legislation

Nicholas deB. Katzenbach
Deputy Attorney General
Department of Justice

July 22, 1963

Burke Marshall
Assistant Attorney General
Civil Rights Division

Discussions with persons in Congress regarding the Civil Rights Legislation

The following are persons in Congress with whom I have discussed the legislation:

Senator Aiken - He said that he believed that we would obtain Republican support for everything, including public accommodations, provided a method were created to make specific the institutions covered and not covered. He said he did not consider it impossible to get cloture. This conversation was at breakfast with the Attorney General. We should discuss with him any possibilities of specifying further the establishments covered. He did not appear to favor dollar cut-offs.

Senator Hickenlooper - He did not know what was in the bill. He was under the impression that we had included Part III of the 1957 Act, and said he was opposed to that. He can not conceive how the bill can be constitutional under the Commerce Clause and was not responsive to any legal discussion on this point, his position being that the present Supreme Court would uphold anything, no matter how unconstitutional. He has not, however, crystallized a position against the legislation, and may follow others. This was also at breakfast with the Attorney General.

Senator Monroney - He believes as a matter of constitutional law that businesses can decide whether they are or are not covered by the Commerce Clause by the amount of business they do. In his own mind he appears to equate this with

ownership of establishments in more than one state. This position goes back with him to debates on the minimum wage legislation. The Solicitor General was present at this meeting. I do not believe that it is possible to persuade the Senator to support the public accommodations title in its present form. We were unable to get any feeling as to acceptable changes that might be possible. Nevertheless, he has not committed himself. He will support the rest of the bill.

Congressman McCulloch - I have discussed the bill with him twice. He feels that the key to conservative Republican support in the house is identifying more specifically the establishments covered. He does not consider the argument of the Commerce Clause and the Fourteenth Amendment to be of importance. I discussed with him the fact that Lindsey, McGregor and Mathias said we could only get support for a bill based on the Fourteenth Amendment. His comment was that is "superficial". It would appear that we would gain some votes that we would not otherwise get. My feeling is that he will support a bill with definitions that are more precise, but that he will not take the lead in suggesting any cut-offs.

Congressman Celler - When I last talked to him he wanted to take the word "substantially" out of the bill, to accept no cut-offs, and to base the bill on the Fourteenth Amendment as recommended by Joe Rauh. We left it that Bill Foley would make a list of the points that the Committee had to consider, that we would go over those with Foley, and that I would go before the Committee again as a final witness, perhaps in executive session.

Congressmen Lindsay, McGregor and Mathias - I have had some conversations with these three, but they are all superseded by conversations which the Solicitor General had with them.

TESTIMONY OF ERWIN N. GRISWOLD, COMMISSIONER

U.S. COMMISSION ON CIVIL RIGHTS

BEFORE THE

SENATE COMMERCE COMMITTEE

ON S. 1732 AND OTHER PENDING LEGISLATION

WEDNESDAY, JULY 24, 1963

Mr. Chairman and Members of the Committee:

I appreciate this opportunity to present the views of the Commission on Civil Rights on the legislation now pending before your Committee.

The public accommodations bill you are now considering is clearly the most important part of any program for protecting the civil rights of American citizens and indeed, in my judgment, the most important issue facing this Congress.

Its importance lies in the fact that the continued denial to one group of American citizens of access to restaurants, hotels and other places of public accommodation has plunged many communities in our Nation into turmoil and has challenged our ability to govern ourselves through the peaceful and orderly processes of law. But there is an even greater meaning to your deliberations. The Courts of our Nation have established beyond any doubt that all citizens are entitled to equal treatment at the hands of government. This matter is settled, although we are having inordinate difficulties in translating this legal principle into practice. There remains, however, the issue of the right of citizens to equal treatment in their public dealings with other important segments of

society. This is the principle to which Congress is addressing itself in the public accommodations bill. It goes to the heart of the matter--the dignity of each individual and his right to decent and equitable treatment at the hands of society.

