

THE WHITE HOUSE  
WASHINGTON

June 21, 1963

Dear Mr. Chairman:

I appreciate the intensive and constructive effort that you and the other members of the Committee on Equal Opportunity in the Armed Forces have given to one of the Nation's most serious problems. As your initial report suggests, the Armed Forces has made significant progress in eliminating discrimination among those serving in the defense of the Nation. Your inquiry indicates, however, that much remains to be done, especially in eliminating practices that cause inconvenience and embarrassment to servicemen and their families in communities adjoining military bases.

Your recommendations should have the immediate attention of the Department of Defense and I have asked the Secretary of Defense to report to me on your recommendations within thirty days. Enclosed for your information is a copy of my letter to the Secretary.

The timeliness of your report is, of course, obvious, and I hope you will convey to the other members of the Committee my appreciation for the constructive report that has been prepared. I am confident that the Committee will bring to its remaining tasks the same high degree of effort, competence and understanding that characterizes your initial report.

Sincerely,

S/ John F. Kennedy

Honorable Gerhard A. Gesell  
Chairman  
The President's Committee on  
Equal Opportunity in the Armed Forces

THE WHITE HOUSE  
WASHINGTON

June 21, 1963

Dear Mr. Secretary:

Because of my concern that there be full equality of treatment and opportunity for all military personnel, regardless of race or color, I appointed a Committee to study the matter in June of 1962. An initial report of my Committee on Equal Opportunity in the Armed Forces is transmitted with this letter for your personal attention and action.

We have come a long way in the 15 years since President Truman ordered the desegregation of the Armed Forces. The military services lead almost every other segment of our society in establishing equality of opportunity for all Americans. Yet a great deal remains to be done.

As the report emphasizes, a serious morale problem is created for Negro military personnel when various forms of segregation and discrimination exist in communities neighboring military bases. Discriminatory practices are morally wrong wherever they occur -- they are especially inequitable and iniquitous when they inconvenience and embarrass those serving in the Armed Services and their families. Responsible citizens of all races in these communities should work together to open up public accommodations and housing for Negro military personnel and their dependents. This effort is required by the interests of our national defense, national policy and basic considerations of human decency.

It is encouraging to note that the continuing effort over the last fifteen years to provide equality of treatment and opportunity for all military personnel on base is obviously having far-reaching and satisfactory results. The remaining problems outlined by the Committee pertaining to on-base conditions, of course, must be remedied. All policies, procedures and conditions under which men and women serve must be free of considerations of race or color.

The Committee's recommendations regarding both off-base and on-base conditions merit your prompt attention and certainly are in the spirit that I believe should characterize our approach to this matter. I would hope your review and report on the recommendations could be completed within 30 days.

- 2 -

I realize that I am asking the military community to take a leadership role, but I believe that this is proper. The Armed Services will, I am confident, be equal to the task. In this area, as in so many others, the U.S. Infantry motto "Follow Me" is an appropriate guide for action.

Sincerely,

s/ John F. Kennedy

Honorable Robert S. McNamara  
Secretary of Defense

**THE PRESIDENT'S COMMITTEE  
ON EQUAL OPPORTUNITY IN THE  
ARMED FORCES**

**INITIAL REPORT**

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**EQUALITY OF TREATMENT AND OPPORTUNITY  
FOR NEGRO MILITARY PERSONNEL  
STATIONED WITHIN THE UNITED STATES**

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THE PRESIDENT'S COMMITTEE  
ON EQUAL OPPORTUNITY IN THE  
ARMED FORCES

INITIAL REPORT

EQUALITY OF TREATMENT AND OPPORTUNITY  
FOR NEGRO MILITARY PERSONNEL  
STATIONED WITHIN THE UNITED STATES

June 13, 1963

THE PRESIDENT'S COMMITTEE  
ON  
EQUAL OPPORTUNITY IN THE ARMED FORCES  
718 JACKSON PLACE, N. W.  
WASHINGTON 25, D. C.

June 13, 1963

The President  
The White House  
Washington 25, D. C.

Mr. President:

There is transmitted herewith the initial report of the President's Committee on Equal Opportunity in the Armed Forces covering the work of the Committee during its first year of existence.

This report considers problems of equal opportunity affecting Negro military personnel on and off base within the United States. The recommendations emphasize matters which the Committee believes should receive the immediate attention of the Secretary of Defense. The Committee is available to consult as to any plan of action which the Department of Defense proposes to put into effect to meet the specific matters covered by this initial report.

Discrimination in the Reserve and National Guard and problems of equal opportunity affecting Negro military personnel serving in overseas areas have been under intensive study. A further report covering these matters will be completed soon.

Yours respectfully,

Nathaniel S. Colley  
Abe Fortas  
Gerhard A. Gesell, Chairman  
Louis J. Hector  
Benjamin Muse  
John H. Sengstacke  
Whitney M. Young, Jr.

THE PRESIDENT'S COMMISSION  
ON  
EQUAL OPPORTUNITY IN THE ARMED FORCES  
WASHINGTON, D. C.

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE INTEGRATION AND PARTICIPATION OF THE NEGRO IN THE ARMED FORCES	3
III.	IMPROVING THE PARTICIPATION OF THE NEGRO IN THE ARMED FORCES	12
	A. There is Need to Make Greater Efforts to Attract Qualified Negroes	12
	B. Recommendations for Attracting Qualified Negroes	14
	C. There is Need for Continuing Reappraisal of Assignment Patterns	16
	D. Recommendations for Improving Assignment Patterns	19
	E. There is Need to Improve Procedures Affecting Promotions	20
	F. Recommendations for Improving Promotion Procedures	25
IV.	ELIMINATING REMAINING ON-BASE DISCRIMINATION	27
	A. The Present Lack of Communication Between Negro Personnel and Commanders Causes Discrimination to Fester	27
	B. Recommendations for Improving Communication with Commanders	30
	C. Examples of Remaining On-Base Discrimination and Recommendations for their Elimination	32

1. <u>NCO and Service Clubs Require Careful Continuing Attention</u>	34
2. <u>Military Police Assignments Require Review</u>	35
3. <u>Base-Sponsored Activities Must Adhere to National Policy</u>	36
4. <u>Freedom of Association and Expression Must be Preserved</u>	38
5. <u>Segregation in Transportation and School Buses Must be Eliminated</u>	39

V. ELIMINATING THE SERIOUS OFF-BASE DISCRIMINATION BY CIVILIAN COMMUNITIES AFFECTING THE MORALE OF NEGRO MILITARY PERSONNEL AND DEPENDENTS 42

A. Civilian Communities Near Bases Often Segregate and Discriminate Against Negro Military Personnel	42
B. Community Segregation and Discrimination Adversely Affects Service Morale	46
C. Base Commanders Lack Adequate Instructions and Generally Ignore Off-Base Discrimination	52
D. Recommendations for an Urgently Needed Program	61
1. <u>The Defense Department and the Services Must Redefine Responsibilities, Establish Goals and Provide Detailed Instructions</u>	61
2. <u>Commanders' Performance Must be Rated, Monitored and Supported</u>	62
3. <u>Command Training Programs and Manuals Should Treat all Aspects of Discrimination Problems and Solutions</u>	63

4. <u>Base Commanders Must Establish Biracial Community Committees and by This and Other Means Lead Efforts to Reduce Discrimination</u>	65
5. <u>Where Efforts of Base Commanders are Unsuccessful Sanctions are Available and Should be Employed</u>	68
6. <u>Officials Charged with Responsibility for Equality of Treatment and Opportunity On and Off-Base Should be Appointed in the Defense Department and the Services</u>	71
VI. EFFORTS OF THE USO TO ELIMINATE SEGREGATION AND DISCRIMINATION	73
VII. THE UNAVAILABILITY OF SUITABLE HOUSING FOR NEGRO MILITARY PERSONNEL AND RECOMMENDATIONS FOR IMPROVEMENT	75
VIII. EDUCATIONAL OPPORTUNITIES FOR NEGRO MILITARY PERSONNEL AND DEPENDENTS AND RECOMMENDATIONS FOR IMPROVEMENT	81
IX. RECOMMENDATIONS INVOLVING RACIAL DATA	90
X. ASPECTS OF DISCRIMINATION UNDER FURTHER STUDY	92

## INITIAL REPORT

### EQUALITY OF TREATMENT AND OPPORTUNITY FOR NEGRO MILITARY PERSONNEL STATIONED WITHIN THE UNITED STATES

#### I. INTRODUCTION

This initial report, covering the work of the Committee since its appointment in June 1962, considers certain matters involving equality of treatment and opportunity for Negro military personnel stationed within the United States.

The Committee has been actively exploring the two questions it was directed to consider, i. e.:

- "1. What measures should be taken to improve the effectiveness of current policies and procedures in the Armed Forces with regard to equality of treatment and opportunity for persons in the Armed Forces?
- "2. What measures should be employed to improve equality of opportunity for members of the Armed Forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, community events, programs and activities?" \*/

The Committee has held frequent sessions of two to three days' duration. During these sessions discussions were held with installation

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\*/ Letter from President dated June 22, 1962.

and other commanders, representatives of the Department of Defense and the Services, officials of interested Federal agencies, and others. \*/ Committee members have travelled to a number of military bases and have interviewed officers and enlisted personnel of all ranks. In addition, information has been gathered through questionnaires and complaints received from servicemen.

The Committee has devoted its efforts to formulating general policies and recommendations and has not conducted detailed hearings and investigations into the merits of individual specific claims of discrimination. The Committee's inquiries have been courteously received with full cooperation.

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\*/ The principal organizations providing information and assistance to the Committee, apart from the Department of Defense and the Services, have been the President's Committee on Equal Opportunity in Housing, the President's Committee on Equal Employment Opportunity, the Department of Justice, the Department of Health, Education, and Welfare, the Housing and Home Finance Agency (especially its component, the Federal Housing Administration) and the United States Commission on Civil Rights. The Commission on Civil Rights has been especially helpful in furnishing factual information for study by the Committee. Generally, other agencies have furnished published information. None of these organizations bear any responsibility for the conclusions or recommendations of this Committee.

## II. THE INTEGRATION AND PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

Prior to 1948, the Negro had little or no opportunity in the Armed Forces. His skills and even his ability were a matter of debate. He was officially segregated, if not excluded; his duties were limited and his ability to serve his country in time of need was minimized or ignored. Such official policies no longer exist, and, in the main, the conditions which accompanied them have disappeared. Negroes have made military service their career in increasing numbers. They are formally integrated and have served well in both officer and enlisted ranks in times of war and peace.

It is desirable at the outset to review how this change occurred. In July 1948, President Truman, by Executive Order 9981, made the following declaration of principle which has since been applied throughout the Armed Forces:

"It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services, without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale."

On this occasion, President Truman appointed a committee to advise how this policy could best be implemented. As a result of the Executive Order

and the work of that committee, with continuing emphasis by succeeding administrations during the subsequent years, the Armed Forces were gradually integrated, and recognition was given to the ability of Negroes to train for, and serve in, all capacities.

This is the first general policy review of questions of equality of treatment and opportunity in the Armed Forces since that committee completed its work approximately 13 years ago. It is well to keep in mind the vast changes which have occurred since that time. Not only have there been dramatic developments in the field of racial equality, but under the stress of international events and technological developments the composition and mission of the Armed Forces have substantially changed. While steps taken pursuant to President Truman's Executive Order were essential first ones in dealing with racial problems in the Armed Forces, it is wholly appropriate now to consider what further must be done to assure equality of treatment and opportunity for all qualified military personnel in the light of present day conditions.

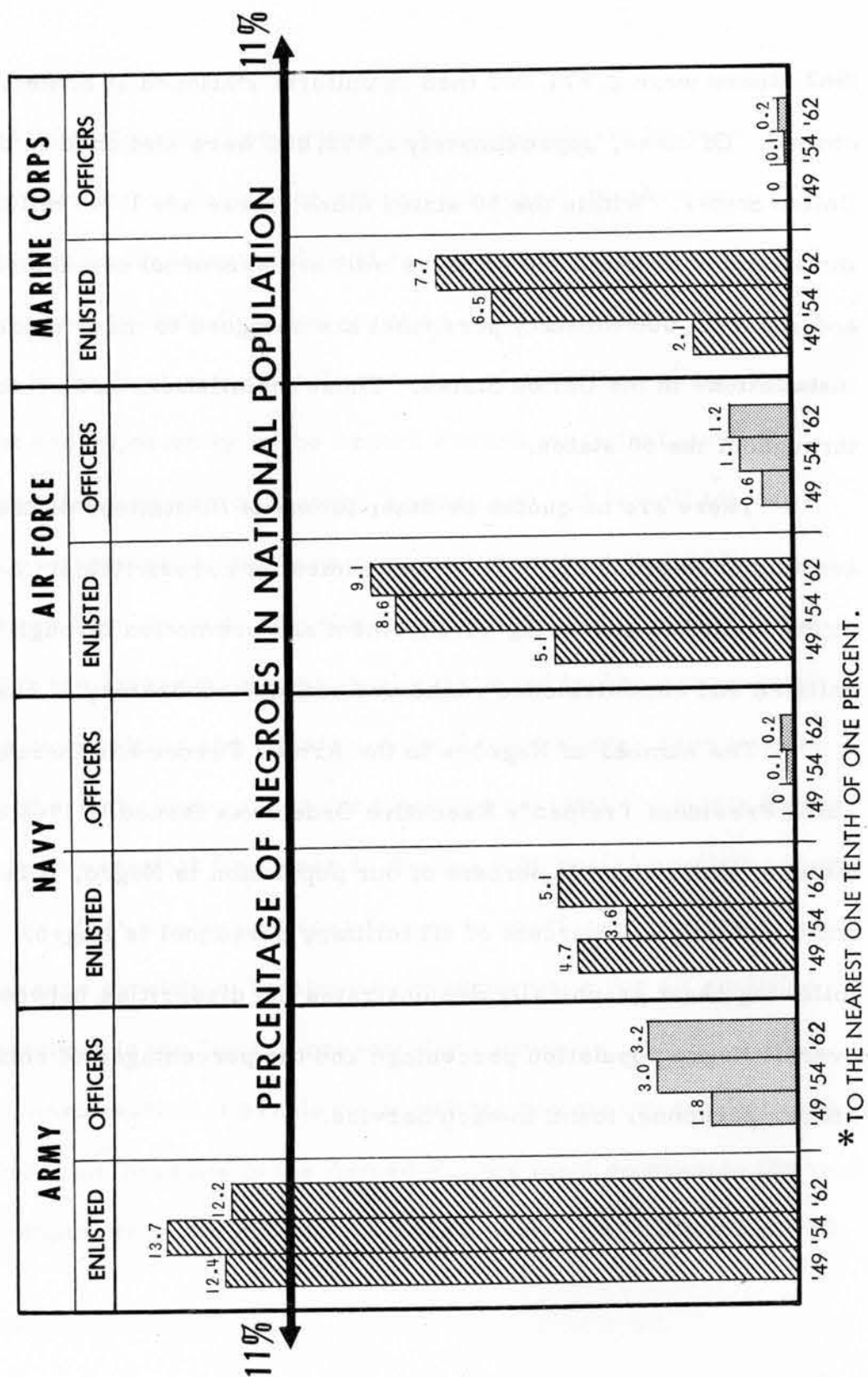
Any consideration of problems pertaining to equality of treatment and opportunity for Negroes in the Armed Forces must emphasize the vast scope and complexity of the military establishment. As of September 30,

1962, there were 2,674,000 men in uniform stationed at home and abroad. Of these, approximately 1,900,000 were stationed in the United States. Within the 50 states alone, there are 1,145 military installations to which 100 or more military personnel are assigned, and some 88,000 military personnel are assigned to many smaller installations in the United States. These installations are scattered throughout the 50 states.

There are no quotas or other forms of limitations on the recruiting of Negroes or on their assignment to career fields. All written policies governing advancement and promotion through both enlisted and commissioned ranks are non-discriminatory in character.

The number of Negroes in the Armed Forces has increased since President Truman's Executive Order was issued in 1948. Nevertheless, while about 11 percent of our population is Negro, it is significant that only 8.2 percent of all military personnel is Negro. The following chart graphically demonstrates the disparities between the overall Negro population percentage and the percentages of enlisted and officer personnel found in each Service.

CHART  
**NEGRO PERSONNEL AS PERCENT OF ALL PERSONNEL**  
 1949 TO 1962



As these figures show, Negro participation in officer ranks is still very small for all the Services. A breakdown of the current number of Negroes and their relative percentage in both commissioned and enlisted ranks, shown in the following tables, reveals that substantial progress must yet be achieved.

Table I

# STATISTICS ON NEGRO COMMISSIONED OFFICERS\*

Rank		Number and Percent (in Parentheses) of Negro Personnel in Each Rank			
Army, Air Force, Marine Corps	Navy	Army	Navy	Air Force	Marine Corps
Generals (All types)	Admirals (All types)	0 (0%)	0 (0%)	1 (0.29%)	0 (0%)
Colonels	Captains	6 (0.11%)	0 (0%)	6 (0.14%)	0 (0%)
Lt. Colonels	Commanders	117 (0.95%)	3 (0.03%)	67 (2.54%)	0 (0%)
Majors	Lt. Commanders	424 (2.47%)	17 (0.14%)	124 (0.60%)	0 (0%)
Captains	Lieutenants	1532 (5.21%)	88 (0.35%)	615 (1.74%)	7 (0.17%)
1st Lieutenants	Lieutenants (j.g.)	650 (4.33%)	57 (0.39%)	317 (1.56%)	16 (0.44%)
2d Lieutenants	Ensigns	421 (2.26%)	29 (0.22%)	170 (1.45%)	9 (0.28%)
Total Officers & Percentages		3150 (3.2%)	174 (0.24%)	1300 (1.24%)	32 (0.21%)

\* 1962 Data for all Services. The Air Force figures include only officers assigned to duty in the 48 States of the continental United States. All other figures are complete and world-wide in scope.

Table II

# STATISTICS ON NEGRO ENLISTED PERSONNEL\*

Grade	Number and Percent (in Parentheses) of Negro Personnel in Each Grade			
	Army	Navy	Air Force	Marine Corps
E-9 (highest)	76 ( 2.97%)	22 (1.30%)	32 ( 0.83%)	5 (0.71%)
E-8	586 ( 5.72%)	89 (1.22%)	140 ( 1.67%)	19 (0.81%)
E-7	3,143 ( 7.64%)	984 (2.42%)	616 ( 2.51%)	142 (2.12%)
E-6	10,496 (12.65%)	2,843 (4.43%)	2,115 ( 4.19%)	417 (3.93%)
E-5	21,892 (16.28%)	5,370 (6.23%)	10,287 ( 9.33%)	1,490 (8.65%)
E-4	21,133 (12.20%)	6,771 (6.59%)	14,321 (12.47%)	2,663 (9.08%)
E-3	26,385 (11.90%)	7,502 (5.11%)	11,505 ( 9.26%)	3,101 (8.14%)
E-2	10,836 (10.58%)	5,396 (5.22%)	6,951 (10.23%)	3,727 (8.01%)
E-1 (lowest)	8,456 (11.15%)	1,431 (4.77%)	597 (17.17%)	1,787 (7.55%)
Total Enlisted Members and Percentages	103,603 (12.20%)	30,408 (5.22%)	46,564 ( 9.1 %)	13,351 (7.59%)

\* 1962 Data for all Services. The Air Force figures are drawn from certain selected commands, and represent about 76% of all Air Force enlisted personnel. All other figures are complete and world-wide in scope.

The Armed Forces have made an intelligent and far-reaching advance toward complete integration, and, with some variations from Service to Service, substantial progress toward equality of treatment and opportunity. By and large, military bases reflect a clear pattern of integration. Segregation or exclusion of Negroes from barracks or other on-base housing facilities is not allowed. Military messes and all other on-base facilities are open to all personnel without regard to race. Negro personnel serve with whites in almost all types of units and at all unit levels. Negroes command white and Negro troops. Although the distribution is quite uneven, as will appear, Negroes have been placed in virtually all of the numerous job specialties and career fields which exist in the various Services.

The Committee feels, however, that the urgency of the remaining problems faced by Negro military personnel requires that this initial report be rendered at this time, so that corrective action may begin without delay. The headlines of recent weeks highlight this urgency. The great progress made is not enough. Negro military personnel and their families are daily suffering humiliation and degradation in communities near the bases at which they are compelled to serve, and a vigorous, new program of action is needed to relieve the situation. In addition, remaining problems of equality of treatment and opportunity, both service-wide

and at particular bases, call for correction. National policy requires prompt action to eliminate all these conditions. Equal opportunity for the Negro will exist only when it is possible for him to enter upon a career of military service with assurance that his acceptance and his progress will be in no way impeded by reason of his color. Clearly, distinctions based on race prevent full utilization of Negro military personnel and are inconsistent with the objectives of our democratic society.

### III. IMPROVING THE PARTICIPATION OF THE NEGRO IN THE ARMED FORCES

#### A. There is Need to Make Greater Efforts to Attract Qualified Negroes

All Services are making strenuous efforts to attract and hold personnel. Only the Army still relies to some extent on the draft, but all branches of the Armed Forces report difficulty in recruiting qualified personnel of all races. As the statistics previously presented disclose, the participation of the Negro in the Armed Forces is less than the percentage of Negroes in our total population.

Negroes are only now coming to realize that opportunity is available in the Armed Forces. Undoubtedly, the glaring lack of opportunity which existed not so many years ago and the limited progress which Negroes have as yet made to higher ranks have, in part, produced this result, as have other inequalities and conditions confronting Negro military personnel off base. Moreover, continuing educational disadvantages make many Negroes unavailable for certain types of job opportunities in the Armed Forces.

The means by which individuals are influenced to enter the Services are, of course, important. While methods differ in each Service, there is, at the present time, little recruiting directed towards

Negroes and insufficient awareness on the part of recruiting officers of special matters which would be of interest to potential Negro personnel.

For example, of the illustrative photographs in the occupational training guide of one Service, the only Negro shown is an enlisted man, in kitchen garb in the Steward field, where he appears working with a uniformed, white enlisted man. In general, Negroes rarely appear in recruiting literature - and then almost never on the cover together with other personnel or in the more appealing action shots.

Service programs to attract personnel properly emphasize special educational backgrounds and technical training, a need resulting from the increasing complexity of military operations. Unless Negroes with such aptitudes are encouraged to enter the Services, there is the danger that the Negro least attractive to private industry and other career fields - men not always in a position to take full advantage of the opportunity offered by the Services - will enter the Armed Forces.

Turning from the general problem of attracting Negroes to the Armed Forces to the particular question of officer selection, it should be noted at the outset that officers are obtained by the Services from several sources. For instance, there is direct commissioning of persons with special skills, including doctors, dentists and certain others.

In addition, the Services obtain officers through the respective Academies, officer candidate programs and, in significant numbers, from ROTC programs. Negroes are currently represented at all of the Academies - 14 at West Point, 10 at the Naval Academy and 15 at the Air Force Academy - and the other programs and sources are all offering Negroes for officer training. Participation of Negroes in these programs and services is discussed below in the section of this report dealing with educational opportunities.

Additional Negro officer participation can be achieved only by attracting qualified candidates through improved opportunity for Negroes in the military service. It should be noted that the standards one must meet to become an officer are necessarily high and that the military is competing for skilled personnel with other employers who can often offer greater material rewards to Negroes and whites alike.

#### B. Recommendations for Attracting Qualified Negroes

In order to increase the presently insufficient flow of qualified Negroes into the Armed Forces, techniques and procedures to attract persons should be carefully re-examined to ensure that they do not operate to reduce the entry of qualified Negroes into the Service. The

problems here do not appear to be ones of an affirmative discrimination encouraged by official Service policies. Rather, the condition results from a lack of adequate attention to, and review of, several aspects of the personnel selection process. The Services should initiate a more informed solicitation of colleges having substantial numbers of Negro students, develop literature appealing to Negroes and make wider use of Negro officers in recruiting assignments. Special efforts should be made to find and recruit Negroes with the special aptitudes the Services now require and affirmative steps should be taken to ensure that no recruiting personnel, consciously or unconsciously, channel Negroes to particular career fields, disregarding their aptitudes.

To increase the pitifully small number of Negro officers, energetic efforts must be made to raise the number of Negroes in the Academies and in all other programs which supply officers for the Services.

Finally, the Services should continually review all aspects of personnel selection procedures and their operation, to minimize the possibility of discrimination, especially discrimination by individuals in positions of responsibility at all Service levels.

C. There is Need for Continuing Reappraisal  
of Assignment Patterns

The assignment of an occupational classification to an enlisted man, shortly after he enters military service, is usually one of the most significant actions affecting his entire Service career. It will have an obvious bearing upon his training and duty assignments, and upon his earnings outlook, as well, since the more technical specialties normally offer greater opportunities for grade advancement and related benefits. Initial classification action normally occurs during basic training. The bases for such classification are the results of detailed aptitude testing, an evaluation of pertinent training, work experience and interests, and a personal interview. Actual assignments to particular schools or specialties are also influenced by available quotas and changes in skill requirements.

There have been a number of complaints from Negro military personnel at particular bases to the effect that discrimination exists as to duty and career field assignments. Since many factors enter into assignment decisions, the merits of these complaints are difficult to determine without exhaustive inquiry. Statistics do show that on a Service-wide basis, Negroes are to be found assigned to virtually all occupational areas.

However, there is some evidence of a disproportionate grouping of Negro enlisted personnel in the Service area. For example, one out of every five Negroes in the Navy is in the food service career field, along with a substantial number of Filipinos. The heavy proportion of Negroes in this career field undoubtedly reflects the policy, now abandoned, of assigning Negroes only to occupations such as food service and other support-type activities.

To some extent, unevenness of assignment represents the cumulation of individual preferences. In any event, the bunching of Negro military personnel in any particular category, for whatever reasons, operates as a brake upon advancement because only a limited number of promotion vacancies are available in any particular career specialty.

Conversely, Negro participation in most technical career fields is slight, though relative participation appears to be increasing. Such fields include, for example, Electronics and Crafts in the Navy, and Electronic Maintenance in the Air Force. These patterns appear to have improved in the case of more recent entrants into Service, reflecting the impact of policies designed to provide equal treatment and opportunity for Negroes in the Armed Forces. The improvement has

been dramatic in the Navy and Marine Corps, although it is evident that some difference in relative occupational distribution persists. The trend towards equal occupational distribution has resulted in an increasing proportion of Negroes in the "white collar" skills and in many of the more technical specialties.

Many of the Negroes in the Navy and Marine Corps are still grouped in assignments which perpetuate the image of the Negro as a menial or servant in respect to the total activities of these Services, and it will take some time before the more recent assignment trends rectify this discrepancy.

Service policies governing the assignment and advancement of military personnel find their reflection in the atmosphere of each particular base. Where assignments in any substantial way appear to reflect the relegation of Negro personnel to particular activities or where there is an unexplained absence of Negro officers in significant duty assignments, the posture of the base as a whole is unavoidably one of inequality of treatment and suggests to Negro personnel that there is a lack of opportunity. In some instances, of course, such patterns are created unconsciously since the Services generally assign personnel to particular bases without regard to race. As a result, the representation and assignments of Negroes on a particular installation may be

quite inconsistent with the pattern of the particular Service as a whole.

Since the number of Negro officers in the Armed Forces is very small, there are still relatively few Negro officers at most installations, and the commands and headquarters are often overwhelmingly white. Several installation commanders expressed the view that a greater proportion of Negro officers would be helpful to the morale of the installation as a whole.

#### D. Recommendations for Improving Assignment Patterns

Because of the importance of the assignment of an occupational classification to a new enlisted man, the procedures affecting such assignment, as well as their results, must be carefully and regularly reviewed to see whether they operate to ensure equality of treatment and opportunity for Negro military personnel. When new Negro personnel or applicants are interviewed, they should be made fully aware of the variety of opportunities available before being required to express preferences for career fields. Special effort should be made to recognize potential capacities of Negroes at the time of recruitment and at other appropriate times, and to encourage their entering, with proper vocational assistance, into career fields which match latent skill.

In addition, continuing efforts must be made to place Negro personnel in as many special and technical career fields and positions of troop command as possible, in order to afford Negro personnel wide training and ensure the fullest utilization of available talent. In this regard, the disproportionate bunchings of Negro personnel in certain service career fields should be re-examined, these personnel retested, carefully advised about other fields for which they are trainable, retrained accordingly and reassigned.

Although the Committee does not feel competent to recommend specific procedures for assuring the participation of Negro officers at base and regional headquarters in all sections of the country, it is advisable to point out that informal efforts to minimize Negro assignment to certain bases, however well motivated, are undesirable.

E. There is Need to Improve Procedures  
Affecting Promotions

The slight Negro participation in higher non-commissioned and commissioned ranks, indicated in Tables I and II above, suggests strongly that Negroes, at least in the past, have not enjoyed equality of treatment and opportunity in the Armed Forces. In any event, this pattern acts to

deter other Negroes from choosing the Armed Forces as a career.

Generally, advancement in the non-commissioned ranks is based, among other things, upon the recommendations of commanding officers, and involves board actions of various kinds as well as certain written examinations. None of the higher NCO ranks can be achieved without long periods of duty in the Service and there are many Negroes who have not yet served the minimum time required. Satisfaction of minimum requirements does not, however, assure promotion since the number of openings available are limited by the necessities of the military organization and may be smaller than the number of men meeting minimum requirements.

Selection for promotion from among qualified personnel is based on value judgments formed from a review of the entire experience of those qualified for advancement. There is at the present time no system within any of the Services for periodic review of NCO promotions in order to investigate and eliminate the possibility that elements of racial bias may have been operative in the selection or rating of candidates at installation and other levels where crucial decisions affecting a man's career are made.

Each of the Services has established a system for selecting officers for promotion by action of specially appointed boards of senior officers. While there are variations, the systems have much in common.

All Services seek to maintain high standards and are faced with very substantial attrition due to legislation and other factors which limit the number of officers that may hold a particular rank at a given time. Efforts have been made by all of the Services to establish fair promotion criteria. In the nature of things, however, it is inevitable that many officers fail of promotion. Competition is extremely keen and minor differences in experience, training and personality may be decisive as between individual candidates.

One factor affecting the advancement of Negro officers has been the emphasis given by the Services to specialized educational backgrounds in selecting candidates for promotion. The more limited educational opportunities available for Negroes, until recent years, have, therefore, operated to their disadvantage in the promotion selection process.

Seniority, too, plays a vital part in the officer promotion system. Indeed, promotions are possible only after minimum prescribed lengths of service. For example, under present conditions, it normally takes approximately 16 years of service as an officer to be eligible for promotion to lieutenant colonel in the Army, Air Force or Marine Corps, or to the corresponding rank of commander in the Navy. Since the

full participation of the Negro in the Armed Forces is of recent origin, there are relatively few Negroes with the requisite seniority. Studies show, for instance, that although 3.2 percent of all Army officers are Negroes, only 1 percent of the officers with 20 years or more service are Negroes. While this fact may explain the existence of so few high ranking Negro officers, it does not eliminate the need for all personnel concerned with recruitment, assignment and promotion to be ever mindful of the history of discriminatory practices from which this situation arose and of the desirability of closing the gap as quickly as possible.

The ability of competent Negroes to succeed is all-important. Nothing will do more to encourage the able Negro to enter military service as a career than tangible proof, as yet almost entirely lacking, that Negro officers can receive equal recognition and opportunity for advancement with whites. Actual examples of Negroes who have achieved major positions of responsibility in the Armed Forces will be worth thousands of words devoted to claims that no barriers exist.

Several problems have come to the Committee's attention concerning significant details in the machinery of officer promotions. The personnel folders reviewed by promotion boards, in the case of all the

Services, contain a photograph of the officers under consideration and, in the case of some of the Services, contain forms having racial designations. Thus, the officer's race is brought sharply to the attention of the promotion board. There do not appear to be adequate reasons for having photographs or racial designations in the materials reviewed for promotion purposes. The presence of this information raises serious questions whether individual members of a promotion board, intentionally or otherwise, might discriminate on the basis of race.

The number of Negro officers who have served on boards concerned with officer promotions is very small. This follows from the fact that the members of such boards in all Services are normally colonels (or the Navy equivalent, captain) or higher ranking officers, and, as Table I, above, indicates, the number of Negroes who have attained these ranks is extremely small. In fact, in the Navy and Marine Corps, no officers have attained these ranks. So long as promotion selection is made primarily by white officers, questions as to the impartiality of these boards will continue to arise.

Officers serving on promotion boards are selected with care and take an oath demanding objectivity, but no particular effort is made

to determine whether an officer serving on a promotion board, because of his background and personal experience, has a conscious or unconscious bias. Experience with this delicate and intangible problem in commercial organizations suggests that, on occasion, bias exists which can be disclosed by specific inquiry and attention to the individual's past performance.

#### F. Recommendations for Improving Promotion Procedures

In view of the numerous complaints of discrimination in enlisted promotions and the slight participation of Negroes in the higher NCO ranks, the Services should initiate, on a spot check basis, periodic inquiries into the operation of enlisted promotion procedures, particularly to the higher NCO ranks.

To minimize the possibility that conscious or unconscious discrimination on the basis of race or color may affect the impartiality of the officer promotion system, photographs and racial designations in the folders reviewed by promotion boards should be eliminated. Every opportunity should be taken to appoint Negro officers to serve on promotion boards, in normal rotation. Techniques for assuring

that all promotion board members are free from conscious or unconscious racial bias should be developed. Wherever possible, officers chosen to serve on promotion boards should be chosen from those who have had more than casual experience serving with Negro officers and enlisted personnel. To the extent that similar situations pertain in the enlisted promotion system, like steps should be taken there.

A final comment: No system is valid if the standards used to make decisions, no matter how objectively applied, are such as to operate unfairly against any group of persons. Accordingly, the Services should each periodically review their standards for promotion, selection and assignment to make certain that latent ability is always properly measured and utilized.

#### IV. ELIMINATING REMAINING ON-BASE DISCRIMINATION

##### A. The Present Lack of Communication Between Negro Personnel and Commanders Causes Discrimination to Fester

Reference has already been made to the highly successful program of the Armed Forces to bring about full integration and to the progress made toward equality of treatment and opportunity. More is required. Many of the remaining problems result from the lack of communication between Negro military personnel and the command echelon at bases.

Equality of treatment and opportunity is not the responsibility of any particular official or office in any of the Services. Rather, responsibility is Service-wide, in the sense that a general policy has been defined by broad directives. As a result, no machinery exists at any particular base by which a given officer is specifically charged with continuing responsibility in this area. There is no satisfactory method of handling complaints. Conditions conducive to discriminatory practices are often not even known to commanders. The Negro serviceman may complain to his immediate superior but it is rare that these complaints reach the attention of the base commander or members of his immediate staff. As problems become

severe, they may or may not receive attention at one or more echelons in the command. In sum, there is no affirmative and continuing effort to monitor race relations problems on base.

An important by-product of the Committee's work has been a new awareness, on the part of many of the commanders of bases visited, of the necessity for greater efforts to eliminate remaining obstacles to equality of treatment and opportunity in the Armed Forces. For example, on visits to bases, Committee members noted a number of discriminatory practices. Such practices were often remedied forthwith when brought to the attention of the base commander by Committee members. This illustrates the value of expanded communications between Negro military personnel and base commanders. Means must be found to keep base commanders informed of such conditions as they develop. It is clear to the Committee that only by fixing responsibility and establishing some means for monitoring these matters, base-by-base, can problems of discrimination, which will inevitably arise from time to time, be cured effectively and promptly.

At the present time, the absence of an effective procedure for dealing with complaints has led Negro personnel to complain to Congressmen and to various private groups such as the NAACP, and to

broadcast letters, sometimes anonymous, to individuals and groups interested in racial matters. The investigation of these letters through the traditional Inspector General or Department of Defense channels is often fruitless. These authorities are not geared to handle such problems and too much time elapses, making it difficult to ascertain the facts.

There exists in the minds of many Negro personnel the fear that they will be subject to criticism and reprisal if they raise matters of this kind. Procedures must be developed which eliminate this fear and encourage them to present their complaints. Merely stating that reprisals are forbidden is not enough.

Some complaints will allege that a specific individual has suffered discriminatory treatment of some kind. Such complaints, involving matters relating to a single person, such as failing to be promoted, cannot ordinarily be investigated without disclosing the identity of the aggrieved individual. This is not true, however, where the complaint discloses a discriminatory condition on base, such as a segregated NCO club. Such conditions can be investigated and eliminated without the need for identifying a particular complainant.

It cannot be emphasized too strongly that prompt correction of what may appear on the surface to be minor examples of discrimination will contribute substantially to morale. Such actions will also serve to keep the standard of conduct which national policy has decreed before all individuals on the base.

B. Recommendations for Improving Communication with Commanders

In order to improve the processing of complaints at the base level, procedures must be established which will encourage Negro personnel to present complaints of discrimination while eliminating the risk that they will be subject to criticism or reprisal for so doing. In order to accomplish this, an officer should be designated at each base to receive such complaints. This officer must have free access to the base commander or his deputy for the purpose of communicating and discussing complaints of discrimination. Commanders at bases must, of course, be held personally responsible for the effectiveness of the system and for conditions on the base. Discriminatory conditions may exist even where few complaints are made, and the commander should be held accountable to discover and remedy such conditions.

All personnel, officer and enlisted, should be free to contact the officer designated to receive complaints at any time, without the consent, knowledge or approval of any person in the chain of command over them. Communications between servicemen and this officer should be privileged and Service regulations should prohibit the disclosure of such communications or the identity of the complainant without the serviceman's consent.

The officer designated to receive such complaints should be carefully chosen to ensure that he is sensitive to problems of discrimination. The confidential nature of his duties in this area should be thoroughly explained to him and others, and he should be provided with a detailed manual of instructions. In view of his role as a confidential counselor, consideration should be given to the designation of the local Legal Assistance Officer as the officer to receive such complaints, but the base commander should be free to designate the officer best qualified for such duties, regardless of the officer's other duties. However, the officer so chosen must not be so burdened with other duties that he cannot effectively deal with complaints presented to him; he should be so situated that servicemen can contact and consult him in privacy; and he should be independent and free from intimidation by any person in the performance of his duties.

Under this system, all base personnel should be repeatedly and periodically advised of the identity of the complaint officer, and further advised of their right to present complaints. Service regulations should forbid attempts to discourage the presentation of such complaints or reprisals against complainants, and all personnel should be advised that such attempts, in violation of these regulations, will subject them to disciplinary action.

Such day-to-day efforts to discover and eliminate examples of discrimination at the base level should be checked and supplemented by periodic field visits from personnel from the Department of Defense who are skilled and sensitive in handling problems of discrimination and whose full-time energies are devoted to such problems. In this way, commanders' efforts can be measured. In addition, servicemen should be free, if they choose, to present their complaints to such visiting personnel and to contact the Department of Defense office to which such personnel are assigned if they so desire.

C. Examples of Remaining On-Base Discrimination  
and Recommendations for their Elimination

Members of the Committee received complaints from Negro personnel concerning particular conditions existing at specific bases.

These complaints were received orally during base visits and by letters from servicemen. The Committee has not had the time or the resources to conduct specific investigations into such complaints, nor did the Committee conceive that this was the role assigned to it.

Personal observations and interviews have, however, pointed to discriminatory conditions which do exist at some bases. \* / These can be remedied and would appear to be of sufficient general consequence to be mentioned here, although conditions such as those discussed below are not the only ones which may exist nor are they prevalent on every base.

The Committee anticipates that if a better system of communication for dealing with racial problems suggestive of discrimination is established on base, and specific matters found on bases, such as those mentioned below, are given intelligent attention, many of the principal sources of irritation which reflect on morale, military efficiency and opportunity would be eliminated.

\* / Disturbing patterns of civilian employment at some military bases, both in the Federal Civil Service and in clubs, exchange facilities and other non-appropriated fund activities, have come to the attention of the Committee during its study. Since discrimination in Federal civilian employment is under continuing review by the President's Committee on Equal Employment Opportunity, these patterns have been called to the attention of that body.

1. NCO and Service Clubs Require  
Careful Continuing Attention

One of the principal sources of difficulty arises in connection with the operation of on-base Service and NCO clubs. The number and program of these clubs vary from base to base. Generally, they provide a place for gathering, refreshment, entertainment and occasional dances. There is sometimes more than one NCO or Service club on a base. At some bases, due to pressures brought by white personnel or other factors, forms of segregated Service clubs have developed in practice. For example, the majority of Negro servicemen may gravitate to one club and white servicemen to another. Commanding officers have permitted this condition to be imposed by the wishes of a minority of white personnel and have not taken sufficient affirmative steps to encourage utilization of all clubs by all personnel who desire to do so.

At some Service clubs, it is customary for the command, through professional or volunteer hostesses, to arrange for girls to come to the base for a dance or other entertainment. Although such Service clubs are used by whites and Negroes alike, there are instances when too few or no Negro girls are brought to the base, thus creating unnecessary tensions. There is also evidence that on occasion civilian

hostesses have imported onto the base from the civilian community attitudes which are inconsistent with Department of Defense policy. One of the most successful Service clubs is that at an Army base in the South, operated by a very able Negro hostess, which attracts local volunteer workers and servicemen of both races.

These problems are not necessary and should be eliminated without delay. To do this, commanders should take affirmative action to insure that there is no de facto segregation or discrimination at any of these club facilities. In addition, Negro girls should be secured for dances, and greater care should be taken in the selection and training of hostesses and other civilian personnel operating Service clubs.

2. Military Police Assignments  
Require Review

Another area of fairly common complaint involves the use of military police of all Services on base, at the base gate, and on patrols sent from the base into nearby communities. At some bases Negro military police have not been used at the base gate because of possible objection by members of the white civilian community. At others, there are instances in which wholly Negro patrols are

sent into Negro areas, but not into white areas, while integrated patrols are not used for off-base assignments. These problems are particularly sensitive ones because of the status and authority of the military police.

To the extent numerically possible, regular military police patrols should be assigned on a racially integrated basis, and there should be no distinctions based on race in any type of military police assignment. Sufficient numbers of Negro personnel should be included in military police units to permit such assignment policies to be effectuated. National and defense policy on integration should be clearly spelled out to personnel undergoing military police training and to those who train and supervise military police.

3. Base-Sponsored Activities Must Adhere to National Policy

The Department of Defense and the Services have prohibited the use of their names, facilities, activities or sponsorship by any employee recreational organization practicing racial discrimination. However, policies have not been established concerning the participation of bands, sports teams, choirs and

the like, in activities off base. For example, no directive specifically prohibits the removal of Negro members from bands, choirs, marching units, or other military groups representing the base at off-base functions, where such removal is sought or suggested by community representatives.

Many base commanders on their own initiative have refused to permit groups from a base to participate outside the base in events where elimination or segregation of Negro personnel would be required because of civilian attitudes. This has been a very healthy and desirable action. To remove Negro members from bands and choruses, as has been done on occasion, or from any other Service activity in response to outside pressures, creates an indefensible form of discrimination within the Services.

Base commanders themselves have frequent opportunities to attend gatherings of local groups, as speakers or in other semi-official capacities. A number of these groups both practice segregation and support local segregation policies. Such attendance may serve a legitimate and useful function in furthering objectives of the Services.

Where commanders limit their community activities to civic groups that exclude Negroes and favor segregation - as is often the case - they fail in their mission. The commander must not appear, by his speeches to such groups and his acceptance of awards from them to condone conditions which are offensive to his men and injurious to the efficiency of his command.

To assure that these off-base functions do not undermine the atmosphere of equality developed on the base, all military commanders should be instructed to follow the lead of those who have refused to permit their personnel to participate in base-controlled activities outside the base where elimination or segregation of Negro personnel is sought. While commanders' discretion must guide their own attendance policies, they should be sensitive to avoid attending any function if such attendance might seem an endorsement of discriminatory civilian attitudes.

4. Freedom of Association and Expression  
Must be Preserved

Another example of the influence which off-base civilian attitudes have on base is reflected in the efforts of some commanders to discourage interracial association by military personnel off base

and to urge compliance with all forms of local segregation requirements. In some cases, it has been officially suggested, in effect, that friends segregate themselves off base in order to avoid local objections. In one case, it was reported that military police at the base gate systematically warned personnel that white and Negro personnel leaving the base together in private automobiles should not enter town together. In other cases, personnel have been advised to comply with local segregation policies without any protest, and have even been told that expressions of their views concerning such local policies may result in disciplinary action against them.

These actions by some commanders, restraining freedom of association and expression, are misguided and should be terminated.

5. Segregation in Transportation and  
School Buses Must be Eliminated

A number of bases utilize local transportation facilities which run with some frequency between the base and the local community. Some of these local operators practice segregation. In a number of instances, buses, while required to integrate during

the period the bus is on base property, enforce a segregated pattern of seating immediately upon leaving the installation. Conversely, troops traveling to the base in segregated patterns may change seating only upon arrival at the base. In other instances, taxis which refuse Negroes transportation are permitted to serve the installation. Thus, servicemen are carried to and from the base in a segregated pattern wholly inconsistent with the existing pattern of integration on base.

