

AS OF
MARCH '65

Enforcement of 1964 Civil Rights Act

The Civil Rights Act of 1964, the most comprehensive rights legislation of the 20th Century, presented unique problems of enforcement for the Federal Government. Nine months after the bill cleared Congress and was signed by President Johnson, experience showed a diversity of reaction ranging from quick compliance to no action at all. This Fact Sheet describes the status of the 1964 Act at the end of March 1965, title by title, and reports on the new President's Council on Equal Opportunity, established to coordinate the implementation of the Act.

President's Committee

At the request of President Johnson, Vice President-elect Hubert H. Humphrey Jan. 4 submitted a report to the President "On the Coordination of Civil Rights Activities in the Federal Government." (See p. 76 for a listing of the various federal agency responsibilities in the civil rights field, as outlined in the Humphrey report.) Humphrey concluded that "the very breadth of the Federal Government's effort, involving a multiplicity of programs" necessary to carry out the 1964 Act and earlier programs, had created "a problem of coordination." He warned that "future civil rights problems are likely to defy quick or easy resolution" and said that "facilities for consultation and cooperation at all levels of the Federal Government, and with other public and private groups as well, should always be available." Humphrey opposed the idea of a single new civil rights agency or appointment of a single "czar" with overriding authority to compel specific agency action. But he said there should be an organ, not to "carry an operational burden, but rather...to offer leadership, support, guidance, advance planning, evaluation, and advice to foster and increase individual agency effectiveness, cooperation and coordination." Such a group, he said, should work for affirmative collaboration among the agencies, consistency in their directives, ease of access and attention to complaints, advance planning to avoid crises, collaboration with states, localities and private groups, and coordinated advance planning.

In reply, President Johnson Feb. 5 wrote to Humphrey: "I believe your recommendation that there be a comparatively simple coordinating mechanism, without elaborate staff and organization, is wise." The same day the President signed the Executive Order creating the Council on Equal Opportunity which Humphrey had recommended.

Under the Executive Order, the Vice President was to be chairman of the Council. Other members would be the Secretary of Defense, Attorney General, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education and Welfare, Chairman of the Civil Service Commission, Administrator of HHFA, Director of the Office of Economic Opportunity, Chairman of the Civil Rights Commission, Administrator of the General Services Administration, Commissioner of Education, Director of the Community Relations Service, Chairman of the

President's Committee on Equal Employment Opportunity and Chairman of the President's Committee on Equal Opportunity in Housing. Members could designate alternates, and each department would be required to designate an officer of at least deputy assistant secretary rank to serve as a liaison man with the Council.

Vice President Humphrey designated John Stewart, one of his aides, as his chief representative on the new Council. A professional staff of three men was contemplated, including an executive secretary (not yet appointed) and a general counsel. David Filvaroff, previously with the Justice Department, was designated for the general counsel's position. Stewart said that the Council would, from time to time, "borrow" personnel from other agencies to work on special task force assignments.

The Council held its organizational meeting the first week in March and another meeting later in the month at which the Selma, Ala., situation was specifically discussed prior to submission to the President of recommendations on the Selma crisis by Humphrey. Four task forces were agreed upon -- on employment, to be headed by Secretary of Labor W. Willard Wirtz; on higher education, under Commissioner of Education Francis Keppel; on community relations under CRS Director LeRoy Collins; and on Title VI (federal funds), without a chairman yet designated.

1964 Act Compliance

TITLE I -- VOTING RIGHTS

The Law -- Title I bolstered the voting rights provisions of the 1957 and 1960 Civil Rights Acts by barring unequal application of voting registration requirements and authorizing the Attorney General, when he files a suit alleging a pattern of discrimination in an area, to request the convening of a three-judge federal court to hear it, with a requirement that such cases be expedited.

Background -- Protracted litigation had tended to nullify the provisions of the 1957 and 1960 Acts, which authorized the Attorney General to file suits to compel areas to permit all persons to register and vote in federal elections.

Effect -- Since passage of the 1964 Act, the Justice Department has requested the calling of two special three-judge courts to expedite voting cases, one in Alabama and one in Mississippi. Officials estimated that the 1964 Act might eventually cut the time for litigation in voting rights cases from an average of 16 or 17 months to about six months. The 1965 voting rights demonstrations in Selma, Ala., however, emphasized the slow and difficult nature of forcing local governments to register persons under court orders.

President Johnson March 17 submitted to Congress a comprehensive voting rights bill designed to "strike down restrictions to voting in all elections -- federal, state and local -- which have been used to deny Negroes the right to vote." The chief weapon in the new act was

(Continued on p. 77)

Civil Rights Responsibilities of the Federal Government

Following is an outline of the major civil rights responsibilities in departments and agencies of the Federal Government, as summarized in a report to President Johnson "On the Coordination of Civil Rights Responsibilities in the Federal Government," prepared by Vice President Hubert H. Humphrey and dated Jan. 4, 1965:

A. Department of Justice.

The Department, through civil law suits and criminal prosecutions, acts to protect certain rights guaranteed by Federal law. Prior to 1964, its major statutory responsibilities involved protection of voting rights, enforcement of the Civil Rights Acts of 1957 and 1960 and prior civil rights statutes, representation of other Federal agencies in law suits, and assistance in enforcement of court orders. In addition, the Attorney General serves as chief legal advisor to the President on civil rights as well as other matters.

The 1964 Civil Rights Act added the following responsibilities: initiation of suits to require desegregation of governmentally owned or operated facilities and public schools, upon complaint of individuals who themselves are unable to sue, initiation of suits to end discrimination in public accommodations or in employment, where such discrimination is part of a pattern or practice; intervention in private law suits involving discrimination in places of public accommodation and in employment or in suits alleging denial of equal protection of the laws.

B. U.S. Commission on Civil Rights.

Established by the Civil Rights Act of 1957, the Commission investigates denials of the right to vote, studies legal developments, and appraises Federal policies relating to the equal protection of the laws in such areas as education, housing, employment, the administration of justice, use of public facilities, and transportation. It makes recommendations to the President and Congress and serves as a national clearing house for civil rights information.

C. Community Relations Service.

The Service was established by the Civil Rights Act of 1964 as a unit of the Department of Commerce to assist communities in resolving disputes arising from discriminatory practices which impair rights guaranteed by Federal law or which affect interstate commerce. It conciliates complaints referred by Federal courts in law suits to desegregate public accommodations and seeks, through conferences, publications, and technical assistance, to aid communities in developing plans to improve racial relations and understanding.