It is clear that the denial of access to public places is a problem of national, rather than regional or sectional, dimensions. This is reflected in the accounts of our biracial Advisory Committees throughout the country of their own difficulties in conducting business in segregated communities. Last year, for example, our Nevada Committee reported that when the Committee held a public meeting in Hawthorne, its members, along with a representative of the Governor of Nevada, were refused service at the city's leading restaurant because of the racial composition of the group. Two weeks ago, our Louisiana Committee reported a similar incident in connection with a public meeting it was holding in New Orleans. The Commission itself, in conducting hearings and other Government business throughout the Nation, has found on more than one occasion that the only facilities which could be secured on an unsegregated basis were those available at military installations.

If these are the minor tribulations of Government officials trying to conduct their business, how much more devastating is the impact of racial discrimination on the daily lives of Negro citizens. The average white person takes for granted the recreational, cultural and entertainment offerings of his community--the restaurants, department stores, theaters, concert halls, sports arenas, bowling alleys and skating rinks. But the Negro in a segregated city is entirely excluded from the mainstream of

community life; he must build his own minority society or have none at all. For the white man traveling from State to State, the road is a series of familiar landmarks and frequently his most difficult problem is to make a choice among the array of establishments offering him food, lodging and respite. But for the Negro traveler, the road may be more like a desert and each inviting sign a mirage or, worse yet, a humiliating rebuff to him, his family or companions.

The problem can also be seen in the plight of the Negro who is a member of the Armed Forces. He travels wherever ordered to serve his country--but once there he may be excluded from the surrounding community and virtually restricted to the base. This has created a delicate problem for one Air Force installation in Alabama which trains foreign nationals as well as Americans. The military authorities have solved it by issuing "passports" to colored foreigners to enable them to travel unmolested in the community. For the American serviceman, neither his uniform nor his birthright is enough.

II.

The existence of this kind of situation should be of vital concern to the government of a democracy whether or not it gives rise to protests and demonstrations. In my judgment, Congress has authority under the Constitution to provide a complete remedy for the discriminatory denial of access to places of public accommodations. This power can be exercised pursuant to the Commerce Clause, the Fourteenth Amendment or a combination of both provisions.

First, as to the Commerce Clause, there is no question that acts of racial discrimination which affect interstate commerce are an appropriate subject for regulation. Congress has in fact prohibited certain acts of racial discrimination in passing the Aviation and Interstate Commerce Acts. It has, for example, forbidden restaurants which are an integral part of interstate bus transportation to discriminate against customers on the basis of race. Even in the absence of statute, the Supreme Court has held that racial discrimination constitutes a burden upon interstate commerce in violation of the Constitution.

Since Congress and the Courts have already dealt with discrimination under the Commerce power, it is not necessary to reason from analogy to prove that the legislation before you would be an appropriate exercise of authority under Article I, Section 8. But if analogies were needed, they are plentiful. The Government has regulated the businessman in his dealings with customers and the public as well as with his employees and other businessmen and employers. Congress in exercising the Commerce power has sought to protect the public from impure food, drugs and water, from unsafe appliances, from criminal or immoral acts, from price-fixing and other restraints of trade. In doing so, it has prescribed the shape of oleomargarine served in restaurants and the labelling of bottles of aspirin in drugstores. Surely, then, we are not dealing with an exercise of authority which in any respect would be unique or peculiar in its application.

It is equally clear that when Congress is dealing with a subject appropriate for legislation it has plenary authority to achieve its objectives. Congressional authority is not limited to the regulation of commerce among the States. It extends, as the Supreme Court said in United States v. Darby, "to those activities intrastate which so affect interstate commerce or the exercise of power of the Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate interstate commerce." In practice this has meant the regulation of intrastate transactions when they are "so comingled with or related to interstate commerce that all must be regulated if interstate commerce is to be effectively controlled." It has meant that amusement activities such as motion pictures, professional boxing and football are subject to the antitrust laws even though the showing or exhibition is a local affair; that employees of a window cleaning company may be covered by fair labor standards if the greater part of their work is done on the windows of industrial plants of producers of goods in interstate commerce; that agricultural production quotas may be applied to wheat grown by a farmer only for his own consumption where it is determined that price is affected by the whole supply and not merely the quantity offered for sale.

