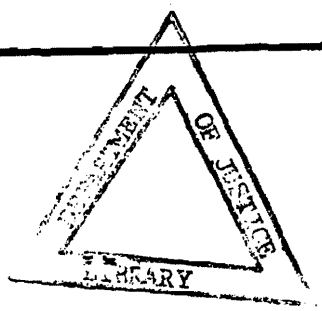
Department of Justice



CIVIL RIGHTS: YESTERDAY, TODAY, AND TOMORROW

AN ADDRESS BY

ACTING ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

DELIVERED AS THE

1964 LOUIS CAPLAN DISTINGUISHED LECTURE IN LAW

AT THE

UNIVERSITY OF PITTSBURGH SCHOOL OF LAW

WEDNESDAY, DECEMBER 2, 1964, 8:30 p.m.

I

The pursuit of equality in America has been long, but it also has been less than consistent. Our forefathers fled the old world seeking freedom from oppression, yet within a few years after the founding of Jamestown and Plymouth there were Negro slaves on American soil. By the time the phrase "all men are created equal" rallied the colonies to independence, slavery was an established institution. The authors of the Declaration of Independence deliberately omitted a section censuring the slave trade. The Constitution recognized slavery and gave it official sanction.

At the same time, uneasiness persisted over the obvious discrepancy between the ideals of freedom and the practice of slavery. Local abolition societies were organized even before there was a United States of America -- the first one in 1774 in Pennsylvania, with Benjamin Franklin later serving as its president. Six of the original colonies -- including Pennsylvania -- outlawed slavery, and the Ordinance for the Government of the Northwest Territory prohibited the practice in that extensive area.

As in this century, the history of the United States in the early and middle Nineteenth Century, was characterized by the attention devoted to the status in society of the Negro. But unlike the ascent toward greater freedom and greater equality which marks our own time, the pre-Civil War period produced essentially sterile answers. The culmination was the Dred Scott decision, relegating Negroes to permanent inferiority and non-citizenship -- until the Civil War.

Whatever else that conflict produced, it did provide America with a new start, a second opportunity. Had that opportunity been grasped, this land and its people could have been spared much agony, much sectional and interracial bitterness. But again, as earlier in the century, men of little vision prevailed.

To be sure, a number of great charters of equality were inscribed in the statute books. The Thirteenth Amendment, abolishing slavery, was adopted in 1865. The Fourteenth and Fifteenth Amendments provided full rights of citizenship to Negroes -- the right to due process of law and the equal protection of the laws as well as the right to participate freely in the elective process.

The so-called Ku Klux Klan Act penalized conspiracies to deprive persons of Constitutional and legal rights. Civil and criminal laws forbade official abuse of an individual's federal rights. Other measures declared the right to vote without racial discrimination, and provided federal protection for those exercising such rights, and guaranteed free access to places of public accommodation.

But all of these acts were destined to long remain mere paper measures. Either they were not enforced, were repealed, or were nullified by court decisions. The former slave states took it upon themselves to disfranchise the Negro by means of "grandfather clauses" and other arbitrary standards, and to keep the Negro literally "in his place" by rigid segregation of trains, schools, and public accommodations.

It was not until 1917 that the movement toward equal rights began to grind slowly forward. Then, the Supreme Court invalidated a city ordinance requiring segregation of white and Negro residence areas. (Buchanan v. Warley, 245 U.S. 60). Later, in Shelley v. Kraemer, state enforcement of restrictive covenants was held unconstitutional.

In 1944 the Court found that the white primary system was state action violating the 15th Amendment. (Smith v. Allwright, 321, U.S. 649). In a series of decisions, beginning in 1938, the Court outlawed the "separate but equal" doctrine as applied to state universities. The reverberating climax came, of course, with the Brown decision of 1954.

In short order thereafter the Court's decisions made it amply clear that segregation sanctioned by law in any aspect of American life is a direct contradiction of the Constitution. Racial discrimination was outlawed in parks, libraries and other governmentally-involved facilities, in interstate and intrastate transportation.

Meanwhile, executive action and then Congressional action also brought changes. In 1939, during President Roosevelt's administration, a small Civil Rights Section was established in the Department of Justice -- the forerunner of the full-fledged Civil Rights Division to be created 18 years later.