There are few schools on military bases for dependents living on base. None of these schools serve all such dependents. As a consequence, dependents living on base are sent to local public and, sometimes, private school systems. Where these public school systems are segregated, different transportation services are sometimes provided for Negro and white students. As a consequence, during the school year separate buses for Negro and white children arrive and depart from a base daily. The white and Negro children live and play together on base and may have gone to school together on base. The enforced separation and differentiation which the segregated school bus system

sharply exhibits is inconsistent with other conditions on base and is often the only example of on-base segregation. By appearing even in this fashion to support a segregated school system, the military establishment is lending support to a basically unconstitutional, and therefore, unlawful, condition.

These and any other examples of discrimination in transportation serving the base should be eliminated. Agreements should be sought with bus and taxi companies willing to provide non-discriminatory transportation for servicemen. If such agreements cannot be promptly obtained, the Services should provide other forms of transportation to terminate this indignity.

In addition, the Services should make every effort to have local school authorities discontinue segregation of all school buses traveling to the post without delay. If such efforts should in any case be unsuccessful, immediate provisions should be made for transporting these children in military vehicles or under contractual arrangements with other carriers. This will entail some difficulty and expense, but the clear national policy of on-base integration requires it. Moreover, such action will daily carry to the civilian community a demonstration of the Services' conviction that all such discrimination must disappear.

V. ELIMINATING THE SERIOUS OFF-BASE DISCRIMINATION  
BY CIVILIAN COMMUNITIES AFFECTING THE MORALE  
OF NEGRO MILITARY PERSONNEL AND DEPENDENTS

A. Civilian Communities Near Bases Often Segregate  
and Discriminate Against Negro Military Personnel

The hundreds of military installations within the United States cannot exist in isolation from surrounding civilian communities. The reasons are obvious and need be only briefly covered.

Military family housing on base is, generally speaking, assigned to eligible personnel on the basis of seniority. Such housing is not sufficient, in most instances, to house more than about one-half the eligible married personnel. At many bases there is relatively little on-base housing. Therefore, it is quite usual for many of the married personnel to live off base. Statistics from the Department of Defense indicate that there are within the United States approximately 405,000 families residing in various types of off-base community housing, in communities near the service members' places of duty.

As far as schools are concerned, the overwhelming majority of school-age dependents of military personnel use the local public school system, whether they live on or off base.

A family residing on or off base utilizes many of the normal community facilities for shopping and recreation. While the Services have attempted in some degree to provide recreational opportunities on base - and there are, among other things, service clubs, swimming pools and theatres found in some of the larger bases - the limited and institutional character of these arrangements does not satisfy the needs of the military personnel. Apart from the natural desire of military personnel to exist free from command supervision, many families reside sufficiently far from the base to make on-base facilities of limited utility.

Although the Supreme Court has declared that laws requiring segregation of public schools or other public facilities are unconstitutional, the Committee's studies have disclosed that a very substantial number of communities neighboring military bases practice various forms of segregation. Segregation is found in varying degrees throughout the United States. In some communities local laws require segregation; in others the condition derives from custom and the wishes of the local population. The pattern of discrimination and segregation is, of course, particularly noticeable in the southern communities, but

there are substantial variations from community to community and state to state. Forms of discrimination appear in many northern communities. Discrimination in housing is almost universal. Some bases established in states such as the Dakotas have confronted forms of segregation and discrimination which have much of the same rigidity found in certain southern communities.

In addition to its personal examination of conditions in certain communities, the Committee requested the Services to supply information indicating prevalence of segregation in communities neighboring to bases. Studies made by the Army and Navy of certain of their domestic installations and activities illustrate the typical pattern with which the Committee is concerned. The following table containing this information is illuminating; less complete analyses by the Air Force and Marine Corps indicate that their personnel confront similar patterns.

Table III

**SEGREGATION OF PUBLIC FACILITIES IN COMMUNITIES  
ADJACENT TO MILITARY INSTALLATIONS**

Types of Segregated Public Facility	Number of Surveyed Installations and Activities With Such Segregated Facilities *		Number of Personnel Stationed Where Facilities Are Segregated		Percentage of Surveyed Installations and Activities With Segregated Facilities	
	ARMY	NAVY	ARMY	NAVY	ARMY	NAVY
Public Schools	48	143	178,109	58,500	24%	25%
Restaurants and Bars	68	238	257,893	110,000	34%	43%
Theaters	63	223	232,301	105,000	31%	40%
Swimming Pools	19	226	178,201	102,000	9%	40%
Golf Courses	38	164	190,931	82,000	19%	29%
Beaches	10	203	123,502	90,000	5%	36%
Bowling Alleys	32	194	205,901	103,000	16%	35%
Libraries	10	49	130,179	28,000	5%	9%
Public Transportation	4	47	41,091	22,000	2%	8%
Hotels, Motels	12	252	205,618	141,000	6%	45%
Churches	23	163	127,402	70,000	11%	29%

\* The Army survey for this table covered 201 installations and activities, while the Navy survey covered 559. Each installation and activity surveyed had 100 or more military personnel assigned to it.

B. Community Segregation and Discrimination  
Adversely Affects Service Morale

A Negro officer or serviceman is, like all military personnel, subject to orders. On short notice he may be transferred to any base. This dislocation of his affairs is one of the disadvantages of military service. The time allowed is limited and orders are immutable.

When a Negro officer or serviceman is transferred to a base where the neighboring community practices substantial forms of segregation and discrimination, he immediately faces very special and difficult problems. Assuming, as is often the case, that he must live off base, he must look for a house or an apartment; he must then arrange for the schooling of his children; he must find transportation between home and base. In short, he must obtain for himself and his family food, shelter and recreation in what to him is necessarily a new and unfriendly community. In making this transition he gets little help from the base or the community. He must cope with the problems as he finds them, on short notice.

Discrimination in housing confronts him immediately in most sections of the country. Private housing in many parts of town is not available. Many real estate agents will have nothing to do with him. He is forced to that part of town and type of housing occupied by Negroes. Here in many cases are structures well below acceptable standards, expensive, dirty, dilapidated - in all respects undesirable. Often Negro housing areas are farthest from the base. Almost always the available segregated housing is below the standard available for white military personnel. Frequently little or no housing is available and space is at a premium. After one or two nights sleeping with his family in his car or at an expensive Negro motel (if he can find one) he takes whatever turns up.

Schools are his next concern. Here again patterns of segregation often exist. Although he wears the uniform of his country, his dependents may be forced into segregated schools. In some communities near bases these schools are well below standards, overcrowded, distant from the base and otherwise undesirable. Whatever the quality of the schools, and school conditions do of course vary, his children, like himself, are again set apart, contrary to their wishes.

Usually the Negro officer or serviceman has few friends in the community where he is sent. He and his family must build a new life, but many doors are closed outside the Negro section of town. Drug stores, restaurants and bars may refuse to serve him. Bowling alleys, golf courses, theatres, hotels and sections of department stores may exclude him. Transportation may be segregated. Churches may deny him admission. Throughout his period of service at the particular base he is in many ways set apart and denied the general freedom of the community available to his white counterpart.

Many of these Negro military personnel are well-educated, specially skilled and accustomed to home communities relatively free from discrimination. All of them have enjoyed the relative freedom from distinctions drawn on the basis of color which prevails on military bases. To all Negroes these community conditions are a constant affront and a constant reminder that the society they are prepared to defend is a society that deprecates their right to full participation as citizens. This should not be.

Letters from Negro military personnel bring these conditions into sharp focus. Visits which members of the Committee made to

bases and their surrounding communities have served to give them special emphasis. Interviews with Negro military personnel reflect their gravity and the need for prompt action.

Complaints which the Committee has received, some in interviews and some written, show that for some Negro families, the pressures of community discrimination prove too great to bear. Homes are broken up by these conditions as Negro families coming from parts of the country which are relatively tolerant of color differences find themselves facing a situation which is both new and frightening. For them, the clock has turned back more than a generation. To protect their children and to maintain some degree of dignity they return home, and the husband is left to work out his service obligations alone. Other families never attempt to venture into these conditions in the first place. Under either of these circumstances the Negro serviceman becomes consumed with the frustration of separation and the desire for transfer. And whether his family is with him or not, the indignities suffered in the community place a load upon his service career affecting both his interest and his performance.

The impact of community discrimination is not solely upon those who have families. Such discrimination creates another demoralizing condition, affecting all military personnel. On base many of the artificial barriers caused by race disappear as Negro and white personnel work, eat and sleep together. Friendships develop between Negro and white officers and servicemen. Normally these relationships would carry over into moments of liberty and recreation. But many communities do not tolerate relations between Negroes and whites. Leaving the base, they may not be able to ride the bus into town together, attend a movie, go bowling, get a coke at a drug store or a beer at a bar or, indeed, even stroll through a public park. This sharp taboo which the civilian community seeks to impose is particularly intolerable and its effects unusually severe in view of the easy, normal relationships which develop on base under existing military policy. The contrast makes the discrimination more biting and the affront more serious. Conditions such as these cause deep resentment among Negro and many white personnel.

The isolation caused by this type of blatant discrimination is felt keenly by the increasingly large group of Negro personnel whose education and training make the facilities available in the Negro areas of many communities unacceptable. There are many Negroes in the Armed Forces

who simply will not patronize the usual places of public recreation and accommodations available to Negroes in typical segregated communities. Judged by standards to which they have been accustomed at home, these places seem both shabby and disreputable. They will not accept them merely because no alternative is available. Their efforts to find forms of recreation and pursue cultural interests consonant with their background go unrewarded because of the barriers placed in their way by community attitudes.

It is not surprising, but most discouraging, to have to report that there are bases where Negro personnel confront such intolerable conditions off base that almost any device will be employed to effect a change in duty assignment. Applications for transfer, <sup>\*</sup>/ infractions of rules and a general contempt for the "system" are apt to appear. The effect on Service morale and efficiency is apparent. The Committee's inquiries, including interviews with many base commanders, made it clear that the accomplishment of the military mission of a base confronted with such conditions is measurably impaired. There was

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<sup>\*</sup> / In order to maintain maximum utilization of manpower, the Services generally deny transfers to Negro servicemen when such transfers are requested upon the sole ground that they and their families are suffering racial discrimination in the communities where their places of duty are located. Exceptions may be made for particularly severe cases.

general agreement among base commanders that the morale of both white and Negro troops suffers in the presence of such indignities and inequities. A practical program for dealing with off-base discrimination against Negro military personnel and their dependents is urgently required.

C. Base Commanders Lack Adequate Instructions and Generally Ignore Off-Base Discrimination

The focal point of any practical approach to this most pressing problem is the base commander.<sup>\*/</sup> He represents the military in the area. It is his duty to be concerned with the welfare of those under his command. He is in a better position than higher echelons to identify the particular discrimination forms prevalent in the community neighboring his base. On his shoulders should fall the primary responsibility for solving local problems.

The record of base commanders in dealing with such problems has not been impressive. Their failure in this regard stems from a number of causes.

<sup>\*/</sup> At some bases, there are commanders senior to the person designated as the base commander. Where this is true, the attitudes of the senior commander are naturally given great weight by the base commander. In such situations, the considerations discussed in the context of the base commander's functions apply with equal force to the role of this senior commander located at the base.

While the failure can be explained by the absence of specific directives requiring affirmative programs, in part it stems from the attitudes and training which most base commanders bring to their job. As a group, they do not believe that problems of segregation and racial discrimination in the local community should be their concern. Base commanders express this view in various ways: That the authority of the base commander ends at the gate, that it is not his job to rearrange the social order, that it is not part of the military mission to change community attitudes, that any pressure would be misunderstood and merely stir up trouble, that questions of this kind should be left to the courts, that military personnel are traditionally non-political and should not involve themselves in controversial questions.

The failure stems also from the nature of assignments to the job of base commander. Such assignments are for a limited tour of duty, often between two and three years. Rarely does a man serve as a base commander more than once. The base commander naturally looks upon his job as an opportunity to exercise military command on a substantial scale, thus providing important experience as he moves up the promotion ladder. Quite naturally

he conceives of his job as overwhelmingly military in character, his mission being to develop the units and troops under his command to peak efficiency. While he has a multitude of duties, many of these may be delegated or subordinated to the priority which he feels must be given the strictly military aspects of his job, the aspects most familiar to him. His course of training as an officer has not been such as to bring him into contact with literature and experience in the field of equal opportunity. He operates without the guidance of persons experienced with such problems.

The typical base commander understands that he is expected to complete his limited tour of duty without "disturbances." The problems with which he might become concerned in attempting to improve treatment of his troops off base are emotionally surcharged and controversial, as well as difficult to solve. He will not venture into this area without specific instructions.

The attitudes and background of the base commander influence the manner in which he utilizes the fairly well-established procedures by which commanders discuss certain types of problems with the neighboring civilian community. The various Services' instructions concerning community relations suggest working through some sort

of committee or council. The civilian members of such a group are often designated by the Chamber of Commerce, Rotary Club or other civic group, or by officials of the local governments, and rarely are Negroes represented. The base is represented by the base commander and certain officers designated by him.

The principal function of the committee is to develop a smooth working relationship on certain matters of obviously common concern, such as relations with local police authorities. Base commanders are instructed by directives, quite properly, to recognize the public relations aspect of their jobs, to encourage parades and troop participation in civic affairs, and generally to project before the community a favorable image of the base and the Service. It has not been the practice for these community relations committees to concern themselves with racial matters. Indeed, in most communities where there is a substantial Negro population and serious forms of discrimination exist, the leaders of the Negro community are not represented on the committees, nor are whites who are mindful of these problems. The commander, moreover, selects no Negro personnel to represent the base. As a result, the base commander has little or no contact with local discrimination problems.

The pattern which the Committee has observed is clearly one of inaction by base commanders in the face of serious discrimination affecting the morale and military efficiency of members of their commands. But while the base commander represents his Service and the Department of Defense locally, it would be unfair to ascribe to him sole responsibility for the policy of inaction. If he has failed to pursue an active program, it is largely because no higher command has directed him to do so, provided him with guidance in developing a program, or assured him that he would be given support if his affirmative actions should incur the disfavor of the community.

It is true that the Department of Defense, in recognition of the off-base problem, has made some limited moves in the direction of improving conditions. Military police, for example, are not permitted to be employed on behalf of local authorities to support enforcement of racial segregation or other forms of discrimination. Where civilian authorities initiate legal action against military personnel arising out of the enforcement of segregation or discrimination policies, limited legal assistance may be provided on an ad hoc basis to assure that such personnel are afforded due process of law.

In the field of housing, a recent Secretary of Defense memorandum now provides that private housing leased by the Services for assignment to military personnel may be obtained only where the lessor agrees that the Services may assign it without discrimination. In dealing with the problem of segregated schools, the Services are cooperating with the Department of Health, Education and Welfare and the Department of Justice in a program designed to desegregate schooling in certain communities by constructing on-base schools and withdrawing payments made to local schools for educating dependents living on base.

These are, of course, policies for dealing with rather well-defined, specific problems. It is also important to consider direct instructions to bases giving general policies for attacking problems of discrimination. The existing instructions are found in the so-called Gilpatric Memorandum, issued to all branches of the Service by the Deputy Secretary of Defense on June 19, 1961, and reissued thereafter by each of the Services, which reads in part, as follows:

- "1. The policy of equal treatment for all members of the Armed Forces without regard to race, creed or color is firmly established within the Department of Defense.

"2. Therefore, in those areas where unsegregated facilities are not readily available to members of the Armed Forces in adjacent or surrounding communities, it is the policy of the Department of Defense to provide such facilities on military installations to the extent possible. In addition, local commanders are expected to make every effort to obtain such facilities off base for members of the Armed Forces through command-community relations committees."

The policy announced by the second paragraph of this memorandum has not been carried out. While copies of this memorandum were distributed widely in the Services, there was no well-developed plan for carrying out the program outlined in these general terms, and the words "to the extent possible" vitiated its effectiveness. Except in the Navy, the policy has not been incorporated in any of the relatively permanent types of directives which are referred to by those in the field for guidance in developing base policies. Equally serious, no Service has issued detailed regulations or manuals implementing the policy, nor has any systematic effort been made to determine what, if anything, base commanders were doing to carry out its letter or spirit. Indeed, the great majority of base commanders interviewed were unaware of the existence of the policy. These procedures are fairly typical of the way in which most other policies in this area have been handled.

Apart from the Gilpatric Memorandum, no directive or policy of any Service specifically assigns to base commanders the responsibility for attempting to eliminate problems of discrimination in surrounding communities, where such problems affect the morale and military efficiency of members of their commands. The Service literature dealing with community relations has not in the past discussed the problem; apparently no higher command has censured base commanders for policies of inaction; no effort has been made to identify and commend commanders who have made efforts to solve such problems; no one has suggested to base commanders that their achievements in dealing with such problems will be considered in rating their performance of duty and in promotion selection. It is not surprising, therefore, that the base commander, without instruction, experience or technical support, keeps his emphasis solidly on the military aspect of his mission. While some commanders assert that they have quietly urged desegregation "behind the scenes" and in the course of social contacts, few, if any, have regularly and systematically sought to solve problems of discrimination.

Despite the general climate of inaction, the Committee has seen some evidence of occasional efforts by individual base commanders to deal with off-base discrimination problems, efforts which have met with some success. One commander encouraged enactment of an equal accommodations law; another has attempted to desegregate multiple housing units; others have placed considerable emphasis on breaking color lines in sports contests in which the base is involved. Occasionally, local auditoriums have been thrown open to all servicemen in the face of an established pattern of exclusion and segregation. Efforts have been made to open up cultural events in communities to Negro personnel or to permit attendance at sports events, with non-segregated seating. While, in many instances, in communities where segregation is practiced, segregated military police patrols are used - an undesirable practice - there has been some effort to use mixed military police patrols in white and Negro areas. Some commanders have been able to arrange desegregated transportation between the base and the nearby community, contrary to local practice. At least one commander started a program of meetings and discussions with local Negro civil rights leaders.

The examples given above are the rare exception, rather than the rule, but they offer an indication of the advances which a positive effort can achieve.

D. Recommendations for an Urgently Needed Program

1. The Defense Department and the Services Must Redefine Responsibilities, Establish Goals and Provide Detailed Instructions

While any worthwhile efforts to eliminate off-base discrimination must center on the functions of the base commander, a redefinition of responsibilities at all levels of command in this field is an essential preliminary. It should be the policy of the Department of Defense and part of the mission of the chain of command from the Secretaries of the Services to the local base commander, not only to remove discrimination within the Armed Forces, but also to make every effort to eliminate discriminatory practices as they affect members of the Armed Forces and their dependents within the neighboring civilian communities.

As a part of this process of redefinition, a different concept of the base commander's functions in the racial field must be involved. Interviews with base commanders have led the Committee to conclude that commanders desire more explicit instructions and clarification of their responsibilities in this regard. These commanders, concerned with morale factors, increasingly feel the need to act. Before they act, they need to have their responsibilities defined. They need more explicit orders and more detailed directives. These should be provided.

2. Commanders' Performance Must be  
Rated, Monitored and Supported

Redefinition is, however, not enough. There is need for a continuing program in this area, a program which must be imaginative and persistent in order to achieve the desired equality of treatment and opportunity. It must be made clear to base commanders and others concerned with these problems that they will be measured in terms of their performance. A regular system of monitoring and reporting on progress should be instituted. It should be made clear that officers showing initiative and achievement in this area will enhance their performance ratings and obtain favorable consideration for promotion and career advancement. It is especially important that such officers be assured that they will not run the risk of official disfavor for their efforts and that they will receive the support of all echelons of command if their programs are attacked by local interests.

In implementing the program to eliminate off-base discrimination against military personnel, considerable care should be taken to insure that the policies of the Department of Defense are disseminated to lower echelons by the Services in relatively

permanent media of the type maintained for continuing reference by those responsible for operating military bases.

But it is not sufficient merely to state in directives, of whatever type, the substance of the foregoing policy. There has been a great failure of communications to bases of the attitudes and policies of the Department of Defense concerning discrimination. It will be necessary to emphasize and re-emphasize that progress is required, and that a constant showing of serious, intense effort is the minimum performance accepted. While this attitude must be instilled in base commanders, it must also be part of the command philosophy of the many superior commanders who assign base commanders to duty, assess their performance, and necessarily influence their attitudes.

3. Command Training Programs and Manuals  
Should Treat all Aspects of Discrimination  
Problems and Solutions

Still other steps should be taken to insure that a sense of responsibility for problems of off-base discrimination replaces the prevalent notion that matters outside the gate are of no concern to the base commander. The history of Negro participation in the

Armed Forces and the problems which he confronts in the Services must be emphasized and made a definite part of the curriculum at all levels of officer and command training. The Services must insure that men reaching the position of base commander are familiar with the requirements of the Constitution and the history of the Negroes' struggle to achieve equality of treatment and opportunity. In addition, it would be beneficial for base commanders to attend regional and inter-regional seminars or conferences where discussions of techniques and results are featured. Base commanders and higher commands should be made aware of other federal agencies which work with problems of discrimination and directed to cooperate with such agencies and to seek their technical assistance and advice.

Base commanders should also be provided a carefully prepared manual, which will guide their activities in this as-yet-unfamiliar area and fill some of the gaps in their experience and training.

4. Base Commanders Must Establish Biracial Community Committees and by This and Other Means Lead Efforts to Reduce Discrimination

An active program for eliminating off-base discrimination demands the creation of a wholly different working relationship between the commander and the local community in which discrimination is practiced. Solving such problems should be the means at his disposal in seeking solutions. One of the means base commanders should use to solve problems of discrimination is a Committee of base and community representatives. But satisfactory results cannot be obtained by relying on the types of Committees which have heretofore existed. Generally, these committees have represented a part of the white community, but not the community as a whole.

In the future the installation commander should be required to appoint such a committee in order to bring together leaders of both the white and Negro communities. He is in the best position to do this. Care should be taken to include individuals experienced and concerned with problems of racial equality, as a

recent Navy instruction has noted, and to insure that the Negro members are those who are not, by virtue of their job or position, subservient to white interests. Both white and Negro military personnel should participate.

The committees should function as working committees, identifying problem areas in the community and working toward their solution with the guidance and help of committee members and with technical assistance from experts when appropriate. It will be necessary to establish specific objectives and a timetable against which results can be measured. Problems of housing will prevail everywhere, but exclusion of Negro military personnel from theaters may be the most pressing problem in one community, while exclusion from restaurants is the principal aggravation in another. Various types of recreational facilities may have special local significance because of their proximity to the base, the lack of adequate on-base facilities or other considerations. It will be necessary to move from objective to objective and these objectives will differ from community to community.

Each community has its own special traditions and history. In some, attitudes are more entrenched than in others. It is significant, however, that base commanders who have genuinely undertaken to accomplish progress in this area have met some degree of success, even in communities where feelings are strong. Similarly, the progress of the national USO program to eliminate segregation in all its local facilities, discussed later in this report, shows that serious effort can produce results.

It is important to emphasize that the base commander's concern should be that of correcting forms of discrimination which interfere with the morale and efficiency of members of his command. The pattern the community chooses to follow as to its own civilians cannot be accepted as the pattern which must be imposed upon men in uniform or their dependents, when that pattern is detrimental to military morale and efficiency. The significant tradition of non-involvement by military authorities in local political matters will be unimpaired if base commanders limit their concern to problems affecting the morale and efficiency of members of their commands.

It is the Committee's judgment that many communities are awaiting leadership and direction. Proprietors of local establishments and others who must live and work in the community may

understandably hesitate to urge a change in existing customs. However, the enormous growth of relatively permanent military installations, scattered throughout the country and economically important to the communities which surround them, enables local commanders to supply some of the necessary leadership. The base commander not only enjoys an independence which permits him to do so; he can also point to the successful program of equality of treatment and opportunity which exists on his base and to the economic dependence of the community upon the base. The base commander should emphasize his concern for morale and the policy of the Services concerning off-base discrimination in conferences with individuals, in his work with the local committee, and in public expressions of his views. Such an approach, stressing troop morale and efficiency, should lead patriotic citizens to join together, where their business interests are common, to find an appropriate solution.

5. Where Efforts of Base Commanders are Unsuccessful Sanctions are Available and Should be Employed

It is important to consider what further steps may be necessary where efforts to achieve progress by persuasion and discussion are unsuccessful.

Litigation, brought in the name of the Federal Government, to open some types of public establishments to members of the Armed Forces and their dependents is one possible avenue for achieving integration. But even in those cases in which such litigation offers some hope of eventual success, it is piecemeal and time-consuming at best.

A more satisfactory approach must be developed. Segregation and other forms of discrimination in facilities in a given locality, detrimental to the morale of Negro personnel at a neighboring military base, must cease. The commander should, of course, attempt by means available to him - community committees, persuasion, emphasis of the base's importance to the local economy - to eliminate such practices. In situations in which these efforts are unsuccessful, the commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval. One of the requirements for such approval should be a guarantee from the proprietor that the establishment will be open to all servicemen and their dependents without regard to race or color, and that all patrons will receive equal treatment. Qualifying establishments might be issued a display placard or decal.

Approval of an establishment is not, of course, the final step. There must be procedures for dealing with complaints that approved establishments have not fulfilled their guarantees, and for withdrawing approval if such complaints are substantiated.

Should all other efforts fail, the Services must consider a curtailment or termination of activities at certain military installations near communities where discrimination is particularly prevalent. While compelling military considerations must prevail, it is often possible to conduct certain activities at any one of a number of locations. Where this is true, alternative communities' attitudes and practices should be carefully weighed. Such relocation of activities is particularly important at bases that play an important role in the training of new recruits or officers or in the orientation of representatives of foreign governments. The objective here should be preservation of morale, not the punishment of local communities which have a tradition of segregation.

In this context, one further comment is appropriate. The Armed Forces have, in the past, unfortunately not given attention to the important morale factors presented in off-base communities at the time that new installations are opened or changes made in the deployment of forces as between bases. Where tactical considerations

make a variety of sites eligible for consideration, the military decision should, among other things, strenuously emphasize the necessity of obtaining from the communities involved explicit guarantees against the continuation or establishment of patterns of discrimination against members of the Armed Forces and their dependents. At these moments of decision the economic well-being of the community will serve as a potent influence toward assuring the conditions necessary to maintain morale and efficiency

6. Officials Charged with Responsibility for  
Equality of Treatment and Opportunity On  
and Off-Base Should be Appointed in the  
Defense Department and the Services

It is not within the province of this Committee to detail the administrative steps which are obviously necessary to carry out the type of program that has been outlined. Some general recommendations in this regard are, however, indicated.

It will be necessary to establish offices in each Service to monitor developments and to provide assistance. Trained individuals must be in frequent contact with the bases involved. Overall policies must be guided by an official within the Department of Defense whose full-time responsibility is the program for assuring equality of opportunity and treatment for servicemen. This official should have a full-time, biracial staff skilled in dealing with deprivations of

equality, and should, in addition, have access to consultants who have broad experience in dealing with racial discrimination. Procedures must be devised to bring the base commander into close working relationship with other federal bodies concerned with problems in this area, and with local groups working to eliminate forms of discrimination. All of the resources of the Federal Government should be made available to him and brought to bear on the intelligent solution of specific problems.

## VI. EFFORTS OF THE USO TO ELIMINATE SEGREGATION AND DISCRIMINATION

It is appropriate at this juncture to comment briefly on some recent developments affecting the United Services Organization, commonly known as the USO. The USO, which operates some 139 clubs in the United States, is a voluntary civilian agency established for the purpose of assisting the Armed Forces. It does so by providing recreational and entertainment facilities and programs for servicemen in various communities. Operating on a non-profit basis, it collects its funds largely through private donations in a number of communities throughout the United States. No federal funds support the program within the United States. Quite naturally, the USO has a close working relationship with the Department of Defense, which is represented on its Board of Governors.

In January, 1963, the USO Board of Governors determined to implement more aggressively a policy, long established by the USO, designed to assure operation of all its facilities without distinctions based on race, color or national origin. The USO is now in the process of adjusting its program and devising methods to make

maximum service possible on a non-segregated basis to all members of the Armed Forces. It has determined that it will not sponsor, operate or finance anything other than integrated USO facilities in any community after 1963.

This new policy involves various adjustments at clubs in 20 communities located chiefly in Florida, Georgia, Texas, South Carolina and Virginia. Since January a number of clubs have integrated and established new programs. The Department of Defense and the commanders at the installations affected have agreed to cooperate with the USO in carrying out its program. As a result of these measures, it is expected that all local USO clubs will be operating on an integrated basis by the end of the year. This Committee has been in close touch with the USO throughout this program and commends its efforts, which it will continue to observe in the forthcoming months.

## VII. THE UNAVAILABILITY OF SUITABLE HOUSING FOR NEGRO MILITARY PERSONNEL AND RECOMMENDATIONS FOR IMPROVEMENT

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Representatives of the Services are unanimous in characterizing undesirable family housing conditions as the most serious problem affecting the morale of military families of all races. Some measure of the gravity of this problem is suggested by a complete 1962 Department of Defense survey which shows that of the 487,408 military families not living on military installations, 181,635 live in quarters which are below Service standards in some fashion.<sup>\*/</sup> Bad as the situation is for all personnel, it is much worse for Negroes who face discrimination in housing throughout the United States. Unfortunately, the Department of Defense is not at present acting with vigor or sensitivity in this area.

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<sup>\*/</sup> Of these 181,635 families, 74,250 families live in housing which is substandard because of the condition of the dwelling or inadequate size for the family unit. An additional 27,284 families live at a distance from the base which is considered excessive by Department of Defense standards, and 80,101 live in housing whose cost exceeds the allowance for quarters paid the serviceman. The first figure given does not include 23,859 families who desire to live near the duty station of the service member, but cannot because of the unavailability of adequate housing.

The full scope of housing problems encountered by Negro personnel off base cannot be determined from available figures. These figures are based on an annual questionnaire on family housing which does not include questions identifying the race of the family or the nature of the neighborhood in which the family lives. Neither does the questionnaire inquire into difficulties stemming from discriminatory off-base housing practices. Modification of this questionnaire to develop such information is essential if Negro housing problems, as an important element of over-all housing problems, are to be adequately assessed. In planning government-owned or controlled housing, the information developed from the modified questionnaire should be fully utilized to insure that estimates of the availability of housing in the community and standards for determining the adequacy of such housing gave appropriate weight to discriminatory housing practices.

If this is done, construction of additional government-owned or controlled housing units at installations where housing problems are severe can be properly planned to help alleviate the problem of discrimination in housing. Any new units should, of course, be occupied on an integrated basis as other military housing

is now occupied. Furthermore, in order to provide a fair opportunity for all servicemen eligible for on-base housing to obtain such quarters, it may be desirable in some instances to assign on-base housing by allotting blocks of housing to certain specific enlisted grades, as is now done occasionally.

That little has been done at the base level to increase the amount of housing available to Negro personnel reflects the absence of any helpful policies or guidance from the Services or the Department of Defense dealing with this problem. While discrimination in housing is not susceptible of easy solution, there are a number of steps which, if utilized, can bring improvement in the off-base housing situation.

Some of these steps will be informal in nature. For example, base housing officials and base commanders should stimulate interest among private builders in developing multiple units available without regard to race. Equally important are concerted efforts to develop and maintain lists of private housing available without regard to race, by means of a canvass of units available in the community. Such lists, kept current and open to

all personnel, would help to avoid the embarrassment and wasted effort which results when each Negro serviceman seeking housing has to rely on his own investigation and efforts.

Other steps of a more formal nature should also be vigorously pursued. The leased housing program currently available to the Services has, in the past, been generally limited to providing housing for personnel assigned to jobs whose tactical significance required them to live near their place of duty. Such housing can now be obtained for personnel not holding tactical positions. Under this program, privately-owned units are rented by the Service and assigned as public quarters to military personnel, who then forfeit their quarters allowance. The advantages of such a program include both utilization of the private housing market and speed and flexibility in adapting to changing conditions. This program should be expanded and applied more vigorously in tactical and in non-tactical situations, where necessary, to minimize the effects of discriminatory housing practices. While current directives require that the lessor consent to non-discriminatory assignment, it will naturally be necessary for the Services to insure that the housing to which Negroes are assigned is not in substandard neighborhoods.

Section 810 of the National Housing Act has recently provided for FHA insurance of multiple-family housing to be constructed on the basis of military need. However, the number of units currently authorized is far too small to have any significant effect on Negro housing problems. This program, too, should be enlarged and made more flexible. Here, again, the agencies of government responsible for approving construction of this so-called "810" housing should weigh, with other considerations, the incidence of discrimination in housing near bases.

New housing, to be insured by the Federal Housing Administration, will be subject to the mandatory non-discrimination provisions of the recent Executive Order on equal opportunity in housing. The Services should insure that lists of such housing are made easily available to all personnel at the base level. Any discrimination in this housing should be promptly reported by the base to FHA, the Department of Justice and the President's Committee on Equal Opportunity in Housing for proper action.

As an essential part of a meaningful program, base commanders will have to utilize their good offices and those of other involved federal agencies, as directed in the Executive Order, at every opportunity, in order to promote the abandonment of discriminatory practices in housing.

Some states and local communities prohibit discrimination in certain types of housing. For example, at least 17 states, including California, New Jersey, New York and Pennsylvania, have laws to this effect. Information on such requirements, including the agency of the state charged with their enforcement, should be made accessible to base commanders and housing officers, who should be responsible for utilizing procedures available through such agencies for eliminating discrimination in housing.

The inexperience of base housing officers in attacking discrimination problems makes it necessary that rather detailed regulations and manuals be prepared, outlining the steps to be taken and the avenues to be explored. In discussing recommendations for a vigorous program, the Committee remarked on the need to impress upon responsible officials that serious, continued effort in dealing with equal opportunity matters is required. Those remarks apply with equal force here.

#### VIII. EDUCATIONAL OPPORTUNITIES FOR NEGRO MILITARY PERSONNEL AND DEPENDENTS AND RECOMMENDATIONS FOR IMPROVEMENT

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Many military personnel are stationed at locations where segregation is practiced in the schools of the nearby community. This condition is not only unlawful under the Constitution but it operates against the military program of equal treatment and opportunity and is inconsistent with the patterns of integration which exist on base. Traditionally, the military has not provided on-base schooling in any substantial degree. Where such schooling is provided, it is, of course, integrated and is specifically for dependents of personnel living on base. Thus, the great bulk of school-age dependents of military personnel, whether living on base or off base, attend local public schools.

The extent to which segregated public schooling exists in communities neighboring military installations is suggested by the following statistics.

TABLE IV  
SEGREGATED PUBLIC SCHOOLING SERVING  
CHILDREN OF SERVICE PERSONNEL

	<u>Army</u>	<u>Navy</u>	<u>Marine Corps</u>	<u>Air Force</u>
Number of installations or activities (with 100 or more assigned military personnel) in areas where public schools are segregated	48	143	4	53
Number of military personnel assigned to such installations and activities	178,109	58,500	47,956	159,691
Percentage of all service installations of this size in such segregated-school areas	20%	25%	5%	18%

There are probably about 200-210 thousand school-age dependents, including perhaps between 15-20 thousand Negro children, of the military personnel assigned to those bases referred to in Table IV above. Usually the majority of school-age dependent children attend off-base schools. Negro military personnel expressed deep resentment about school segregation to the Committee during its visits. One letter reported that a serviceman had decided to send his wife and child home, leaving the

serviceman alone at a base more than a thousand miles away, to avoid segregated schooling. Undoubtedly, others have done likewise.

The Federal Government has already begun steps to ease the problems. Where children living on base attend off-base locally-operated schools, such schools in some cases receive federal financial assistance. The determination of the Secretary of Health, Education and Welfare that segregated schools do not provide "suitable" education for military dependents living on base will result in the establishment of a number of schools on base, with a consequent withdrawal of students and funds from the schools of the community. These on-base schools, which can under existing law serve only children living on base, leave untouched the needs of the large numbers of military dependents who must live off base. Federal financial assistance is also being furnished in some cases to schools serving dependents who live off base, but whose parent works on base; the Secretary of Health, Education and Welfare has determined that such payments must, under current law, be continued despite segregation in the schools receiving payment.

Suits initiated by the Department of Justice in the name of the United States, now pending in the courts, will, if successful, compel the integration of other schools serving military dependents, including dependents who live off base. If the right of the United States to bring such suits is upheld, the burden of supporting desegregation suits can be lifted from the shoulders of individual Negro servicemen. But such litigation is by nature long-drawn-out and piecemeal.

The children of our military personnel should not be compelled to wait. Their needs are immediate and should receive more attention. Legislation requiring desegregation of all public schools receiving federal assistance which serve dependents of military personnel is urgently needed. As public schools are desegregated--through such legislation, through litigation, through efforts of the base commander, or by other means--local commanders should insure that children of Negro military personnel are promptly placed in such recently-desegregated schools. In accomplishing this, the full power and influence of the base commander and of the Service should be placed squarely on the side of Negro parents as they attempt to overcome the administrative barriers which often accompany desegregation. Token integration is only a first step toward

satisfactory progress; efforts must not be considered successful until dispersion of children of Negro military personnel within the local school system is complete.

There are several aspects of military education programs conducted in, by or through civilian schools which also require comment. A variety of opportunities exist by which an enlisted man or officer may improve his education and hence enhance his opportunity for advancement. Efforts have been made by the Armed Forces to provide this education to Negro personnel as well as to others.

However, some of these programs involve direct agreements or contracts between the Services and segregated secondary schools or institutions of higher learning. For example, some of the Army's junior ROTC and National Defense Cadet Corps units are located in segregated secondary schools. All of the Services have ROTC units and fully subsidized professional education programs in segregated institutions of higher learning. These arrangements should not be continued. There is no readily apparent reason why similar arrangements to afford the types of education

here involved cannot be made with institutions which have desegregated. Fortunately, the number of segregated institutions participating in the military education programs is not so large for any Service that the recommended alterations of programs should cause serious difficulties.

The Services also have programs designed to permit full-time college attendance by personnel who need only a semester or a year of college work to qualify for a degree. Some personnel involved in this program are attending segregated institutions. To require these personnel to complete their work at a college other than the one previously attended would cause complications because of the difficulty of transferring credits and the different curricula involved. The Committee does not feel that those limited, special situations need be altered. It does not follow, of course, that personnel with no record of prior attendance at a segregated college should be permitted to complete their degree requirements there when integrated colleges are available.

In addition to these programs all of the Services subsidize in part so-called off-duty education programs. Many Service personnel afford themselves the advantages of such programs.

However, some cannot because of segregation policies at certain institutions. At a few bases, where only white schools are available for this program and yet sufficient numbers of Negro personnel would participate if they could, integrated courses have been arranged on base for all personnel. These examples are highly commendable, and this practice should be required wherever similar segregated conditions exist together with sufficient numbers of interested Negro and white personnel. This practice should result in continuing minimization of use of segregated institutions in the off-duty program.

There are occasions, however, when courses are not arranged because of the limited number of Negroes present. While these determinations are administrative in character and are in no way intended as a form of discrimination, the Committee feels that under no circumstances should any Negro desiring to improve his education be prohibited from doing so because of the unavailability of schools. The very lack of such opportunities will keep Negroes from moving into technical and other non-service occupational areas as mentioned earlier in this report. Where it is not

feasible to establish on-base courses, and off-base schooling is not available, Negroes desiring additional education should be freely given the opportunity for transfer to or temporary duty at other locations.

There are compelling reasons for the Committee's recommendations regarding Service educational programs involving segregated civilian institutions. First, of course, Service funds should not be provided for these programs to state-controlled schools conducted in a manner offensive to a clear Constitutional requirement, particularly one so oft-pronounced. Second, officer and enlisted personnel should not be trained in an environment which fosters among its members a policy opposite to, and at loggerheads with, that of equality of treatment and opportunity for all military personnel. To produce men trained for leadership under such conditions will make the job of correcting current problems more difficult for years to come. Finally, of course, Negro personnel who desire to partake of these educational opportunities should not be barred from doing so, for if they are, their careers and usefulness will be stunted to that extent.

In summary, then, as Armed Forces operations have become more complex, the importance of education of military personnel has

been accentuated. This trend will undoubtedly continue. Full utilization of available talent - Negro or otherwise - demands that education programs contain no features which limit the opportunities of any personnel.

#### IX. RECOMMENDATIONS INVOLVING RACIAL DATA

All of the Services have, in one form or another, an indication of each serviceman's race. This information is usually obtained at the time a man enters the Service and accompanies his personnel file, together with other basic data such as educational history, experience, etc. While the Committee believes that the presence of racial information in promotion files is undesirable for the reasons indicated elsewhere in this report, it has been handicapped in its work by an almost complete absence of current statistical reports which would permit measurement of such elementary matters as recruitment, promotion or assignment of Negroes. Such information is lacking in a readily available form at the installation level in many cases, as well as at major command and headquarters levels generally. Special questionnaires and detailed statistical studies undertaken by the Services provide the basis for this report. A substantial amount of time and money have been required to develop them.

The entire problem of racial statistics is a controversial one because they can be used both for proper and improper purposes.

It is the Committee's opinion that sufficient controls on such data can be devised to insure that they are used only for proper purposes. Accordingly, with such controls, the Services should provide for the maintenance of centralized racial data which may be availed of under special circumstances to measure progress in achieving the equality of treatment and opportunity which national policy requires. Racial entries should not be maintained in records which accompany the servicemen, or on other records routinely available to those who rate, assign or promote personnel.

It is essential as Negroes are increasingly recruited into the Armed Forces, that their assignments be consistent with their skills, and that they receive appropriate recognition through promotions. The process has been, and presumably will be, gradual, although far greater acceleration is required than has been exhibited in recent years. Only with the availability of informative statistical information, subject to constant and penetrating review by the appropriate officials, will it be possible to determine, except through great expenditure of time and money, whether the desired progress is being achieved. Such statistics also will point up special areas within this general field which require attention.

X. ASPECTS OF DISCRIMINATION UNDER FURTHER STUDY

This initial report covers a substantial portion, but not all, of the work assigned to the Committee. Three specific areas are now under intensive study and will be the subject of a further report. These involve problems of segregation and discrimination in the National Guard and the Reserves and problems of inequality of treatment and opportunity affecting Negroes at installations overseas. In addition, consideration must be given to areas of possible discrimination and inequality of treatment affecting individuals of other races and creeds serving in the Armed Forces.

While pursuing these matters to completion, the Committee will maintain close contact with the Department of Defense and the Armed Forces on matters covered by this report. The Services are reviewing existing procedures and policies, and there is every prospect that affirmative action will be taken in many of the areas suggested. As these and other steps are taken, their effectiveness will be measured by the Committee during its tenure.

The Committee is mindful that the Armed Forces are an ever-present symbol of our democracy. Both at home and abroad, they must be leaders rather than followers in establishing equal opportunity. To

the extent they practice and preach equality without regard to race, creed, color or national origin, they provide a standard by which communities at home may measure their own conduct and against which citizens of other lands may judge our adherence to the principles of equality we advocate.

Respectfully submitted,

Nathaniel S. Colley  
Abe Fortas  
Gerhard A. Gesell, Chairman  
Louis J. Hector  
Benjamin Muse  
John H. Sengstacke  
Whitney M. Young, Jr.

Laurence I. Hewes, III,  
Committee Counsel

June 13, 1963



**FACTS ABOUT**

# **The Community Relations Service**

**As provided under the  
1964 Civil Rights Law**

- The CRS
- The National Advisory Committee
- Staff and budget
- A summary of the Law

August 1964



**U.S. Department of Commerce  
Washington, D.C. 20230**

# Responsibilities of the Community Relations Service (CRS)

The primary responsibilities of the CRS are set forth in Title X of the Civil Rights Act of 1964. Its functions are "to provide assistance to communities and persons therein 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 such cases "either upon its own motion or upon request . . ."

An additional responsibility of the Service is expressly provided under Title II (public accommodations). If a complaint is filed in Federal Court alleging a violation of Title II, and the state or political subdivision where the prohibited act took place has no law forbidding such act, the Federal Court may refer the matter to the Service for conciliation.

It is important to note that under Title X the disputes coming under the jurisdiction of the Service are not restricted to those arising under the Civil Rights Act of 1964. By statute, the responsibility of the Service is 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." Here the express responsibility of the Service is to provide aid to local communities as a conciliator.

## OBJECTIVES OF THE CRS

- To develop a conciliation service of superior competence to aid communities where and as needed, within the authority granted.
- To seek to bring litigation and disputes to

prompt settlements through voluntary compliance with the law.

- To reflect at all times an understanding of environmental conditions so that the CRS will be able to work harmoniously with local officials and citizens.

- To establish effective liaison with existing organizations concerned with the elimination of discrimination based upon race, color, creed or national origin.

