George C. Wallace of Alabama and Attorney General Bruce Bennett of Arkansas that the civil rights movement was "Communist-inspired."

Mr. Ervin said that he had "no access to information on the activities of Communists." He added that he was going to approach the problem "on the

intellectual plane and not the emotional plane."

"I'm not going to look under the bed for any Communists," he said.

When a reporter asked whether he meant that he was taking "the high road" of the Constitutional approach and that others were taking "the low road" of suggesting that some of the civil rights leaders were influenced by Communists, Mr. Ervin said:

"Oh, no. They may be taking the road that leads to the stars."

He said that he had not read what the two governors had said before the Senate Commerce Committee or what proof they had for their assertions that demonstrations were "Communist-inspired."

The two Governors and Mr. Bennett were witnesses presented by Senator Thurmond.

"Different approaches have different appeals to different Senators," Mr. Ervin said. "A fellow in public life gets a lot of votes from a lot of people."

Later Senator Russess said that obviously Communists would get behind the civil rights bill because it was a "potential source of trouble" and they liked "to rub salt in sores."

"My opposition," he added, "is predicated on the grounds that it is un-American, contrary to the Constitution and a curtailment of the use and right of private property."

"We're on mighty high ground on the Constitutional argument," Mr. Russell declared.

Governors Barnett and Wallace had both insisted that literacy tests for voting were impartially administered in the states.

Attorney General Kennedy gave examples today of what he called "shocking instances of discrimination against Negroes" in both states.

The Alabama registration application, he said, has one question:

Will you give aid and comfort to the enemies of the United States Government or the Government of the State of Alabama?"

A white man with a seventh grade education who wrote in answer "No—Government of the stat of Ala" was accepted.

A Negro woman from the same county, a school teacher for twenty-eight years, was rejected for an inconsequential error of a date, Mr. Kennedy said. When she completed the form perfectly in a second try, the registrar ruled she could not apply more than once.

Negroes, he said, are often asked to interpret the meaning of "due process" to a registrar who knows no law, while whites are asked to explain, "There shall be no imprisonment for debt."

'Literate' Whites Answer

One white man interpreted that sentence, Mr. Kennedy said, in this way:

"I think that a Negro Should Have 8 years in college Be for voting Be cause He dont under Stand."

He was accepted.

In Tallahatchie County, Miss., 4,329 of the whites, or 84.8 per cent, are registered, while only five Negroes, less than one-tenth of one per cent, are registered, Mr. Kennedy said.

Secretary of Labor W. Willard Wirtz, testifying before the Senate Commerce Committee, said he favored "in principle" an amendment proposed by Senator Barry Goldwater, Republican of Arizona, to deny certification under the Landrum-Griffin Act to any labor union practicing racial discrimination.