In the United States of 1963, it does not require any fiction to see the relationship of places of public accommodation to interstate commerce. In 1961, commercial airlines flew more than 18 billion revenue passenger miles in the Nation during the first half of the year. More than 350

million passengers traveled on the 218 thousand miles of railroad routes in 1958. Intercity buslines in 1959 carried 170 million passengers over 208 thousand miles of route. The 41,000 mile interstate highway system, which reaches into every corner of the land, crosses the boundaries of 673 cities and passes close to many hundreds of others.

With the growth of metropolitan complexes, many thousands of citizens travel across State lines for business or pleasure, not periodically but on a daily basis. And at the same time, a great volume of the goods and appliances used by businesses which serve the public move in interstate commerce.

Thus it seems to me that the great majority of public accommodations in a true sense affect, or are affected by, interstate commerce. The issue is not whether Congress has power to act with respect to these businesses, but whether it wishes to draw the line short of a full exercise of its authority.

Secondly, I believe that a strong case can be made establishing a right to equal access to public accommodations under the equal protection clause of the Fourteenth Amendment. I recognize, of course, that in the Civil Rights Cases, decided in 1883, the Supreme Court rejected the Fourteenth Amendment as a basis for a statute similar in many respects to the bill you are considering. But in the past eighty years much of the force of that decision has diminished and the premises on which it was based have been undermined.

Justice Bradley, in the opinion of the court in the Civil Rights Cases, assumed that the States were exercising their responsibilities for dealing with racial discrimination in public places. In fact,

30 States have now acted specifically to protect the rights of their citizens to equal treatment. But in other States quite the contrary has been true. Hundreds of statutes and ordinances enforcing a policy of segregation have been enacted since 1883. And in many localities which have no laws or which have repealed them, customs having the force of law have operated to establish a uniform community policy of segregation in public places.

Moreover, even in areas which have no segregation laws or policies, businesses serving the public have become much more involved with Government over the course of time. They receive various kinds of assistance and protection from the State. Licensing and regulatory provisions such as antitrust, fair trade and zoning laws have been enacted for the protection of legitimate business activity as well as for the benefit of the public. With this growing involvement, the concept of State action has expanded so that now the Fourteenth Amendment may be found applicable whenever "to some significant extent the State in any of its manifestations has been found to have become involved" in private conduct which abridges individual rights. (Burton v. Wilmington Parking Authority, 365 U.S. 715)

The application of the Fourteenth Amendment is clear where there is "state participation through any arrangement, management, funds, or property." (Cooper v. Aaron, 358 U.S. 1, 4) Thus, for example, transportation companies and other enterprises which operate under a State franchise which give them a preferred position must make their services available to all persons without regard to race. But these are not the only

enterprises in which there is a substantial State involvement. It should be remembered that the earliest type of public utility was the innkeeper, and that businesses which offer food, drink, lodgings or entertainment to the public are affected with a public interest and hence have been subjected to State regulation and control. Where such enterprises which serve the public are in fact regulated by the State, citizens are entitled to equal protection of the laws. Thus, while the Commerce Clause is an adequate basis for this legislation, the Fourteenth Amendment is an added source of Congressional authority.

It follows from what I have said that I do not believe that in acting to protect personal rights, Congress would in any sense be violating the property rights of businessmen. The short answer to such a contention is that 30 States have already restricted the use of public accommodations in a racially discriminatory manner and that the courts have sustained these exercises of State power. For centuries, real property even when dedicated to private use has been subject to reasonable restrictions. These include restraints upon alienation, health, building, fire and zoning codes, and even the taking of property by the Government. How then can it be asserted that a business which serves the public is not subject to reasonable regulation for the protection of the public - particularly when the restriction is simply upon proprietors' making racial distinctions among the public they have chosen to serve.

III.

Thus, in my opinion, legislation is urgently needed and Congress has ample authority to respond to the need. The only real issue is how Congress should exercise its recognized authority. In drawing any lines, it seems to me that Congress should be guided by a desire for effective enforcement of the rights guaranteed, for a reasonable degree of certainty in the coverage of the law and for imposing an obligation which will be borne equally by business establishments of a like character.