- To establish effective liaison with all Federal agencies having responsibilities under the law in the field of human relations, so that duplication of effort will be avoided and economy and efficiency will be realized.

- To utilize the cooperation of appropriate state or local, public or private agencies whenever possible.

- To advance voluntary general compliance and thus prevent possible disputes through the use of the mass communications media, business, industry, labor and private organizations.

- To challenge the citizens of America to responsibility and unity under the law.

## THE ADVISORY COMMITTEE

CRS is assisted by a group of several hundred citizens from over the Nation appointed by the President. They constitute a pool of available manpower for voluntary non-compensated assistance and will be called upon by the Director for specific duties commensurate with special needs and expertise. As members of this group they will also, on their own, encourage compliance with laws against discrimination and foster improved communications between those of different race, color, religion and national origin.

## STAFF AND BUDGET

It is impossible to foresee the total future needs of CRS because there is no past experience to guide us. Our plans for staff are estimated at 50 persons (professional and clerical), all based in Washington. In addition to regular staff, we expect to utilize volunteer personnel as needed. Offices will be in the U.S. Department of Commerce.

Our suggested budget of \$1,100,000 is an estimate of the first year's operational expenses.

## SUMMARY OF THE NEW CIVIL RIGHTS LAW

In order to understand the work of the CRS, it is necessary to relate it to the new civil rights law itself. Following is a brief summary of the provisions of the law:

(The Act is divided into eleven "Titles." This summary follows the organization of the statute. The Act was signed July 2, 1964, and except for the enforcement provisions of Title VII, became effective immediately.)

### TITLE I. VOTING RIGHTS

This title is designed to strengthen the voting provisions of the 1957 and 1960 Civil Rights Acts. The following voting protection features are added with respect to federal elections, including primaries, held solely or in part for the office of President, Vice-President, presidential elector or member of Congress:

- 1) The application of standards or procedures different from those previously used to find individuals qualified to vote under state law is prohibited;

- 2) Immaterial errors or omissions in application or registration forms may not be used to deny the right to vote;

- 3) Literacy tests, if given, must be in writing, and a copy of the test and answers must be furnished to the applicant upon request, except that the Attorney General may enter into agreements with state authorities that local literacy test procedures meet the purpose of the act;

- 4) In any federal court proceeding where literacy is involved, a person who has completed the sixth grade is presumed to be sufficiently literate to vote, unless proved otherwise.

In addition, where the Attorney General brings any voting suit under this title, or under prior legislation, alleging a "pattern or practice of discrimination," either he or the defendant may ask for a three-judge federal court. A direct appeal from such court lies to the Supreme Court. Voting cases before three-judge courts or single judges must be heard promptly.

### TITLE II. PUBLIC ACCOMMODATIONS

All persons are declared to be entitled to the full and equal enjoyment of the services and facilities of the public accommodations covered by this title regardless of race, color, religion and national origin.

The following establishments are expressly covered if —they affect interstate commerce, or

—discrimination or segregation is supported by some form of state action, such as laws, ordinances or other official requirements:

- 1) hotels, motels and similar places open to transient

guests, other than owner-occupied buildings renting five rooms or less;

2) restaurants, lunchrooms, lunch counters and similar eating places, including those located in retail stores;

3) gasoline stations;

4) movie houses, theaters, sports stadiums and other places of exhibition or entertainment;

5) any place of business which is located in an otherwise covered establishment and generally serves its customers, *e.g.*, a barber shop or a tavern in a hotel; and

6) any place of business which houses a covered public accommodation and holds itself out as serving its patrons, *e.g.*, a department store with a lunch counter.

Also forbidden is denial of access to any other establishment (not included in those specifically enumerated above) on account of discrimination or segregation which is required by a state or local statute, ordinance, regulation or order. Thus where state or local laws require segregation in such places as swimming pools or taverns, the effect of this provision is to subject these facilities to the federal law as long as the state or local laws remain on the books.<sup>1</sup>

Bona fide private clubs not open to the public are exempt except when their facilities are made available to customers of covered establishments.

A restaurant or gasoline station affects interstate commerce if it serves interstate travelers or if a substantial part of the food, gasoline or other products it sells has moved in interstate commerce; a place of entertainment, if it normally presents exhibitions, athletic teams or other forms of entertainment which move in interstate commerce. Hotels and motels as such are considered to be in interstate commerce.

Prohibited acts under this title include:

1) the withholding or denial of any right secured by this title;

2) intimidation or coercion for the purpose of interfering with any right secured by this title; and

3) punishment for the exercise of any such right.

Suits to enjoin alleged violations may be brought by aggrieved individuals or by the Attorney General.

In suits brought by individuals,

—the court may appoint an attorney for the complainant;

—the court may permit the Attorney General to intervene;

—where there is a state law or local ordinance pro-

<sup>1</sup> Evidently this would be true even though such laws may be unconstitutional.

hibiting discrimination in public accommodations, the suit may not be brought until 30 days after written notice of the alleged improper act has been given to the state or local authorities;<sup>2</sup>

—once the suit is brought, and there is an applicable state law or local ordinance, the court may stay further action in the case pending the termination of state or local proceedings;

—where there is no applicable state law or local ordinance, the court may refer the matter to the Community Relations Service, established in the Department of Commerce under Title X of the new act, for the purpose of securing voluntary compliance. The Service is authorized to investigate the complaint and hold hearings. The referral may be for a period not exceeding 60 days, with a possible further extension of up to 60 days.

The Attorney General may bring a suit to enjoin a violation if he believes that "any person or group of persons is engaged in a pattern or practice of resistance" to this title. There may be a pattern or practice of resistance if, for example, a number of companies in the same line of business discriminate, if a motel chain or a restaurant chain practices discrimination in all or a significant part of its system, or if a company or person is repeatedly and regularly engaged in acts prohibited by the statute. The provisions for notification of state or local agencies or for referral to the Community Relations Service are not applicable to suits by the Attorney General.

The Attorney General may ask for a three-judge court, in which case an appeal would lie directly to the Supreme Court. Suits before three-judge courts or single judges must be heard promptly.

Relief by the court in individual suit or suits by the Attorney General may be granted by the courts by way of temporary or permanent injunctions or restraining orders. Failure to abide by a court decree is punishable by contempt proceedings in accordance with Title XI.

While the only specific reference in this title to the Community Relations Service has to do with court referrals of complaints where there are no applicable state or local laws, the Service, under Title X, would appear to have the general power to provide conciliation assistance in any dispute arising in a public accommodations case.

### TITLE III. PUBLIC FACILITIES

Upon the receipt of a signed complaint, the Attorney General is authorized under this title to institute suits to desegregate public facilities owned, operated, or managed by or for states or political subdivisions. (The

<sup>2</sup> Section 207(b) expressly provides that this act is not intended to preempt state or local laws or ordinances forbidding discrimination in public accommodations, and such laws may be invoked without resorting to the federal law.

desegregation of schools is covered separately in Title IV.) The individual complaint must allege a deprivation of the right to the equal protection of the laws by a denial of equal use of a public facility because of race, color, religion or national origin.

The Attorney General must certify that the complainant is unable to institute legal proceedings because of inability to bear the expenses or to obtain effective legal representation, or because of possible danger to his personal safety, employment or economic standing.

Publicly-operated parks, libraries and hospitals are among the types of facilities covered.

Intervention by the Attorney General in privately-initiated suits seeking relief from denial of equal protection of the laws is authorized in Title IX.

#### **TITLE IV. PUBLIC EDUCATION**

This title encompasses:

1) a program for technical assistance, training and grants, administered by the United States Commissioner of Education, to aid in the solution of desegregation problems, and

2) the filing of school desegregation suits by the Attorney General.

Desegregation is defined as the assignment of students to and within schools without regard to race, color, religion or national origin. The definition specifically excludes student assignments to overcome racial imbalance. No order may be issued under this title requiring the transportation of students between schools or school districts to achieve racial balance.

The functions of the Commissioner of Education include:

1) Technical assistance, upon request of a state, political subdivision or school district, in preparing and carrying out school desegregation plans;

2) The establishment of institutes for teachers and other school personnel for training to deal with desegregation problems;

3) Grants to local school authorities, upon their request, for similar training purposes and for the employment of consultants;

4) A survey, to be completed within two years, of the availability of equal educational opportunities throughout the country.

Upon receipt of a signed complaint alleging school discrimination, the Attorney General is authorized to initiate school desegregation suits. As under Title III, the Attorney General must certify that the complainant, for the specified reasons, is unable to institute legal proceedings.

Before bringing suit, the Attorney General is re-

quired to give notice of the complaint to the school officials and afford a reasonable time for adjustment of the complaint.

The public schools covered by this title include public colleges.

The Attorney General may intervene in privately-initiated school desegregation cases under Title IX authorizing intervention in suits for relief from denial of equal protection of the laws.

#### **TITLE V. CIVIL RIGHTS COMMISSION**

The life of the United States Commission in Civil Rights is extended until 1968. It is given added authority to investigate voting fraud or voting discrimination practices in federal elections, and to serve as a national clearinghouse for information with respect to denials of equal rights. Changes are made in the rules of procedure for the conduct of Commission hearings.

#### **TITLE VI. PROGRAMS SUPPORTED BY FEDERAL FUNDS**

This title declares that no person may be subjected to discrimination or denied benefits in any federally-financed program on the ground of race, color or national origin. Religion is not specified.

Federal assistance by way of insurance or guaranty, such as VA or FHA insured loans, is not affected. Discriminatory employment practices are not covered under this title unless the primary objective of the assistance program is to provide employment.

Federal agencies may terminate assistance to the particular program or activity in which the discrimination is taking place. Each agency is required to issue rules or regulations, subject to approval by the President, to carry out the purposes of this title.

Financial assistance may be terminated by a federal agency only after there has been:

—notice to the political entity or other recipient of the federal funds of alleged failure to comply with the act;

—an opportunity for a hearing;

—a determination that compliance cannot be secured voluntarily; and

—a written report made to the appropriate House and Senate committees having legislative jurisdiction over the program, and 30 days have passed after filing of the report.

Termination of assistance is expressly limited to the "particular political entity or part thereof . . ." in which non-compliance has been found. Thus, if a particular school district is practicing discrimination in its school lunch program, financial assistance would not be

terminated generally in the state or in the lunch program of the schools of the entire state, nor would any other federally-financed program in the same school district be affected.

Any action by a federal agency terminating assistance is subject to judicial review.

#### **TITLE VII. EQUAL EMPLOYMENT**

This title, based on the commerce clause, establishes a new federal civil right to equal opportunity in employment. Charges of denial of this right may be asserted before the Equal Employment Opportunity Commission, followed by suits by aggrieved individuals where the Commission has failed to bring about voluntary compliance; or the Attorney General may initiate court action where there is a pattern or practice of resistance to this title.

State or local laws relating to fair employment consistent with this title are expressly saved, as are federal, state or local laws providing special rights or preferences for veterans.

As soon as possible after enactment of the law, the President is required to convene conferences of leaders of public and private organizations affected by this title to familiarize them with its contents and to make plans for its "fair and effective administration."

Unlike the other parts of the act, the enforcement provisions of this title (specifically, sections 703, 704, 706 and 707) do not become effective for one year.

#### **TITLE VIII. VOTING STATISTICS**

This title authorizes the Commerce Department to compile voting statistics, in such geographic areas as the Civil Rights Commission may recommend, with respect to state-wide elections in which a member of the U. S. House of Representatives is being nominated or elected. In the conduct of the survey no person may be compelled to disclose his race, color, national origin, political affiliation or how he voted. Every person interrogated must be advised of his right to decline to give such information.

#### **TITLE IX. INTERVENTION AND REMOVAL**

Authority is conferred upon the Attorney General to intervene in any suit which has been commenced in a federal court seeking relief from denial of equal protection of the laws under the Fourteenth Amendment, upon his certification that the case is of general public importance.

Under existing law, 28 U.S.C. 1443, the defendant in a state civil or criminal case arising out of a civil rights controversy may seek to remove the case to a federal district court on the ground of inability to enforce his rights in the state court. Until now the

return or remand of the case to the state court by the federal court was not considered appealable. 28 U.S.C. 1447(d). Title IX permits such an appeal.

#### **TITLE X. COMMUNITY RELATIONS SERVICE**

This title creates in the Commerce Department a Community Relations Service to assist communities and individuals in resolving disputes relating to discriminatory practices based on race, color or national origin. The Community Relations Service is authorized to cooperate with both public and private agencies. It may offer its services, either upon its own motion or upon request from state or local officials or other interested persons, in cases of "disputes, disagreements or difficulties" whenever it believes that peaceful relations among the citizens of a community are threatened. Also, Federal courts may in certain instances refer public accommodation complaints brought under Title II to the Community Relations Service to attempt to obtain voluntary compliance.

Employees of the Service are required to conduct their activities in providing conciliation assistance in confidence and without publicity, and the Service is required to "hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held."

#### **TITLE XI. MISCELLANEOUS**

Except in respect to Title I relating to voting rights, any person accused of criminal contempt for violating any section of the act is entitled to a jury trial. Upon conviction for contempt, the maximum punishment is a fine of \$1,000 or imprisonment for six months. The limited jury trial provision adopted in the 1957 Civil Rights Act would still apply to Title I. This allows a judge to act without a jury if he does not impose a penalty of more than \$300 or 45 days in jail.

The courts retain their power to secure compliance with their decrees by civil contempt proceedings without a jury.

Nothing in the act is to be construed to impair existing powers of the Attorney General or other federal officers to institute or intervene in any proceedings, nor to preempt the field with respect to state anti-discrimination laws not inconsistent with the act.

This title also authorizes the appropriations necessary to carry out the act, and contains the customary severability clause to provide that if any part of the act is held invalid, it shall not affect the remainder.

## The Mission of the Community Relations Service



"The task of the Community Relations Service is to help communities solve problems of human relations through reason and common sense."

—President Lyndon B. Johnson



"No more important business faces the nation than the solution of problems in the area of human relations. The Service is designed to encourage and assist local community relations committees in resolving discrimination disputes."

—Luther H. Hodges,  
Secretary of Commerce



"This work of justice for all can succeed if the great mass of Americans will try. But it will take good neighbors acting with responsibility. It will take good manners and self-discipline, along with respect for law. The Community Relations Service will provide a means for achieving compliance without lawsuits . . ."

—LeRoy Collins, Director of the  
Community Relations Service



"Our primary purpose will be to educate the people as to the basic purposes of the civil rights law and to persuade them to comply with its requirements."

—Arthur Dean, Chairman of the  
President's National Citizens Committee for Community Relations



## NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

TWENTY WEST FORTIETH STREET • NEW YORK 18, N. Y. • BRyant 9-1400

Please direct reply to:  
Washington Bureau  
100 Massachusetts Avenue, N. W.  
Washington 1, D. C.  
Telephone: National 8-5794

September 4, 1964

Mr. John G. Stewart  
Legislative Assistant  
to Senator Hubert Humphrey  
Senate Office Building  
Washington 25, D.C.

Dear John:

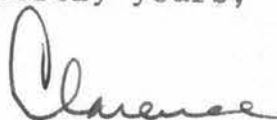
We had some discussion in the Leadership Conference about recommendations for the Equal Employment Opportunity Commission. After much consideration, I am submitting the following names: Former Senator John Carroll, Colorado; Congressman James Corman, Herman Edelsberg, Mrs. Patricia Harris, Samuel Jackson, Topeka; Former Congressman Hugh Mitchell, Washington; and Louis Pollak, Faculty Member, Yale University Law School, New Haven, Connecticut.

I would like to say a special word about Samuel Jackson of Topeka, Kansas, because he is a Republican and he is also colored. He was very active in working for passage of the Civil Rights Bill here in Washington and at home in Kansas. Senators Pearson and Carlson know him well. He is a lawyer engaged in active practice in Topeka. He also serves as the institutional attorney for the Kansas State Department of Social Welfare. These duties require that he handle the legal problems of all the state hospitals and problems in the child welfare field. He got his A.B. and LL.B. from Washburn University in Kansas. He served for three years as a captain in the Air Force and graduated from the School of Military Law at Maxwell Air Force Base. At present, he is a reserve officer but serves as Judge Advocate General area representative for Northeastern Kansas for the Air Force. These duties require that he handle legal matters for dependents of military personnel and for retired military personnel. It is my opinion that he would be very helpful in maintaining liaison with midwestern Republicans if he became a member of the Commission.

Mr. John G. Stewart  
Page 2  
September 4, 1964

Since I presume that you know the other persons, I am not submitting any statement on them. Although I am submitting Congressman Corman's name, I do not know of my own knowledge that he would be interested. It was suggested by one of the Leadership Conference members.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Clarence Mitchell".

Clarence Mitchell  
Director  
Washington Bureau

CM:cw

## U.S. COMMISSION ON CIVIL RIGHTS TELEPHONE DIRECTORY (12-14-64)

NAME	PHONE	ROOM	DIV.	NAME	PHONE	ROOM	DIV.	NAME	PHONE	ROOM	DIV.
Adkins, Mrs. Klaire V.	21135	409E	OGC	Heffernan, Elaine C.	28856	403E	L&I	Proctor, Mrs. Natalie B.	21228	Recpt.	INF
Albert, Jeffrey M.	21671	412E	OGC	Holman, M. Carl	21228	405W	INF	Radin, Beryl A.	21228	429W	INF
Amidon, Robert H.	21293	421W	PRG	Humpstone, Charles C.	21248	424W	OGC	Ramsay, Caroline C.	5616	425E	SAC
Anderson, Mrs. Sara S.	22601	415E	SAC	Huss, Mrs. Ann W.	21270	416E	OBA	Roberts, Mrs. Pauline B.	28821	400W	SD
Anthony, Nancy	28821	400W	SD	Jackson, Mrs. Lulu Mae	22665	414W	PRG	Rogerson, Howard W.	28821	400W	SD
Avant, Mrs. Mary V.	21248	419W	OGC	Johnson, Matilda L.	22601	415E	SAC	Rogge, Joel J.	21596	403E	PRG
Beis, Edward B.	21847	408W	PRG	LAW LIBRARY	21207	402W		Sands, Douglas B.	28978	428W	SAC
Bell, Helene M.	21596	402W	PRG	Levin, Ivan E.	21293	422W	PRG	Sellers, Barnard F.	5616	404E	L&I
Bellman, Richard F.	21644	427W	OGC	Lewis, Walter B.	5616	403E	L&I	Shapiro, Richard M.	21686	418W	L&I
Binkley, John I.	22601	415E	SAC	Lewisohn, Mrs. Louise E.	22601	414E	SAC	Simmons, Samuel J.	22758	415E	SAC
Birkle, John G.	21416	416E	OBA	Libassi, F. Peter	28856	403E	L&I	Soter, Mrs. Anastasia	21762	411W	PRG
Boston, Mrs. Lucille L.	5616	403E	L&I	Linville, Mrs. Kathleen M.	21228	Recpt.	INF	Sparkenbaugh, Mrs. Virginia A.	21416	416E	OBA
Chassy, Eleanor M.	21847	406W	PRG	Littlejohn, Roy	21847	407W	OGC	Stradford, Betty K.	21670	409E	OGC
Cikins, Warren I.	28821	400W	SD	Martin, Mrs. Ruby G.	21847	411W	PRG	Studer, Mrs. Rachel R.	21644	426W	OGC
Cornelius, Mrs. Beverly M.	21686	417W	L&I	McNeill, Mrs. Marian P.	21751	416W	L&I	Taylor, William L.	21135	409E	OGC
Determan, Dean W.	5616	406E	L&I	Miles, Louis E.	21105	419E	OBA	Tinsley, Mrs. Naomi S.	22963	414W	PRG
Douglas, Willard H.	21248	420W	PRG	Minnies, M. Todd	21207	402W	PRG	Tollen, Mrs. Ellen J.	21207	402W	PRG
Duckett, Maurice O.	21105	419E	OBA	Mitchell, Louis L., Jr.	22601	422E	SAC	Valverde, Walter S.	21762	412W	PRG
Finkelstein, Michael O.	21670	409E	OGC	Monti, JoNell M.	21670	409E	OGC	Vinson, Mrs. Rudella J.	22601	421E	SAC
Fleming, Jonathan W.	21671	424E	OGC	Moorehead, Odell W.	21105	418E	OBA	Walden, Eleanor M.	21207	402W	PRG
Fleri, Mrs. Antoinette C.	21270	416E	OBA	Murphy, Mrs. Elisabeth I.F.	21293	421W	PRG	Wall, Beverly J.	21207	402W	PRG
Ford, Mrs. Ruth M.	21105	418E	OBA	Nelson, Mrs. Phoebe N.	22758	415E	SAC	Ware, Gilbert	21686	425W	L&I
Ford, Sandra	21248	420W	OGC	Newman, Bruce E.	21207	402W	PRG	Webber, Mrs. Mabel E.	28412	416E	OBA
Gillies, Katherine E.	21207	402W	PRG	O'Brien, Madeleine	21416	416E	OBA	Wolf, Edwin D.	21671	408E	OGC
Glick, Lawrence B.	21762	411W	PRG	Olmstead, Brian M.	21248	423W	OGC	Wright, Victor	22963	414W	PRG
Grooms, Mrs. Treola J.	21847	411W	PRG	Paige, Amy W.	21751	417W	L&I	Yaffe, Alan	21207	402W	PRG
Hall, Margaret R.	21686	418W	L&I	Payne, William C., Jr.	21686	417W	L&I	Yankauer, Mrs. Marian P.	21751	416W	L&I
				Phillips, Judith	21207	402W	PRG				

REPORT CHANGES TO OBA

INF - Office of Information  
 L&I - Liaison and Information Division  
 OBA - Office of Business Administration  
 OGC - Office of General Counsel

PRG - Programs Division  
 SAC - State Advisory Committees Division  
 SD - Office of the Staff Director

Oct. 1964

UNITED STATES  
COMMISSION ON CIVIL RIGHTS

Functional Chart  
October 1964

First number indicates  
1965 staffing; second  
reflects 1966 staffing  
with requested increase.

THE COMMISSION

Under the provisions of the Civil Rights Act of 1957, as amended, the Commission is responsible for: investigating sworn allegations that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of color, race, religion, or national origin; studying and collecting information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; investigating sworn allegations that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination; serving as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin; the submission of interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and the submission to the President and to the Congress of a final report of its activities, findings and recommendations not later than January 31, 1968.

OFFICE OF THE STAFF DIRECTOR

The Office of the Staff Director is responsible, following general directives of the Commission, for fulfilling the statutory duties and responsibilities enumerated in the Civil Rights Act of 1957, as amended, by: providing for the overall organization, management and administration of the Commission staff; developing and recommending top-level policies for Commission action, planning, organizing, operating and reporting on all programs, functions and activities approved by the Commission, and providing leadership to the heads of the several staff divisions and offices to assure a coordinated effort resulting in the maximum efficiency and effectiveness.

5

INFORMATION OFFICE

The Information Office is responsible for: the preparation and dissemination of Commission information by press release, press conference, personal appearance, personal contact or appropriate literature; maintaining the necessary liaison with all news media in connection with Commission hearings and other activity; and informational liaison with public and private groups and with the general public, including the reception and briefing of visitors and the scheduling of speaking engagements.

4-5

OFFICE OF BUSINESS ADMINISTRATION

The Office of Business Administration is responsible for: the day-to-day administrative functioning of the Agency; planning, installing and implementing management controls and practices; providing of personnel services including recruitment, placement and classification; the administration of funds including salaries, travel, procurement of supplies, materials, etc.; and providing general office services including messenger, files, reproduction, mail, space and related services.

10-12

OFFICE OF GENERAL COUNSEL

The Office of General Counsel is responsible for: the final review as to legal sufficiency, prior to submission to the Staff Director and the Commission, of the work product of the several staff units; final determination of all matters relating to the jurisdiction of the Commission and of its State Advisory Committees; the docketing; processing and disposition of complaints filed with the Commission; the planning, development and conduct of Commission hearings; all matters related to the issuance of subpoenas by the Commission; the conduct of Commission approved projects or surveys concerning the administration of justice; the preparation of Commission testimony on civil rights legislation; and all matters relating to the contractual authority of the Agency and concerning all laws, rules and regulations affecting the day-to-day operation of the Agency.

10-14

10-12

VOTING AND INVESTIGATIONS DIVISION

The Voting and Investigations Division is responsible for: the detailed planning and implementation of Commission programs, surveys and investigations concerning denials of voting rights by reason of color, race, religion, or national origin; and concerning voting irregularities in Federal elections resulting from patterns or practices of vote fraud or discrimination; the necessary surveys in specific regional areas with regard to voting disparities, upon which the Commission may recommend that the Secretary of Commerce compile registration and voting statistics; the preparation of detailed analyses and reports on the status of voting rights for submission to the Commission; and such other field survey and investigative work as may be requested by the Staff Director in the implementation of other Commission approved projects of programs.

16-24

FIELD SERVICES DIVISION

The Field Services Division is responsible for: organizing, servicing, supervising and keeping at full strength, State Advisory Committees in the 50 States and the District of Columbia; evaluating and assessing potential Committee members in order to maintain a representative Committee in each State; acting as liaison for Commission research projects requiring State Advisory Committee and regional, State and local public or private organization assistance or cooperation; planning such meetings and conferences of State Advisory Committees as may be necessary to enable the Committees to fulfill their role as advisors to the Commission on State and local civil rights matters; giving technical advice and aid to the Committees in the development of reports to the Commission, including the preparation of such reports for publication; assisting in the collection and dissemination of information on the status of equal protection of the laws in the several States through the State Advisory Committee system and through other, State and local resources; and the maintenance of such field offices as may be established by the Commission.

30-37

RESEARCH AND PUBLICATIONS DIVISION

The Research and Publications Division is responsible for: locating, acquiring, classifying, analyzing and disseminating information on literature and events concerning the status of equal protection of the laws under the Constitution; maintaining a Government-wide library and information center containing a comprehensive collection of materials pertinent to the civil rights field and a system of retrieval capable of filling requests for a wide range of information; the publication of periodic bulletins containing information on current developments and new literature in the various subject fields; research and preparation of special reports analyzing and interpreting series of developments in particular subject areas; the preparation of other pertinent informational materials; the editing and preparation for publication of Commission manuscripts and transcripts of Commission hearings; and maintaining the necessary liaison with the Government Printing Office and the General Services Administration in connection with Commission publications.

16-21

FEDERAL PROGRAMS DIVISION

The Federal Programs Division is responsible for: maintaining liaison with the various Federal agencies on civil rights matters; appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; providing services to the Federal agencies in respect to civil rights policies and their implementation; the conduct of studies and field surveys in respect to Federal program policy and implementation; the preparation of analyses and reports on specific Federal programs for submission to the Commission; and the conduct of meetings and conferences for the purpose of exchanging ideas and information among Federal authorities and between Federal authorities and other public or private groups.

# COPY

December 9, 1964

Dr. John A. Hannah  
Chairman  
Commission on Civil Rights  
726 Jackson Place  
Washington, D. C.

Dear Dr. Hannah:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

# COPY

December 8, 1964

Dr. John A. Hannah  
Chairman  
Commission on Civil Rights  
726 Jackson Place  
Washington, D.C.

Dear Dr. Hannah:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Commission on Civil Rights in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

- (1) The functions assigned to your Commission in the area of civil rights;
- (2) The areas of your Commission's responsibility which might overlap with the duties of other departments and agencies;
- (3) The principal difficulties which you foresee in carrying out your responsibilities;
- (4) Your thoughts and recommendations on how your Commission might fulfill its responsibilities most effectively and efficiently; and
- (5) Your general ideas on the functions of the Federal government in the area of civil rights at this point in our history.

In order to facilitate our consultation, I am asking John G. Stewart of my staff to discuss with the appropriate members of your Commission the kind of information we hope to develop and to arrange a mutually convenient time for our meeting.

COPY

I look forward to discussing with you these matters of vital national concern. I am particularly anxious to have the benefit of your personal thoughts and insights and I am confident our meeting will be most productive.

Sincerely,

Hubert H. Humphrey

Conversation with Harold Seidman and  
Miss Hazel Guffey, Bureau of the Budget

December 11, 1964

John G. Stewart

Miss Guffey was the person within the Budget Bureau who supervised the formulation of Title VI regulations in collaboration with the Justice Department Civil Rights Commission and other participating agencies.

She pointed up that <sup>an</sup> immediate problem exists concerning the issuance of the so-called assurance by the Federal government. This assurance will be required by all persons receiving Federal funds that they are not being used in a discriminatory fashion. Without assigned assurance in hand, it will be necessary to institute steps which could eventually lead to the cut off of these Federal funds. A special task force has been at work developing a uniform assurance form. Assistant Secretary Quigley has been heading up this task force.

There is some controversy at present between those who favor a detailed 8 or 9 double-spaced assurance which seeks to interpret and set forth again the details of the regulations and those persons who favor a much shorter form - one three or four sentences long, namely that the recipients of Federal money ~~had~~ were agreeing to live up to the regulations ~~and~~ ~~the~~ as promulgated under the authority contained in the Civil Rights Act of 1964.

I gather that the Budget Bureau people were disturbed that it appeared a longer form would be used. They sense there could be an adverse public reaction and hope that somehow or another a decision could be made to adopt a shorter form. But since this assurance must be issued in the near future, it is doubtful whether Humphrey or his staff could have any particular constructive effect in getting involved in this dispute.

Seidman and Guffey talked about the general problems of coordination that are usually raised, for example, the importance of knowing what all Federal agencies are doing in a particular area so that the actions of one do not frustrate the programs of another.

The Budget Bureau people favored very strongly establishing a President's Committee on Civil Rights by Executive Order and abolishing the three existing President's Committees on Employment, Housing, and Equal Opportunity in the Armed Forces. They felt that some structure was needed from which to operate. A committee was needed in order to provide a basis for adequate staffing. Since statutory authority resides with the agency heads, the coordinator needs some structure from which to operate. Executive authority should reside with the Chairman of this new President's Committee.

They also suggested that it might be possible to use the Civil Rights Commission as an independent source of information,

that is, a general monitor of activities in the Federal agencies. This would not preclude the clearinghouse function.

They believe that the ~~three~~ Presidential Committees <sup>under</sup> are obsolete ~~in some~~ existing situations. The decision to establish a broader President's Committee could be justified in terms of the broader responsibilities which now face the Federal bureaucracy. There could be ad hoc working groups under the Committee which would be instructed to resolve particular problems, for example the problem of establishing a uniform assurance form. In any event, they felt strongly that some framework must be established. In their opinion the gadfly operation really doesn't work when a particular action is not in the immediate short-term interest of the  $\frac{1}{2}$  operating agencies. Some leverage is necessary and the Committee structure would help provide this as long as it had strong Presidential backing and support.

They also believe that the functions of the three existing President's Committees should be transferred into the new President's Committee. There might have to be some rearrangements and rethinking of certain aspects of these functions, particularly in regard to Housing Committee, but they did not recommend taking these activities out into agencies. They recommended strongly against having public members on the President's Committee. Instead of

using public figures directly, they could be assigned to a special advisory committee to the President's Committee on Civil Rights. Or one could use the National Citizens' Committee for Community Relations which has recently been established. They also raised the possibility of transferring the investigative functions in voting cases to the Justice Department to the Civil Rights Commission. If the Civil Rights Commission picked up a broad clearinghouse function and a monitoring function, perhaps they would not have the time or the interest to maintain an investigatory function as well. This is something which can be explored. There is some question whether this statutory authority could be transferred by executive order or reorganization plan and must be checked out.

*This is an extract from our 1966 budget request, currently before the BOB. We have not yet been advised of BOB action on this request. JWP - 12/14/64*

COMMISSION ON CIVIL RIGHTS

Estimate of Appropriation 1966

1965 Appropriations	\$1,320,000
Change	<u>446,000</u>
1966 Estimate	\$1,766,000

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SALARIES AND EXPENSES

GENERAL STATEMENT

The Commission on Civil Rights was created as an independent, bipartisan agency in the Executive Branch of the Federal Government, pursuant to Public Law 85-315, approved September 9, 1957. The original statutory life of the Commission was limited to two years with a final report on the activities of the Commission due to the President and Congress on September 9, 1959. Public Law 86-383, approved September 28, 1959, extended the life of the Commission for an additional two years. The Commission submitted a second report of its findings and recommendations to the President and Congress on September 9, 1961. Once more the Congress extended the life of The Commission for an additional two years through Public Law 87-264, approved September 21, 1961. The Commission's 1963 statutory report was submitted to the President and the Congress on September 30, 1963. Public Law 88-152, approved October 17, 1963, extended the life of the Agency until September 30, 1964.

The Civil Rights Act of 1964, Public Law 88-352, approved July 7, 1964, further extended the Agency's life to January 31, 1968, and added significantly to its duties. These new duties are to:

...serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

...investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election.

Significant changes were also made in the Commission's statute to further protect the rights of individuals at Commission hearings.

The Commission is composed of six members, appointed by the President, by and with the advice and consent of the Senate, who serve on a part-time basis. The day-to-day administration of the Commission is assigned to a full-time Staff Director who is also appointed by the President, by and with the advice and consent of the Senate.

In summary, the duties of the Commission, including those mentioned above, are:

- (1) To investigate sworn allegations that citizens are being deprived of their right to vote and have that vote counted by reason of their color, race, religion or national origin;
- (2) To study and collect information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution;
- (3) To appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;
- (4) To serve as a national clearinghouse for civil rights information;
- (5) To investigate sworn allegations that citizens are being denied the right to vote or have their vote properly counted in National elections as a result of any patterns or practice of fraud or discrimination; and
- (6) To prepare and submit interim reports to the President and the Congress and a final report of its activities, findings and recommendations not later than January 31, 1968.

#### BACKGROUND

The first report (1959) of the Commission was a one-volume document covering a limited area of study: voting, housing, and education. After the first extension was granted to the Commission in 1959, the Commission expanded its scope of inquiry to include not only voting, housing, and education, but also publicly connected employment and the administration of justice. In 1961 the report was issued in five separate volumes, each volume documenting and making findings and recommendations in one of the study areas. Since 1961 the Commission has published a number of reports submitted by its State Advisory Committees; it has issued staff reports and has itself made interim reports on matters of national concern. The 1963 statutory report summarized the Commission's

work over a two-year period in the fields of voting, education, employment, housing, administration of justice, and health facilities and services. Commission projects concerning civil rights problems in urban areas and on the Negro in the armed forces were also summarized in the 1963 report. The work of the Commission's 51 state advisory committees was summarized. A total of 27 recommendations for legislative or executive action was made.

With the one-year extension of life in October 1963, the Commission began new program activity which resulted in a number of staff and state advisory committee reports. With the enactment into law of the Civil Rights Act of 1964, the Commission considered additional program activity, and worked to structure its organization to fit its added responsibilities.

The Commission's appropriation for fiscal year 1965 was \$1,280,000. The regular 1965 appropriation was \$985,000, and a supplemental appropriation, approved on October 7, 1964, added \$295,000, to carry out the new functions. The supplemental appropriation provided authority for an additional 25 positions and related expenses. Increased pay costs for fiscal year 1965 require an additional \$40,000, based on a maximum, feasible absorption of 20% of the total increase of \$50,000. Thus, the total requirement for fiscal year 1965, comprised of the regular and supplemental appropriations together with the net increase in pay costs, amounts to \$1,320,000. A functional chart representing the Commission's new organization of functions is attached.

The justification that follows reflects the Commission's unanimous attitude toward efficiently and economically pursuing its duties as defined in Public Law 83-315, as amended, during the remaining portion of fiscal year 1964 and for fiscal year 1965.

#### JUSTIFICATION

Funds available during fiscal year 1965 have been used to complete work begun in fiscal year 1964, to restructure, reorganize and expand the Commission staff to meet the new statutory responsibilities, and to begin a series of project activity designed to implement the total Commission program.

Among the projects scheduled for completion in fiscal year 1965 were:

Federal Agriculture Programs - A report to the President and the Congress on minority group participation in a number of programs administered by the Department of Agriculture.

Federal Protection Project - A report to the President and the Congress on the problem of Federal protection of persons involved in civil rights activity, specifically, those seeking to exercise their Constitutional rights and those assisting others in the exercise of Constitutional rights.

Civil Rights of Spanish-Speaking People - A report to the President and the Congress on the status of civil rights of the Spanish-speaking population of the southwest (Texas, New Mexico, Arizona, Colorado and California). On the basis of a prior pilot project and staff report, the Commission decided to do further work on this subject, with initial concentration on the five-state area of the southwest.

Commission Hearing - Due to a series of circumstances, the Commission found it necessary to postpone scheduled hearings on voting denials and other civil rights problems in the State of Mississippi. In fiscal year 1965, this hearing was rescheduled and constituted a major Commission effort during this period.

Public Education Reports - Throughout its life the Commission has done comprehensive work on the process and progress of public school desegregation. A series of both Commission and staff reports to the Commission on this subject have resulted. In fiscal year 1965, a major staff report on the status of school desegregation in the South, including September 1964 school opening developments, was issued. Separate publications on the law of school desegregation and on school desegregation in the North and West was also completed.

State and Local Response to Civil Rights Unrest - This was a two-pronged project. One part was a detailed on site survey of selected medium size communities, both North and South, where there has been racial unrest or controversy, to determine the factors contributing to the controversy and how the problems were met by community leaders and organizations. The other part of the project was a research effort designed to collect published and unpublished information on state and local antidiscrimination laws, regulations and executive orders, programs of implementation and programs for compliance developed by employers, unions, community groups as well as the governmental agencies. This project has made a major contribution to our understanding of the impact of the new Federal civil rights legislation and to our ability to perform our clearinghouse functions.

#### Other Activities

(a) The immediate task in fiscal year 1965 was to structure the functions of the agency to meet successfully the new responsibilities. Organizationally this was accomplished, although our

experience to date has impelled us to request additional funds in 1966 to carry out the program, especially in the area of clearing-house activities.

(b) We have established a new and increasingly demanding series of relationships with other Federal agencies working in this field. In fiscal year 1965 we provided informational and other services to the Office of Education and to the Community Relations Service as they began to implement their new functions under the Civil Rights Act of 1964. Additionally, we have had a steadily increasing demand for information and assistance from other agencies of the Federal Government affected by Title VI of the Civil Rights Act of 1964, requiring nondiscrimination in Federal programs.

(c) The passage of the Civil Rights Act of 1964, created a great need and demand for information and advice concerning the affects and requirements of the new legislation. We have processed thousands of requests for materials or information, we have furnished scores of speakers or resource persons for meetings or conferences on the new legislation. On our own initiative or at the request of our advisory committees we have sponsored and participated in a series of meetings concerning the new legislation. A number of these have been state-wide meetings and have been well attended by local citizens.

A part of this informational program has been the development of brief publications, in the nature of pamphlets or bulletins, explaining the legislation and its requirements. The demand for this service has been great.

(d) In fiscal year 1965 the Commission established, on a temporary basis, two field offices; one in Atlanta, Georgia, and one in New Orleans, Louisiana. The increasing need for a more consistent servicing of state advisory committees and the need for better coordination of activities at the state and local levels were key factors in the decision to open these offices.

#### Budget Year Programs and Activities

While much of the Agency's activity in fiscal year 1966 will be a continuation of the program carried out during most of fiscal year 1965, we anticipate increased demands and requirements all along the line. We have seen this trend in fiscal year 1965, as our reorganized staff structure began to function and as our clearing-house responsibility became known throughout the nation. The following material summarizes the primary activities in each of our major staff units and the additional personnel requirements for fiscal year 1966.

Office of General Counsel - Changes in the Commission's rules of procedure, required by statute, have made the Commission's hearing activity considerably more complex. The first hearing under these new rules demonstrated to us the great increase in staff and Commission time that will be required for the future. We are estimating three formal hearings for fiscal year 1966, which will throw a large burden on the General Counsel's office.

During 1965, the Office of General Counsel completed a major project on the program of Federal protection of individuals attempting to exercise constitutional rights. The administration of justice field is an important area of civil rights concern. Our work in this field must continue, and because of its legal complexities, it is appropriate in our Agency that it be a continuing responsibility of the General Counsel's office.

The Commission and staff will be producing a steady stream of publications in fiscal year 1965. Each of these publications must be reviewed by the General Counsel's office from the standpoint of Commission jurisdiction and for specific legal sufficiency.

In our clearinghouse role a considerable number of requests for information that require legal research must be filled either by the General Counsel's office or cleared by that office for legal sufficiency prior to transmittal to the requesting party. It is necessary that we have the staff capability to perform this service in timely fashion.

For fiscal year 1966 we are requesting funds for four additional positions in the General Counsel's office, three of which would be attorneys and one clerical.

Voting and Investigations Division - This unit has not only the investigative function of the agency, but a substantive function as well. The substantive role is in the field of voting, both voting discrimination based on race, color, religion or national origin, and voting frauds. The unit must also support the Office of General Counsel in preparation for formal hearings of the Commission.

It is difficult to predict the number of complaints that will require investigation under the statute, and we therefore have not attempted to build up a large permanent investigative staff. Instead we rely on intermittent, temporary personnel in the field, if required, but under the direct supervision of permanent personnel from the Washington office.

Where we do need an increase in fiscal year 1966 is in the substantive side of the program, specifically legal research and writing. The Commission must be able to submit a comprehensive report to the President and the Congress on the subject of voting. Staff available for this work must be supplemented in fiscal year 1966. We are therefore requesting authorization and appropriations for two additional positions in this division, one attorney and one clerical.

Field Services Division - This division has the responsibility of servicing and coordinating the efforts of the Commission's 51 State advisory committees. It also functions as the field arm of the Commission's clearinghouse activity in the collection, dissemination and interpretation of relevant information at the State and local levels.

These services cannot be performed effectively, or efficiently and economically, by a Washington staff alone. In fiscal year 1965, two field offices were opened on a trial basis. The effectiveness and efficiency of this system warrants, we feel, the opening of two additional offices.

One of the major functions of this division and its field representatives has been the organization of State and regional conferences on timely civil rights topics, for the people of the various states and localities. These have been both general in nature, such as those covering all of the titles of the Civil Rights Act of 1964, and quite specific, such as those covering just the requirements of Title VI (nondiscrimination in federal programs), or the status of civil rights for the American Indian in a particular state or region. The response of local citizens to this program has been great. Successful conferences such as these, sponsored by the Commission <sup>or</sup> its advisory committees is one of the Commission's major contributions to a national awareness and understanding of civil rights problems and the requirements of law. These conferences require the active support of other agencies of government, Federal, State and local. This cooperation has been forthcoming, and signals the interest in and need for continued and increased efforts by the Commission along these lines.

Another important aspect of the work of this division that needs additional emphasis is support of Commission programs, planned and administered by other staff divisions. To a large extent this involves the collection of accurate and detailed information on a broad base that will contribute to the many projects and proposed publications that are in process with the Commission staff at any given time. The needed information must be collected in a number of ways through conferences, surveys and to a large

extent through the personal contacts and relationships built up by State advisory committee members and the field representatives of this division with public and private organizations and with the public at large.

For fiscal year 1966, we are requesting an additional eight positions for this division, five professional and three clerical. Seven of these personnel will be assigned to field offices, and one of the additional clerical positions will be in the Washington office.

Research and Publications Division - This division retains a large part of the traditional research and publications function of the Commission. It is also the heart of the Commission's clearinghouse program.

To be a national clearinghouse for civil rights information must assume the availability of relevant information. The systematic collection, classification, and ability to retrieve, on a specific need basis, great masses of information has proven to be a major task in fiscal year 1965. In addition, the information center unit of this division must produce, on a regular basis, publications on current developments in the civil rights field for a wide and diverse audience. Also, it must be able to fill an undeterminable but increasing number of requests for information from a vast array of public, private and individual sources throughout the nation. An important aspect of its service is to the Commission and staff, other Federal agencies and to Members of Congress.

Another unit of this division is composed of research specialists. Some of these must be subject area specialists in fields such as education and employment. This unit, in implementation of Commission projects and on the basis of recognized needs, develops reports related to specific subject areas which require a highly sophisticated research and writing ability and subject area knowledge. Because of the complex nature of some of the requests for information, received by the Commission in its clearinghouse role, this unit also must have the capacity to make timely response to many research needs on an ad hoc basis. The need for an objective treatment, through Government publication, of the progress, process and problems of compliance with the new civil rights legislation is critical. Many of these must be highly specialized and directed to concerns of a particular audience. Others must be more broadly based.

For fiscal year 1966, we are requesting seven additional positions for this division, two research specialists and a clerical employee for the special research group and three research assistants and one clerical employee for the Information Center.

Federal Programs Division - The primary function of this division is to implement the Commission program of appraisal of the laws and policies of the Federal government with respect to equal protection of the laws under the Constitution. This function, coupled with the broad clearinghouse responsibility of the agency, requires the performance of a multifaceted program by this division.

As in the past, major Federal policy review projects, such as the recent study of agricultural programs and policies will be conducted by the Commission in fiscal year 1966. Such projects are staffed from this division and will include a review of Federal policy in the areas of housing and manpower development and training.

