CIVIL RIGHTS

EXCERPTS from the
1961 United States Commission on Civil Rights Report

5 JUSTICE | 1961 United States Commission on Civil Rights Report

4 HOUSING | 1961 United States Commission on Civil Rights Report

3 EMPLOYMENT | 1961 United States Commission on Civil Rights Report

2 EDUCATION | 1961 United States Commission on Civil Rights Report

1 VOTING | 1961 United States Commission on Civil Rights Report

THIS PROPERTY BELONGS
TO THE U.S. COMMISSION
ON CIVIL RIGHTS

EXCERPTS

from the

1961 Commission on Civil Rights Report
including all findings and recommendations made by the Commission in its five-volume report.

Members of the Commission

JOHN A. HANNAH, *Chairman*
ROBERT G. STOREY, *Vice Chairman*
ERWIN N. GRISWOLD
THEODORE M. HESBURGH, C.S.C.
ROBERT S. RANKIN
SPOTTSWOOD W. ROBINSON, III

BERL I. BERNHARD, *Staff Director*

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington 25, D.C. - Price 45 cents

THIS PROPERTY BELONGS
TO THE U.S. COMMISSION
ON CIVIL RIGHTS

Contents

	Page
General Contents: Books 1–5	VII
Foreword	IX
PART I: CIVIL RIGHTS, 1961	1
Progress During The Last 2 Years	2
Problems Still Unsolved	5
Nature of the Problems	7
The Command of Nondiscrimination	7
Problems of Cumulative Deprivation	8
Achieving National Goals	10
Differing Contexts	12
The Federal Problem	12
A Challenge to Americans	13
PART II: THE RIGHT TO VOTE—CONCLUSIONS	15
Findings	17
General	17
Qualification of Voters	19
Arbitrary Interference With the Right to Vote	19
Dilution of the Right to Vote	20
Statistical Information	21
Recommendations	21
Qualification of Voters	21
Recommendation 1	21
Dissents to Recommendation 1	21
Recommendation 2	23
Interference With the Right to Vote	23
Recommendation 3	23
Dilution of the Right to Vote	23
Recommendation 4	23
Statistical Information	23
Recommendation 5	23
PART III: CIVIL RIGHTS IN BLACK BELT COUNTIES—CONCLUSIONS	25
The Economic Setting	25
The Right To Vote	26

Page

The Vote and Its Effect 27
State Boundaries 29
Remedies 30
Findings 31
Civil Rights Deprivations 31
Economic Patterns and Civil Rights 33
Recommendations 34
Civil Rights Deprivations 34
Economic Patterns and Civil Rights 35

PART IV: EDUCATION—CONCLUSIONS 37

Findings 40
Need for Federal Action to Speed Desegregation 40
Need for Federal Assistance 41
Need for Federal Protection 43
Education of Dependents of Military Personnel 43
Financial aid to Public Libraries 43
Alleviation of Academic Handicaps 44
Higher Education 44
School Census by Ethnic Classification 44
Recommendations 45
Federal Action to Speed Desegregation 45
Recommendation 1 45
Recommendation 2 45
Dissent to Recommendation 2 45
Recommendation 3 46
Federal Assistance to Desegregating School Districts 46
Recommendation 4 46
Recommendation 5 46
Recommendation 6 46
Federal Protection to School Officials and Citizens 47
Recommendation 7 47
Education of Dependents of Military Personnel 47
Recommendation 8 47
Aid to Public Libraries under Library Services Act 48
Recommendation 9 48
Alleviation of Academic Handicaps 48
Recommendation 10 48
Higher Education 48
Recommendation 11 48
School Census of Ethnic Classification 48
Recommendation 12 48

Page

PART V: EMPLOYMENT—CONCLUSIONS 51
Findings 55
General 55
Enforcement of Federal Policy of Equal Employment Opportunity 55
Employment Created by Grants-in-Aid 56
Armed Forces 57
Training and Recruitment 57
Labor Organizations 59
Recommendations 59
General 59
Recommendation 1 59
Armed Forces 60
Recommendation 2 60
Employment Under Grant-in-Aid Projects 60
Recommendation 3 60
Training and Recruitment 60
Recommendation 4 60
Recommendation 5 61
Recommendation 6 61
Recommendation 7 61
Recommendation 8 62
Labor Organizations 62
Recommendation 9 62

PART VI: HOUSING—CONCLUSIONS 63
Supervision of Lending Institutions 64
Federal Assistance to Home Finance 66
Public Housing and Elderly Housing 66
Urban Renewal 67
Findings 68
General 68
Overall Federal Laws, Policies, and Programs 69
Federal Assistance to Home Finance 70
Federal Supervision of Mortgage Lending Institutions 71
Urban Renewal 72
Federal Highway Program 72
Public Housing 72
Housing for the Elderly 73
State and Local Action 73
Statistical Information 74
Recommendations 74
Overall Federal Laws, Policies, and Programs 74
Recommendation 1 74
Federal Assistance to Home Finance 74
Recommendation 2 74

Page

Federal Supervision of Mortgage Lending Institutions........... 75
Recommendation 3.. 75
Concurrence in Part, Dissent in Part to Recommendation 3.... 75
Dissent to Recommendation 3.............................. 75
Urban Renewal.. 77
Recommendation 4.. 77
Recommendation 5.. 77
Federal Highway Program.................................. 77
Recommendation 6.. 77
Statistical Information.................................. 77
Recommendation 7.. 77
PART VII: EQUAL JUSTICE UNDER LAW—CONCLUSIONS........... 79
Findings.. 83
Unlawful Official Violence............................... 83
The Professional Quality of State and Local Police Forces...... 83
Federal Criminal Remedies for Unlawful Official Violence....... 84
Federal Civil Remedies for Unlawful Official Violence......... 85
Discriminatory Exclusion of Minority Groups from Jury Service.. 85
Recommendations.. 86
The Professional Quality of State and Local Police Forces...... 86
Recommendation 1.. 86
Federal Criminal Remedies for Unlawful Official Violence....... 86
Recommendation 2.. 86
Federal Civil Remedies for Unlawful Official Violence......... 87
Recommendation 3.. 87
Exclusion of Minority Group Members from Jury Service........ 87
Recommendation 4.. 87
PART VIII: THE AMERICAN INDIAN—CONCLUSIONS... 89
Findings.. 92
PART IX: THE NEED FOR BROADER ACTION—A Concluding Statement to the 1961 Report........................... 95
General Recommendation to the President..................... 99
A Statement by Commissioner Hesburgh....................... 100
DOCUMENTATION
Part I—Civil Rights, 1961................................. 105
Notes.. 105
Table 1—Compilation of State Antidiscrimination Laws....... 112
Table 2—Negro Population, 15 Major cities 1940–1960........ 115
Part IX—The Need for Broader Action
Notes.. 116
Commission Staff Participating in Report..................... 117
Consultants.. 119

General Contents: Books 1–5

Book 1: VOTING

PART I: CIVIL RIGHTS, 1961

PART II: THE RIGHT TO VOTE

Chapter

1. Introduction
2. Status of the Right To Vote
3. The Louisiana Story
4. Federal Legislation
5. Federal Litigation
6. Statistics of Nonvoting
7. Gerrymandering and Malapportionment
8. Conclusions

PART III: CIVIL RIGHTS IN BLACK BELT COUNTIES

Chapter

1. Introduction
2. The Setting
3. Negro Voting
4. Rights and the Negro Majority
5. Conclusions

Book 2, Part IV: EDUCATION

Chapter

1. Introduction
2. Supreme Court Opinions
3. The Law of Desegregation
4. Desegregation in the South
5. Legislative Resistance
6. The Threat to Education
7. School Segregation North and West
8. Problems and Programs
9. Southern Libraries
10. Role of the Executive Branch
11. The Colleges
12. Conclusion

Book 3, Part V: EMPLOYMENT

Chapter

1. Introduction
2. Emergence of a Policy
3. Government as Employer
4. Government: Creator of Employment
5. Training and Placement
6. Unions: Impact on Employment
7. Conclusions

Book 4, Part VI: HOUSING

Chapter

1. Introduction
2. Emergence of a Policy
3. The Government and Housing Credit
4. Urban Renewal
5. Other Federal Programs
6. State and Local Action
7. Conclusions

Book 5: JUSTICE

PART VII: EQUAL JUSTICE UNDER LAW

Chapter

1. Introduction
2. Unlawful Police Violence
3. "Private Violence"
4. Federal Criminal Sanctions
5. Federal Civil Sanctions
6. State and Local Remedies
7. Jury Exclusion
8. Conclusions

PART VIII: THE AMERICAN INDIAN

Chapter

1. Introduction
2. The Legal Status
3. Status as a Minority
4. Conclusions

PART IX: THE NEED FOR BROADER ACTION

A Concluding Statement to the 1961 Report

Foreword

The United States Commission on Civil Rights was created by the Civil Rights Act of 1957 as a bipartisan agency to study civil rights problems and report to the President and Congress. Originally created for a 2-year term, it issued its first comprehensive report on September 8, 1959.

On September 14, 1959, Congress extended the Commission's life for another 2 years and on September 9, 1961, the Commission issued the first volume of its second statutory report. The length and resultant cost of the Commission's five-volume 1961 Report led the Commission to conclude that a valuable service could be rendered by compiling in one pamphlet the conclusions, findings, and recommendations contained in the separate volumes. Readers interested in the factual basis for the material contained in this pamphlet should consult the appropriate volume of the full report.

Briefly stated, the Commission's function is to advise the President and Congress on conditions that may deprive American citizens of equal treatment under the law because of their color, race, religion, or national origin. The Commission has no power to enforce laws or correct any individual wrong. Basically, its task is to collect, study, and appraise information relating to civil rights throughout the country, and to make appropriate recommendations to the President and Congress for corrective action. The Supreme Court has described the Commission's statutory duties in this way:

> . . . its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.

Specifically, the Civil Rights Act of 1957, as amended, directs the Commission to:

- Investigate formal 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;
- Study and collect information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution;
- Appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;
- Prepare and submit interim reports to the President and the Congress and a final and comprehensive report of its activities, findings and recommendations by September 30, 1961.

The Commission's *1959 Report* included 14 specific recommendations for executive or legislative action in the field of civil rights. On January 13, 1961, an interim report, *Equal Protection of the Laws in Public Higher Education,* containing three additional recommendations for executive or legislative action, was presented for the consideration of the new President and Congress. This was a broad study of the problems of segregation in higher education.

The material on which the Commission's reports are based has been obtained in various ways. In addition to its own hearings, conferences, investigations, surveys and related research, the Commission has had the cooperation of numerous Federal, State, and local agencies. Private organizations have also been of immeasurable assistance. Another source of information has been the State Advisory Committees which, under the Civil Rights Act of 1957, the Commission has established in all 50 States. In creating these committees, the Commission recognized the great value of local opinion and advice. About 360 citizens are now serving as committee members without compensation.

The *first statutory duty* of the Commission indicates its major field of study—discrimination with regard to voting. Pursuant to its statutory obligations, the Commission has undertaken field investigations of formal allegations of discrimination at the polls. In addition, the Commission held public hearings on this subject in New Orleans on September 27 and 28, 1960, and May 5 and 6, 1961.

The Commission's *second statutory duty* is to "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution." This takes in studies of Federal, State, and local action or inaction which the courts may be expected to treat as denials of equal protection. Since the constitutional right to equal protection is not limited to groups identified by color, race, religion, or national origin, the jurisdiction of the Commission is not strictly limited to discrimination on these four grounds. However, the overriding concern of Congress with such discrimination (expressed in congressional debates and in the first subsection of the statute) has underscored the need for concentrated study in this area.

Cases of action or inaction discussed in this report constitute "legal developments" as well as denials of equal protection. Such cases may have been evidenced by statutes, ordinances, regulations, judicial decisions, acts of administrative bodies, or of officials acting under color of law. They may also have been expressed in the discriminatory application of nondiscriminatory statutes, ordinances or regulations. Inaction of government officials having a duty to act may have been indicated, for example, by the failure of an officer to comply with a court order or the regulation of a governmental body authorized to direct his activities.

In discharging its *third statutory duty* to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution," the Commission evaluates the effectiveness of measures which by their terms or in their application either aid or hinder "equal protection" by Federal, State, or local government. Absence of Federal laws and policies that might prevent discrimination where it exists falls in this area. In appraising laws and policies, the Commission has considered the reasons for their adoption as well as their effectiveness in providing or denying equal protection.

The *1959 Report* embraced discrimination in public education and housing as well as at the polls. When the Commission's term was extended in 1959, it continued its studies in these areas and added two major fields of inquiry: Government-connected employment and the administration of justice. A preliminary study looked into the civil rights problems of Indians.

In the public education field, the problems of transition from segregation to desegregation continued to command attention. To collect facts and opinion in this area, the Commission's Second Annual Conference on Problems of Schools in Transition was held March 21 and 22, 1960, at Gatlinburg, Tenn. A third annual conference on the same subject was held February 25 and 26, 1961, at Williamsburg, Va.

To supplement its information on housing, education, employment, and administration of justice the Commission conducted public hearings covering all of these subjects in California and Michigan. On January 25 and 26, 1960, such a hearing was held at Los Angeles; and on January 27 and 28, 1960, in San Francisco. A Detroit hearing took place on December 14 and 15, 1960.

Commission membership

Upon the extension of the Commission's life in 1959, and at the request of President Eisenhower, five of the Commissioners consented to remain in office: John A. Hannah, Chairman, president of Michigan State University; Robert G. Storey, Vice Chairman, head of Southwestern Legal Center and former dean of Southern Methodist University Law

School; Doyle E. Carlton, former Governor of Florida; Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame; and George M. Johnson, professor of law and former dean of Howard University School of Law.

John S. Battle, former Governor of Virginia, resigned. To replace him the President nominated Robert S. Rankin, chairman of the Department of Political Science, Duke University. This nomination was confirmed by the Senate on July 2, 1960.

On March 16, 1961, President Kennedy accepted the resignations of Doyle E. Carlton and George M. Johnson. A few weeks later he nominated Erwin N. Griswold, dean of Harvard University Law School and Spottswood W. Robinson, III, dean of the Howard University School of Law, to fill the two vacancies. The Senate confirmed these nominations on July 27, 1961.

Gordon M. Tiffany, Staff Director for the Commission from its inception, resigned on January 1, 1961. To replace him, President Eisenhower appointed Berl I. Bernhard to be Acting Staff Director on January 7, 1961. He had been Deputy Staff Director since September 25, 1959. On March 15, 1961, President Kennedy nominated him as Staff Director. The Senate confirmed his nomination on July 27, 1961.

On September 21, 1961, the President signed into law a bill extending the life of the Commission on Civil Rights for an additional two years. This legislation made no changes in the powers and duties of the Commission.

Part I. Civil Rights, 1961

In war and peace the American people have met challenge after challenge with vigor and resourcefulness. Perhaps the most persistent challenge is the one to which this Commission addresses itself in this report—the challenge of civil rights.

The Republic began with an obvious inconsistency between its precepts of liberty and the fact of slavery. The words of the Declaration of Independence were clear:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

Equally clear was the fact that Negroes were not free. The great American experiment in self-government began for white people only.

The inconsistency between the Nation's principles and its practices has diminished over the years. Constitutional amendments, court decisions, acts of Congress, Executive orders, administrative rulings, State and local legislation, the work of private agencies, efforts by Negroes and other minority groups—all these have helped remove many of the barriers to full citizenship for all.

The gains have been considerable. As the second term of this Commission draws to a close, it can report that more persons than ever before are exercising more fully their rights as citizens of the United States. The American people are increasingly aware that professions of belief in the dignity of man have meaning only if they are realized by all people in all aspects of life. The gap between the promise of liberty and its fulfillment is narrower today than it has ever been.

Yet a gap remains. In the changing world of 1961 it seems wide and deep, and the demand to close it is more urgent than ever. Perhaps this is because the closer we come to the achievement of our ideals, the more obvious and galling is the remaining disparity. Partly, too, events in a rapidly changing world have put a new focus on the way in

which the United States puts it principles into practice. The emergence of new nonwhite nations in Africa and Asia does not make an inequity any more unjust. It may, however, make remedial action more urgent.

The report that follows attempts to measure the remaining gap between the American promise and its fulfillment; to tell of progress that has been made, and to suggest approaches for what remains to be done.

This report principally concerns the civil rights problems of Negroes. Mexican-Americans, Puerto Ricans, Indians, and other minorities to some extent still suffer inequalities and deprivation. But Negroes are our largest minority group, and their rights are denied more often in more respects and in more places than are those of any other group. Of all minorities, Negroes seem most closely bound to the history and conscience of America. Their struggle has become symbolic. By measuring the extent to which they enjoy civil rights, we may measure our respect for freedom. To the extent that this Nation can successfully resolve its racial problems, it lends hope to afflicted minorities and troubled majorities everywhere. For this Nation is concerned not just with the civil rights of a particular minority. It is concerned with human rights for all men everywhere.

PROGRESS DURING THE LAST TWO YEARS

The 2 years since the Commission submitted its first report have brought dynamic changes in civil rights at all levels of government. These are some of the milestones of progress on the national level:

- In 1960 Congress passed the second Civil Rights Act since 1875, strengthening the measures available to the Federal Government for dealing with such matters as discriminatory denials of the right to vote, obstruction of Federal court orders, and bombing or other desecration of schools and churches.[1]
- Through the courts the Federal Government acted energetically to secure the constitutional rights of its citizens against invasion by the States: it brought suits to protect the right of Negroes to vote without discrimination or coercion on account of race in 15 counties in Alabama, Louisiana, Georgia, Mississippi, and Tennessee; [2] in New Orleans it intervened in a school desegregation suit to protect its courts and its citizens against State defiance of the law of the land; [3] in Montgomery, Ala., it sued to protect the right of Americans to travel freely among the States,

without distinction or obstruction because of their race;[4] again in New Orleans, and in Montgomery, it sued to end segregation in airport facilities built in part with Federal funds;[5] in Jackson, Miss., it intervened in a suit to restrain arrests of persons seeking unsegregated service in bus terminals;[6] in Biloxi, Miss., it brought suit to assure that a public beach constructed with funds from the National Government would be available to all the public without racial discrimination.[7]

- With the creation of the President's Committee on Equal Employment Opportunity in 1961, the executive branch of the Federal Government took a major step to achieve the national policy that there shall be no discrimination on grounds of race, color, creed, or national origin, either in employment by the Government itself, or in employment created by funds dispensed from the National Treasury.[8]

- The President of the United States publicly affirmed his support of the Supreme Court's decision that segregated public schools were forbidden by the Constitution.[9]

- The Supreme Court, followed by the lower Federal courts, has firmly upheld constitutional and statutory commands against discrimination in this period:

It held in 1961 that a State could not redraw municipal boundary lines on racial grounds.[10]

In 1961 it held that the operation of a private restaurant in space leased from a public agency was State action within the meaning of the 14th amendment; and that the facility, therefore, could not be operated on a discriminatory basis.[11]

In 1960 it held that Congress had forbidden racial segregation in services provided for interstate travelers even if the services are not provided directly by an interstate carrier itself.[12]

Also in 1960 it upheld the 1957 Civil Rights Act against constitutional attack.[13]

- State and local governments also took important steps:

Twenty-three State laws aimed at preventing racial or religious discrimination in such areas as housing, employment, and public accommodations were enacted or strengthened—not only in Northern and Western States but in border States such as Kentucky, West Virginia, Delaware, Missouri, and Kansas.[14]

In the deeper South, Georgia followed the example of Virginia in abandoning massive resistance to the requirements of the Constitution regarding public education.[15] The first public educational institution in Georgia—the University of Georgia—was successfully desegregated with only temporary difficulty, and preparations were made for the orderly advent of desegregation in the Atlanta public schools.[16] Thus, all but three States (Alabama, Mississippi, and South Carolina)

had made at least some progress toward the constitutional operation of public schools and colleges.[17] A handful of school districts in the South passed quietly and without difficulty from segregation into a program of compliance with the Constitution.[18]

With or without lawsuits, public libraries, parks, and recreation facilities were successfully desegregated in a number of southern cities.

- Perhaps the most important events of the period, however, were brought about by private citizens:

On February 1, 1960, four freshmen students from the North Carolina Agricultural & Technical College entered a variety store in Greensboro, made several purchases, then sat down at the lunch counter and ordered coffee. They were refused service because they were Negroes, but they remained in their seats until the store closed.[19] Thus began the sit-in movement, a movement of protest mainly by Negro youth. It spread rapidly through the South and even to some places in the North, manifesting itself as well in other forms of peaceful protest—kneel-ins, stand-ins, wade-ins, and more recently and spectacularly in the "Freedom Rides." [20] This protest movement has aroused widespread interest and strong feelings. Although doubts of its wisdom and concern as to its methods are genuinely felt by many, there can be no question that its moral impetus is strong, that it expresses a profound and widespread demand for faster realization of equal opportunity for Negroes, or that it will continue until the issues raised by its demands have been resolved.

Partly as a result of the sit-ins, there has been a marked change, for the most part unpublicized and without drama, in many southern cities. Racial barriers have been removed not only in areas where the law of the land supported the claim for equal treatment—as in publicly operated facilities and interstate transportation terminals—but also in many areas of private concern where no legal compulsion has been held to exist. By the close of 1960, for instance, variety store chains had opened lunch counters in 112 southern and border cities to Negro patrons.[21]

Equally important has been the growing awareness among thoughtful southern white leaders of the dimensions of civil rights problems. James J. Kilpatrick, a Virginian, editor of the Richmond News-Leader, and one of the earliest proponents of massive resistance to school desegregation, spoke for many when he said: [22]

> What I am groping to say is that many a southerner is seeing now, and hearing now. Aspects of segregation that once were his nonconcern now trouble his spirit uncomfortably: Sit-ins. Segregated libraries. Certain job discrimination. Genuinely unequal schools in some areas. The Negro as citizen, as a political being possessed of equal rights, never had existed in the white southerner's past as he begins to exist now. The familiar black faces,

seen through new glasses, are startlingly unfamiliar. A sense of the Negro point of view, totally unrecognized before, stir uneasily in the conscious mind. . . .

That Mr. Kilpatrick spoke for many responsible white southerners is confirmed by their effective efforts in such vital spots as Little Rock, Atlanta, and New Orleans to keep public schools open, even if it meant desegregation.[23] A number of church and other organizations throughout the South have decried the immorality of all forms of racial discrimination.

In the North and West as well, private groups have become increasingly active in expressing by action as well as words a belief in equal treatment regardless of race, creed, or ancestry.[24]

PROBLEMS STILL UNSOLVED

Despite this progress, however, the Nation still faces substantial and urgent problems in civil rights. It is with these that the Commission, by virtue of its statutory directive, has been principally concerned. Among the major civil rights problems discussed in the report that follows are these:

In some 100 counties in eight Southern States there is reason to believe that Negro citizens are prevented—by outright discrimination or by fear of physical violence or economic reprisal—from exercising the right to vote.[25]

There are many places throughout the country where, though citizens may vote freely, their votes are seriously diluted by unequal electoral districting, or malapportionment.[26]

There are many counties in the South where a substantial Negro population not only has no voice in government, but suffers extensive deprivation—legal, economic, educational, and social.[27]

There are still some places in the Nation where the fear of racial violence clouds the atmosphere.[28] There is reason to hope that the worst form of such violence—lynching—has disappeared; no incidents have occurred during the last 2 years. Still, mob violence has erupted several times in response to the campaign for recognition of Negro rights—in Jacksonville, Fla., and New Orleans, La.; in Anniston, Montgomery, and Birmingham, Ala.; in Chicago, Ill.[29]

Unlawful violence by the police remains in 1961 not a regional but a national shame.[30]

622501 O—62——2

In public education there still are three States—Alabama, Mississippi, and South Carolina—where not one public school or college conforms with the constitutional requirements enumerated by the Supreme Court 7 years ago. In May 1961, 2,062 of the 2,837 biracial school districts in the 17 Southern and border States remained totally segregated.[31]

Perhaps even more serious is the threat posed by a new southern strategy of avoiding the full impact of constitutional commands by withdrawing the State from public education.[32]

One Southern State, Louisiana, not only set itself in defiance of constitutional requirements in public education, but attempted to "interpose" its authority against the Federal Constitution, and obstruct the processes of the National Government. Its legislature passed no fewer than 56 laws for these purposes—25 of which were struck down quickly by the Federal courts.[33] Other Louisiana laws, all part of a "segregation package" were intended to diminish Negro voting; to inhibit protest demonstrations; to deprive thousands of children, mainly Negro, of welfare assistance.[34]

A Federal court decision in 1961 brought to the Nation's attention the fact that unconstitutional inequality in public education is not confined to Southern States.[35] Such inequalities in public educational systems seem to exist in many cities throughout the Nation.[36]

Unemployment in the recent recession, hitting Negroes more than twice as hard as others,[37] underlined the fact that they are by and large confined to the least skilled, worst paid, most insecure occupations; that they are most vulnerable to cyclical and structural unemployment and least prepared to share in, or contribute to, the economic progress of the Nation.[38]

Although racial segregation in the Armed Forces of the United States officially ended 6 years ago, it continues in some parts of the Reserves and the National Guard.[39]

Much of the housing market remains closed in 1961 to millions of Americans because of their race, their religion, or their ancestry; and partly in consequence millions are confined to substandard housing in slums.[40]

In spite of repeated commitments to the principle that benefits created by the funds of all the people shall be available to all without regard to race, religion, or national ancestry, the Federal Government continues in some programs to give indirect support to discriminatory practices in higher education,[41] in training programs,[42] in employment agencies and opportunities,[43] in public facilities such as libraries,[44] and in housing.[45]

These are the principal civil rights problems the Commission has found in the areas it has undertaken to study—voting, education, employment, housing, and administration of justice. In dealing with these subjects, however, the Commission has attempted to define and measure civil rights deprivations, and to put them in proper context.

First of all there are the commands of the Nation's Constitution, based on principles which go to the roots of a free society. Even where the writ of the Constitution itself does not run, goals and policies of equal opportunity have often been set by the people through their National Government. While the principle behind the constitutional, statutory, and executive directives is clear—recognition of the worth of every human being—their application is sometimes difficult; for civil rights issues are often closely related to other serious national problems. One of these is the problem of bringing into the mainstream of American life large groups of people suffering from serious deprivations. Also contributing to the complexity of civil rights problems is the fact that while they occur throughout the Nation, and not in any one region alone, they take somewhat different forms in the South and the North, and in rural and urban areas. Finally, civil rights difficulties are complicated by the division of private and governmental responsibilities within our Federal system. Preliminary discussion of these complex interrelated issues may provide perspective for the report that follows.

The command of nondiscrimination

The 15th amendment to the Constitution commands that neither the Federal Government nor the States may deny or abridge the right to vote on account of race or color.[46] More broadly, the 14th amendment forbids any State or its agents to "deny to any person the equal protection of the laws." [47] This principle, applicable also to the Federal Government,[48] forbids discrimination against any person on grounds of race, color, religion, or national origin.[49] It does not reach the conduct of persons acting in a purely private capacity.[50] Still, a State may not enforce private agreements to discriminate; [51] and in some circumstances private persons may act under the authority of the State and bring themselves within the constitutional prohibition.[52] How much aid, direction, or control by a State is required to invoke the constitutional ban against discrimination is still largely undefined.[53]

It is now clear that the discrimination forbidden by the Constitution includes not only tangibly unequal treatment but, in many if not all

fields, the intangible inequality of enforced segregation. The doctrine of "separate but equal" has been struck down not only in public education [54] but in public transportation,[55] and public recreational facilities such as parks,[56] golf courses,[57] and swimming pools.[58]

Although the Constitution forbids Government to discriminate, or to enforce private discrimination, it has not authoritatively been held to forbid either Federal or State Government indirectly to *assist* others in discriminating.[59] In fact the Federal Government gives many kinds of financial or other assistance to private persons and groups, and even State agencies, which discriminate on racial, religious, or ethnic grounds.[60] If this does not necessarily raise constitutional problems, it raises serious questions of national policy.

