



# CIVIL RIGHTS LEGISLATION 1964



## THE ACT OF THE HOUSE OF REPRESENTATIVES

"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." *The Declaration of Independence, 1776.*

"White Only." *Mississippi Motel, 1964*

"We, the people of the United States, in order to . . . insure domestic tranquility . . . do ordain and establish this Constitution for the United States of America." *Constitution of the United States of America; Preamble, 1787.*

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." *Constitution of the U. S.; Amendment XV, 1870.*

"There wasn't a man of us who did not recognize that there were literally millions of people qualified to vote who were not able to vote . . . We had seen some of these people. These weren't units to us. They were flesh and blood people. Some of them were veterans with long months of overseas duty and decorations for valor in service . . . Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballots for the President of the United States." *Testimony of Civil Rights Commission before the Congress of the United States, 1962.*

"The Congress hereby declares that the opportunity for employment without discrimination . . . is the right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination." *The Civil Rights Act of 1963 passed by the House of Representatives and currently being debated by the Senate of the United States.*

"In 1962 nonwhites (nine-tenths of whom are Negroes) made up 11 percent of the labor force and 22 percent of the unemployed." *Manpower Report of the President of the United States, 1963.*

THE CIVIL RIGHTS ACT passed by the House of Representatives in February 1964, and now being considered by the Senate as a basis for possible legislation, is a complex document. In the preamble to its 55 officially printed pages, it states that it seeks "to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes."

Its proponents claim that the Act is designed to help translate the American dream into reality. Its opponents claim that it is unconstitutional. The Act is so sweeping that, with respect to different sections, both groups may be right.

Consider, for example, the following extracts from the Title of the Act concerning "Equal Employment Opportunity":

"Sec. 704 (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual . . . because of such individual's race, color, religion, sex, or national origin;

(f) Notwithstanding any other provision of this Title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs."

The Act is complex not only in the substantive areas it covers but also in the procedural devices and techniques it marshals to attain its objectives. Because of this complexity and restrictions on the scope of this article, only Title IV of the Act, the Title concerned with education, shall be examined.

AS IN OTHER areas, the Act provides for two routes to reach its objectives. It looks forward to voluntary compliance and establishes mechanisms to help those who help themselves. It also establishes a procedure to compel compliance where compulsion is necessary.

To assist those who desire to comply voluntarily, the Act directs the Commissioner of Education to conduct a survey on the status of public school segregation in the United States and report to Congress, and authorizes the Commissioner of Education to provide technical assistance to school authorities to aid in desegregation plans, to arrange for institutes for special training to improve the ability of teachers and other school personnel to meet special educational problems occasioned by desegregation, and to make grants to school boards to assist in desegregation.

To compel those who do not desire to comply, the Act authorizes the Attorney General of the United States to institute civil actions in Federal Courts for appropriate relief. However, before the Attorney General may institute such a suit, he must receive an appropriate complaint, and certify that the signer or signers of the complaint are unable to initiate and maintain their own suit, and certify that the action he brings will materially further the "orderly achievement of desegregation in public education."

The most important part of the Title concerned with education is in the definition of its goal. "Desegregation" is defined so that it is unmistakably clear that integration in the schools is not required by Federal statute law. The definition of "desegregation" is:

"Sec. 401 (b) 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Thus, we see that the education section of the Civil Rights Act passed by the House has little, if any, relevance to the issues engaging the attention and energies of those persons interested in civil rights in the public schools in New York City.

By Ralph Katz, of Delson & Gordon, Esqs.  
(If sufficient reader interest indicates, supplementary studies of the Civil Rights Act will be undertaken.)

## Union Embarks On Mississippi 'Freedom Schools' Project

The UFT has responded to an appeal from the Mississippi Council of Federation Organizations (COFO)—a statewide alliance of Civil Rights groups functioning in Mississippi (NAACP, SNCC, SCLC)—to aid them in operating the Freedom Schools that will be established throughout that state this summer. Last summer the UFT organized 8 such schools in Prince Edward County, Va., where Negro students were without formal education for five years.

The purpose of these schools is to provide remedial and enriched instruction for the educationally deprived student of Mississippi. The educational background of Negro students in Mississippi defies description — even by the lowest standards existing in the North. The Freedom Schools can fill an enormous gap in the experience of those students who will attend.

The UFT, through the Human Relations Committee, has undertaken to:

1. Recruit volunteer teachers to staff the Freedom Schools.
  2. Collect the necessary supplies and materials.
  3. Participate in the development of the curriculum.
  4. Raise funds to defray the expense.
- Pres. Charles Cogen and Richard Parrish, Chairman of the UFT Human Relations Committee, in issuing the plea for help cited five ways UFT'ers can help:
1. Help find volunteers among your colleagues.
  2. Schedule a chapter meeting on the Mississippi Freedom School Project (Speakers will be supplied by the Human Relations Committee).
  3. Contribute money through the collection sheet sent to your school. (The estimated cost of sending one volunteer teacher to Mississippi for the summer is approximately \$200 to \$300.)
  4. Organize fund raising affairs — i.e., cocktail parties, etc.
  5. Donate any supplies or materials you have available.
- For further information, call: Norma Becker—Gr. 7-2742 or

- Sandy Adickes—Yu. 2-7743.
- 93% of the Negro high schools in the state of Mississippi are not accredited.
  - Study by Randolph Mowen College, Virginia
  - 70% of the Negro population over 25 years of age are "functionally illiterate" — based upon the standard of "four years or less" schooling. *U.S. Census, 1960*
  - Mississippi ranks 50th in per capita expenditures for education. *Dep't. of Health, Education & Welfare*
  - Of the 31,020 Negroes in Sunflower County, home of Sen. James Eastland, (D. Miss.) only 1.6% are registered Negroes.
  - Of 7,406 Negroes of voting age in Forrest County, only 12 are registered.
  - In Madison County only 1.1% of the voting age Negroes are registered.
- Student Non-Violent Coordinating Committee  
**A Professional Challenge**  
The Freedom Schools Project is aimed specifically at overcoming

the many educational deficiencies inherent in the Mississippi school system. But to the state of Mississippi as well as to the Federal Government, it will demonstrate that there are people in this country who care about

what is happening there. Trained, experienced teachers can bring invaluable professional skill to this endeavor and help lay the foundation for an on-going program after the summer is over.

The Need Is Great!  
Please Help In Every Way You Can!

Human Relations Committee—Mississippi Project  
UFT—300 Park Ave. South  
New York City

I would like to volunteer to teach in Mississippi this summer. \_\_\_\_\_

I would like to work on the Freedom School Project in N.Y.C. \_\_\_\_\_

I would like further information \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel. \_\_\_\_\_