Existing specific programs will also be reviewed with particular reference to the applicability and implementation of regulations adopted pursuant to Title VI of the Civil Rights Act of 1964. This will be primarily an interagency program, with the results of the work made the subject of discussions between Commission and other government officials and the affected Agency or Department. The emphasis here will not be on the publication or reports but more in the nature of a service to the affected agency and the Administration in regard to the applicability and implementation of national law and policy.

In recent months, and particularly since the enactment of Title VI of the Civil Rights Act of 1964, we have seen a substantial increase in the number of complaints of alleged discrimination in the administration of Federal programs. This division must maintain the necessary liaison with the agencies administering the various programs to assure appropriate resolution of the matters complained of.

This unit also develops publications on Federal programs appropriate to the Commission's clearinghouse role. Examples in the past have been publications on the requirements of Title VI, and on the implications of Title VI and of earlier law and policy on the administration of the Hill-Burton program. We find that the requirements of Federal law and policy are often either largely unknown or widely misunderstood. One of our functions is to help supply the necessary information. The demand for such definitive information in 1965 has been great.

Increasingly, we have been asked by other agencies of Government to assist and participate in the formulation of policy and policy implementation in the civil rights field. The position of the Commission as a center of information and point of coordination for the various Federal agencies has become extremely important. In this connection, the Federal Programs Division will sponsor and coordinate conferences of Federal government officials concerning civil rights policies and their implementation.

For fiscal year 1966, we are asking for an increase of five positions for this division, four professional and one clerical.

Other Requirements - The increase in fiscal years 1965 and 1966 in Commission staff and in the need to service this staff, and the increased activity of the Agency in its relations with the general public and with other agencies of government, makes it necessary to request for fiscal year 1966 an increase of one position in the Information office and of two positions in the Office of ~~Information~~ *Business Administration*.

#### SUMMARY OF THE REQUEST

The 1966 appropriation request for the United States Commission on Civil Rights is in the amount of \$1,766,000, to cover the costs of 130 positions and related expenses. This represents an increase of \$446,000 over our 1965 appropriation and provides for an additional 29 positions and related expenditures. For this purpose we considered our total 1965 appropriation to be \$1,320,000, which includes \$40,000 for increased pay costs for that year, representing a 20 percent absorbtion of the increased pay costs for fiscal year 1965.

It is our view that this request reflects the appropriations requirements of the Agency for fiscal year 1966, to enable the Commission to perform its duties assigned to it by the Civil Rights Act of 1957, as amended, in an efficient, effective and economical manner.

U.S. COMMISSION ON CIVIL RIGHTSExecutive Staff and Other Key Positions

<u>Position</u>	<u>Name</u>	<u>E.O.D.</u> (with US CCR)	<u>Grade</u>	<u>Type of Appt.</u>	<u>Off.Ext.</u>
Deputy Staff Director (Currently Acting Staff Director)	Howard W. Rogerson 3919 Cavendish Drive Alexandria, Virginia 780-1365	6/2/58	GS-905-17	Schedule A	28821 *
General Counsel	William L. Taylor 1325 Iris Street, N.W. Washington, D.C. 726-6260	5/17/61	GS-905-17	Schedule A	21135
Director, Federal Programs Division	F. Peter Libassi 1317 Tuckerman St. N.W. Washington, D.C. 726-4016	1/15/62	GS-905-16	Schedule A	28856
Director, Research and Publications Division	Vacancy		GS-301-16	Schedule A	
Director, Field Services Division	Samuel J. Simmons 7244 - 15th Pl. N.W. Washington, D.C. 829-7903	2/16/64	GS-301-16	Schedule C	22758
Director, Voting and Investigations Division	Victor Wright 5903 Espey Lane McLean, Virginia 356-4238	9/9/63	GS-905-16	Schedule A	22963
Special Assistant to the Staff Director	Warren I. Ckins 305 C Street, N.E. Washington, D.C. Li-4-7093	12/8/63	GS-301-15	Schedule C	28823

<u>Position</u>	<u>Name</u>	<u>E.O.D.</u> (with US CCR)	<u>Grade</u>	<u>Type of Appt.</u>	<u>Off.Ext.</u>
Information Officer	M. Carl Holman 331 Eye St., S.W. Washington, D.C. 737-6290	9/10/62	GS-1081-14	Schedule A	21228*
Administrative Officer	Madeleine O'Brien 4201 Mass. Avenue N.W. Washington, D.C. EM-3-1497	2/26/62	GS-341-13	Career	21416

\* Code 128

## BIOGRAPHICAL DATA

August 1964

WILLIAM L. TAYLOR, GENERAL COUNSEL, U.S. COMMISSION ON CIVIL RIGHTS

### Employment Experience

U.S. Commission on Civil Rights - General Counsel (October 1963 to present). Chief legal officer of the Commission on Civil Rights with the responsibility of advising the Commission on all legal matters within the substantive and administrative scope of the Agency. Duties include review of reports, studies, and complaints, review of civil rights legislation and executive policies, testimony before congressional committees.

Serves as Secretary to the President's Subcabinet Group on Civil Rights, an interdepartmental committee established by the President to coordinate Administration civil rights policy. Work includes preparing the agenda for meetings, staff work on issues and following through on decisions.

Previously Assistant Staff Director for Liaison and Information (May 1962 - October 1963), and Special Assistant to the Staff Director (May 1961 - May 1962).

Americans for Democratic Action - Legislative Representative (1959-1961), represented ADA before Congress.

NAACP Legal Defense and Educational Fund, Inc. - Staff Attorney (1954-1958). Handled school segregation cases and other civil rights litigation.

Corporation Counsel of the City of New York - Law Clerk, Contracts Division (1954), did legal research, prepared legal memoranda, assisted at trials.

### Education

B.A. (cum laude) Brooklyn College, 1952. Editor-in-chief college newspaper; college sports correspondent for New York Times, Associated Press.

L.L.B. Yale Law School 1954. President, Student Association; Legal Aid Society; Barristers Union; Yale Law School Graduate Board.

### Personal Data

Born October 4, 1931, Brooklyn, N.Y.; son of Harry and Sarah (Levine) Taylor. Attended public schools in New York City; married to Harriett Rosen June 20, 1954; two daughters, Lauren Rose 7 and Deborah Lynn 5, and one son, David 2; resident of Shepherd Park in Washington, D.C.

Military Service - U.S. Army, 1956-58.

### Memberships

Member of the Bar of the State of New York, 1955. U.S.D.C. Southern District New York, 1958.

Member of National Board, Americans for Democratic Action. Member American Civil Liberties Union. Member Washington Housing and Planning Association; Neighbors, Incorporated. Past Secretary, National Civil Liberties Clearing House.

### Author

Article, "Malapportionment: The Political Question Doctrine," Southern California Law Review, Winter 1961. Article, "Actions in Equity by the U.S. to Enforce School Desegregation," George Washington Law Review, March 1961. Article, "Are Minority Groups Getting Fair Treatment from Unions and Management?" 7 Marquette Review, Winter, 1963.

BIOGRAPHICAL SKETCH OF  
HOWARD WESLEY ROGERSON

PERSONAL DATA:

Born: Hartford, Connecticut, October 5, 1928  
Married: Wynefred Phillips Walker of Martinsville, Virginia, June 27, 1953  
Children: Daniel Wesley, born Sept. 16, 1958; Robert Travis, born  
Nov. 16, 1960.  
Residence - 3919 Cavendish Drive, Alexandria, Virginia

EDUCATION:

Central High School, Bridgeport, Connecticut - graduated June 1946  
Trinity College, Hartford, Connecticut - B.S., June 1952  
University of Virginia School of Law, Charlottesville, Virginia -  
graduate LL. B., February 1957

EMPLOYMENT:

E. I. du Pont Company, Martinsville, Virginia, June 1952 - August 1954  
Perkins, Battle & Minor, Attorneys-at-Law, Charlottesville, Va.,  
February 1957-May 1958  
United States Commission on Civil Rights, June 1958 to present.

MILITARY SERVICE

U.S. Army Signal Corps - August 1946 - July 1948  
Adak, Alaska, February 1947 - July 1948. Rank of Staff  
Sergeant on discharge.  
Commissioned 2nd Lieutenant, United States Air Force from Trinity  
College AFROTC June 1951.  
No present military affiliation

ORGANIZATIONS:

American Bar Association  
Virginia State Bar

CHURCH AFFILIATION:

Methodist

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Date: February 13, 1964

BIOGRAPHICAL SKETCH

NAME:

F. Peter Libassi, Director, Division of Liaison and Information

EMPLOYMENT EXPERIENCE:

1956 - 1962      Regional Director, New York State Commission For Human Rights, Albany, New York.

1954 - 1956      Enforcement Attorney, New York State Housing and Rent Commission, New York City, New York.

EDUCATION:

Colgate University, Hamilton, New York - B.A., Cum Laude honors in Political Science.

Yale Law School, New Haven, Connecticut - L.L.B.

RELATED EXPERIENCES:

AWARDS, HONORS, Etc.

Meritorious Service Award, U.S. Commission On Civil Rights.

MEMBERSHIPS:

National Association of Intergroup Officials, Board of Directors, Washington, D.C. Chapter

PERSONAL DATA:

Married, two children.

## BIOGRAPHICAL SUMMARY

Samuel J. Simmons  
7244 - 15th Place, N.W.  
Washington, D. C.  
Phone 829-7903

Member, Board of Appeals and  
Review, Post Office Department  
Phone Worth 1 - 8381

Legal Residence: Detroit, Michigan

Birth Place and Date: Flint, Michigan - April 13, 1927

Family Status: Wife - Barbara Lett Simmons, Sons - David Clay and Robert Allen

### EDUCATION:

Grammar School: 1932-1940. Rural Schools in Thetford Township,  
Genesee County.

High School: 1940-1944. Otisville High School, Otisville, Michigan;  
Millington High School, Millington, Michigan. Graduated, Millington  
High School, 1944.

Universities: 1945-1949. Western Michigan University, Kalamazoo,  
Michigan. Graduated in 1949. AB Degree, Major: Social Science.  
Minor: Psychology and Economics.

1952-1956. Wayne State University, Department of Public Administration:  
Part-time student. Candidate for MA Degree in Public Administration.  
The only remaining requirement is the completion of a thesis.

Awards: Selected as a member of Pi Gamma Mu Honorary Society in  
Social Science in 1947.

Selected as the outstanding graduating fraternity man at Western  
Michigan University - 1949.

Nominee, Michigan Career Service Award, 1961; Michigan Capital  
Chapter, American Society of Public Administration.

Meritorious Service Citation, Post Office Department, September 1962  
(\$250 cash award)

## EXPERIENCE:

Unpaid: Student Sociologist, State Prison Southern Michigan, Jackson, Michigan  
June, 1949 - September, 1949

Paid: Boys' Worker, Sophie Wright Settlement, 4141 Mitchell, Detroit,  
Michigan, October, 1949 to March, 1951.

March, 1951 to April, 1953

Administrative Assistant, Civil Rights Organization, Detroit, Michigan

Starting salary \$2,200 pa, Ending salary \$2,400 pa

Supervisor: Arthur L. Johnson

Detroit Branch, National Association for the Advancement of Colored People  
13122 Dexter Blvd.

Detroit, Michigan

Reason for leaving: Dissatisfied with job.

Assisted in administering activities of the organization. Coordinated activities of volunteer workers and committees. Directed fund raising activities, and various programmatic projects.

May 1, 1953 to November 14, 1955

Assistant Manager, Commonwealth Loan Company, Detroit, Michigan

Starting salary \$2,400, Ending salary \$3,300 pa

Supervisor: Donald Makemson

Commonwealth Loan Company

1404 Gratiot

Detroit, Michigan

Reason for leaving: Went to Michigan Employment Security Commission

Interviewed applicants for loans. Investigated loan applicants. Processed and checked loan applications. Traced "skips". Made telephone and personal calls on delinquent accounts.

November, 1955 to January, 1956

Placement Officer, Michigan Employment Security Commission

Starting and ending salary \$3,700 pa

Supervisor: unknown

Michigan Employment Security Commission, Connor office

7310 Woodward Avenue

Detroit, Michigan

Reason for leaving: Went to Fair Employment Practices Commission

Interviewed applicants for unemployment compensation and job referrals.

## EXPERIENCE (continued):

January, 1956 to January, 1958

Field Representative, Fair Employment Practices Commission

Starting salary \$5,500 pa, ending salary \$7,600 pa

Supervisor: John Feild

Fair Employment Practices Commission (State of Michigan)

Detroit, Michigan

Reason for leaving: Duties of position changed

Primary functions were to serve as the Executive Secretary of the Kalamazoo Employment Advisory Council, and plan and conduct special purpose conferences. Supervised one clerical worker.

January, 1958 to January, 1959

Regional Director, Fair Employment Practices Commission

Starting and ending salary \$7,600

Supervisor: John Feild

Fair Employment Practices Commission (State of Michigan)

Detroit, Michigan

Reason for leaving: To better myself

Regional Director of Flint and Kalamazoo, Michigan, areas. Co-ordinated and administered Commission's enforcement and voluntary program in Flint and Kalamazoo areas. Supervised one clerical worker.

January, 1959 to March 4, 1962

Executive Secretary, Michigan Labor Mediation Board

Starting and ending salary \$8,000

Supervisor: Allan D. Chisholm, Chairman

Michigan Labor Mediation Board

1400 Cadillac Square Building

Detroit 26, Michigan

Reason for leaving: To better myself

Directed and co-ordinated the agency's day-to-day activities. Supervised general activities of 15 professional and 7 clerical employees. Prepared and administered a yearly budget of \$276,000. Handled all agency personnel activities. Planned and directed agency's community interpretation and public relations program. Responsible for all reporting, program evaluation and planning, and mediation of labor dispute cases.

February 18, 1963 to present

Appeals Officer, GS-15, Post Office Department

~~Starting~~ salary \$15,065 yearly

Post Office Department

Washington, D. C.

Member of the three-man Board of Appeals and Review, Post Office Department. The Board is an independent office which for administrative purposes is located in the Bureau of Personnel. The functions of the Board

are as follows:

1. Adverse action and grievance appeals. The Board receives, reviews and renders final appellate decision on appeals received from the Department's 585,000 employees involving disciplinary actions and grievances. The Postmaster General retains residual authority to require the Board to further review an appeal but the matter may only be further appealed to the courts.
2. Equal employment opportunity. The Board receives and reviews complaints of discrimination based upon factors of race, religion, color and national origin and recommends a final decision to the Assistant Postmaster General, Bureau of Personnel.
3. Non-appellate functions. In addition to the work of processing appeals, individual Board members participate in various aspects of the Department's personnel programs. The writer provides principal staff assistance to the Assistant Postmaster General and Deputy Assistant Postmaster General, Bureau of Personnel, in implementing the Department's affirmative action programs in the area of equal employment opportunity. The writer drafted the Department's Postmasters' Program for Progress, which is the most comprehensive affirmative program in the federal government.

The writer also serves as a member of the Department's committee for national negotiating collective bargaining agreements with the six organizations with exclusive recognition representing approximately 500,000 postal employees. He also serves as a member of the national labor relations team which, on a monthly basis, deals with questions relating to interpretations and application of the National Agreement with the employee organizations.

#### PROFESSIONAL AFFILIATION:

1. Secretary-Treasurer, Association of State Labor Relations Agencies, 1959-1960
2. Chairman, Committee on Uniform Activity Reporting, Association of State Mediation Agencies, 1960-1961
3. Member, American Society of Public Administration
4. Member, Industrial Relations Association of Detroit
5. Member, Detroit Chapter, Industrial Relations Research Association

#### COMMUNITY AFFILIATION:

1. Vice-President, Michigan State Conference of NAACP Branches, 1954-1956 and 1960-1962
2. Board Member, Detroit Branch NAACP, January 1953 - February 1962
3. Life Member, NAACP, Detroit Branch
4. Member, Kappa Alpha Psi Fraternity
5. President, Winterhalter PTA, 1961-1962

VICTOR WRIGHT

Personal Born Tampa, Florida, October 5, 1922  
Married - 4 children

Education Yale - B.E. (High Honors), 1948  
Stetson - Juris Doctor (Magna Cum Laude), 1951  
Yale Law School - Sterling Graduate Fellow, 1951-1952

Military Marine Corps 1941-1945

Professional Deputy Managing Director, City of Philadelphia 1962 - 1963  
Private Practice of Law, Philadelphia  
Chairman, Zoning Board, City of Philadelphia 1960 - 1961  
Deputy Attorney General, Pennsylvania 1956 - 1960  
Assistant District Attorney, Philadelphia 1954 - 1956  
Assistant Professor of Law, Rutgers University 1952 - 1953  
Member of Pennsylvania, Florida and U.S. Supreme Court Bars.

Associations Philadelphia Bar Association  
Board of Managers, Woman's Hospital of Philadelphia  
Board of Trustees, Church of The Restoration, Philadelphia  
Vice Chairman, Committee on Community Tensions,  
Philadelphia Fellowship Commission  
Yale Club of Philadelphia

WARREN IRA CIKINS  
BIOGRAPHICAL SKETCH

EMPLOYMENT EXPERIENCE: TVA, 1952; University of Alabama Research Bureau, 1953; Legislative Assistant to Representative Brooks Hays, 1956-58; Legislative Assistant and Press Secretary to Senator Clair Engle, 1959-60; State Department, 1961; Executive Assistant at the White House 1962-63.

EDUCATION: Harvard College, A.B. Degree, 1951. Certificate in Public Administration, Universities of Alabama, Tennessee, and Kentucky, 1953. Harvard Graduate School of Public Administration, M.P.A. Degree 1954.

RELATED EXPERIENCES: While with Congressman Brooks Hays, helped in efforts to mediate the Little Rock School desegregation crisis, including arrangements for the Faubus-Eisenhower Newport Conference. Also worked with Brooks Hays on civil rights matters at the White House.

AWARDS, HONORS, Etc.: Harvard College Scholarship; Harvard Graduate School Fellowship.

MEMBERSHIPS: American Political Science Association; Harvard Club of Washington

PERSONAL DATA: Author of several publications put out by Harvard, University of Alabama, Business Review, Atlanta Economic Review, and others.

12/14/64

U.S. COMMISSION ON CIVIL RIGHTS  
1701 Pennsylvania Avenue, N.W.  
Washington, D.C.

Appointive Positions Requiring Senate Confirmation

<u>Position</u>	<u>Name</u>	<u>Date of Appt.</u>	<u>Salary</u>	<u>Expires</u>
Chairman	John A. Hannah President Michigan State University East Lansing, Michigan Code 517-355-6560	1/1/58	\$75.00 p.d. WAE	NSL*
Vice-Chairman	Eugene Patterson Editor Atlanta Constitution 10 Forsyth St., N.W. Atlanta, Georgia Code 404-JA-2-5050	10 /3/64	\$75.00 p.d. WAE	NSL
Member	Frankie M. Freeman (Mrs) 1209 No. Grand Boulevard St. Louis, Missouri Code 314-GA-1-3856	9/15/64	\$75.00 p.d. WAE	NSL
Member	Erwin N. Griswold Dean, School of Law Harvard University Cambridge, Massachusetts Code 617-UN 8-7600	8/9/61	\$75.00 p.d. WAE	NSL
Member	Theodore M. Hesburgh (Rev.) President University of Notre Dame Notre Dame, Indiana Code 219-284-6383	1/1/58	\$75.00 p.d. WAE	NSL
Member	Robert S. Rankin Dept. of Political Science Duke University Durham, North Carolina Code 919-681-0111	8/4/60	\$75.00 p.d. WAE	NSL
Staff Director	Vacancy since 11/1/63		\$24,500	NSL

\* No Statutory Limitation  
Current life of Agency to 1/31/68

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

BIOGRAPHICAL SKETCH OF  
JOHN ALFRED HANNAH  
CHAIRMAN

John A. Hannah has been President of Michigan State University since July 1, 1941. He is a graduate of Michigan State and has served it continuously since 1923 as a member of the agricultural extension staff and as secretary of its governing board prior to assuming the presidency.

President Hannah has held many offices in educational associations, including the presidency of the Association of State Universities and Land-Grant Colleges, and the chairmanship of its executive committee. He has also served on many of the major committees of the American Council on Education. He has been awarded honorary degrees by 12 colleges and universities.

Dr. Hannah has been the choice of four Presidents of the United States for important positions within the Federal Government.

He served for two years by appointment of President Truman on the International Development Advisory Board, which formulated policy for the Point Four Program of technical and economic aid to the underdeveloped areas of the world.

Under President Eisenhower he served as Assistant Secretary of Defense (Manpower and Personnel) from Feb. 11, 1953 to July 31, 1954. Upon completion of this work he was awarded the Medal of Freedom.

In 1957, President Eisenhower appointed him Chairman of the U.S. Commission on Civil Rights, and he was reappointed by President Kennedy in 1961. He is continuing as Chairman under President Johnson.

President Hannah also served from January 1954 to September 1963 as Chairman of the United States Section on the Permanent Joint Board on Defense, Canada-United States, and served as a delegate to Michigan's Constitutional Convention in 1961-62.

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

BIOGRAPHICAL SKETCH OF  
EUGENE PATTERSON  
VICE CHAIRMAN

Eugene Patterson, Editor of the Atlanta Constitution, is a native of Adel, Georgia, and was reared on a farm in Cook County. He attended Sparks-Adel High School, North Georgia College at Dahlonega, and received his journalism degree at the University of Georgia.

He served five years in the Army as a platoon leader with the 10th Armored Division during World War II combat in Europe. He won the Silver Star for gallantry in action and the Bronze Star with Oak Leaf Cluster for heroic achievement. Thereafter, he took flight training and won his wings as an Army liaison pilot. He left the Service with rank of Captain.

Mr. Patterson worked as a reporter on the Temple (Texas) Daily Telegram and the Macon (Georgia) Telegraph before joining the Atlanta Bureau of United Press International. He became U.P. Manager for South Carolina, then in 1949 was transferred to the New York Bureau where he later became Night Bureau Manager. In 1953, he went to England as U.P.'s London Bureau Manager and Chief Correspondent for the United Kingdom. He returned home to Georgia in July 1956 to join the Atlanta Journal, and became Executive Editor of Atlanta Newspapers, Inc., in December. He was named Editor of the Atlanta Constitution in June 1960 upon Ralph McGill's promotion to publisher.

In this country and abroad, Mr. Patterson has covered news of every kind. He was in the slot of the U.P.'s main news desk in New York on the night the Korean War broke out. He covered Sir Winston Churchill's resignation as British Prime Minister, Sir Anthony Eden's general election victory and the 1955 Summit Conference at Geneva. As Editor of the Constitution, he writes a daily column on the editorial page, principally on Southern, State, and local affairs, but still takes time for national reporting. He covered the Democratic and Republican National Conventions in 1960, the 1964 Republican and Democratic Conventions, the 1962 crash of the Atlanta-bound plane in Paris, and the Shepard, Schirra, and Carpenter space flights at Cape Canaveral.

He is a member of the American Society of Newspaper Editors and past chairman of its special committee on space, an appointee on President Eisenhower's Civil War Centennial Advisory Committee, Vice Chairman of the United States Commission on Civil Rights, past president of the Atlanta chapter of the professional journalistic society, Sigma Delta Chi, past State chairman of the Associated Press, a member of the board of directors of the Atlanta Chamber of Commerce, and a former member of the Council of Atlanta's Lutheran Church of the Redeemer.

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

FRANKIE MUSE FREEMAN

BIOGRAPHICAL SKETCH

EMPLOYMENT EXPERIENCE - PRESENT POSITION: Associate General Counsel - St. Louis Housing and Land Clearance Authorities - Since May, 1956. Engaged in practice of law in State and Federal Courts since June, 1949.

FORMER POSITIONS: Assistant Attorney General of Missouri - 1955 - 1956; Engaged in private practice of law in State and Federal courts, 1949-1956; Instructor in Business Law, Associated Colleges of Upper New York, Sampson, New York - 1947-1948; Statistician, Office of Price Administration, 1944-1945; Clerk, United States Treasury Department - Foreign Funds Control 1942-1944

EDUCATION: Attended public schools - Danville, Va.; Hampton Institute, Hampton, Virginia, 1933-1936 - Howard University School of Law, LLB, 1947

Member of Bar - Washington, D. C. and State of Missouri - Admitted to practice Supreme Court of United States

AWARDS: Listed in Who's Who of American Women; Listed Women Lawyers in the United States; Recipient of Outstanding Citizen Award from Mound City Press Club, 1953; Woman of Achievement, National Council of Negro Women, 1956

MEMBERSHIPS: ORGANIZATION AFFILIATIONS - National Council of Negro Women, Board of Directors; Delta Sigma Theta Sorority, National First Vice President; St. Louis Branch, NAACP member of Executive Committee since 1950, former chairman of Legal Redress Committee, NAACP; member of Board of Directors YWCA of Metropolitan St. Louis; League of Women Voters, Washington Tabernacle Baptist Church

PROFESSIONAL AFFILIATIONS - American Bar Association, Lawyers' Association of St. Louis, National Bar Association, Mound City Bar Association, National Association of Housing and Redevelopment Officials, National Housing Conference, Member, Missouri Advisory Committee, United States Commission on Civil Rights since 1958

PERSONAL DATA: Native of Danville, Va.; Married to Shelby T. Freeman, Jr.; One daughter. Residence: 1209 No. Grand Blvd., St. Louis, Missouri

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

Biographical Sketch  
Erwin N. Griswold  
Member

Lawyer; law school dean; Born East Cleveland, Ohio, July 14, 1904.

A.B. 1925, A.M. 1925, Oberlin College; LL.B. 1928, S.J.D. 1929,

Harvard Law School. Honorary degrees:

L.H.D. Tufts University 1949

Case Institute of Technology 1950

LL.D. University of British Columbia 1949

Brown University 1950

University of Sydney 1951

University of Melbourne 1951

Dalhousie University 1952

Harvard University 1953

Amherst University 1953

Columbia University 1954

University of Richmond 1954

Brandeis University 1956

University of Michigan 1959

Northwestern University 1960

Allegheny College 1961

University of Notre Dame 1961

University of Toronto 1962

University of Edinburgh 1963

Georgetown University 1963

D.C.L. University of Western Ontario 1961

Oxford University 1964

Married, two children - Mrs. Daniel Murrow, William E. Griswold

Admitted Ohio bar, 1929, Massachusetts bar, 1935; practiced with Griswold, Green, Palmer & Hadden, Cleveland, 1929; attorney in office of Solicitor General and Special Assistant to the Attorney General, Washington, D.C. 1929-34; assistant professor of law, Harvard Law School, 1934-35; professor of law 1935-46; dean and Charles Stebbins Fairchild Professor of Law, 1946-50; dean and Langdell Professor of Law since 1950. Member, Alien Enemy Hearing Board of Massachusetts 1941-45; consulting expert, U.S. Treasury Department, 1942. Trustee: Bradford Junior College, 1942-49; Teachings Insurance and Annuity Association, 1942-46; Harvard Law Review Association; Oberlin College, 1936 - . President, Association of American Law Schools, 1957-58. On the Board of Directors of the American Council of Learned Societies, 1959 - . Member of the U.S. Civil Rights Commission since 1961. Member: American Bar Association, Massachusetts Bar Association, American Law Institute, American Philosophical Society, Phi Beta Kappa. Fellow, American Academy of Arts and Sciences (Vice president 1946-48). Clubs: Harvard (Boston and New York); Cosmos (Washington); Century Association (New York); Charles River Country Club.

Author: Spendthrift Trusts, 1936; 2d ed. 1947

Cases on Federal Taxation, 1940; 2d ed. 1946; 3d ed. 1950;  
4th ed. 1954; 5th ed. 1960.

Cases on Conflict of Laws (with others), 1941; revised  
edition 1957; 5th ed. 1964.

The Fifth Amendment Today, 1955, Harvard University Press

General editor, American Case Book Series, West Publishing Co.

Contributor to legal periodicals.

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

BIOGRAPHICAL SKETCH OF  
REVEREND THEODORE M. HESBURGH, C.S.C.  
MEMBER

Reverend Theodore Martin Hesburgh, C.S.C., has been president of the University of Notre Dame since 1952. In addition to his many responsibilities as the head of one of America's leading universities, Father Hesburgh holds several important posts in the inter-related areas of education, science, government and public affairs.

By presidential appointment, Father Hesburgh is a member of the U.S. Commission on Civil Rights, the U.S. Advisory Commission on International, Educational and Cultural Affairs and the National Science Board. As chairman of the Board's Committee on International Science Activities, he visited the U.S. research centers in the Antarctic and at the South Pole in 1962. By appointment of Pope Paul VI and his two predecessors, Father Hesburgh has served since 1957 as permanent representative of the Holy See to the International Atomic Energy Agency in Vienna. He served as president of the Association of American Colleges in 1961, and in that year became a trustee of the Rockefeller Foundation.

Father Hesburgh was appointed sixteenth president of the University of Notre Dame at the age of thirty-five in June, 1952. His administration has been one of the greatest periods of physical growth and internal academic development in the University's 121-year history. Today he heads an institution with a beautiful campus of 1,000 acres, a distinguished faculty of 512 scholars and artists and a record enrollment of 6,801 students from every state in the Union and forty-four foreign countries.

Since Father Hesburgh's elevation to the presidency, Notre Dame has erected eighteen major buildings including the thirteen-story, \$9,000,000 Notre Dame Memorial Library which opened in September, 1963. Among the newer structures are a \$3,000,000 Computing Center and Mathematics Building, a \$2,200,000 Radiation Research Building, erected by the U.S. Atomic Energy Commission, and The Stepan Center. Construction will begin in 1964 on a Center for Continuing Education and two graduate residence halls, one for nuns, the other for lay students.

The new library, believed to be the largest college library building in the world, was the focal point of a three-year, \$18,000,000 Notre Dame development program which was completed successfully in June, 1963. Early in 1964, the University inaugurated its \$20,000,000 Challenge II Program, earmarking \$6,500,000 for faculty development and new academic programs, \$5,500,000 for student aid, \$5,000,000 for an Athletic and Convocation Center and \$3,000,000 for two undergraduate residence halls. In each of these two major development efforts, Notre Dame received a \$6,000,000 matching grant from The Ford Foundation as one of the original five participants in its Special Program in Education.

MORE

During Father Hesburgh's presidency a Freshman Year of Studies was created, new curricula were established in the Notre Dame Law School, the College of Arts and Letters and the College of Business Administration, and a comprehensive self-study was completed in the College of Engineering. During the same twelve year period professors' salaries have been increased substantially, and a number of internationally recognized scholars have been added to the faculty. Father Hesburgh has encouraged a marked development of student government at Notre Dame, stressing the importance of personal responsibility in campus life. There has been a steady increase in the number of Notre Dame seniors winning graduate fellowships in nationwide competitions. During the years 1960-63, Notre Dame ranked tenth among the nation's private universities in the number of Woodrow Wilson, National Science Foundation and National Defense Education Act fellowships won by its students (121).

Throughout his administration Father Hesburgh has reaffirmed Notre Dame's conviction that it is not enough for a university to develop mere professional competence in its students. Consequently, whether educating students in the liberal and fine arts, science and engineering, or business administration and law, Notre Dame endeavors to instill in its students a sense of moral responsibility which they retain throughout life.

Prior to becoming Notre Dame's president in 1952, Father Hesburgh served for three years as executive vice president of the University. During 1948-49 he was head of the theology department. He is the author of Patterns for Educational Growth and God and the World of Man, a widely used college text.

Father Hesburgh has been associated with several educational, scientific and cultural organizations in addition to those previously mentioned. He is a former director of the American Council on Education and currently is a member of the National Commission on the Humanities. He is a trustee of the Carnegie Foundation for the Advancement of Teaching and is serving as its president during 1963-64. A former vice president of the Institute of International Education, he is a member of its board of directors, having been chairman of its national advisory committee on Africa and head of its national screening committee for Fulbright grants.

Identified with the international atoms-for-peace program from the outset, Father Hesburgh was for several years a director of the Midwest Universities Research Association, which unites fifteen campuses in a project of high energy physics, and a member of the Policy Advisory Board of Argonne National Laboratory.

Notre Dame's president is a director of the Woodrow Wilson National Fellowship Corporation, the Nutrition Foundation, the Freedoms Foundation and Educational Services, Inc., of M. I. T. He is a member of the Advisory Council of the Institute of European Studies and the advisory boards of the National Students Association and the National Confederation of Catholic College Students as well as co-chairman of the National Catholic Conference for Interracial Justice

(Bio. - Father Hesburgh)

-3-

Father Hesburgh has been an early and enthusiastic booster of the Peace Corps and was instrumental in establishing a Peace Corps unit in rural Chile. A Fellow of the American Academy of Arts and Sciences, he holds the U.S. Navy's Distinguished Service Medal and has been honored by thirteen colleges and universities in this country and abroad. Institutions which have conferred honorary degrees on Notre Dame's president include Columbia University, Princeton University, Dartmouth College, Northwestern University, Indiana University, Brandeis University, the University of Rhode Island, Villanova University, Bradley University, Lafayette College, LeMoyne College, St. Benedict's College and the Catholic University of Santiago, Chile.

Father Hesburgh was educated at Notre Dame and the Gregorian University in Rome where he received a bachelor of philosophy degree in 1939. He was ordained a priest of the Congregation of Holy Cross in Sacred Heart Church on the Notre Dame campus June 24, 1943, by the late Archbishop John F. Noll of Fort Wayne. Following his ordination, Father Hesburgh continued his study of sacred theology at the Catholic University of America, Washington, D.C., receiving his doctorate (S.T.D.) in 1945. He joined the Notre Dame faculty the same year.

Born in Syracuse, N.Y., May 25, 1917, Notre Dame's president is the son of Anne Murphy Hesburgh and the late Theodore Bernard Hesburgh, an official of the Pittsburgh Plate Glass Company. A brother, James Hesburgh, was graduated from Notre Dame in 1955 and Harvard (M.B.A.) in 1960. Father Hesburgh has two sisters, Mrs. Robert O'Neill, Cazenovia, N.Y., and Mrs. John Jackson, Syracuse, N.Y. A third sister, Mrs. Alton Lyons of Oneida, N.Y., died in 1957.

8/31/64

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C.

BIOGRAPHICAL SKETCH OF  
ROBERT S. RANKIN  
MEMBER

Born in Tusculum, Tennessee

A.B. Degree, Tusculum College, 1920, summa cum laude

A.M. Princeton University, 1922

Ph.D. Princeton University, 1924.

Taught at Tusculum College from 1924-27

Joined the Duke Faculty in 1927 - chairman of the Department of Political Science 1948 through June 1964

At Duke: Served as assistant dean of the Graduate School 1929-35  
Served as a member of the Athletic Council  
Served as a member of the University Council

Visiting Professor appointments at other institutions:  
University of Alabama 1945  
Stanford University 1947  
Columbia University 1954

Professional societies:  
Member of the American Political Science Association and has been  
a member of the Executive Council of this group  
Member of the Southern Political Science Association  
President of this group, 1931

Fraternal affiliations:  
Omicron Delta Kappa  
Phi Kappa Psi

Fields of specialty:  
American government, constitutional law and state government

Publications:  
A number of articles appearing in THE JOURNAL OF POLITICS, AMERICAN POLITICAL SCIENCE REVIEW, NATIONAL MUNICIPAL REVIEW and the SOUTH ATLANTIC QUARTERLY and the books are listed on the following page.

Federal government positions:  
U.S. Commission on Civil Rights, Advisory 1958 and 1959  
U.S. Commission on Civil Rights, Commissioner (appointed by President), 1960 to the present

Local government post:  
Member of the City Council of Durham, 1955-60

MORE

(Bio. - Dr. Rankin)

-2-

State government field:

Member of the committee of the National Municipal League to provide a revision of the Model State Constitution (1960)

Books

WHEN CIVIL LAW FAILS, 1939

A CENTURY OF SOCIAL THOUGHT (ed.), 1939

READING IN AMERICAN GOVERNMENT, 1939

POLITICAL SCIENCE IN THE SOUTH, 1946

PRESIDENCY IN TRANSITION, 1948

FUNDAMENTALS OF AMERICAN NATIONAL GOVERNMENT (joint author), 1955

THE GOVERNMENT AND ADMINISTRATION OF NORTH CAROLINA, 1955

FUNDAMENTALS OF AMERICAN GOVERNMENT, 1957

STATE CONSTITUTIONS; BILL OF RIGHTS, (contributor), 1960

Most recent publications:

"Rights of Patients in Mental Hospitals," (co-author) in CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL, Hearings before the Subcommittee on Constitutional Rights on the Committee on the Judiciary, U.S. Senate, 87th Congress, first session, Part I.

FREEDOM AND EMERGENCY POWERS (co-author), 1964.

8/31/64

*These rules are currently being processed for  
Federal Register publication. JWB. 12/14/64*

RULES AND REGULATIONS OF  
THE UNITED STATES COMMISSION ON CIVIL RIGHTS

A. Operations and Functions of the Commission

The United States Commission on Civil Rights (hereinafter referred to as the "Commission") is a bipartisan agency of the Executive branch of the Government. Established under the Civil Rights Act of 1957, 71 Stat. 634, the Commission derives its responsibilities from that Act and from amendments to it in the Civil Rights Act of 1960, 74 Stat. 86, and in the Civil Rights Act of 1964, 78 Stat. 241. (Hereinafter the 1957 Act as amended will be referred to as "the Act.")

The Commission's responsibilities under Section 104(a) of the Act may be summarized briefly as follows:

1. Investigating sworn allegations that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of color, race, religion, or national origin;
2. Studying and collecting information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
3. Appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;
4. Serving as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin;
5. Investigating sworn allegations that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud and discrimination.

Under Section 104(b) of the Act the Commission is charged with:

--The submission of interim reports to the President and to the Congress at such times that the Commission, the Congress, or the President shall deem desirable, and the submission to the President and to the Congress of the final report of its activities, findings, and recommendations not later than January 31, 1968.

In fulfilling these responsibilities the Commission is authorized by the Act, as amended, to hold hearings; to constitute State Advisory Committees; to consult with Governors, Attorneys General, other representatives of state and local governments, and private organizations; and to issue subpoenas for the production of documents and the attendance of witnesses. The Act, as amended, also provides that all Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

B. Organizational Statement of the Commission

1. Members of the Commission:

Pursuant to Section 101 of the Act:

(a) The Commission is composed of six members, appointed by the President by and with the advice and consent of the Senate, not more than three of whom are of the same political party.

(b) The Chairman and Vice-Chairman of the Commission are designated by the President, the Vice-Chairman acting as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(c) No vacancy in the Commission affects its powers and any vacancy is filled in the same manner and subject to the same limitation with respect to party affiliations as the original appointment was made.

(d) Four members of the Commission constitute a quorum.

2. The Commission Staff:

Pursuant to Section 105(a) of the Act, as amended, the Staff of the Commission consists of a Staff Director, appointed by the President by and with the advice and consent of the Senate, and of such other personnel as the Commission may appoint within the limitations of its appropriation.

The Staff organization of the Commission is as follows:

(a) OFFICE OF THE STAFF DIRECTOR

The Office of the Staff Director is responsible, following general directives of the Commission, for fulfilling the statutory duties and responsibilities enumerated in the Act, as amended, by: providing for the over-all organization, management and administration of the Commission staff; developing and recommending top-level policies for Commission action, planning, organizing, operating and reporting on all programs, functions and activities approved by the Commission, and providing leadership to the heads of the several staff divisions and offices to assure a coordinated effort resulting in the maximum efficiency and effectiveness.

(b) OFFICE OF GENERAL COUNSEL

The Office of General Counsel is responsible for: the final review as to legal sufficiency, prior to submission to the Staff Director and the Commission, of the work product of the several staff units; final determination of all matters relating to the jurisdiction of the Commission and of its State Advisory Committees; the docketing; processing and disposition of complaints filed with the Commission; the planning, development and conduct of Commission hearings; all matters related to the issuance of subpoenas by the Commission; the conduct of Commission approved projects or surveys concerning the administration of justice; the preparation of Commission testimony on civil rights legislation; and all matters relating to the contractual authority of the Agency and concerning all laws, rules and regulations affecting the day-to-day operation of the Agency.

(c) OFFICE OF BUSINESS ADMINISTRATION

The Office of Business Administration is responsible for: the day-to-day administrative functioning of the Agency; planning, installing and implementing management controls and practices; providing personnel services including recruitment, placement and classification; the administration of funds including salaries, travel, procurement of supplies, materials, and the like; and providing general office services including messenger, files, reproduction, mail, space and related services.

(d) INFORMATION OFFICE

The Information Office is responsible for: the preparation and dissemination of Commission information by press release, press conference, personal appearance, personal contact or appropriate literature; maintaining the necessary liaison with all news media in connection with Commission hearings and other activity; and informational liaison with public and private groups and with the general public, including the reception and briefing of visitors and the scheduling of speaking engagements.

(e) FEDERAL PROGRAMS DIVISION

The Federal Programs Division is responsible for: maintaining liaison with the various Federal agencies on civil rights matters; appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; providing services to the Federal agencies in respect to civil rights policies and their implementation; the conduct of studies and field surveys in respect to Federal program policy and implementation; the preparation of analyses and reports on specific Federal programs for submission to the Commission; and the conduct of meetings and conferences for the purpose of exchanging ideas and information among Federal authorities and between Federal authorities and other public or private groups.

(f) RESEARCH AND PUBLICATIONS DIVISION

The Research and Publications Division is responsible for: locating, acquiring, classifying, analyzing and disseminating information on literature and events concerning the status of equal protection of the laws under the Constitution; maintaining a library and information center containing a comprehensive collection of materials pertinent to the civil rights field and a system of retrieval capable of filling requests for a wide range of information; the publication of periodic bulletins containing information on current developments and new literature in the various subject fields; research and preparation of special reports analyzing and interpreting series of developments in particular subject areas; the preparation of other pertinent informational materials; the editing and preparation for publication of Commission manuscripts and transcripts of Commission hearings; and maintaining the necessary liaison with the Government Printing Office and the General Services Administration in connection with Commission publications.

(g) FIELD SERVICES DIVISION

The Field Services Division is responsible for: organizing, servicing, supervising and keeping at full strength, State Advisory Committees in the 50 States and the District of Columbia; evaluating and assessing potential Committee members in order to maintain a representative Committee in each State; acting as liaison for Commission research projects requiring State Advisory Committee and regional, State and local public or private organization assistance or cooperation; planning such meetings and conferences of State Advisory Committees as may be necessary to enable the Committees

to fulfill their role as advisors to the Commission on State and local civil rights matters; giving technical advice and aid to the Committees in the development of reports to the Commission, including the preparation of such reports for publication; assisting in the collection and dissemination of information on the status of equal protection of the laws in the several States through the State Advisory Committee system and through other State and local resources; and the maintenance of such field offices as may be established by the Commission.

(h) VOTING AND INVESTIGATIONS DIVISION

The Voting and Investigations Division is responsible for: the detailed planning and implementation of Commission programs, surveys and investigations concerning denials of voting rights by reason of color, race, religion, or national origin; and concerning voting irregularities in Federal elections resulting from patterns or practices of vote fraud or discrimination; the necessary surveys in specific regional areas with regard to voting disparities, upon which the Commission may recommend that the Secretary of Commerce compile registration and voting statistics; the preparation of detailed analyses and reports on the status of voting rights for submission to the Commission; and such other field survey and investigative work as may be requested by the Staff Director in the implementation of other Commission approved projects of programs.

C. Rules on Hearings of the Commission

1. Definitions:

For purposes of the following Rules on Hearings of the United States Commission on Civil Rights, the following definitions shall apply, unless otherwise provided:

(a) "The Act" shall refer to the Civil Rights Act of 1957, 71 Stat. 634, as amended.

(b) "The Commission" shall refer to the United States Commission on Civil Rights or, as provided in Rule 2, to any authorized subcommittee thereof.

(c) "The Chairman" shall refer to the Chairman of the Commission or authorized subcommittee thereof or to any Acting Chairman of the Commission or of such subcommittee.

(d) "Hearing" shall refer collectively to a public session of the Commission and any executive session held in connection therewith.

(e) "The Rules" shall refer to the Rules on Hearings of the Commission.

2. Authorization for Hearing

Under Section 105(f) of the Act the Commission or, on the authorization of the Commission, any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of the Act, hold such hearings and act at such times and places as the Commission or such

authorized subcommittee may deem advisable; and the holding of hearings by the Commission or the appointment of a subcommittee to hold hearings pursuant to this section, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

### 13. Notice of Hearing

At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing.

### 14. Subpoenas

(a) Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued by the Commission over the signature of the Chairman and may be served by any person designated by him.

(b) A witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Rules at the time of service of the subpoena.

(c) 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.

(d) The Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses, except as provided in Rule 6(e).