While the Commission has not systematically studied all Federal programs in which these questions arise, several of the studies reported below do pose the problem: Should the Federal Government allow its funds and benefits to be used in such a way that some people are denied enjoyment thereof solely on grounds of race or creed? In several cases the answer has already been given in declarations either by Congress or by the President that the policy of the Nation is one of equality of opportunity for all.[61] One of the Commission's major concerns has been to measure the consistency and effectiveness of such laws and policies of the Federal Government.

Problems of cumulative deprivation

Civil rights problems do not arise in the abstract. The Commission is aware that those who are denied their constitutional rights are usually also the victims of poverty and inadequate formal education. Particularly since World War I the underprivileged have been moving into our great urban centers—in search of opportunity. The problems that they meet there are not entirely new. The history of the United States after all provides a magnificent record of absorption of vast migrations of oppressed people; the Nation has given richly to them and been richly rewarded. Today's minorities—the Negro moving from sharecropping to the city, the Puerto Rican, the Mexican-American, and the American Indian leaving the reservation—are in a sense modern immigrants seeking their places in the mainstream of American life.

Like earlier immigrants from overseas, many of today's largely native-born minorities have been forced into urban slums, restricted to the poorest schools, and employed in the lowest paid occupations. Inevitably in their adjustment to city life under such handicaps, they have required a disproportionate share of health, welfare, police, and other services, and have been more vulnerable to personal and social mal-

adjustment.[62] As with earlier groups, these deprivations have led to discrimination, which in turn reinforces the deprivations.

While many of these problems are similar to those of other minorities, there are important differences. The Negro is no stranger to this country: he is an American by birth and by long ancestry. But he is set apart by the color of his skin. Moreover, many of his hardships are the bitter fruit of past denials of civil rights in this country. And the cumulative effect of these denials has produced a new deprivation—debilitation of hope and ambition—so that even opportunities that are available sometimes go unused. In contrast to the conviction of earlier immigrants that they—or their children—could work their way up from poverty and slums, "the outstanding characteristics of youth in the Negro slum is an almost complete lack of conviction that life can be better." [63] Similarly, an educator described the hopelessness that breeds in the Los Angeles Mexican-American ghetto: "Joe is going to pick fruit anyway; why should he go to high school?" [64]

Frustration of ambition and lack of hope tend to erupt in delinquency and crime. They also threaten continued mounting costs in public services for an increasing minority that is not permitted to move upward into self-sufficiency. These are essentially "social" problems, yet they are closely, and often inextricably, linked with civil rights. They present serious obstacles to the solution of civil rights issues.

There is no precise way to measure the extent of the deprivations suffered by minority groups. Census data, however, are indicative:

Education: In 1959, 23.5 percent of nonwhites 25 years of age or over were deemed functionally illiterate (completed less than 5 years of school), compared to 6.4 percent of whites.[65] The median number of school years completed by nonwhites 25 years old and over was 8.1, compared to 11.4 for whites.[66] Only 20 percent of nonwhites compared to 45.3 percent of whites had high school or better education; 49.5 percent of nonwhites compared to 80.8 percent of whites had elementary school or better education.[67]

Incomes: In 1959 the median income for male nonwhite workers was $2,844, compared to $4,902 for white male workers.[68] Median family income was $5,643 for whites, and $2,917 for nonwhites.[69] The median income of families in relation to the formal education of the head of the family in 1958 is shown below: [70]

	Elementary school graduates	*High school graduates*	*College* [1]
White	$4,487	$5,742	$7,373
Nonwhite	3,316	3,929	5,654

[1] College figures include graduates and those attending for 1–3 years; no separate figures are available for nonwhite graduates.

Occupations: In 1960, 55 percent of nonwhites worked in service and laboring occupations, compared to 18 percent of whites; less than 7 percent of nonwhite males were in professional and managerial jobs, compared to almost 26 percent of whites.[71] The 1950 census (later figures are not yet available) showed that 22.3 percent of nonwhite *college graduates* were working in laboring or service jobs, compared to 1.4 percent of whites.[72]

Unemployment: Nonwhites have consistently experienced unemployment rates at least double those of whites: [73]

Percent of male labor force unemployed

Year	*Nonwhite*	*White*
1957	8.4	3.7
1958	13.7	6.1
1959	11.5	4.6
1960	10.7	4.8

Housing: In 1937 President Roosevelt decried the fact that "one-third of the nation is . . . ill-housed." [74] By 1960, housing conditions had improved considerably, but not equally for all. Fifty-seven percent of all nonwhite-occupied dwelling units were classified by the 1960 census as "dilapidated," "deteriorating," or "lacking some or all plumbing facilities"—and hence substandard—compared to 24 percent of white-occupied units in this condition.[75]

These bleak statistics give some quantitative measure of deprivation. They do, however, suggest that denial of equal opportunity is at least partly responsible for such manifestly unequal conditions, and that these conditions necessarily raise serious obstacles to the achievement of equal opportunity.

Achieving national goals

Mass denials of civil rights are more than a distressing problem for the affected group—they can be obstacles to the progress of the entire Nation. The goal of equal opportunity is intertwined with national goals in such areas as education, economic development, housing, and the health of our cities.

Education and a skilled populace: Democracy depends on an educated populace. It demands that every individual have the opportunity to realize his full potential through education. President Kennedy put it briefly, "Our progress as a nation can be no swifter than our progress in education." [76] Yet there are citizens of the Nation who suffer inferior schooling for no reason apart from race.

Related to the goal of a ated citizenry is the need for a highly trained work force with the technical skills required by a rapidly changing economy. Yet manpower specialists, studying ways to utilize American resources more effectively for vital economic and defense needs, have stated that "the single most underdeveloped human resource in the country is the Negro." [77] The causes are manifold—discrimination, early school dropouts because of financial need or lack of motivation, inferior educational facilities—but they are all in one way or another related to unequal opportunity.

Housing and the revitalization of our cities: In 1949 Congress recognized the achievement of "a decent home and a suitable living environment for every American family" as a major national goal.[78] In 1961 President Kennedy told Congress that "we must still redeem this pledge." [79] But the objective cannot be realized while racial barriers keep some from obtaining decent housing.

Achievement of the national housing goal is now part of a much greater problem in which civil rights is also involved—the future of our cities. A tremendous shift in population has brought increasing numbers of people to live in the cities and their burgeoning suburbs. Whereas less than a third of the U.S. population lived in "urban" areas in 1900, almost 70 percent lived in such areas in 1960,[80] and experts forecast the figure will reach 80 to 85 percent within the next 15 years.[81]

Most of the Nation's great cities are suffering serious common problems of decay, slum growth, loss of middle and higher income residents to the suburbs, loss of industry and retail business, insufficient low-cost housing, inadequate educational and other services, jammed transportation systems, and declining tax revenue. At the same time the rapid increase of population in the urban areas surrounding these cities puts added pressure on their facilities without contributing much to their budgets.

Meanwhile, many cities have also experienced an explosive increase in their minority populations. While 73 percent of the Nation's Negroes lived in rural areas in 1910, more than 73 percent were urban dwellers in 1960.[82] In the North more than 90 percent were in urban centers.[83] The proportion of Negroes in the population of Chicago, Cleveland, New York, and Philadelphia more than doubled between 1940 and 1960; in Cleveland, Detroit, and Los Angeles it tripled; in San Francisco, it increased more than twelvefold.[84] There is every indication that the minority proportion of most cities' population will continue to increase because of further migration,[85] the relatively higher birth rate among nonwhites,[86] and a continued exodus of whites to the suburbs.[87] If present trends continue, even those cities which now have small Negro populations will have a sizable proportion within 10 or 20 years.[88]

To a considerable degree, restrictions of opportunity for these minorities concentrating in the Nation's cities have further intensified fundamental urban problems. Denials of equal opportunity in housing, and to a lesser degree in education and employment, have accelerated the growth of new slums, retarded clearance of old ones, and endangered the success of programs for urban renewal—while requiring costly additional services and providing inadequate tax revenue to pay for them.

Differing contexts

The civil rights problems involved in the growing urbanization of America are not always comparable to those found in rural areas. Restrictions on the right to vote, for instance, appear almost exclusively in the rural South. Restrictions in employment, education, housing, and administration of justice, on the other hand, occur in rural and urban settings throughout the country—though they often reveal different characteristics in the different areas.

The differing nature of civil rights problems in North and South must also be recognized. In the South race restrictions have been strongly supported by law, tradition, and popular attitudes. In the North, where Negroes until recently have been a small proportion of the total population, restrictions are not the result of law, official policy, or acknowledged tradition—indeed many cities and States have laws prohibiting discrimination. Yet discrimination persists.

The vast migration of Negroes from rural to urban areas largely has been also a migration from South to North. Today, almost half of the Nation's Negroes live outside the 11 States of the Confederacy; 50 years ago more than 80 percent lived in these 11 States.[89] In 1960 a Northern State—New York—for the first time had a larger Negro population than any Southern State, and five northern cities had larger Negro populations than any southern city.[90]

The rural to urban, and South to North movements suggest that the major new frontier for civil rights today is in the cities and their surrounding metropolitan areas, particularly in the urban areas of the North.

The Federal problem

One final consideration affecting action to assure equal protection of the laws is the allocation of responsibility between private and governmental action, and between levels of Government within our Federal system. Essentially, the enjoyment of equal rights and the provision of

equal treatment involve individuals. If each citizen of our democracy has opportunity for "life, liberty, and the pursuit of happiness" and acknowledges no less for all others, democracy will thrive. Safeguarding these principles is the responsibility of each of us. Yet, "to secure these rights, governments were instituted among men," and today, the ability to live, eat, work, go to school, and enjoy the benefits of freedom is protected and regulated by a network of local, State, and Federal laws.

Most measures affecting the citizen in his daily life originate in the town, city, county, or State. But the Constitution clearly imposes Federal responsibility to equal protection of the law. Moreover, the Federal Government is extensively and intimately involved in the fields of education, employment, housing, and urban affairs; and the laws and policies applicable to its programs in these fields necessarily affect equality of opportunity.

This Commission is convinced that the major effort to assure civil rights must be made by private individuals and groups, and by local and State government; but the Federal Government has a heavy obligation as well. The Commission, moreover, is under specific obligation to study Federal laws and policies, and to report its findings and recommendations to the President and Congress. In this report, therefore, it has focused chiefly on the Federal responsibility for assuring equal protection of the laws.

A CHALLENGE TO AMERICANS

The inequities discussed in this report should not be taken as an indictment but as a challenge. This Nation has always responded to any threat to our freedom from abroad, yet for more than a century we have been divided over issues of racial equality and freedom of opportunity at home. The time has now come to answer the challenge within—the denial of civil rights to Americans by other Americans.

Part II. The Right to Vote

Conclusions

The right to vote without distinctions of race or color—the promise of the 15th amendment—continues to suffer abridgment. Investigations, hearings, and studies conducted by the Commission since its *1959 Report* indicate, however, that discriminatory disfranchisement is confined to certain parts of the country—indeed that it does not exist in 42 States. But in about 100 counties in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, there has been evidence, in varying degree, of discriminatory disfranchisement.

Efforts to deny the right to vote take many forms: economic reprisals as in Fayette and Haywood Counties, Tenn.; discriminatory purges of Negroes from the registration rolls as in Washington, Ouachita, and Bienville Parishes, La.; and restrictive voter qualification laws as in Mississippi and Louisiana. The most prevalent form of discrimination, however, occurs in arbitrary registration procedures. On this the Commission's Louisiana hearing produced detailed testimony and documentation.

The hearing showed that Negroes in 11 Louisiana parishes have encountered a variety of procedural obstacles to registration: a requirement, not equally applied to whites, that they fill out their application forms with unusual precision; that they secure registered voters to vouch for their identity (a difficult requirement in parishes where few or no Negroes are registered to vote); that they give a "reasonable" interpretation of a provision of the Constitution; that they defer to white persons who want to register ahead of them; that they submit to exasperating delays. It can be said, in general, that Negroes exercise their right to vote at the discretion of registrars.

Commission studies indicate that many other pressures have been brought to bear against Negro electors in Louisiana—by citizens councils and by the State legislature itself. The latter, acting through agencies like the Joint Legislative Committee, has actively encouraged registration officials to discriminate against Negro applicants. More directly it has sponsored an amendment to the State constitution and enacted a number of statutes—a "segregation law package"—plainly designed to encourage further discriminatory disfranchisement.

Despite this, certain trends are encouraging. It should not be forgotten that systematic disfranchisement is a problem in only 8 of 50

States; and that after 70 years of no civil rights legislation, Congress passed the Civil Rights Act of 1957 and 1960. Before these acts the only possibility of Federal court remedy was under Reconstruction legislation, which was clear as to rights, but inadequate as to remedies.

The Civil Rights Act of 1957, which elevated the Civil Rights Section in the Department of Justice to a Division, and created this Commission, gave the Federal Government power to bring civil actions for injunctive relief where discrimination denied or threatened the right to vote. After extended litigation concerning the constitutionality of the Civil Rights Act of 1957, the Federal Government has secured injunctions against discriminatory registration practices in Terrell County, Ga., and Macon County, Ala. It obtained a court order restoring 1,377 Negroes to the registration rolls in Washington Parish, La. In addition, it has tried suits in Bienville Parish, La., and Bullock County, Ala.; these are awaiting decision. Other voting suits have been filed in East Carroll and Ouachita Parishes, La.; Dallas and Montgomery Counties, Ala.; and Forrest, Clarke, Walthall, and Jefferson Davis Counties, Miss.

Under provisions of the 1957 act prohibiting threats, intimidation, and coercion of voters in Federal elections, the Government brought suits to end economic boycotts against Negro voters in Fayette and Haywood Counties, Tenn., and East Carroll Parish, La. It obtained temporary injunctions in the Tennessee suits and stipulated an agreement in the East Carroll suit.

The Civil Rights Act of 1960 strengthened the 1957 act. It provided that States, as well as registrars, may be sued for discriminatory voting practices. Under title III, the 1960 act required the preservation of voting records, and empowered the U.S. Attorney General to inspect them. Also, title VI of this act introduced for the first time the possibility of Federal voting referees to see that persons who have been improperly disfranchised are in fact registered, where a court finds a "pattern or practice" of discrimination. In fact, only one court has found such a "pattern or practice," and in that case chose not to appoint referees. But ever since the enactment of the referee provision, the Government has succeeded in obtaining broad and detailed decrees—decrees which, assuming continuing court surveillance over compliance, may well be as effective as the voting referees themselves. Under the records-inspection provision of the 1960 act the Federal Government has made demand for the inspection and copying of registration records in 26 southern counties. Suits necessitated by refusals ended in favor of the Government, and since their disposition it has obtained voluntary compliance with demands for records in 18 of the 26 counties involved.

Thus the new Federal laws concerned with discriminatory denials of the right to vote have been vigorously and effectively invoked. But litigation is necessarily a long, hard, and expensive process, affecting

one county at a time; and much remains to be done before the right to vote is secure against discrimination in every part of the Nation.

Statistics showing registration and voting by race are valuable adjuncts of any study of discrimination in the suffrage. Unfortunately, they are not available for every State and county. Such data as are available show significant variations in Negro registration. In at least 129 counties in 10 Southern States where Negroes constitute more than 5 percent of the voting-age population, less than 10 percent of those ostensibly eligible are in fact registered. In 23 counties in 5 of these States, no Negroes are registered, although similarly populated counties in each of these same States have large Negro registration. Statistics also show that in all but the border States of Delaware, Maryland, and West Virginia, there appears to be an inverse correlation between concentration of Negro population and Negro registration. Such figures often suggest racial discrimination, though they are only a starting, not a concluding point in any study of deprivations of the right to vote. (The succeeding part of this report analyzes in depth the status of civil rights in a group of counties where statistics suggest discrimination in the franchise.)

Connected with racial discrimination, but also raising constitutional questions of their own, are the related problems of gerrymander and malapportionment. Efforts by the State of Alabama to gerrymander Negro voters out of Tuskegee, Ala., were struck down by the Supreme Court as violating the 15th amendment. Malapportionment, or unequal distribution of voters among electoral districts, is nationwide, diluting the votes of millions of citizens. Disfranchisement on racial grounds in some areas exaggerates the inequalities produced by malapportionment, and each inequity makes the other more difficult of solution.

So in 1961 the franchise is denied entirely to some because of race and diluted for many others. The promise of the Constitution is not yet fulfilled.

FINDINGS

General

1. There are reasonable grounds to believe that substantial numbers of Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifica-

tions for voters. Other denials result from arbitrary and discriminatory procedures for the registration of voters; still others occur by reason of threats and intimidation, or the fear of retaliation.

2. Some States have given encouragement to such discriminatory denials of the right to vote. The Legislature of Louisiana, for instance, has fostered discrimination against Negro voters by the enactment of restrictive voter qualification laws and by the activities of its Joint Legislative Committee working in cooperation with the Association of Citizens Councils of Louisiana. Mississippi has amended its voter qualification laws in such fashion as to permit, if not encourage, discrimination against the would-be Negro voter. The Alabama Legislature has tried unsuccessfully to eliminate Negro voters from the city of Tuskegee.

3. The U.S. Department of Justice has acted with vigor to apply the Civil Rights Acts of 1957 and 1960 to prevent racial discrimination in the franchise. As of August 4, 1961, it had brought suits to protect the right to vote in 15 counties in 5 States. Three of the cases had been successfully concluded, one case had been partially determined, and a fifth had been tried but was awaiting decision. The remainder were awaiting trial. In addition, as of August 1, 1961, the Department of Justice had made demands for the inspection of records under title III of the 1960 Civil Rights Act in 26 counties in 6 States.

4. On the basis of one suit which has been finally determined, it appears that the 1957 act provides an effective remedy in cases involving discriminatory purges of voters from the registration rolls. Decrees have also been obtained in suits involving discriminatory registration procedures.

5. The voting-referee provision of title VI of the 1960 Civil Rights Act has not yet been used as a remedy; but it appears that the mere availability of the remedy may have contributed to the effectiveness of the decrees actually entered by the courts in at least two cases.

6. Subsection (b) of 42 U.S.C. section 1971 (part of the 1957 Civil Rights Act) has not yet been fully tested. However, it appears to provide an effective means for dealing with economic reprisals to interfere with the efforts of Negroes to register and vote.

7. Title III of the 1960 act, the records-inspection provision, appears to be an extremely important investigative device for gathering information regarding some kinds of discriminatory denials of the right to vote.

8. Although the provisions of the 1957 and 1960 Civil Rights Acts are useful, however, they are necessarily limited means for removing racial discrimination from the franchise. Suits must proceed a single county at a time, and they are time consuming, expensive, and difficult. Broader measures are required if denials of constitutional rights in this area are to be quickly eliminated.

Qualification of voters

9. A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of "good character."

10. The U.S. Constitution leaves to the States the power to set the qualifications for voters in Federal, as well as State, elections. This power is not, however, unlimited. The 15th amendment prohibits the States from denying the right to vote to any citizen on grounds of race or color, and empowers the Congress to enforce this prohibition by appropriate legislation. Therefore, if Congress found that particular voter qualifications were applied by States in a manner that denied the right to vote on grounds of race, it would appear to have the power under the 15th amendment to enact legislation prohibiting the use of such qualifications. Section 5 of the 14th amendment similarly empowers Congress to enact appropriate legislation to enforce the provisions of that amendment. One of these provisions is section 2 of the 14th amendment, which authorizes Congress to reduce the congressional representation of any State in proportion as citizens of that State are denied the right to vote on any grounds other than age or conviction of a crime. The effect of these provisions of the 14th amendment may be to empower Congress to prohibit the use of any voter qualification other than those specified.

Arbitrary interference with the right to vote

11. The right to vote is denied in some places not only by the discriminatory application of legal qualifications for voters (see finding 9), but in addition by the arbitrary or discriminatory application of various registration procedures, such as the following:

(*a*) The requirement of a specified number of registered voters as "vouchers" to identify would-be voters. This practice is particularly effective in disfranchising Negroes when there are no Negroes already registered, and no whites will "vouch" for Negroes; or where a rule is enforced limiting the number of times a given voter may "vouch" for another.

(*b*) The imposition of other unduly technical requirements for identification of would-be voters.

(*c*) The rejection of applicants for registration, or the removal of voters from the rolls, on grounds of minor technical errors in the completion of required forms.

(*d*) Refusing or failing to notify registrants whether or not they have been registered.

(*e*) Imposing various forms of delay in the registration process.

(*f*) Applying any or all of the above to some would-be voters but not to others, or applying them differently to different persons.

(*g*) Providing assistance to some would-be voters but declining to provide it for others.

12. Practices of these sorts, used for the purpose of denying the right to vote on grounds of race, violate the 15th amendment and specific Federal law, and can be reached by suits brought by the U.S. Department of Justice. For such suits to be successful, however, it must be proven that the practices involve discrimination on racial grounds, and the very nature of the practices may sometimes make this proof difficult. Whether or not they are clearly racially discriminatory, such practices are arbitrary, and unjustifiably prevent some citizens from exercising the right to vote.

13. Similarly arbitrary practices, which may or may not be beyond the reach of existing legislation, may occur in places with permanent voter registration where, as a result of lawsuits or changes in policy, overtly discriminatory practices are abandoned, but extremely strict registration standards and procedures are applied to all new registrants. Even though there is no racial discrimination in the prospective application of such stringent standards, the effect of such a change in practice may be to perpetuate discrimination which has previously occurred: for if virtually all the eligible whites have already been registered, but Negroes have been discriminatorily kept from registering, then Negroes will bear the brunt of the difficulties imposed by the new and stringent registration requirements.

14. As regards Federal elections, Congress has the power to prohibit arbitrary as well as racially discriminatory practices which prevent citizens from exercising the right to vote.

Dilution of the right to vote

15. The malapportioned condition of State and congressional voting districts throughout the United States dilutes the right to vote of many citizens; in some States malapportionment of voting districts is compounded by the effect of discriminatory denials of the right to vote. Malapportionment, especially where it is exaggerated by racial disfranchisement, afflicts the very democratic process through which a reform of these conditions may be attained.

16. Although the courts in many cases are the only effective resort for remedying such malapportionment, Federal courts have expressed, on equitable grounds, extreme reluctance to provide a remedy.

17. Congress has in the past required that electoral districts for congressional elections be substantially equal in population. Insofar as inequalities in such districts deny equal protection of the laws under the

14th amendment, Congress could impose a similar requirement as to State elections.

Statistical information

18. Statistics showing registration and voting by race are of considerable value, not only in studying the electoral process in general, but as a starting point in examining problems of discrimination. In some cases these statistics may simply provide grounds for further investigation; in others, they may themselves be strong evidence of discrimination. This is the case, for instance, where Negroes constitute a majority of the population and yet none at all are registered to vote.

19. Registration statistics by race indicate that in 13 counties where Negroes are the majority of the population, none of them are registered to vote: Alabama (2 counties), Georgia (2 counties), Louisiana (4 counties), and Mississippi (5 counties).

20. Registration statistics by race are incomplete, unofficial, or unavailable for many States.

RECOMMENDATIONS

Qualification of voters

Recommendation 1.—That Congress, acting under section 2 of the 15th amendment and sections 2 and 5 of the 14th amendment, (*a*) declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on grounds of race and color; and (*b*) enact legislation providing that all citizens of the United States shall have a right to vote in Federal or State elections which shall not be denied or in any way abridged or interfered with by the United States or by any State for any cause except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, legal confinement at the time of registration or election, or conviction of a felony; such right to vote to include the right to register or otherwise qualify to vote, and to have one's vote counted.

Dissent to recommendation 1 by Vice Chairman Storey

As pointed out in the 1959 report of this Commission, I strongly believe in the right of every qualified citizen of the United States, irrespective of his color, race, religion, or national origin, to register, vote, and have

622501 O—62——3

his vote counted. Full protection of these rights of suffrage by both State and Federal Governments is necessary and proper. However, I cannot join in so sweeping a recommendation as this.

Proposals to alter longstanding Federal-State relationships such as that incorporated in the Federal Constitution, declaring that the qualifications of electors shall be left to the several States, should not be made unless there is no alternative method to correct an existing evil. Such is not the case today.

The Federal Government has sufficient authority under the Constitution and the existing framework of laws to enable it effectively to deal with denials of the right to vote by reason of race, color, religion, and national origin.

The Civil Rights Act of 1957 authorized the Attorney General to institute civil suit in the Federal courts to prevent the denial of voting rights. The Civil Rights Act of 1960 provides that if in any such suit the court makes a finding that the denial of voting rights is "pursuant to a pattern or practice," the court may appoint voting referees to register qualified persons denied this right by local election officials. The further denial of the right to vote to these persons so registered by the court-appointed voting referees constitutes contempt of court and is punishable accordingly. The vigor with which these Civil Rights Acts are applied will significantly affect the extent to which voting denial practices will be discontinued.

Many States have voting requirements more extensive than age or length of residence, incarceration, or felony convictions. These qualifications, having nothing to do with race, religion, or national origin, are an important element in preserving the sanctity of the ballot. They are specific disqualifications which are felt justifiable for the good of the State. Disqualifications of persons whose mental condition makes it impossible for them competently to exercise the discrimination necessary in voting has long been accepted. Many States disqualify paupers supported by municipal or county officials on the theory that these people are too easily exploitable by such officials for their own purposes. The security and purity of the ballot can be destroyed by permitting illiterates to vote. And as the English language is still the official language of the United States, there is good justification for States requiring that voters have at least a rudimentary knowledge of this language.

Dissent to Recommendation 1 by Commissioner Rankin

I join in the dissenting statement of Vice Chairman Storey, but would add the following personal comment.

The 15th amendment has been a part of our Constitution for almost a century, and Congress has never interpreted it as a mandate to usurp the power of each State to determine the qualifications of electors.

In 1957 and again in 1960, Congress did enact legislation to provide protection of the right to register and vote without discrimination on grounds of race, color, or previous condition of servitude. It may be that further legislation will be required to reinforce the guarantees of the 15th amendment and of the 1957 and 1960 laws. But such measures should be kept within the well-recognized bounds of our Constitution and laws.

Our object must be compliance with the Constitution, not punishment, and for that reason I do not deem it wise to upset the balance of our Federal system to reach a result which can be achieved through less drastic means.

Recommendation 2.—That Congress enact legislation providing that in all elections in which, under State law, a "literacy" test, an "understanding" or "interpretation" test, or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education.

Interference with the right to vote

Recommendation 3.—That Congress amend subsection (b) of 42 U.S.C. 1971 to prohibit any arbitrary action or (where there is a duty to act) arbitrary inaction, which deprives or threatens to deprive any person of the right to register, vote, and have that vote counted in any Federal election.

Dilution of the right to vote

Recommendation 4.—That Congress consider the advisability of enacting legislation (*a*) requiring that where voting districts are established within a State, for either Federal elections or State elections to any house of a State legislature which is elected on the basis of population, they shall be substantially equal in population; and (*b*) specifically granting the Federal courts jurisdiction of suits to enforce the requirements of the Constitution and of Federal law with regard to such electoral districts; but explicitly providing that such jurisdiction should not be deemed to preclude the jurisdiction of State courts to enforce rights provided under State law regarding such districts.

Statistical information

Recommendation 5.—That Congress direct the Bureau of the Census promptly to initiate a nationwide compilation of registration and voting statistics, to include a count of persons of voting age in every State and territory by race, color, and national origin, who are registered to vote, and a determination of the extent to which such persons have voted since

January 1, 1960; and requiring that the Bureau of the Census compile such information in each next succeeding decennial census, and at such other time or times as the Congress may direct.

Part III. **Civil Rights in Black Belt Counties**

Conclusions

Seventeen counties where few or no Negroes vote though they are in the majority formed the basis of this study. Two questions were posed: why do so many Negroes refrain from exercising one of the most basic of all rights, and what is the status of other civil rights in communities where white minorities rule and Negro majorities are politically silent. Since the vote is commonly said to be the key that may unlock the door to other civil rights, four counties with Negro majorities where Negroes register and vote in substantial numbers were chosen for comparison. Why, it was asked, do Negroes in these counties vote, and what effect, if any, has their voting had on civil rights?