D. Equal Employment Opportunity Commission.

Established by the Civil Rights Act of 1964, the Commission will investigate charges of discrimination and through conciliation seek to resolve disputes involving discrimination by employers, unions and employment agencies covered by Title VII of the 1964 Act. It will carry out technical studies, make assistance available to persons subject to the Act, and may refer matters for action by the Department of Justice.

E. President's Committee on Equal Employment Opportunity.

This Committee, established by Executive Order 10925, enforces the requirements of the Order and of Executive Order 11114 that there be equal job opportunities in Federal employment, in work performed under government contract, and in all Federally-assisted construction projects. It supervises the compliance activities of each Federal contracting agency subject to the Orders.

F. Housing and Home Finance Agency.

The Agency is responsible for securing compliance with Executive Order 11063 and other Federal laws which require non-discrimination in the sale and rental of Federal and Federally-assisted housing, including public housing, urban renewal, college housing, FHA-insured homes, and community facilities. It also has responsibility for insuring non-discrimination in employment under Executive Order 11114 in Federal and Federally-assisted housing construction projects.

G. President's Committee on Equal Opportunity in Housing.

Established by Executive Order 11063, the Committee coordinates the activities of departments and agencies in preventing discrimination in housing and also conducts educational programs designed to foster acceptance of the Federal policy of equal opportunity in housing.

H. Department of Health, Education, and Welfare.

Several constituent units of the Department have civil rights responsibilities.

The Office of Education is charged by the 1964 Civil Rights Act to conduct a survey on the availability of equal educational opportunity and to provide technical and financial assistance to school boards in carrying out plans for the desegregation of public schools and for assisting in resolution of problems incident to desegregation. The Office is also responsible for assuring non-

discrimination in Federal aid-to-education programs including aid to colleges and universities, elementary and secondary schools, and libraries.

The Public Health and the Welfare Administrations are responsible under Title VI of the 1964 Civil Rights Act for assuring non-discrimination in Federally-assisted health and welfare programs, including aid to hospitals, State and county welfare departments, health clinics, and community mental health centers.

I. Department of Defense.

The Department implements programs requiring equal opportunity in the recruitment, training, and promotion of military personnel in the Armed Forces, the Reserves, and the National Guard. The Department also carries out, through base-community relations committees, programs designed to secure equal treatment for military personnel and their families in such off-base facilities as public schools, housing, and public accommodations. Because of its volume of expenditures, the Department has substantial responsibility for implementing Executive Order 10925 requiring non-discrimination in employment by Government contractors, and is responsible for assuring that grants and loans made by the Department to colleges, universities, and other institutions are administered without discrimination. The President's Committee on Equal Opportunity in the Armed Forces has submitted reports on efforts to eliminate discrimination against members of the uniformed services and their dependents.

J. Office of Economic Opportunity.

Established in 1964 to administer anti-poverty programs under the Economic Opportunity Act, the Office is directly responsible for operating the Job Corps, the Community Action Program, and the VISTA volunteers program. It also supervises a number of delegated programs, including the Neighborhood Youth Corps, college work-study, adult literacy, rural loans, small business loans, and work-experience programs.

Activities of the Office are significant in the civil rights field not only because they will be administered on a completely non-segregated basis, but also because they seek to involve the disadvantaged in the planning and administration of the anti-poverty programs. With more than half of all Negro, Spanish-speaking and Puerto Rican families afflicted with poverty, this emphasis is likely to produce significant benefits in bringing these groups more into local community life.

K. Other Agencies with Civil Rights Responsibilities.

Education. In addition to the Department of Health, Education and Welfare, the Department of Defense, and the Housing and Home Finance Agency, several other agencies and departments are responsible for assuring non-discrimination in college and university programs for which they provide Federal financial assistance. These include the Atomic Energy Commission, the National Science Foundation, the National Aeronautics and Space Administration, and the Departments of Agriculture and Interior.

Employment. In addition to the President's Committee on Equal Employment Opportunity and the Equal Employment Opportunity Commission, other agencies having civil rights responsibilities in employment include:

- the Department of Labor, which is responsible for securing non-discrimination in Federally-financed recruitment, training, referral, employment service and apprenticeship programs;

- the National Labor Relations Board, which has held certain racially discriminatory practices to be unfair labor practices;

- the Department of Commerce which offers technical assistance to business through its Task Force on Equal Employment Opportunities and which has major responsibilities under Executive Order 11114 and Title VI of the 1964 Civil Rights Act through the Bureau of Public Roads, the Area Redevelopment Administration, and other programs;

- the U.S. Civil Service Commission, which carries out certain responsibilities for the President's Committee on Equal Employment Opportunity to eliminate discrimination within the Federal service;

- the General Services Administration which, through its letting of contracts for government buildings and facilities, is involved in implementation of Executive Order 11114 barring discrimination in employment by government contractors.

Federal Financial Assistance. Of course, all Federal agencies are responsible under Title VI of the 1964 Act for assuring non-discrimination in Federally-financed programs administered by them. Some have already been mentioned. Others include:

- the Department of Agriculture, which helps finance State Extension Services, and other agricultural programs;

- the General Services Administration, which is responsible for the disposal of surplus Government property;

- the Federal Aviation Agency, which assists in the construction and maintenance of airport terminal facilities;

In addition, the Small Business Administration operates a program of special services aimed at expanding business opportunities among minority groups.

(Continued from p. 75)

provision for the expeditious appointment of federal voting "examiners" to register persons in any state or subdivision which had a literacy test and in which less than 50 percent of the persons of voting age voted in the 1964 Presidential election. (Southern states likely to be most affected were Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia. For background, see Weekly Report p. 427, 585.)

TITLE II -- PUBLIC ACCOMMODATIONS

The Law -- Title II barred discrimination in a wide range of public accommodations, including restaurants, gasoline stations, theatres, stadiums, hotels and motels, so long as a substantial portion of the customers served, or of the goods or services sold, moved in interstate commerce. The Title authorized either the Attorney General or private parties to bring suits to compel compliance, but provided that the courts might first refer disputes to the Community Relations Service (established under Title X) in the hopes of obtaining voluntary compliance.

Effect -- A substantial number of public accommodations, especially large ones in larger cities, became open to Negroes as soon as the 1964 Act was signed into law. Among areas in which early compliance was achieved were New Orleans, Baton Rouge and Monroe, La.; Albany, Atlanta and Savannah, Ga.; Jacksonville and St. Augustine, Fla.; Birmingham, Montgomery and Mobile, Ala.; Jackson, Biloxi, Natchez and McComb, Miss. Often, however, the smaller establishments in working class areas of the same cities might refuse to accept Negro customers. Some establishments sought to avoid compliance by declaring themselves "private clubs." In rural areas, the prevailing patterns of discrimination were scarcely abated. Moreover, traveling Negroes were generally more willing to take the risk of entering previously all-white establishments than the local Negroes, who might be subject to continuing forms of reprisal.