(e) Requests for subpoena shall be in writing, supported by a showing of the general relevance and materiality of the evidence sought. Witness fees and mileage, computed pursuant to Rule 15, shall be paid by the person at whose instance a witness is subpoenaed.

(f) Witnesses shall be subpoenaed at a reasonably sufficient time in advance of their scheduled appearance, in order to give the witness an opportunity to prepare for his appearance and to employ counsel, should he so desire.

## 5. Conduct of Hearings

(a) The Chairman shall announce in an opening statement the subject of the hearing.

(b) Following the opening statement, the Commission shall first convene in executive session if one is required pursuant to the provisions of Rule 6.

(c) At a hearing, the Chairman shall, subject to the approval of the Commission--

(1) set the order of presentation of evidence and appearance of witnesses;

- (2) rule on objections and motions;
- (3) administer oaths and affirmations;
- (4) make all rulings with respect to the introduction into or exclusion from the record of documentary or other evidence;
- (5) regulate the course and decorum of the hearing and the conduct of the parties and their counsel to insure that the hearing be conducted in a fair and impartial manner.
- (4) Hearings shall proceed with reasonable and due regard shall be had for the convenience and necessity of witnesses.
- (2) The questioning of witnesses shall be conducted only by Members of the Commission, by authorized Commission staff personnel, or by counsel to the extent provided in Rule 7A.
- (4) In addition to persons served with a copy of the Rules pursuant to Rules 4 and 6, a copy of the Rules will be made available to all witnesses at a hearing.
- (9) The Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

6. Executive Session

- (2) 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.

(b) The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to us such evidence or testimony.

(1) Such person shall be served with notice in writing of the date, time, and place made available for the appearance of witnesses at executive session, at least ten days prior to such date, or where service is by mail at least 14 days prior to such date. This notice shall be accompanied by a copy of the Rules and by a brief summary of the information which the Commission has determined may tend to defame, degrade, or incriminate such person.

(2) The notice, summary, and Rules shall be served personally, by depositing the same in the United States mail as certified mail, or by leaving a copy thereof at the last known residence or business address of such person.

(3) The date of service, for purposes of this Rule, shall be the day when the material is deposited in the United States mail or is delivered in person, as the case may be. When service is made by certified mail, the return post office receipt shall be proof of service; in all other cases, the acknowledgment of the party served, or the verified return of the one making service shall be proof of the same.

(c) If a person receiving notice under this Rule notifies the Commission within five days of service of such notice, or where service is by mail, within 8 days of service of such notice, that the time scheduled therein constitutes a hardship, the Commission may, in its discretion, set a new time for his appearance at executive session.

(d) In the event such person fails to appear at executive session at the time and place made available under Section (b) or (c) he shall not be entitled to another opportunity to appear at executive session, except as provided in Rule 11.

(e) If such person intends to submit sworn statements of himself or others, or if he intends to request that witnesses appear in his behalf at executive session, he shall, no later than 48 hours prior to the time set under Section (b) or (c), submit to the Commission all such statements and a list of all such witnesses. The Commission will inform such person whether the number of witnesses requested is reasonable within the meaning of Section (b).

In addition, the Commission will receive and dispose of requests from such person to subpoena other witnesses. Requests for subpoenas shall be made sufficiently in advance of the scheduled executive session as to afford persons he wishes to subpoena reasonable notice of their obligation to appear at that session. Subpoenas returnable at executive session shall be governed by the provisions of Rule 4.

(f) Persons for whom an executive session has been scheduled, and persons compelled to appear at such session, may be represented by counsel at such session to the extent provided by Rule 7.

(g) Attendance at executive session shall be limited to Members of the Commission, authorized Commission staff personnel, witnesses and their counsel at the time scheduled for their appearance, and such other persons whose presence is requested or consented to by the Commission.

(h) In the event the Commission determines to release or use evidence or testimony which it has determined may tend to defame, degrade, or incriminate any person, in such a manner as to reveal publicly the identity of such person, such evidence or testimony, prior to such public release or use will be given at a public session, and the Commission will afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others.

#### VII. Counsel at Public Session

(a) Any person compelled to appear in person before the Commission and any witness appearing at a public session of the Commission will be accorded the right to be accompanied and advised by counsel, who will have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections.

(b) For the purpose of this Rule, "counsel" shall mean an attorney at law admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States.

(c) The failure of any person to obtain counsel shall not excuse him from attendance in response to a subpoena, nor shall any person be excused in the event his counsel is excluded from the hearing pursuant to Rule 5(g). In the latter case, however, the witness shall be afforded a reasonable time to obtain other counsel, said time to be determined by the Commission.

#### VIg. Evidence at Commission Hearings

(a) The rules of evidence prevailing in courts of law or equity shall not control hearings of the Commission.

(b) Where a witness testifying at a public session offers the sworn statements of other persons, such statements, in the discretion of the Commission, may be included in the record, provided they are received by the Commission 24 hours in advance of his appearance.

(c) The prepared statement of a witness testifying at a public session, in the discretion of the Commission, may be placed into the record or may be read into the record, provided that such statement is received by the Commission 24 hours in advance of his appearance.

(d) In the discretion of the Commission, evidence may be included in the record after the close of a public session, provided the Commission determines that such evidence does not tend to defame, degrade, or incriminate any person.

(e) The Commission will determine the pertinency of testimony and evidence adduced at its hearings, and may refuse to include in the record of a hearing or may strike from the record any evidence it considers to be cumulative, immaterial, or not pertinent.

#### 9. Cross-Examination at Public Session

If the Commission determines that oral testimony of a witness at a public session tends to defame, degrade, or incriminate any person, such person or his counsel shall be permitted to submit questions to the Commission in writing. In the discretion of the Commission, questions submitted may be put to such witness by the Chairman or by authorized Commission staff personnel.

#### 10. Voluntary Witnesses at Public Session

A person who has not been subpoenaed and who has not been afforded an opportunity to appear pursuant to Rule 6, may be permitted, in the discretion of the Commission, to make an oral or written statement at a public session. Such person may be questioned to the same extent and in the same manner as other witnesses before the Commission.

#### 11. Special Executive Session

If, during the course of a public session, new evidence is submitted which the Commission determines may tend to defame, degrade, or incriminate any person, the provisions of Rule 6 shall apply, and such extensions, recesses or continuances of the public session as it deems necessary shall be ordered by the Commission, except that the time and notice requirements of Rule 6 may be modified by the Commission provided reasonable notice of a scheduled executive session is afforded such person, and except that the Commission may, in its discretion, strike such evidence from the record, in which case the provisions of Rule 6 shall not apply.

12. Contempt of the Commission

Proceedings and process of the Commission are governed by Section 105(g) of the Act, which provides:

"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 pertinent, relevant and nonprivileged 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."

13. Intimidation of Witnesses

Witnesses to Commission hearings are protected by the provisions of 18 U.S.C. § 1505, which provide:

"Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any witness in any proceeding pending before any department or agency of the United States, or in connection with any inquiry or investigation being had by either House, or any Committee of either House, or any joint committee of the Congress; or

"Whoever injures any party or witness in his person or property on account of his attending or having attended such proceeding, inquiry, or investigation or on account of his testifying or having testified to any matter pending therein; or

"Whoever, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part with any civil investigative demand duly and properly made under the Antitrust Civil Process Act willfully removes from any place, conceals, destroys, mutilates, alters, or by other means falsifies any documentary material which is the subject of such demand; or

"Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress--

"Shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

#### 14. Transcript of Commission Proceedings

(a) An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Transcripts shall be recorded solely by the official reporter, or by any other person or means designated by the Commission.

(b) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof.

(c) Any person who has presented testimony at a hearing may ask within sixty days after the close of the hearing to correct errors in the transcript of his testimony. Such requests shall be granted only to make the transcript conform to his testimony as presented at the hearing.

15. Witness Fees

Pursuant to Section 102(j) of the Act: 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 ten 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; and mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

16. Attendance of News Media

Subject to the physical limitations of the hearing room and consideration of the physical comfort of Commission Members, staff, and witnesses, equal and reasonable access for coverage of public sessions shall be provided to the various means of communication, including newspapers, magazines, radio, newsreels, and television. However, no witness shall be televised, filmed, or photographed during the hearing.

nor shall his testimony be broadcast or recorded for broadcasting, if he objects.

17. Communications with respect to Commission Hearings

During any hearing held outside Washington, D.C., communications to the Commission with respect to such hearing must be made to the Chairman or authorized Commission staff personnel in attendance. All requests for subpoenas returnable at a hearing, requests for appearance of witnesses at a hearing, and statements or other documents for inclusion in the record of a hearing, required to be submitted in advance, must be submitted to the Chairman, or such authorized person as he may appoint, at an office located in the community where such hearing is scheduled to be held. The location of such office will be set forth in all subpoenas issued under the Rules and in all notices prepared pursuant to Rule 6.

D. Operations and Functions of State Advisory Committees

1. Name and establishment

Pursuant to section 105(c) of the Act, there are established by the Commission the State Advisory Committees to the Commission (each of which is hereinafter called the State Committee).

2. Functions

By invitation of the Commission, the State Committee is authorized to exercise the following functions within the limits defined in paragraph 3 of this statement.

(a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination.

(b) Advise the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws.

(c) Advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.

(d) Receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee.

(e) Initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied.

(f) Assist the Commission in matters in which the Commission shall request the assistance of the State Committee.

(g) Attend, as observers, any open hearing or conference which the Commission may hold within the State.

3. Scope of subject matter

The scope of subject matter to be dealt with by the State Committee shall be those subjects of inquiry or study with which the Commission itself is authorized to deal, pursuant to section 104(a) of the Act. The State Committee shall confine its studies to the State. It may, however, undertake to study subjects other than those chosen by the Commission for study, within the limits of the Act.

4. Membership

Subject to special exceptions made from time to time by the Commission to fit special circumstances, the State Committee shall consist of at least five members appointed by the Commission. Members of the State Committee shall serve for a fixed term to be set by the Commission upon the appointment of each member subject to the duration of advisory committees prescribed by section 8 of Executive Order 11007 (Feb. 26, 1962).

5. Officers

(a) The officers of the State Committee shall be a chairman and vice chairman and such other officers as the State Committee deems advisable.

(b) The chairman shall be appointed by the Commission.

(c) The vice chairman and other officers shall be elected by the State Committee by a majority vote of the full membership of the State Committee.

(d) The chairman, or in his absence, the vice chairman, shall:

(1) Call meetings of the State Committee.

(2) Preside over all meetings of the State Committee.

(3) Appoint all subcommittees of the State Committee, with the approval of a majority of the State Committee.

(4) Perform such other functions as the State Committee may authorize or the Commission may request, within the limits of the Act.

6. Subcommittees

The State Committee may:

(a) Approve the establishment of subcommittees, composed of members of the State Committee to study and report upon matters under consideration, and it may authorize such subcommittees to take specific action upon matters within the competence of the State Committee.

(b) Designate, with the prior approval of the Commission, or at the request of the Commission, individual members of the State Committee to perform special projects involving research or study within the scope of the subject matter defined in Paragraph 3.

## 7. Meetings

(a) Meetings of the State Committee shall be called whenever it is deemed necessary or desirable by the Chairman, or by a majority of the State Committee, or by the Commission, provided that the following conditions have been met:

(1) The Commission has given prior written approval of such meeting, and

(2) There is a quorum present. A quorum shall consist of one-half or more of the members of the State Committee, or five members, whichever is the lesser.

(b) Summary minutes shall be prepared and made available as soon as practical after each meeting for distribution to the members of the State Committee and to the Commission.

(c) The State Committee shall not, in conjunction with its meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under sworn oath, issue subpoenas, or conduct itself other than as an advisory body serving a Federal agency.

(d) Pursuant to the authority of Executive Order 11007\*, dated February 26, 1962, section 6(f) thereof, the Chairman of the Commission has made the following determinations:

(1) That the compliance with the requirements of section 6, subsections (a), (b), and (c) of the aforesaid Executive Order would interfere with the proper functioning of the State Advisory Committees of the Commission on Civil Rights, in that the

assignment of a full-time salaried officer or employee of the Commission to each of the State Advisory Committee meetings would be impossible and impractical within the limitations of the staff and budget of the Commission, and

(2) That the Commission on Civil Rights has retained Consultants, on a part-time basis, to assist the Commission staff in attendance at State Advisory Committee meetings to the end that the intent of the aforesaid Executive Order is complied with, and

(3) That adequate provisions have been otherwise made by the statement governing State Advisory Committees published herewith to insure that such committee operations are subject to Government control and in conformity with the proper purposes and functioning of the Commission, and

(4) That the nature of the function of the State Advisory Committees as set forth in the said statement governing the State Advisory Committees is such that the waiver of the aforesaid requirement specified in section 6, subsections (a), (b), and (c) of the said Executive Order are in the public interest; and

(5) That, therefore, the meeting of a State Advisory Committee shall not be subject to the requirements specified in section 6, subsections (a), (b), and (c) of the Executive Order 11007, dated February 26, 1962.

### 8. Reimbursement of members

(a) State Committee members may be reimbursed by the Commission by a per diem subsistence allowance and for travel expenses at rates not to exceed those prescribed by Congress for Government employees, for the following activities only:

(1) Attendance at meetings, as defined in paragraph 7(a).

(2) Any activity specifically requested and authorized by the Commission to be reimbursed.

(b) Members will be reimbursed for the expense of travel by private automobile on a mileage basis only to the extent such expense is no more than that of suitable public transportation for the same trip, unless special circumstances justify the additional expense of travel by private automobile.

(c) From time to time, the Commission may give prior authorization for the reimbursement of the State Committee for secretarial help and expenses of duplication and the like, for projects specifically requested by the Commission.

(d) No appropriated funds shall be made available to the State Committee except for the reimbursements authorized in this paragraph.

### E. Communications with the Commission

#### 1. Complaints

Any person may bring to the attention of the Commission a grievance which he believes falls within the jurisdiction of the Commission, as set forth in Section 104 of the Act. This shall be done by submitting

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a complaint in writing to Office of General Counsel, United States Commission on Civil Rights, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20425. Allegations falling under Section 104(a)(1) and (5) of the Act (discrimination or fraud in voting) must be under oath or affirmation. All complaints should set forth the pertinent facts upon which the complaint is based, including but not limited to specification of (a) names and titles of officials or other persons involved in acts forming the basis for the complaint; (b) accurate designations of place locations involved; (c) dates of events described in complaint.

## 2. Other Communications

Requests for information and for Commission literature should be directed to Information Office, United States Commission on Civil Rights, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20425.

Communications with respect to Commission hearings should be made pursuant to Rule 17 of the Rules on Hearings. All other communications with the Commission should be directed to Staff Director, United States Commission on Civil Rights, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20425.

## F. Confidential Information

1. By the provisions of Section 102(g) of the Act, 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, and any person who 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.

2. All information or documents obtained or prepared by any Member, officer or employee of the Commission, including members of State Advisory Committees, in the course of his official duties, or by virtue of his official status, shall, unless a matter of public record, be deemed confidential. No such person may permit the disclosure or use of the same for any purpose other than for the performance of his official duties.

3. Any Member, officer or employee of the Commission, including members of State Advisory Committees, who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in response to such subpoena and, unless otherwise directed by the Commission, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this Rule. Any such person who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.

A Preliminary Discussion with  
William Taylor, General Counsel,  
Civil Rights Commission

December 8, 1964

John G. Stewart

Through the device of the sub-Cabinet committee established early in the Kennedy Administration and chaired initially by Harris Wofford and now by Lee White, there has been a rather jerry-built and ad hoc process of coordination within the Federal government. Bill Taylor came to the Civil Rights Commission to deal with the problems of coordination on a more or less sub-rosa informal basis. There have been a variety of ad hoc task forces and subcommittees among particular agencies which have sought to deal with special problems. But these approaches are no longer adequate given the wide involvement of the Federal government which currently exists.

Taylor enumerated some special problems in certain functional areas:

1. Employment

Taylor made the usual observations about the overlapping of enforcement authority by a variety of agencies, committees, commissions, and semi-independent regulatory bodies. He made the good point that we must also consider the problem of matching the enforcement authority with the

affirmative problem of providing training and employment opportunity, along the lines contained in H1937, Senator Humphrey's Equal Employment Opportunity Act. This kind of matching and coordination, however, will require a central coordinating point. This is an aspect of the employment problem which had not been emphasized before and which should be considered carefully.

## 2. Voting

No particular problems here. Justice Department and the Civil Rights Commission are those primarily involved, with the Justice Department far more involved than the Commission. The Commission is currently engaged in some voting investigations in Mississippi but that is about the extend of their current activity regarding voting.

## 3. Public Accomodations

Here the progress has been very good. Taylor sees no particular problems of enforcing legislation and there is not any particular problem of coordination here.

## 4. Federal Programs (Title VI)

Unless there is careful management and coordination here, the principal result will be that nothing will happen in terms of effective and meaningful enforcement.

We must see that important decisions under Title VI are not made by default. For example, Mississippi State

recently was seeking a nuclear reactor from the Atomic Energy Commission. This problem was raised before the decision was made by the AEC and supposedly has been resolved. But if the AEC had made the decision to provide the reactor, and then it was discovered that it was going to Mississippi State, the problem could be very difficult to solve. Steps that should be taken under Title VI include the signing of assurances by persons and entities receiving Federal funds, procedure for compliance review, a process of information and education, and the means to provide for affirmative agency action to implement Title VI.

Jim Quigley in HEW has chaired an ad hoc committee on Title VI problems in the area of higher education. We should talk with Quigley about his work in this area. I understand his committee has been looking into the question of implementing Title VI -- who follows up on the individual colleges? Can we use the "primary interest" concept in this area? The agency having primary involvement with the particular campus would receive the authority and jurisdiction for working out problems on that campus. This is just one possible way which might be considered.

We must think in terms of personnel and staffing within the Federal agencies in terms of implementing Title VI. These people must understand the reasons for the regulations

and the importance of enforcing them or at least achieving a voluntary compliance. Taylor sees a danger of bureaucrats giving more deliberate speed than is necessary under the situation in order that ~~these~~ programs will not be disturbed. We might also want to speak with Dave Seeley in the Office of Education as well as Quigley.

Other areas of concern:

Under Title IV the Office of Education has not moved forward in implementing the technical assistance provisions of Title IV. They should be questioned about this and they should be asked how and when they intend to move ahead in this area.

Areas of intensive civil rights activity

In certain parts of the country, for example Mississippi and Alabama, there are a number of Federal agencies all involved simultaneously in civil rights activities. For example, in Mississippi the Justice Department, Civil Rights Commission, Community Relations Service, the President's Committee on Employment, Civil Service Commission, Title VI Regulations, and the Department of Defense are all factors in the life of that beleaguered state.

We must provide procedures whereby each of these Federal components will know what the others are doing.

This is largely the point which Burke Marshall made in his discussion.

#### The Community Relations Service

The personnel of the Service are still trying to get themselves organized. They have been interpreting the requirement of confidentiality of information on a very strict basis. Taylor thinks it is overly strict. We might want to raise this problem in our conversations with CRS people. The Service should be able to know the full Federal resources which exist in any community. Apparently this is a very difficult fact to establish and hampers them in the furtherance of their responsibilities.

There currently exists a number of agencies with conciliation responsibilities, including, Civil Rights Commission, Community Relations Service, President's Committees on Employment and Housing, and the Housing and Home Finance Agency, to name only the obvious. Also, the Department of Defense is involved in conciliation with its off base treatment of servicemen.

#### AGriculture

Taylor substantiated what Burke Marshall said, namely that for thirty years the whole system of American agriculture has been built up on the basis of heavy local control and involvement. When combined with agricultural

generally, this local control has served to exclude almost completely Negroes from participation in the affairs of the Department.

Taylor also complained about the lack of any progress in this regard in the Department. He suggested that the Department simply does not move ahead fast enough. He also noted that the people in the Department have no real conception of what civil rights is all about. For instance, the people view the school lunch program as simply providing a method of surplus food distribution rather than a vehicle for achieving certain welfare or social objectives.

#### General observations

Early in the Kennedy Administration the emphasis had been heavily on litigation. For that reason there was a focal point of activity in the Justice Department. Also the presence of the Attorney General and his relationship to the President served to reinforce this emphasis in the Justice Department. But we are now entering a period where litigation is no longer the primary activity of the Federal government. And for that reason we must develop new vehicles and procedures, which relate directly to the types of activities now undertaken, namely conciliation, voluntary compliance, education, and persuasion.

Interview with William Taylor, General Counsel, Civil  
Rights Commission, December 11, 1964

John G. Stewart

I asked Taylor to outline in general which he saw the Civil Rights Commission performing in the next four years.

He responded that the Commission's statutory functions will continue but probably to a lesser degree and will be of lesser importance than in earlier years.

The major problem here relates to the Department of Justice. The Commission now stays out of counties in Mississippi where Justice has litigation underway. It has been suggested by others that all investigatory functions in the areas of voting and litigation generally might be usefully transferred to the Department of Justice, thereby eliminating the possibility of conflicting interests at work in these delicate cases. Whether or not this could be done by executive order or reorganization plan would have to be explored with the Bureau of the Budget.

There has not been a full and free exchange of information between the Commission and the Department of Justice. For instance, the Commission wanted to assess Justice's information on extremist groups in Mississippi. While the FBI was willing to pass along this information to the Commission, the upper echelons of Justice felt it better if the

Commission did not have this information. And so the information was not transferred.

The Commission will also continue substantive studies of federal programs. For example, the civil rights problems in Agriculture are currently being investigated. The Commission has changed from an arm's length approach to the Department to a procedure where they are in close contact with the agencies while the study is going forward and sometimes weaknesses are corrected before the final report is issued by the Commission. In other words, they perform a certain negotiation function in the process of drawing up the report.

This indicates that the Commission might usefully perform a certain monitoring function for whatever coordinating structure is created. This should probably be an informal function since there could be no formal lines established. But this is something we would want to consider most seriously.

The Commission would be an overall supervisor of laws and regulations. But it would also seek to maintain some role as an active participant and provider of technical information to those engaged in operating programs. In any event, the Commission feels that it is important that

it maintain a certain freedom to be a useful critic.

The principal new area of Commission activity would be its clearinghouse function as authorized by the Civil Rights Act of 1964. This is a new area and one in which all the policy decisions have not yet been made. The Commission is still in the process of thinking through how it can best serve in this clearinghouse role.

Three aspects appear to present themselves:

1) The Commission can provide the technical assistance to government agencies in implementing their civil rights responsibilities.

2) The Commission can provide informational resources in the area of community relations. The Community Relations Service, for example, needs help in knowing what precisely are the Federal resources in any town.

3) It would be a central repository for all civil rights information and this information would be available to both government agencies and private sources. For example, one should know precisely on any given campus the number of federal programs with civil rights considerations. One should also have this information for any particular town or section of the country. This aspect of the clearinghouse function would probably be best handled through some system of automatic data processing.

There is a great deal of information which agencies need to know to carry out their civil rights functions. Who are the people in the community you must deal with in civil rights? What is the status of desegregation in any given town? This type of information must be coordinated among the agencies. All agencies should know what the other agencies are trying to do so that the actions of one agency would not frustrate or injure the actions of another agency. What is the total federal impact in any given situation?

We should consider authorizing the Commission to issue a regular series of publications that would set forth a great deal of this information and make it easily available. If the proper procedures are set up early in the game, this could be a very valuable tool to all people working in the area of desegregation and community relations.

There is also obvious need for information sharing in Title VI and in other controversial areas. Conferences, frequent meetings of a regional character would also supplement usefully whatever publications would be issued.

There could be cooperative educational programs among agencies.

Taylor mentioned one final aspect of the clearinghouse operation, namely, assisting state and localities to work out their own civil rights programs. Again, this is one of technical assistance and advice.

Taylor sees the Commission performing more of a technical assistance operation whereas the Community Relations Service performs more of an on-site operation in response to a specific need.

Taylor noted that there must be some reliable intelligence structure that will funnel in relevant civil rights information into the Commission if it were to perform a clearinghouse function. Taylor noted that the State Advisory Committees could perform some basis for such a role. Also, the Commission is moving toward the establishment of six regional offices that also could help with these intelligence responsibilities.

There is need for some informal structure in the bureaucracy to concern itself with basic civil rights problems, those problems not concerned with day-to-day operating decisions. There must be built in some way to carry forth a procedure of moving ahead of crises instead of merely reacting to crisis situations. Up to now this kind of function has been performed by the Ad Hoc Working Group on Civil Rights, a rather selected group of the subcabinet on civil rights. Taylor was not much in favor of an established President's Committee on Civil Rights. He favored a more informal structure, although he was not able to provide a clear means of how one would staff such an informal structure.

Taylor emphasized the need to develop systems for breaking through the bureaucracy. One must also provide structures in local communities to mobilize fully community resources. The poverty program, for example, can be used to advance civil rights concerns in many communities. To effect this, there must be clear channels of communication from community to the coordinating committee or the White House and then channels from the White House to the coordinating committee to the bureaucracy. It is vital that states and localities be tied into this process.

We should also be concerned with the process of correcting individual grievances as they ~~arise~~ arise. Taylor noted that the Commission has been a place where individuals have often brought complaints dealing with social security, veterans problems, etc. These were negroes who felt they had no other access to the bureaucracy except through the Civil Rights Commission. Bookbinder noted at this point in Great Britain, the existence of Citizens Advice Bureaus. These are neighborhood centers staffed by volunteers who in a sense provide the kind of casework function which is carried on by Congressional offices in the United States. Eventually we might want to think in terms of some procedures whereby we can process these individual civil rights grievances in a prompt and efficient way. This kind of treatment would go far toward building up the fate of the negroes in the Federal government and, conversely, the absence of such concern would contribute greatly to diminishing their respect and faith in the Federal government.

Taylor emphasized that the agencies had now come to the point where civil rights considerations can no longer be ignored. He also noted that he believes that the Federal agencies are beginning to understand that the Civil Rights Commission is a resource of people and information which can be useful to these Federal agencies in implementing their civil rights responsibilities. This feeling has been substantiated among agencies. In particular, I believe the Commission was very helpful in the formulation of Title VI regulations.

Taylor also emphasized that the Community Relations Service must be instructed to communicate more effectively with other agencies in government. They are engaged in an overly strict interpretation of the confidentiality clause in the legislation. As I recall this clause, it related to the substance of the conciliation efforts which are going forward, much like labor and management disputes. Surely it did not extend to civil rights information generally which would be of use and assistance to other agencies in meeting their responsibilities. This is a problem we should explore with Governor Collins.

As noted earlier in the memo, Taylor recommended against a highly formalized coordinating structure. He preferred the Vice President to have a personal staff for coordination. Then the Vice President would meet with the subcabinet group

and establish ad hoc working groups as needed. There would also be informal task forces to look ahead in the civil rights area.

Taylor noted that the President's Committee on Housing has not performed well. He said that the Housing Committee really has diluted the responsibility in the Housing area. It gave Weaver an opportunity to slough off responsibilities to the Committee in the area of housing. And the Committee then did little to follow up.  
plea that

Taylor closed with another ~~plea~~ that the Civil Rights Commission should be considered in a role as overall monitor of Federal agencies in the Executive Branch.

# COPY

December 9, 1964

The Honorable Orville L. Freeman  
Secretary of Agriculture  
Washington, D. C.

Dear Mr. Secretary:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

Conversation with Joe Robertann,  
Administrative Assistant Secretary,  
Department of Agriculture  
(Also participating in the discussion  
were Bill Seaborn and Elmer Mostow)

December 15, 1964

John G. Stewart

There are two principal <sup>problem</sup> areas in the Department of Agriculture. One relates to ~~the~~house employment problems. The second relates to the application of Title VI regulations in the various agricultural line programs.

The principal problem areas are as follows:

- 1) Desegregation of the Extension Service. In many southern areas the Extension Service has been traditionally segregated, that is, there have been Negro county agents, Negro 4-H Clubs, and a variety of segregated extension activities.
  - 2) The employment policies in the ASCS, the county committee offices. These employees are paid by Federal funds although they are nominally considered to be employees of the County Committee rather than the Federal government. These committees have practically no Negro employees and since they work in the local county offices, the problem of desegregation will be extremely difficult here.
  - 3) The school lunch program. Here funds are distributed to states, counties, and local school districts. Once the funds are distributed there have traditionally been no further inquiries as to how the money is dispensed and how the food is distributed.
- In all of these programs there is the standard rule of thumb

that whenever you lack state or local cooperation you have serious problems in the distribution of funds on a non-discriminatory basis.

In Mississippi, for example, the state has said that if you attempt to desegregate the Extension Service they will refuse Federal funds and run the operation on state funds and for whites only. It is also important to note that some Negroes have a vested interest in the maintenance of a segregated extension service system. Certain Negro colleges, for example, would keep the system segregated as long as they had the extension service office on their campus. Also some Negro county agents would probably lose their jobs or be downgraded if the county agent system were fully integrated. In Florida, for example, white county agents must have an M.A. degree, Negro county agents need not have such a degree.

There have been already some discussions to prepare the extension service people for the application of Title VI. The regulations have been discussed with the state directors and they have been requested to submit the plans of operation to bring the system into compliance. But all of these efforts are preliminary to the difficult battle which lies ahead.

One should also note that there is very little Negro participation in the extension service in northern states. In fact, statistics which will be submitted to us indicate that there are more Negroes operating in the extension service in the south than there are in the north. There is also the problem that

many county courthouses give free rent to the Agriculture Department for the Farmers' Home Administration Extension Service in ASCS offices. If these were desegregated the county courthouse would probably evict the Department of Agriculture and they would have to seek rented facilities elsewhere.

Robertson fully expects that <sup>funds for</sup> ~~several programs~~ <sup>in certain states</sup> ~~will have~~ to be cut off to prove that Title VI is something to be taken seriously. The bureaucracy is steeped in the old system. Career people in the Bureaus run their own programs and will not harken easily to serious disruptions due to Title VI regulations.

There is a particularly difficult situation looming up in the spring in the application of Title VI regulations. If Title VI assurances are not received by April 1, then proceedings under Title VI will be undertaken to bring the recipients into compliance. If they have not been brought into compliance by July 1, no further money will be available in the next fiscal year.

The Civil Rights Commission will release its critical report of the Department of Agriculture sometime in late February or early March. This report will undoubtedly bring the Negro groups down heavily on the Department and there will be great pressure to enforce Title VI very stringently. At the same time, however, the Department will be up on the Hill with its appropriations hearings in both the Senate and the House.

The cross-pressures in the situation to, on the one hand, go ahead with cut off of funds, and on the other hand not to go ahead with such cut off of funds will be tremendous. This is just to outline and highlight a very difficult situation which will be developing sometime in the spring.

Robertson suggested that Senator Humphrey might very well want to sit down with Congressional leaders in the agricultural area before this problem gets out of hand. This should be some off-the-record discussions of the difficult problem which exists and how the Department has no alternative but to go ahead and cut off these funds. This is something which definitely should be done once we have the basic organization and structure of the coordinating operation in hand.

It was also suggested that the President at a Cabinet meeting might very well want to make this kind of statement, namely, that the Cabinet officers have one principal job, and that is to enforce Title VI regulations. Whatever political flak is generated, and there will be a great deal, it should be directed toward the White House and not the individual Cabinet Secretaries. Unless the Cabinet members receive some firm impetus in this direction, they will naturally tend to hang back and each will tend to seek refuge from political pressures which otherwise might be deflected against the White House.

We should also seek to get the business support for the desegregation of these agricultural activities, particularly those like the 4-H Clubs which have a strong tie to the business world. We might want to explore informally with the Farm Bureau to see what assistance they can be in this kind of operation. Perhaps there will be no assistance at all but this is an idea which might be discussed informally with the appropriate people.

A Preliminary Conversation with  
Roger Wilkins, Community Relations Service

December 10, 1964

John G. Stewart

Wilkins called my attention to a massive paper prepared by Governor Collins proposing a new civil rights agency. Both Wilkins and Harold Fleming opposed this concept when it was set forth within the Community Relations Service. This proposal should be considered seriously before Senator meets with Governor Collins.

The philosophy behind the Collins proposal is essentially this: that the private civil rights groups have gone about as far as they can realistically go in the immediate future. Therefore, the government should play a far broader and more affirmative role in the civil rights movement than it has to date. Only the government has the resources to attack the fundamental problems of poverty, deprivation and unequal educational opportunity. Collins also apparently feels that the President received a massive mandate to move forward vigorously in the area of civil rights. These are also questions which the Senator might wish to explore with Collins at their meeting.

The Community Relations Service has not yet completed its professional staffing. Of 26 authorized positions only 16 have been filled to date. We might want to inquire when they expect to be operating with a full staff. Wilkins views Community Relations Service performing the function of catalyst in the area

of civil rights within the Federal bureaucracy. He sees the Service as a generator of activities which other people would <sup>should</sup> carry out. For example, a number of steps ~~might~~ probably be taken now to avoid massive riots in our urban centers next summer. An interdepartmental program aimed at this problem is something which the Community Relations Service may propose, bring it to the attention of the Vice President in his role as general civil rights coordinator, and then ask operating assistance from the other line agencies; for example, the Office of Economic Opportunity, Health, Education and Welfare, and the Department of Labor.

The Service also might perform a similar role among private groups and organizations. They are currently interested in finding out why certain bi-racial committees are successful and others are not. They might seek to call in experts as consultants to provide whatever technical assistance they might need and request them to provide some insights into this question.

The Community Relations Service also hopes to provide follow-up programs to help communities that have begun the process of desegregation and improvement of relations between the races. For example, Community Relations Service played a major role in the recent developments at McComb, Mississippi. But, having done this, the Service had also better be ready to help McComb continue this process. This might mean helping communities put together

a package of Federal and state resources, helping organize and assist private groups, and, in general, give them the mechanisms to help local communities solve these difficult problems effectively.

d It should be noted at this point that this kind of broader function envisioned by Wilkins for the Community Relations Service is not the function envisioned by many other people in the executive branch. They see the Service performing a far narrower conciliatory role, responding to specific crises rather than seeking to provide the long-term programs which ultimately will reduce racial tensions in difficult areas. Governor Collins' opinion on the role of the Service must be sought and explored at some length.

Wilkins <sup>was</sup> also asked to comment on the present status and role of the ~~Community~~ Civil Rights Commission. He felt that the Commission ought to be the prodders, innovators and initiators of ideas within the Federal government. The Commission might also serve as a general monitor of the activities of other Federal agencies. Wilkins' thoughts on the Civil Rights Commission point up the problem of distinguishing clearly between the roles of the Community Relations Service and the Civil Rights Commission. The people at the Commission, incidentally, view themselves less as innovators and more as providers of technical services and assistance to people who are innovators.

This is a role which should be explored with a number of people in Humphrey's interviews.

In any event, Wilkins emphasized that there must be some channel whereby new ideas and insights can be pumped into the executive machinery and given serious consideration. This is clearly a role which Humphrey, as general coordinator, could perform.

Later in the interview, Wilkins talked about the Service as primarily responding to a specific need such as the need for a ghetto project to diminish the likelihood of riots next summer. This view again conflicts slightly with his earlier statements about the Service as a catalyst and generator of Federal activities.

I asked Wilkins for his general thoughts on how the coordination might be best achieved. He thought we might wish to consider as a model the Special Group on Counter-Insurgency developed in the early years of the Kennedy Administration. This organization had a small staff with a direct White House connection and with clear Presidential interest and involvement. The principals to the special group almost always attended. Wilkins thought that a similar group for civil rights should be chaired by the Vice President. There would be an Executive Secretary and a small staff who would keep tabs on Federal activities. There would also be a Humphrey contact man in each principal agency who would be a source of intelligence and information. The special group

would appoint a number of working subcommittees in <sup>response</sup> ~~response~~ to particular needs or problems, for example, the immediate need to develop an organized Federal project for Mississippi. There are at present a number of Federal agencies acting more or less independently within the state and sometimes at cross purposes. The Civil Rights Commission is thinking of holding hearings in Mississippi and it has been thought by some that these hearings would further complicate the role which Justice must perform in the prosecution of its voting suits and other litigation.

Coordination to be effective must come from power. The Bureaucracy has to be made to move. There will be a strong tendency for heads of operating programs to avoid and sluff off their civil rights responsibilities since such responsibilities only contain potential for disrupting their programs. There is a need for creative, affirmative thinking within the Federal bureaucracy in terms of civil rights. The coordinating center could actively foster and encourage such creative efforts.

Preliminary Observations about relevant questions  
for Senator Humphrey in conversations with Cabinet officials

December 14, 1964

John G. Stewart

Civil Rights Commission

What new areas, if any, will the Civil Rights Commission seek to enter in the coming years? Does the Civil Rights Commission intend to continue its investigatory functions and responsibilities?

Would the Commission be amenable to performing, probably on an informal basis, the kind of monitoring function over Federal agencies to see that they are implementing their responsibilities in civil rights?

How does the Commission see it fulfilling its mandate to act as a national clearinghouse on civil rights matters? What ways would the Commission suggest to improve the national intelligence network on civil rights information? How can the Commission help improve access to the Federal bureaucracy to Negro complainants, both on a personal and organizational basis?

How can the Commission help contribute to the maintenance of creativity and imagination in relating the Federal bureaucracy to the civil rights problems in America? Can the Civil Rights Commission provide technical assistance information to government agencies -- federal, state, and local -- engaged in carrying out civil rights responsibilities? In other words, can the Civil Rights Commission help governments meet their new duties in civil rights?

What relationship should exist between the Civil Rights

Preliminary Observations - JGS

Additional questions under Civil Rights Commission section:

What is your relationship with the Department of Justice and how do you avoid situations where the actions of one frustrate the programs of another? (For example, the Commission is planning to hold hearings in Mississippi soon and there has been some suggestion that this would conflict with activities also going forward by the Justice Department.)

How can we most effectively avoid such conflicts?

Commission and the Community Relations Service? What functions can the Civil Rights Commission perform which the Service cannot? How can the Commission most effectively assist the Service in meeting its responsibilities?

#### Community Relations Service

The Senator should, first of all, comment on Collins' massive report which we now have. Chuch Phillips is preparing a summary of this report for the Senator.

When does the Community Relations Service plan to have full staff on board and functioning actively in the process of desegregation of places of public accomodation?

What will be the Service's principal activities for the next year? Will activities in future years differ markedly from the early activities?

Can the Service perform a role of identifying problem areas ahead of time and then serving as a catalyst to bring full resources of the Federal government to combat these problem areas? To what extent can the Community Relations Service get away from immediate short-term needs and consider longer run problems? Is this more <sup>the function of</sup> the Civil Rights Commission? What <sup>should be</sup> ~~is~~ the relationship between the Community Relations Service and the Civil Rights Commission?

To what extent can the Service provide follow-up assistance to communities which are in the process of desegregation ?

What resources will there be to perform this kind of function? Would these resources come from operating line agencies or directly through the Service? What principal difficulties, if any, have existed between the Service and other Federal agencies?

How can the Service effectively coordinate its work with the activities of the Department of Justice? How can we avoid situations where the Department of Justice enters into litigation at precisely the time when the Community Relations Service is seeking voluntary settlement in some specific community? Do such consultative devices exist at present?

What is the idea to channel new ideas and insights on civil rights into the Federal bureaucracy?

#### Department of Health, Education and Welfare

How will HEW implement fully the regulations recently issued under Title VI of the Civil Rights Act of 1964? How will the bureaucracy be made to move in constituent agencies of HEW? How can the factor of civil rights be made a relevant one to operating heads of line agencies? How will HEW secure the manpower necessary to implement Title VI? What political problems are envisioned in seeking such appropriated funds? How can we meet the difficulties in this area? How will the Department deal with the problem where a number of constituent agencies operate on a particular

campus of an institution of higher learning? How will you maintain a consistent and sustained policy among these various agencies? Is the Office of Education in a position to play a general coordinating role within the Federal government for institutions of higher learning? How might this role be fulfilled effectively? What steps has the Office of Education taken to implement its responsibilities under Title IV of the Civil Rights Act? (Sec.402- Commissioner shall conduct a survey and make a report to President and Congress within 2 years of enactment of C.R. Bill concerning lack of availability of equal educational opportunity; Sec.403 - Commissioner authorized to render technical assistance for desegregation of public schools; Sec.404- Commissioner authorized to arrange institutes for special training of teachers to cope with problems raised by desegregation; Sec.405 - Commissioner authorized to pay, through grants, various costs dealing with desegregation of public schools.)

What steps can we take within HEW to assure prompt and effective response in situations where Negroes are discriminated against, how can we keep the bureaucracy from passing such complaints around in a circle? How will the Office of Education avoid conflicts with the Justice Department in meeting their respective responsibilities under Title IV? For example, the Commissioner might find that a

particular school district or campus did not meet Departmental requirements for desegregation when in fact the Department of Justice through a voting suit might produce from the courts an opinion that desegregation was moving forward at a sufficient rate? How can such difficulties be avoided? What coordination will exist between the Office of Education and the Department of Labor which funnels Federal money into almost every high school through vocational education programs?

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December 8, 1964

The Honorable LeRoy Collins  
Director  
Community Relations Service  
Department of Commerce  
Washington 25, D.C.

Dear Governor Collins:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Community Relations Service in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

- (1) The functions assigned to your Service in the area of civil rights;
- (2) The areas of your Service's responsibility which might overlap with the duties of other departments and agencies;
- (3) The principal difficulties which you foresee in carrying out your responsibilities;
- (4) Your thoughts and recommendations on how your Service might fulfill its responsibilities most effectively and efficiently; and
- (5) Your general ideas on the functions of the Federal government in the area of civil rights at this point in our history.

In order to facilitate our consultation, I am asking John G. Stewart of my staff to discuss with the appropriate members of your Service the kind of information we hope to develop and to arrange a mutually convenient time for our meeting.

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I look forward to discussing with you these matters of vital national concern. I am particularly anxious to have the benefit of your personal thoughts and insights and I am confident our meeting will be most productive.

Sincerely,

Hubert H. Humphrey

# COPY

December 9, 1964

The Honorable LeRoy Collins  
Director  
Community Relations Service  
Department of Commerce  
Washington 25, D. C.

Dear Governor Collins:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

# COPY

December 9, 1964

The Honorable Luther H. Hodges  
Secretary of Commerce  
Washington, D. C.

Dear Mr. Secretary:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

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Sincerely,

Hubert H. Humphrey

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Community Relations Service  
Department of Commerce  
Washington 25, D. C.

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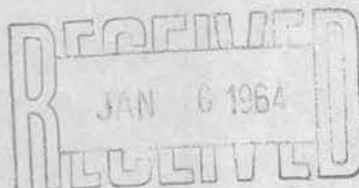
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SNCC

313 Franklin St.  
Selma, Alabama

12-23-64

Mr. Robert S. McNamara  
Secretary of Defense  
Department of Defense  
The Pentagon  
Washington D.C. 20301



Dear Sir;

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In September, 1964 Mr. Worth Long, A Student Nonviolent Coordinating Committee Field Secretary, Secured an interview with the commander of Craig Air Force Base, Colonel Richard Ault. Mr. Long requested that Selma be placed off limits to base personnel because of the gross discrimination practiced against Negroes. Colonel Ault and, presumably, his superiors in Washington refused the request. The reason for the refusal, according to the Selma Times-Journal of September 20, 1963 was that the request was based on "alleged discrimination against civilians rather than servicemen".

After careful observation and consideration it is my conclusion that Negro servicemen continue to be discriminated against in and around Selma, Alabama. To my knowledge there are no desegregated facilities in Selma other than the bus depots, theaters and the public library.

Last week in the Justice Department Suit which was filed by Ex-Attorney General Robert Kennedy before his resignation against the Thirsty Boy, Selma Doll, Chicken Treat, Glass House and Perrin's Cafeteria Negro airmen testified that they had been discriminated against in establishments in Selma. Sargent Leo C. Taswell, told the court of being turned away from Carter's Drug and the Glass House, two eating places in Selma. On July 26, 1964

There can be no doubt that you say the right things. On June 7, 1963 you signed a directive on the subject of Equal Opportunity in the Armed Forces. In part your directive stated, "Discriminatory practices directed against Armed Forces members, all of whom lack a civilian's freedom of choice in where to live, to work, to travel and to spend his off-duty hours, are harmful to military effectiveness. Therefore, all members of the Department of Defense should oppose such practices on every occasion, while fostering equal opportunity for servicemen and their families on and off the base." A year went by in which you didn't do any thing and before you had any more to say.

Then came your memorandum of July 10, 1964. It stated, "The President has made it very clear that he expects each department to move with dispatch within its areas of concern in developing programs and policies which will give full effect to the Civil Rights Act.

In the Department of Defense this means, primarily, the vigorous, determined sensitive commitment by military commanders to a program of fostering and securing equal treatment for all their men, and their families, off base as well as on. This has been our policy for sometime now, but the Civil Rights Bill creates new opportunities to win equal treatment for all servicemen, and we cannot afford to lose any opportunity to gain a goal so simple, so just and so compelling.