Obviously these are crucial questions. This study does not presume to be conclusive as to all questions raised. Some things cannot be measured. Others can be measured but not explained. In the rural South, as elsewhere, not everyone or everything is culturally, politically, or economically determined. Nonetheless, people living under similar conditions in areas with similar histories *do* seem to conform to community patterns of behavior more often than not. Some firm observations and conclusions can be drawn.

The economic setting

Negroes are leaving the rural South in increasing numbers for urban centers South and North. Part of this migration is from southern rural counties like those studied here. It appears to reflect both the severity of life and changes in the agricultural economy. In 14 of the 17 nonvoting counties, population has declined in the past decade; in another it has only slightly increased. Fifteen have had, and 13 still have, one-crop cotton economies. The number of farm operators in all 15 has sharply declined in the past 5 years as has the number of farm units. Farm consolidation apparently is increasing, as in other parts of the country The introduction of farm machinery has reduced the need for farm laborers.

In contrast, population rose in 2 nonvoting, and 3 voting, counties—all 5 of which had economies which varied significantly from the 15. In these five whatever farming is done is diverse; in four of them, agriculture is of declining importance. None of the five has, or recently had, a one-crop cotton economy. Tenant farmers are in the minority. Light

industry and manufacturing provide varied opportunities for employment. In short the economies of these counties seem to have greater vitality.

The right to vote

As was noted in chapter 3, discrimination inhibits Negro voting in 10 of the nonvoting counties. Some is overt—such as requiring a voucher to verify the identity of an applicant; some is more subtle—such as locating a registration office in a white school. In several counties Negro teachers are warned to refrain from taking too active an interest in political matters upon pain of losing their jobs. An even more widespread inhibiting factor is fear of physical or economic reprisal. Behind all the devices that prevent Negroes from registering is the nature of the power structure that permits and encourages their use. Almost without exception it openly ignores the Negro as a political entity and purposely encourages him to keep his passive place.

Perhaps the crucial conclusion to be drawn from this study is that the facts of economic life have a direct and significant bearing on civil rights generally, and the right to vote in particular. It seems no mere accident that in three of the four counties where Negroes are registered and vote in significant numbers, the economies are active and diverse, and Negroes for the most part are independent of local white economic control. (In these three counties there were in 1959 only 18 tenant farmers or sharecroppers. Interestingly, more whites than Negroes were in this category.)

Apparently in reflection of the vigor of the economies in these counties, their populations have markedly increased. An influx of new families may mean that different attitudes find expression in the community power structure; where the population declines, on the other hand, traditional attitudes may be expected to perpetuate themselves. This does not mean that in every county with a rising population and a relatively viable economy, Negroes will be found to vote in significant numbers. Two of the 17 nonvoting counties with population rises and "healthy" economies have comparatively few Negroes registered. (Both, however, recorded some registration increases in the past 2 years.)

Where Negroes do not vote, they are for the most part subservient to crop, land, and landlord. Agriculture dominates the economies of 15 of the 17 nonvoting counties and the domination is of a special kind. Two-thirds of the 15,257 Negroes who till the soil in the 15 are tenants or croppers; some of the remainder are sharecroppers. Moreover the agricultural changes that are taking place have reduced the need for Negro tenants and farm labor. Hence the possibility of economic reprisal, offered most frequently as a reason why Negroes do not register in significant numbers, becomes more real. It is easier to retaliate

against someone for whom there is declining need, and more difficult to prove that the reprisal was in fact racially motivated.

Fayette and Haywood Counties, Tenn., provide dramatic examples of how justified the fear is, and how disastrous its realization can be. Negro tenant farmers and sharecroppers who succeeded in registering were evicted from their farms and subjected to other forms of reprisal, including the cutting off of supplies, refusal of credit, and cancellation of insurance policies. These events underscore the dwindling importance of the tenant farmer in a one-crop economy, his economic dependence, and the power of whites to retaliate against Negroes who attempt to exercise their political rights.

The fear of reprisal, then, is sometimes justified. What happened to Negroes in Fayette and Haywood *could* happen in other counties. That it could, however, does not necessarily mean it will. Negroes of Hancock, Ga., one of the four voting counties, are just as economically dependent as they are in Fayette, and judging by their 1950 median family incomes just as poor—Hancock ($503), Fayette ($499). Yet Negroes in Hancock have been and still are registered in significant numbers. The difference seems to be that the whites on whom Hancock's Negroes depend do not pose the threat of using their superior economic position to discourage Negroes from voting. There are in sum several factors that influence Negro registration and the attitude of local whites is one of them.

Another is indifference, or "apathy." Where it exists side by side with fear, or outright discrimination, as in most of the nonvoting counties, there is no way to measure its role. In Hertford County, N.C., however, where there is neither fear nor discrimination (and where the economy is agriculturally diverse and the population is rising), apathy appears to be a major factor. But even when it is the only apparent reason for low Negro registration, it must be considered in the total context in which it is found. People are creatures of habit. And the history of the Negroes' exclusion from full citizenship may sometimes continue to control their actions even after the acts of exclusion have ceased. Other factors contributing to low Negro registration—through apathy or otherwise—would appear to be the low level of Negro education (a reason advanced in many of these counties for lack of Negro registration)—and, indeed, their low economic status in general.

The vote and its effect

The effect and importance of the vote cannot be measured in precise calibration. Such is not the nature of the democratic process. Nor should it be forgotten that all the 21 counties studied are located in States whose

histories of race relations, in varying degrees, leave something to be desired. Local politics is usually tied to State politics. Moreover, even where Negroes vote, the local and State power structure is almost exclusively controlled by whites. And since there is no viable two-party system in most Southern States, there is seldom any effective competition for Negro votes. It is therefore perhaps unrealistic to expect dramatic changes in rural voting counties when changes have not occurred in the States in which these counties are located. Negroes vote in southern urban centers—in some cases in large numbers—and, in most of them, segregation in schools, housing, and public facilities still persists. And even in the urban North where the political climate is more favorable and laws exist to protect Negroes and other minority groups against discrimination, de facto segregation and outright discrimination are often present to a significant degree.

Nonetheless one would expect that where large numbers of Negroes vote, the conditions under which they live would be somewhat different from what they are where Negroes are restrained from voting. The analyses in chapter 4 show that the general status of civil rights in the voting counties is, in some respects, better than it is in most of the nonvoting ones but not by much.

Perhaps the most marked and important difference between the two sets of counties appears in the political process of which voting is just a part. In three of the four voting counties white candidates court Negro votes; Negroes have partisan and nonpartisan political groups (in one, they belong to the local Democratic committee). In two of them, Negroes run for office and in one they sometimes win. In contrast Negroes are almost totally excluded from the political process in the nonvoting counties. They do not run for office (Hertford excepted, where one ran and lost) and white candidates neither acknowledge the existence, nor the needs, of Negro majorities. In short, insofar as a "just" government is one that derives its powers from the consent and participation of the governed, the local governments of the four voting counties are—no matter how good or bad living conditions may be—"just" by that description. (One does not, after all, measure political virtue by prosperity alone.)

As to the status of other civil rights and related economic matters, the picture is depressing in all of the 21 black belt counties studied, although there are some differences in the degree of Negro deprivations. Apart from some of the courtroom facilities in one of the voting counties, segregation is just as much a fact of life where Negroes vote as it is where they do not. The schools of all 21 counties remain separate and almost invariably unequal. No suit has been filed to desegregate any of them. The same is true of public libraries, public transportation facilities, and other public accommodations. And while there is more Negro home

ownership in the voting counties, housing as a rule is equally bad and segregated in all 21. Public employment opportunities are as restricted in the 4 as they are in the 17, although there are significant variations in the opportunities for Negroes in private employment.

The most significant differences that do appear are in the areas of education and administration of justice. The gap in quality between white and Negro schools is generally less in the voting than the nonvoting counties as is the gap between white and Negro median educational levels. Teachers are harassed or intimidated in some nonvoting, but in none of the voting, counties. In one of the latter there are two Negro justices of the peace, and the courtrooms are not segregated. In all the voting counties (and some of the nonvoting counties), Negroes regularly serve on, or at least appear on the panels for, juries. There were no allegations of police brutality, mob violence, or illegal police practices in any of the four voting counties. Yet, although white informants often disagreed, Negroes complained of these practices in many of the others.

There appears then to be some correlation between voting and the enjoyment of other rights, but it is limited and uncertain. On the basis of this study it cannot be concluded that the free exercise of the right to vote in these black belt counties necessarily results in quick, tangible gains in other areas. (Nor can it be said that Negro voting is the direct cause of all the variations between voting counties and most of the nonvoting counties.) It is not so easy, it appears, to rid a rural county of a deep, historic, complicated tradition by the simple mechanism of the franchise. This is not to say that participation in the political process is of no importance. It is an indispensable attribute of full citizenship. As has been noted, the value of democracy is not measured solely in terms of tangible improvements. This study was not calculated to measure the intangible benefits of participation in the franchise—the satisfaction of belonging to the political community and sharing responsibility for its major decisions. Yet the most important results of Negro participation in the political process appear to be intangible just as, perhaps, the most important reasons for voting or nonvoting may be intangible. In the final analysis, the most important difference between the two groups of counties studied is a difference in "atmosphere"—in the voting counties relations between the races are simply better.

State boundaries

The black belt counties chosen for this study were selected to allow, if possible, an assessment of differences that might be attributed to differences between States. Florida was represented only by Gadsden (nonvoting); North Carolina only by Hertford (nonvoting); and Virginia only by Charles City (voting). Hertford and Gadsden, as has been

seen, differ in significant respects from the other nonvoting counties studied, and Charles City differs in some ways from the other three voting counties. In each case the differences are favorable, that is, they reflect a generally better situation, from the point of view of the civil rights status of the Negro majority. To what extent do these differences reflect State differences?

The study suggests that there is some correlation between State and county patterns. For one thing, with regard to some of the statistically measurable aspects of the Negroes' situation—median income and housing conditions—these three States as a whole present the best pictures among the eight involved in this study. For another, these three States also have better overall records as to the "atmosphere" of race relations than the others. But it is apparent that generalizations as to differences between States must be qualified and inconclusive, for this study itself shows substantial variations within States as well as between them.

Remedies

Finally, there arises the question as to what measures can and should be taken respecting the civil rights deprivations revealed by this study. Where there is overt official discrimination to inhibit Negroes from voting, lawsuits by the Federal Government may be quite effective. Where the inhibitory factor is fear of physical or economic retaliation, the remedies available are less dependable. In Fayette and Haywood Counties Federal help has been—almost necessarily—of the stopgap variety. Though the Justice Department secured a temporary restraining order against eviction of Negro tenants, the best it can hope for, presumably, is postponement of the inevitable. Though the temporary injunction has no fixed time limit, it cannot be maintained forever. Contracts between landlords and tenants run for one year. Presumably landlords who in good faith demonstrate that they wish to mechanize their farms, modify land use, or undertake other reasonable changes, can be released from the effect of the order even before it is lifted.

The Federal Government, then, faces something of a dilemma. Its presence—through such instruments as the Justice Department—may encourage Negroes to register. This was the case in Fayette, Tenn., and McCormick, S.C. Yet when Negroes do succeed in registering and reprisals occur, the Federal Government, while not helpless, has limited legal counter techniques. Those currently being used may not be sufficient. It is not a simple matter for the Federal Government to protect rights in States intent on avoiding the impact of Federal law. The snail's pace of school desegregation is ample evidence of this.

Yet it may be that not all possibilities have been used or exhausted. If it is true that where the economies of rural black belt counties are active, diverse, and healthy, Negroes have little difficulty in voting; if

it is true that where Negroes do not register and vote, the economies are generally depressed and backward; and if the changes that are taking place in these counties make the dependent position of Negroes even more precarious than it was; then, perhaps, one of the answers to the problem is economic. That answer, of course, is not new. Yet in application it could be both new and rewarding for Negroes and whites alike. Agricultural aid to depressed areas undergoing change, Small Business Administration loans to help diversify the economy, assistance in training and relocating farm families who are displaced—these and other measures can soften the impact of disturbing economic changes, and in doing so promote the kind of economic climate that encourages better race relations.

The vote, of course, is a just and necessary beginning; still overdue in many southern rural communities. In four of the counties studied it has had some desirable effects. If the right to vote were extended to *all* Negroes in *all* black belt counties, the benefits would surely increase. But it does not follow that the vote of itself—even if extended—will yield the full enjoyment of all civil rights. Action of a direct sort may be required if equal rights in education, in public employment, in the administration of justice, in public libraries and in other public facilities are to be achieved. Moreover, here again economic factors may have a direct bearing. In programs to assist underdeveloped countries, the Federal Government has recognized the inevitable relationship between economics and freedom. Where poverty exists, liberty is always in peril. Recognition of this fact of life is called for in the black belt. Economic and educational poverty inhibit the free, intelligent use of the ballot, and the enjoyment of other rights as well. So does fear.

Any program to secure basic civil rights must take all of these factors into account. This presents an enormous challenge to the Nation and to the South. But if successfully met, it could yield a sweeter fruit than the bitter one currently being produced in the name of segregation.

FINDINGS

Civil rights deprivations

1. There are substantial deprivations of civil rights in the 21 black belt counties studied by the Commission.

2. In 17 of these counties, Negroes, although they constitute a majority of the population, do not vote at all, or do so only in small num-

bers. The reasons for the failure to vote include fear of economic or physical reprisals, official discrimination, blatant or subtle, and lack of education and motivation. Negroes are not members of "white" party organizations, white candidates do not court Negro votes nor do they take account of Negro needs. The result is that the white minority governs an all but voiceless Negro majority.

In the other four counties studied, on the other hand, Negroes register and vote without restriction, participate in political organizations, are addressed by candidates, and even run for office.

3. Public schools are segregated in all 21 counties. No suits have been filed to desegregate any of them. In some counties Negro school buildings are inferior; in some, Negroes (but few whites) have one- or two-teacher schools; and in many, Negro schools have inferior library, laboratory, and recreational facilities. Teacher-pupil ratios are higher in the Negro schools than the white schools in all but one county for which figures are available. In a few counties there have been allegations of harassment of Negro teachers who wished to register, vote, or otherwise take part in the democratic process.

4. Twelve of the counties maintain public libraries servicing whites only. In four other counties Negroes have access to public libraries, but they are separate and inferior to those provided for white use.

5. In 11 of the counties no Negroes have ever served on either a trial or grand jury. In only four counties have Negroes served with any regularity. In three of the eight States in which the counties are located, jurors must be registered voters. This eliminates Negroes from serving in those counties where they are not registered to vote. Courtroom seating and all courthouse facilities are segregated except for one county, where all but the restrooms are shared by both races.

6. In 14 of the counties the State employment services, subsidized by Federal funds, offer only unskilled jobs to Negroes. No public employment services are offered to Negroes in another county, although they are to whites. In three counties separate employment facilities and services are maintained for each race.

7. In five of the counties no Negroes are employed in any capacity by the post offices. In four others there are six Negroes employed as bulk mail carriers, and in three there are four Negro letter carriers, two of whom are restricted to delivering mail in Negro neighborhoods. The greatest number of Negroes in any one job is janitors.

- The Post Office Department, which has been engaged in a reexamination of its personnel policies, could fruitfully look into these instances of apparent discrimination.

8. In all of the counties having transportation terminals, the facilities therein are either segregated or for white travelers only. Six have railroad, and seven bus terminals. One has an airport.

- The Department of Justice and the Interstate Commerce Commission are currently engaged in an examination of such segregation where interstate travel, or (in the case of airports) Federal funds are involved. Actions decided upon as a result of this examination could usefully be taken in the black belt counties.

9. In four of the counties studied there are Federal dams or lakes; in two of these, at the time of the study, only whites were permitted to use the recreational facilities.

- Existing Federal regulations appear to forbid such discrimination, but there is no indication that they are being enforced.

10. Ten of the counties studied have Armed Forces Reserve units, 15 have National Guard units all for whites only.

11. There are few meaningful differences in the status of Negroes, from the point of view of civil rights, between the 17 nonvoting and the 4 voting counties. Beyond other aspects of the political process itself, however, significant differences noted in the voting counties are a less markedly inferior educational system for Negroes, and a generally less restrictive atmosphere in the administration of justice (reasonably frequent service on juries, absence of complaints of police misconduct).

Economic patterns and civil rights

12. Analysis of the economic structure of the two groups of counties reveals a relationship between the nature of the economy and the civil rights status of the Negro. A dependent economic position appears to be one of the most significant factors that inhibits Negroes from registering and voting. Those counties where Negroes do not vote are primarily agricultural specializing for the most part in one crop, usually cotton. Most Negroes are tenant farmers or sharecroppers who depend on white landlords, merchants, and bankers for land, goods, and credit. There are few other opportunities to make a living. In recent years farm consolidation, the introduction of farm machinery, and changes in land use (all of which reduce the need for farm labor) have made the position of the Negro tenant farmer even more precarious. The population decline in most of these counties appears to reflect these changes. The Negro's fear that economic reprisals will follow assertion of his rights was justified in Fayette and Haywood, Tenn. Given the state of the economy and the dependent position of the Negro, a white power structure intent on doing so can maintain and perpetuate itself.

In contrast, in three of the four counties where Negroes do vote the economies are diverse, populations have increased, and Negroes are relatively independent.

- Federal programs designed to alleviate the *kind of economic deprivation found in most nonvoting* black belt counties are in effect in other parts of the country. If applied to the black belt, these programs could serve to remove conditions which operate to restrict Negroes from registering and voting and from asserting other civil rights. For example, the Agricultural Extension Work program recognizes the existence of agricultural areas disadvantaged because of the concentration of farm families on farms either too small or too unproductive for profitable operation. Assistance to such areas may include: (1) Intensive on-the-farm educational assistance; (2) assistance and counseling to local groups to improve agriculture or to introduce industry designed to supplement farm income; (3) cooperation with other agencies and groups to obtain information as to existing employment opportunities; (4) in cases where it is advisable for a farm family to make a move, provide information, advice, and counsel.

  Also pertinent is the Area Redevelopment Act of 1961, whose purpose is to "help areas of substantial persistent unemployment and underemployment to take effective steps in planning and financing their economic development." This assistance should enable such areas to establish "stable and diversified local economies and improved local living conditions."

RECOMMENDATIONS

Civil rights deprivations

This study found widespread deprivations in the black belt in all of the subject areas studied—voting, education, administration of justice, employment, housing, public accommodations, and military establishments. In other parts of this report dealing with each of the above subject areas (excepting public accommodations), similar deprivations have been found and recommendations made pursuant thereto. The findings of this study support a number of such recommendations—and the recommendations in turn would be appropriate for dealing with conditions found in the black belt counties. Among these recommendations are the following:

1. The several recommendations in part II above intended to strengthen Federal laws dealing with denials of the right to vote.

2. The several recommendations in part IV below intended to facilitate school desegregation suits.

3. The recommendation in part IV below regarding Federal aid to rural libraries under the Library Services Act of 1946.

4. The recommendation in part V below regarding the National Guard and the Armed Forces Reserves.

5. The recommendation in part V below regarding services provided by federally subsidized State employment services.

6. The recommendation in part VII below regarding racial exclusion from juries.

Economic patterns and civil rights

The Commission makes the following recommendation, specifically appropriate to the problems found in the counties studied in this part of the report:

Recommendation. That the Federal Government and the respective States take firm and concerted action to reduce economic deprivations like those found to exist in most of the black belt counties studied which support and perpetuate denials of civil rights.

Part IV. **Education**

Conclusions

The Nation's progress in removing the stultifying effects of segregation in the public elementary and secondary schools—North, South, East. and West—is slow indeed.

During the period 1959–61, only 44 school districts in the 17 Southern and border States initiated desegregation programs; 13 of these acted under court orders; 15 more were pressured into action by pending suits. Seven years after the Supreme Court decision in the *School Segregation Cases,* 2,062 school districts in the South that enroll both white and Negro pupils had not even started to comply with the requirements of the Constitution. These include all districts in Alabama, Georgia, Mississippi, and South Carolina; all but one in Florida and one in Louisiana. Some of the 775 that have started to desegregate have barely begun a 12-year progression; others, by making all initial assignments by race and placing the burden of seeking transfer on Negro pupils—often under extensive pupil placement procedures—have kept at a minimum the number of Negroes in attendance at formerly white schools.

In the North and the West, where segregation by race, color, religion, or national origin is not officially countenanced, it exists in fact in many public schools. A Federal court decision in the *New Rochelle, N.Y.,* case in January 1961 (affirmed by the court of appeals) which required the desegregation of a public school in a northern city, was probably the most significant single event affecting equal protection of the laws in public education since the Supreme Court's decision in the *Little Rock* case in 1958.

Legislative resistance to desegregation has continued in some Southern States, notably Louisiana. Others, such as Virginia and Georgia, have shifted from massive resistance to freedom of choice fortified by tuition grants. The former proved unconstitutional; the new strategy is now before the courts. The *Prince Edward* (Va.) case raised the question whether the closing of the public schools and financing the education of all children who seek it in private schools is an evasion of a court order to desegregate. In the *St. Helena* case the closing of a public school in accordance with Louisiana State law to avoid the neces-

622501 O—62——4

sity of desegregating has been successfully challenged as a denial of equal protection under the 14th amendment.

The Attorney General of the United States has been active in the *New Orleans* case to prevent nullification of constitutional principles by State action; to prevent evasion of the Federal court order to desegregate public schools; and to provide protection to Negro children assigned to formerly white schools. He has also filed a brief as *amicus curiae* in *St. Helena.* By invitation of the Federal court in the *New Rochelle* case, he filed a brief advising the court with regard to the order to be entered. Only in *Prince Edward* has the Federal court denied the Attorney General the right to intervene to protect the interests of the United States.

During the period 1959–61 there have been numerous desegregation suits in the Federal courts. The law of desegregation is gradually emerging as lower courts have had to apply the principles of the *School Segregation Cases,* and other pertinent Supreme Court pronouncements, to specific problems. Recent decisions indicate that initial assignment of all pupils by race subject to the right to apply for transfer does not meet constitutional requirements, and that equal protection of the laws demands that the same criteria for assignment must be applied to both whites and Negroes. This should lead to a reevaluation not only of administrative procedures under pupil placement plans but of the entire concept of pupil placement as a method of desegregation.

In *New Rochelle* the court placed on the school board the obligation of undoing segregation created prior to 1949 by gerrymandering of school zones. As this principle has been affirmed on appeal, school boards having uniracial schools can no longer justify it merely on the basis of residential patterns in combination with a neighborhood school policy. Any existing segregation may be constitutionally suspect. School boards that want to operate their schools in a constitutional manner may have to inquire into the cause of any existing segregation. They may have to prove that zoning lines follow residential patterns by coincidence, not design; that the sites and sizes of schools were not fixed to assure segregation; that racial residential patterns were not officially created in the first instance. Thus *New Rochelle* challenges many school boards in the North and the West which have thought they were immune from attack because existing segregation did not result from school assignment explicitly by race.

Many dependents of military personnel are still attending segregated off-base schools in the Southern States, particularly in Alabama, Georgia, Louisiana, Mississippi, and South Carolina. In the past 2 years a few off-base schools have been desegregated in Arkansas, Florida, and North Carolina by voluntary agreement; and in Tennessee by court order. In Texas an on-base school operated by local school authorities was desegregated only after suit was filed. In many places integrated on-base

schools provide elementary school instruction only; high school students must face the problem of segregated schools in local communities.

The growing recognition in the North and the West that "we have to do a lot more for some children just to give them the same chance to learn" forecasts an affirmative approach to equal protection. School systems that have initiated projects to help minority-group children surmount economic, social, and cultural barriers inherited from generations of deprivation have found marked improvement in their scholastic achievement. Private groups also are offering programs to meet the same need. If the function of public schools is to provide opportunity for *all* American children to develop the skills, attitudes, and knowledge that will enable them to contribute fully to American life, the extension of such programs throughout the Nation should be expected.

Many public libraries in Southern States that receive Federal aid under the Library Services Act of 1956 fail to provide free library service to all residents of the community, or do so only on a separate but unequal basis. In some places only white residents are served.

The admission of two Negro students to the University of Georgia in January 1961 is the outstanding event in the field of higher education since the publication of the Commission's *Higher Education Report.* Several other colleges and universities, both public and private, have announced a policy, effective September 1961, of admitting students without regard to race or color. The first school desegregation suit of any kind in the State of Mississippi has been filed to secure admission to the State university. It has not been decided.

With the opening of school in September 1961, initial desegregation under court order is scheduled in Atlanta, Ga.; Dallas and Galveston, Tex.; Escambia County (Pensacola), Fla.; and several communities in southern Delaware. Asheville, N.C.; two small communities and one county in Tennessee; two small school districts in Texas; and four in Virginia will voluntarily open their formerly white schools to Negroes for the first time.

A substantial extension of desegregation has been announced in Little Rock, Ark., Dade County (Miami), Fla., and several counties in Virginia. Perhaps the most significant announcement is from Chapel Hill, N.C. It will abandon pupil-placement desegregation in the fall of 1961 in favor of a Nashville-type grade-a-year plan. Grade-a-year plans in Nashville, Knoxville, and Davidson County, Tenn.; Dollarway, Ark.; and Houston, Tex., will desegregate new grades per schedule.

Numerically, the greatest increases in Negroes attending school with whites for the first time will occur in counties of Maryland and Virginia suburban to Washington, D.C. In Arlington and Fairfax Counties, Va., 180 Negroes are expected in the formerly white schools as compared with 71 in 1960–61. In Montgomery County, Md., the closing of the

last three Negro schools marks the completion of a desegregation program by transfer of 764 Negro pupils to formerly white schools.

In spite of these anticipated advances, the threat of more school closings, reduction of financial aid to public school systems by tuition grants for attendance at private schools, tax credits for contributions thereto, and repeal of compulsory school attendance laws are weakening public education in some parts of the land—when the national interest demands its strengthening.

As a distinguished observer has said: [1]

> It becomes even more difficult to conceive of retreating from public education into private education, anarchic education, or no education at all when one thinks of the cold war. Doubtless the educational philosopher should rise above considerations of international tension as a determinant force in shaping the schools. But it is nonetheless true that the principal rival of the United States, the Soviet Union, shapes its education on public lines and on public lines only. Before we retreat from public education as a predominant pattern of civic responsibility, we ought to ponder the report of William Benton, publisher of the Encyclopaedia Britannica, when, returning from a trip to Russia, he said: "I have returned convinced that education has become a main theater of the cold war; Russia's classrooms and libraries, her laboratories and teaching methods may threaten us more than her hydrogen bomb or her guided missiles. . . ."

FINDINGS

Need for Federal action to speed desegregation

1. Seven years after the Supreme Court's decision in the *School Segregation Cases* (May 17, 1954) only 775 of 2,837 biracial school districts in the 17 Southern States that required racial segregation in the public schools on that date had taken any action to abolish racial segregation. The school districts in which racial segregation is still maintained include all those in Alabama, Georgia, Mississippi, and South Carolina, all but one in Florida and but one in Louisiana, and a large percentage of those in Arkansas, North Carolina, Virginia, Tennessee and Texas.

2. In many of the school districts where some start has been made, actual desegregation is minimal. In fact only 7 percent of all Negroes enrolled in the public schools in the 17 Southern States attended school with white pupils in 1960–61, whereas 27 percent of the school districts

have made some start towards compliance with constitutional requirements.

3. The trend observed in 1957–59 toward desegregation by court order rather than by voluntary action has continued. In 1959–61, 44 school districts initiated desegregation plans; 13 of those acted under court order and another 15 were at least pressured into action by pending suits or orders that could be extended to them.