By March 1964, the Justice Department had received between 600 and 700 complaints of violation of Title II. It had filed or joined in about 15 suits to force compliance with the Act, including cases in Tuscaloosa and Selma, Ala.; Atlanta, Ga.; and Clarksdale and Greenwood, Miss.

Any remaining constitutional doubts about Title II were erased Dec. 14 when the U.S. Supreme Court, in a unanimous decision, upheld the legislation. Referring to Congress' power over interstate commerce, the Court said: "The power of Congress in this field is broad and sweeping." The Court made its decision in a case involving the Heart of Atlanta Motel in Atlanta, Ga., which had sued to have the law declared unconstitutional. The Justice Department had asked for enforcement, and a three-judge federal court had issued a unanimous opinion upholding the law which the Supreme Court, in turn, sustained. A second case, also decided Dec. 14, involved Ollie's Barbeque in Birmingham, Ala. A local three-judge federal court had held Title II unconstitutional in the Ollie's Barbeque case, but the Supreme Court unanimously overrode that decision.

In a separate case, the Supreme Court Dec. 14 ruled, 5-4, that the 1964 Act had invalidated all pending state prosecutions of demonstrators who had tried peacefully to desegregate places of business covered by the Act. The Court thus wiped out all prosecution of the "sit-in" demonstrators whose activities, starting in 1960, had drawn national attention to discriminatory practices in Southern restaurants, hotels and theatres.

Noting the substantial progress toward compliance with the Act, Administration officials credited officials like Sens. Richard B. Russell (D Ga.) and Allen J. Ellender (D La.), who urged local communities to comply even though both men had fought hard against passage of the Act; the activities of numerous business groups in urging their members to work for quiet compliance; and the cooperation of many mayors and local officials, many of whom were glad to avoid the violence and expense which the Negro sit-in demonstrations had caused. The decisive defeat of then-Sen. Barry Goldwater (R Ariz.) in the Nov. 3, 1964, Presidential election was said to have dispelled the hope in many Southern quarters that the 1964 Act might be repealed. And the Community Relations Service was reportedly working with effectiveness to obtain compliance in many communities throughout the South.

Nevertheless, federal officials conceded that it would be many years until the last vestiges of discrimination were eradicated in hundreds of thousands of public accommodations within the United States.

The pressure of civil rights groups was expected to be a continuing factor in forcing desegregation. For instance, the NAACP Legal Defense and Educational Fund, Inc., Feb. 25 announced a series of lawsuits to force desegregation of branches of the Young Men's Christian Assn. throughout the Southern states. The NAACP said the YMCA's were covered by the Act because they provided lodging to transient guests in interstate commerce.

TITLE III -- DESEGREGATION OF PUBLIC FACILITIES

The Law -- Title III permitted the Justice Department, under certain conditions, to enter cases in which local officials were charged with discrimination in the administration of public facilities.

Effect -- The Justice Department, by March 31, had received a number of written complaints about continuing segregation in court houses, libraries, parks and the like. Some of the cases had been resolved by mediation. The Department had not yet entered any suits.

TITLE IV -- DESEGREGATION OF PUBLIC EDUCATION

The Law -- Title IV authorized the Attorney General, under set conditions, to file suits for the desegregation of public schools and colleges. The Title also authorized the Office of Education (HEW) to give technical and financial assistance of various types to local public school systems planning or going through the process of desegregation.

Effect -- By March 31, the Justice Department had filed four suits to force school desegregation under the Title. The first suit, filed Jan. 4 sought desegregation of schools in Campbell County, Tenn., where Negro children had applied for but been denied admission to all-white elementary and high schools in 1964, forcing them to attend more distant Negro schools.

Justice Department officials said that though they had several additional cases in preparation there had been fewer complaints than they had expected. They said that full application of Title VI (see below) might in the long run prove more effective in securing school desegregation.

Within the Office of Education, a \$6 million budget was requested both for fiscal 1965 and for fiscal 1966 to

(Continued on p. 79)

Only 2% of Southern Negroes in School with Whites

In the fall of the eleventh year since the Supreme Court's 1954 anti-segregation school decision (Brown v. Board of Education of Topeka, Kan.), only 2.14 percent of the Negro public school students in the 11 former Confederate states were attending public elementary and high schools with whites -- 63,850 Negroes out of a total of 2,988,264. The six border states and the District of Columbia had 59.2 percent of their Negro public school enrollment in biracial schools -- 315,471 Negroes out of 533,218. Of the group enrolled in biracial schools, 106,578 were in the District of Columbia. The combined Southern and border state enrollment of Negroes in biracial schools was 10.8 percent.

At the time of the 1954 decision, all 17 of the states provided for school segregation in their constitutions or by statute. In the District of Columbia, it was estimated that about 25 percent in elementary grades, 50 percent in high school and 83 percent in college attended racially integrated institutions. By Fall 1964, all 17 states and the District had at least token public school desegregation.

The 1964 statistics were gathered and published by the Southern School News, an independent, non-partisan publication in Nashville, Tenn., in its December issue. The 10.8 percent of the region's Negro public school students attending schools with whites in the 1964-65 school year represented an increase of 1.6 percent over the 1963-64 school year -- the largest single-year increase since the 1954 decision. The Southern Education Reporting

Service, which publishes the News, first surveyed the situation in 1960. In the fall of that year it found that 6 percent of the region's Negro enrollment was in school with whites. Annual surveys in succeeding years showed 6.9 percent in 1961; 7.8 percent in 1962; and 9.2 percent in 1963. In the fall of 1964, the News said, additional districts desegregated in every Southern state. Mississippi, the only state which had had no desegregated public schools until 1964, had 58 Negroes in school with whites in four school districts. The News said that of the 1,282 desegregated districts in the 17 states and the District, 1,240 actually had Negroes in schools with whites; the other 42 were desegregated in policy only.

The 1964 Civil Rights Act provided new incentives for increased speed in school desegregation in future years. Title IV -- Desegregation of Public Education -- contained two major provisions toward that end. It authorized the Attorney General to file suit for desegregation of public schools and colleges after he had received signed complaints and certified that the aggrieved individuals were unable to initiate or maintain legal proceedings, and after he had notified the local school board or college authority of the complaint and given them a reasonable time to adjust to the conditions. The bill also required the Office of Education to report within two years on progress of desegregation at all levels and authorized the Office to give technical and financial assistance, if requested, to local school systems in the process of desegregation.