C I want to make it very clear that it is and will be a continuing responsibility for all commanders to foster equal treatment for every serviceman, and to support him in the lawful assertion of the rights guaranteed to him by the Constitution and the Civil Rights Act of 1964."

O You have had your say! When are you going to "move with dispatch"? In light of all your positive pronouncements on equal treatment for all servicemen, I can't conceive of any reason for the segregated situation to persist in Selma other than that Colonel Ault, the Air Force, your department, and the President are unwilling to meet the truth head on with positive action.

P Segregation is a fact in Selma. A brief interview with the Negro airmen stationed at Craig Air Force Base would establish that the only consistent thing you can do, considering your June 7, 1963 directive and the memorandum of July 10, 1964, is to start proceedings to place the majority of Selma Establishments "Off Limits" to armed service personnel.

Awaiting your positive action and reply.

Yours for Justice and Freedom,

cc to:

J.A. Love  
SNCC Project Director  
Selma, Alabama

President Johnson  
Vice President Humphrey  
Mr. Albert B. Fitts  
Mr. Steve Shoman  
Mr. Eugene M. Zuckert  
Mr. Norman S. Paul  
Col. Richard Ault  
Sen Richard B. Russell  
Sen Margaret Chase Smith  
Chairman House Armed Services Committee  
Hon. Samuel S. Stratton  
Hon. Jeffery Cohelan  
Hon. Charles Diggs  
U.S. Commission on Civil Rights  
Civil Rights Information Service  
Mr. Julian Bond  
Mr. Joel Dressler  
office

Conversation with Adam Yarmolinsky

December 15, 1964

John G. Stewart

Adam pointed out that there are, in general, two kinds of Committees: 1) a committee of government officials which can be useful, and 2) a committee of public members which must be strictly advisory in nature.

Whatever is formed in terms of a Cabinet Committee should have a working group attached to it which should be small, probably not to exceed 8 persons.

Whatever structure is agreed upon, it cannot be an operating agency and should not be given those types of responsibilities. The Civil Service Commission, for example, might well be given the responsibility for the Federal employment opportunity. We should talk to John Macy about this.

In the Plans for Progress aspect of the President's Committee for Equal Employment Opportunity we should make sure that agreement to participate in Plans for Progress does not excuse the companies from compliance responsibilities and reports. We should talk to Ralph (Rip) Horton in the Department of Defense about this. There should probably be in existence a small sub-cabinet group which meets regularly ahead at upcoming civil rights problems and to devise new initiatives in the area of civil rights.

Adam warned against having any sort of staff director of a President's Committee on Civil Rights. He preferred a

special assistant to the Vice-President in order that we aren't given the impression of creating a bureaucracy or expanding operation in the area of civil rights. It also would avoid growing feuds with appropriations sub-committees who object strongly to agencies contributing to the support of an inter-departmental staff, particularly in the area of civil rights. We might examine putting this person on the Bureau of the Budget payroll or something like that.

Adam also indicated that the intelligence operation, that is the coordination of all civil rights information in the government, should be a White House function. This would help keep the agencies tied together but this should be a source of intelligence available to the top levels of the administration.

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December 8, 1964

The Honorable Robert S. McNamara  
Secretary of Defense  
Washington, D. C.

Dear Mr. Secretary:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Department of Defense in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

(1) The functions assigned to your department in the area of civil rights;

(2) The areas of your departmental responsibility which might overlap with the duties of other departments and agencies;

(3) The principal difficulties which you foresee in carrying out your responsibilities;

(4) Your thoughts and recommendations on how your department might fulfill its responsibilities most effectively and efficiently; and

(5) Your general ideas on the functions of the Federal government in the area of civil rights at this point in our history.

In order to facilitate our consultation, I am asking John G. Stewart of my staff to discuss with the

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appropriate members of your department the kind of information we hope to develop and to arrange a mutually convenient time for our meeting.

I look forward to discussing with you these matters of vital national concern. I am particularly anxious to have the benefit of your personal thoughts and insights, and I am confident our meeting will be most productive.

Sincerely,

Hubert H. Humphrey

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Sincerely,

Hubert H. Humphrey

Conversation with Stever Shulman,  
Deputy Assistant Secretary for Manpower and  
Industrial Relations, Office of the Secretary of Defense

December 12, 1964

John G. Stewart

Shulman first described certain aspects of the President's Committee on Equal Employment Opportunity. He served as Executive Vice-Chairman for about four months when Arthur Goldberg was Secretary of Labor. Shulman pointed out that the power structure within the Committee provides most of the operating power with the Vice-Chairman, that is the Secretary of Labor. The Chairman, that is the Vice-President, has little power on paper compared to the Vice-Chairman. Therefore, it is most important that there be good and amicable relations between the Chairman and the Vice-Chairman.

The Executive Vice-Chairman is in an awkward position. He must respond effectively both to the Chairman and to the Vice-Chairman of the Committee.

Shulman believed that the Plans for Progress aspect of the Committee's operation has been very successful. A Bill Miller, President of a textile corporation is ~~now~~ public head of the Plans for Progress operation. Initially this was a very delicate and controversial part of the Committee's work. Now it has won wide acceptance throughout the business community and has taken over as the most publicized part of the Committee's work. Hobart Taylor has been very active with the Plans for Progress, and has been less involved with the compliance features of the Committee's responsibility.

Shulman thought that the Committee's role in Compliance is really a very minor one and is not really known. He felt that there was very little that could be done since the operating agencies took responsibility for this aspect of the program. Shulman did, however, agree that it might be helpful to have enough staff with the President's Committee to permit some spot-checking of the compliance work done by the Departments.

With the existing range of responsibilities with the President's Committee Shulman thought that most of the work could be done by part-time people and, in fact, being done by part-time people.

Shulman also noted that problems which exist with in-house employment. The essential problem is you can't let agencies be both defendant and judge in their own cases. But Shulman emphasized the number of actual complaints has been very small. In the four-month period he served as Executive Vice-Chairman there were only two cases in which actual discrimination was discovered in Federal agencies. At the same time, however, he was willing to admit that the agencies are not moving ahead with sufficient speed and determination in promoting equal employment opportunity. He suggested that we discuss with John Macy the possibility of turning these functions over to the Civil Service Commission. The other aspect of the Committee's operation deals with government contractors. There are two principal sub-categories, namely, the Plans for Progress and the compliance surveys.

Shulman thought it would be a great mistake to abandon the Plans for Progress operation ~~so~~ to merge it into the EEO Commission too early in the Commission's existence.

I next discussed with Shulman his thoughts for the conversation between Secretary McNamara and Senator Humphrey. He thought the principal question they should explore is this: the extent to which the military services are used to promote civil rights. How much military muscle do you want to use in particular areas, such as Selma, Alabama?

The principal weapon which the military has at its disposal, a weapon which has never been used, is the right to declare particular establishments, apartment houses, off limits to servicemen. This could be a devastating device if ever actually put to use.

In the civil rights aspect of Shulman's operation, Howard Bennett has been spending most of his time in trying to improve the caliber of ROTC units at the Negro colleges. He has also been recruiting Negro applicants to the Service Academies. There also is the off-base problem which this office has attempted to deal with. They've had some successes in meeting these difficult situations, for example Aberdeen, Maryland, where three motels were effectively integrated. They've also had some conspicuous failures such as Kansas City, Missouri, where they were unable to find a trailer court to accept a Negro sergeant and his family. We should talk with Ralph (Rip) Horton, Jr.

who is Director of the Equal Employment Opportunity Program in the Department of Defense, about contract compliance and about the in-house employment activities of the Department.

McNamara seems to be greatly interested in moving forward under the provisions of Title VI. Shulman said McNamara had to be restrained from applying the Title VI sanctions immediately upon passage of the Civil Rights Bill. Yet it is a question whether or not he would want to use actively the off-limits authority which seems to exist but which has never been used.



DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
(INSTALLATIONS AND LOGISTICS)

WASHINGTON, D.C. 20360

23 December 1964

Hon. Hubert H. Humphrey  
United States Senate  
Washington, D.C.

Dear Senator Humphrey:

As Acting Director of the Department of Navy's Equal Employment Opportunity Program for Contractors, it is my desire to be of whatever assistance possible to you in broadening the scope and effect of the overall program.

With this in mind, I have prepared the enclosed report, which includes:

1. An assessment of some problems currently affecting the program.
2. A suggested six-question survey, which, if conducted and prepared by the President's Committee, would provide you with a current picture of the true status of the program.
3. A summary of the progress and achievements of Navy in this program.
4. A resume of Navy's procedures and policies in this program.

If there is any further way that the Department of the Navy-EEO, or I personally, can be of service to you in planning and implementing the overall program, please call on my office at any time.

With personal best wishes for the future,

Sincerely,

*Girard P. Clark*  
Girard P. Clark

Acting Director

Equal Employment Opportunity Program

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*This material  
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# COPY

December 9, 1964

The Honorable Francis Keppel  
Commissioner  
Office of Education  
Department of Health, Education and Welfare  
Washington, D. C.

Dear Mr. Keppel:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

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December 9, 1964

The Honorable Anthony J. Celebrezze  
Secretary of Health, Education and  
Welfare  
Washington, D.C.

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Sincerely,

Hubert H. Humphrey



THE UNITED STATES COMMISSIONER OF EDUCATION  
WASHINGTON



*File  
with  
PC*

Dear Senator Humphrey:

Thank you very much for your letters regarding the coordination of civil rights activities in the Federal Government. As you know, members of your staff have been in touch with Assistant Secretary Quigley of the Department of Health, Education, and Welfare. The comments on the questions raised in your letter will be included in the overall report to be presented to you by Secretary Celebrezze.

Please be sure to let us know if there is any further information that might be helpful. We are eager to cooperate in every way possible.

Sincerely,

*Francis Keppel*

Francis Keppel

Honorable Hubert H. Humphrey  
United States Senate  
Washington, D.C.

# COPY

December 8, 1964

The Honorable Anthony J. Celebrezze  
Secretary of Health, Education and  
Welfare  
Washington, D. C.

Dear Mr. Secretary:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Department of Health, Education and Welfare in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

- (1) The functions assigned to your department in the area of civil rights;
- (2) The areas of your departmental responsibility which might overlap with the duties of other departments and agencies;
- (3) The principal difficulties which you foresee in carrying out your responsibilities;
- (4) Your thoughts and recommendations on how your department might fulfill its responsibilities most effectively and efficiently; and
- (5) Your general ideas on the functions of the Federal government in the area of civil rights at this point in our history.

In order to facilitate our consultation, I am asking John G. Stewart of my staff to discuss with the

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appropriate members of your department the kind of information we hope to develop and to arrange a mutually convenient time for our meeting.

I look forward to discussing with you these matters of vital national concern. I am particularly anxious to have the benefit of your personal thoughts and insights, and I am confident our meeting will be most productive.

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December 8, 1964

The Honorable W. Willard Wirtz  
Secretary of Labor  
Washington, D. C.

Dear Mr. Secretary:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Department of Labor in this area.

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Hubert H. Humphrey

December 11, 1964

MEMORANDUM OF INTERVIEW WITH N. THOMPSON POWERS  
EXECUTIVE ASSISTANT TO THE SECRETARY  
OF LABOR

The following is a summary of matters discussed with Tom Powers during the course of extended conversations with the under-signed on December 10th. The substantive content of the memo is drawn wholly from the comments of Mr. Powers.

PRESIDENT'S COMMITTEE

Mr. Powers thinks it would be a great mistake to drop the government contract enforcement program but apparently does not have terribly strong feelings about the particular form in which the power is preserved, so long as the power is preserved. The importance of the President's Committee (or more significantly its authority) lies in the effective nature of the sanctions available to it, its flexibility of utilization of formal procedures, its ability to conduct general inquiries into employer practices, and its utility of relations already established between the Committee, its personnel, contracting agencies, and contractors. While the long-range and most desirable outcome may be a merger of some sort between the President's Committee and the Equal Employment Opportunity Commission created by Title VII, it is inappropriate for such a combination to occur now. First, any such merger or transfer of authority from the Committee to the Commission would doubtless result in substantial adverse congressional action; Title VII appears to contemplate the continued assistance of the President's Committee and any substantial increase in the powers of the new Commission would be inconsistent with congress-

sional expectations and with the carefully limited nature of the authority given it by Title VII. Secondly, any such transfer would be likely to result in much greater scrutiny of the contract program by Congress, with a consequent reduction in the scope and effectiveness of the contract compliance program.

Of course, there has been a great deal of discussion of proliferation of authority in the civil rights field, and particularly with respect to the employment area where there is the greatest overlapping of agency jurisdiction. There will be a clearing for the Commission and the Committee to work closely together and to check with each other to assure that there is no duplication of effort or undue harassment of employers. The nature and power of the two agencies can operate, however, in a complimentary fashion and can supplement each other to assure more effective compliance with Executive Orders and with Title VII. One way of assuring cooperation would be to have the Committee and the Commission share the services of certain staff functionaries; thus, for example, they might utilize common legal staffs and common Committee relations facilities. In addition, present plans call for the two to be housed on the same floor in Labor's building on nineteenth and M; this physical proximity should also facilitate coordination. The key factor in any case will be the quality of staffing in both agencies and their respective recognition of the need for coordination between themselves and other agencies vested with authority to deal with employment discrimination under Title VI. There is no apparent objection to making the President's Committee on Employment and the President's Committee on Housing part of a single civil rights committee headed by the Vice President, provided that this can be done in a way that does not represent a downgrading of the importance of actions in these areas and, most importantly provided that good staffing is obtained. If this is done, it would probably be necessary to provide for some subgroup within the larger committee to have responsibility for employment; again, choice of staff to perform this function is crucial. Any such reorganization

would have to face problems inherent in selecting members of the Committee, particularly those of deciding who among present members of the President's Committee might be dropped to ensure realistic size limits for any new committee having broader responsibility for all civil rights activities within the executive branch. It is important to do something to indicate that the government is responsive to the need for overall coordination and to assure that employers will not be subject to undue burdens because of overlapping authority of the several agencies in the field.

The President's Committee is already moving to transfer to the Civil Service Commission some of its responsibility with respect to non-discrimination in government employment. This aspect of its responsibility is more readily transferable than its authority with respect to government contracts.

While, as indicated, long range views may be toward elimination of the President's Committee, this should not occur until its clear that such a phasing out will not result in any loss of substantial power to the executive branch unless it is manifestly clear that such powers are no longer necessary. Increasing emphasis should be placed on use of the Equal Employment Opportunity Commission because it is the statutory agency, but care should be taken not to overload it with responsibilities during the initial period of its operations when it will likely be busy enough attempting to fulfill its basic statutory obligations; moreover, during the first several months of its operations, it will be greatly burdened by organizational and other tasks necessary simply to become usefully operative. It is difficult at this time to estimate the number of employments which the Commission is likely to be called upon to process; the volume could either be surprisingly small or surprisingly large.

In any assignment of responsibility, agencies involved in discrimination in employment by virtue of Title VI should follow the lead of the Committee and the Commission, it should be the key agency in the field. The NLRB probably feels somewhat uneasy dealing with discrimination and as other agencies demonstrate ability to deal

effectively with such problems, the NLRB would probably be delighted to defer to them. Moreover, undue involvement with problems of racial and other discrimination could pose threats to the NLRB in other areas where its jurisdiction is wholly clear and as to which it is the agency with key responsibility.

There is a substantial need for some way to assure opportunities for agencies involved in civil rights activities to keep in touch with the "government line". For example, no agency wants to get way out in front in implementing the requirements of Title VI and certainly no cut-off of funds should occur without high level checking outside the agency. It does make a great deal of sense to think of some relation between the various agencies involved, but it is difficult to say precisely how that should be accomplished. If the authority is to be put in the hands of the Vice President, it will probably have to be made clear from time to time that he speaks on such matters for the White House. Another possibility would be to put responsibility for coordination in the White House itself.

There are unusual difficulties in trying to work out the relations in the employment areas in view of the fact that the Title VII Commission has not yet been appointed. Many of the problems will have to be worked out by the respective staffs of the Commission and the President's Committee and this is likely to occur whether or not any coordinating super structure is created. Perhaps the best thing to do is to establish some sort of task force composed of representatives of the President's Committee, Department of Labor, and the Employment Commission (once appropriate appointments have been made) to deal with relations between the two agencies in the organizational staffs and to assure coordination and cooperation during initial periods of operation. It is difficult to think in terms of specific categories of employers with respect to whom the Committee or the Commission should claim exclusive jurisdiction. Whether in any particular case the Committee or the Commission is the more appropriate agency to deal with the problem will depend upon the particular facts of the case and the nature of the issues it presents. Thus it will have to be some sort of

ad hoc allocation. This will require the closest coordination. While it would make sense in the case of specific complaints to allow which ever agency first receives the complaint to proceed, the fact that protesting under Title VII is a precondition to any law suit by the complainant, and the severely limited period of time available to the Commission to act, suggest that on complaints the President's Committee may have to defer to the Commission. It may be possible, however, to work out some arrangements under which the Commission could utilize the services of the Committee to continue mediation and conciliation proceedings for it. There are likely to be legal questions regarding this however.

(MORE TO COME)

David B. Filvaroff  
Assistant to the Acting Attorney General

COPY

December 9, 1964

The Honorable W. Willard Wirtz  
Secretary of Labor  
Washington, D.C.

Dear Mr. Secretary:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

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December 8, 1964

The Honorable Nicholas deB. Katzenbach  
Acting Attorney General  
Washington, D. C.

Dear Mr. Attorney General:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Department of Justice in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

(1) The functions assigned to your department in the area of civil rights;

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December 8, 1964

The Honorable Burke Marshall  
Assistant Attorney General  
Civil Rights Division  
Department of Justice  
Washington, D.C.

Dear Mr. Marshall:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Civil Rights Division in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

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Hubert H. Humphrey

A Preliminary Conversation with  
Burke Marshall, Assistant Attorney General,  
Civil Rights Division

December 8, 1964

John G. Stewart

In our study we must define the problem in clear and concise terms. We must list existing civil rights functions and the people involved.

We must attempt to identify the various agencies which can deal with the same problem. And we must attempt to formulate procedures whereby this overlapping can be dealt with effectively in light of the various functions which have to be performed.

The second principal problem is to provide a central point where Negroes and other minority groups can go for assistance. They cannot be shunted around from department to department. If we are to maintain the active cooperation and collaboration of the responsible Negro leaders, the Federal government must be responsive and sympathetic to their legitimate concerns.

Simultaneously we must provide the administrative arrangement whereby the various clientele groups dealing with the government are not unnecessarily disadvantaged, harassed, or confused by the various requirements relating to civil rights which now must be enforced and imposed.

The Vice-President should not have operating responsibility. He should deal with policy decisions and perform a supervisory and coordinating function.

But how do you deal with the operating problem? We must first provide informational machinery to inform government agencies and the public quickly and correctly about the involvement of various Federal agencies in the enforcement of their civil rights responsibilities. There must be a system of information gathering which would identify when any ~~one~~ agencies were concerned with a similar problem so that conflicts can be avoided before they take place. This might require some form of automatic data processing equipment. At least this should be considered seriously.

We should talk with Ben Trick in the Budget Bureau about providing this informational machinery. It might also be good to consider placing such machinery in the Civil Rights Commission.

There is, however, also a policy coordination problem. The coordination of policy would best be handled through a committee with broader responsibilities than just employment and headed by the Vice-President.

Problem areas and concerns in Federal agencies

The Senator should talk with Secretary Wirtz about the whole Plans for Progress operation which is one part of the President's Committee for Equal Employment Opportunity.

Marshall feels that Plans for Progress people have set themselves apart from the President's Committee staff as a whole. He feels it's bad to have these two staffs which, in a sense, have competed against one another and have gotten in each other's way. We might talk with David Mann on the President's Committee who would speak with us frankly about the problem. We will have to consider seriously what to do with the Plans for Progress operation within the next few months.

There will have to be the basis laid for the meshing of the President's Committee and the Equal Employment Opportunity Commission by the respective staffs once the committee has been established.

We probably cannot get these details in this report but the problem should be recognized and foundations should be laid for coordinating the activities of these two important bodies.

Community Relations Service

Governor Collins should be given special attention. He is a salesman and a preacher rather than an administrator. Collins apparently believes that there should be something like a Civil Rights Department sort of like an Urban Affairs Department. Collins has pulled together a number of good people in an agency although they have not yet really performed the kind of direct involvement that should eventually be their objective. Most of them, up to now, have been out making speeches.

Good people at the Community Relations Service at present include John Griffin, Head of the Conciliation Service, Roger Wilkins, who is Director of Liaison, John Peery, an associate of Governor Collins, and Dave Pearson.

There also exists a massive advisory committee to the Community Relations Service with members in every state. If we did not want to have public members on the President's Committee on Civil Rights, we might draw from the advisory committee to give some public involvement without incurring the problems of having public members actually on the Committee.

An illustration of the problem which public members might cause is seen in the President's Committee on Housing. Certain public members on this Committee want the President to expand his housing order in the near

future. LBJ will probably refuse to do this and, when he does, there are reportedly three members of the Housing Committee who will then resign. This will be embarrassing to everyone. And this makes us look even more closely at the possibility of abolishing the Housing Committee before we have a chance to get into this problem.

Department of Health, Education and Welfare

There are endless problems in this area. We must make a special point of talking with Frank Keppel, Commissioner of Education. Title VI created a special problem. For example, Keppel has the authority under the Civil Rights Bill to approve desegregation plans submitted pursuant to Title VI regulations. The Department of Justice, on the other hand, will be taking positions in the courts under the authority in Title IV. It is conceivable that the requirements set forth by the courts would be quite different from those established by the Office of Education. So the Department of Justice could be satisfied with a desegregation plan, the courts could be satisfied, and Commissioner Keppel could cut off Federal assistance through his authority under Title VI if he did not agree with the

standards established by the courts. This is the kind of problem which cannot be permitted to arise under any circumstances.

Moreover, the Department of Labor has Federal money going into almost every high school in the country through vocational education programs. So, once again, the Secretary of Labor might find a high school in violation when other Federal agencies could find the same high school in compliance if there were not some uniform and accepted standards which had been established.

We must, in essence, provide a means for determining who is going to decide what happens to Podunk School District in any given set of circumstances.

#### The Department of Labor

Secretary Wirtz is a very sensitive person with persons interfering with the operation of his Department. So he should be handled carefully and with finesse.

The Senator might also want to speak with Arthur Goldberg about his experiences, particularly in relationship to his role with the President's Committee on Employment. This should be done quietly and off the record. Max could help arrange such a meeting.

Of course the Department of Labor is heavily involved through Title VI.

Department of Agriculture

A bad situation exists here. The extension service is supposedly segregated in certain parts of the country or simply excludes Negroes altogether. There are also ~~serious~~ problems relating to the election of county agricultural committees. The entire development of our farm program since the 30's with its heavy emphasis upon local participation has systematically excluded Negroes from any real role in any of our agricultural programs. And since there is such heavy local participation in control of these programs, it is going to be extremely difficult to change this pattern under the regulations established by Title VI. So the Department of Agriculture will need special attention.

People to see on this include Tom Hughes and Joe Robertson, Administrative Assistant Secretary in the Department.

Department of Defense

There is in existence a President's Committee on Integration in the Armed Services or something like that. This committee has recently prepared a report which is currently residing somewhere in the White House. Chairman of this committee was Gerhard / Gessel, partner in Covington

and law firm.

We should attempt to secure a copy of this report and also talk with Gesel.

Until recently the main problem in the Defense Department has been the segregation within the National Guard. But the Guard has now been more or less completely desegregated, even in Mississippi.

The principal remaining problem concerns the off-base treatment of soldiers. Cyrus Vance has had most responsibility in this area and should be consulted. General LeMay has systematically been very uncooperative in this area. He told Burke Marshall on one occasion, "We're not trying to change social problems, just defend the country."

We must, then, examine the question of how much do you involve the military in these civil rights problems. If, for example, the Air Force could be brought around to the seriousness of this problem, they could contribute greatly to easing tensions in Selma, Alabama. Aspects of this problem include the expenditure of Federal funds in impacted school areas and the public accommodations problem. Selma, Alabama, has been a particularly sore spot in terms of Negro airmen using public facilities in the vicinity of the air base at Selma.

UNITED STATES GOVERNMENT

Executive Office of the President  
Bureau of the Budget

# Memorandum

TO : The Director

DATE: December 18, 1964

FROM : Labor-Welfare Division (William H. Kolberg)

SUBJECT: Equal Employment Opportunity Commission budget, 1965-1966

## General background

The Equal Employment Opportunity Commission was created by Title VII of the Civil Rights Act to investigate any alleged unlawful employment practices and in the first instance, to try to eliminate the unlawful practice through conciliation efforts. If voluntary compliance is unsuccessful, the complainant may file a civil suit to gain compliance. The EEOC may recommend that the Attorney General intervene in the suit and may assist the Attorney General in his efforts.

Title VII also anticipates a close relationship between the Commission and the States that have statutes which prohibit the same employment practices. The complainant may first seek relief at the State and local level, when an appropriate agency exists. EEOC is authorized to cooperate with these agencies, to use their services on a reimbursable basis, and to cede jurisdiction to them on specific types of cases.

The prohibitions of Title VII and legal authority to enforce those prohibitions do not become effective until July 2, 1965. This lapse of one year between passage of the Act and application of enforcement power was to allow time for the Commission to prepare regulations and operating procedures, work out specific relationships with State agencies, and generally conduct a public educational effort designed to acquaint interested parties with the provisions of Title VII.

## Assumptions governing 1965 and 1966 budget estimates

A 1965 supplemental appropriation for the Commission was prepared and presented to the Congress by the Department of Labor. The supplemental was based on the premise that the Commission would be appointed and active very early in the fiscal year and that a total Commission staff strength of 190 would be reached by the end of 1965. Based on these general assumptions, the Congress appropriated \$2,250,000 for 1965. These assumptions are no longer valid. The Commissioners have not been designated by the President and little preliminary planning has been done.

The Labor Department was again asked to prepare the 1966 budget for the Commission. The Department was understandably reluctant to provide much more than technical budget assistance. It therefore has been necessary for the Division to proceed with the development of the budget presentation for the EEOC. The following assumptions and resulting dollar recommendations have been concurred in by Lee White, and staff of the Labor Department and President's Committee on Equal Employment Opportunity.

### 1965 assumptions

1. The Commission will be appointed in January and will be confirmed shortly thereafter.
2. Certain appropriate staff units of the President's Committee on Equal Employment Opportunity will be shifted to EEOC in January.
3. Hiring of headquarters staff will begin in March and about one-half of the total projected headquarters staff of 70 will be on board by the end of fiscal year 1965.
4. No regional offices will be opened in 1965, but a regional office cadre for each of 6 regions will be hired and in training during the last quarter of 1965.
5. It will not be possible to work out any specific operating or financial agreements with State agencies in 1965.

These assumptions price out to an obligation total in 1965 of \$800,000. This figure is an optimistic estimate of what can realistically be accomplished between January and July 1.

### 1966 assumptions

1. Full headquarters staff will be on board by the end of the first quarter.
2. All regional offices will be opened by the end of August.
3. Field investigators will be hired beginning in September and full field staff of 120 will be on board by the end of December.
4. Funds to reimburse States for their operations should be held to \$900,000, the original level projected for 1965.

These assumptions price out to an estimated NOA total of \$3,200,000 for 1966.

There is no basis at this time for changing the basic assumptions developed for the 1965 supplemental with respect to total staffing, organization or general operations of the Commission. However, it must be the implicit assumption that the 1966 estimate is highly tentative and that as soon as the Commission has had an opportunity to develop a firm organizational and operating plan, the budget will need to be amended, as necessary, to reflect those plans.

### Status of actions to establish Commission

Very little has been done in the way of planning and staff work pointing toward making the Commission operational by next July 2. The public education job, which is undoubtedly crucial to the success of Title VII, is still being

conducted on a hit and miss basis by staff of several agencies; the complicated job of drafting regulations has not begun; and, except for some very preliminary efforts by the Civil Rights Commission, nothing has been done toward working out the necessary relationships with State agencies. In addition, Title VII directs the President to convene a conference or conferences "as soon as feasible...for the purpose of enabling the leaders of groups whose members will be affected by this Title to become familiar with the rights and obligations imposed by its provisions." The conferences should be held as soon as feasible and the planning for such conferences should not be held up pending the Commission becoming operational.

The President's Committee on Equal Employment Opportunity is well equipped to move ahead with the number of steps outlined in the foregoing paragraph and preliminary plans are now being made for shifting over to Commission funds certain of the obvious activities which the President's Committee will no longer need to perform once the Commission become operational. About \$500,000 worth of activity in the last half of this fiscal year is involved which includes the President's Committee staff on education and community relations, labor liaison and construction, information, and other scattered program and administrative people. In addition, the central personnel office of the Department of Labor is making plans to conduct an organized effort aimed at developing a file of potential professional staff members for use by the Commission as soon as it is appointed.

December 8, 1964

TITLE VII

COMPLAINT PROCEDURES FOR  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

This memorandum deals with the complaint procedures which the Equal Employment Opportunity Commission may follow pursuant to Title VII of the Civil Rights Act. Two complaint procedures are authorized: one initiated by an aggrieved person and the other initiated by a member of the Commission /Section 706(a)/. These reflect fundamentally different approaches to the implementation of Title VII. When the complaint is initiated by an aggrieved person, the individual invokes the governmental process in behalf of himself and compels the Commission to focus its attention and resources on a single employer or union. When the complaint is initiated by a member of the Commission, the process is invoked in behalf of all members of a minority group and allows the Commission to utilize its resources in those employment areas where it believes most progress is possible. A more detailed analysis of these and other differences follows.

I. Commission-initiated Complaints

The statute specifically grants to individual Commissioners the power to file complaints with the Commission /Section 706(a)/. It is in this area that the Commissioners as a group and as individuals could play a key role. What is proposed is the use of this power not only with individual employers or unions, but more

importantly with groups of employers or groups of unions selected because of their geographic location or involvement in a common industry. Joint union-employer proceedings are also possible.

Through the Commission-initiated proceeding, individual Commissioners would conduct top-level negotiating sessions with the leaders of a trade or industry or with the employers and unions of a community for the purpose of securing broad and comprehensive agreements for affirmative equal employment opportunity programs. This is a positive approach to the Commission's regulatory function.

To carry out this approach requires a competent research program which would first identify the prime problem areas by industry and geography for concentrated attention by the Commission. These "technical studies" are authorized by Section 704(g)(5). The research program would involve analysis of census and other statistical data and also extensive consultation with civil rights organizations and community groups.

On the basis of preliminary studies indicating patterns or practices of exclusion of Negroes or other minority groups, an individual Commissioner would then file complaints with the Commission. These complaints could name as respondents employers and/or unions in an industry or urban center. Upon the filing of the complaints, an investigation would be launched of the employment patterns or practices in depth and detail. Upon completion of these investigations, an individual Commissioner or group of Commissioners, with status and prestige as Presidential

appointees, would then be in a position to negotiate comprehensive conciliation agreements resulting in broad changes of employment practices.

Where the respondents of a Commission-initiated proceeding are located in a State or city with local ordinances prohibiting employment discrimination, the Commission is required, after receipt of a complaint, to notify the appropriate officials and to afford them, upon their request, a reasonable time to act under such local ordinances. It is possible under the statute to involve the State and local agencies in these proceedings. This would gain their assistance and cooperation and would encourage them to waive their right to act on the complaint.

The point is that the one complainant vs. one employer approach alone is inadequate to eliminate employment discrimination in America. Attention must be given to broader patterns and practices in an industry or community setting. The Commission-initiated proceeding affords the opportunity to deal with employment problems on a city-wide or on an industry-wide basis. This approach affords the most efficient utilization of Commission resources to accomplish the statutory objective.

At the same time, the Commission-initiated proceeding would not be unrelated to the individual-initiated complaint. Once the research division of the Commission has identified prime problem areas, complaints received from individuals involving employers or unions in these problem areas could serve as the basis for initiating a Commission proceeding or could be merged in an ongoing Commission proceeding. The object is to allow the Commission, with its research

resources, rather than a single individual, to determine where its staff and other resources should be utilized.

## II. Individual-initiated Complaints

Title VII imposes procedural requirements on the processing of individual-initiated complaints which are not imposed on the Commission-initiated proceedings. These additional requirements are summarized in the following paragraphs along with an outline of the steps of investigation and decision-making which may be adopted by the Commission and its staff.

### A. Basic Allegations

The individual complainant must allege in writing under oath that he was discriminated against because of his race, color, religion, sex, or national origin by reason of an unlawful employment practice as specified by Sections 703 and 704. While a sworn statement constitutes a complaint, appropriate forms can be prepared, similar to those used by State agencies, which will elicit from the complainant all the necessary information.

In addition to particular allegations concerning his own experience, the complainant should include, where appropriate, allegations of discrimination based on information and belief relative to the respondent's general employment practices. This is necessary to overcome any respondent objection that the scope of the investigation must be limited to the particular experiences of the respondent. See Section 709(a).

### B. Time Requirements for Complaints Received

At this point, the complaint will have to be evaluated on its face and a processing procedure established for it depending upon the existence of any local laws prohibiting employment discrimination.

If the alleged unlawful practice took place in a State or city without a local FEP law, the complaint is ready to be "filed" and the investigation to proceed, if the practice occurred within the preceding 90 days.

Where the alleged discriminatory practice occurred in a jurisdiction with a local or State FEP law, two procedures are possible. The complaint could be accepted but it should not be deemed to have been "filed" [Section 706(b)]. Under this procedure an original copy of the complaint would have to be sent registered mail to the State or local agency and Federal action suspended until the expiration of 60 days (120 days for FEPs less than one year old). After the local agency had the complaint for 60 or 120 days, EEOC would then deem the complaint to have been "filed" and proceed with the investigation, if the alleged unlawful practice occurred within the preceding 210 days. In the alternative, EEOC would simply refuse to take the complaint and refer the individual to the State or local agency.

If the complaint had been previously processed by a local agency and terminated by that agency within the 30 days preceding its being filed with EEOC, the Commission may accept the complaint for immediate processing.

### C. Complaint Priorities

Once a complaint has achieved the "filed" status, it should be evaluated in terms of a priority system. Top priority should be given to complaints against respondents already the subject of Commission-initiated investigations. High priority should also be given to complaints against respondents in those problem areas identified by the technical studies as proper subjects for Commission-initiated complaints. With these individual complaints in hand, a Commission-initiated proceeding might be launched. Complaints in the first two categories would result in broad investigations including a review of plant-wide or company-wide employment practices.

Ultimately it would be hoped that EEOC would be in a position to grant preferred status to a limited number of major employers and labor unions based on their actual equal employment opportunity practices. Where complaints are received against these respondents, the investigation could be restricted to the allegations of the individual complainant.

The basic point is that EEOC must not treat all complaints as of equal importance. The Commission should concentrate its attention on those complaints which fall in a prime problem area, at the same time completing a basic minimum of investigation for those complaints which in its judgment are of less importance. Varying the depth and scope of investigations is a means of accomplishing this type of efficiency.

#### D. Assignment of Complaint

The investigation of complaints will most likely be handled by field staff under the supervision of regional directors. The regional directors should be authorized to investigate and settle routine complaints subject to adequate review by the Washington staff. As the Commission and staff gain experience and confidence, the extent of delegated responsibility can be increased. However, as the case load mounts after the first year it will become increasingly important to provide for the speedy settlement of cases in the field. The procedures developed by the Department of Defense in the investigation and processing of contractor compliance cases would be most relevant here.

#### E. The Processing of Complaints

The attached material, "The Processing of Discrimination Cases," was prepared as a guide for the investigation and settlement of Federal employment discrimination cases. Nevertheless, the principles presented are also applicable to the procedures of EEOC. This material covers the interview with the complainant, the investigation, reports, decisions, and appropriate corrective action. It stresses the point that the investigation of a complaint is also the occasion for an educational contact with the respondent. The scope of investigation and terms of conciliation should aim at improving the basic employment practices of the respondent and should not be restricted to a resolution of the individual's complaint. Plant-wide or company-wide improvement in equal employment opportunity practices should be the objective in

addition to assuring the individual complainant that his personal rights to equal employment opportunity have been protected.

#### F. Enforcement

If the Commission or its staff is unable to obtain voluntary compliance, the aggrieved individual may commence a civil action within 30 days after being so notified /Section 706(e)/. The Attorney General may intervene in the proceeding if he certifies that the case is of general public importance /Section 706(e)/. If the court finds that the respondent has intentionally engaged in unlawful employment practices as charged in the complaint, the court may enjoin the respondent and may order such affirmative action as may be appropriate /Section 706(g)/.

The Attorney General is authorized to commence a civil action requesting injunction or other relief against any person engaged in a pattern or practice of intentional resistance to Title VII /Section 707(a)/.

#### G. State Agreements

Where the EEOC has entered into agreements with State or local agencies pursuant to Section 709(b), the procedures described above would not be applicable. This matter is the subject of a paper prepared by another member of the Task Force.

#### Submitted by:

F. Peter Libassi, Director,  
Federal Programs Division,  
U.S. Commission on Civil Rights.

UNITED STATES POST OFFICE

Equal Employment Opportunity Program

"The Processing of Discrimination Cases"

by: F. Peter Libassi, Deputy Assistant Staff Director  
Division of Liaison and Information  
U. S. Commission on Civil Rights

THE COMPLAINANT

Attitude Toward the Complainant

The discrimination case starts with the complainant, and our attitude toward the complainant and his problem is a crucial factor if we are to successfully investigate and resolve his case. The complainant should be interviewed by the person who is to conduct the investigation before the investigation begins. We should not take the written complaint and proceed directly to the investigation. During this interview and indeed during the entire course of the investigation, the attitude toward the complainant should be one of individualized and sympathetic understanding. At the same time, we must not become so emotionally involved with the complainant as to encourage exaggeration or to raise false hopes. We need to strike a balance between suspicion and skepticism on the one hand and over-identification and gullibility on the other. Our attitude should be receptive and objective, friendly and understanding.

Purpose of the Interview

The filing of a complaint of discrimination is not an easy thing for most people to do. The decision most likely was preceded by considerable mental and emotional anguish. This is especially true where the complainant is charging his immediate superiors with discrimination. We should not assume therefore that the complainant will be calm, logical or rational about his problem. For this reason, the interview with the complainant is important. It enables us to complete the record by gathering additional information, it enables us to size up the complainant and to get a feel for the case, it enables us to identify with the complainant and his problem, and finally, it enables us to anticipate the defenses that may be raised and to learn of any rebuttal evidence that may be available. A complainant should be informed that he may have anyone of his own choosing present during the pre-investigation interview.

As we gain experience in conducting investigations, we will more readily see the particular facts which need to be gathered in this pre-investigation interview. We need to learn of the complainant's background and experience, as well as about the particular situation. We need to question the complainant in order to anticipate the defenses which will be raised at the time of the investigation. In effect, we have to cross-examine the complainant without offending.

In addition, the interview enables us to be sure this is a case of discrimination within the meaning of the Executive Order; that is, discrimination based on race, color, creed or nation origin. We should ask the complainant to compare his experience with that of others of his racial or religious group. Have they also encountered the same difficulty? Is there some reason to believe that the problem is caused by race, color, creed or national origin?

If there are persons who want to make supporting statements, they should be interviewed at this time. All persons contacted should be asked not to disclose the fact of the investigation to anyone. The less the Postal official in charge knows about the particulars of the complainant the better.

#### Psychological Identification

It is important at this point to see the case from the complainant's point of view. We should never dismiss the complainant's case as being without merit before the investigation is completed. It is important to see and to be convinced of the merit of the case. In this sense, the investigation represents the complainant's chance, and perhaps one chance, for justice and for fair play. His opportunity for advancement and his future in the service may very well depend on how well we do our job. The duty of establishing the facts, and all the facts, rests on the investigator and will require all the ingenuity and imagination that he possesses. We must be

prepared to conduct the investigation so as to establish the complainant's case, if there is any possibility to do so. If there is any merit to the complainant's case, it is our job to find it. We make the complainant's case. It is with this frame of mind, that we have to prepare for the investigation.

#### PREPARATION FOR THE INVESTIGATION

##### Study the Complaint

Careful preparation is the key to a successful investigation. By all means study the President's Committee's "Guide to Investigations" and follow the specific steps suggested there. In general, we must first know the case, master the facts, remember dates, names and places. Let's not be fuzzy about the complainant's side of the story. Second, analyze the case, think the problem through, know where we are going before we start. Ask ourselves what is the key question, what is the heart of the case. An investigation is not a fishing expedition. We must be after some very specific information and supporting documents.

For instance, in a simple case, the complainant could allege, "I received an inquiry as to my availability and was told to come in for my interview. I went to the office and was told that the job was filled. I believe I was discriminated against."

The investigation here turns on the key question: "Was the job filled at the time the complainant came in for the interview?" This is the heart of the case. If we come back to the office with a 20-page report which does not answer that question, the report is inadequate. We have to ascertain the name of the person that was hired for the job, when was this person interviewed, when were they notified that they were hired, did the complainant appear for the interview before or after the decision was made to hire the successful applicant? This is a simple case to illustrate the necessity of taking the case apart before we begin the investigation.

#### The Outline

Once the case has been taken apart, an investigation outline of the questions to be asked can be prepared. If you are just beginning to make investigations, your outline of questions should tend to be rather complete. But even after years of experience, you will want to prepare at least a list of those key questions.

The investigation outline should include general questions about the installation or unit, its structure and procedures, as well as specific questions about the complaint and the employment pattern.

### Supplementary Information

It is possible that other information will be available about the postal unit or installation; for instance, organization charts, names and titles, copies of previous complaints, reports, employment pattern surveys. We are concerned with (1) employment patterns and practices (2) discrimination in conditions of employment. All of this information should be reviewed as a part of the preparation for the investigation.

Now, this entire preparation may take five minutes, thirty minutes, or an hour, depending on the case but it is time well spent. A few moments of prior thought and analysis may save the entire case.

### THE INVESTIGATION

#### Attitude Toward Respondent

In approaching the post official in charge, we have two goals; first, eliciting the information on which the complaint will stand or fall and information on the employment pattern; second, transmitting to the respondent information as to his responsibilities and rights under the President's Executive Order, which will hopefully win his support for and compliance with the Order. We have two functions: (1) Investigate the complaint and (2) Educate and persuade the postal officials in charge to comply with the Executive Order. While these functions may appear to be in conflict, I do not believe that they are.

The first step in this process is to reassure the respondent on the procedures to be followed. The investigation will be complete and thorough but it will also be impartial and fair. We are here to get his side of the story, we are interested in the truth and not in proving the complainant's case, regardless of the facts. Help the respondent to relax, assure him that we are not conducting a criminal investigation. Try not to take notes at the beginning of the interview. Our attitude, as with the complainant, should be receptive and objective, friendly and understanding.

Making an Appointment: The Initial Contact

It is usually best to arrange an appointment in advance with the Postmaster. It is not necessary to go into specific detail as to the purpose of your EEO complaint visit. It might be advisable to indicate to him at this time the names of the people you would like to talk to at the time of your proposed visit. Discretion and good judgement should be used in deciding how much information can be made available to the Postal Official in Charge when you arrive to keep your appointment.

Take whatever precautions deemed necessary to prevent the principal parties against whom an EEO Complaint is lodged from being forewarned of the impending investigation and thereby make preparations in advance to absolve themselves of guilt or responsibility for the allegation in the complaint. Take advantage of your preparation and knowledge of the case to

develop new leads as to other persons it might be advisable to contact in order to develop further information about the complaint.

At this point in the investigation we may want to check particular personnel records available at the installation before the particular supervisor is contacted. But above all, the supervisor should not be told in advance of our visit.

#### The Investigation Proper

There are two basic lines of inquiry:

- a. The facts of the particular case.
- b. The employment pattern.

The order that we follow will often depend on the personal relationship which we develop with the officials being interviewed. Sometimes it is better to discuss less threatening matters first until a good relationship is established, such as employee problems of a general nature. In other situations, the postal official will be most anxious to get to the case itself. It is important to let the interviewed person go if he wishes to talk and if he is relevant. Do not let him know how much you know. Do not follow in an entirely different order from that which had been planned. Check the outline during the interview, and be sure you have the information before you leave his office.

The crucial issue that we must keep in mind while investigating the case is "was the complainants race, creed, color or natural

origin a factor in the treatment he received?" This is the ultimate question and we must gather sufficient evidence by the close of the investigation to answer that question one way or the other. By evidence, I do not mean the officials declarations of nondiscrimination. Never let the officials' word for anything stand alone if it can be verified against the records. Check the records on the spot; do not allow time for him to prepare or alter the records. We owe this to the complainant and also to those accused of discriminatory practices. I do not mean that we should disbelieve or distrust the postal official in charge. However, this is a legal proceeding and documentary evidence is worth more than self-serving declarations.