4. In the *Little Rock* case the Supreme Court emphasized the duty of all school boards to abolish compulsory segregation in the public schools under their jurisdiction. The adoption of a desegregation plan is a necessary preliminary step. Nevertheless, in recent years such action has depended increasingly upon court orders.

5. Congressional specification of a time limit on the making and implementation of segregation plans would remove all doubt as to the duty of school boards to abolish segregation in their schools even in the absence of a court order and should speed the desegregation process. It would also make clear that enforcement of the commands of the Constitution is the concern not only of the judiciary, but of every branch of Government.

6. Federal funds in support of educational programs are granted to public school systems which operate schools in a manner that denies pupils equal protection of the laws on the ground of race, color, religion or national origin.

7. Allotting to each State only 50 percent of any authorized grants-in-aid and prorating the remaining 50 percent in proportion to the percentage of pupils in desegregated school districts as compared to the total school population, would recognize the efforts of some States to bring the operation of their school systems into compliance with constitutional requirements and should spur other States to follow the same path. Under a proration formula proportionate effort would be recognized and wholly resistant States would not be totally penalized for their intransigence since they would receive 50 percent of all authorized funds.

8. In the typical public school case, several years elapse between the initial court decision and actual admission of Negro pupils on a nondiscriminatory basis. For example, in the following cases where admission was realized in September 1960 the first court decision came on the dates indicated: Houston—September 1958, New Orleans—February 1956; and in cases where admission has been ordered for September 1961: Atlanta—May 1958, Dallas—September 1955.

Need for Federal assistance

9. Even able Negro pupils entering a formerly white school from a segregated school may have problems of adjustment. Desegregation has focused attention on the gap between the scholastic achievement of the

average white and the average Negro student of the same age and grade level.

10. Programs have been devised by public school systems and private organizations in Northern, Western and Border States to afford minority-group members a fairer chance to compete and to encourage them to aspire to and achieve higher scholastic levels. For the most part such programs have been developed with private financial aid. They have demonstrated that minority-group members can achieve higher performance if the educational opportunity offered them is fitted to their particular needs.

11. Most of the programs studied by the Commission stress the minority-group child's need for special counseling and guidance, remedial instruction, and stimulus to overcome the effect of past deprivations.

12. School systems might be more willing to undertake desegregation if Federal funds and technical assistance were available to provide the programs needed to close the cultural and academic gap.

13. The Legislature of Louisiana met in extraordinary and regular session almost continually during the school year 1960–61 in an attempt to prevent the desegregation of the New Orleans schools pursuant to the order of a Federal court. Its temporarily successful attempts to deny State funds to Orleans Parish School District, to cut off the salaries of teachers in the desegregated schools, and to prevent the school board from borrowing from the usual commercial sources, although later invalidated by a Federal court, greatly hampered, embarrassed and tended to demoralize the school officials, teachers and other personnel in carrying out their assigned duties throughout the school year.

14. The experience of Orleans Parish School District in 1960–61 shows the need of temporary outside financial assistance when a State attempts to cut off financial aid and credit to a school system trying to desegregate its schools in compliance with a Federal court order. Two other States (Arkansas and South Carolina) have laws for cutting off State aid to desegregating school districts and South Carolina has authorized two counties to cut off local funds.

15. Public education available to all children in all States, and compulsory school attendance for a minimal period averaging age 7–16 years, have contributed to the strength and unity of the Nation. The closing of public schools even temporarily, the diversion of State and local funds to tuition grants for private schooling, and the repeal of compulsory school attendance laws, threaten public education and the welfare of the Nation as a whole.

16. No Federal agency is charged with the duty of: disseminating information concerning desegregation plans, problems, and possible solutions; assisting local school officials in formulating plans to meet local conditions and constitutional requirements; or of using its good offices to mediate and conciliate disputes.

Need for Federal protection

17. The Attorney General of the United States in the period 1959–61 diligently sought to forestall nullification of constitutional principles by State actions; to prevent evasion of Federal court orders; and to provide protection to Negro children assigned to formerly white schools. Nevertheless, disorder accompanied desegregation in New Orleans and white people supporting Federal law and order were not adequately protected by the Federal Government. No member of the rioting crowds in New Orleans was prosecuted for attempting by threats or force to prevent, obstruct, impede or interfere with the performance of duties under the Federal court order to desegregate the New Orleans schools. (See the Civil Rights Act of 1960)

18. In New Orleans white pupils attempting to attend desegregated schools and their parents were exposed to threats, loss of employment, harassment and persecution. They received no direct aid from the Federal Government and no protection was available to citizens groups working to keep the public schools open even if desegregated. In such situations Federal protection is needed to prevent private or official harassment and reprisals.

Education of dependents of military personnel

19. Many dependents of military personnel assigned to duty in Southern States have had to attend racially segregated public schools particularly in Georgia, Louisiana, Mississippi, and South Carolina where there are very few on-base schools.

20. No consistent overall policy as to the responsibility of the United States for the education of the children of military personnel in a manner consistent with constitutional principles appears to have been established by the Executive branch. In a few places in the last 2 years agreement was reached with local school authorities to admit such children to off-base schools without regard to race; in many more places they still attend racially segregated schools. In one instance Negro plaintiffs had to bring suit in a Federal court to secure admission of their children to a school located on a military base.

21. Congress has recognized that the Federal Government has a particular responsibility to provide suitable education for the children of military personnel on active duty. Racially segregated public schools are in violation of the Constitution and, therefore, are unsuitable for the education of children of military personnel.

Financial aid to public libraries

22. Some public libraries in the 17 Southern States that receive Federal aid under the Library Services Act of 1956 serve whites but not

Negroes; in others the segregated services for Negroes are greatly inferior to those for whites.

23. The Library Services Act of 1956 requires that all participating libraries shall provide free service to all residents of the communities they serve and also directs the Commissioner of Education to withhold Federal funds if he finds that the administration of a State plan fails to comply with the requirements of the act.

Alleviation of academic handicaps

24. The deprivations that school segregation imposes on minority-group members tend to be perpetuated through inferior segregated colleges, devoted primarily to training graduates for teaching careers for the most part in segregated public schools. These deprivations raise problems not only in connection with the desegregation of school systems (see findings 9 to 11 *supra*), but in limiting the opportunities of individual minority-group students and teachers.

25. Educational programs at the precollege and graduate levels designed to identify and assist students and teachers of native talent could help to overcome the cumulative deprivations of the past; and would benefit the education system of the Nation.

Higher education

26. Federal support of higher educational institutions that do not comply with constitutional principles is unconscionable and should be terminated. There is no justification for delay in compliance with constitutional requirements in institutions of higher education.

School census by ethnic classification

27. A comprehensive nationwide study of equal protection of the laws in public education requires complete and accurate factual information as to the schools attended by all major ethnic groups, including, for example, Puerto Ricans and Mexican-Americans, as well as racial groups, such as Negroes and Orientals. An annual headcount in school districts, colleges and universities that would not be part of the permanent record of individual students would provide the data needed for evaluation of equal protection in educational institutions without exposing students to the risk of discrimination.

28. The *New Rochelle* case, affirmed by the United States Court of Appeals for the Second Circuit, and other lower court decisions, make it clear that denial of equal protection of the laws under the 14th amendment does not depend solely upon assignment to school by race. Information about racial segregation in Northern schools, viewed in the light of the *New Rochelle* case and other decisions, indicates that denial

of equal protection in public schools on the ground of race is a national, not regional problem.

29. Reliable data showing the ethnic composition of individual public schools and higher educational institutions would be helpful in studying practices in Northern, Western and Border States that may constitute a denial of equal protection of the laws.

RECOMMENDATIONS

Federal action to speed desegregation

Recommendation 1.—That the Congress enact legislation making it the duty of every local school board which maintains any public school from which pupils are excluded on the basis of race, to file a plan for desegregation with a designated Federal agency within six months after the adoption of such legislation, said plan to call for at least a first step toward full compliance with the Supreme Court's decision in the *School Segregation Cases* at the beginning of the following school year, and complete desegregation as soon as practicable thereafter. Further, that Congress direct the Attorney General to take appropriate action to enforce this obligation.

Recommendation 2.—That the Congress provide that any and all Federal grants-in-aid to the various States for educational programs in elementary and secondary public schools be allocated so that States wherein all school districts are operated on a nondiscriminatory basis shall receive the full amount computed under the applicable statutory formula; that States wherein no school districts are so operated shall receive only 50 percent of such funds; that States wherein school districts have initiated desegregation programs shall receive 50 percent of such sum plus the same proportion of the remaining 50 percent as the number of pupils enrolled in all school districts in the State which have initiated a program of desegregation bears to the total number of pupils enrolled in all school districts in the particular State which have a biracial school population.

Dissent to Recommendation 2 by Commissioner Rankin

Although this recommendation does not provide for the withholding of *all* funds from public schools, its purpose is similar to that of the "Powell Amendment" and its net effect might be punitive. I do not believe that school children should be made to suffer for the errors of their elders.

Recommendations requiring the withholding of funds from States which are not completely desegregated would warrant serious consideration only if there were no other way to achieve conformity with the Constitution without penalizing students. Many of the other recommendations in this report are designed to bring about desegregation without harming education.

Thus I dissent from Recommendation 2 because I believe it to be unnecessary and potentially punitive.

Recommendation 3.—That Congress consider the advisability of adopting measures to expedite the hearing and final determination of actions brought in Federal courts to secure admission to publicly-controlled educational institutions without regard to race, color, religion or national origin.*

Federal assistance to desegregating school districts

Recommendation 4.—That the Congress enact legislation authorizing a Federal agency, upon request, to provide technical or financial assistance to local school systems at any time within 5 years after the initiation of a desegregation program, or to local citizens' groups attempting to help solve problems arising from such desegregation, in any of the following ways: (1) financial aid to school districts on a 50–50 matching basis for the employment of social workers, or specialists in desegregation problems, or for inservice training programs for teachers or guidance counselors; (2) technical assistance to school districts or citizens' groups to train school personnel or community leaders in techniques useful in solving desegregation problems, including the establishment of home study programs for the academically and culturally handicapped; provided, however, that the desegregation program and its execution shall have been found by the agency administering the program to meet constitutional requirements.

Recommendation 5.—That the Congress enact legislation authorizing loans to local school districts from which State or local financial aid has been withdrawn as a result of desegregation, or whose ability to borrow funds from commercial sources has been cut off by State or local action, said loans to be repayable by the borrower upon the receipt of the State or local aid withheld or the restoration of commercial credit.

Recommendation 6.—(a) That the President direct, or the Congress enact legislation authorizing, the Commission on Civil Rights, if ex-

*Recommendation 3 reaffirms in principle one made by the Commission in its *Higher Education Report.* At that time the Commission suggested the use of three-judge courts to expedite final determinations in desegregation cases at the college level. Since there are additional ways that desegregation cases may be expedited, the Commission has now framed its recommendation in general terms and expanded it to include desegregation cases at the elementary and secondary school levels as well.

tended, to serve as a clearinghouse to collect and disseminate information concerning programs and procedures used by school districts to achieve an organization and operation of their schools in accordance with constitutional principles, including data as to the known effects of such programs on the quality of education and the cost thereof; (b) That the Commission further be authorized to establish an advisory and conciliation service to assist local school officials in developing plans designed to meet constitutional requirements and local conditions, and to attempt to mediate and conciliate disputes between school officials and school patrons, upon the request of either, as to desegregation of schools—proposed plans for desegregation, or the implementation of plans already in operation. The Commission agrees that the use of such an advisory and conciliation service should not be a prerequisite to the bringing of legal action in a Federal court nor a ground for delay in the prosecution of a pending action; that its purpose is to obviate the necessity of legal action where possible and, in the case of pending suits, to speed, not delay, a final determination.*

Federal protection to school officials and citizens

Recommendation 7.—That the President or the Congress direct the Attorney General to take such action as may be appropriate, in any case where a school system is operating under a plan to bring it into conformance with the requirements of the 14th amendment, to protect the school board members carrying out such plan, supervisory officials and teachers in school systems executing the orders of such school boards, school children of both races attempting to attend schools affected by the plan and their parents, and citizens helping such children or their parents, from bodily harm, harassment, intimidation, and/or reprisal by officials or private persons.

Education of dependents of military personnel

Recommendation 8.—That the President direct the Department of Defense to make a complete survey of the segregated-desegregated status of public schools attended by dependents of military personnel living on-base or in the absence of sufficient housing on-base, living in the vicinity of a base, and report its findings to him. Further, that insofar as such dependents are found to be attending compulsorily racially segregated schools, the President instruct the Commissioner of Education to make suitable arrangements for their education in public schools or on-base schools open to all such dependents without discrimination because of color or race.

---

*Recommendation 6 is similar to a recommendation made by the Commission in its *1959 Report.*

Aid to public libraries under Library Services Act

Recommendation 9.—That the President direct the Office of Education of the Department of Health, Education, and Welfare, to make a survey of the practices of all public libraries receiving Federal financial aid under the Library Services Act of 1956 to determine whether or not they are offering free service to all residents of the community as required by the terms of that law and by the equal protection clause of the 14th amendment of the Constitution. Further, that the Commissioner, as provided in the law granting such Federal aid, withhold Federal funds from States which include under the State plan libraries not serving all residents of the community or not serving all of them in a manner consonant with constitutional principles.

Alleviation of academic handicaps

Recommendation 10.—That the Federal Government sponsor in the several States, upon their application therefor, educational programs designed to identify and assist teachers and students of native talent and ability who are handicapped professionally or scholastically as a result of inferior training or educational opportunity.*

Higher education

Recommendation 11.—That the Federal Government, either by executive or by congressional action, take such measures as may be required to assure that funds under the various programs of Federal assistance to higher education are disbursed only to such publicly-controlled institutions of higher education as do not discriminate on grounds of race, color, religion or national origin.

The Commission agrees that in any such Federal action taken it should be stipulated that no Federal agency or official shall be given power to direct, supervise or control the administration, curricula or personnel of an institution operated and maintained by a State or a political subdivision thereof;**

School census by ethnic classification

Recommendation 12.—That the President or the Congress direct a Federal agency or agencies to conduct an annual school survey to determine

---

* Recommendation 10 reaffirms a recommendation made by the Commission in its *Higher Education Report.*

** Recommendation 11 reaffirms without change one made in the *Higher Education Report.* Four Commissioners believe, however, that as a matter of sound public policy the same principle should be extended to privately controlled institutions.

the number and ethnic classification of all students enrolled in all public educational institutions in the United States and compile such data by States, by school districts, by individual schools, and by individual institutions of higher education within each State.*

* Recommendation 12 reaffirms a similar recommendation made by the Commission in its *1959 Report*. The Commission reemphasizes its position that this recommendation does *not* contemplate the establishment of school records by race or ethnic classification. The trend toward the elimination of such identification on student records should, in fact, be accelerated.

Part V. **Employment**

Conclusions

Although their occupational levels have risen considerably during the past 20 years, Negro workers continue to be concentrated in the less skilled jobs. And it is largely because of this concentration in the ranks of the unskilled and semiskilled, the groups most severely affected by both economic layoffs and technological changes, that Negroes are also disproportionately represented among the unemployed. The recent recession made this all too clear. But even now Negroes continue to swell the ranks of the unemployed as technological changes eliminate the unskilled or semiskilled tasks they once performed. Many will be permanently or chronically unemployed unless some provision is made for retraining them in the skills required by today's economy. The depressed economic status of Negroes is the product of many forces, including the following:

- Discrimination against Negroes in vocational as well as academic training.
- Discrimination against Negroes in apprenticeship training programs.
- Discrimination against Negroes by labor organizations—particularly in the construction and machinists' crafts.
- Discrimination against Negroes in referral services rendered by State employment offices.
- Discrimination against Negroes in the training and "employment" opportunities offered by the armed services, including the "civilian components."
- Discrimination by employers, including Government contractors and even the Federal Government.

Related to all of these is a basic problem that contributes to the limited extent and type of Negro employment—the lack of motivation on the part of many Negroes to improve their educational and occupational status. Generally, of course, lack of motivation is itself the product of long-suffered discrimination.

Throughout the Commission study, the vicious circle of discrimination in employment opportunities was clear: The Negro is denied, or fails to apply for, training for jobs in which employment opportunities have traditionally been denied him; when jobs do become available,

there are consequently few, if any, qualified Negroes available to fill them; and often, because of lack of knowledge of such newly opened opportunities, even the few who are qualified fail to apply.

Perpetuation of discriminatory training and employment practices is often supported by State employment offices. Present methods of determining Federal financial contributions to State offices encourage the referral of those applicants who are easiest to place and discourage the "selling" of merit employment. Some public employment offices openly base referrals on traditional employment practices in the community; the Commission survey revealed several instances of complaints from employers that no Negroes were ever referred for employment unless they were specifically requested. Moreover, except in States with enforceable fair employment legislation, Federal policy has permitted the acceptance and processing of discriminatory job orders from all employers other than Government contractors and Federal agencies. In practice, some employment offices have accepted and processed discriminatory job orders from the latter as well. The Commission survey revealed that, at least in Atlanta, Baltimore, and Detroit, Government contractors relied primarily on State employment offices as a recruitment source for most production employees and to a lesser degree for office clerical employees. Many companies utilize the services of these offices for testing applicants for employment or for admission into apprenticeship training programs.

In the building and construction trades, the craft unions are the main source of recruitment and also largely determine admission into apprenticeship training programs. Here, too, there is a vicious circle of discrimination. Many craft unions formerly denied membership to Negroes; some still do; others admit only a few Negroes. The paucity of Negro members may be based on several factors—the generally restrictive membership policies of the craft unions; the fact that Negroes have not obtained the training to qualify for membership; and lack of applicants. The last two factors are largely the product of past discrimination. A glaring example of the almost ineradicable effects of years of denial is the minimal participation of Negroes in apprenticeship training programs in the construction crafts. Many Negroes do not have the educational background—generally a high school education—to qualify for apprenticeship training; others feel it is futile to apply for the limited number of openings which have traditionally been denied to them because of their race. Yet without training, Negroes cannot hope to qualify for membership in the unions and, without such membership, the chances of obtaining employment in construction crafts—where job opportunities will soon far exceed the number of qualified applicants—are slight indeed.

It is clear, then, that even if employment opportunities were made equally available to Negroes, their occupational status would not be

greatly improved. Discrimination in education, training, and referral, whether by employment offices or by labor organizations, must first be overcome.

But the goal of equal employment opportunity is still far from achievement. Efforts of the Federal Government to promote nondiscriminatory employment by Government contractors and Federal agencies have not generally been effective in overcoming resistance to hiring Negroes in any but the lowest categories. Although opportunities for employment by the Federal Government have increased in recent years, the Commission's nine-city survey disclosed a disproportionate number of Negroes in the lower Classification Act positions and a concentration of Negroes in the unskilled Wage Board jobs. Similarly, Commission investigations in Atlanta, Baltimore, and Detroit revealed examples of racial discrimination in the form of "underemployment," outright refusal to employ, and exclusion from company-sponsored training programs by Government contractors.

The limitations on employment opportunities available to Negroes are reflected in their earnings. Thus, where the heads of the families have received the same amount of formal education, the median income of Negro families is considerably less than that of white families. A study by the State of Connecticut Commission on Civil Rights revealed that the average income of Negro families whose members had completed high school or college was roughly equivalent to that of white families whose members had not gone beyond grade school. It is little wonder, then—in view of the limited job opportunities and the lack of any demonstrable reward for completing their education—that Negroes tend to leave school earlier and in much greater proportions than do white students. Although the educational level attained by Negroes has increased considerably during the past 20 years, it is still much lower than the level of education attained by whites. The Negro school dropout suffers the worst employment handicaps; the rate of unemployment among this group is four times the average unemployment rate.

Some progress has been made in providing increased training and employment opportunities for Negroes. Through the efforts of the former Committee on Government Contracts, opportunities were made available to Negroes—even if sometimes only on a "token" basis—in nontraditional jobs, including office clerical, technical, and professional positions. One large automobile manufacturer now employs Negroes in management and administrative positions. Companies that had refused to hire any Negroes have finally employed them. Even one of the most restrictive of the construction craft unions eventually agreed to refer a Negro for work on a Government project. Educational programs undertaken by this Committee and by the former Committee on Government Employment Policy focused attention on the problem of motivation of minority group members and resulted in increased training

and counseling services in some communities. The desegregation of the Armed Forces initiated by Executive Order 9981 in 1948 resulted in increased "employment" opportunities for Negroes and, even more important, enabled many Negroes to obtain technical training which would not otherwise have been available to them.

Indications are that the establishment in 1961 of the President's Committee on Equal Employment Opportunity, with its prestige and broad authority, will bring considerably more progress. The requirement of "affirmative action" by Government contractors in adopting a nondiscriminatory employment policy, for example, should do much to overcome lack of motivation on the part of minority group members and should eventually elicit from them more applications for "nontraditional" jobs. The Civil Service Commission's current educational program should accomplish similar results in Federal employment. The new Committee's efforts to work with other Federal agencies in the fields of training and recruitment are also hopeful signs.

But much remains to be done that may well be beyond the new agency's jurisdiction. The Government-contract nondiscrimination clause has not been applied to employment created by Federal grant-in-aid and loan programs. With few exceptions these programs are administered without a nondiscrimination requirement. Yet Federal funds are used to create these employment opportunities in much the same manner as employment by Government contractors. The "civilian components" of our Military Establishment—the National Guard and reserve units attached to educational institutions—are beyond the scope of Executive Order 9981, and in some States Federal funds are being used to subsidize the discriminatory exclusion from, or segregation of Negroes in, these units.

Perhaps the greatest need for future Federal action, however, lies in the area of training. The Commission survey revealed that without adequate training opportunities, the goal of equal employment opportunity can never be achieved. Unless the Federal Government takes an active role in providing vocational education and apprenticeship training on a nondiscriminatory basis, Negroes will continue to suffer the economic and legal deprivations of the past.

The need for training and retraining has been further emphasized by the demands of today's economy. Even during the recent recession with its high rates of unemployment, jobs were going begging for lack of *skilled* workers to fill them. As technological changes and the replacement of old industries with new ones have been largely responsible for swelling the ranks of the unemployed, they have also increased the demand for skilled craftsmen and technicians. This demand will continue to increase. It is estimated that for every 100 skilled workers that the Nation had in 1955, it will need 122 in 1965, and 145 in 1975. Yet today our vocational education and apprenticeship training pro-

grams are not training even enough skilled workers to replace those who retire. Discrimination in such programs is a waste of human resources which this Nation can ill afford, particularly during an era when it is being challenged to develop to the utmost all the human and material resources at its command.

FINDINGS

General

1. Although the occupational levels attained by Negroes have risen sharply during the past 20 years, Negro workers are still disproportionately concentrated in the ranks of the unskilled and semiskilled in both private and public employment. They are also disproportionately represented among the unemployed because of their concentration in unskilled and semiskilled jobs—those most severely affected by both cyclical and structural unemployment—and because Negro workers often have relatively low seniority. These difficulties are due in some degree to present or past discrimination in employment practices, in educational and training opportunities, or both.

2. Directly or indirectly, Federal funds create employment opportunities for millions in the civilian and military establishments of the Federal Government and in employment by Government contractors and grant-in-aid recipients. In addition, Federal funds provide training opportunities and placement services that directly affect employment opportunities. A policy of equal opportunity for all regardless of race, color, religion, or national origin has been declared with respect to some programs in each of these areas of Federal involvement in employment, but that policy has yet to be made consistent or thoroughly effective.

Enforcement of Federal policy of equal employment opportunity

3. The principal enforcement agency for Federal policy in this field is the President's Committee on Equal Employment Opportunity. This Committee has already taken steps to overcome obstacles encountered by the former Committee on Government Employment Policy and the Committee on Government Contracts in administering past programs of nondiscriminatory employment. Among projects which could contribute substantially to the effectuation of the Federal nondiscrimination program are the following:

(*a*) Regular surveys of all Federal employment, in both the civilian and military establishments (including members of reserve components),

to show current patterns of minority group employment, participation in training programs, and methods used to recruit for, and fill, jobs;

(*b*) Appointment of full-time employment policy officers in all executive departments and major agencies, and the appointment of full-time contracts compliance officers in the principal contracting agencies, all to be thoroughly trained, by or under the supervision of the President's Committee, in the objectives, problems, and techniques for effectuating the Federal policy of nondiscriminatory employment. (In the largest agencies with substantial field establishments, the appointment of specially trained regional deputy employment policy officers and deputy contracts compliance officers may also be required.)

(*c*) Expansion of the program of the former Committee on Government Employment Policy of conducting conferences in various locations with local administrators, deputy employment policy officers, and line supervisors to explain the Federal program of nondiscriminatory employment and discuss the problems involved and the techniques for overcoming them;

(*d*) Establishing and maintaining a centralized list of current Government contractors and circulating it regularly to State employment offices;

(*e*) Reaffirming that, when Government contractors completely delegate to labor organizations the power of hiring, or of determining admission to apprenticeship training programs or other terms and conditions of employment, they will be held responsible for the discriminatory acts of the unions;

(*f*) Requesting the Secretary of Labor to require State employment offices to report to the Committee all discriminatory job orders placed by Federal agencies and Government contractors.

4. The Committee's potential effectiveness is, however, limited. Established only by executive action, it is necessarily limited in budget and legal authority. Its jurisdiction over labor unions is indirect and tenuous. Its authority over employment created by grants-in-aid and over federally assisted training programs and recruitment services is not clearly defined.

Employment created by grants-in-aid

5. Grants-in-aid and contracts are similar in all pertinent respects, yet there is no uniform Federal policy requiring nondiscrimination in employment created by grant programs. Where such requirements are imposed, they have been undertaken on an agency-by-agency basis with little or no publicity or enforcement machinery.

6. In the absence of a uniform policy imposed from above, agency administrators, concerned primarily with carrying out the substance of their programs, give little consideration to the matter of nondiscrimina-

tory employment. Many agencies are reluctant to take the initiative for fear of jeopardizing their appropriations.

7. It is not clear that employment under grants-in-aid is within the scope of Executive Order 10925, which established the President's Committee on Equal Employment Opportunity and specifically prohibits discrimination in employment under Government contracts.

Armed Forces

8. Although the Armed Forces Reserves are theoretically subject to Executive Order 9981, providing for equality of opportunity in the armed services, there continue to be segregated reserve units in some States and units in other States which completely exclude Negroes.

9. In some States Negroes are excluded from National Guard units; in others segregated units are maintained.

10. Although the National Guard is financed principally with Federal funds and trains under the direction of the Department of Defense, the Federal Government has taken no action to require desegregation of National Guard units.

11. Current statistics regarding the representation of minority groups in the Armed Forces, the National Guard and the Reserves are not generally available. Since 1955 the Department of Defense has taken the position that integration in the military is an accomplished fact and that no public interest can be served by further reports on the subject.

Training and recruitment

12. When new opportunities in training or employment are made available to Negroes, there is often a dearth of qualified Negro applicants. Part of the problem is a lack of applicants resulting from the unwillingness of many Negroes to apply for jobs that have traditionally been closed to them or a lack of knowledge of such new openings. Another facet of the problem is a lack of adequately trained Negroes resulting from a shortage of training opportunities or lack of motivation on the part of Negroes to take training for jobs that may not be available to them.

13. Through the grant of substantial funds, the Federal Government participates in many training and recruitment programs. No program designed to eliminate discrimination in employment can be completely effective unless it includes efforts to eliminate discrimination in recruitment and training facilities.

14. Vocational training received through the public schools, and made possible by Federal grant funds, is the principal means of acquiring many of the basic industrial skills. The ability of Negroes to obtain employment in skilled jobs is often determined by the availability of these training programs.

15. Current policy of the Department of Health, Education, and Welfare, conditioning admission to vocational classes on an applicant's "chances of securing employment," tends to perpetuate discriminatory employment practices and is economically wasteful. Training opportunities for Negroes, limited to training for jobs currently available in the community rather than for future employment opportunities or opportunities in other communities, may be determined to a large extent by discriminatory hiring and referral practices of local employers and labor unions. Moreover, the jobs traditionally open to Negroes are generally the ones in which there is a growing surplus of labor. In the newer technical skills, on the other hand, where training is not generally available to Negroes, openings for qualified applicants are constantly increasing.