Desegregation Status in 17 States, D.C. -- Fall 1964

	School Districts			Enrollment		In Desegregated Districts		Negroes In Schools With Whites	
	Total	With Negroes & Whites	Deseg.	White	Negro	White	Negro	No.	%†
Alabama	118	118	8	549,543**	293,476**	152,486**	88,952**	94	.032
Arkansas	412	228	24	333,630**	114,651**	93,072	28,943	930	.811
Florida	67	67	21	1,001,611*	246,215*	812,268*	174,522*	6,524	2.65
Georgia	196	180	11	752,620	354,850	195,598	133,888	1,337	.377
Louisiana	67	67	3	489,000*	321,000*	61,885	86,248	3,581	1.12
Mississippi	150	150	4	308,409**	295,962**	34,620**	21,929**	58	.020
North Carolina	171	171	84	828,638	349,282	548,705	201,394	4,918	1.41
South Carolina	108	108	16	371,921	260,667	156,346	83,608	260	.100
Tennessee	152	141	61	724,327*	173,673*	459,162*	135,001*	9,265*	5.33
Texas	1,380	862	291	2,086,752*	344,312*	1,500,000*	225,000*	25,000*	7.26
Virginia	130	128	81	733,524**	234,176**	585,491	189,046	11,883	5.07
SOUTH	2,951	2,220	604	8,179,975	2,988,264	4,599,633	1,368,531	63,850	2.14
Delaware	78	43	43	83,325	19,497	78,346	14,484	11,267	57.8
District of Columbia	1	1	1	17,487	123,906	17,487	123,906	106,578	86.0
Kentucky	204	165	164	620,000*	56,000*	540,000*	55,900*	35,000*	62.5
Maryland	24	23	23	565,434	166,861	560,359	166,861	86,203	51.7
Missouri	1,542	212*	203*	818,000*	102,000*	NA	94,000*	44,000*	44.1
Oklahoma	1,118	242	200	542,103*	43,954*	324,981*	37,026*	13,923*	31.7
West Virginia	55	44	44	426,821*	21,000*	389,921*	21,000*	18,500*	88.1
BORDER	3,022	730	678	3,073,170	533,218	1,911,094‡	513,177	315,471	59.2
REGION	5,973	2,950	1,282	11,253,145	3,521,482	6,510,727‡	1,881,708	379,321	10.8

* Estimated
** 1963-64

† Number of Negroes in schools with whites, compared to state's total Negro enrollment.
‡ Missouri not included.

SOURCE: SOUTHERN EDUCATION REPORTING SERVICE, DECEMBER 1964

(Continued from p. 77)

finance training institutes and grant and assistance programs under Title IV. First activities included a number of weekend institutes for school superintendents, board members and attorneys, to brief them on immediate prospects for additional school desegregation under the requirements of Title IV. Institutes were held in Miami, Fla., and in Memphis and Knoxville, Tenn., serving surrounding counties and states. In addition, a number of longer summer institutes were being planned at which teachers and administrators would be given training on how to cope with special educational problems stemming from desegregation, such as disparate reading and learning skills between white and colored children, curriculum problems and the like.

TITLE V -- CIVIL RIGHTS COMMISSION

The Law -- Title V extended the life of the Commission on Civil Rights to 1968 and broadened its duties by authorizing it to serve as a national clearinghouse on civil rights information.

New Activities -- Late in 1964 the Commission began, in conjunction with the new Community Relations Service Advisory Commission, a series of regional conferences to explain the 1964 Civil Rights Act. Meetings included state and local officials, hospital administrators, educators, businessmen, union officials, clergy and civil rights groups representatives. Meetings were held in Florida, Georgia, South Carolina, Tennessee, West Virginia, Delaware and Arkansas. An indication of the wide participation was the attendance of representatives from approximately 100 Georgia communities, rather than just the large metropolitan centers of the state which have traditionally been more responsive to civil rights appeals.

In addition, the Commission held a national conference on Title VI in Washington Jan. 28, and has scheduled a series of regional meetings on Title VI beginning with Atlanta in April and some city in Texas soon thereafter.

The Commission prepared and distributed widely a small leaflet explaining the 1964 Act. It also distributed pamphlets on Title VI enforcement and on Equal Opportunities in Hospitals and Health Facilities. It has worked with HEW on a film about Title VI, to be ready for distribution soon.

The Commission has continued its long-term role of publishing in-depth reports on problems related to civil rights. A March 1 report treated "Equal Opportunity in Farm Programs" (see discussion under Title VI, below). (Weekly Report p. 335)

A report on voting is in preparation, and one on law enforcement is scheduled for the fall of 1965.

President Johnson Feb. 26 announced the nomination of William L. Taylor to be staff director of the Commission. Taylor was a staff attorney for the NAACP Legal Defense and Educational Fund Inc. until 1959, when he became Washington legislative representative for Americans for Democratic Action. He joined the Civil Rights Commission staff in 1961, becoming its general counsel in 1963.

TITLE VI -- FEDERAL FUNDS

The Law -- Title VI provided that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial

assistance." All federal departments and agencies were required to issue rules carrying out this mandate. They were required first to seek voluntary compliance but were instructed to take steps to cut off funds if voluntary compliance could not be achieved.

Title VI specifically excludes programs involving "a contract of insurance or guaranty." Thus federal programs insuring bank deposits or FHA home mortgages are not included. FHA mortgages, however, were covered in a Nov. 20, 1962 Executive Order (Number 11063). (See box.)

Background -- In the years preceding the 1964 Act, U.S. Presidents had sought through executive order to eliminate discrimination in the Armed Forces, in Federal Government employment, by government contractors and on construction projects financed by federal funds, and in federally-assisted housing. Title VI constituted the first effort of Congress to impose a uniform requirement of nondiscrimination in all programs financed by the Federal Government.

Federal grants in aid to state and local governments increased dramatically in the postwar period. Between 1952 and 1962, for instance, direct federal aid to state and local governments tripled, from \$2.6 billion to \$7.9 billion annually. In 1963 (the latest year for which figures are available), the Federal Government furnished 13.9 percent of the general revenues of all state and local governments. Several of the Southern states received an above-average amount of their revenues from the Federal Government: Alabama 22.2 percent, Arkansas 23.9 percent, Georgia 19.0 percent, Louisiana 20.6 percent, Mississippi 21.3 percent.

Scope -- The President's fiscal 1966 budget included \$13.6 billion in direct aid to state and local governments. In addition, large sums would be disbursed through federally aided research projects, assistance to private colleges and universities, the National Guard and other such programs. F. Peter Libassi, director of the Federal Programs Division of the Civil Rights Commission, estimated that a grand total of close to \$18 billion in federal funds would be disbursed under programs covered by Title VI or related agency policies. He estimated that 15 percent of state and local revenues would come from the Federal Government in fiscal 1966.