Remember that this is the time to dig for the evidence which will support the complainant's case. At the same time, if a defense is raised by the postal official, gather all of the evidence that you can which will support that defense. We must do both jobs simultaneously; build the complainant's case and build the postal officials's defense to the best extent that the facts and evidence will allow. This may sound inconsistent but in practice it is not. Both parties, complainant and postal official, stand to gain by a vigorous investigation. If an act of discrimination was practiced, we must uncover it or respect for the President's Executive Order will ultimately decline. At the same time, if discrimination was not practiced, we owe the postal unit and the officials in charge a clean

bill of health which cannot be attacked as a white wash. Our investigation should be so complete that even the complainant will be convinced of a finding of no discrimination.

For this reason, it is always important to tie down the loose ends. If a claim is made, check it, verify it. Do not leave self-serving assertions and declarations hanging without verification. Always get the other side to either a charge or a defense. This should be done without challenging or accusing either party.

At all times, remember that proof of discrimination is subtle and often intangible. This makes the job both difficult and challenging. We have to be sensitive to the mental and emotional processes of other people if we are to investigate and decide cases of discrimination.

Now a word about conflict and tension. You are bound to run into situations or hostility, antagonism, friction, fear and conflict. At this point, we should never become involved emotionally. We should never respond in kind. We should be able to absorb hostility without allowing it to affect our judgment, evaluation or effectiveness. Our primary goal is to investigate the case and this should be done with tact, diplomacy and dignity. Whether we make a friend of the postal official or not, is secondary.

#### Employment Survey

As for the employment survey, this should include a count of the number of Negroes by title in each relevant unit, division or section, as well as a check as to other racial, religious and national origin groups. The employment survey is important for two reasons. First,

it is some evidence to be considered in deciding the individual case of discrimination and also it may reveal a more general problem needing corrective, affirmative action aside from the individual case.

#### The Educational Process

During the course of the investigation, the educational process is taking place simultaneously. The postal officials we contact in EEO cases should be impressed with our thoroughness, fairness and impartiality. This alone is a most important educational achievement, for respect for the Executive Order will follow. Also, we need to explain the provisions of the Executive Order, the rights and obligations of both to the complainant and respondent. Is the education function in conflict with the investigatory function: I think not. In fact, no one is more ready to learn than the person being investigated. Educators talk about "readiness." Until this issue hits home, most administrators are not ready to be educated. Significant progress, by that I mean change, can and often does result from a complaint proceeding.

We should encourage questions about race relations and intergration in employment. To the best of our abilities, we have to persuade the respondent that nondiscrimination in Federal employment can work and does work, and we have to help him over whatever fears and problems he may have.

WRITING THE REPORT & COMING TO A DECISION

The material and information gathered should be presented in the written report under topical headings. It should not follow a chronological order of "he said then I said." Also, our reports should not confuse facts with our conclusions. The facts should inevitably lead to a conclusion but the facts should be in the report, including the charges and answers along with references to the documentary evidence. Include the strengths and weaknesses of both the complainant's and respondent's side of the story. Indeed, highlight these. Tie down the loose ends, do not leave the reader guessing and don't leave him to jump to conclusions. The report should be written so that anyone coming to the end will see the conclusion that must be drawn from the facts themselves.

After reviewing all of the evidence we should come to a decision, recognizing that discrimination is a subtle and intangible affair and that the evidence may likewise be subtle and intangible. Above all, don't make the decision until all of the evidence is in, and until the investigation is finished.

Suggested techniques in resolving a complaint on an informal basis

A. Be receptive, objective, friendly, understanding, and through sympathetic questioning help the complainant to analyze the situation himself and decide whether he has a legitimate complaint.

B. Be prepared to outline in detail the steps taken by you in your attempt to help the complainant substantiate his allegations.

(Invite suggestions from complainant to implement steps taken or omitted).

C. Itemize all of the specific facts cited by the complainant and explain how they fit into the total complaint. Explain the investigation, and the complaint in terms of these facts. (In each instance explain the results and conclusions that can be reached in terms of the total EEO allegation in the complaint).

D. Be prepared to present a brief review and appraisal of employment practices in the postal installation or unit in which the complaint arose.

(1) Is this the first EEO complaint either verbal or written?

(2) What was the nature of prior complaint if any?

(3) What disposition was made of prior complaints?

E. Be prepared to present all documents, and evidence which have lead to the conclusion that the case presented by the complainant should be resolved informally.

F. Give the complainant an opportunity to invite his representative organizational or personal to take part in the meeting at which the attempt to resolve the complaint informally will be made.

G. Be prepared to review the status of employees in the same minority group as the complainant on a comparative analysis basis. (Use charts, diagrams, depositions, bulletins and other items that could be used as factual data to explain a pattern in terms of a discrimination investigatory procedure.)

II. Invite the complainant to make suggestions on how the basis for future complaints can be eliminated by removing the gravamen of the complaint in question.

#### CORRECTIVE ACTION

If discrimination is found to exist, corrective action is to be recommended. The corrective action should be relevant to the discriminatory practice uncovered. If a job applicant was improperly denied employment, he should be hired for the very next vacancy. If an employee was improperly denied a promotion, he should be offered the next opportunity.

#### CONCLUSION

The effectiveness of the complaint process -- and the effectiveness of the Executive Order will depend on our skill and ingenuity. The test is our ability to play many roles simultaneously; educator-investigator and prosecutor-defender and to play conflicting roles without losing our objectivity.

This can be done if we maintain our impartiality in depth. Our ultimate loyalty is not to the complainant or respondent. Therefore, we can be partial to both during the investigation. Our ultimate loyalty, our ultimate obligation is to end discrimination and not to support either the complainant or the people against whom the complaint is lodged. If we keep our goal clearly in mind - ending discrimination - we will be able to rise above the apparent conflicts and obstacles

and effectively investigate cases of discrimination.

This job involves diplomacy and statesmanship. The manual of the New York State Commission for Human Rights has stated it this way:

"The Art of statesmanship cannot be described with the expectancy that by such description it can be absorbed and utilized at will thereafter. Learning the art takes years of practice in dealing with people, recognizing fine innuendoes of hostility or annoyance. The ability to express genuine friendliness, ability to redirect conversation to areas that will be palatable to the person interviewed, knowing when to be firm and when to be jocular, when to talk and when to listen, presenting material in a light most likely to obtain its acceptance, neutralizing probably hostility by disarming the person interviewed -- finally, and by no means least important, it involves preserving the integrity and dignity of the interviewer."

June 21, 1962

MEMORANDUM

Re: Title VII of the Civil Rights Act  
Relations of Equal Employment Op-  
portunity Commission with Other  
Federal and State Agencies.

It is the purpose of this memorandum to consider the appropriate relationships to be achieved between the Equal Employment Opportunity Commission and other federal and state agencies which have authority in the field of prevention of discrimination in employment.

First, it is necessary to refer to those provisions of Title VII which bear on the Commission's authority to coordinate its activities with those of other State and Federal agencies. Section 705 provides:

" \* \* \*

"(g) The Commission shall have power --  
"(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

" \* \* \*

"(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

"(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

" \* \* \*

"(g) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities..

" \* \* \* ."

It is not entirely clear what sort of cooperation is visualized by paragraph (1),<sup>1/</sup> but it is most likely cooperation in educational and conciliation activities and in promoting voluntary compliance. While "other agencies" could include federal agencies, the drafter probably did not have federal agencies in mind since H.R. 10144 had other provisions dealing with cooperation among federal agencies. See H. Rept. No. 1370, 87th Cong., 2d Sess., pp. 8-9. The rest of the provisions quoted seem self-explanatory.

"(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under

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<sup>1/</sup> Paragraph (1) derives from section 8(h)(1) of H.R. 10144, 87th Congress, and, so far as I recall, received no exposition during the debate on the Civil Rights Bill.

this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases of class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title."

The uses to which the authority granted by this provision will be discussed later in this memorandum.

A possible limitation on the Commission's authority to cooperate with other agencies arises from the confidentiality provisions in sections 706(a) and 709(e). Section 706(a) provides in relevant part:

"(a) Whenever it is charged \* \* \* that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission \* \* \* shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. \* \* \*  
(T)he Commission shall endeavor to eliminate any

such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor \* \* \* ."

Section 709(e) provides:

"(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor \* \* \* ."

The provisions against the making public of certain information in the possession of the Commission were added to Title VII by the Dirksen-Mansfield Substitute (Amendment No. 656) and must be distinguished from the provision in section 706(a) that nothing said or done during conciliation negotiations shall be admitted as evidence in a subsequent proceeding, a provision which was in the House-passed bill and is a recognition of the desirability of encouraging

frankness in the conciliation process. It is clear from its language that section 709(e) does not prevent the use in subsequent litigation under Title VII of information obtained by the Commission during an investigation. Whether sections 706(a) and 709(e) prevent the Commission from making information available to other federal and state agencies prior to litigation or for the purpose of some proceeding other than litigation under Title VII is more doubtful. There is support in the legislative history for the conclusion that these provisions for confidentiality have no application to such a situation. In explaining the Dirksen-Mansfield Substitute, Senator Humphrey said with reference to both section 706(a) and section 709(e):

"It should be noted that this is a ban on publicizing and not on such disclosure as is necessary to the carrying out of the Commission's duties under the statute. Obviously, the proper conduct of an investigation would ordinarily require that the witnesses be informed that a charge had been filed and often that certain evidence had been received. Such disclosure would be proper. The amendment is not intended to hamper Commission investigations or proper cooperation with other State and Federal agencies, but rather is aimed at the making available to the general public of unproven charges." (Emphasis added). Congressional Record, p. 12297 (6-4-64).

It might be argued that the language of sections 706(a) and 709(e) "to make public in any manner whatever" is so explicit as to prevail against Senator Humphrey's qualification, but since the provisions are to be enforced by the Department of Justice, a decision by this Department that making such information available to interested state and federal agencies under appropriate circumstances is not a violation of the law would be conclusive for practical purposes.<sup>2/</sup> Therefore, I conclude that the confidentiality provisions do not present a serious obstacle to effective coordination between the Commission and other federal and state agencies.

President's Committee on Equal Employment Opportunity:

The President's Committee on Equal Employment Opportunity is an interagency committee created by Executive Order 10925, 26 F.R. 1977, with responsibility for carrying out the Executive Branch's program of nondiscrimination in government employment, in employment by contractors with the government,

<sup>2/</sup> Quite apart from Senator Humphrey's remarks a good argument can be made from the statutory scheme that the language in question was not intended to prevent the sharing of information with interested public agencies.

and, under Executive Order 11114, 28 F.R. 6485, in employment by contractors on construction contracts financed under Federal assistance programs. At present contracts subject to the Committee's jurisdiction cover approximately 38,000 employers and over 18,000,000 employees.

Obviously, the overlap between the Committee's functions and those of the Equal Employment Opportunity Commission (hereafter referred to as the EEOC to avoid confusion) is considerable, and ideally these functions should be handled by a single agency. However, for reasons which shall be considered below it is necessary to preserve the separate identities of the two and to consider instead the appropriate relationship between them.

The President's Committee, as has been stated, is not an agency, but an interagency committee appointed by the President and made up of the heads of the principal executive departments and agencies and public members. Its staff is relatively small and is on loan from other agencies. The day-to-day supervision of contractor compliance with the nondiscrimination provisions in government contracts is handled by the respective contracting agencies. The Committee receives no appropriation, but is financed by contributions from the interested federal agencies.

Within the sphere of its authority the Committee's powers to detect and prevent discrimination are broader than those of the EEOC in two important respects. First, while it receives and processes individual complaints, it is not limited to complaint-centered enforcement but may investigate patterns of discrimination, apparent racial imbalances, etc., or even go on "fishing expeditions." Second, the sanctions available to it include publication of the names of noncomplying contractors, cancellation of their contracts, and making such contractors ineligible for future government contracts.

In other respects, however, the President's Committee's authority is weaker than that of the EEOC. First, the EEOC's jurisdiction extends to a substantially wider class of employers, including employers in the retail and service industries, largely untouched by the executive orders. Second, the President's Committee has no direct authority over labor unions, since the unions are not parties to the contract with the Federal Government and are generally unlikely to be affected by a threat to cancel. Third, the authority of the Committee, while nominally great, has always been

under a cloud because of the Committee's lack of statutory basis. Consequently, the Committee has proceeded cautiously, with emphasis on voluntary compliance. Indeed, I understand that the sanction of contract cancellation has never been used, and in only a few cases have contractors been declared ineligible for future contracts. The legal status of the Committee has been somewhat strengthened by Title VII, which refers to E.O. 10925 in section 709(d) and to the Committee itself in section 716(c). This is the only statutory recognition of the existence of the Committee and supports, though only impliedly, the legal authority it seeks to exercise. Fourth, because it has no statutory basis and because of the Russell Rider, 31 U.S.C. 696, the Committee receives no appropriations and is consequently understaffed and underfinanced.

It may be concluded that the authority of the Committee and that of the EEOC are in important respects complementary, and that, therefore, the closest coordination of their activities would be desirable.

It has been suggested that we should aim for dissolution of the President's Committee and the transfer of its functions

by executive order to the EEOC. There does not seem to be any strong legal objection to such action. While the provisions in section 705(a) for fixed, staggered terms and bipartisan membership indicate an intention on the part of Congress that the EEOC be to a certain extent independent of executive control, its functions are neither quasi-judicial nor, with the exception of its authority to require the keeping of records, quasi-legislative, but almost entirely executive. It is, therefore, part of the executive branch of government, Morgan v. Tennessee Valley Authority, 115 F. 2d 990 (C.A. 6, 1940), cert. den. 312 U.S. 701 (1941); see Humphrey's Executor v. United States, 295 U.S. 602 (1935); Wiener v. United States, 357 U.S. 349 (1958), and there would seem to be no reason why the functions presently residing in the President's Committee could not be delegated to it.<sup>3/</sup>

Furthermore, the legislative history of Title VII supports, albeit tenuously, the legality of such a delegation.

<sup>3/</sup> In 1941 President Roosevelt, acting under section 5(b) of the Trading with the Enemy Act, 50 App. U.S.C. 5(b) delegated to the Federal Reserve Board the authority to regulate consumer credit. E.O. 8843, 6 F.R. 4035. The Federal Reserve Board is certainly no less independent of the executive branch than the EEOC. It is true that section 5(b) specifically authorized a delegation to "any agency that he may designate," but this would not obviate the problem of delegation of executive authority to an independent agency if such a problem does exist.

Title VII is based on H.R. 10144, 87th Congress, a fair employment bill which was reported favorably by the House Education and Labor Committee, but which died in the Rules Committee. Section 705(a) of Title VII, creating the EEOC, is substantially identical to section 8(a) of H.R. 10144. Section 13(b) of H.R. 10144 would have authorized the President "to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States." Section 13(a) had similar language with respect to government employment. The committee report on H.R. 10144, said, "Section 13 allows the President in his judgment to have Commission authority supplement or supplant the activities of his Committee on Equal Employment Opportunity." H. Rept. No. 1370, pp. 8-9. Therefore, the drafters of section 13 assumed that there was nothing in the structure or nature of the EEOC which would preclude a delegation of the President's authority to it. Section 711 of the Civil Rights Bill, as reported by the House Judiciary Committee, was identical to section 13 of H.R. 10144. It was

struck from the bill on the floor of the House with the consent of the bill's leadership and of the Department of Justice in order to avoid a dispute over the extent of authority granted to the President by the rather vague language of subsection (b), Congressional Record, p. 2482 (2-8-64). The deletion of section 711 was not intended to deprive the President of any power he already had, nor can it be interpreted as depriving the EEOC of its capacity to receive a delegation of such power.

Despite the fact that it appears legally possible to transfer the Committee's functions to the EEOC, there are at least two practical arguments against such a move. First, the EEOC's quasi-independent status makes it somewhat undesirable to vest in it authority to require the cancellation government contracts. Such authority is better placed in an interagency committee. Second, the authority of the EEOC under Title VII is limited to the investigation and conciliation of individual complaints. It has no broad power of inquiry as has the President's Committee, and the denial of such authority to the EEOC was quite deliberate. It is true that if the Committee's authority were delegated to the

EEOC, it would simply have two sources of authority and the limitations under one need not detract from its powers under the other. However, it seems unavoidable that an impression would be created that the EEOC was ignoring the limitations written into Title VII. Consequently, for the time being at least, the President's Committee should remain a separate entity with full responsibility in the area of contract compliance.

However, consideration should be given to the assignment by transfer or consolidation of certain of the President's Committees functions to the EEOC, particularly the operation of the voluntary Plans for Progress program. Such a reassignment of functions would serve at least two purposes. It would give the EEOC some experience as a functioning unit prior to the coming into effect of the rest of Title VII, and by financing functions hitherto performed by the Committee out of the EEOC appropriation, it would free funds for the compliance activities of the Committee. In the long run, of course, it may prove feasible for the EEOC to take over all the Committee's functions, but such action should not be taken without

further study in the light of experience. Meanwhile, at the enforcement level, it seems desirable for the Committee and the EEOC to work out procedures, which need not necessarily be very formal, for the sharing of information and for cooperation on individual complaints. (Since Section 709(d) provides that contractors required to file reports with the Committee need not file with the EEOC a general consolidation of reporting requirements might be advisable.) If, for example, a complaint is filed with the EEOC against a government contractor, and investigation demonstrates a likelihood that there is a pattern of discrimination, the EEOC might refer the case to the Committee, while continuing its efforts to adjust the individual complainant's grievance. Indeed, the prospect of referral should make the respondent more amenable to the EEOC's efforts at voluntary compliance. Conversely, if the Committee is having difficulty with a labor union, it could inform the EEOC, and an investigation could be initiated on a member's complaint, leading eventually to a suit by the Attorney General under section 707. The possibilities in this area are fairly obvious, and procedures of coordination can be worked out more or less ad hoc.

Community Relations Service: The Community Relations

Service was created by Title X of the Civil Rights Act.

Its function is

"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 function of the Service is entirely one of conciliation.

It has no investigative or enforcement responsibilities, and its value lies in its complete disassociation from such activities.

While the disputes in which the Service is authorized to act might include disputes arising under Title VII, I see no advantage in having the Service act in this area, since it would only duplicate the functions of the EEOC. There may be an exception in the circumstance where discrimination in employment is merely a part of a climate of discrimination in a community, but such situations can be dealt with as they arise and require no preexisting machinery of coordination.

Commission on Civil Rights: The Commission on Civil Rights was created by the Civil Rights Act of 1957, and its functions have been expanded by Title V of the Civil Rights Act of 1964. It is primarily an investigating and reporting agency, with no law enforcement responsibilities. It may hold public hearings and has subpoena power.

It is rather doubtful that the Commission has any authority to investigate discrimination in purely private employment, since its authority is limited to denials of voting rights and denials of equal protection of the laws. See section 504(a) of the Civil Rights Act of 1964.<sup>4/</sup> The Commission has done some work in the field of federally-assisted employment and training programs, and undoubtedly consultation with the Commission on such problems would be valuable. However, it does not seem that any formal structure for coordination need be set up, nor any responsibilities allocated between the two commissions.

National Labor Relations Board: The National Labor Relations Board is an independent quasi-judicial agency, which enforces the Labor-Management Relations Act, 29 U.S.C.

<sup>4/</sup> However, the members of the Commission on Civil Rights will participate in conferences which section 716(c) provides for prior to the effective date of Title VII.

141 et seq. (The LMRA amended the National Labor Relations Act, and both terms refer to the same statute.) Its responsibilities with respect to the kinds of discrimination in employment which are the subject of Title VII are difficult to describe, since they have evolved through case law, much of it quite recent. The LMRA does not prohibit discrimination (i.e. discrimination because of race, color, religion, sex or national origin) by employers or employment agencies, and it does not in terms prohibit such discrimination by labor unions. However, the case law establishes that certain acts of discrimination by labor organizations which would violate Title VII also violate the LMRA. Thus it has been recognized that the LMRA imposes upon a labor organization selected to represent the employees in a given bargaining unit the duty to represent them fairly and without racial discrimination, Syres v. Oil Workers Union, 350 U.S. 892 (1956). Until recently this duty was enforced by suit in the courts and not by proceedings before the Board, but in a recently decided case, Hughes Tool Co., 147 NLRB No. 166, the Board held that violation of this duty is an unfair labor practice, and also that a union which discriminates can be denied its status under the LMRA as a certified bargaining representative.

It is unnecessary to analyze in detail exactly what acts of racial discrimination by unions violate the LMRA, and the law is quite unsettled. (Hughes Tool was decided on one theory by the majority of Board, on another by two members, dissenting in part.) It seems reasonable to conclude that the LMRA offers very incomplete protection against discrimination by labor unions, and that the more direct prohibitions of Title VII offer a more promising means of preventing such discrimination.<sup>5/</sup>

Title VII is not intended to detract from the jurisdiction of the NLRB in cases involving discrimination. A memorandum prepared by the Department of Justice and introduced into the Congressional Record by Senator Clark stated:

"Nothing in title VII or anywhere else in this bill affects rights and obligations under the NLRA [i.e. the LMRA] and the Railway Labor Act. The procedures set up in title VII are the exclusive means of relief against those practices of discrimination which are forbidden as unlawful employment practices by sections 704 and 705. [later renumbered 703 and 704]. Of course, title VII is not intended to and does not deny to any individual, rights and remedies which he may pursue under other Federal and State statutes. If a given action should violate both title VII and the National Labor Relations Act, the National

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<sup>5/</sup> The decertification of a union by the NLRB is an effective sanction in some situations, but not in others. Some unions, notably in the building trades, are in such a powerful economic position vis-a-vis the employer that they do not need certification or the other procedures of the LMRA. These unions are among those most likely to discriminate.

Labor Relations Board would not be deprived of jurisdiction. \* \* \* (T)itle VII would have no effect on the duties of any employer or labor organization under the NLRA or under the Railway Labor Act, and these duties would continue to be enforced as they are now. \* \* \* No court order issued under title VII could affect the status of a labor organization under the National Labor Relations Act or the Railway Labor Act, or deny to any union the benefits to which it is entitled under these statutes." Congressional Record, p. 6986 (4-8-64).

Perhaps some of the above language is too strong, for it is hard to see how the LMRA can be administered in utter disregard of Title VII. For example, it is not entirely clear at present whether an employer or a union is under an obligation to bargain in good faith where the other is making a discriminatory demand, 29 U.S.C. 158(a)(5), 158(b)(3).

See Sovorn, "The National Labor Relations Act and Racial Discrimination," 62 Columbia L.R. 563, 589-90, 604-06 (1962).

However, where title VII forbids the practice in question, neither party can legally insist that the other bargain with respect to it. But the point of the Department memorandum is basically that title VII is not integrated into the LMRA, that the EEOC and the NLRB will occasionally have concurrent

jurisdiction, and that the two statutes will simply have to be harmonized by the case law.<sup>6/</sup>

Another problem raised by the expanding scope of the LMRA is that of preemption. It is true as between the NLRB and the EEOC, no preemptive problem exists; their jurisdiction is concurrent. However, if it is established, as Hughes Tool holds, that certain forms of union discrimination, possibly including discriminatory membership policies, constitute unfair labor practices, it would seem to follow that State and local FEPC's would be ousted of their jurisdiction over such practices because of the Supreme Court's holdings that the NLRB has exclusive jurisdiction over conduct that is either arguably protected or arguably prohibited by the LMRA, San Diego Bldg. Trades Council v. Garmon, 359 U.S. 236, 245 (1959); see Sovern, op. cit. at 608. This result in turn would affect an EEOC determination whether or not to enter into an agreement with a State agency under section 709(b) of Title VII.

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<sup>6/</sup> It might be pointed out that certain discriminatory acts of labor unions might violate the bill of rights provisions of the Landrum-Griffin Act, 29 U.S.C. 411-415. The act does not require unions not to discriminate in selecting members, but it does protect the political rights within the union of those who are members. However, enforcement is by private suit, and not through any federal agency.

I would suggest the formation of a small task force representing the EEOC, the NLRB, and the Department of Labor to study the problem of overlapping jurisdiction over discrimination by labor unions and to make proposals for effective coordination in this area.

Department of Justice: The Department of Justice has an important role to play in the enforcement of Title VII. Not only may the Attorney General institute suits based on a pattern or practice of discrimination (sec. 707), but he may, with the consent of the court intervene in any suit brought under section 706 where he certifies that it is of general public importance (sec. 706(e)). The EEOC is authorized to consult with and make recommendations to the Attorney General with respect to such suits (sec. 705(g)(6)).

No peculiar problems of coordination appear to arise here. The Attorney General is not limited in suing under section 707 to suing on complaints previously filed under section 706,<sup>7/</sup> but it is unlikely that a suit would be brought

7/ Senator Humphrey stated with respect to section 707:

"As in title II, there is no requirement for exhaustion of administrative remedies \* \* \* by the Attorney General and there is no requirement of prior referral to Federal, State or local agencies, though the Attorney General would remain free to make such a referral if he deemed it useful."  
Congressional Record, p. 12298 (6-4-64).

prior to an investigation by the EEOC, and such an investigation should prove a valuable discovery tool since the Department of Justice would have no right to obtain information by compulsory process prior to the institution of suit. For this and other reasons, where information reaches the Department from some other source regarding a possible pattern of discrimination in employment, it should be referred to the EEOC, where it could furnish the basis for the filing of a charge by a Commission member.

Consideration might be given to the desirability of setting up within the Civil Rights Division of the Department of Justice a section specializing in Title VII litigation, which could maintain close contact with the EEOC's investigatory personnel.

Other federal agencies: Several other federal agencies will issue regulations under Title VI of the Civil Rights Act, dealing with discrimination in employment under federally assisted programs. The principal agencies involved will be the Department of Labor (certain apprenticeship, training, and retraining programs, and the United

States Employment Service); the Area Redevelopment Administration; the Small Business Administration; and the Office of Economic Opportunity. Federally assisted construction employment will remain the responsibility of the President's Committee under E.O. 11114, but, of course, that order places the primary responsibility for obtaining compliance on the agencies administering the assistance program. Therefore, every federal agency, either as a contracting agency under E.O. 10925 or as an administering agency under E.O. 11114, will have some responsibility in the field of preventing discrimination in employment. In addition to the coordinating function which the President's Committee performs under the two present executive orders, we contemplate that an amending executive order will be issued, which will, among other things, authorize agencies with Title VI regulations covering employment not already covered by E.O. 11114 to delegate certain functions by agreement to the President's Committee.

State and local agencies: The most important coordination problem facing the EEOC is that of its relations with State and local nondiscrimination agencies. Section 706 of Title VII requires complainants in States or localities with fair

employment laws to file complaints first with the State or local agency and to give that agency at least 60 days to resolve the dispute before a charge may be filed with the EEOC. A similar procedure is required in the case of charges filed by a commissioner. Twenty-one States have <sup>8/</sup> FEPC-type laws with quasi-judicial enforcement agencies, while four States <sup>9/</sup> make employment discrimination a misdemeanor. Section 706(b) is applicable in all these States. Section 709(b), quoted earlier in this memorandum, authorizes agreements between the EEOC and State and local agencies administering fair employment practices laws, and one of the principal purposes of such agreements is to cede exclusive jurisdiction over certain cases or classes of cases to the State and local agencies. It is not clear whether the term "fair employment practices laws" in section 709(b) includes criminal statutes, but whether it does or not, it

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<sup>8/</sup> Alaska, California, Colorado, Connecticut, Hawaii, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin. The only major city with an FEPC law, outside of cities within the above States, is Baltimore.

<sup>9/</sup> Delaware, Idaho, Iowa, and Vermont.

is unlikely that the EEOC would ever conclude that such a statute is an adequate substitute for the civil remedy available under Title VII.

The problem how the State agencies and the EEOC can best coordinate their activities requires intensive consideration, possibly by a study group drawn from the EEOC and the more active State commissions. It appears to me that until now too much emphasis has been placed on the prospect of cession agreements designed to cut down on EEOC's responsibilities in a given State and to avoid the largely illusory problem of double jeopardy for the employer.<sup>10/</sup> (Since the State experience has been that an almost infinitesimal number of complaints reach the stage of a full hearing on the merits, the prospect of a complainant pushing his case all the way through the State proceeding and then through a private suit under Title VII seems remote indeed.)

Experience has demonstrated grave deficiencies in the enforcement of State and local FEPC laws. This would seem to be demonstrated by the fact that although every major industrial State has an FEPC law -- and those of New York,

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<sup>10/</sup> The EEOC could enter into agreements under section 709(b) providing that it would not handle cases where there had been a decision on the merits in the State proceeding adverse to the complainant.

New Jersey, Massachusetts, Connecticut, Rhode Island and Washington have been in effect more than ten years -- not only is discrimination in employment still a problem in all these States, but it is not at all clear that such discrimination has decreased significantly since FEPC laws were enacted. See Hill, "Twenty Years of State FEPC," 14 Buff. L.R. 22, 23-26 (1964). One of the major difficulties with State and local enforcement machinery is that the enforcing agencies are badly understaffed and underfinanced. See Norgren and Hill, Toward Fair Employment, Columbia University Press, 1964, pp. 99-102. And while this is sheer speculation, the enactment of Title VII is not likely to encourage State legislatures to start appropriating larger sums for their State commissions. The EEOC, on the other hand, is likely to be able to obtain more realistic appropriations, and it has authority under section 709(b) to utilize State agencies and personnel and reimburse them for their services, although only "within the limitation of funds appropriated specifically for such purpose." It appears to me that EEOC-State agreements for the sharing of facilities, cooperation in promotional

and educational programs, and the undertaking in appropriate cases of joint investigations, perhaps by State investigators acting for both agencies, offer better prospects for effective enforcement of Title VII than agreements enabling the EEOC substantially to close down its activities in certain States. 11/

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11/ Two points occur to me in this connection. First, the EEOC will always have some responsibilities in at least 48 of the 50 States, since only Hawaii and Wisconsin prohibit discrimination on account of sex. Second, any gain to effective enforcement by the EEOC which might be derived from concluding cession agreements permitting the concentration of efforts in States without nondiscrimination laws would in the long run probably be offset by decreased appropriations resulting from the lessened responsibility. If, on the other hand, EEOC cooperates effectively with State FEPC's, neither Northern nor Southern Congressmen would be likely to cut down on funds used in such cooperative efforts.

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Harvey, Illinois

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804 Gunderson  
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345 Oakwood  
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Room 302, City Hall Building  
  
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Mr. Farries H. Morrison, Executive Director  
206 Municipal Building

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340 Randolph  
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Mayor  
City Hall  
Waukegan, Illinois

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Mr. Robert W. Milow, Chairman  
4721 Grand Avenue  
Western Springs, Illinois

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Mr. Charles W. Smith, Jr., President  
515 East 14th Street  
Lombard, Illinois

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Box 643  
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2304 Elmwood  
Wilmette, Illinois

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Mrs. Phillip W. Moore, Jr., President  
1000 Green Bay Road  
Hubbard Woods, Illinois

YORK COUNCIL ON HUMAN RELATIONS

Mr. Horner Eby, President  
580 South Chase Avenue  
Lombard, Illinois

# COPY

December 9, 1964

Mr. R. Sargent Shriver, Jr.  
Director  
Office of Economic Opportunity  
Washington, D. C. 20506

Dear Mr. Shriver:

Pursuant to my letter of yesterday outlining the President's request for my assistance in formulating a plan for coordinating civil rights activities in the Federal government, I am enclosing a copy of the President's letter.

I thought this would be helpful to you in understanding his objectives in this project.

Sincerely,

Hubert H. Humphrey

# COPY

December 8, 1964

Mr. R. Sargent Shriver, Jr.  
Director  
Office of Economic Opportunity  
Washington, D. C. 20506

Dear Mr. Shriver:

The President has requested my assistance in determining the most appropriate manner to coordinate the functions of the various Federal agencies in the area of civil rights. In this regard, I would like to consult with you about the responsibilities of the Office of Economic Opportunity in this area.

It is my hope that our consultation might take place during the week of December 14-19. I believe we might usefully explore the following matters:

- (1) The functions assigned to your office in the area of civil rights;
- (2) The areas of your office's responsibility which might overlap with the duties of other departments and agencies;
- (3) The principal difficulties which you foresee in carrying out your responsibilities;
- (4) Your thoughts and recommendations on how your office might fulfill its responsibilities most effectively and efficiently; and
- (5) Your general ideas on the functions of the Federal government in the area of civil rights at this point in our history.

In order to facilitate our consultation, I am asking John G. Stewart of my staff to discuss with the appropriate members of your office the kind of information we hope to develop and to arrange a mutually convenient time for our meeting.

COPY

I look forward to discussing with you these matters of vital national concern. I am particularly anxious to have the benefit of your personal thoughts and insights and I am confident our meeting will be most productive.

Sincerely,

Hubert H. Humphrey

Conversation with Hobart Taylor,  
Executive Vice-Chairman of President's Committee on Equal  
Employment Opportunity and Associate Counsel to President

December 11, 1964

John G. Stewart

Our conversation with Taylor was very general in nature and did not get into many specifics. We will have to check further into the specific operation of the President's Committee before we can reach any final judgments as to its future or its responsibilities.

Taylor observed that the President's Committee should be retained. He pointed out in particular that it might be useful vehicle to provide some additional muscle to help the Equal Employment Opportunity Commission do its job. That is, there could be an informal sharing of information so that when the Commission found an employer to be violating the <sup>spirit</sup> ~~letter~~ of not the <sup>letter</sup> ~~spirit~~ of the Act, the President's Committee could join in and lend a hand. Since the Committee can act on its own initiative, it might provide the kind of muscle which the Commission will totally lack under the existing statute.

Taylor noted that the public members on the Committee seemed never to leave voluntarily. He suggested that there be a time limit established with staggered terms so that there could be some continual turnover of personnel among the public members.

He also suggested that the function of the Committee perhaps ought to be rethought with transferal of certain functions, such as Federal employment, to the Civil Service Commission. This thought

ought to be explored with John Macy.

Taylor said that the Committee's compliance surveys and annual statistical reports provided the heart of the President's Committee. He suggested that efforts should be made to improve the monitoring of the compliance surveys which are carried on by the respective departments. The Commission staff pretty much has to take the Department's word that they are performing their compliance functions in a careful and vigorous fashion. Some departments have devoted substantial resources to this, for example, the Department of Defense has a staff of about 100 persons devoted exclusively to monitoring the employment activities of Defense contractors and sub-contractors.

Taylor is also pleased with the work of the Plans for Progress part of the President's Committee. People seem to agree that this has moved along well and has helped improve the government's image vis-a-vis private businessmen.

There still exists a potential problem with equal employment opportunity within the Federal government. Certain agencies have moved along reasonably well, such as HEW, Labor, VA, HHFA, and SBA. Other agencies have not. Taylor suggested the following in this category: Agriculture, FAA, Commerce, State, Treasury, Justice, Interior, GSA, NASA, and AEC.

Taylor finally suggested that whatever plan of coordination we recommend, there should be one person directly responsible to the Vice-President within each agency.

Conversation with Eugene Keeney  
U.S. Chamber of Commerce  
December 18, 1964

Mr. Keeney is head of the industrial relations section of the Chamber of Commerce. His group has been charged with interpreting the employment responsibilities to employers. They have been conducting a series of regional meetings trying to interpret the new law to their membership.

Keeney outlined three areas of considerable concern to the Chamber: 1) that an employer would be subject to double jeopardy. This is spelled out further in the Chamber's memorandum which is included in the large black notebook. 2) That there is conflict between Executive Order 10925 and Title VII of the Civil Rights Act. Keeney says that the Chamber hopes very much that the Executive Order could be rescinded in view of the existence of Title VII. I suggested this was not likely to happen. 3) The Chamber is concerned as to exercise of authority by the Attorney General under Title VII. How will the Attorney General act, how will he exercise his powers?

Keeney expressed a willingness to cooperate fully in whatever way he could, and supports with some enthusiasm Senator Humphrey's assignment by the President. We should

Keeney

2

keep in touch with Keeney in future weeks and months.

COPY

December 11, 1964

Mr. Clarence Mitchell  
Washington Bureau  
National Association for the Advancement  
of Colored People  
100 Massachusetts Avenue, N.W.  
Washington, D.C.

Dear Clarence:

Enclosed is a copy of the President's letter to the Senator asking him to recommend a procedure of coordination for the Federal government's civil rights responsibilities.

I hope that we can meet early in the week to discuss ways to secure the counsel and advice of the Leadership Conference on this project. Time is short and, as you can see from the letter, there is much to be done.

I can't tell you how much I personally regret the misunderstanding which developed. But let us take it from here and turn out something that really will do the job.

Best wishes.

Sincerely,

John G. Stewart

Enclosure

*From the desk of*

STANLEY A. FRANKEL

TO: Mr. John Stewart

*File CR - SDR*  
*Outside Groups*

December 23, 1964

Mr. Max Kampelman  
1700 K Street, N.W.  
Washington, D. C. 20006

Dear Max:

I have been reading about some of your problems regarding the bench appointment and predict you will emerge, like so many meritorious public officials, bloody but unbowed. You will do justice to the rendering of it, and be a credit not only to the judiciary, but to everyone who had a part in your appointment-to-be.

Have also read about HHH activities in setting up his Civil Rights assignment, and I have a thought I would like to send to you for whatever value it may have. Perhaps it has already been considered...and accepted, or rejected.

Anyway, it is obvious that the business attitude and actions regarding Civil Rights are extremely important. Business cooperation and even leadership can accelerate the movement toward full implementation of the Civil Rights Act.

With this in mind, shouldn't HHH establish a Business Advisory Council for Civil Rights, perhaps a counterpart Advisory group to others which may be established in Labor, or Education, or Religion? This Council should consist of a National organization with a Chairman (and Co-Chairman) from each of the fifty States. Each of the fifty Chairmen (and Co-Chairmen) should be as nearly as possible the most important businessman in the State, with a business following and stature in the State, as well as nationally, and with the minimum political alignment although the individual would have to be sympathetic to Civil Rights and to the Administration.

This fifty, or one hundred, would be the National Council; but each, in his own State, would establish a statewide Council, again, organizing the top business leaders in that State. Thus, in the National Council, he would not only speak for himself, but would also be backed by an influential State team, giving him added strength and understanding. Also, once issues are resolved, he could go back to his State and working with his State team, accentuate the implementation of the issues in the State.

December 23, 1964

I prefer not going into the other details in this letter, but I think the high spots will give you the general idea.

On its own merits, this Business Council justifies itself. However, you are aware of additional implications, giving it even more *raison d'etre*. Such a group provides a strong core, or nucleus, in the national business community on which to build a Humphrey image, a Humphrey business team, so that if and when specific business help is needed, a ready-made, integrated group is already in being.

Anyway, Max, I am tossing this ball to you...to catch with all the others flying in your direction. May I add only that this idea is not submitted in order to insinuate myself into the stream. As I wrote before, I think I could do best for all concerned on the USIA Advisory Board or a similar assignment, but I do believe strongly that this Business Council Concept offers an opportunity which we should not neglect.

My best,



Stanley Frankel

SAF:ss

P.S. Irene and I will be attending the Inauguration, having made up our minds when we received a thoughtful letter from John Robbie, HHH's Liaison. We hope that things won't be so frenetic for you that we can't say "hello" sometime during the three days. On the other hand, if it is "good" frenetic, we will understand.

COMMUNITY ACTION ASSEMBLY  
of the NATIONAL URBAN LEAGUE  
Dec. 9-11, 1964 Sheraton-Park Hotel  
Washington, D.C.  
202 265-7745

Contact: Sherwood Ross  
or  
Frank L. Stanley Jr.

*Jeli*  
*Civil rights  
coordinating  
project*

WASHINGTON, D.C. --- President Johnson has named Vice President-elect Hubert H. Humphrey coordinator of the Administration's multiple civil rights activities.

The move, which drew praise from civil rights leaders, is significant in many respects.

First, it is certain to invest the office of the Vice President with greater powers than at any time in the nation's history.

Second, it is a clear indication that the President intends to have his civil rights program administered by a public official with a long record of energy and dedication in the cause for equal opportunities.

Third, the move will coordinate the activities of many federal commissions now engaged in civil rights programs. These include the rights division of the Justice Department, the Civil Rights Commission, the President's Committee on Equal Opportunity in Housing, the new Community Relations Service, and the President's Committee on Equal Employment Opportunity, more commonly known as Plans for Progress.

In addition to this group, Humphrey will administer the forthcoming Equal Employment Opportunity Commission, the Federal FEPC which will be established next summer and which is to have jurisdiction over all businesses in the nation having more than 100 employees.

Rights leaders have reacted favorably to Humphrey's appointment, made at the National Urban League's Community Action Assembly in Washington, D.C. Whitney Young, the League's director, said, "We have great confidence in the integrity, ability and fairness of the vice-president elect." Other spokesmen struck a similar hopeful note.

. . . more

More than 350 rights leaders heard Johnson announce Humphrey's new role at the League conference, which mapped ways of wiping out poverty in Negro communities across the nation.

The president received a standing ovation when he entered, and his speech was interrupted by applause repeatedly. "Lincoln was one of my favorite presidents," Johnson declared. "He signed the Emancipation Proclamation. (It) was a proclamation and it was not a fact. It shall be my purpose and it is my duty to make it a fact."

At this point, the audience rose as one and cheered.

Observers said the president's address to the League represented his strongest civil rights statement to date. He attacked the notion that the rights movement will produce violence and cited the peaceful progress made under the new Civil Rights Act.

He said he planned "nothing less than full assimilation of more than 20,000,000 Negroes into American life.

"Our object," he explained, "is not to make all people alike. It is, as it has always been, to allow ready access to every blessing of liberty, while permitting each to keep his sense of identity with a culture and tradition."

The president told his audience that he would not be satisfied until every Negro "has the right, unquestioned and unrestrained, to go in and cast his ballot in every precinct in the country."

12/11/64

COPY

*Leadership Conf -  
Cone*

December 7, 1964

Mr. Marvin Caplan  
6405 Third Street, N.W.  
Washington, D. C. 20012

Dear Marvin:

Thanks for your letter raising the idea once again of the Vice-President looking for a home in the Neighbors Incorporated area.

The process of selecting a suitable home for the Vice-President is not really in the hands of Senator Humphrey or any of the staff. The President has appointed a person in the Bureau of the Budget to oversee this operation. In fact, Senator Humphrey has taken the position that he does not want an official residence and is perfectly happy to remain precisely where he is in Chevy Chase.

I am fully aware of the many attributes of the Neighbors Incorporated area. But this is a matter which we simply are not participating in at all. If a home should be purchased for the Vice-President, I suppose the Senator and Mrs. Humphrey would move in. But that is about where things stand at present.

Best wishes.

Sincerely,

John G. Stewart

November 25, 1964

Dear John:

Congratulations! Now that the election has turned out even better than we hoped, I would like to renew the suggestion I made back in August.

I assume the Vice President will be looking for a house. If so, I would like, again, to invite him to consider the Neighbors, Inc. area. I'm sure I need not dwell upon the reasons for this. I will only say that Mr. Humphrey's commitment to the goal of full equality could never be demonstrated more tellingly - and agreeably - than by his choosing to move into the section of Washington that is foremost in its efforts to establish a genuinely integrated community. At one and the same time, he would be moving into one of the loveliest parts of the city and, by lending his prestige to our efforts, greatly enhance the possibilities of our success.

We can assure Mr. Humphrey that he and his family would find this a congenial place to live. Their neighbors would include Esther Peterson, Kenneth Holum, Louie Martin, Lee White, Howard Jenkins, Commissioner John Duncan and Senator Ernest Gruening.

Dr. Robert Good, president of Neighbors, Inc., tells me his boss, Tom Hughes, has expressed an interest in the idea. Bob Good and I would welcome an opportunity to discuss this more fully with you and possibly with the Vice President and Mrs. Humphrey. You may be sure we in Neighbors, Inc. are ready at any moment to take you on a tour of the area and to help you find a suitable place.

Sincerely yours,



Marvin Caplan

6405 Third Street, N.W.  
Washington, D. C. 20012

**a vital and  
lovely place to live**





*spanking new homes . . .*



*or roomy old houses . . .*



*playgrounds for kids . . .*

The Manor Park, Brightwood, Takoma  
and Shepherd Park areas of north Washington

*“a vital and lovely  
place to live” . . .*

Shakespeare? No. Actually, we said it—the thousands of residents in this part of north Washington. Neighborhood pride comes easily here: whether you live in one of the big porch houses of the older section or in one of the modern split-levels or ramblers of the young projects. Consider these city conveniences:

- One bus fare takes you to the heart of town (no car pools; no commuting).
- Shopping (including the famous Georgia Avenue delicatessens) is usually a short walk from your home.
- Schools are excellent—no split shifts.
- Well-established churches and synagogues welcome new members.
- Recreation for the whole family can be found in the large picnic and play areas, the tennis courts, the public swimming pool, Carter Barron Amphitheatre and Rock Creek Park.
- Movie theatres and good libraries within walking distance.

But the most important asset of our neighborhood is a friendly spirit. We believe in variety.