In 1947, a Committee on Civil Rights, appointed by President Truman, presented a comprehensive blueprint for federal legislation. In 1948, by executive order, the armed forces were desegregated. Racial discrimination in federal employment and employment under government contract was prohibited by the wartime FEPC and later by a series of executive orders, beginning in 1948.

In 1957, Congress joined this growing movement by enacting the first civil rights law in more than 80 years. This was amended and supplemented by the Civil Rights Act of 1960.

The Department of Justice has made meaningful progress under these Acts in the past four years and I would like to turn now to a review of some of these recent accomplishments; to evaluate where we stand today, with the passage of the Civil Rights Act of 1964; and to reflect on the future course of civil rights in America.

II

The Civil Rights Acts of 1957 and 1960 created a Civil Rights Division in the Department of Justice, and empowered the Attorney General to bring civil actions against deprivations of the right to vote.

Between 1957 and January 1961 the Department brought 10 suits to enjoin voting discrimination under the 1957 and 1960 acts, in the states of Alabama, Georgia, Louisiana and Tennessee. None was brought in Mississippi, where the percentage of registered Negro voters was barely four percent of the potential Negro electorate -- the lowest percentage of any of the states.

In the past four years, the Government has brought 57 more suits -- 24 of them in Mississippi -- and inspected and analyzed voting records in some 170 southern counties. During this period, too, the 24th Amendment, outlawing poll tax as a prerequisite to voting in federal elections, was added to the Constitution.

Litigation has by no means been our only method of protecting the right to vote. As in all areas of civil rights, the Administration's policy, instituted by Attorney General Kennedy, has been to seek voluntary compliance with the law. In a number of counties, as the result of informal conferences with Department attorneys, officials have voluntarily made voting records available to us; they have abandoned segregated balloting; and they have stopped trying to prevent or discourage Negroes from voting.

In spite of these successes, both in court and in conference, widespread denials of the right to vote still exist in many areas. We will continue our efforts to eradicate all such discrimination -- and our task will be eased by new tools provided by the 1964 Act.

Nevertheless, in the past 30 months, nearly 600,000 Negroes have been added to the voting rolls in Southern states -- an increase of 30 percent. What this means in practical terms can be gauged by a recent election in Macon County, Alabama, where it was almost impossible, in 1960, for Negroes to register and vote. Yet now, following federal action, not only are half the adult Negroes in the county eligible to vote, but in the last election, two Negroes were elected to the county council -- the first of their race to hold such office in Alabama since Reconstruction.

Our extensive efforts in the field of voting are predicated on the belief that all other civil rights flow from the franchise. But we have not limited our efforts to voting. In the field of education, the year 1964 marks a special anniversary and a significant point of departure for greater achievements. Just ten years ago, the Supreme Court held that compulsory segregation in public education violated the Constitution and ordered its abolition with all deliberate speed.

This decision heralded the fall of compulsory segregation in all fields. But the decision alone no more opened the doors of segregated schools to all than did the passage of civil rights laws long ago.

After an initial spurt of compliance in the District of Columbia and a number of border states, desegregation proceeded with much more deliberation than speed. The hard-core states enacted measure after measure -- some 400 in all -- to circumvent the decision. While hundreds of private school suits were brought, at the end of 1960, schools in five states were still completely segregated. Now, in 1964, there has been at least some desegregation in every state, including Mississippi. We have rounded the turn, from massive resistance to reluctant but expanding compliance.

Until the 1964 Act, the Government had no statutory authority to bring suits for school desegregation. But we did have the authority -- indeed the obligation -- to uphold court orders. So in September of 1962, when the Governor of Mississippi attempted to block the entry of James Meredith to the University of Mississippi, marshals -- and ultimately troops -- were sent to Oxford, to prevent the obstruction of court orders.

When Governor Wallace of Alabama made his stand at the University of Alabama in June, 1963 to prevent the admission of Negro students, as ordered by the federal courts, units of the Alabama National Guard were federalized.

In the past four years the Department has appeared as a "friend of the court" in a number of other significant school desegregation cases. One of the most significant concerned Prince Edward County, Virginia. As the defendant in one of the five original school desegregation cases, the Prince Edward County school board was subject to the decrees of the Supreme Court in 1954 and 1955. For ten years the county resisted, first by procrastination and then, in 1959, by closing all its schools.