Some 190 programs, Libassi said, would be covered. Major examples:

Aids to education -- college facilities construction, college dormitory construction, research grants and equipment, surplus materials distribution, national defense education activities, impacted areas school construction and assistance, school lunch and school milk programs, vocational education activities, economic opportunity (anti-poverty) programs, loans to college students.

Aids to communities -- accelerated public works, urban renewal and public housing projects, airport construction, library services and construction, anti-poverty programs.

Aids to health -- vocational rehabilitation grants, Hill-Burton hospital construction, research grants, nurse training programs, loans to medical students, mental health and retardation programs, public health programs.

Aids to employment -- state employment offices, manpower training activities, area redevelopment grants and training, loans to small businessmen, highway construction projects, public works acceleration projects,

Housing

Of the major civil rights problems of the country -- education, public accommodations, voting rights, employment, housing -- the latter was the only one not specifically covered in the 1964 Civil Rights Act.

The Government's major action to bar discrimination in housing came Nov. 20, 1962, when President Kennedy signed a long-promised Executive Order which had been recommended in a 1961 Civil Rights Commission report. The Executive Order, as signed by Mr. Kennedy, forbade discrimination in private housing where the mortgages were insured by the FHA or Veterans Administration; in federally-owned or operated housing, public housing and housing in urban renewal projects subsidized by the Federal Government; and in housing constructed with federal loans, such as housing for the elderly, community facilities and college housing.

In practice, the Kennedy order has covered only about 18 percent of the new housing constructed in the U.S., principally because it did not include the housing built through savings and loan and commercial bank loans. President Kennedy rejected a 1961 Civil Rights Commission recommendation to the effect that such loans, when made by financial institutions regulated by federal agencies -- such as the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Reserve System and the Federal Deposit Insurance Corporation -- also be subject to non-discrimination requirements.

Even in areas which the 1962 Executive Order was designed to cover, enforcement has been spotty. A new home buyer is obliged to "shop around" to find a house being financed by FHA mortgages, and the FHA mortgages are being used in a decreasing percentage of the new housing. Even in public housing projects directly financed by federal revenues, the Government has had difficulty in wiping out segregation. The picture has been further complicated by the action of the state of California (in a 1964 referendum) and of several local communities to invalidate all fair housing laws previously approved and to guarantee the right of homeowners to sell to whomever they please.

According to the National Committee Against Discrimination in Housing, a federation of 37 civil rights, religious and labor groups interested in fair housing practices, the goal of open occupancy housing is far distant. "Today," the NCDH says, "in the very eye of the storm of the Negro revolution, the ghetto stands -- largely unassailed -- as the rock upon which rests segregated living patterns which pervade and vitiate almost every phase of Negro life and Negro-white relationships."

The President's Committee on Equal Opportunity in Housing, established by President Kennedy in 1962 and headed by former Gov. David Lawrence (D Pa. 1959-63), is charged with coordinating efforts to implement the Executive Order. Other federal agencies with some responsibility to eliminate discrimination in housing are the Federal Housing Administration, the Public Housing Administration, the Urban Renewal Administration and the Community Facilities Administration.

school and hospital construction assistance, anti-poverty programs.

Aids to welfare -- old-age assistance programs, services to the blind and permanently disabled, maternity and infant care projects, child welfare services, anti-poverty and other public welfare programs.

Aids to agriculture -- extension services, watershed and flood control programs, conservation projects, rural electrification and forest protection. (In a March 1, 1965 report, "Equal Opportunity in Farm Programs," the Civil Rights Commission reported pervasive patterns of discrimination against Southern Negroes in the administration by the Department of Agriculture of its programs in the Cooperative Extension Service, Farmers Home Administration, Soil Conservation Service and Agricultural Stabilization and Conservation Service. President Johnson welcomed the Commission report and asked Secretary of Agriculture Orville L. Freeman for a report of steps the Agriculture Department would take to correct the discriminatory practices reported. Freeman April 2 appointed a citizens advisory committee to work with him in carrying out the 1964 Act as it applied to his department: former Sen. Frank P. Graham (D N.C. 1949-50); former president Rufus B. Atwood of Kentucky State College; and Mrs. Mary Conger, a former teacher and wife of a Kansas farmer. Freeman also named the first three Negroes to serve on state farm committees -- one each in Maryland, Arkansas and Mississippi -- and ordered new elections in two Madison County, Miss., communities to elect farmer committeemen who participate in local administration of farm programs. Negroes had made charges of discrimination and threats against them in connection with the elections.

Enforcement -- To prevent the possibility of contradictory regulations enforcing Title VI, an interagency committee including representatives of the White House, Civil Rights Commission, Justice Department and Budget Bureau was established to work out uniform regulations. The regulations drawn up for the Department of Health, Education and Welfare served as a general blueprint for those of other agencies. Regulations (to go into effect 30 days after publication) were issued Dec. 4 for HEW, Interior, Agriculture and Labor Departments, General Services Administration, Housing and Home Finance Agency and the National Science Foundation. On Dec. 31, 1964, corresponding regulations were issued for the Treasury and Defense Departments, Atomic Energy Commission, Civil Aeronautics Board, Federal Aviation Agency and the Veterans Administration. Another group of regulations was issued Jan. 9, covering the State and Commerce Departments, Agency for International Development, NASA, Office of Economic Opportunity, Office of Emergency Planning, Small Business Administration and Tennessee Valley Authority. The specific practices prohibited by the regulations included discrimination, based on race, color or national origin, in disbursement of benefits under federally financed programs, different standards or requirements for participation, or discrimination in employment which is created by federal programs. For example, elementary schools built and operated with federal aid would not be allowed to discriminate in admission and treatment of students. Agricultural Extension Service offices operating with federal funds would be required to eliminate existing patterns of discrimination and provide equal treatment for Negroes. Employers receiving business loans from the Federal Government would be obliged to eliminate discriminatory hiring practices.

As an initial step to obtain compliance with the new regulations, the various departments and agencies required -- in those cases where federal aid is channeled through state agencies -- assurances from the state agencies that they would comply with the nondiscrimination requirements in their administration of federal aid. Most state agencies quickly complied, but some Southern state school boards were reluctant to give written assurance that they would not channel federal money to schools or programs that discriminate. All had submitted statements by early March, but only North Carolina's was originally deemed acceptable. Mississippi and Louisiana officials, for example, rewrote the assurance forms to make them less binding. (Federal spokesmen said there would be "further negotiations" to bring assurances into line with the national pattern. Forms from several states included insufficient information, they said.) Gov. George C. Wallace (D Ala.) denounced the requirement of assurances as "unconstitutional" and "bureaucratic cannibalism," but the Alabama Superintendent of Education March 5 signed a form. Gov. Paul B. Johnson (D Miss.) said he opposed signing the agreement but acknowledged that in the 28 years the state had been accepting federal funds it had "come to depend upon" federal aid.