16. Distributive and part-time education are often denied to Negroes because they cannot obtain the employment required for these programs. Here again, discriminatory employment practices determine the availability of federally supported training.

17. Apprenticeship training could be an important means of fulfilling the increasing demand for skilled workmen and of helping minority groups emerge from their traditionally low economic status. However, present apprenticeship training programs are not training even enough craftsmen to replace those who retire, and Negroes constitute a disproportionately small minority of the inadequate number of workers being trained.

18. The nationwide paucity of participation by Negroes in apprenticeship training programs is caused by lack of qualified applicants and also by discriminatory practices of both labor organizations and employers, who control admission to such programs.

19. To overcome the lack of qualified minority group applicants when new job opportunities are opened, affirmative action is often necessary to encourage them to take the necessary training, to inform them of training and employment opportunities, and, by appointing or employing them in nontraditional jobs, to demonstrate that employment opportunities do exist.

20. Although the Federal Government bears the entire cost of administering State employment offices, it has done little to assure that the policies of the program—to encourage merit employment and to discourage employment discrimination—are being effectuated.

21. Federal money is being used to perpetuate discrimination in many State employment offices where segregated offices or services are maintained, employment office personnel are hired on a discriminatory basis, and where discriminatory job orders are accepted and filled or where nondiscriminatory orders are processed on a discriminatory basis.

22. Present methods of determining State employment office budgets, based primarily on the number of job placements made, encourage

employment discrimination and discourage the "selling" of merit employment.

Labor organizations

23. The practices and policies of labor organizations are often vital to equality of employment opportunity. Internal union policies, governing membership and job referrals, are particularly important to the skilled craft unions, especially in the building trades, where membership is usually a condition of employment and a large proportion of hiring is done directly through the unions. External policies, expressed in collective bargaining, affect equal opportunity through the unions' power to negotiate terms and conditions of employment.

24. Membership and job referral practices of craft unions and hiring practices in the building and construction trades have hampered the effectiveness of the Government-contract nondiscrimination policy with respect to construction work undertaken for the Federal Government.

25. As the craft unions generally control admission to apprenticeship training programs, racial discrimination policies also operate to exclude Negroes from these programs.

26. Existing civil rights machinery within the AFL–CIO has not eliminated discriminatory practices and policies of some local unions.

27. Existing Federal law has little impact on the discriminatory practices of labor organizations. No law specifically prohibits unions from discriminating on the basis of race, color, religion, or national origin in determining membership qualifications or job referrals.

28. Federal law does impose a duty of fair representation upon unions and presently proscribes discrimination in initial employment based on membership or nonmembership in a union. The NLRB, however, the Federal agency authorized to administer these provisions, has not effectively enforced the duty of fair representation nor has it had a significant impact on the hiring and referral practices in the building and construction trades.

29. Although the President's Committee on Equal Employment Opportunity has authority to deal with union discrimination, it lacks direct jurisdiction over labor organizations and the authority it has is limited to trade union practices affecting employment on Government contracts.

RECOMMENDATIONS

General

Recommendation 1.—That Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency—

(*a*) To encourage and enforce a policy of equal employment opportunity in all Federal employment, both civilian and military, and all employment created or supported by Government contracts and Federal grant funds;

(*b*) To promote and enforce a policy of equality of opportunity in the availability and administration of all federally assisted training programs and recruitment services;

(*c*) To encourage and enforce a policy of equal opportunity with respect to membership in or activities of labor organizations affecting equal employment opportunity or terms and conditions of employment with employers operating under Government contracts or Federal grants-in-aid.

Armed Forces

Recommendation 2.—That the President issue an Executive order providing for equality of treatment and opportunity, without segregation or other barriers, for all applicants for or members of the Reserve components of the Armed Forces, including the National Guard and student training programs, without regard to race, color, religion, or national origin; and directing that an immediate survey, and report thereon, be made regarding Negro membership in the Armed Forces, the Armed Forces Reserves, the National Guard, and student training programs, including data, where appropriate, on branch of service, rank, type of job or assignment, years of service, and rates of pay.

Employment under grant-in-aid projects

Recommendation 3.—That the President issue an Executive order making clear that employment supported by Federal grant funds is subject to the same nondiscrimination policy and the same requirements as those set forth in Executive Order 10925 applicable to employment by Government contractors.

Training and recruitment

Recommendation 4.—That Congress and the President take appropriate measures to encourage the fullest utilization of the Nation's manpower resources and to eliminate the waste of human resources inherent in the discriminatory denial of training and employment opportunities to minority group members by—

(*a*) Expanding and supplementing existing programs of Federal assistance to vocational education and apprenticeship training;

(*b*) Providing for retraining as well as training and for funds to enable jobless workers to move to areas where jobs are available and their skills are in demand;

(*c*) Providing that, as a condition of Federal assistance, all such programs be administered on a nondiscriminatory, nonsegregated basis; and

(*d*) Amending present regulations regarding admission to vocational classes to provide that admission be based on present and probable future national occupational needs rather than, as presently interpreted, on traditional and local needs and opportunities.

Recommendation 5.—That, in order to encourage the fullest utilization of the Nation's manpower resources, Congress enact legislation to provide equality of training and employment opportunities for youths (aged 16 to 21), and particularly minority group youths, to assist them in obtaining employment and completing their education—

(*a*) Through a system of federally subsidized employment and training made available on a nondiscriminatory basis; and

(*b*) Through the provision of funds for special placement services in the schools in connection with part-time and cooperative vocational education programs.

Recommendation 6.—That the President direct that appropriate measures be taken for the conduct, on a continuing basis, of an affirmative program of dissemination of information—

(*a*) To make known the availability on a nondiscriminatory basis of jobs in the Federal Government and with Government contractors; and

(*b*) To encourage all individuals to train for and apply for such jobs, and particularly those jobs where there is currently a shortage of qualified applicants.

Recommendation 7.—That steps be taken, either by executive or congressional action, to reaffirm and strengthen the Bureau of Employment Security policy, in rendering recruitment and placement services, of encouraging merit employment and assisting minority group members in overcoming obstacles to employment and in obtaining equal job opportunities. In this connection, consideration should be given to changing the method utilized to determine Federal appropriations to State employment offices, presently keyed primarily to the number of job placements made, to reflect other factors (such as the greater degree of difficulty and time involved in placing qualified minority group workers), so that the budgetary formula used will encourage rather than discourage referral on a nondiscriminatory basis. In addition, regulations and statements of policy with respect to the operation of State employment offices should be reexamined to insure that such regulations and statements conform to the overall USES policy of discouraging employment discrimination and encouraging merit employment.

Recommendation 8.—That the President direct the Secretary of Labor to grant Federal funds for the operation of State employment offices only to those offices which offer their services to all, on a nonsegregated basis, and which refuse to accept and/or process discriminatory job orders.

Labor organizations

Recommendation 9.—That Congress amend the Labor-Management Reporting and Disclosure Act of 1959 to include in title I thereof a provision that no labor organization shall refuse membership to, segregate, or expel any person because of race, color, religion, or national origin.

Part VI. **Housing**

Conclusions

In 1949 the Congress of the United States enacted legislation in which it announced a national housing objective: "A decent home and a suitable living environment for every American family." This pronouncement marked the end of a long period of piecemeal measures largely in response to crisis—first the Great Depression, and later World War II. In short, housing had been a means to the solution of greater problems, rather than an end in itself.

The Housing Act of 1949 inaugurated a new housing era and a vast Federal responsibility. It is an era of which we are still a part; and it is a responsibility from which we have not retreated. The declared objective remains the unfulfilled promise of the Federal Government. It is, as President Kennedy has declared before the Congress, an unredeemed "pledge" to the American people. This pledge goes beyond an increase in the Nation's housing supply. Incorporated as its cornerstone is the constitutional principle of equal opportunity. As this Commission pointed out in its *1959 Report:*

> It is the public policy of the United States, declared by the Congress and the President, and in accord with the purpose of the Constitution, that every American family shall have equal opportunity to secure a decent home in a good neighborhood (page 534).

In the past decade 17 States and numerous cities have taken legislative and administrative action to eliminate racial discrimination in housing, but the Federal Government has not acted meaningfully in this connection. Several of the agencies that administer Federal housing programs have taken small and essentially ineffectual steps, but neither the President nor Congress has exerted the authority available.

The Federal Government has been without question the major force in the expansion of the housing and home finance industries. Its funds, its credit, many of its facilities, and its name have been made increasingly available in an effort to achieve the professed goal of "a decent home and a suitable living environment for every American family." Governmental measures include cash contributions to locali-

ties, FHA and VA mortgage insurance and guarantees, FNMA mortgage purchases and special assistance, chartering and support of financial institutions, as well as insurance of their accounts. But the benefits of these governmental activities have not been available to the American people on an equal-opportunity basis.

The Commission's first housing study revealed the central fact that housing was "the one commodity in the American market . . , not freely available on equal terms to everyone who can afford to pay." The present study emphasizes the extensive nature of the Federal contribution. The private housing and home finance industries, through which governmental housing assistance largely reaches the American people, rely heavily on that contribution. They profit from the benefits that the Federal Government offers—and on racial grounds deny large numbers of Americans equal housing opportunity. At all levels of the housing and home finance industries—from the builder and the lender to the real estate broker, and often even the local housing authority—Federal resources are utilized to accentuate this denial. This is the central finding of the Commission's present study.

Denial of equal housing opportunity means essentially the deliberate exclusion of many minority group members from a large part of the housing market and to a large extent confinement in deteriorating ghettos. It involves more than poverty and slums, for it extends to the denial of a fundamental part of freedom: choice in an open, competitive market. This is a strange phenomenon in a Nation that cherishes individual freedom. For in housing, as elsewhere, the essence of freedom is choice. Nevertheless Federal programs, Federal benefits, Federal resources have been widely, if indirectly, used in a discriminatory manner—and the Federal Government has done virtually nothing to prevent it.

SUPERVISION OF LENDING INSTITUTIONS

At the end of 1960 the Nation's nonfarm home mortgage debt stood at $160 billion. More than 60 percent of this amount ($100 billion) is held by financial institutions that are benefited in varying degrees by the Federal Government and closely supervised by one or more of four Federal regulatory agencies—the Federal Home Loan Bank Board, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation. National banks (regulated by the Comptroller of the Currency) and Federal savings and loan associations (regulated by the Federal Home Loan Bank Board) operate under Federal charters and are subject to the

exclusive control of the Federal Government. These institutions represent almost $180 billion in assets and hold $44 billion in nonfarm home mortgages. Member savings and loan associations of the Federal Home Loan Bank System and member banks of the Federal Reserve System receive the benefits of a nationwide, governmentally controlled system of financial institutions, and are regulated by the Federal Home Loan Bank Board (in the case of savings and loan associations) and the Board of Governors of the Federal Reserve System (in the case of banks). These institutions represent almost $290 billion in assets and hold $75 billion in nonfarm home mortgages. Insured associations and banks receive the benefit of Federal insurance of accounts and deposits, and are regulated, in the case of savings and loan associations, by the Federal Savings and Loan Insurance Corporation (under the direction of the Federal Home Loan Bank Board) and, in the case of banks, by the Federal Deposit Insurance Corporation. These institutions represent almost $360 billion in assets and hold $99 billion in nonfarm residential mortgages.

According to the evidence that the Commission has received from many parts of the country, these institutions are a major factor in the denial of equal housing opportunity. Mortgage credit, upon which homeownership so largely depends, is often denied to members of minority groups for reasons unrelated to their individual characters or credit worthiness, but turning solely on race or color. Although all four of the Federal supervisory agencies appear to agree that outright discrimination is improper, none apparently has conducted any inquiry into the extent to which the institutions under their supervision engage in it. Until recently none had proclaimed or followed any antidiscrimination policy. In June 1961, however, the Federal Home Loan Bank Board adopted a resolution opposing discrimination by financial institutions over which it has supervisory authority. The Board further indicated that its examiners had been advised of this resolution for their guidance in examining member institutions, and that if discrimination were found supervisory action would be taken to abolish it. None of the three other agencies has given any indication of a similar policy. A broad array of means is available to each of these agencies to reduce discrimination in mortgage lending. Except for the Federal Home Loan Bank Board, however, they appear to believe that this is a private matter with which they are not concerned. In addition, all of them (including the Federal Home Loan Bank Board) have expressed the view that race may properly be a consideration in deciding whether to make a real estate loan. The introduction of minority group members into a white neighborhood, they appear to believe, may predictably cause a decline in property values. This view of the propriety of racial consideration is not shared by FHA, VA, FNMA, nor the Voluntary Home Mortgage Credit Program.

Moreover modern real estate opinion, supported by several studies on the relation of race and property values, tends to cast doubt on the view that the one necessarily affects the other.

FEDERAL ASSISTANCE TO HOME FINANCE

The agencies most directly involved in Federal assistance to home finance are FHA, VA, and FNMA. Their policies, unlike those of the Federal banking agencies, are affirmatively, if not effectively, in favor of equal housing opportunity for all people. Each has expressed itself as opposed to the inclusion of race as a factor in its operating decisions. None of them, however, has taken effective steps to insure that the benefits they offer are made available without regard to race. FHA and VA profess a policy, not yet actually applied in any case, of refusing to do business with any builder who violates State antidiscrimination housing laws. In States that do not have such laws, neither of these agencies requires builders, developers, or lenders to make available on an equal opportunity basis homes financed with its assistance. The full extent of FNMA's role in reducing housing discrimination is in not itself affirmatively discriminating.

Of the three agencies, only FHA has expressed anything but reluctance to take effective action. FHA Commissioner Hardy is unwilling, however, to attempt any remedial measures without an express directive from the President or Congress. VA has concluded that effective remedial measures would be undesirable. FNMA has difficulty in seeing that it has anything to do with the problem of housing discrimination. Action by these three agencies could effectively reduce inequality of housing opportunity. In view of their key roles in helping to achieve the objective of "a decent home and a suitable living environment for every American family," the question is whether they can justifiably do less.

PUBLIC HOUSING AND ELDERLY HOUSING

In connection with some Federal housing programs, the Federal Government has offered direct aid as distinct from credit facilities. Public housing, one of its oldest programs, involves Federal grants and yearly contributions to local housing authorities for the purpose of establishing and maintaining low-rent accommodations for those who, because of

their economic status, would have no alternative but to live in slums. This program must play an important role if the national housing objective is to be achieved. It is of particular significance to nonwhites, who occupy 46 percent of the total federally aided public housing units throughout the country. After 24 years of operation it has improved the physical surroundings of the nonwhite population—but it has contributed to racial residential patterns and the isolation of public housing occupants. Although PHA has insisted from the beginning that minority groups are entitled to share equitably in the fruits of the program, the key decisions have been made by local public housing authorities. So far as PHA is concerned, these authorities may provide public housing on a segregated basis, so long as PHA's "racial equity formula" is satisfied. In the matter of site selection, which can be a decisive factor in determining the racial composition of housing projects, PHA encourages local authorities to use vacant land outside the areas of racial concentration. But the decision is left to the local authority, and sometimes results in governmentally determined de facto racial segregation, as well as ghetto-like isolation. Recently new approaches have been devised to overcome these demoralizing aspects of public housing. Scatteration, rehabilitation, and a Government subsidy plan are efforts to achieve community acceptance of the program and to make it a vital aspect of urban planning and a meaningful part of community life.

The housing-for-elderly-persons program involves the Federal Government in activities ranging from mortgage insurance to direct loans, and includes such agencies as FHA, PHA, FNMA, and the Community Facilities Administration (CFA). While these programs are new, there are indications that a passive and permissive approach (like those of FHA and PHA) may lead to similar discriminatory practices. Although the HHFA Administrator has stated that the direct loan program for the elderly will require nondiscrimination, it is doubtful that the measures so far taken will be effective.

URBAN RENEWAL

The principle focus of Federal housing programs since the declaration of a national housing objective in 1949 has been the revitalization of the Nation's cities. The massive program designed to achieve this is urban renewal, and the resources of government—Federal, State, and local—have been brought to bear in an effort to achieve it. The program involves, above all, the displacement of people—most of them nonwhites; their relocation has been a major problem. Recent urban renewal legislation, however, has emphasized rehabilitation and conservation rather than clearance.

Like FHA and PHA, the Urban Renewal Administration (URA) has not effectively insisted that its tools be used to assure equal opportunity to all Americans. Thus representatives of minority groups sometimes are not permitted to participate effectively in urban renewal planning. Furthermore there is no requirement that a supply of relocation housing be assured for displacees, but only that there be a sufficient *inventory* of such housing available. Despite the establishment of a special FHA program designed to meet relocation needs (recently extended to meet the needs of low and moderate-income families as well), relocation has continued to be the major urban renewal problem. Failure to resolve it has often resulted in elimination of one blighted area and creation of another. A further difficulty is that URA does not prohibit discrimination in connection with housing built on urban renewal project areas. The redeveloper has sole control of selling or renting such accommodations. Negroes and other nonwhites have often been excluded on racial grounds.

Although urban renewal has provided a small segment of the Negro middle-income population with new housing for the first time, it probably has diminished the total housing inventory available to Negroes. This is a matter of importance to more than the minority elements of our population. Urban renewal is of supreme importance to the entire Nation, for the future vitality of our cities depends in large part upon its success. The breadth and potential impact of the program, however, are diminished by the presently insurmountable obstacle of the restricted housing market. If our cities are to thrive, this obstacle must be overcome and the question asked by American Negroes—Where shall we live?—must be answered in accordance with the pledge of the Federal Government and the promise of the Constitution. As it was put to the Commission: " 'To save the city from the Negro is against my principles. To save the city for the Negro I would have no enthusiasm,' . . . we hope . . . to save the city for everyone, which . . . is the only way it can be done." (*California Hearings* 28.)

FINDINGS

General

1. In the Commission's *1959 Report,* two basic facts were found to constitute the Nation's central housing problem:

First, a considerable number of Americans, by reason of their color or race, are being denied equal opportunity in housing.

Second, the housing disabilities of colored Americans are part of a national housing crisis involving a general shortage of low-cost housing.

These two basic facts remain as urgent today as they were in 1959.

2. In the 27 years since passage of the first National Housing Act, Federal agencies have been created, Federal programs have been established and Federal funds and credit have been committed in an effort to achieve the goal articulated in the Housing Act of 1949—"a decent home and a suitable living environment for every American family." The goal has not been achieved either in terms of supply, or equal opportunity for all Americans. The President has declared before Congress: "We must still redeem this pledge."

3. There has been significant governmental action in recent years aimed at increasing the general supply of low-cost housing. The Housing Act of 1961, for example, is expressly designed to help make decent housing available for low- and moderate-income families. But there has been little effort on the part of the Federal Government to insure equal housing opportunities. States and cities have been increasingly active in this connection, but the Federal Government—the major force in housing today—has not taken similar action. Thus the Commission again has found that Federal housing assistance has been denied to some Americans because of their race. The Commission's 1959 findings—"Housing . . . seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay"—is still an urgent fact.

Overall Federal laws, policies, and programs

4. Of the many Federal agencies concerned with housing and home mortgage credit, none has attempted to exert more than a semblance of its authority to secure equal access to the housing benefits it administers, nor to insure equal treatment from the mortgage lenders it supports and supervises. Many have taken no action whatsoever in this connection. And neither the President nor Congress has yet provided the necessary leadership.

5. The Constitution prohibits governmental discrimination by reason of race, color, religion, or national origin, and the Civil Rights Act of 1866, reenacted in 1870 and still part of the United States Code, recognizes the equal right of all citizens regardless of color to purchase, rent, sell, or use real property. The fundamental principle of equal housing opportunity is clear; and Federal policies have been gradually emerging in accordance with this principle. But the practice of Federal agencies in relation to the housing and home finance industries has not yet come into line with established principle or professed policy.

622501 O—62——6

6. Both major political parties in their 1960 platform statements pledged action to prohibit discrimination in housing built with Federal subsidies. The Democratic Party pledged itself specifically to the issuance of an Executive order to eliminate discrimination in connection with Federal housing programs and federally assisted housing.

7. In its *1959 Report* the Commission found that direct action by the President on equality of opportunity in housing was needed. It recommended that an Executive order be issued. The need still exists.

8. For full effectiveness, an Executive order should extend to all Federal agencies concerned with housing and home mortgage credit, including those agencies which supervise the mortgage lending community. It should apply to all federally assisted housing, including housing constructed with the assistance of Federal mortgage insurance or loan guaranty, as well as federally aided public housing, elderly housing, and urban renewal projects.

Federal assistance to home finance

9. The present policy of the Federal Housing Administration and the Veterans' Administration is to discontinue business with any builder who is held in violation of a State or city law against discrimination. The policy of both agencies is necessarily limited to those jurisdictions that have antidiscrimination laws. Its effectiveness even within these geographical limits is open to serious doubt. By the time State or city action against a discriminatory builder has been completed the projects may well have been built and sold or rented on a discriminatory basis. Neither agency has actually applied the policy.

10. In no other aspects of their operations do the Federal Housing Administration or the Veterans' Administration maintain effective nondiscrimination policies. Thus, for example, in the absence of applicable State or local antidiscrimination housing laws both agencies offer benefits to builders and mortgage lenders who may discriminate on the basis of race. And in connection with the sale or lease of reacquired housing, i.e., housing that is *government-owned,* neither agency effectively requires that such housing be made available on a nondiscriminatory basis.

11. Similarly the Federal National Mortgage Association maintains no effective policy against discrimination in its dealings with the housing and home finance industries.

12. Nondiscrimination requirements on the part of these three agencies together with the Federal agencies that regulate or supervise financial institutions would go far to eliminate discrimination in home finance.

13. As the chairman of the Voluntary Home Mortgage Credit Program informed the Commission: "Open occupancy projects have proven

to be sound investments to those lending institutions which have made them." If "Fannie Mae" special assistance funds were made available for open occupancy projects, mortgage lending institutions would be encouraged to make such loans, and builders would also be encouraged to experiment in this field. This might well encourage builders and lenders to venture on their own initiative into housing available to all Americans on the basis of equal opportunity.

Federal supervision of mortgage lending institutions

14. Among the four Federal agencies that supervise financial institutions, the Federal Home Loan Bank Board and the Board of Governors of the Federal Reserve System acknowledge—at least implicitly—that racial and religious discrimination in mortgage lending does occur among the institutions they supervise. The Comptroller of the Currency and the Federal Deposit Insurance Corporation disclaim any knowledge of such discrimination.

15. All four of these Federal agencies appear to agree that outright discrimination—the denial of mortgage credit on the basis of race or religion alone—is improper.

16. All four of these Federal agencies enjoy prestige among the institutions they supervise, and much of their supervisory authority is exerted effectively through essentially informal means.

17. The Federal Home Loan Bank Board is the only one of these four Federal agencies that has adopted a policy opposing discrimination. It has indicated that its examiners will inquire into possible discrimination on the part of member savings and loan associations, and that where discrimination is found, counter measures will be taken. There appears to be no good reason why the other three agencies should not take similar action.

18. None of these four agencies has attempted to require nondiscriminatory mortgage loan policies on the part of the financial institutions they supervise. There is a great need for these Federal supervisory agencies to exert their full authority to secure equal access to home mortgage credit, without which homeownership is virtually impossible.

19. The Voluntary Home Mortgage Credit Program, a unique Government-private enterprise arrangement, constitutes recognition on the part of the mortgage lending community and the Federal Government that many minority group members suffer discrimination in the mortgage credit market. The program is an attempt to encourage equal treatment through essentially private means. Its successes are a tribute to the good faith of the private lending industry. But its failures are a sober reminder of the fundamental limitations of reliance upon good faith alone.

Urban renewal

20. The Urban Renewal Administration has not effectively insisted upon nondiscrimination in connection with the program it administers. In the urban renewal planning stage there is evidence that minority group members—those most often uprooted and displaced—are sometimes not represented in a meaningful way; that their representatives are relegated to "subcommittees on minority housing problems" and are not permitted to participate fully in planning the future of the communities of which they are a part.

21. In many instances Negroes and other minority group members are denied access to the housing built on urban renewal project areas—housing built with the assistance of substantial governmental subsidies.

22. The most significant failure of urban renewal has been in the matter of relocation. Negroes, facing the presently insurmountable obstacle of a restricted housing market, comprise a majority of urban renewal displacees. Present provisions have been inadequate to secure their relocation in "decent, safe, and sanitary housing." Frequently one blighted area is removed only to be replaced by another.

23. There are indications that the urban renewal program, designed to revitalize our cities, has actually diminished—by reason of failure to provide housing that is accessible to those who are displaced—the total housing inventory available to minority group members.

24. New programs of rehabilitation and conservation with emphasis on the preservation of existing housing rather than clearance and dislocation hold future promise of stability to central city residents, many of whom are Negroes and members of other minority groups.

Federal highway program

25. The federally financed interstate highway program is displacing large numbers of low-income families. Like urban renewal displacees, these families require relocation assistance. But unlike urban renewal displacees, they are not receiving it.

26. This Federal program does not presently require the assurance of decent, safe, and sanitary housing to persons so displaced, nor is there any provision for aid to displaced families in order to facilitate their movement to new homes. FHA section 221 housing available to all persons displaced by governmental action (as well as to low- and moderate-income families) does not meet these needs.

Public housing

27. The success of the public housing program is essential if low-income families, of which minority groups make up a large percentage,

are to have the opportunity to live in decent housing. The program is also an inherent and necessary part of urban planning.

28. The location of public housing sites and the kind of housing provided play important parts in determining whether public housing becomes almost entirely Negro housing, whether it accentuates or decreases the present patterns of racial concentration, and whether it contributes to a rise in housing standards generally.

29. The Public Housing Administration has taken steps to encourage the selection of sites on open land outside the present centers of racial concentration. It has also encouraged the construction of relatively small projects in scattered locations. Its activities in this regard, however, do not extend beyond encouragement and suggestion. The Public Housing Administration has no mandatory requirements on these matters.

30. Imaginative site selection and development of such concepts as "scatteration" and rehabilitation can help to achieve community acceptance of the public housing program and to remove its degrading and isolating aspects. Through these means the public housing program can fulfill its proper function of enabling low-income families of all races and religions to live in dignity as a vital part of community life.

Housing for the elderly

31. The new Federal program of housing for the elderly—one in which several Federal housing agencies play a significant part—shows signs of adopting the permissive policies largely maintained by Federal housing agencies in other programs. There are already indications that discrimination against elderly Negroes is taking place.

32. Neither the Federal Housing Administration nor the Public Housing Administration has announced any policy of equal opportunity guarantees in their housing program for the aged.

33. In connection with the direct loan program, the stated policy of the Housing and Home Finance Agency Administrator opposes discrimination. But in view of the fact that loan agreements presently contain no nondiscrimination provision, there is doubt that the policy is effectively enforced.

State and local action

34. Governmental housing programs are carried out on the local level; it is here that the denials of equal housing opportunity generally occur. Therefore, in addition to the need for Federal action regarding equality of housing opportunity, local awareness and action, both public and private, are necessary.

35. During the past decade there has been a significant trend on the State and local level toward equality of housing opportunity. This trend

has accelerated in the past 2 years. Seventeen States and numerous cities have enacted antidiscrimination housing laws. Several States and cities recently have undertaken to prevent racial or religious discrimination by real estate brokers, whose policies and practices in large measure make or break equal opportunity in housing.

36. Despite the fact that on the whole the legal developments on the State and local level over the past 2 years have been encouraging, there remains a need for more leadership from community spokesmen.

Statistical information

37. There are no generally available statisical data on the availability of home mortgage credit for minorities, or the extent to which they participate in the benefits of governmental housing programs. Such information is a prerequisite to any precise conclusion concerning the dimensions and nature of the problems of housing discrimination.