The standards are met best by S. 1732 which would establish the right of all persons to equal treatment in places of public accommodation if these places serve interstate travelers or in other ways, such as the movement of goods, substantially affect interstate commerce. Under this test, a familiar formula for Congress in enacting legislation pursuant to the Commerce Clause, the evil of discrimination would be removed in most public places while establishments of a purely local character would be excluded; the impact of the law would be equally distributed among businesses in competitive situations; and, while there would be a few marginal areas of doubt, the great majority of proprietors would understand whether or not the law applied to them. If an attempt were made to import more certainty into the legislation, more troublesome problems might be raised. A formula based upon the dollar volume of various types of enterprise would not remedy the evil and would be inequitable in distributing the responsibility. What is a small and relatively unimportant enterprise in a large city often is a large and significant business in a small community. Under a dollar test, Negro

citizens might continue to be barred from entry or excluded from service in many smaller communities, even though the enterprises exempted were of a public character and had a significant impact upon interstate commerce.

Too much concern has been given, it seems to me, to the small operator, the so-called "Mrs. Murphy." I would point out again that 30 States now have public accommodation laws, and all of these are comprehensive in the scope of their coverage, as far as the size of the establishment is concerned. People are, of course, free not to serve the public. But if they choose to serve the public, they should serve all, without discrimination. This may be a step which is hard for some to take in prospect. Once it is taken, though, we will be soon wondering why it was so long delayed.

It is important, too, that the legislation contain provisions for effective enforcement. S. 1732 meets this need by authorizing the Attorney General to deal with violations, while preserving local remedies and the right of the aggrieved individual to seek redress. The relief provided is an injunction and, while I think it might be useful to add a provision for liquidated damages, the emphasis is properly on preventive and remedial action rather than upon penal sanctions. Room is also left for employing voluntary procedures such as conciliation and persuasion so that many cases may be settled before they reach the stage of litigation.

IV.

Mr. Chairman, we are in the midst of a too-long delayed change in race relations in this country. The walls which divide our society are at last crumbling. The time has come when we should move clearly forward. We must now live up to the best of the American tradition, and build a society governed by laws which permit every person to participate and compete according to his ability. We must do so not merely for the benefit of those who have been held back by racial discrimination but because the health, economic welfare, security and integrity of our Nation are at stake.

This is a responsibility which is entrusted in great measure to Congress under the Constitution. The public accommodations bill is the key element in legislation designed to meet this responsibility. I hope that Congress will enact it into law.

Senator Keating's Amendments to the Public Accommodations Title

On July 22, 1963, Senator Keating of New York submitted three amendments to the Administration bill.

In substance, these amendments provide that no person acting under color of any law, custom, or usage shall, in the operation of any public establishment, discriminate against or segregate customers on account of their race, color or religion or national origin, or circulate any discriminatory advertising. They further provide that the enumeration of any public establishment listed in the bill "shall not be construed to exclude the application of such subsection to any other public establishment not listed in such clause which is similar to such enumerated establishments."

The primary effect of the amendments would be to add a supplementary Fourteenth Amendment basis to the legislation. Senator Keating's amendments do not rely specifically upon the licensing theory or any other theory of coverage but cover anyone acting "under color of any law, statute, ordinance, regulation, custom, or usage." All of these would thus be prohibited from discriminating in the operation of hotels, restaurants, places of entertainment and retail stores.

In effect, the amendments leave the primary aspect of coverage to the courts.

The amendments would also outlaw the circulation of advertising stating that facilities will be refused on racial or religious grounds. The Administration bill does not contain a similar provision, but one is contained in the New York law. It is, however, unlikely that, if a public accommodations title is enacted, discriminatory advertising will be much of a problem.

The third proposed amendment -- that enumeration of an establishment in the bill shall not be construed to exclude others -- may give rise to intensified attacks that the coverage of the bill is vague and uncertain. Except for that reservation, the amendment would probably be helpful.

Senator Goldwater's Amendments To The Administration Bill

Senator Goldwater has proposed two amendments. The first would extend the enforcement provisions of the public accommodations title to violations of section 101 of the Landrum-Griffin Act. That section affords union members equal rights of participation in union affairs; freedom of speech and assembly; safeguards against unjust assessments; protection of the right to sue, testify or petition; and safeguards against improper disciplinary action. This provision was not in the bill sponsored by the Eisenhower Administration nor was it in the Kennedy-Ervin bill. It was originally introduced as an amendment by Senator McClellan.