Concurrently, all of the individual local government agencies which receive federal aid in any form were required to fill out assurances of compliance. The Civil Rights Commission estimated that tens of thousands of recipient agencies or governmental units had thus been canvassed, either by a federal department or agency or by the appropriate section of the state government conveying federal funds. The original or copies or all assurances were being assembled in Washington for evaluation by the agencies and departments. (In addition, up to 200,000 recipients of federal surplus property would eventually be required to submit compliance forms.)

Between 26,000 and 27,000 school boards received forms of compliance assurance to fill out. Through March 30, a total of 12,753 such forms had been received by the Office of Education in Washington. The forms would be used as the basis for deciding whether the school board would be eligible to receive federal aid in the school year starting in September 1965 -- including, if passed, the \$1.3 billion aid to education bill.

Compliance with the new regulations is expected to be substantially more rapid in the case of new programs than with continuing programs. With new programs and new grants under existing programs, the recipient must submit a form with assurance that no discrimination is carried out in the recipient agency. Without such assurance, approved by the federal agency making the disbursements, no funds could be advanced. Officials believed that this requirement in administering the funds authorized in the proposed 1965 aid to education bill, under which every school district in the country would be eligible for some form of assistance, would have an extraordinarily wide-ranging impact in achieving compliance with the Supreme Court's 1954 decision requiring desegregation of public schools.

In the case of continuing programs of federal aid, it may be more difficult for the Federal Government to achieve compliance. Recipients must either certify that their programs already satisfy the nondiscrimination requirements of the regulations, or if they do not, to what extent discrimination currently exists. If the latter, the recipient must give "reasonable assurance" that remaining discrimination will be eliminated and indicate the

methods of administration by which this will be done. (Officials indicated to CQ that they would not be satisfied with any assurance which did not indicate elimination of all discrimination within a year or 18 months at the most.)

In the event that the local agency administering the continuing federal aid fails to take the steps it has promised to end discrimination, the enforcement machinery provided in Title VI and the regulations comes into effect. First, the recipient must be given a fair hearing before the appropriate federal agency, following by a finding that Title VI has actually been violated. In addition, the appropriate Congressional committee must be notified 30 days before any termination of assistance. A recipient may seek judicial review of the final order issued by any federal agency. Alternatively, an agency may also choose to refer a case of noncompliance to the Department of Justice for appropriate action, either in the form of a civil suit to enforce the compliance agreement which the agency has previously signed, or, if the recipient is a public institution such as a public hospital or a public school, a civil rights suit to secure a court order barring the unlawful practice under Title III and IV of the 1964 Civil Rights Act.

In the case of public schools enjoying continuing federal assistance under such programs as the impacted areas school aid programs, a school board would have three choices. It could either file an assurance indicating all discrimination had already been removed; it could submit a statement indicating that it was in the process of desegregation under a final court order; or it could submit a voluntary plan of desegregation. The latter alternative would only be acceptable, however, if the Commissioner of Education were to approve the voluntary plan. As opposed to elementary and secondary schools, institutions of higher learning would be required to submit assurances of immediate desegregation or face an early cut-off of funds. As of March 30, approximately 1,700 of the 2,200 colleges and universities receiving federal assistance had submitted assurances of compliance.

At a National Conference on Title VI, sponsored by the Civil Rights Commission and held Jan. 28 in Washington, Vice President Hubert H. Humphrey said: "We ought to insure that innocent persons are not injured through hasty or arbitrary action. We must always keep in mind that the objective of Title VI is to eliminate discrimination, not to shut down government programs or withhold funds. We established, therefore, a variety of procedures and steps providing for voluntary conciliation, for hearings, for notification of Congress, and for judicial review. In other words, your Federal Government wants to walk the extra mile in the hope that people will observe the law, rather than to compel to instrumentalities of government to enforce the law.... But enforce it we will if compelled to do it," Humphrey said. (Underlining appeared in Humphrey's text). In subsequent interviews with CQ, officials emphasized their determination to use the full weight of the law to force compliance if all efforts to achieve it voluntarily were to prove fruitless. They also pointed out the provision in the regulations for continuing federal review of the status of compliance with the regulations, and the requirement in the regulations that the states and departments give the public the right to lodge complaints about non-compliance.

A major problem, in the views of officials with a chief interest in Title VI enforcement, is to get the

Civil Rights Enforcement - 8

various federal agencies, whose primary responsibilities lie elsewhere, to go to the trouble of enforcing the title uniformly, effectively and on a sustained basis.

One of the first actual complaints came Feb. 14 when the NAACP alleged that 12 hospitals in seven Southern states, all recipients of grant-in-aid programs administered by HEW, were continuing to discriminate against Negroes. The alleged discrimination included segregation of Negro patients and staff members from white patients in rooms, wards, restrooms, waiting rooms and other facilities. The NAACP complained that some of the hospitals segregated new-born babies, that one refused to permit a Negro to visit a white patient and that another left Negro patients in the hallway even though beds were available in the white section of the hospital.

According to the NAACP, the following hospitals were involved: Columbus County, Whiteville, N.C.; Dixie Hospital, Hampton, Va.; Memorial Hospital, Huntsville, Texas; Jefferson County Hospital, Pine Bluff, Ark.; Flagler Hospital, St. Augustine, Fla.; Hempstead Memorial and City County Hospitals, Hope, Ark.; Crittenden Memorial Hospital, West Memphis, Ark.; Chickasawba and Mississippi County Hospitals, Blytheville, Ark.; King's Daughters Hospital, Canton, Miss.; and General Hospital, Baton Rouge, La.

By late March, the HEW had received complaints of discrimination against a total of about 40 hospitals.

TITLE VII -- EQUAL EMPLOYMENT OPPORTUNITY

The Law -- Title VII established a federal right to equal opportunity in employment, forbidding discrimination based on race, color, religion, sex or national origin. Employers, labor unions and employment agencies are required to adhere to nondiscriminatory practices. Employers and unions with 100 or more workers will be covered starting July 2, 1965, and coverage will be extended each year until July 2, 1968, when employers and unions with 25 or more workers will be covered. A five-member Equal Employment Opportunity Commission was established to receive complaints and oversee compliance with the Title, with ultimate enforcement through the federal courts.

Effect -- Title VII will extend to most employment in the United States, covering those workers not already covered by previous executive orders requiring fair employment practices within the Federal Government, in all agencies and firms which have federal contracts and in federally assisted construction projects. The latter fields remain the responsibility of the President's Committee on Equal Employment Opportunity.