RECOMMENDATIONS

Overall Federal laws, policies, and programs

Recommendation 1.—That the President issue an Executive order, stating the national objective of equal opportunity in housing and specifically directing all Federal agencies concerned with housing and with home mortgage credit to shape their policies and practices to make the maximum contribution to the achievement of this goal; and that the President use his good offices to stimulate the participation of all elements of the housing and home finance industries in the achievement of the national objective of equal housing opportunity.

Federal assistance to home finance

Recommendation 2.—That the President (*a*) direct FHA and VA, *on a nationwide basis,* to take appropriate steps to assure that builders and developers will not discriminate on the grounds of race, color, or creed in the sale or lease of housing built with the aid of FHA mortgage insurance or VA loan guarantees;* (*b*) direct FHA, VA, and FNMA to take appropriate steps to assure nondiscrimination by lending institutions with

*Such steps may include an agreement in writing containing a nondiscrimination provision.

which these agencies have dealings;* (*c*) direct FHA and VA, in selling or leasing reacquired housing, to take appropriate steps to assure that such Government-owned housing will be available on a nondiscriminatory basis;** (*d*) designate open occupancy housing for FNMA special assistance.

Federal supervision of mortgage lending institutions

Recommendation 3.—That the Federal Government, either by executive or by congressional action, take appropriate measures to require all financial institutions engaged in a mortgage loan business that are supervised by a Federal agency to conduct such business on a nondiscriminatory basis, and to direct all relevant Federal agencies to devise reasonable and effective implementing procedures.

Concurrence in part, dissent in part by Commissioner Rankin

While I subscribe entirely to the proposition that mortgage credit should be available to all Americans without regard to race, color, or creed, I cannot agree that the best method of achieving this result is by means of wholesale Federal intervention. Exacting thought must be devoted to developing limited measures to assure nondiscrimination without infringing the right of financial institutions to pursue their economic policies free from unwarranted Federal control. For example, to the extent that this recommendation will cover such institutions as savings and loan associations which are members of the Federal Home Loan Bank System, I concur in full with the majority. For these institutions have the purpose of making available home mortgage credit throughout the country. If member associations deny mortgage credit on the basis of race, this purpose is contravened.

Dissent to Recommendation 3 by Vice Chairman Storey

While I am fully agreed that it is not in keeping with American principles that a person be denied a housing mortgage loan solely on the basis of his race, religion, or national origin, I am, nevertheless, very much opposed to further intervention by the Federal Government into the affairs

*Such steps may include an FHA requirement for "approval" of lending institutions, that such lending institutions not discriminate in mortgage financing on the basis of race, color, or creed; a VA requirement that in order for a lending institution to be eligible to make VA guaranteed home loans it must agree in writing not to discriminate on the basis of race, color, or creed; and an FNMA requirement, in connection with its secondary market operations, that lending institutions, as a condition of eligibility to sell mortgages to FNMA, certify that they maintain nondiscriminatory policies and practices in mortgage lending.

**Such steps may include an agreement in writing with any broker who acts as an agent of FHA or VA that he will not discriminate.

and policies of private financial institutions. It is important to recognize that under democratic capitalism there must be a realm of institutional autonomy. Private financial institutions, even where their activities are in part already regulated by the Federal Government, are primarily business institutions and not institutions for social reform. The first duty of officials of such organizations in lending money is to make sure an investment is prudent so as to protect the funds entrusted to them. There are a great many factors involved in every mortgage loan. Private institutions will lend their money on a nondiscriminatory basis when it is in their obvious economic self-interest. Even the most conservative banker lends when the risk seems minimal and the return adequate.

Before Federal power is extended, even when that power admittedly exists, it should be determined whether or not such additional centralization is desirable. What constitutes the appropriate sphere of governmental intervention in private institutional financial policies may be a relative matter, but some separation must be kept between political, social, and economic affairs. Every increase in Federal supervision of the economic life of the Nation for the purpose of achieving certain specific social objectives automatically diminishes the function that the free competitive market discharges under democratic capitalism. In the long run, this can lead only to autocracy.

Recommendations, such as this, for increasing Federal control assume a totally powerful National Government with unending authority to intervene in all private affairs among men, and to control and adjust property relationships in accordance with the judgment of Government personnel. It is at this level that a more serious and obvious weakness arises, for political employees are seldom absolutely objective. It is impossible to keep Federal intervention from becoming an institutionalization of special privilege for political pressure groups. This must lead eventually not to greater human freedom but to ever-diminishing freedom.

Therefore, a great deal of caution is needed before succumbing to the politically tempting suggestion of resorting to the Federal Government for increased control. Reliance on the Federal Government for the solution of all problems of discrimination can bring about only a weakening of confidence in the capacity of the institutions of a free economy to serve democratic values. I am firmly of the belief that in the majority of instances a free economy is better able than the Federal Government to work out fairly the problem of discrimination in mortgage loans. This, in turn, will halt the tendency to shrink freedom of private enterprise to smaller dimensions.

The issue here is much more than the technical problem of devising new controls to deal with financing minority housing. It is the issue of freedom versus au hority. The success of a democratic free enterprise economy depends as much on what the Federal Government does not do,

or does not have to do, as on what it does. Successful regulation must be limited to issues that cannot be dealt with by voluntary association and, even then, only after the imperative need for more extensive Federal intervention into private affairs has been established. This is a slow process requiring considerable restraint, especially in times of emergency or rapid change. This is the process, however, by which our laws and institutions have developed. That they have fallen short of perfection may be obvious. That they have lagged at times may be apparent. But the results in the long run have justified the slower evolution of the democratic process. Hence, I am opposed to the creation of further Federal controls to supervise private financial institutions as proposed in Recommendation 3.

Urban renewal

Recommendation 4.—That the Federal Government, either by executive or by congressional action, take appropriate measures to require communities as a prerequisite to receiving Federal urban renewal assistance: (*a*) to assure that there is a supply of decent, safe, and sanitary housing for displacees in fact adequate to the needs of the families displaced; and (*b*) to provide sufficient relocation facilities to assure the relocation of such displacees into decent, safe, and sanitary dwellings.

Recommendation 5.—That the President direct the Urban Renewal Administration to require that each contract entered into between local public authorities and redevelopers contain a provision assuring access to reuse housing to all applicants regardless of race, creed, or color.

Federal highway program

Recommendation 6.—That Congress amend the Highway Act of 1956 to require that in the administration of the interstate highway program, States assure decent, safe, and sanitary housing to persons displaced by highway clearance; that in those localities where there are agencies administering relocation programs, such agencies be made responsible for the relocation of persons displaced by highway construction; and that Congress provide also for financial aid to displaced families in order to facilitate their movement to new homes.

Statistical information

Recommendation 7.—That the President direct all Federal agencies concerned with housing and with home mortgage credit to develop procedures for obtaining information on the availability of home mortgage credit to nonwhites and other minority groups, and the extent to which they participate in the benefits of the housing programs administered by these agencies.

Part VII. **Equal Justice Under Law**

Conclusions

There is much to be proud of in the American system of criminal justice. For it is administered largely without regard to the race, creed, or color of the persons involved. Most officials at all levels attempt to perform their duties within the bounds of constitutionality and fairness. Most policemen never resort to brutality, thus providing constant proof that effective law enforcement is possible without brutality. And the great majority of American policemen have an excellent record of successfully discouraging mob violence against minority group members. This record shows that policemen who make it clear that they will not tolerate vigilante violence can prevent that violence.

Unfortunately, this is not the whole story. The Commission is concerned about the number of unconstitutional and criminal acts committed by agents of American justice who are sworn to uphold the law and to apply it impartially. Perhaps the most flagrant of these acts is the illegal use of violence. Indeed, a comprehensive review of available evidence indicates that police brutality is still a serious and continuing problem.

When policemen take the law into their own hands, assuming the roles of judge, jury, and, sometimes, executioner, they do so for a variety of reasons. Some officers take it upon themselves to enforce segregation or the Negro's subordinate status. Brutality of this nature occurs most often in those places where racial segregation has the force of tradition behind it. Other types of unlawful official violence are unrelated to race or region. In Florida's Raiford Prison, recently, guards took the occasion of minor rules infractions to subject prisoners of both races to inhuman treatment. Perhaps the most frequent setting for brutality is found in the initial contact between an officer and a suspect. The fact that an officer approaches a private citizen and seeks to question him, to search him, or to arrest him, creates a tense situation in which violence may erupt at any moment. The use of brutality to coerce confessions appears to be diminishing but has not disappeared.

Complete statistics on the subject of police brutality are not available, but the Commission's comprehensive survey of records at the Department of Justice suggests that although whites are not immune, Negroes feel the brunt of official brutality, proportionately, more than any other group in American society.

The Commission has been concerned with another serious (although far less widespread) dereliction of duty by American police officers—condonation of or connivance in private violence. Although this practice appears to be on the wane, it has not been totally abandoned. The most recent victims were the "Freedom Riders" in Alabama. There are American citizens in the Deep South today who live in fear, partly because they do not know if local policemen will help them or the mob when violence strikes.

On the other hand, it is encouraging for the Commission to report that lynching, another form of mob violence which frequently involved police assistance, may be extinct. Yet, the threat lives on in the memory of many Negroes.

While the discriminatory exclusion of Negroes and other minority groups from juries has diminished during the past century, this badge of inequality persists in the judicial systems of many southern counties.

By and large, frustration and defeat face the victim of these unconstitutional practices who seeks redress—for he rarely is able to obtain immediate or effective relief. A victim of these unconstitutional practices may bring action in a State court to recover money damages from the brutal policeman. The record indicates that the prospects for a verdict for the complainant in such suits are greater than in other forms of court action either at the Federal or State level. However, most victims do not commence legal action against brutal policemen, and one of the severe drawbacks of such litigation is that even if a plaintiff overcomes the difficulties of trial and is awarded a money judgment, most municipalities are not liable for their officers' misconduct, and the policemen themselves rarely have funds to satisfy a substantial money judgment.

The victim of brutality may also request a local prosecutor to bring criminal action in a State court against the policemen. For policemen, like ordinary citizens, are subject to criminal penalties ranging from jail or fines for simple assault and battery up to the death penalty for first degree murder. Such prosecutions may have a deterrent effect on police misbehavior, but they are rare.

In addition to these State and local avenues of redress there are the Federal Civil Rights Acts, providing both civil and criminal remedies. But suits in Federal courts under these Acts are few and usually unsuccessful. The civil statutes offer the advantage of allowing the victim himself to commence action for money damages against officers who have violated his constitutional right. In a recent 2-year period, however, only 42 Federal civil suits were filed based on police brutality allegations, and none of them were successful. In a recent 2½-year period the Department of Justice authorized criminal prosecutions in 52 police brutality matters. During the same period, six prosecutions were suc-

cessful. It is probable that during these periods thousands of acts of brutality were committed in this country.

There are certain inherent difficulties in suits which seek redress for acts of violence. The victim is often ignorant of remedies for police misconduct and loath, because of lethargy or fear, to report violations to responsible authorities. Even where suit is brought, there are obstacles to successful prosecution. There are frequently no witnesses and little concrete evidence to corroborate the complainant's story; the police officer usually makes a more believable witness than the complainant; and the jury is often hostile to a civil rights suit in Federal court against a local policeman. The Commission believes, however, that the Department of Justice by taking the initiative in seeking out information and, in appropriate cases, by instituting prosecutions might make the Federal Civil Rights Acts more effective instruments—despite these inherent difficulties.

Victims of civil rights violations sometimes assume that Federal officers are closely linked with local policemen. They may, therefore, be reluctant to report unlawful violence or to sign complaints. They fear that complaints either will be useless or will result in retaliation by the local policemen. It is, of course, essential that the FBI have the cooperation of thousands of local policemen to carry out its investigative mission under a long list of Federal criminal statutes not related to civil rights. Investigations of police brutality complaints may, therefore, place FBI agents in an exceedingly delicate position.

The Department of Justice policy of deference to State authorities is another problem in Civil Rights Acts prosecutions. When State authorities take steps to prosecute local law officers for acts of brutality, the Civil Rights Division of the Department suspends both investigation and prosecution. While this practice may satisfy the States, where State action proves ineffective, Federal investigation and prosecution has sometimes been made impractical by the passage of time.

When such a case does get into court, U.S. attorneys represent the Federal Government. Some U.S. attorneys have displayed unfamiliarity with the complex case law that has developed around the Federal Civil Rights Acts. Indeed, a few attorneys have displayed open hostility to Civil Rights Acts prosecutions.

There may also be other difficulties in obtaining an indictment. Grand juries in some places refuse to return indictments under the Civil Rights Acts even in the most heinous of cases; in a recent 2½-year period grand juries refused to indict in at least 16 of the 43 police brutality cases the Department of Justice filed in court. But the grand jury is not a necessary step. The Federal Government prosecutes brutal officers under section 242 of the United States Criminal Code, and since that statute defines only a misdemeanor, action may be taken by way of information (a sworn statement setting out the specific charges against

the defendant) as well as by grand jury indictment. Prosecution was initiated by information in one case, brought in the early 1940's. It was successful.

Other difficulties in the prosecution of Federal criminal suits under the Civil Rights Acts arise from the 16-year-old Supreme Court decision in *Screws* v. *United States*. It was there held that to sustain a prosecution under section 242 the Government had to prove that the officers had the "specific intent" to violate the constitutional rights of the victim. If the officers merely had the general criminal intent to hurt him, the Supreme Court explained, this would not be sufficient for a conviction under the Federal statute. This requirement is onerous. It accounts for some of the hesitancy of the Department of Justice to authorize prosecutions, and of juries to render guilty verdicts. Remedial action by Congress is necessary to make Federal criminal prosecutions effective deterrents to unlawful police violence.

The most important remedies for improper police practices, however, lie in preventive measures on the local level. There is concrete evidence that when a police commander indicates that he will not tolerate brutality or other illegal practices, these practices cease. Atlanta and Chicago, among other cities, provide examples of how positive and enlightened leadership in the police department can reduce the incidence of unlawful police violence. By the same token, the available evidence indicates that some policemen have interpreted permissive leadership as a license for brutality. Leadership may also have an impact on private violence with police connivance, as dramatically illustrated by recent events in Alabama and conversely, by the less dramatic but positive work of community leaders in Atlanta and, subsequent to the 1957 disturbances, in Little Rock.

Proper recruit selection standards may also reduce police misconduct. Such standards are nonexistent in some departments; others are attempting improvement of psychological tests to weed out those recruits prone to violence. Training programs in human relations and in scientific police techniques are also important factors in the prevention of violent invasions of rights by policemen.

In 1880 the Supreme Court declared for the first time that the discriminatory exclusion of otherwise qualified citizens from jury panels was a violation of the equal protection clause of the 14th amendment. In the ensuing years the Supreme Court has reiterated that ruling time and time again. It is also a Federal crime for any official to disqualify a citizen for jury service because of his race, color, or previous condition of servitude. One of the Civil Rights Acts (section 243) passed in 1875 makes such action punishable by a fine of $5,000. But in some counties the practice of jury exclusion is an enduring institution, and the initiative for challenging this patently unconstitutional practice has been left by default to private citizens. Apparently, the Department

of Justice has brought only one successful section 243 prosecution, and this was in the late 1870's. The jury exclusion issue is raised most often by Negro defendants convicted by all-white juries. Recently, however, a colored citizen of McCracken County, Kentucky, sought an injunction under one of the Civil Rights Acts to prevent jury officials from excluding Negroes. This action apparently has resulted in the elimination of unconstitutional jury exclusion in that county.

There can be no reasonable dissent to the proposition that all Americans, regardless of race, creed, color, or national origin, are entitled to equal justice under law. Police brutality, connivance in private violence, and exclusion of minorities from jury service violate ideals of fair play fundamental to a free society. All three are contrary to our Constitution and our heritage.

FINDINGS

Unlawful official violence

1. The actions of most policemen demonstrate that effective law enforcement is possible without the use of unlawful violence.

2. Nonetheless, police brutality by some State and local officers presents a serious and continuing problem in many parts of the United States. Both whites and Negroes are the victims, but Negroes are the victims of such brutality far more, proportionately, than any other group in American society.

3. While police connivance in violence by private persons is becoming less of a problem than in the past, such denials of equal protection still occur.

4. American citizens in some places live in fear of police violence and of mob violence with police connivance.

5. State and local officials—police commanders, prosecutors, and others in positions of authority—who have the immediate responsibility and most effective means for preventing such abuses sometimes do not use their powers. Police commanders at times take a protective attitude toward miscreant officers, and local prosecutors rarely bring criminal actions against them.

The professional quality of State and local police forces

6. The most effective "remedies" for illegal official violence are those that tend to prevent such misconduct rather than those which provide

sanctions after the fact. The application of professional standards to the selection and training of policemen is one such preventive measure.

7. Complaints rarely are made against Federal police agents, in part because these officers have had professional training and have been selected according to professional standards.

8. The professional level is high in some State and local police forces also, but in many others it is low due to low pay, ineffective recruit selection standards and ineffective training programs.

9. The establishment of professional standards for police forces can be aided by such positive programs as good pay, high recruit selection standards, and training in scientific crime detection, in human relations, and in police administration. These programs would be encouraged by Federal financial assistance to police departments that seek the development of more effective selection standards and training courses.

Federal criminal remedies for unlawful official violence

10. Although many acts of violence by policemen are violations of constitutional rights and of Federal statutes, the Federal criminal sanctions for such misconduct have not proved to be effective remedies. This is due to difficulties inherent in the cases such as the problem of proof; to the policies and procedures of the Department of Justice; and to weaknesses of the statutes.

11. Among the policies and procedures of the Department of Justice that have hampered Federal criminal prosecutions for unlawful official violence have been excessive reliance on signed complaints from aggrieved individuals despite the fact that many victims of police misconduct are unaware of their rights, or fearful to press them; a tendency to close some cases without complete investigation; and deference to State authorities which results in withholding any investigation pending State action even at the risk of allowing evidence to grow stale.

12. FBI agents, charged with the duty of Civil Rights Acts investigations, are sometimes placed in a difficult position when they must investigate allegations of misconduct against local policemen. The cooperation of local officers is essential to the FBI in investigating and apprehending those who violate Federal criminal statutes not related to civil rights. Moreover, victims and witnesses of police misconduct are sometimes hesitant to give information to Federal authorities because of the cooperative relationship between the FBI and local policemen.

13. Since section 242, the principal criminal Federal Civil Rights Act, defines only a misdemeanor, prosecution can be instituted by information (a sworn statement setting out the specific charges against the defendant) as well as by grand jury indictment. The former method avoids the delay and the hazard of one more hostile jury, involved in a presentment to a grand jury, and allows the facts to be brought to the

attention of the affected community in a public trial. An information has been used by the Department of Justice only once and then successfully.

14. Difficulties also arise from the language of section 242, as interpreted by the Supreme Court in *Screws* v. *United States*. The requirement of "specific intent"—as opposed to the usual general criminal intent—for conviction under the statute severely limits the statute's applicability. Moreover, there is confusion among judges, jurors, and lawyers as to the meaning of "specific intent." Some Federal trial judges have issued instructions to juries which seem to interpret "specific intent" more narrowly than is required by the *Screws* decision.

15. A more specific statute supplementary to section 242 spelling out certain conduct proscribed by the 14th amendment would more effectively protect the constitutional right to security of the person against official misconduct.

Federal civil remedies for unlawful official violence

16. The Federal Civil Rights Acts providing civil liability for unlawful official violence have not proved to be effective remedies. Relatively few suits are filed under the principal civil statute, section 1983, which allows suits by the victims of police brutality against officers for monetary damages. Successful suits are rare.

17. One deterrent to the filing of civil suits is the fact that even if a victim of official violence sues successfully, few police officers are able to satisfy a substantial money judgement. This can be corrected by an amendment to section 1983 which would render counties, cities, and other local governmental entities liable for the misconduct of their policemen.*

Discriminatory exclusion of minority groups from jury service

18. The practice of excluding Negroes from juries on account of their race still persists in a few States. The burden of combating such racial exclusion from juries now rests entirely on private persons—almost invariably defendants in criminal trials.

---

* *Lincoln County* v. *Luning,* 133 U.S. 529 (1890); *Hopkins* v. *Clemson Agricultural College,* 221 U.S. 636 (1911); *Frame* v. *City of New York,* 34 F. Supp. 194 (S.D.N.Y. 1940). Some States have statutes providing that the victims of mobs may sue the State in local courts for damages so incurred. An example is Ill. Rev. Stat., ch. 38, secs. 512–517 (1959). It is doubtful if liability could be extended by Congressional action to State governments. *Hans* v. *Louisiana,* 134 U.S. 1 (1890); *Palmer* v. *Ohio,* 248 U.S. 32, 34 (1918); *In re State of New York,* 256 U.S. 490, 497 (1920); *Monaco* v. *Mississippi,* 292 U.S., 313, 328–30 (1934).

622501 O—62——7

19. Only criminal remedies are available to the Federal Government to combat unconstitutional jury exclusion. The Federal Government has successfully invoked a criminal statute only once, in the late 1870's.

20. Civil actions instituted in the name of the United States would constitute a more effective method of preventing discriminatory exclusion from juries.

RECOMMENDATIONS

The professional quality of State and local police forces

Recommendation 1.—That Congress consider the advisability of enacting a program of grants-in-aid to assist State and local governments, upon their request, to increase the professional quality of their police forces. Such grants-in-aid might apply to the development and maintenance of (1) recruit selection tests and standards; (2) training programs in scientific crime detection; (3) training programs in constitutional rights and human relations; (4) college level schools of police administration; and (5) scholarship programs that assist policemen to receive training in schools of police administration.

Federal criminal remedies for unlawful official violence

Recommendation 2.—That Congress consider the advisability of enacting a companion provision to section 242 of the United States Criminal Code which would make the penalties of that statute applicable to those who maliciously perform, under color of law, certain described acts including the following:

(1) subjecting any person to physical injury for an unlawful purpose;
(2) subjecting any person to unnecessary force during the course of an arrest or while the person is being held in custody;
(3) subjecting any person to violence or unlawful restraint in the course of eliciting a confession to a crime or any other information;
(4) subjecting any person to violence or unlawful restraint for the purpose of obtaining anything of value;
(5) refusing to provide protection to any person from unlawful violence at the hands of private persons, knowing that such violence was planned or was then taking place;
(6) aiding or assisting private persons in any way to carry out acts of unlawful violence.

Federal civil remedies for unlawful official violence

Recommendation 3.—That Congress consider the advisability of amending section 1983 of title 42 of the United States Code to make any county government, city government, or other local governmental entity that employs officers who deprive persons of rights protected by that section, jointly liable with the officers to victims of such officers' misconduct.

Exclusion of minority group members from jury service

Recommendation 4.—That Congress consider the advisability of empowering the Attorney General to bring civil proceedings to prevent the exclusion of persons from jury service on account of race, color, or national origin.

Part VIII. **The American Indian**

Conclusions

Limited as was the Commission's study of American Indians, it disclosed sufficient evidence of unequal treatment under law to warrant action in certain areas and more searching investigation in others. It showed, for example, that some Indians are segregated in schools, and that in some instances needy Indians are denied welfare benefits in programs administered and financed by State and local government. Repeated complaints of unfair treatment by police and courts, and complaints ot inadequate law enforcement on reservations in States to which the Federal Government has relinquished jurisdiction, indicate serious problems exist in the administration of justice. While no definitive investigation was made in the areas of housing and employment, such information as was received revealed that in both areas Indians run into barriers similar to those confronting the American Negro. Ironically, the study disclosed also that Choctaw Indians use waiting rooms designated "White Only" in Mississippi bus stations, while some places in the Southwest still deny Indians access to many public accommodations. The significance of this incidental information lies in what it suggests: There is nothing exclusive about insults to human dignity.

In substance then, the civil rights problems of Indians are for the most part the same as those confronting other minorities. Yet Indians have some unique problems. Their cultures and history; their close, changing and at times turbulent relationship to the Federal Government; their battle to preserve reservation land—set them apart from others. Unlike other minorities, tribal Indians are members of semisovereign nations enjoying treaty rights with the Federal Government. They are also, however, citizens entitled to the rights and privileges of citizenship. Similarly, they are entitled to equal protection of the laws. Particularly with respect to land, tribal Indians bear a dependent relationship to the Federal Government often described, though erroneously, as that of "ward" to guardian.

The manifestations of their unique status are varied. Indians, for example, are in some respects beyond the reach of Federal and State law, including the Constitution itself. Tribal governments are not subject to the limitations imposed on governmental authority by the Bill of Rights

622501 O—62——8

and the 14th amendment. Indian land is, for the most part, held in trust by the Federal Government; it is tax exempt, and the Government's consent is required before it can be sold. Some Indians go to Federal, some to State, and some to mission schools. They may be subject to three kinds of law and legal procedure. They have, it appears, a strong tendency to preserve their own identities and ways of life, a tendency which is most concretely expressed in the Indian tie to reservations.

Some States resent the fact that while on a reservation, Indians are beyond the reach of State law; this resentment is occasionally expressed in attempts at "retaliation." For example, when in 1959 the Supreme Court held that Arizona had no jurisdiction over a transaction that occurred on the Navajo reservation, even though it was between a white man and an Indian, the State sought to remove all polling places from the reservation. Arizona's Attorney General issued an opinion declaring that Indians could not cast their ballots on reservations because they were not amenable to State laws. As a practical matter the removal of polling places would have disfranchised all but a few reservation Indians, for the size of the reservation would have compelled most Indians to travel great distances to cast their ballots. Though legislation was introduced to implement the Attorney General's opinion, it did not pass. The incident illustrates the Indian's ambivalent legal status, and the frustrations to which it gives rise.

Nor is it the only one. As has been noted, Indians are citizens of the United States and, as such, one would expect them to enjoy the significant protections from government encroachment contained in the Bill of Rights. They do with respect to Federal and State action, but not with respect to tribal action. Thus tribal governments can (as indeed one has) prevent tribal members on an Indian reservation from freely pursuing the religion of their choice.

Despite the recent problem in Arizona and a similar one still unresolved in New Mexico, the Indian's right to vote appears to be more secure than his other rights. Yet Indians have not gone to the polls in great numbers. A variety of explanations is offered. The high illiteracy rate among Indians (estimated to be at 50 percent) restricts registration in States that require literacy tests. Another, and more important factor, appears to be that tribal Indians are more concerned with tribal government than with white man's government. A third has to do with their close relationship to the Federal Bureau of Indian Affairs.

As to education, States with Indian populations have accepted a fair proportion of tribal children from reservations as students in public schools on a nondiscriminatory basis, although not always without special inducement by the Federal Government. As of 1960 about 60 percent of the 125,000 Indians of school age were in State schools; 27 percent were in Federal schools and 9 percent in mission schools. In some States, however, Indians are accepted in public schools only on a segregated

basis. The Bureau of Indian Affairs has reported difficulty in securing admission of Indian children to public schools on a nondiscriminatory basis in Louisiana, Mississippi, and North Carolina. However, some Choctaw children in Mississippi and some Cherokee children in North Carolina do go to public schools with white children.

Apart from matters of civil rights, Indian education suffers from other limitations. Some reservations are so big and so thinly populated that it is not practical to provide schools accessible to all Indian children. Moreover, there is still some tribal resistance to compulsory education, largely because of past Federal policies under which Indian children were sent to boarding schools, forbidden to speak their native tongues and otherwise encouraged to sever tribal and cultural ties. (In some cases, families were never reunited.) A third factor is the poverty of many Indians and the reluctance to surrender wage earners to the classroom. Another is the lack of a tradition of formal education.

Complaints by Indians of discrimination in employment are similar to those of Negroes. A preliminary survey indicates some State employment offices accept and process discriminatory job orders. There are also charges that the Bureau of Indian Affairs frequently ignores its announced policy of preferential employment for Indians. Some schools, it is said, urged by parents not to permit "squaws" to teach white children, have resisted hiring qualified Indian teachers. As to private employment, many Indians express resentment over the reluctance of some employers to hire them for suitable jobs.