There appears to be no evidence that the present enforcement provisions of section 101 are inadequate or that there is a widespread problem. A provision of this type should not be attached to a bill concerned essentially with different matters without some demonstration of real need.

The second amendment would preclude the NLRB from certifying any labor union which maintains racially-restrictive membership policies.

We are on record as supporting the general purpose of such an amendment. In an amicus brief filed

with the NLRB in a case involving the Hughes Tool Company of Houston, Texas, and the Independent Metal Workers Union, we urged the Board to decertify the union because of its discriminatory policies. While we did not go so far as to argue that every union which does not admit Negroes must be decertified automatically, we suggested that unions which are restricted to whites should have the burden of showing that in spite of these restrictions they are fit to be certified bargaining representatives.

In any event, we believe the NLRB already has the authority which the amendment would confer upon it.

Rm. 126 legislation

SUGGESTED QUESTIONS, SENATE COMMERCE COMMITTEE

For July 14, 1963

1. The point has been made before this committee that, at least in the area of public accommodations, federal legislation to forbid discrimination would tread on the rights of private property owners to do business with whomever they choose. What is your view of that contention, Governor?

2. Governor, isn't it correct that Mississippi state laws not only authorize operators of public accommodations to refuse service to Negroes (Miss. Stat 2046.5), but require you and the entire executive branch of the state government to prohibit the integration of whites and Negroes "in public schools, public parks, public waiting rooms, public places of amusement, recreation or assembly" in the state? (4065.3).

3. Then let me ask what is the difference--in terms of private property rights--between a law that says Negroes must be admitted and a law that says Negroes must not be admitted? In view of the feelings you just expressed, you must not believe the Mississippi statutes intrude on private property rights. By the same logic, how can you then contend that a federal public accommodations law would intrude?

4. Governor, the State of Mississippi, both during your administration and for decades before, has been trying to attract new industries into your state. Your state Agricultural and Industrial Board had scheduled a meeting last fall in Chicago at which you were to speak to several hundred industrialists and seek to interest them in establishing plants in Mississippi. But in the wake of the rioting at the University of Mississippi, that meeting was called off. One report said several manufacturers indicated they were no longer interested and a state official was reported to have said it was feared you would get a cold reception. Doesn't such a loss of potential industry hurt your state? Doesn't it also hurt interstate commerce?

5. Even when industry does locate in Mississippi, wouldn't you think that local desegregation laws and customs would have a terribly discouraging effect on potential employees, both white and Negro, who might otherwise go to your state to work? I wonder if I might ask you to put yourself in the position of, say, a Negro engineer from San Francisco. What would you then think about joining a company's new force in Mississippi?

6. Governor, at present, the median white family income in your state is $4,200 opposed to nearly $6,000 nationally. The median Negro family income is $1,400 -- less than a third of the white -- opposed to $3,100 nationally. In the last 20 years, Census Bureau figures show that 220,000 white persons and 630,000 Negroes left Mississippi to go elsewhere. Education, at least gauged by Selective Service rejection rates, lags behind other states. More than 66 percent of potential draftees in Mississippi were rejected in fiscal 1962, compared with the national average of 46.2 percent. In short, there seems to be no question that Mississippi both wants and needs new industry. But in view of how racial discrimination discourages the location of such industry in your state, how do you rationalize continuing to insist on discrimination in education, public accommodations and other fields and to oppose this legislative effort to remedy the problem?

7. The question has been raised that this bill would interfere with people's right to associate with whomever they choose. Yet the bill quite clearly does not apply to private clubs or organizations. What do you think, Governor, the word "public" means in the phrase "public accommodations"?

8. The question also has been raised as to whether the Federal Government has power to legislate in this area, whether under the 14th Amendment or the Interstate Commerce Clause. How do you think the Government's power -- and responsibility -- in this area differ from other areas? What about the Wagner Act which requires employers to bargain in good faith with unions? What about the federal requirements for interstate shipment of commodities so humble as aspirin or oleomargarine?

legislation

Burke Marshall
Assistant Attorney General
Civil Rights Division
Herbert E. Hoffman, Chief,
Legislative & Legal Section

June 24, 1963

Civil Rights Hearings

Our information as to Hearings on Civil Rights legislation is now as follows:

1. On the Administration bill, H.R. 7152 (Celler) - the Attorney General is scheduled to testify on this measure before the House Judiciary Committee on Wednesday, June 26, at 10:30 a.m.