White children went to state-supported private schools. The 1,700 Negro children of the county, meanwhile, went without schools for four years, until a privately financed school system was established under the impetus provided by President Kennedy and Attorney General Kennedy. It was not until this past fall, 10 years after the original desegregation decision, and until after further Supreme Court action in which the Department of Justice played a leading role, that the county finally reopened its public schools on a non-discriminatory basis.

Federal concern for school desegregation also took the shape of cases to desegregate schools in so-called "impact areas," which receive federal funds because they serve the children of federal military and civilian personnel. In 1962 the Department instituted the first of seven suits brought to desegregate such schools. One suit has been successfully concluded, and others are pending in appellate courts, and at least 20 impact districts have been desegregated voluntarily as a result of informal conferences with members of the Departments of Justice and Health, Education, and Welfare.

While much remains to be done in the field of education, parallel work in the field of transportation has, since 1961, brought about the complete

desegregation of interstate transportation facilities. Despite court decisions outlawing segregation by either interstate or intrastate carriers, in 1961 hundreds of bus, train, and plane terminal facilities continued to discriminate -- as the Freedom Rides made dramatically evident.

In June, 1961, Attorney General Kennedy took action to remedy the wrong. He petitioned the Interstate Commerce Commission to specifically prohibit such segregation. The ICC did so, and by the end of 1962, the combination of ICC regulations, Department law suits, and consultations with local officials, it was finally possible to travel the breadth of the United States without encountering a single sign proclaiming "white only."

Less conclusive but nonetheless progressive action was taken in other fields. In 1961 President Kennedy issued an executive order strengthening equal opportunities in federal employment and employment under government contract. In 1963 the coverage of the order was expanded to include employees receiving federal grants and loans as well. The Committee established by the orders, headed by Vice-President Johnson, has worked most effectively to bring about fair employment practices.

In the executive order in housing issued two years ago, President Kennedy directed federal agencies to "take every proper and legal action to prevent discrimination" in the sale or lease of housing owned or operated by the government, constructed or sold through loans or grants made or guaranteed by the federal government, or made available through federal slum clearance programs. This order, establishing non-discrimination in housing as federal policy, has neither solved all our problems, as some hoped, nor brought chaos upon the land, as some feared. But it has provided a foundation upon which we can build in the future.

The same could have been said about the various areas in which we sought to act against discrimination. We were taking first steps -- or even long steps -- but it was not until the introduction, debate, and enactment of the Civil Rights Act of 1964 that America finally turned the corner in civil rights by outlawing all official, systematic discrimination in all psrts of the country. It is that historic turn which brings us to the present.

The Civil Rights Act of 1964 was -- and is -- a controversial law. No act was introduced with deeper conviction. No act was opposed with deeper passion. It is surely one of the great triumphs of our legislative and democratic process that Congress could have so reasonably debated and resolved one of the deep emotional issues of our time.

This Act marked the first time cloture had ever been invoked in a civil rights debate. And this Act represented the first legislation in civil rights, other than voting, in 90 years. But this Act also represents something even larger than political triumph on Capitol Hill, something even larger than the realization of some of our ideals of equality. It represents obedience.

The summer of 1963 in the South was inflamed by bitterness and hundreds of demonstrations. But in the summer of 1964, following enactment of this law, we have had -- despite some tragic exceptions, -- a spirit of good faith and respect for law. This is a result for which we must give credit to the responsible men and women of the South.

The legislators of the South fought the Civil Rights Act strenuously. But now that it is law, they have spoken out for obedience -- and often it has taken courage to do so. The community leaders in many parts of the South fought the Act. But now they, too, have spoken out for obedience -- and often, as in McComb, Mississippi last week, it has taken courage to do so.

In a great many of the cities and towns of the South, we have seen local interests not only accept the letter of the law once it was passed, but honor the spirit of the law, even before it was introduced. That effort is an essential prologue to the progress promoted by the Civil Rights Act.

This effort began in May, 1963, when President Kennedy, Vice President Johnson, and Attorney General Kennedy began a series of meetings with Southern businessmen, labor leaders, attorneys, clergymen, women's organizations, teachers, and others. The purpose of these meetings was to evaluate what could be done to help erase racial discrimination from our national life -- done not merely by governmental action, but through voluntary, private, local action, in every city of the South.

As I have noted, efforts to secure voluntary action have been an integral part of the Administration's efforts to respond to civil rights problems, whether in voting, or transportation, or education. This series of 21 meetings, eventually to involve 1,700 individuals, came at the beginning of the great wave of demonstrations throughout the South and throughout the country.