Indian complaints of unequal treatment in the administration of justice include charges that law and order are not adequately maintained on reservations in States to which jurisdiction has been ceded, and that there is outright ill-treatment by police and courts in towns adjacent to Indian reservations.

A final area of unequal treatment is that of public welfare—a matter of vital concern for Indians because of their general poverty. In this preliminary study there were no complaints of discrimination in the administration of public assistance programs operated by States with Federal funds. Complaints were received, however, of unequal treatment in the administration of programs financed from State and local revenue. Investigation disclosed that some States with large Indian populations do not extend their general assistance programs to Indians living on reservations. Indians, it is argued, are the special responsibility of the Federal Government. And since the legal power of a State does not ordinarily extend to Indians living on reservations—for example, Indian lands are exempt from State taxes—some States insist that their legal duty to provide care for reservation Indians is limited. Another argument is that while some individual Indians may be destitute, the tribes to which they belong are well off and should take care of their needs.

Thus the denial of equal protection of the laws to Indians appears to be severe and widespread. Some of the denials (those concerning welfare, the administration of justice and, in the recent past, voting) stem at least in part from the unique legal and political status of Indians. Others stem from the fact that, as a minority, Indians are subject to the same kinds of discrimination inflicted on other minorities. Whatever their source, the denials deserve full-fledged investigation.

Over and above matters of civil rights, we still face the problem of redeeming the past by preparing for the future, of providing Indians with the tools by which they may become economically, socially, and democratically secure. As this is done, some, if not many, of the civil rights denials will in all probability diminish. It is toward both ends then—protecting Indian rights and promoting Indian economic health—that the Federal Government should strive.

FINDINGS

General comments

Much of what concerns the Indian is outside the specific scope of this Commission's jurisdiction—for example, his desire to retain "home rule," his worry over the loss of tribal lands, his fear that the Federal Government will abruptly end its "trusteeship," his need for economic development. Most of these were covered by the recent report to the Secretary of the Interior by the Task Force on Indian Affairs. For the present, it appears that the policy of terminating Federal supervision and special services to Indians held in abeyance in recent years, has been abandoned. The Interior Department indicates it will adopt a "new trail" for Indians stressing economic development.

Within the area of the Commission's jurisdiction, there is evidence of some serious Indian civil rights problems. But in view of the tentative nature of its study, the Commission does not offer recommendations particularly directed to such matters. However, several recommendations made elsewhere in this report would serve Indians as well as others. The following findings suggest several areas warranting further study and possibly action by appropriate Federal agencies.

1. Despite recent attempts to make it difficult for Indians on two reservations to vote, by and large Indians are free to register and cast their ballots. However, a high illiteracy rate among older Indians, and a preoccupation with tribal affairs apparently keep Indian registration figures well below the national average.

2. While the bulk of Indian children have been accepted in white public schools (although not without Federal inducement), some States have denied Indians admission to State schools because of race. With appropriate authorization by the President or Congress, the Department of Justice or the Department of the Interior might take legal action to end this discrimination against Indian children.

3. Although Indians are afforded welfare benefits much the same as other Americans in programs administered by States with Federal aid, reservation Indians in some areas have been openly denied general public assistance in localities administering programs financed out of local and State revenue. The extent to which this occurs is a matter for further study. Where it does occur, the Department of Justice or the Department of the Interior could, with appropriate authorization by the President or Congress, take legal action to end such discrimination.

4. Some State and local governments reportedly use administrative discretion as a device to prevent both reservation and nonreservation Indians from receiving welfare benefits for which they are qualified. Further study would be required to verify these reports, and to determine the extent of the practice.

5. In some cases, reservation Indians have not been provided with adequate law enforcement by the States to which the Federal Government has ceded civil and criminal jurisdiction. Further study would be needed to determine the exact extent of this problem. The problem could be dealt with in part by requiring a firm State commitment that all governmental services will be provided as a prerequisite of any future withdrawal of Federal responsibility.

6. Reservation and nonreservation Indians are treated unfairly by police and courts in many localities, particularly those adjoining large reservations. Indian neighborhoods are sometimes not given adequate police protection by local authorities. Further study would be required to determine the extent of this problem.

7. Reservation housing is generally bad. With respect to nonreservation housing, Indians face the same kinds of discrimination confronting other minorities.

8. Employment opportunities for Indians appear to be as restricted as they are for Negroes. Some State employment offices reportedly accept discriminatory job orders and some State agencies are reluctant to hire qualified Indians.

9. Unlike Negroes, Indians do not seem to be denied access to transportation and terminal facilities. (The Choctaw Indians of Mississippi, for example, use white waiting rooms.) Discrimination against Indians does exist, though on a limited basis, in many rural communities with respect to other public accommodations such as taverns, hotels, and restaurants.

10. Many American Indians are members of semisovereign tribes. They are also citizens of the United States entitled to the rights and privileges of citizenship. Indian tribal governments are not at present subject to the limitations imposed on State and Federal Governments by the Bill of Rights and the 14th amendment. Tribal governments are thus free to inhibit and have in fact in some instances inhibited the free exercise of religion by tribal members.

Part IX. The Need for Broader Action

A Concluding Statement to the 1961 Report

This report has shown that despite substantial progress the national objective of equal opportunity for all, regardless of race, faith, or ancestry, is not yet fully achieved. At home, delay frustrates legitimate private hopes, impedes important national programs, and seriously hinders development of our national strength. Abroad, as President Kennedy has said: "the denial of constitutional rights to some of our fellow Americans on account of race . . . subjects us to the charge of world opinion that our democracy is not equal to the high promise of our heritage." [1]

The effort to achieve that promise must be based on full understanding of the challenge that confronts us. In this report the Commission has attempted to contribute to that understanding, and to suggest some guidelines for action. The report deals separately with civil rights problems in different areas, and suggests differing remedies. Yet these areas are not wholly separate from each other; through all of them run certain common threads which form a single web of discrimination. So also, there are some common premises underlying many of the Commission's recommendations.

The Commission's studies indicate that civil rights problems occur in complex settings from which they cannot readily be isolated. Discrimination in one context is apt to be interlinked with discrimination in other contexts. Inferior schooling, for example, makes it difficult for Negroes in some areas to achieve the vote—and, combined with restriction to menial jobs, makes it difficult for them to assert other rights.[2] Similarly, there can be no doubt that inequalities in educational opportunity necessarily produce inequality of employment opportunity; [3] and, to complete the circle, a choice of careers that is restricted by discrimination undercuts the hope that might lead the minority group youth to pursue his education to the full extent of his capabilities.[4] It is also clear that racial restrictions in the housing market help to produce segregation in the schools,[5] and that this in turn generally means inferior schools for minority group children.[6] Discrimination in housing also often

limits the choice of employment for its victims. Thus the Personnel Director for North American Aviation told the Commission: "When we move into new areas . . . there tends to be a lack of appropriate housing for minority groups and as a result it is difficult for us to transfer people into these areas . . . they can't find appropriate housing at a price they can pay so they will turn the job down, maybe even give up the job altogether." [7] Finally residential segregation tends to produce and perpetuate slums, a breeding-ground for juvenile delinquency and crime, which in turn invite police misconduct.[8]

United Auto Workers' President Walter Reuther described this ring of discrimination in the Commission's Detroit Hearing: [9]

> Discrimination begins . . . long before the Negro approaches the hiring stage. In most cases it begins when he is born into a family enjoying about half the annual income of the average white family . . . .
>
> In most cases . . . the Negro child is born into a black ghetto, a slum or near slum of overcrowded, inadequate housing. All too frequently he goes to a school that by any standard is inferior to that attended by the average white child in the same city. All too frequently he drops out of school too soon—either because his family needs whatever money he can earn or because he knows that, even if he continues through high school and college, his opportunities of getting employment of as high a level and rewarded with as much pay as a white person with the same educational accomplishments are very limited.

These relationships suggest that no single, limited approach will bring an end to discrimination. While attention to one civil rights problem at a time may achieve substantial progress, simultaneous action on many fronts is far more promising. Thus the Commission's studies of Southern black belt counties suggest that assuring the right to vote, fundamental as that is, will not quickly assure equal protection of the laws in other aspects of the Negroes' life. Similarly the opening of new career opportunities to a particular minority will be of little use if its members have had no opportunity or reason to prepare themselves for such careers—or if they are barred from living near the "new" places of work.

The need for broader action is underlined by the fact that problems of discrimination are often intimately related to other problems. For example, the slums that blight our urban areas pose problems of major concern to a Nation whose future lies increasingly in the cities. Urban renewal is not in itself a civil rights problem, yet discrimination—in housing, in education, and in employment—contributes in major degree to the creation and preservation of the slums. If they are to be abolished, discrimination will also have to go. Metropolitan planning, health,

welfare, recreation, transportation, and related programs not primarily concerned with civil rights objectives may fail if they do not deal with questions of discrimination as well.

The close relationship of civil rights to other areas of public concern may also mean that measures not directly aimed at discrimination may be helpful in eliminating it. The Commission's black belt study, for example, strongly suggests that economic measures to expedite transition from a one-crop agricultural economy to agricultural diversity and industry may ultimately do more than lawsuits to improve the economic, political, and legal status of black belt Negroes. Measures to broaden economic and educational opportunities for all may help solve civil rights problems throughout the Nation.

In short a variety of approaches are needed. The methods that are most suitable may vary from place to place. The Southern rural black belt, for instance, is generations as well as miles apart from the Northern cities where the Nation's minority population is now concentrating. In both places there are serious deprivations of civil rights, but they are manifested in different ways, and against different social, political, and economic backgrounds; the remedies may not be entirely interchangeable. In all circumstances, however, action of many sorts by many agencies—private, local, State and Federal—is needed.

In accordance with its statutory duty this Commission has focused principally on the role of the Federal Government. The latter does not and, in the Commission's views, should not bear exclusive or even initial responsibility for the achievement of equal opportunity for all. Nonetheless, it bears a heavy responsibility, and one that—despite great strides in recent years—it has not yet discharged. Accordingly, the Commission has made a number of recommendations for Federal action, but these by no means exhaust the needs or possibilities for improvement.

Several of the Commission's recommendations have been directed not to measures that in themselves would remedy civil rights deprivations, but to the collection of information that would make such remedies more easily and effectively applied. Thus the Commission has recommended the collection of statistical information on race, color, religion, and national origin in the fields of voting,[10] education,[11] Federal employment,[12] and housing.[12a] It has found a need for such data in its own studies, and believes that they are often necessary for planning and evaluating local, State, and Federal programs as they affect equality of opportunity. The Commission is aware that many agencies which formerly recorded racial information have abandoned the practice, largely from fear that keeping of racial records creates or facilitates discrimination, and it recognizes that such records may indeed in some cases invite discrimination. The Commission has also found, however, that the lack of such information often makes it difficult to ascertain the extent of discrimination. The Commission's recommendations in

this line are premised on the belief that until discrimination is no longer a problem of its present dimensions, more rather than less statistical information is needed in some areas; and that means can be found to obtain such information without rendering it susceptible to discriminatory use.[13]

With regard to remedial measures intended to achieve the objective of nondiscrimination, the Commission has made recommendations for three kinds of action. It has recommended invoking *the power of the law* to enforce the requirements of the Constitution: by new statutory requirements,[14] and by measures to facilitate enforcement of existing law.[15] In proposing such action the Commission is not expressing a special confidence in punitive sanctions, but in the creative and instructive role that law can play—and has played—in American society.

A number of recommendations have also been made regarding *the use of public money*. These are based on the principle recently stressed by President Kennedy that "Federal money should not be spent in any way which encourages discrimination, but rather . . . [to encourage] the national goal of equal opportunity." [16] On the one hand, the Commission has suggested in several instances that Federal financial support should be withheld from programs which are so administered as to discriminate on racial grounds.[17] On the other hand, it has repeatedly recommended augmentation of existing programs, or establishment of new ones, to expand the opportunities of all citizens in education,[18] job-placement,[19] vocational training,[20] and housing.[21]

Finally, the Commission has made several recommendations calling for the *exertion of leadership* by the President and others in the National Government; [22] and it reiterates the need and worth of such leadership in the general recommendation that follows. These recommendations are based on the belief that the Presidency, and indeed the whole Federal establishment, is preeminently a place for moral leadership. The Commission has been impressed with the influence which those in responsible positions can exert on the civil rights climate of the Nation. By using the instruments for education and persuasion which are available to them they can stir the conscience of the country. By the example of their own conduct they can exert an influence far beyond the immediate occasion.

Of course the need for forceful, enlightened leadership is not confined to the Federal Government. At every level of civic life—from the President down through mayors and police chiefs to school boards; from the chairman of the board to the shop superintendent; among religious leaders, union officials, and journalists—leadership plays a vital role in making clear the legal and moral obligations of the citizens of a democracy. Where such leadership is lacking there has been little progress—and sometimes regression to violence. Where it is present, there is no challenge that cannot be met.

GENERAL RECOMMENDATION TO THE PRESIDENT

The Commission recommends that the President utilize his leadership and influence and the prestige of his office in support of equal protection of the laws for all persons within the jurisdiction of the United States in all aspects of civil and political life: by explaining to the American people the legal and moral issues involved in critical situations when they arise; by reiterating at appropriate times and places his support for the Supreme Court's desegregation decisions as legally and morally correct; by undertaking the leadership of an active effort to stimulate the interest of citizens in their right of franchise; and by all other means at his disposal marshaling the Nation's vast reservoir of reason and good will in support of constitutional law not only as a civil duty but as essential to the attainment of the national goal of equal opportunity for all.

A STATEMENT BY COMMISSIONER HESBURGH

This is not the usual minority statement to express a difference of opinion. Despite our wide diversity of backgrounds, all of the six Commissioners are in very substantial agreement regarding this report and its recommendations. It has occurred to me, having been a member of the Commission since its inception, that the Commission is becoming, more and more, a kind of national conscience in the matter of civil rights. As a conscience, its effectiveness depends quite completely upon whether it is heard, and whether the Nation and national leaders act accordingly.

I am filing this personal statement because of a personal conviction that Federal action alone will never completely solve the problem of civil rights. Federal action is essential, but not adequate, to the ultimate solution. In the nature of the problem, no single citizen can disengage himself from the facts of this report or its call to action. Leadership must come from the President and the Congress, of course, but leadership must also be as widespread as the problem itself, which belongs to each one of us. May I then say just a few words about what the Commission Report, as a conscience, seems to be saying. I claim no special wisdom. This is just one man's extra step beyond the facts of the report and its recommendations.

To anyone who reads this report on the present status of civil rights in America there must come mixed emotions—some joy and satisfaction at the demonstrable progress that the past few years have seen, and a deep frustration at the seemingly senseless and stubborn pockets of resistance that remain all across our land. Then comes the really significant question: Why?

To ask *why* is to become philosophical, even theological, about the matter. Why does America, the foremost bastion of democracy, demonstrate at home so much bitter evidence of the utter disregard for human dignity that we are contesting on so many fronts abroad? Americans might well wonder how we can legitimately combat communism when we practice so widely its central folly: utter disregard for the God-given spiritual rights, freedom, and dignity of every human person. This sacredness of the human person is the central theological and philosophical fact that differentiates us from the communistic belief that man is merely material and temporal, devoid of inherent inalienable rights and, therefore, a thing to be manipulated, used, or abused for political or economic purposes, without personal freedom or dignity, defenseless before the state and the blind laws of economic determinism.

It is not enough to reject this inhuman communistic doctrine. We must demonstrate that we have something better to propose in its stead,

and *that this something works better,* and is better for all mankind, here and everywhere. The most depressing fact about this report is its endless tale of how our magnificent theory of the nature and destiny of man is not working here. Inherent in the depressing story is the implication that it is not working because we really do not believe in man's inner dignity and rightful aspiration to equality—unless he happens to be a white man.

Some white men in very recent years have kicked, beaten, or shot a Negro to death and have not even been indicted because of a jury's prejudice or a legal technicality, while "among these rights are life, liberty, and the pursuit of happiness."

The pursuit of happiness means many good things in America: equal opportunity to better one's self by a good education; equal opportunity to exercise political freedom and responsibility through the vote; equal opportunity to work and progress economically as all other Americans do; and equal opportunity to live in decent housing in a decent neighborhood as befits one's means and quality as a person. If the pursuit of happiness does not mean at least these things to Americans reading this report, then they have not recognized the splendor of the American dream or the promise of the American Constitution.

Now read the pages. They are filled with a record of people, again good, intelligent people, working with all their energy and talent to make a travesty of this dream and this promise. These people who are trying to pervert our Western ideal of the dignity, the freedom, and the rights of every human person are not Communists. They are Americans, but white Americans denying what they enjoy, and I trust cherish, to Negro Americans.

Some of the sorry efforts are crude: like the reign of terror to deter Negroes from registering and voting (vol. 1, pp. 163–64), or the application of double standards in the matter: one for whites and the other for Negroes (vol. 1, pp. 86, 161–62). Other efforts are heartless: denying the Negro American decent schooling on all levels—even industrial and agricultural training—which means another long generation of menial jobs and wasted talents and blighted hopes, all to America's loss (vol. 2, pp. 79–98; vol. 3, pp. 97–101). Still other efforts are sentimental: a way of life, right or wrong, is more important than what happens to other human beings and to our country in the process. Perhaps we could establish a stronger alliance against these outrages if we were to meditate more deeply on the true import of our Christian heritage. Could we not agree that the central test of a Christian is a simple affirmative response to the most exalted command mankind has ever received: "Thou shalt love the Lord thy God with thy whole heart, and thy whole soul, and thy whole mind, *and thy neighbor as thyself.*" No mention here of a white neighbor. There was another similar statement,

"Whatsoever you did (good or evil) to one of these, my least brethren, you did it *to Me*." We believe these truths or we do not. And what we *do,* how we *act,* means more than what we *say.* At least, the Communists admit that they do not believe as we do. At least they thus avoid hypocrisy.

Lest I seem to be unduly harsh on the South, let me underline another story often repeated in these pages, which is a specialty of the North and East and West. There is the sophisticated approach of the financial community which says its concern in financing housing is purely economic as though this might somehow cancel out the moral dimension of what their lack of moral concern causes to happen to human beings, fathers, mothers and children, not Martians, but Americans, who live in blighted neighborhoods with no hope of the most elemental physical well-being without which human dignity and decent lives become impossible. Then there are the unspoken, but very effective conspiracies of builders, real estate brokers, and good neighbors who are downright arrogant in preserving the blessings of democracy for their own white selves alone (vol. 4, pp. 2–3, 122–26).

Well, if the report says anything it demonstrates that we are reaping the effects of our many discriminatory practices. We spend billions of dollars trying to convince the uncommitted nations of the world (about 90 percent nonwhite) that our way of life is better than communism, and then wipe out all the good effects by not even practicing "our way" in our own homeland. We are all excited about Communist subversion at home while we perpetuate a much worse and studied subversion of our own Constitution that corrodes the Nation at its core and central being—the ideal of equal opportunity for all. What can we expect for the future, if one-tenth (and predictably at the end of this century, one-fifth) of our population are second-rate citizens, getting a second-rate education, living in second-rate houses in second-rate neighborhoods, doing all of the second-rate jobs for second-rate pay, and often enough getting second-rate justice. What can we expect if this continues? I suspect that we will have a fifth of the Nation being second-rate citizens, and the rest of us can hardly be expected to be classed first rate by the rest of the world in allowing this, especially while we continue to profess a strong belief in equal rights and equal opportunity.

Personally, I don't care if the United States gets the first man on the moon, if while this is happening on a crash basis, we dawdle along here on our corner of the earth, nursing our prejudices, flouting our magnificent Constitution, ignoring the central moral problem of our times, and appearing hypocrites to all the world.

This is one problem that needs more than money. Basically, it needs the conviction of every American, of every walk of life, in every corner of America. We have the opportunity in our time to make the dream

of America come true as never before in our history. We have the challenge to make the promise of our splendid Constitution a reality for all the world to see. If it is not done in our day, we do not deserve either the leadership of the free world or God's help in victory over the inhuman philosophy of communism. Even more fundamentally than this, we should as a Nation take this stand for human dignity and make it work, *because it is right* and any other stance is as wrong, as un-American, as false to the whole Judeo-Christian tradition of the West as anything can be.

Maybe more constructive action will come sooner if we allow ourselves the unfashionable and unsophisticated taste of moral indignation: when known murderers go untried and unpunished with the studied connivances of their fellow citizens (vol. 5, ch. 3); when brutal fear is forced even upon women and children in America (vol. 5, ch. 3); when economic reprisals are used to prevent qualified American citizens from voting, but they are not exempted from paying taxes and serving in the Armed Forces (vol. 1, pp. 91–97); when little children are stoned by a vicious mob because they dare to go to a decent school long denied them (*The New Orleans School Crisis*,* p. 16); when people are intimidated, embarrassed, and jailed because they presume to eat in a public place with other people (see vol. 1, p. 4; vol. 5, ch. 3); when a place for homes becomes, by neighborhood action, an empty park because Americans think they will be contaminated by Americans (vol. 4, pp. 133–34); when Negro Americans help pay for a new hospital and then are told there is no place in it for them (vol. 4, p. 84); when, God help us, even at death Negro Americans cannot lay at rest alongside of other Americans (*California Hearings*, p. 704).

You may think by now that I have taken considerable license with the mandate of our Commission "to appraise." Perhaps I have, and if these remarks seem intemperate, the facts that support them are all between the covers of this report, and in other publications of the Commission.

I believe, as my fellow Commissioners do, that a report should be objective and factual. But, unless there is some fire, most governmental reports remain unread, even by those to whom they are addressed: in this case, the President and the Congress.

I have no illusions of this report climbing high on the bestseller list, because much of what it says is unpleasant, unpopular, and to sensitive people, a real thorn in the conscience. My words then are simply to say that I have a deep and abiding faith in my fellow Americans: in their innate fairness, in their generosity, in their consummate good will. My conviction is that they simply do not realize the dimensions of this

*Report of the Louisiana State Advisory Committee to the Commission on Civil Rights.

problem of civil rights, its explosive implications for the present and future of our beloved America. If somehow the message, plain and factual, of this report might reach our people, I believe they would see how much the problem needs the concern and attention of every American—North, South, East, and West. If this were to happen, then the problem would be well on its way to a solution. But without the personal concern of all Americans, the problem of civil rights is well nigh insoluble in our times. If so, not just Negro Americans, but all of us, and all the world, will be the losers.

Documentation

Part I—CIVIL RIGHTS, 1961

NOTES

1. Civil Rights Act of 1960, 74 Stat. 86, 42 U.S.C. sec. 1974 (Supp. II 1959–60).
2. See pt. II, ch. 5, *infra.*
3. *Bush* v. *Orlean's Parish School Board,* 190 F. Supp. 861 (E.D. La. 1960), *aff'd per curiam,* 29 U.S.L. Week 3333 (U.S. May 8, 1961). See pt. IV, ch. 10, *infra.*
4. N.Y. Times, May 22, 1961, p. 1.
5. Dept. of Justice Releases, June 26, 1961 and July 26, 1961.
6. Washington (D.C.) Post, July 11, 1961, p. 1A.
7. N.Y. Times, May 18, 1960, p. 1.
8. Exec. Order No. 10925, 26 Fed. Reg. 1977 (1961). See pt. V, chs. 3 and 4, *infra.*
9. *Conference in Williamsburg, Va., Before the U.S. Commission on Civil Rights, Education* 5 (1961) (hereinafter cited as *Williamsburg Transcript*).
10. *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1960). See pt. II, ch. 7, *infra.*
11. *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961).
12. *Boynton* v. *Virginia,* 364 U.S. 454 (1960).
13. *United States* v. *Raines,* 362 U.S. 17 (1960); *Hannah* v. *Larche,* 363 U.S. 420 (1960).
14. The following State laws were enacted since the Commission's *1959 Report.* (For a compilation of all State antidiscrimination laws, see app. I, table 1.)

PUBLIC ACCOMMODATIONS

California: Broadened existing statute which specified certain types of establishments covered to include "all business establishments." Calif. Civil Code, sec. 51 (1959).

Idaho: General public accommodations, and public education. Also covers employment, but provides no administrative machinery for enforcement. Idaho Sess. Laws, 1961, ch. 309.

Indiana: Broadened coverage of previous law to include "any establishment which caters or offers its services or facilities or goods to the general public." Also prohibits discrimination in public housing. Ind. Acts 1961, ch. 256, p. 585.

North Dakota: General public accommodations. N.D. Century Code, sec. 12–22–30 (1961).

New Hampshire: General public accommodations. Also private housing rentals. N.H. Laws 1961, ch. 219.

Oregon: Extended coverage of previous law to "any place offering to the public goods or services." Ore. Acts 1961, ch. 247.

Wyoming: General public accommodations. Wyo. Sess. Laws 1961, ch. 103.

EMPLOYMENT

California: Established Fair Employment Practices Commission with full enforcement powers. 1959 Stat., ch. 121.

Delaware: Laws of Del., ch. 337, vol. 52 (1960).

Idaho: (See under Public Accommodations, *supra.*)

Illinois: Fully enforceable FEPC. S.B. 609 (1961).

Indiana: Created Fair Employment Practice Commission with subpena power, strengthening former law against discrimination in employment. Ind. Acts 1961, ch. 208, p. 500.

Kansas: Gave State antidiscrimination commission power to enforce former employment law. Kans. Sess. Laws 1961, ch. 248.

Missouri: Created enforceable FEPC. S.B. 257 (1961).

Ohio: Created enforceable FEPC. Ohio Rev. Code Ann., sec. 4112.01 (1959).

HOUSING (for more detailed listing and description, see app. VI, table 1).

Connecticut: Amendment to 1959 private housing law gave broader coverage of rental housing, and building lots. (Public Act 472, June 5, 1961.)

Massachusetts: Amended private housing law of 1959 (Mass. Acts 1959, ch. 239) to prohibit discrimination in mortgage loans. Mass. Gen. Laws Ann., ch. 151B, sec. 4(3B) (1960).

Minnesota: Covers private housing. Minn. Laws 1961, ch. 428.

New Hampshire: Covers private rental housing. (See under Public Accommodations, *supra.*)

New York: Covers private housing. N.Y. Laws 1961, ch. 414.

Pennsylvania: Covers private housing. Pa. Laws 1961, ch. 428.

STATE COMMISSIONS

Kentucky: Laws 1960, ch. 76.

Nevada: Nev. Stat. 1961, ch. 364.

West Virginia: H.B. 115 (1961).

OTHER

New Jersey: Strengthened antidiscrimination law, giving administering agency power to initiate complaints in all fields of discrimination. N.J. Laws 1960, ch. 59, p. 489.