2. S. 1732 (Mansfield & Magnuson) - Public Accommodations. The Attorney General is scheduled to appear before the Senate Commerce Committee on Monday July 1 at 10:00 a.m. on this measure.

3. H.R. 6938 (Gill), H.R. 6939 (Quie) and H.R. 6972 (Hawkins) - Federal Assistance in Education bills. A request was sent to you on Friday that a statement be prepared for use at hearings scheduled by the Special Subcommittee on Education, House Committee on Education and Labor, chaired by Congressman Dent. These hearings have been deferred and will be rescheduled at a later date.

4. S. 773 (Clark, et al.) - F.E.P.C. bill. The Subcommittee on Employment and Manpower, Senate Labor Committee, has indicated that it intends to start hearings next week on this bill. The Committee would like to have the Attorney General or his designee testify on July 1 or July 2. Earlier today you were advised of this hearing, and I requested that you advise whether the Department should furnish a witness and, if so, who.

Please let me know if any of the above is not in accord with information which you have.

352 OLD SENATE OFFICE BUILDING
WASHINGTON 25, D. C.
CApitol 4-3121, EXT 4744

FOR RELEASE SUNDAY - JUNE 9, 1963

WILLIAMS ASKS PRESIDENT FOR CIVIL RIGHTS CONCILIATION SERVICE

Washington, D. C. June 9 -- Senator Harrison A. Williams (D. N. J.) revealed today that he has urged President Kennedy to include a national conciliation service among the Administration's civil rights proposals which are expected to be sent to Congress this week.

He added he would introduce legislation tomorrow outlining the details of the proposal which he said he hoped would be incorporated in the Administration's program.

It would be comparable to work of the Federal mediation and Conciliation Service in the labor-management field.

In a letter to the President last week, the New Jersey Democrat said:

"I think one of the most important lessons of the recent Birmingham crisis is the critical need and tremendous value of timely conciliation to re-establish lines of communication in an atmosphere of intense antagonisms and inflamed passions."

Williams pointed to the success of Burke Marshall, head of the Justice Department's Civil Rights Division, and others in opening up channels of communications and mediating the sharp disagreements between Negroes and whites in that torn city.

These efforts were widely hailed and as a result significant civil rights gains were made.

As Reverends Martin Luther King and Fred L. Shuttlesworth said of the Birmingham agreements: "Birmingham may well offer for Twentieth Century America an example of progressive racial relations; and for all mankind a dawn of a new day, a promise for all men, a day of opportunity, and a new sense of freedom for all America."

Williams said:

"This triumph of mediation argues strongly, I believe, for the establishment of a national conciliation service with regional offices to work in communities on a regular, continuing basis for the goal of both racial peace and social justice.

"When violence erupts, the fire brigades are rushed out and sometimes we succeed in putting out the flames, as happened in Birmingham.

"But there also have been and will be failures unless moderating influences are brought into play before the house even starts smoking."

Williams said he believed this proposal "for positive efforts to promote greater understanding would be a most important part of any well-rounded legislative program in the civil rights field."

He asked that a national civil rights conciliation serivce would be of "great help" in stimulating greater efforts along the same lines by local public and private organizations, institutions and individuals.

"No single man, no matter how eminently qualified, can do the whole job that needs to be done," he said. "Civil, business, labor, and especially religious leaders must play a far larger role, and this proposed conciliation service could be a tremendous catalyst to the vitally needed broader effort."

Williams said that in addition to the conciliation service proposal, he hoped the Administrations's program would also include legislation to give the government more legal tools to cope with segregation in schools, restaurants and other public accommodations, among other things.

He has sponsored this year bills providing broad injunctive powers to the Attorney General, as well as injunctive powers in the cases of mass arrests violating constitutional rights, school segregation and in public accommodations. He has also joined in sponsoring proposals to provide financial assistance to aid in school desegregation, to establish a Fair Employment Practices Commission, and to extend and expand the Civil Rights Commission.