To me these meetings represented a remarkable example of moral leadership by a national administration and a remarkable demonstration of public responsibility by community leaders. The results were dramatic.

Hotels, restaurants, and theaters were voluntarily desegregated in many cities before the Civil Rights bill was passed -- indeed, in some places before the bill was even introduced. A number of bi-racial committees were established. Communication was established between the races through the efforts of business, press, and pulpit. Substantial, quiet progress was made.

The extent of this progress can be measured. We made a survey, just before the bill was passed last July. It showed that out of 566 cities in Southern and border states, there had been at least some desegregation in public accommodations in 397 cities -- fully 70 percent.

The significance of that achievement to the success of the new Act can hardly be exaggerated. It meant that in most parts of the South, the Civil Rights Act presented no abrupt change. Instead, it represented the formalization in law of what was already happening in practice. A climate of compliance had already been created.

This is not to say that the Act was not needed. One guide to its necessity is apparent by turning the 70 percent figure around. In other words, in 30 percent of the cities of the South, there was no progress whatsoever.

Obviously, pockets of resistance exist. Our experience is too short-lived and the balance that exists still too precarious to say that the tide has really turned for good. Much effort will be needed to maintain the momentum. But for the first time in many years, the attitude manifested by these areas of hard-core opposition is no longer representative. Even in these areas, gains are being made. There may now be no place in the South in which the voice of moderation has been completely stilled.

Burke Marshall, my exceptionally able colleague who heads the Civil Rights Division of the Department of Justice, observed last week that last July we were far from sure that the Civil Rights Act would meet with compliance. He recalled that no less an authority than Governor Wallace had predicted it would be necessary to recall all the troops from Germany to enforce the bill in Alabama alone.

But now the bill has been law for five months, to the day, and it can fairly be said that the Civil Rights Act of 1964 has met with remarkable success, despite the range of its provisions.

Title I, for example, extends existing voting rights laws. In the past, we have found that Negro college graduates are refused the right to vote because of inconsequential -- or even non-existent -- errors on application forms, while clearly unqualified whites are accepted. Title I remedies such abuses.

It also provides for expedited hearings and the use of three-judge courts to bring about prompter disposal of voting suits. Since the signing of the Act we have filed voting suits in five Mississippi counties, in which expedited hearings or three-judge courts were requested.

Perhaps the best-known section of the Act is Title II -- which prohibits racial discrimination in public accommodations -- hotels, motels, restaurants, theaters and other establishments affecting interstate commerce. Beyond the extensive voluntary compliance with this title, there also has been considerable legal action. But even this legal action reflects a new kind of resistance.

One of the dominant purposes of the Civil Rights Act was to provide a forum for Negro grievances other than demonstration, to move social protest from the streets to the courts. I thought it was a rare kind of symbolism for the very first challenge of the new Act, brought by a motel owner in Atlanta, to be in the form of a law suit, contesting the Act's constitutionality.

Since then, the Department of Justice has been involved in public accommodations suits elsewhere in Atlanta, Selma and Tuscaloosa, Alabama, and Greenwood and Clarksdale, Mississippi. Another private suit, challenging the Act, brought in Birmingham, is now awaiting a Supreme Court decision, along with the first Atlanta case.

While compliance has been general, particularly in the cities of the South, it has not been universal. We now have under investigation some 650 complaints of apparent racial discrimination in public accommodations. Compliance may be expected in many of these. In others, we may have to take legal action. But even so, such cases represent very much the exception, not the rule. For the rule I speak of is the rule of law, and it is being obeyed.

Titles III and IV of the Act are closely related -- they authorize suits by the Attorney General to desegregate governmental facilities and public schools if the private persons involved are unable to sue for themselves and if such suits would make a significant contribution to the orderly desegregation of such facilities.

Before bringing a school suit the Attorney General must afford local authorities ample opportunity to remedy the alleged wrong. There have been only a handful of complaints under these provisions so far, some in school districts where cases are already pending, and thus there has been no need for a new suit.

Title V continues the existing Civil Rights Commission and adds to its duties.

Title VI directs that public funds, to which taxpayers of all races contribute, will not be used in a discriminatory fashion. This title is being carefully implemented. Regulations are being formulated by the federal agencies concerned with such programs as aid to hospitals, school lunches, or surplus agricultural products to assure that the benefits of these programs will go to all eligible beneficiaries, regardless of race.