Full-scale planning for implementation of Title VII cannot take place until the President appoints the new Equal Employment Opportunity Commission and that group has an opportunity to assemble a staff and draw up regulations for its actual operations. As of April 1, the President had yet to make any appointments to the new Commission, and some federal officials privately voiced concern that the Commission would not have sufficient time to establish itself and promulgate regulations before Title VII goes into effect July 2. Civil Service Commission Chairman John W. Macy Jr., who is coordinating new appointments for the White House, April 6 said several names were under consideration, but it was not certain when the President would make a selection.

Among the first problems the Commission will face will be its relationship to the other federal and state agencies seeking to achieve fair employment practices. Theoretically, a single business could find itself involved with the new Commission, the President's Committee on Equal Employment Opportunity, the National Labor Relations Board, the Labor Department, the Justice Department and the Community Relations Service -- in addition to the numerous state and local fair employment practices commissions. In his Jan. 4 report to the President, Vice President Humphrey warned that "wholly uncoordinated and conflicting efforts" in the employment field would "disrupt the administrative process, can hamper effective program operation, and may result in duplications or onerous impositions upon employers and others who seek in good faith to comply with statutory and contractual requirements." He said there should be "complementary procedures for the processing of complaints, record-keeping and reporting requirements, investigations (and) compliance activities." The problems of overlap and conflict in the employment field were an important reason for establishment of the President's Council on Equal Opportunity, with representation from all federal agencies with a responsibility in the field.

The new Fair Employment Opportunity Commission will face the necessity of working out a national reporting system to ascertain the degree of compliance with the Title. Since Title VII specifically exempts employers filing under the President's Committee on Equal Employment Opportunity from filing with the new Commission, there would appear to be advantages in a uniform reporting system and possible combination of reporting arms of both agencies. In addition, the new Commission will have to reach an understanding with state fair employment practices commissions, since Title VII specifically authorizes it to negotiate with and/or delegate some enforcement authority to the state agencies. Title VII exempts employers and unions from responsibility to report to the new Commission if their state has a fair employment practices law. But the national Commission would still be charged with enforcement responsibilities unless it were to delegate them to the states -- and then it would face a dilemma if it felt the state enforcement procedures were inadequate. In view of the complications, observers predict a stormy shake-down cruise for the new Commission.

By contrast, the outlook for compliance with the new requirements is considered relatively bright. The National Assn. of Manufacturers and the AFL-CIO have initiated programs to encourage an end to employment discrimination. Burke Marshall, former Assistant Attorney General in charge of the Civil Rights Section, and John Doar, his successor, have been among many federal officials who have spoken to business, labor and civic groups urging them to prepare for compliance with Title VII by widening their recruitment policies.

At a Jan. 26 meeting in Washington of the "Plans for Progress" program of the President's Committee on Equal Employment Opportunity, 500 business and government leaders were told that the government's anti-discrimination effort had been highly successful. G. William Miller, president of Textron, Inc., and chairman of the group's advisory council, said that about 90 percent of the nation's leading businesses and industries, including 300 firms employing 8.5 million persons, had been enlisted in the "Plans for Progress" drive. He said the time had come to shift the emphasis from signing up

businesses to urging communities and smaller businesses to join the attack on discrimination.

A less optimistic view, however, was taken by Roy Wilkins, executive director of the NAACP. "As far as the Negro worker is concerned, the skilled and craft local and the building and construction trade are closed unions operating closed shops," he said.

RELATED DEVELOPMENT -- The President's Committee on Equal Employment Opportunity March 18 announced a program to coordinate anti-discrimination efforts in the construction industry by appointing area coordinators in 20 metropolitan areas. The coordinators would not actually be responsible for enforcing compliance with the non-discrimination clauses in contracts. This responsibility would remain with the "predominant interest agency" in each area, as designated by the Committee (GSA in some areas, HHFA in others, etc.). The coordinators would be charged with seeing to it that all federal agencies in an area act as one in regard to equal employment opportunity, working directly with the federal agencies in the field, contractors, sub-contractors, apprenticeships committees, unions, building trades councils and the like. The President's Committee has had the most difficulty in obtaining compliance with non-discrimination requirements in the construction industry, especially in view of the "closed" nature of a number of the highly skilled unions involved.

TITLE VIII -- REGISTRATION AND VOTING STATISTICS

The Law -- Title VIII directs the Census Bureau to gather registration statistics based on race, color and national origin and to determine to what extent such groups have voted in such geographic areas as the Civil Rights Commission recommends. A similar survey must also be conducted on a nationwide basis in connection with the 1970 Census.

Effect -- In January the Civil Rights Commission asked the Census Bureau to gather registration and voting statistics by race in Alabama, Mississippi and Louisiana. In a supplemental fiscal 1965 budget request, the Census Bureau asked for \$7.5 million to conduct such censuses. The amount was included in a fiscal 1965 supplemental appropriation bill but eliminated by a point of order on the House floor April 6 because it would be used in fiscal 1966 as well. Dr. A. Ross Eckler, Acting Director of the Census, told CQ that there would be a lead time of about six months between appropriation of funds and an actual census, leaving time for pre-testing of questions.

TITLE IX -- INTERVENTION AND REMOVAL OF CASES

The Law -- Title IX made reviewable in higher federal courts the action of federal district courts in remanding a civil rights case to state courts. (Under previous law, such a federal court order was not reviewable and a case had to be disposed of in the state courts -- often a protracted process -- before it could again be appealed through the federal courts.)

Title IX also authorized the Attorney General to intervene in private suits where persons alleged denial

of equal protection of the laws and where he certified that the case was of "general public importance."

Effect -- The removal section has yet to be construed fully by the federal courts.

The Justice Department utilized its new power of intervention Jan. 4 when it asked a U.S. District Court in Shreveport, La., for the right to intervene on behalf of a group of Negro students whose parents filed suit Dec. 2 against alleged discriminatory conduct by Bossier Parish school officials. It employed its power again to intervene in March in the Alabama federal court case relating to the civil rights march from Selma to Montgomery. (Weekly Report p. 428, 377)

TITLE X -- COMMUNITY RELATIONS SERVICE

The Law -- Title X created a Community Relations Service in the Department of Commerce to aid communities in resolving disputes relating to discriminatory practices.

Effect -- President Johnson appointed former Gov. LeRoy Collins (D Fla. 1955-60) to be director of the new Community Relations Service on July 2, the same day he signed the 1964 Civil Rights Act into law. The CRS received a fiscal 1965 appropriation of \$1.1 million and began to assemble a staff of persons trained in conciliation work. By March 31, it had filled all but four out of its 51 authorized staff positions.