We are neighbors seeking neighbors; and our goal—a community in which all are welcome.



*supervised activities and fair play . . .*



*a small church around the corner . . .*



*Neighbors, Inc. annual book & art festival . . .*



*and the neighborhood synagogue . . .*




*the handy library . . .*



*good schools to sharpen young minds*





MARYLAND


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(P-PAROCIAL) (H-HEBREW)


JR Paul Junior High School

HS Coolidge High School

 Churches

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 Parks and Playgrounds

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**LEADERSHIP  
CONFERENCE  
ON  
CIVIL RIGHTS**



"Cooperation in the Common Cause of Civil Rights for All"

132 3rd St., S.E., Washington, D. C. 20003 phone 547-8700

New York address: 20 West 40th St. New York 18, phone BRyant 9-1400

ROY WILKINS Chairman ARNOLD ARONSON Secretary

December 31, 1964

*File - discussed  
personally  
with M.H. -  
J*

The Honorable Hubert H. Humphrey  
Vice President Elect  
Room 5117, New Senate Office Building  
Washington, D. C.

Dear Mr. Vice President Elect:

Thank you for the opportunity to discuss the civil rights coordination program with John Stewart and other members of your staff. An urgent matter has arisen that we in the Leadership Conference believe warrants your immediate consideration.

We are deeply concerned about one aspect of the first sets of regulations issued by government departments and agencies with responsibilities under Title VI of the Civil Rights Act of 1964. The Leadership Conference assigned a group of attorneys to review these regulations and the enclosed petition reflects their principal criticism of the new rules. Those who participated in this review were J. Francis Pohlhaus, NAACP; Thomas Harris, AFL-CIO; Leonard Lesser, Industrial Union Department, AFL-CIO; Herman Edelsberg, ADL; and Lawrence Speiser, ACLU.

Their chief objection and ours, is that the regulations may lend themselves to unconscionable delays in granting the rights guaranteed by the Act. We feel they may permit court orders to be used as an occasion for delay or even subterfuge. They may also permit government officials to delay in obtaining compliance in a manner that could nullify the intent of Congress.

It is our conclusion that Congress meant these rights to be granted forthwith. We have, therefore, petitioned the seven departments and agencies that issued sets of rules on December 4th and urged them to consider amending their regulations. Since the regulations of the Department of Health, Education and Welfare are the models for all the others, our petition is directed specifically to them. We have asked the other agencies to make comparable changes.

Although we have not had time to circulate this petition among all of the 87 national organizations participating in the Leadership Conference, it was considered at a regular meeting of the Washington representatives of cooperating groups and drew unanimous endorsement.

The Honorable Hubert H. Humphrey -2-

December 31, 1964

We call this matter to your attention because we feel a basic issue of policy is involved that can only be settled with the assistance of your office. In fact, we feel the problem presented by these regulations is so serious we would like to discuss with you personally what can be done to make certain that the will of Congress is not thwarted.

A small delegation from the Conference will be ready to meet with you at your earliest convenience.

Sincerely yours,

A handwritten signature in cursive script that reads "Clarence Mitchell".

Clarence Mitchell

Encl.  
tl

CHARLES A. KOTHE  
VICE PRESIDENT  
INDUSTRIAL RELATIONS DIVISION

NATIONAL ASSOCIATION OF MANUFACTURERS  
277 PARK AVENUE, NEW YORK, N. Y. 10017  
(212) 626-2100

[Dec 1964]

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OF  
**TITLE**

7  
OF THE CIVIL RIGHTS  
ACT OF 1964

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and your  
company

ANOTHER LOCAL NAM CLINIC IN  
INDUSTRIAL RELATIONS FOR TOP MANAGEMENT

PROGRESS REPORT

RE

SEMINARS ON TITLE VII OF THE CIVIL RIGHTS ACT

December 1, 1964

## CONTENTS

- A. Report
- B. List of Cities in which Title VII Seminars  
have been held
- C. Some of the larger companies represented  
at the Seminars
- D. Comments received (a selection)
- E. Newspaper clippings (a selection)
- F. Announcement of Title VII Publication

6

The Civil Rights Act became law on July 2, 1964. Since September, Charles Kothe has conducted 22 seminars in key cities throughout the country to acquaint businessmen with their rights and obligations under the law. The response has been gratifying. Well over 3,000 businessmen from large and small companies have so far attended these seminars, and by the time the series is terminated, as many as 10,000 will have attended.

NAM was first to sponsor such an effort. We now observe that numerous other organizations are setting up panels essentially similar to our own series. Among a number that have come to our attention are the New York Chamber of Commerce, the Wharton School and Cornell University.

A publication is in preparation which will summarize the presentations made by the expert panelists on the various facets of the law, answer some of the most frequently asked questions, and provide general information regarding policies and procedures under Title VII.

The attached newspaper clippings and complimentary letters represent a small fraction of the publicity and acclaim that has been accorded the Title VII seminars. In view of their success, more will be scheduled for 1965.

## CIVIL RIGHTS ACT OF 1964

### TITLE VII, SEMINARS

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September 1	Dallas
September 2	Atlanta
September 3	Charlotte
September 9	Philadelphia
September 10	New York City
September 11	New York City
September 17	Cincinnati
September 18	Pittsburgh
September 22	Baltimore
September 23	Boston
September 28	Minneapolis
September 29	Milwaukee
October 1	St. Louis
October 2	Kansas City, Mo.
October 5	Los Angeles
October 7	San Francisco
October 9	Seattle
October 19	Birmingham, Ala.
October 20	Jacksonville, Fla.
November 4	Chicago
November 6	Chicago
November 11	Detroit
November 12	Cleveland
November 17	New Orleans
November 18	Jackson, Miss.
December 14	Honolulu, Hawaii
December 16	Portland, Oregon
December 18	Phoenix, Arizona

Some of the larger companies represented at  
Title VII Seminars:

American Cyanamid  
Anheuser-Busch  
Jones & Laughlin  
Owen-Illinois  
Procter & Gamble  
Rockwell Mfg. Co.  
United States Steel Corp.  
Pittsburgh Plate Glass Company  
Westinghouse Air Brake Company  
Westinghouse Electric Corp.  
Allied Stores Corp.  
United Shoe Machinery Corp.  
P. Lorillard Company  
Continental Can Company, Inc.  
Eastman Kodak Company  
Olin Mathieson Chemical Corp.  
Celanese Corp. of America  
Johns-Manville Corp.  
Sinclair Oil Corp.  
Chrysler Corp.  
Ford Motor Company  
General Motors Corp.  
Allis-Chalmers  
Todd Shipyards  
U. S. Plywood  
Schenley Industries, Inc.  
American Can Company  
Shell Oil Company  
The Borden Company  
McGraw Hill, Inc.  
J. Walter Thompson Company  
Hoffman-LaRoche, Inc.  
United States Rubber Company



HEADQUARTERS  
DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
WASHINGTON, D.C. 20310

September 15, 1964

Mr. Charles A. Kothe  
Vice President  
Industrial Relations Division  
National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

Dear Charlie:

Just a short note to thank you for the invitation to speak at the National Association of Manufacturers meetings on Title VII of the new Civil Rights Act.

It afforded me an opportunity to explain to the members the Department of Defense implementation of Executive Order 10925 as amended; to indicate how we may be of assistance to defense contractors; and to discuss some of our experiences under the Order.

I think these meetings are serving a most useful purpose and the several hours of questions from the audience at each session attest to the interest of the members of National Association of Manufacturers in the subject matter discussed. I am confident, that as a result of these meetings, those who have attended will have a clear picture of the provisions of Title VII of the new Civil Rights Act and will be greatly assisted in taking any actions which may be necessary on their part to meet the requirements of the new law.

As I mentioned in New York, Jack Maynard of the Defense Supply Agency will participate in the next few meetings--we have already discussed this with your secretary.

I look forward to joining your "act" in the near future. I have one question--where do you get all that energy?

With kindest regards.

Sincerely yours,

A handwritten signature in cursive script, reading "Jack", is written over the typed name "JOHN S. WILSON".

JOHN S. WILSON  
Colonel, GS  
Deputy Contracts Compliance Officer



# BALTIMORE URBAN LEAGUE

INTERRACIAL TEAMWORK IN ACTION

2404 PENNSYLVANIA AVE. • LAFAYETTE 3-0706 • BALTIMORE, MD. 21217

November 5, 1964

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NATIONAL URBAN LEAGUE

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Administrative Assistant

MRS. BERNICE E. THOMPSON



MEMBER AGENCY OF  
COMMUNITY CHEST

Mr. Charles A. Kothe  
Vice President  
Industrial Relations Division  
National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

Dear Mr. Kothe:

Please forgive me for taking so long to acknowledge receipt of your October 21st letter.

Although I appreciate your evaluation of my participation in the Baltimore meeting, I must profess ignorance of and concern about the New York Times article to which you referred. Frankly, I do not recall any conversation with a Times representative or making remarks such as you say the article alleges. I have not seen the article in question and I can only fall back on the local newspaper articles. I feel certain you have seen them.

NAM and you are to be congratulated on the sponsorship of the meetings held across the country. It is a far-sighted project and should do much to promote equal employment opportunity as called for under the Federal law. I wish I had been privileged to participate in some of the meetings you conducted.

I enjoyed meeting you and being a panelist at the meeting here. It is hoped we will meet again soon.

Always cordially yours,

Furman L. Templeton  
Executive Director

FLT:cmw

P.S. Enclosed is a copy of my "Reflections" piece. In the hope that it will be interesting and informative, I invite your comments on it.

N. A. M.  
CENTRAL FILES  
RECEIVED



LABORATORY FOR ELECTRONICS, INC.

1079 COMMONWEALTH AVENUE BOSTON, MASSACHUSETTS

HENRY W. HARDING  
PRESIDENT

TELEPHONE 254-4233  
CABLE ADDRESS  
LFE

October 2, 1964

Mr. W. P. Gullander, President  
National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

Dear Gully:

Harry Easton engineered two meetings in the Boston area, one on Title VII which I monitored and the other for Ted Compton headed up by Roger Hallowell.

As you know, the Title VII meeting attracted over 100 top grade officials, and Roger Hallowell's luncheon had 50-odd for Ted Compton.

The comments which I have received as a result of these meetings would hearten you and the other directors of NAM. I would hope that further meetings of this caliber could be programmed because they would make a real contribution to the industrial life of all the companies and, no doubt, would make the job of increasing the membership in NAM much easier.

Best wishes.

Sincerely yours,

*Henry W. Harding*  
Henry W. Harding

HWH:jkr



# THE OHIO CIVIL RIGHTS COMMISSION

N. A. M.  
CENTRAL FILES  
RECEIVED

Nov 4 '64

RETURN TO FILES

James A. Rhodes  
Governor

Arthur L. Peterson  
Chairman

Charles Bishop  
Roosevelt Dickey  
William Green  
Clingan Jackson

September 30, 1964

Ellis L. Ross  
Executive Director

Mr. W. P. Gullander, President  
National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

Dear Mr. Gullander:

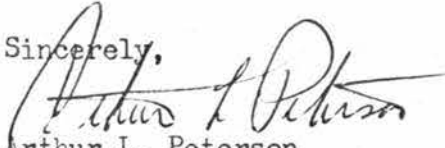
Two weeks ago I had the opportunity of participating with Mr. Charles A. Kothe in a seminar on State and National Civil Rights Legislation.

I want to commend you for sponsoring such an excellent and timely public dialogue. If the Cincinnati seminar is an indication of what Mr. Kothe has been doing around the country then I believe that your contributions to the effective and just enforcement of the Civil Rights Laws, State and National, is indeed a major one.

I sincerely hope that you will make every effort to continue these meetings in the major metropolitan and industrial centers of America. For it is only through this kind of painstaking educational effort that the serious problems in the area of civil rights will be solidly and fairly resolved.

I think much of the success for these meetings must be laid at the door of your Mr. Kothe. He impressed me as an extremely able gentleman whose motivations were based in the best of the Judaic Christian and American traditions.

Sincerely,

  
Arthur L. Peterson  
Chairman

ALP:jw

Room 234  
240 PARSONS AVE



*The Commonwealth of Massachusetts*  
*Commission Against Discrimination*  
*41 Tremont Street, Boston 02108*

September 23, 1964

Mr. Charles A. Kothe  
National Association of Manufacturers  
277 Park Avenue  
New York City 10017

Dear Mr. Kothe:

I'm just back at the office and still aglow over the splendid seminar. If I may run to alliteration I'd say it had everything desirable; interest, information, and inspiration.

My heartiest congratulations and I'm delighted you asked me to be one of the panelists.

Sincerely,

A handwritten signature in cursive script, reading "Mildred H. Mahoney".

(Mrs.) MILDRED H. MAHONEY  
Chairman

MHM:sk

722 U. S. Post Office & Court House  
Cincinnati, Ohio 45202  
September 17, 1964

National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

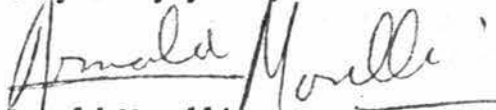
Gentlemen:

I was asked to participate in the seminar that was set up by Mr. Kothe, your Vice President of the Industrial Relations Division.

I would like to state to you that I was thoroughly inspired by his positive and optimistic approach on compliance with the law and the aspirations that it represents. I am sure his enthusiasm is a great force to encourage adherence to the rule of law.

I think your organization has every reason to feel very proud of what he has done and is doing in this area.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arnold Morelli". The signature is fluid and cursive, with a long horizontal stroke at the end.

Arnold Morelli  
First Assistant U. S. Attorney  
Southern District of Ohio

12  
PLEASE ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
P. O. BOX 158

United States Department of Justice

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS

DALLAS, TEXAS 75221

October 22, 1964

Mr. Charles A. Kothe  
Vice President  
Industrial Relations Division  
National Association of Manufacturers  
277 Park Avenue  
New York, N. Y. 10017

Dear Charles:

I certainly appreciated your thoughtful letter of October 19.

I enjoyed participating in the panel and garnered a great deal of information which I had not theretofore had. Too, it was very helpful to me to have the benefit of the various points of view which were expressed not only by members of the panel but also from the audience.

I hope that you are meeting with great success in the similar sessions which you are holding in other cities throughout the country.

It was a pleasure to become acquainted and to work with you on this matter. Kindest personal regards and warmest best wishes.

Sincerely,



Prefoot Sanders  
United States Attorney

13 -

FOLEY MANUFACTURING COMPANY  
MINNEAPOLIS, MINNESOTA

September 30, 1964

Mr. Charles A. Kothe  
National Association of Manufacturers  
277 Park Avenue  
New York, New York 10017

Dear Charlie:

Your meeting Monday was a great success. My associates, Doris Bergquist our Personnel Manager and Ray Duffy our vice president in charge of our production, came back with nothing but very high praise for the way in which the subject matter was handled.

You made a very interesting meeting on a subject that could have been rather dull.

I appreciate very much the opportunity of participating with you.

Sincerely,



Walter M. Ringer, Jr.:jh

United States Department of Justice

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

AGB

M1-1

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE

FOLEY SQUARE

mv1

NEW YORK, N. Y. 10007

September 15, 1964

Charles A. Kothe, Esq.  
National Association of Manufacturers  
277 Park Avenue  
New York, N. Y.

Dear Mr. Kothe:

I want to express our thanks for the opportunity to appear on the panel at the seminars on Title VII of the Civil Rights Bill, held last Thursday and Friday.

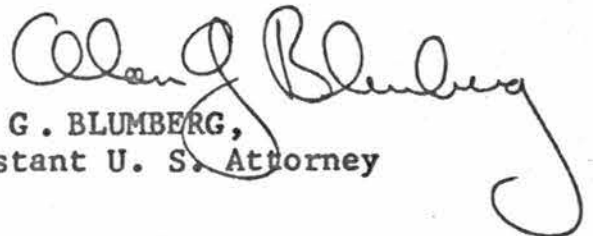
The seminars were excellent. For us they were both informative and pleasant.

We would be happy to participate in any further seminars held in New York City.

Very truly yours,

ROBERT M. MORGENTHAU  
United States Attorney

By:



ALAN G. BLUMBERG,  
Assistant U. S. Attorney

15

**TENNESSEE GAS TRANSMISSION COMPANY**

POST OFFICE BOX 2511



HOUSTON, TEXAS 77001

CLAUDE B. LILLY, JR.  
VICE PRESIDENT

September 2, 1964

Mr. C. A. Kothe  
Vice President  
National Association of Manufacturers  
277 Park Avenue  
New York 17, New York

Dear Charlie:

I hope you got back to Tulsa in time for the wedding, and again I want to express my congratulations on the excellent seminar which you conducted on the Civil Rights Act yesterday in Dallas.

I also wanted to remind you that you will be hearing from Mr. R. D. Price of the Louisiana Gas Service Company with respect to an invitation to address the Southern Gas Association General Convention in New Orleans which is to be held April 12, 13, 14, 1965. I hope that you will consult your calendar between now and the time you hear from Mr. Price and block out those dates so that we can have the pleasure of your company and the benefit of your wisdom at this important convention.

Once again, many thanks for the transportation to and from the airport and if there is anything I can do for you here in Houston, please call on me.

Best regards,

*Claude*

cc: R. D. Price

CBL:jem



CHARLOTTE, N.C.  
OBSERVER

D. 164,523 — S. 187,813

OCT 15 1964

# Real Rights Fight—Women

## Sex Bigger Worry Than Race, NAM Tells Firms

By ARELO SEDERBERG  
The Washington Post and Los Angeles  
Times News Service

LOS ANGELES — Companies will be more harassed by sex than race in conforming with employment provisions of the Civil Rights Act, a labor law specialist declares.

"When those women's magazines get hold of this law and start telling their readers about the 'new rights' of women, why the Emancipation Proclamation will be a pygmy by comparison," said Charles A. Kothe, vice president of industrial relations for the National Association of Manufacturers (NAM).

He moderated an NAM seminar at the International Hotel on "the impact of Title VII on you and your company." Title VII is the section of the Civil Rights Act which applies to employment.

The act bars "discrimination" in hiring based on "race, color, religion, sex, or national origin."

Many insurance and hospitalization programs, Kothe said, are "highly discriminatory toward women, mainly because of their chemistry." This "could be a headache to employers long after the last

of the race complications have been solved."

Depending upon the definition of "discrimination," which the act does not define, it will become unlawful for an employer to make a distinction in the treatment of employees because of their sex.

This will cause employers to change their thinking about the work women are capable of doing, Kothe said.

The classified advertising category "help wanted — female" will disappear (it will be against the law), women may be doing what is now considered men's work, like truck driving, and men may be doing women's work — secretarial, for example.

The NAM panel session was one of several being held around the nation. They're designed to help NAM members adjust to procedures under the new law.

Title VII becomes effective July 2, 1965, for companies with 100 or more employees. The number drops to 75 during the second year, 50 in the third year and 25 thereafter.

Exempt from Title VII's provisions are private membership clubs, the federal government and government-owned

corporations, Indian tribes, and states and their political subdivisions.

Assistant U.S. Attorney Thomas R. Sheridan, a member of Kothe's panel, said enforcement of the law is the responsibility of the U.S. attorney general.

A person with a grievance has 90 days to file a written charge under oath with the federally operated Equal Employment Opportunity Commission. This action would be taken if state or local laws were unable to effect a solution. If the commission finds substance in the charge, it is directed to attempt to eliminate the practice by "conference, conciliation and persuasion."

If the company or organization does not comply within 60 days after the complaint is filed, it must notify the complaining party. Within 30 days the party then may institute a civil action through U.S. district court.

Arnett Hartsfield, associate counsel, division of fair employment practices, California Department of Industrial Relations, said the law doesn't guarantee jobs to any racial or ethnic group. The individual must qualify.

The aggrieved party himself

(or herself) must file the complaint.

Although the NAM says the civil rights bill was "materially improved" by amendment adopted in the Senate and accepted in the House, it assesses Title VII of the act as constituting "a regulatory device over employment practices of immense proportions."

Due to "numerous vague and ambiguous terms used," the NAM comments, "much litigation will doubtless be necessary before (the act's) full scope can be known."

Urged to 'Get House in Order'

# NAM Seminar Sets Record Straight on Civil Rights Law

By JOHN P. CARBERG  
Herald Financial Writer

New England manufacturers were told yesterday "to get your house in order," before Title VII of the Civil Rights Act becomes law next July.

The advice and the reasons for it came during an all-day seminar meeting of the National Association of Manufacturers at the Sheraton-Plaza Hotel.

Discussing the impact of the new law covering hiring, firing and promotion practices, seminar leader Charles A. Kothe, NAM vice president of industrial relations said:



## One of 38 Seminars

"If the industrial community does its homework well in advance of the law and demonstrates the law is really not necessary then there will be no amendments. That is one of the reasons we are here."

The section makes it unlawful for an employer to fail to hire an individual because of race, color, religion, national origin or sex.

Kothe told some 100 businessmen attending the seminar —

thirteenth in a series of 38 to be held across the nation—that the biggest problem won't be color—but sex.

"This is the first law that will protect women in their rise to the executive levels."

Prof. Herbert R. Northrup of the Wharton School of Finance and Commerce agreed.

"The sex situation is a very interesting one. There may come a day when we will have to give pregnancy leaves to executives."

Northrup, in reply to a question on help wanted advertising said: "I don't think we will be able to make the distinction under Title VII."

He said the practice of listing jobs under either help wanted-male; or help wanted-female is about to go down as a thing of the past."

The outspoken professor also stated that the Equal Employment Opportunity Commission, which will administer the new law "will probably be made up of a lot of second string people from the NLRB."

For this reason he suggested that manufacturers take a very thorough inventory of their employment practices and —"if you don't have any Negroes you'd better get some." the past."

"But there is nothing in this

law that prevents you from being a good manager if you know your business. If you hire someone you must treat him like anyone else. You cannot permit poor performance from one person and expect the opposite from another," he said.

Other panelists were Gordon A. Martin, Jr., assistant U. S. Attorney; Mildred H. Mahoney, chairman, Massachusetts Commission Against Discrimination; Lee Kozol, Massachusetts assistant attorney general, and M. P. Maynard, director, Fair Employment Program, Washington. Henry W. Harding, president of Laboratory For Electronics, Inc. and a director of NAM, served as chairman.

Miss Mahoney and Kozol, who were introduced as a "brother and sister act," said they were doubtful the federal act would ever be invoked in this state.

"The coverage of the federal act is really not as extensive as the state with the exception of sex," Kozol said.

Norman L. Cahners, president of Cahners Publishing Company, Inc., was the luncheon speaker.

# NAM Members

## Air Views On Civil Rights

DAILY EVENING ITEM, Lynn, Mass.

Thursday, September 24, 1964

By NEIL THOMAS

A competent Negro salesman applies for a job. The company must hire him, even if it is likely that the man may not be able to sell the product because white customers will not deal with him. He may only be refused employment if he fails to sell after he is hired.

This and other conclusions came yesterday in Boston at a meeting attended by 100 businessmen, members of the National Assn. of Manufacturers.

The opinion about the salesmen was offered by Prof. Herbert R. Northrup of the Wharton School of Finance and Commerce at the University of Pennsylvania.

"Just the fact that it will help your business (to have only white salesmen) is no reason for doing it," Northrup said. "In the sense of the Civil Rights Act of 1964, it is tough luck."

The NAM members met to discuss the implications of Title VII of the Civil Rights Act. It deals with equal employment opportunity. Under Title VII, discrimination in business—whether in employment promotion, or pay—on the basis of race, color, religion, national origin, or sex is prohibited.

The four men, and one woman who spoke to the businessmen explained that while the provisions of Title VII do not go into effect until next July, personnel departments "had better set their houses in order as soon as possible."

### TITLE PROVISIONS

Some of the provisions of Title VII that may require some changes for local businessmen include the following:

**Application forms** — A list of items that may not be asked applicants will soon be published by the Mass. Commission Against Discrimination, said Mrs. Mildred H. Mahoney, the MCAD chairman and panel member. Age, sex, and any other items that could be interpreted as discrimination must be removed. After employment, however, data needed for Social Security and other government agencies may be gathered.

**Testing** — Questions on tests given to applicants that do not attempt to determine their qualification for the job must be eliminated. The panel members at the NAM meeting seemed to be thinking of tests designed to be easy for white persons but difficult for Negroes.

**Classified advertising** — "The employer looking for a lovely girl to be his secretary may find the person sitting on his lap is a man," said one of the panel members. According to the Civil Rights Act, it is illegal for most companies to advertise under such headings as "Help Wanted—Female."

At least six of the lawyers and businessmen at the NAM meeting told this reporter it was likely that newspapers would be required to eliminate such headings in their classified sections, or at least to censor the ads designed for such listings.

**Retirement** — Existing state laws requiring women to retire earlier than men may possibly be successfully challenged, according to Prof. Northrup. Also, it is doubtful whether different hours for women can be allowed under the Civil Rights Act. If a woman executive becomes pregnant, it would be no grounds for firing her, even if she had to be off the job for several months.

**Equal pay for women** — A Massachusetts law already requires teachers at Essex Aggie "doing the same type of work with the same preparation as men teachers to be paid at the same rate as men teachers." The Civil Rights Act of 1964 extends this equal pay provision to virtually all businesses.

**Promotion—Negro supervisors**

and women employees cannot be withheld promotion on the basis of discrimination if the personnel director feels that other workers might not cooperate with them.

Throughout the day-long session, the experts emphasized that the Civil Rights Act is only designed to give everyone an equal chance at the job he desired.

In the case of the colored salesman, said M. P. Maynard, director of the Fair Employment Program of the Defense Supply Agency in Washington, D. C., he could be fired if he did not sell his product. That is a criterion most companies set up for salesmen. The company would not have to keep a colored salesman if he didn't sell because people wouldn't talk to him.

The same could be said of woman in any job, the panel members emphasized.

"The problem will come," said Professor Northrup, "when Negroes and women find themselves frustrated when they learn that the Civil Rights Act is no key to a job." All the Act does, he said, is insure equal opportunity. If a person is not qualified, his RACORNOS will be no help in getting a job because the Act does not require businesses to establish any quota system.

### EXEMPTIONS

Exempt from the provisions of Title VII would mostly be non profit organizations. The family seeking a housekeeper could select a white woman over 40 if it wanted to, and the church seeking a Sunday school teacher would be under no obligation to select someone of another faith.

The church looking for a secretary, however, would not be allowed to practice discrimination.

Fraternal organizations could still select whomever they pleased, and businesses would not have to hire Communists.

The grievance procedure was explained by Charles A. Kothe, vice president of industrial relations for NAM.

"The individual who thinks he has been wronged may sue for restitution," said Kothe. "He must show, by a preponderance of the evidence, that the employer has discriminated intentionally."

A Federal Equal Employment Opportunity Commission of five members, yet to be appointed by the President, will review the case in private session. By "conference, conciliation and persuasion" the case should be solved without recourse to federal courts and public exposure.

Panel members all said they thought few cases would ever reach court because of the employer's fear of having the alleged discrimination made public.

Protection for the employer, according to Kothe, is provided by the provision stating that the aggrieved party who loses his case in court has to pay the costs.

In Massachusetts, where the Fair Employment Practices Law has been in effect since 1946, the person with a complaint would first take his case to the Mass. Commission Against Discrimination. Only if arbitration fails at this level does the case go to the Federal Commission.

OCT 6 1964

# Civil Rights for Women Pose Business Headache

Problem Greater Than Race Discrimination,  
Labor Law Specialist Tells NAM Seminar

BY ARELO SEDERBERG

Times Staff Writer

Companies will be more harassed by sex than race in conforming with employment provisions of the Civil Rights Act, a labor law specialist declared here Monday.

"When those women's magazines get hold of this law and start telling their readers about the 'new rights' of women, why the Emancipation Proclamation will be a pygmy by comparison," said Charles A. Kothe, vice president of industrial relations for the National Association of Manufacturers.

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## Discriminatory Programs

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## One of Several

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Assistant U.S. Attorney Thomas R. Sheridan, a member of Kothe's panel, said enforcement of the law is the responsibility of the U.S. attorney general.

## 90 Days to File

A person with a grievance has 90 days to file a written charge under oath with the federally-operated Equal Employment Opportunity Commission. This action would be taken if state or local laws were unable to effect a solution. If the commission finds substance in the charge, it is directed to attempt to eliminate the

practice by "conference, conciliation and persuasion."

If the company or organization does not comply within 60 days after the complaint is filed, it must notify the complaining party. Within 30 days, he may institute a civil action through U.S. District Court.

Arnett Hartsfield, associate counsel, Division of Fair Employment Practices, California Department of Industrial Relations, said the law doesn't guarantee jobs to any racial or ethnic group. The individual must qualify.

The aggrieved party himself (or herself) must file the complaint. Groups such as the National Assn. for the Advancement of Colored People, originally were entitled to file "on behalf of" the aggrieved, but the Senate eliminated this provision.

Although the NAM says the civil rights bill was "materially improved" by amendments adopted in the Senate and accepted in the House, it assesses Title VII of the act as constituting "a regulatory device over employment practices of immense proportions."

Due to "numerous vague and ambiguous terms used," the NAM comments, "much litigation will doubtless be necessary before (the act's) full scope can be known."

OCT 5 1964

## Renewal Of An Old Right

# Equal Opportunity Law Questions Answered By NAM Proponent

Last of four articles  
Chicago Daily News Service

WASHINGTON — Here are some questions, answers and suggestions that the NAM's Charles A. Kothe has gleaned from his seminars on the equal employment section of the Civil Rights act:

Q. How can I possibly make a Negro the foreman over a crew of white Southerners? The whites will quit.

A. Experience has proved that you can and that the whites won't quit. Defense contractors working under Equal Employment orders from the president have promoted many Negroes to foremen, and the Defense Department reports that not one white worker has quit or had to be fired as a result.

It is suggested, however, that you make it known — both within your plant or company and to the public generally — that you are abiding by the Equal Employment Law and expect your workers, your foremen, your managers and your executives to conduct themselves accordingly.

Further, a wise employer will keep himself abreast of discriminatory attitudes among individuals or groups within his plant and will take steps to maintain harmony.

### Fears Going Broke

Q. I run an insurance agency. I can't afford to hire a Negro insurance man to service my white accounts. I'll go broke.

A. There's nothing in the law that exempts you because you may go broke. But are you certain that you'll go broke?

Remember, the law will apply to everyone, including your competitors. You're going to be surprised at how fast the public's attitude will change.

Also, remember there is nothing in the law to prevent you from firing the Negro salesman

who cannot sell after he's hired.

But you will find that if he's competent (and you don't have to hire him unless he is) and meets every qualification you require of other salesman, he will probably meet his share of your sales goal. The law requires that you at least give him the opportunity to demonstrate that he can.

### Shower Facilities

Q. In my plant I maintain separate locker room and shower facilities for my white and Negro employees. Must I go to the expense of tearing out walls and plumbing to combine these facilities?

A. Probably not, unless the Equal Employment Opportunity Commission should put out regulations to that effect. Your best move is to announce to all your workmen that all locker and shower (and dining and parking and rest room) facilities are open to all, without regard to race, and that those who desire to change may do so. That ought to take care of you in case a question arises.

Q. How can I demonstrate to a Negro job applicant that I turned him down simply because he wasn't capable of doing the job or lacked the necessary qualifications?

A. In the first place, you should write out a job description and a set of qualifications for every employment slot you have. Most big employers do this anyway. It is good business.

### Detail Failures

When the applicant comes in, let him see at the outset what qualifications are demanded for the job he is seeking. If he fails to meet them, show him where and how, especially if his failures are of a mechanical nature which he might at a later time improve on and reapply.

If his failures are in the area of mental aptitude, be careful

about bluntly presenting the applicant with the fact that he's too stupid to work for you.

A good personnel man will attempt to explain the applicant's shortcomings in words the applicant can understand and will counsel him about the kinds of jobs he could come closer to getting.

Q. The law requires that I keep records relating to my personnel rejects and so on. How long do they expect me to keep them?

A. If someone thinks you have discriminated against him, he can file a complaint any time within 60 days after the alleged discrimination.

### Should Keep Records

So you ought to keep your records at least that long. But you would be wise to keep them longer than that — for maybe twice that long, or 120 days.

Also, it will be a good idea to write out at the time of each interview just why you rejected or failed to promote this applicant or employee. Be as specific as possible, or 60 days later you may have forgotten.

Q. I've tried hard to treat all job applicants equally, but here awhile back a Negro group threatened to picket my place and boycott my products because they were convinced I was discriminating. How can I prevent this?

A. By communication. Again, let it be known, repeatedly, if necessary — that you are an equal opportunity employer, both inside and outside your plant.

If you are worried about some demonstration, don't wait until the pickets are at your door. Go to a reputable Negro organization — the Urban League is a good one — and discuss your problem. Let them know of your good faith. In most instances, you'll get the help you need.

SEP 23 1964

## NAM Holds Area Parley On Fair Employment

2

By B. D. Ayres Jr.

Staff Reporter

BALTIMORE, Sept. 22—Speakers at a meeting sponsored by the National Association of Manufacturers told 50 area business executives today that local action will be the most effective element in carrying out fair employment provisions in the Civil Rights Act.

Without local emphasis, the executives were warned, the purpose of the Act will be blunted and further militant rights demonstrations may occur.

The executives, from companies scattered about Washington and Baltimore, convened here in the Sheraton Belvedere Hotel. NAM is sponsoring a country-wide series of seminars on the equal opportunity provisions (Title VII) of the Rights Act.

Entitled "Impact! of Title 7 of the Civil Rights Act of 1964 on You and Your Company," the day-long meetings have drawn particularly large groups of business executives in Southern cities. In Atlanta, for example, some 400 company managers and personnel officers attended.

Title VII goes into partial effect next July, with the full section becoming effective in July, 1968. In its entirety, the section declares that employers or unions with 25 or more workers must not discriminate because of race, color, religion, sex or national origin.

Today's discussion sessions were led by Charles A. Kothe, vice president of industrial relations for NAM.

"We're not here to poke holes through the Act or to deride it," he said in opening the seminar. "It's the law now and it reflects the conscience of America."

NAM believes both in the law and its spirit, Kothe said.

Nothing that Title VII was designed to cover employment problems from hiring to

advancement into management levels, he predicted that the greatest impact from the law would come in employment areas not related directly to discrimination by race.

One such area mentioned was the hiring and advancement of women.

The general tone of the day's discussions was set by Thomas J. Kenny, United States Attorney for Maryland. He pointed out that there are few criminal provisions in Title VII's enforcement clauses and suggested that such absence leaves the door open for local and state action.

It was Furman Templeton, the executive director of the Urban League of Baltimore, who warned that failure to enforce the Act firmly could lead to further demonstrating by Negroes.

The Act, he said, could do much to raise the economic standards of minority groups.

"It is cheaper to do it this way," he noted, "than to pay for it otherwise."

Another speaker was M. P. Maynard, director of the Defense Supply Agency's fair employment program. He urged the businessmen to communicate their willingness to employ fairly to both employees and the community in general.

"I think," he said, "you'll find you'll have no problem once you make it clear to your personnel that you are a equal opportunity employer."

## Help Wtd: Female, But Men May Apply

By WILL LISSNER

An office manager who has an eye for a pretty face will have to take a calculated risk after July, 1965, when he advertises for a secretary.

His ad, if run under the heading "Help Wanted Female," may violate the equal employment opportunity provisions of the new Federal Civil Rights Law, according to leading corporation lawyers and personnel officers.

These executives, who are attending seminars held around the country by the National Association of Manufacturers, feel that after next July, when the first of the equal employment provisions go into effect, such ads may no longer be addressed only to women. And if men apply, they may have to be considered on an equal

basis with women. Among the other possible effects of the new law may be the following:

¶When a corporate vice-presidency is open, women will have to be considered for the job along with men.

¶Executive training programs will have to be opened to women, who are almost universally excluded from them.

¶Barbershop owners must be prepared to take job applications from women who want to wield razor and scissors.

¶Mens clubs that now have all-male staffs will no longer be refuges for women-haters; the staffs, at least, will have to be open to women.

¶Compulsory retirement for women at 62 will be outlawed when the age for men is 65.

These interpretations of the new law have emerged from the seminars, the most recent of which was conducted last week at the Waldorf-Astoria Hotel. It was attended by executives from 123 corporations.

The seminars were arranged to help member companies achieve compliance with the spirit as well as the letter of the new law. The N.A.M. anticipated that companies might encounter problems establishing the rights of Negro employees, although it is believed this will prove untrue.

The companies have also anticipated trouble with the law's prohibition against discrimination on grounds of sex.

But beginning next July, women who believe they are not considered for executive openings because of their sex, or that they are not able to compete equally with men for admission to medical school, or that they are barred from jobs, will be able to complain to the Federal Equal Employment Opportunities Commission.

Moreover, that agency will have to accept, investigate and conciliate or adjudicate their complaint.

### Last-Minute Addition

The new law, as originally drafted, banned consideration of race, color, religion and national origin in hiring, assigning, promoting, firing or pensioning employees. Then, at the last moment, the word "sex" was included.

The new law will help in the enforcement of the equal pay for equal work law passed last year, besides adding to the protected area all other aspects of employment relations.

The law will go into effect next July, covering employers in industries affecting commerce with 100 or more employees for 20 weeks a year. Unions in industry with 100 or more members would also be affected. The law will take effect gradually for five years, and, in the fifth year will cover most employers with 25 workers.

Where a job can be performed only by a person of a specific religion, national origin or sex, the law allows restriction of recruitment.

Very likely it will still be legal for Chinese restaurants to hire only Chinese waiters, for women's rest rooms to be served by matrons and for a Jew to engage a Christian child to perform the light chores on the Sabbath when the tasks are forbidden to Jews.

### Restraints on Men

Thomas F. Hilbert Jr., counsel on labor relations of General Electric, said at the Waldorf seminar that the new Equal Employment Opportunity Commission would have to act to keep men from taking unfair advantage of the law.

Women now have a variety of privileges under various state laws. For example, some laws require employers to provide four times as many washroom facilities for women as for men, and other laws limit weights that women may lift to 20 or 25 pounds.

Mr. Hilbert said he was confident the commission would keep both sexes from taking unfair advantage. He doubted that it would support a woman who wanted to be a coal miner, no matter how strong she was. But he believed it would help to eliminate women's pay differentials.

Companies represented at the N.A.M. seminar indicated that they were going to apply the law with enthusiasm. Charles A. Kothe, vice president of N.A.M., said 10 seminars had been arranged around the country. Last week's was the fifth.

OCT 7 1964

## BUSINESSMEN TO AIR EFFECTS OF RIGHTS LAW

How does the civil rights bill affect businessmen?

Possible effects of the controversial law will be explored at a one-day seminar at the Tutwiler Hotel here Monday, Oct. 19, by the National Association of Manufacturers. The seminar will be on the equal employment opportunity section, Title 7, of the act.

Charles A. Kothe, NAM vice president for industrial relations, will present a full discussion on the subject at the seminar, starting at 9 a.m. and concluding around 2:30 p.m.

The Associated Industries of Alabama, NAM affiliate, is co-operating in the presentation. Management representatives from Alabama, Florida, Georgia and Tennessee will attend.

Among the questions raised by the Civil Rights Act for businessmen are such things as the following:

WHAT SHOULD AN office manager expect when he advertises for a "secretary?"

After July 1965, if he runs an ad under the heading "Help wanted female," he would be in violation of the equal employment opportunity provision of the rights law. After next July, such ads can no longer be addressed only to women. If men apply for the job, they have to be considered on an equal basis with women.

Other effects of the new law: If a vice presidency is open

in a company, any capable woman would have to be considered for the opening along with men.

Executive training programs will be opened to women, who now are generally excluded from such programs.

Barbershop owners should be prepared to take lady barbers' applications with good grace.

Men's clubs which now have all-male staffs should be prepared to open employment to women.

These are interpretations of the new law which have been discussed already by personnel and industrial relations directors and legal counsel of some of the nation's leading companies at seminars conducted by the NAM

★ *Don't miss this book...*

# **"A TALE OF 22 CITIES"**

REPORT ON **TITLE VII**  
OF THE  
**CIVIL RIGHTS ACT OF 1964**

● compiled from meetings held in 22 cities since September 1964... Sponsored by the National Association of Manufacturers under the leadership of Charles A. Kothe, Vice-President, NAM Industrial Relations Division.

## **IMPORTANT TO YOU!**

- Interpretations by experts
- Pertinent questions answered
- Guidelines for compliance
- Other needed information

*Order now!*

## "A TALE OF 22 CITIES"



The Civil Rights Act became law on July 2, 1964. Since September of 1964 the NAM has had 22 seminars throughout the nation to acquaint businessmen with their rights and

obligations under the Law. The response has been gratifying. Well over 3,000 businessmen from large and small companies have attended the seminars and provided the dialogue through pertinent discussion to point up the problem areas and appropriate solutions to a complex law.

This book offers the reader a sampling of the points of view of outstanding speakers representing business, government attorneys, Negro leaders, and industrial relations experts on the impact of the new Law.

It is designed to assist the reader in determining policies and procedures related to compliance with Title VII.

The book will be prepared in a ring binder presentation, so that periodically readers can be brought up to date on provisions and decisions that become effective after January 1965.

Our thanks go to Charles A. Kothe whose untiring efforts made it possible to have the seminars and now this valuable document.

W. P. GULLANDER  
*President*

Industrial Relations Division  
National Association of Manufacturers  
277 Park Avenue  
New York, N. Y. 10017

Please send me \_\_\_\_\_ copies of "A Tale of 22 Cities" at \$2.00 per copy.

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## the law

How are the "Rights" defined • What will constitute unlawful employment practices • What is meant by discrimination • What are the exemptions, exceptions, and limitations of the Law • What will be the powers and duties of the Commission •

tions now raises the question—can you use "Help Wanted—Female" in public notices and advertisements • What can you include in pre-employment applications • Should you inform personnel sources of desire to open employment to qualified persons of all racial, religious, and ethnic groups • What records must be kept •

## special presentations

Business wants to know—How will the Law relate to Executive Orders involving government contracts • What will employers have to do • Negro opinions of the Law • The role of the Department of Justice and State Fair Employment Practices Commissions •

## appendix

- The Civil Rights Act, Title VII, NAM Law Department Review
- The Executive Orders
- States that have Fair Employment Practice Laws
- Procedures Chart for Title VII
- Sample Application Forms for employment

## some problems

Many questions have been asked and a battery of experts have given answers •

## some do's and don'ts

The unanticipated problem resulting from sex being added to a grouping of ethnic and religious considera-

**You can't afford to pass up this excellent opportunity. "A Tale of 22 Cities" will prove invaluable in the coming year as you examine the many facets of this new law. Order your copy today. For your convenience, an Order Form is on the reverse side.**



## **ABOUT MR. C. A. KOTHE**

Charles A. Kothe was a partner in Kothe, Hall, Jones & Sublett of Tulsa, Oklahoma, a firm specializing in labor law and tax problems. He also served as a corporate general counsel and as a member of the Board in a number of corporations in the Southwest.

Mr. Kothe served as a panel member of the Federal Mediation and Conciliation Service, and as an arbitrator in a number of industrial disputes. Additionally, Mr. Kothe has been a special consultant to, and served on, important committees in the Department of Labor under Secretaries of Labor Mitchell, Goldberg and Wirtz.

He has taught Labor Law and has lectured at seminars at a number of universities. His articles on industrial relations subjects have been published in numerous labor law journals and management periodicals.

Mr. Kothe in the past two years has successfully presented two NAM clinics in major cities to management personnel, "Your Company and the NLRB" and "Industrial Relations in the Non-Union Plant".

Industrial Relations Division  
**NATIONAL ASSOCIATION  
OF MANUFACTURERS**

277 Park Avenue, New York, N. Y. 10017



**NATIONAL  
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"IMPACT OF TITLE VII ON YOU AND YOUR COMPANY"

SEMINAR

Hilton Hotel - Ballroom B  
Portland, Oregon  
9:30 a.m. - December 16, 1964 - 3:30 p.m.

PROGRAM PARTICIPANTS

M. J. Murdock  
Chairman, Tektronix Inc.  
Beaverton, Oregon  
(NAM Director, Oregon)

Charles A. Kothe  
Vice President - Industrial Relations  
National Association of Manufacturers  
New York, New York

Mark A. Smith  
Administrator, Civil Rights Division  
Oregon State Bureau of Labor  
Portland, Oregon

M. P. Maynard  
Director, Fair Employment Program  
Defense Supply Agency  
Washington, D.C.

Charles H. Habernigg  
Assistant United States Attorney  
Portland, Oregon

E. Shelton Hill  
Executive Director, Portland Urban League  
Portland, Oregon

Special Guest

Norman O. Nilsen  
Commissioner of Labor  
State of Oregon  
Portland, Oregon

Presented with the cooperation of:

Associated Oregon Industries  
Portland Chamber of Commerce  
Timber Operators Council, Inc.  
United Metal Trades Association



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