Title VII established the right to equal employment opportunity regardless of race, sex, or religion. It has not yet gone into effect, but much is being done to make its effect as smooth as that of other parts of the act. It applies to industries affecting interstate commence and to labor unions engaged in such industries and becomes effective in July 1965 for employers of 100 or more persons. By 1969 it becomes applicable to employers of 25 or more persons.

Under this title, a bipartisan Equal Employment Opportunity Commission will investigate charges of discrimination and attempt to resolve disputes by the use of conciliation. As in the public accommodations title, suits may be brought by the individual, after first giving the appropriate state or local agency the opportunity to resolve the dispute. The Attorney General may intervene in private proceedings or may institute an action of his own if a pattern or practice of discrimination exists.

Title VIII directs the Secretary of Commerce to compile registration and voting statistics, by race and color, in specific areas designated by the Commission on Civil Rights.

Title IX allows an appeal when efforts to remove civil rights cases from state to federal courts are denied.

Title X puts into law our policy of informal consultation and search for voluntary solutions by establishing Community Relations Service to assist local communities in resolving disputes and difficulties relating to racial problems. Former Governor Leroy Collins of Florida is its Director. Since its establishment, the Service has successfully handled some 70 cases.

The final title of the bill makes various provisions concerning criminal contempt proceedings brought against persons who violate court orders issued under titles II through VII of the Act.

The widespread, indeed astonishing, success of this many-faceted new act may well represent a far greater success of the political system existing in this country than has so far been realized. The most obvious achievement has been to outlaw practically every form of official, systematic racial segregation.

The American public and the Congress have decided that it is no longer permissible, to cite a case example, for a lunch counter to agree to serve Negroes but then to require them to take Pepsi-Cola instead of Coca-Cola, to stand rather than to sit, to drink from a paper cup rather than a glass -- and then to pay seven cents rather than five for the privilege.

The public and Congress have decided it is no longer tolerable for there to be more motels between Washington and Miami willing to accept persons traveling with their pet dogs than there are motels willing to accept persons who happen to be Negroes.

The public and Congress have decided it is no longer tolerable to exclude Negroes from what, by their very name, are public libraries, public schools, or public accommodations.

They have decided that it is no longer tolerable for citizens who may be called upon to die for their country to be denied the most elemental privilege of citizenship -- the vote.

They have decided it is no longer tolerable to deny citizens the opportunity for employment at which they are capable solely because of their race.

In short, because of the new Act, and the achievements of the four years preceding it, the principle of official discrimination -- systematic, state-sanctioned discrimination -- is now dead, and if not dead, it is dying. The Civil Rights Act of 1964 marks the end of the beginning.

But, let me say promptly, that we have far to go. All of the matters of which I have spoken thus far are, largely, negative. All relate to eliminating the obstacles which blind custom and white bigotry have erected in the Negro's path. All relate to action against injustice and against inequality, and that is not the same as action for justice and for equality.

What the enactment of, and obedience to, the Civil Rights Act of 1964 also have accomplished is to free us, at last, to give undivided attention to the much larger positive task ahead. That task involves not only the elimination of obstacles but also the creation of opportunities.

It is in this context that I can say it is therefore narrow, and probably meaningless, to talk of a tomorrow in this field simply under the label of "civil rights." We have now reached a point where it is necessary to redefine the label and to reassert our goals.

IV

Heretofore, we have been concerned over the plight of Negroes because they are Negroes. The very phrase "civil rights" has come popularly to signify "Negro rights." We must now broaden our concern. We must be concerned over the plight of Americans -- Negro and white -- who are forced to live in rat-infested slums. We must be concerned over full employment for every worker -- Negro and white. We must be concerned over adequate education for every child -- Negro and white.

This is what President Johnson's monumental Anti-Poverty Program is all about. It is an economic measure, but in this larger sense, it is also an equal opportunity law. The recent tax cut stimulated the economy, improved employment, and was thus an equal opportunity law. The Manpower Retraining Act, the Juvenile Delinquency Act, and other such measures, are equal opportunity laws. The present and future problems of equal rights exist on these and other fronts. We may give them different names, but they are all interrelated.