15. See pt. IV, ch. 5, *infra.*
16. See pt. IV, ch. 11, *infra.*
17. See pt. IV, ch. 4, *infra.*
18. *Ibid.*
19. N.Y. Times, Mar. 26, 1960, p. 1.
20. See pt. VII, ch. 3, *infra.*
21. The American Jewish Committee, *The People Take the Lead: Record of Progress In Civil Rights* 11 (Supp. 1961).
22. "The South Sees Through New Glasses," 10 *National Review* 141 (1961).
23. See pt. IV, ch. 4, *infra.*
24. There has been particularly great activity in the past 2 years among church and other civic groups in Northern and Western States to combat discrimination in housing. Among such activities have been publication of "open occupancy" covenants signed by thousands of citizens affirming a welcome to neighbors of all faiths, races, and nationalities; establishment of special "listing services" for minorities who cannot obtain housing through normal real estate channels; and "neighborhood stabilization" organizations to prevent panic flight of white residents and promote healthy integrated neighborhoods. Such activities were reported to the Commission hearings in the San Francisco Bay area (*Hearings in Los Angeles and San Francisco Before the U.S. Commission on Civil Rights* 658 (1960) (hereinafter cited as *California Hearings*)) and in Detroit (*Hearings in Detroit Before the U.S. Commission on Civil Rights* 226 (1960) (hereinafter cited as *Detroit Hearings*).) For more detailed reports of these activities in some 35–40 other communities throughout the country, see National Council of the Churches of Christ, Department of Racial and Cultural Relations, *Interracial News Service,* May–June 1961, pp. 2–4. See also National Committee Against Discrimination in Housing, *Trends in Housing,* Jan.–Feb. 1960, Sept.–Oct. 1959, Mar.–Apr. 1959, Jan.–Feb. 1959, Nov. 1958, Aug.–Sept. 1958 and Mar.–Apr. 1958.
25. See pt. II, ch. 2, *infra.*
26. See pt. II, ch. 7, *infra.*

27. See pt. III, *infra.*
28. See pt. VII, ch. 3, *infra.*
29. *Ibid.*
30. See pt. VII, ch. 2, *infra.*
31. See app. IV, table 1.
32. See pt. IV, ch. 6, *infra.*
33. See pt. IV, ch. 5, *infra.*
34. See pt. II, ch. 3, *infra.*
35. *Taylor* v. *Board of Education of New Rochelle, N.Y.*, 191 F. Supp. 181 (S.D.N.Y. 1961).
36. See pt. IV, ch. 7, *infra.*
37. U.S. Dept. of Labor, *Special Labor Force Report No. 14* at A–40 (1961).
38. See pt. V, ch. 1, *infra.*
39. See pt. V, ch. 3, *infra.*
40. See pt. VI, ch. 1, *infra.*
41. See U.S. Commission on Civil Rights, *Equal Protection of the Laws in Public Higher Education 1960,* pt. VII (hereinafter cited as *Higher Education Report*).
42. See pt. V, ch. 5, *infra.*
43. See pt. V, chs. 4, 5, *infra.*
44. See pt. IV, ch. 9, *infra.*
45. See pt. VI, chs. 3, 4, 5, *infra.*
46. U.S. Const., amend. XV, sec. 1.
47. U.S. Const., amend. XIV, sec. 1.
48. See *Bolling* v. *Sharpe,* 347 U.S. 497 (1954); *cf. Hurd* v. *Hodge,* 334 U.S. 24, 35 (1948); *Hirabayashi* v. *United States,* 320 U.S. 81, 100 (1943); *Korematsu* v. *United States,* 323 U.S. 214, 216 (1944).
49. *Everson* v. *Bd. of Education,* 330 U.S. 1 (1947); *Truax* v. *Raich,* 239 U.S. 33 (1915).
50. *Civil Rights Cases* 109 U.S. 3 (1883).
51. *Shelley* v. *Kraemer,* 334 U.S. 1 (1948).
52. *Burton* v. *Wilmington Parking Authority, supra,* note 11.
53. See pt. IV, ch. 6, *infra.*
54. *Brown* v. *Board of Education,* 347 U.S. 483 (1954).
55. *Baldwin* v. *Morgan,* 251 F. 2d 780 (5th Cir. 1958); *Flemming* v. *South Carolina Electric & Gas Co.,* 224 F. 2d 752 (4th Cir. 1955), *app. dism. per curiam,* 351 U.S. 901 (1956); *Browder* v. *Gayle,* 142 F. Supp. 707 (M.D. Ala. 1956), *aff'd per curiam,* 352 U.S. 903 (1956).
56. *Dawson* v. *Mayor of Baltimore,* 350 U.S. 877 (1955).
57. *Holmes* v. *City of Atlanta,* 350 U.S. 879 (1955).

58. *Prymus* v. *High,* Civ. No. 9545–M, S.D. Fla., Sept. 12, 1960, 5 *Race Rel. L. Rep.* 1150 (1960).
59. *Johnson* v. *Levitt and Sons, Inc.,* 131 F. Supp. 114 (E.D. Pa. 1955). *Contra, Ming* v. *Horgan,* No. 97130, Cal. Sup. Ct., Sacramento County, June 23, 1958, 3 *Race Rel. L. Rep.* 693 (1958).
60. See references in notes 41–45, *supra.*
61. See pt. VI, ch. 2; pt. V, ch. 2, *infra.*
62. See generally *Urban Boom and Crisis in the Sixties,* Address by Philip M. Hauser, International Municipal Assembly, May 12, 1960. For a thorough and detailed comparison of similarities and differences of present and former minority groups, see Handlin, *The Newcomers* (1959).
63. 107 *Cong. Rec.* 8392 (daily ed. May 25, 1961) (President Emeritus James M. Conant of Harvard, reporting on studies prepared for the Carnegie Foundation on American Secondary Education).
64. *California Hearings* 84.
65. U.S. Bureau of the Census, Current Population Reports Series, No. 99, *Literacy and Educational Attainment: March 1959,* table A.
66. *Id.,* tables 1 and 2.
67. *Ibid.*
68. U.S. Bureau of the Census, Current Population Reports: Consumer Income, *Incomes of Families and Persons in the U.S., 1959,* table 37 (1961).
69. *Id.* at 7 (table F).
70. U.S. Bureau of Census, Current Population Reports: Consumer Income, *Income of Families and Persons in the U.S., 1958,* table 9 (1960).
71. U.S. Department of Labor, Bureau of Labor Statistics, *Special Labor Force Report No. 14,* A–25, table C–7 (1961).
72. U.S. Bureau of the Census, 1950 Census of Population, Special Reports, Part 5, ch. B, *Education,* table 11 (1951). Information from this table was compiled by Dubin, in *The World of Work: Industrial Society and Human Relations* 162 (1958). See *Detroit Hearings* 61.
73. U.S. Department of Labor, *The Economic Situation of Negroes in the U.S.* (1960); also U.S. Department of Labor, *op. cit., supra,* note 71, at A–40.
74. Lott, *The Inaugural Addresses of the American Presidents,* 239 (1961) (Second Inaugural Address).
75. U.S. Bureau of the Census Releases CB 61–19, Mar. 23, 1961 and CB 61–13, Mar. 13, 1961.
76. President's Education Message to Congress. 107 *Cong. Rec.* 2284 (daily ed. Feb. 20, 1961).

77. Ginzberg, *The Negro Potential* 124 (1956). See also Ginzberg *Human Resources, the Wealth of a Nation* (1958).
78. Housing Act of 1949, 63 Stat. 413 (1949), 42 U.S.C. sec. 1441 (1958).
79. Special Message to Congress on National Housing Program. 107 *Cong. Rec.* 3408 (daily ed. Mar. 9, 1961).
80. U.S. Bureau of the Census Release CB 61–17, Mar. 17, 1961; also Hauser, *op. cit. supra,* note 62, at 3.
81. See *House and Home,* November 1960 at 57. See also address by Robert P. Weaver, in N.Y. Times, Apr. 17, 1961; National Committee Against Discrimination in Housing, *Trends in Housing,* Mar.–Apr. 1961.
82. U.S. Bureau of the Census, *U.S. Census of Population: 1910, General Report and Analysis,* vol. 1, ch. 2, table 42; also *U.S. Census of Population: 1960, General Population Characteristics, U.S. Summary, Final Report PC(1)–1B,* table 51 (1961).
83. *Ibid.*
84. See app. I, table 2.
85. Continued labor needs of industry in urban areas and further technological elimination of southern farm jobs are generally expected to encourage further migration from rural to urban areas, although possibly at a reduced rate. See pt. III, ch. 3, *infra;* Handlin, *op. cit., supra,* note 62, at 54. Also Grier, "The Negro Migration," *National Housing Conference Yearbook* (1960).
86. The national birth rate of nonwhites is higher than that of whites—in 1959 it was 32.7 per thousand for nonwhites, compared to 23 per thousand for whites (data compiled by National Office of Vital Statistics, U.S. Department of Health, Education, and Welfare), but in many cities the disparity is even greater. In Baltimore, in 1960, the nonwhite birth rate was 34.2, the white 19.7. (Information from Baltimore Health Department.) In San Francisco, the 1960 nonwhite birth rate was 31.4, the white 17.3. (Information from San Francisco Department of Public Health.) Nonwhite births in San Francisco were 29 percent of total births, although nonwhites comprised only 18 percent of the population, and Negroes were 10 percent of the population. (U.S. Bureau of the Census Release CB 61–16, Mar. 14, 1961 (table D). "Nonwhite" statistics prepared by Census Bureau for Commission use.) Nonwhite birth rates appear to be higher than the nonwhite proportion of population in cities of most recent Negro inmigration, and closer to the population proportion in cities where Negroes have lived for many years. In Philadelphia and Washington, D.C., for example, where there have been large settlements of Negroes for many years, the ratio of nonwhite births to nonwhite population is much closer

than in San Francisco or other cities of more recent migration. See Grier, *op cit., supra,* note 85; and Grier, *The Impact of Race on Neighborhood in the Metropolitan Setting,* Washington Center for Metropolitan Studies 9–11 (1961).

87. From 1940 to 1950, for example, 6.9 million whites migrated into the suburban rings of the Nation's metropolitan areas. (Hauser, *op. cit., supra,* note 62, at 21.) In the next 10 years suburban population increased by 17 million persons. (Dickson, "Suburban Migration," 2 *Editorial Research Reports No. 3* at 526 (1960).) But from 1940 to 1960 the percentage of nonwhites decreased in all but 4 of the metropolitan areas surrounding the Nation's 25 largest cities. (*Trends in Housing,* March–April 1961, p. 5.) Nonwhite percentages in these areas range from less than 1 percent to 6 percent. (*Ibid.* See also app. I, table 2.) Much of this nonwhite "suburban" occupancy, moreover, is located in industrial satellite towns ringing the central cities, rather than in residential suburbs. (Grodzins, *The Metropolitan Area as a Racial Problem 3* (1958).) The racial distortion of population growth in central cities and suburban areas is dramatically illustrated by the experience of Washington, D.C. In 1940, Negroes comprised approximately one-fourth of the population of the metropolitan area. In 1960, this percentage remained almost the same. But within the central city, Negroes increased from 28 to 54 percent in this 20-year period, while their percentage in the surrounding metropolitan area decreased from 14 to 6 percent. (See app. I, table 2. Also "New Census Look at Cities and Race," reprinted from Washington Post, Mar. 26, 1961, in *Southern Regional Council Report No. L–25.*)
88. Grier, *op. cit., supra,* note 86, at 11.
89. U.S. Bureau of the Census Release, CB 61–60, June 9, 1961. See also Christian Science Monitor, Mar. 8, 1961, p. 26 C.
90. U.S. Bureau of the Census Releases, CB 61–16, Mar. 14, 1961, and CB 61–11, Mar. 7, 1961.

TABLE 1.—*Compilation of State antidiscrimination laws*

State	*Public accommodations*	*Employment*	*Housing* — *Public*	*Housing* — *Publicly assisted*	*Housing* — *Private*	*Education*	*Other*
Alaska [1]	X	X	....	....	....	....	.....
California [2]	X	X	X	X	....	....	.....
Colorado [3]	X	X	X	X	X	X [40]	.....
Connecticut [4]	X	X	X	X	X	X [39]	.....
Delaware [5]	....	X	....	....	....	....	.....
District of Columbia [6]	X	....	....	....	....	....	.....
Idaho [7]	X	X [35]	....	....	....	X [40]	.....
Illinois [8]	X	X	....	X [37]	....	X [39]	.....
Indiana [9]	X	X [36]	X	X [37]	....	X [39]	.....
Iowa [10]	X	....	....	....	....	....	.....
Kansas [11]	X	X	....	....	....	....	.....
Kentucky [12]	....	....	....	....	....	....	X
Maine [13]	X	....	....	....	....	....	.....
Massachusetts [14]	X	X	X	X	X	X [41]	.....
Michigan [15]	X	X	X	....	....	X [39]	.....
Minnesota [16]	X	X	X	X	X	X [39]	.....
Missouri [17]	....	X	....	....	....	....	.....
Montana [18]	X	....	....	X [37]	....	....	.....
Nebraska [19]	X	....	....	....	....	....	.....
Nevada [20]	....	....	....	....	....	....	X
New Hampshire [21]	X	....	....	....	X [38]	....	.....
New Jersey [22]	X	X	X	X	....	X [41]	.....
New Mexico [23]	X	X	....	....	....	....	.....
New York [24]	X	X	X	X	X	X [41]	.....
North Dakota [25]	X	....	....	....	....	....	.....
Ohio [26]	X	X	....	....	....	....	.....
Oregon [27]	X	X	X	X	X	X [41]	.....
Pennsylvania [28]	X	X	X	X	X	X [41]	.....
Rhode Island [29]	X	X	X	....	....	X [39]	.....
Vermont [30]	X	....	....	....	....	....	.....
Washington [31]	X	X	X	X	....	X [41]	.....
West Virginia [32]	....	....	....	....	....	....	X
Wisconsin [33]	X	X	X	X	....	X [39]	.....
Wyoming [34]	X	....	....	....	....	....	.....

[1] Alaska:
Public accommodations—Alaska Comp. Laws Ann., sec. 20–1–3 (Supp. 1958); *Employment*—Alaska Comp. Laws Ann., sec. 43–5–1 (Supp. 1958).

[2] California:
Public accommodations—Cal. Civ. Code, sec. 51; *Employment*—Cal. Lab. Code, sec. 1412; *Public and publicly assisted housing*—Cal. Health and Safety Code, sec. 35700.

[3] Colorado:
Public accommodations—Colo. Rev. Stat. Ann., sec. 25–1–1 (1953); *Employment*—Colo. Rev. Stat. Ann., sec. 80–24–1 (1953); *Public, publicly assisted, and private housing*—Colo. Sess. Laws 1959, ch. 148; *Education*—Colo. Const. art. IX, sec. 8.

[4] Connecticut:
Public accommodations and all *Housing*—Conn. Gen. Stat. Rev., sec. 53–35 (1958); *Employment*—Conn. Gen. Stat. Rev., sec. 31–122 (1958); *Education*—Conn. Gen. Stat. Rev., sec. 10–15 (1958).

TABLE 1.—Continued

[5] Delaware:
Employment—Laws of Del., ch. 337, vol. 52 (1960).

[6] District of Columbia:
Public accommodations—D.C. Code Ann., sec. 47–2901 (1951).

[7] Idaho:
Public accommodations and *Employment*—Idaho Sess. Laws (1961), ch. 309; *Education*—Idaho Const., art. 9, sec. 6.

[8] Illinois:
Public accommodations—Ill. Ann. Stat., ch. 38, sec. 125 (Smith-Hurd 1959); *Employment*—S.B. 609 (1961).
Publicly assisted housing—Ill. Ann. Stat., ch. 67½, sec. 262 (Smith-Hurd 1959); *Education*—Ill. Ann. Stat., ch. 6, sec. 37, and ch. 15, sec. 15 (Smith-Hurd 1959).

[9] Indiana:
Public accommodations—Ind. Ann. Stat., sec. 10–901 (1956); *Employment*—Ind. Ann. Stat., sec. 40–2307 (1956); *Public housing*—Ind. Ann. Stat., sec. 10–901 (1956); *Publicly assisted housing*—Ind. Ann. Stat., sec. 48–8501 (1956).

[10] Iowa:
Public accommodations—Iowa Code Ann., sec. 735.1 (1958).

[11] Kansas:
Employment—Kan. Gen. Stat. Ann., sec. 44–1001 (Supp. 1959); *Public accommodations*—Kan. Gen. Stat. Ann., sec. 21–2424 (1949).

[12] Kentucky:
State Human Relations Commission—Laws of 1960, ch. 76.

[13] Maine:
Public accommodations—Me. Rev. Stat. Ann., ch. 137, sec. 50 (1954).

[14] Massachusetts:
Public accommodations—Mass. Ann. Laws, ch. 272, secs. 92A, 98 (1956); *Employment and Housing*—Mass. Ann. Laws, ch. 151B, secs. 1–10 (1957); *Education*—Mass. Ann. Laws, ch. 151C, secs. 1–5 (1957).

[15] Michigan:
Public accommodations, Public housing, and *Education*—Mich. Stat. Ann., sec. 28.343 (Supp. 1959); *Employment*—Mich. Stat. Ann., sec. 17.458(1) (1960).

[16] Minnesota:
Public accommodations—Minn. Stat. Ann., sec. 327.09 (1947); *Employment*—Minn. Laws 1961, ch. 428; *Public housing*—Minn Stat Ann., sec. 462.481 (Supp. 1960); *Publicly assisted housing*—Minn. Laws 1961, ch. 428; *Private housing*—Minn. Laws 1961, ch. 428; *Education*—Minn. Stat. Ann., sec. 127.07 (1960).

[17] Missouri:
Employment—S.B. 257 (1961).

[18] Montana:
Public accommodations—Mont. Rev. Codes Ann., sec. 64–211 (1947); *Publicly assisted housing*—Mont. Rev. Codes Ann., sec. 11–3917 (1947).

[19] Nebraska:
Public accommodations—Neb. Rev. Stat., sec. 20–101 (1954).

[20] Nevada:
Human Relations Commission—Nev. Stat. 1961, ch. 364.

[21] New Hampshire:
Public accommodations and *Private housing* (rental)—N.H. Laws 1961, ch. 219.

[22] New Jersey:
Public accommodations and *Education*—N.J. Stat. Ann., sec. 10: 1–2 (1960); *Employment* and *Housing*—N.J. Stat. Ann., sec. 18: 25–4 (Supp. 1960).

[23] New Mexico:
Public accommodations—N.M. Stat. Ann., sec. 49–8–1 (Supp. 1961); *Employment*—N.M. Stat. Ann., sec. 59–4–1 (Supp. 1961).

[24] New York:
Public accommodations and *Education*—N.Y. Civ. Rights Law, sec. 40; *Employment*—N.Y. Executive Law, sec. 290; *Housing*—N.Y. Executive Law, sec. 291.

[25] North Dakota:
Public accommodations—N.D. Century Code, sec. 12–22–30 (1961).

[26] Ohio:
Public accommodations—Ohio Rev. Code Ann., sec. 2901.35 (p. 1954); *Employment*—Ohio Rev. Code Ann., sec. 4112.01 (Page Supp. 1959).

[27] Oregon:
Public accommodations—Ore. Rev. Stat., secs. 30.670, 659.010 (1959); *Employment* and *Housing*—Ore. Rev. Stat., sec. 659.010 (1959); *Education*—Ore. Rev.

TABLE 1.—Continued

Stat., sec. 345.240 (1959), proscribes discrimination in "vocational, professional or trade schools."

[28] Pennsylvania:
Public accommodations, Employment, Publicly assisted housing, Private housing, and *Education*—Pennsylvania Human Relations Act, Pa. Laws 1961, Act No. 19; *Public housing*—Pa. Stat. Ann., title 35, sec. 1664 (Supp. 1960).

[29] Rhode Island:
Public accommodations—R.I. Gen. Laws Ann., sec. 11–24–1 (1956); *Employment*—R.I. Gen. Laws Ann., sec. 28–5–1 (1956); *Public housing*—R.I. Gen. Laws Ann., sec. 11–24–1 (1956); *Education*—R.I. Gen. Laws Ann., sec. 16–38–1 (1956).

[30] Vermont:
Public accommodations—Vt. Stat. Ann., title 13, sec. 1451 (1958).

[31] Washington:
Public accommodations—Wash. Rev. Code, sec. 9.91.010 (1959); *Employment* and *Housing*—Wash. Rev. Code, sec. 49.60.030 (1959); *Education*—Wash. Rev. Code, sec. 49.60.060 (1959).

[32] West Virginia:
Human Rights Commission—H.B. 115 (1961).

[33] Wisconsin:
Public accommodations—Wis. Stat. Ann., sec. 942.04 (1957); *Employment*—Wis. Stat. Ann., sec. 111.31 (1957); *Public housing*—Wis. Stat. Ann., sec. 66.40 (1957); *Publicly assisted housing*—Wis. Stat. Ann., sec. 66.43 (1957); *Education*—Wis. Stat. Ann., sec. 40.51 (1957).

[34] Wyoming:
Public accommodations—Wyo. Sess. Laws 1961, ch. 103.

[35] No enforcement machinery.

[36] FEPC has subpena power, but no other enforcement powers.

[37] Only covers urban redevelopment housing under publicly assisted category.

[38] Private rental housing only.

[39] Legislation prohibits discrimination in public education.

[40] State constitution prohibits discrimination in public education.

[41] Prohibits discrimination in *all* licensed or supervised educational institutions, with enforcement by administrative agency.

TABLE 2.—*Negro percentage, population of 15 major cities and suburban areas, 1940–60* [1]

	Percent of city population			Percent of suburban population		
	1940	*1950*	*1960*	*1940*	*1950*	*1960*
Atlanta	34.6	36.6	38.3	17.6	12.9	8.5
Baltimore	19.3	23.7	34.8	11.8	10.1	6.7
Chicago	8.2	13.6	22.9	2.1	2.8	2.9
Cleveland	9.6	16.2	28.6	.8	.8	.7
Dallas	17.1	13.1	19.0	12.1	13.9	6.5
Detroit	9.2	16.2	28.9	2.9	4.9	3.7
Houston	22.4	20.9	22.9	12.1	11.6	10.3
Los Angeles	4.2	8.7	13.5	.9	2.0	3.1
New Orleans	30.1	31.9	37.2	17.1	15.4	14.1
New York	6.1	9.5	14.0	4.5	4.4	4.8
Philadelphia	13.0	18.2	26.4	6.6	6.5	6.1
Pittsburgh	9.3	12.2	16.7	3.6	3.5	3.4
San Francisco	.8	5.6	10.0	1.2	5.2	4.8
St. Louis	13.3	17.9	28.6	6.6	7.2	6.1
Washington, D.C	28.2	35.0	53.9	13.7	8.6	6.1

[1] Source: Compiled from U.S. Bureau of the Census, General Characteristics of the Population, 1940, 1950, 1960. 1940 and 1950 data presented according to 1960 definition of standard metropolitan areas, to derive comparable suburban areas.

NOTES

1. *State of the Union Message.* 107 *Cong. Rec.* 1360, 1362 (daily ed. Jan. 30, 1961).
2. See pt. III, ch. 4.
3. See pt. V, ch. 5. See generally pt. V, chs. 3, 4, 6; *Detroit Hearings* 36; *California Hearings* 639.
4. See pt. IV, ch. 8; pt. V, chs. 1, 3, 4, 5; Ginzberg, *The Negro Potential* 92–97 (1956); *Detroit Hearings* 36, 90, 121–22.
5. See pt. IV, ch. 7, *supra;* see also *Detroit Hearings* 36; *California Hearings* 449–50.
6. See pt. IV, ch. 7, *supra;* see also *Detroit Hearings* 137–38.
7. *California Hearings 349.* See also *id.* at 25, 261, 278–81, 283–84, 335–43, 423, 702–703; *Detroit Hearings* 36, 50, 58–59, 98, 114–15, 131.
8. See pt. VII, ch. 2, *supra.*
9. *Detroit Hearings* 58.
10. See pt. II, Recommendation 5.
11. See pt. IV, Recommendation 12.
12. See pt. V, Recommendation 2.

12a. See pt. VI, Recommendation 7.

13. The Health Department of New York City, for example, announced that beginning January 1961, identification of "color" and "race" would be dropped from birth certificates in that city, but for needed statistical purposes, this information would be recorded on the back of corresponding documents in the Department's confidential medical file. N.Y. Times, Dec. 27, 1960, p. 1.
14. See pt. II, Recommendations 1, 2, 3, 4; pt. IV, Recommendation 1; pt. V, Recommendation 9; pt. VII, Recommendation 1.
15. See pt. IV, Recommendations 3, 7; pt .V, Recommendation 1.
16. Remarks of the President at meeting of President's Committee on Equal Employment Opportunity. White House Press Release, Apr. 11, 1961.
17. See pt. IV, Recommendations 2, 9, 11; pt. V, Recommendation 8.
18. See pt. IV, Recommendations 4, 10.
19. See pt. V, Recommendations 6, 7.
20. See pt. V, Recommendations 4, 5.
21. See pt. VI, Recommendation 2(d).
22. See pt. IV, Recommendation 8; pt. V, Recommendations 2, 3; pt. VI, Recommendations 1, 2.

REGULAR MEMBERS OF THE COMMISSION STAFF DURING THE DEVELOPMENT OF THIS REPORT, 1961

BERL I. BERNHARD, *Staff Director*

DIVISION OF LAWS, PLANS AND RESEARCH

David B. Isbell, *Director*
John W. Roxborough II, *Deputy*

Mrs. Marguerite C. Hepburn
Mrs. Treola J. Grooms
Mrs. Garland W. O'Donnell
Antoinette R. Curro
Mrs. Carolyn E. Pleasant

Voting Section

Charles Ed. Clark (*former Chief*)
Edgar N. Brown, *Acting Chief*
Peter J. Ciano

Gracie M. Williams
Mrs. Patricia E. Brown

Housing Section

Kermit G. Bailer (*former Chief*)
Martin E. Sloane, *Acting Chief*
Julius J. Hollis

Mrs. Naomi S. Tinsley
Patricia C. Dorden

Education Section

Dr. Elizabeth R. Cole, *Chief*
Dr. A. Luini del Russo
Mrs. Ruby Grant Martin

Mrs. Willy R. Davis
Mrs. Mabel R. Johnson

Administration of Justice Section

Dr. Arnold S. Trebach, *Chief*
James W. Davis, Jr.
Richard N. Wolf

Mrs. Freida M. Vaughn
Sylvia Battle

Employment Section

Mrs. Francine S. Temko, *Chief*
Eli Jarmel
David R. Richards
Orlando S. Hobbs

Mrs. Klaire V. Adkins
Mrs. Alice B. Briscoe

Special Projects Section

Philip A. Camponeschi, *Chief*
Mrs. Evelyn M. Idelson
Mrs. Glenda G. Sloane

DIVISION OF COMPLAINTS, INVESTIGATION AND SURVEY

A. H. Rosenfeld, *Director*

Robert H. Amidon
Ward E. Bonnell
William H. Downs
Burton J. Goodyear
Norman E. Simpson
Ezekiel C. Smith
Raymond H. Miller

Lysbeth A. Santon
Mrs. Mary Ellen Smith

DIVISION FOR STATE ADVISORY COMMITTEES

Dr. Cornelius P. Cotter, *Director*

Robert A. Falise, *Deputy*
Peter M. Sussman, *Deputy*

Mrs. Pauline B. Roberts
Mrs. Grace B. Sieber
Mrs. Phoebe Nelson

OFFICE OF BUSINESS ADMINISTRATION

Robert L. Nelson, *Chief*

Mrs. Eleanor V. Taylor
Mrs. Evelyn P. Fales
Mrs. Marion H. Sparkes
Mrs. Mabel E. Webber
Mrs. Gwendoleyne M. Womack
Mrs. Sandra B. Stanton
John G. Birkle
Mrs. Ruth Ford
Mrs. June G. White
Thomas N. White
Odell W. Moorehead
Charles M. Coates
Lester Harris

INFORMATION AND PUBLICATIONS OFFICE

W. Otto McClarrin, *Chief*

Mrs. Elisabeth I. F. Murphy
Eleanor M. Walden

OFFICE OF THE STAFF DIRECTOR

Howard W. Rogerson
Special Assistant

William L. Taylor
Special Assistant

Mary H. Fitzsimmons
Mrs. Gloria M. Brown
Mrs. Natalie B. Proctor

CONSULTANTS

Beaney, William M., Jr.
Carr, Dr. Robert K.
Dawson, Charles E.
Dunau, Bernard
Edley, Christopher
Edwards, Dr. G. Franklin
Foster, George Wm., Jr.
Freedman, Monroe H.
Garrity, Margaret M.
Knox, Dr. Ellis O.
Koonce, David F.
Lane, Dorsey E.
Matthews, Dr. Donald R.
Mendelson, Dr. Wallace
Mottolese, A. William
Navasky, Victor S.
Pfaff, Warren G.
Scammon, Dr. Richard
Schroeder, Dr. Oliver, Jr.
Seidenberg, Dr. Jacob
Smith, William A.
Thomas, Mrs. Ann V.
Tyler, Harold R., Jr.
Westfeldt, Wallace O., Jr.

U.S. GOVERNMENT PRINTING OFFICE: 1961 O—622501