Reports indicated that the CRS, carrying out its conciliation services with the minimum of publicity prescribed in the 1964 Act, had achieved a good measure of success in resolving local problems. As of March 31, it had handled cases in 96 communities in 23 states, including all 11 states of the old Confederacy. Of the 96 cases, 33 were listed as closed and 63 were still active. Access to public accommodations was involved in 28 cases, school desegregation in 17, public facilities desegregation in 4, housing and real estate in 10, general community tension in 22, law enforcement in 5, employment and labor practices in 11, and miscellaneous problems in 10 (Some cases involved multiple problems).

Greatest national attention was drawn to CRS activities when President Johnson dispatched Gov. Collins to Selma, Ala., in March 1965, to attempt mediation of the tensions aroused by Negro voting rights demonstrations there.

In a Feb. 3 speech in Nashville, Tenn., Collins said the "doomsday" prophecies of opponents of the 1964 Act "have not dawned" and that compliance with the law was better than many backers had expected. In the 19 states not having their own public accommodations laws, he said, there had been desegregation in more than two-thirds of the hotels, motels, chain restaurants, theatres, sports facilities, parks and libraries. "Whereas formerly the desegregated facility was the notable exception," Collins said, "it is now the segregated facility which stands out as the exception -- and consequently attracts the most notoriety." Despite the progress achieved, however, Collins said "the nation is still a long, lonely way down the road from the full enjoyment of civil rights by all citizens. Americans are still being degraded, cheated, threatened, terrorized and even brutally murdered -- for no other reason than that they are Negroes or allies of Negroes."

Sweeping Voting Rights Bill Proposed in 1965

President Johnson March 17 submitted to Congress a comprehensive voting rights bill designed to "strike down restrictions to voting in all elections -- federal, state, and local -- which have been used to deny Negroes the right to vote." In areas to which the bill would apply -- six Southern states and numerous counties and electoral subdivisions of other states -- all restrictions on voting other than age, residence, conviction of a felony without subsequent pardon, or mental incompetence would be abolished. If enacted substantially in its present form, the measure would be the strongest voting rights legislation to gain Congressional approval in 90 years.

In a televised address before an extraordinary Joint Session of Congress, Mr. Johnson March 15 issued a strong call for summary action on the measure. The President declared that "...the time for waiting is gone... outside this chamber is the outraged conscience of a nation -- the grave concern of many nations -- and the harsh judgment of history on our acts."

The proposed legislation received impetus from a month-long series of events in Selma, Ala., in which state and local authorities continually interfered with Negro demonstrations dramatizing discriminatory voter registration practices.

The Administration bill was the product of a series of conferences at which Senate Republican and Democratic leaders participated with top Justice Department officials in the actual drafting of the measure. Central figures in the talks were Senate Majority Leader Mike Mansfield (D Mont.), Senate Minority Leader Everett McKinley Dirksen (R Ill.), Senate Minority Whip Thomas H. Kuchel (R Calif.), Attorney General Nicholas deB. Katzenbach and Deputy Attorney General Ramsey Clark.

Selma Campaign

The 1964 Civil Rights Act was intended by its proponents to take the civil rights struggle "out of the streets and into the courts." But in several states the Negro was still denied the right to vote, either by strict requirements set by local officials, through administration of a stiff literacy test, or -- if he appealed to a court -- through unfavorable court action or through litigation periods so slow that in effect he was denied his vote in the election in question.

The Rev. Martin Luther King Jr., president of the Southern Christian Leadership Conference, decided to take the voting rights movement back into the streets in Selma, Ala., beginning Jan. 18 to "dramatize" to the nation the existing bars to Negro voting in many Southern states. Through the Selma campaign, King and other civil rights leaders hoped to arouse the nation's conscience by pointing out these difficulties.

King chose Selma for a number of reasons. By law, registration takes place only two days a month in Dallas County, of which Selma is the county seat. The actual registration process is lengthy because of the detailed requirements involved. An applicant must fill in more

than 50 blanks, write from dictation a part of the Constitution, answer four questions on the governmental process, read four passages from the Constitution and answer four questions on the passages, and sign an oath of loyalty to the United States and to Alabama. Negro registration in Dallas County has lagged substantially behind white registration. Figures from the 1960 census show that Dallas County is 57.6 percent Negro. Its voting-age population is 29,515 -- 14,400 whites and 15,115 Negroes. Yet when the Selma campaign began Jan. 18, of those 9,877 who were registered to vote, 9,542 were white and 335 were Negro. Between May 1962 and August 1964, only 93 of the 795 Negroes who applied to register were enrolled, while during the same period, 945 of the 1,232 applications from whites were accepted.

On April 13, 1961, the Justice Department had filed a suit to enjoin the Dallas County registrars from discriminating against Negro applicants. A Federal District Court Nov. 1, 1963, issued a permanent injunction against discrimination. In response to a motion for supplementary relief, stating that discrimination still prevailed, Federal District Judge Daniel H. Thomas Feb. 4, 1965, ordered the Board of Registrars to speed its voter registration processes, adding that if all those eligible and desiring to vote were not enrolled by July 1, he would appoint a voting referee under terms of the 1964 Civil Rights Act.

The civil rights leaders, dismayed by the results of previous court orders, continued to protest in the streets and in the courts. Negroes were joined by whites from all parts of the country. Clergymen of all faiths traveled to Selma to participate in the drive. The professed goal continued to be an agreement by the Board of Registrars to remain open every day until all Negroes who wished to vote were registered. However, a larger goal -- to arouse public sentiment in favor of a new voter rights law -- was also being effectively achieved. King made no secret of his hopes for the movement. He said Feb. 5, "We plan to triple the number of registered Negro voters in Alabama for the 1966 Congressional elections, when we plan to purge Alabama of all Congressmen who have stood in the way of Negroes." He added that "a state that denies people education cannot demand literacy tests as a qualification for voting."

Although the peaceful marches, by their size and frequency, attracted public attention, it was three violent actions which most aroused public sentiment. A 26-year-old Selma Negro, Jimmie Lee Jackson, who said he was shot in the stomach and clubbed by Alabama state troopers Feb. 18, died Feb. 26. A white Unitarian minister from Boston, Rev. James J. Reeb, 38, died March 11 of skull fractures inflicted when he was clubbed on the head by white men March 9 in Selma. And state troopers March 7, acting on orders from Gov. George C. Wallace (D Ala.), used tear gas, night sticks and whips to halt a march from Selma to Montgomery, the state capital, severely injuring about 40 marchers. Attorneys for civil rights groups immediately filed petitions with the U.S. District Court in Montgomery for a temporary restraining order against Wallace and the state troopers.