We have learned that it is insufficient to provide job opportunities without also providing the education to qualify young people to take those jobs. We have learned that it is insufficient to improve slum schools unless we also improve the outside-school environment of the children whose preparation we are trying to enhance. And we have learned that it is difficult to improve the environment unless its residents have the earnings which allow them to live in pride and in relative comfort.

It is mere glibness simply to say we are confronted by a vicious cycle. And it is mere naivete to believe that it is possible to find one single starting place or gap in the spiral. It cannot be broken so easily. To break it requires action against the circumference.

The very proliferation of federal agencies which now deal with some aspect of civil rights demonstrates the change we are witnessing in the nature of our civil rights problem. It also demonstrates the need to approach this problem on many fronts.

Seven years ago, there was no federal agency with any formal responsibility in the civil rights field. Now there are the Civil Rights Division of the Department of Justice, the Commission on Civil Rights, the President's Committee on Equal Employment Opportunity, the President's Committee on Equal Opportunity in Housing and the Equal Employment Opportunity Commission and the Community Relations Service just established by the new Civil Rights Act.

Coupled with these are the National Labor Relations Board, the Office of Economic Opportunity, the Manpower Retraining services of the Department of Labor, and the work of the Housing and Home Finance Agency and other agencies.

Increasingly, coordination is becoming necessary among these various efforts -- not simply out of a natural impulse toward symmetry, but because their specific concerns are all related in the effort to erode the downward spiral of the disadvantaged.

When I say there is clear need for governmental involvement in this effort, I do not limit my remarks to the federal government. The historic distrust in America of the ministrations of national government is one important reason not to so limit the responsibility. But more important than this philosophical reason is the practical reason. Our dual system of sovereignty endures because people devise better, more effective answers to their problems working through their own local governmental units, than through national government.

For the same reason, an imperative part of the effort to meet the present and future problems of civil rights is private action, whether by labor unions, businessmen, or PTAS.

In the field of jobs, for example, the present unemployment rate for non-whites is twice that of whites. The national leadership of organized labor has long been in the forefront of the struggle for equal opportunity,

but that commitment has not always filtered to the local level, to the level at which membership -- and work -- are obtained. Edwin C. Berry, the executive director of the Chicago Urban League, has observed ironically, that, "Exclusion in the craft unions is so complete that segregation would be a step forward."

The educational disadvantage Negroes face is equally evident in all parts of the country. In Chicago in 1960, the highest unemployment rate in any census tract was 35 percent, seven times the national rate. This area was 97 percent Negro. But in another census tract, 96 percent Negro, the unemployment rate was only 2 percent, less than half the national rate.

The difference, plainly, was not race, but education. The median educational level in the first tract was 8.5 years. In the second, it was 12.2 years.

Even despite such evidence, our local school boards have yet to come to grips with the type of education provided to Negroes -- and whites -- in poorer areas. A recent study in Harlem gives us a measure. The average I.Q. of students there does not simply increase less quickly, year by year. It drops, by an average of 10 I.Q. points between the third and sixth grades alone.

The facts about housing -- and the myths that perpetuate those facts -- are fully as disturbing. The resident of almost every city in the United States knows that racial ghettoes continue -- in squalor, crime and despair. It is not necessary to belabor the point. I might only observe that in 1960, one of every six non-white dwellings in the United States was dilapidated -- that is, considered dangerous to health and safety. The comparative figure for white dwellings is one of every 32.

These, then, are the fundamental civil rights problems of the future. Without question, there will continue to be difficulties of a purely racial character. A citadel like Mississippi does not crumble overnight. There will be future indignities; there may well be future violence. And we in the federal government will continue to take every possible action, whether by persuasion or litigation, to prevent them or to punish them.

But in these purely racial areas, the principles of law and the will of the country are now established. We have made it unlawful to deny a man his civil rights on the basis of race in virtually every public area, and we will enforce that law. In the years ahead, we must provide the social gains to match the legal gains.

These legal advances have been punctuated by great danger and drama, whether at Central High School in Little Rock, or during a long night at the University of Mississippi, or during a hot day at the University of Alabama. The job that lies ahead is far less dramatic and far more difficult. It cannot be measured in stark confrontations or newspaper headlines. It is more mundane, less visible, inestimably more important.

The test of our future in civil rights is not how compassionately we treat some Americans because they are Negro. The test, rather, is how well we can respond to the problems of Negroes -- and whites -- because they are Americans.