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90TH CONGRESS
1ST SESSION

H. R. 5741

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1963

Mr. RYAN of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that no Federal financial or other assistance may be furnished in connection with any program or activity in the United States in which individuals are discriminated against on the ground of their race, religion, color, ancestry, or national origin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no financial or other assistance may be furnished under any law of the United States, directly or indirectly, to or for the benefit of any program or activity carried out in any State or possession of the United States, or in the District of Columbia, in the course of which any individual is discriminated against on the ground of his race, religion, color, ancestry, or national origin.

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88TH CONGRESS
1ST SESSION

H. R. 6030

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1963

Mr. RYAN of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect civil rights by providing criminal and civil remedies for unlawful official violence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Improvement of State and Local Justice Act".

PROTECTION AGAINST VIOLENCE UNDER COLOR OF LAW

SEC. 2. (a) Section 242 of title 18, United States Code, is amended by inserting "(a)" immediately before "Whoever", and by adding at the end thereof the following:

"(b) Whoever, under color of any law, statute, ordinance, or regulation or custom knowingly performs any of the following acts depriving another person of any of the

rights, privileges, or immunities secured by the Constitution and laws of the United States shall be fined not more than $1,000 or imprisoned not more than one year, or both;

"(1) Subjecting any person to physical injury for an unlawful purpose;

"(2) Subjecting any person to unnecessary force during the course of an arrest or while the person is being held in custody;

"(2) Subjecting any person to unnecessary force liciously subjecting such person to unlawful restraint in the course of eliciting a confession to a crime or any other information;

"(4) Subjecting any person to violence or unlawful restraint for the purpose of obtaining anything of value;

"(5) Refusing to provide protection to any person from unlawful violence at the hands of private persons, knowing that such violence was planned or was then taking place; or

"(6) Aiding or assisting private persons in any way to carry out acts of unlawful violence."

(b) The enactment of this section shall not be construed as indicating an intent on the part of the Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exer-

cising jurisdiction over any offense over which they would have jurisdiction in the absence of the enactment of this section.

FEDERAL CIVIL REMEDIES FOR UNLAWFUL OFFICIAL VIOLENCE

SEC. 3. Section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) is amended by inserting "(a)" immediately after "SEC. 1979.", and by adding at the end thereof the following:

"(b) Every city, county, or political subdivision of a State or territory which has in its employ a person who, under color of any statute, ordinance, regulation, custom, or usage of such State, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress to the same extent as the person employed is liable to the party injured."

PROTECTION OF FEDERAL OFFICERS AND UNIFORMED MEMBERS OF THE ARMED SERVICES FROM INJURY AND THREATS

SEC. 4. Section 1114 of title 18 of the United States Code is amended by striking out "officer or enlisted man of the Coast Guard" and inserting in lieu thereof "uniformed

member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, and by striking out "of the Federal Bureau of Investigation."

EXCLUSION OF MINORITY GROUP MEMBERS FROM JURY SERVICE

SEC. 5. (a) The Attorney General is authorized to institute for or in the name of the United States a civil action or other proceeding for preventive relief, including an application for injunction or other order, against any individual or individuals who, under color of any statute, ordinance, regulation, custom, or usage of any State or political subdivision thereof, exclude any person or groups of persons from grand or petit jury service on account of their race, color, or national origin.

(b) As used in subsection (a), the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

90TH CONGRESS
1st Session

H. R. 5741

A BILL

To provide that no Federal financial or other assistance may be furnished in connection with any program or activity in the United States in which individuals are discriminated against on the ground of their race, religion, color, ancestry, or national origin.

By Mr. RYAN of New York

APRIL 22, 1967

Referred to the Committee on the Judiciary

89TH CONGRESS
1ST SESSION

H. R. 5741

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1965

Mr. RYAN of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide that no Federal financial or other assistance may be furnished in connection with any program or activity in the United States in which individuals are discriminated against on the ground of their race, religion, color, ancestry, or national origin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, no financial or other assistance may be furnished under any law of the United States, directly or indirectly, to or for the benefit of any program or activity carried out in any State or possession of the United States, or in the District of Columbia, in the course of which any individual is discriminated against on the ground of his race, religion, color, ancestry, or national origin.

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