



# Department of Justice

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STATEMENT BY  
ATTORNEY GENERAL NICHOLAS deB. KATZENBACH  
before the  
SENATE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION  
of the  
COMMITTEE ON GOVERNMENT OPERATIONS  
ON S. RES. 220  
Thursday, March 3, 1966

I am pleased to have this opportunity to express our support for the President's plan to transfer the Community Relations Service to the Department of Justice.

I believe the argument in favor of the reorganization is simple and compelling. The purpose of the Community Relations service is to help communities across the country, by conciliation, to smother the sparks and dampen the tinder of racial tension.

To do so most effectively, it should be associated with that department of the government with basic and comprehensive responsibility for racial problems. And that is the Department of Justice.

Surely all parts of the government must and do have civil rights responsibilities and concerns. Infusing such concerns into the very body of the federal establishment was one of the reasons impelling the realignment of civil rights responsibilities by the President last fall, on the Vice President's recommendation.

At the same time, the focus of these concerns is on the Department of Justice. Because of the civil rights legislation the Congress has given us; because of the fact that President Johnson has asked me to coordinate the civil rights activities of the executive branch, the Attorney General is the one officer of the government who is preoccupied daily with civil rights relating to every level and to every part of the nation.

I think it is safe to say that there is no other Cabinet officer who is called on to spend as much as half his time--as is the Attorney General--on the interlocking problems and many levels of civil rights, encompassing negotiation, law enforcement, and legislation.

## I

When the Community Relations Service was proposed in Congress, I was intimately connected with the discussion and decision which led to its location in the Department of Commerce. At that time three possibilities were considered, both by the executive branch and by Congress: the Department of Justice, the Executive Office, and the Department of Commerce.

The Service was placed in the Department of Commerce, on the recommendation of President Kennedy and Attorney General Kennedy primarily because it was then thought that its concern would relate largely, if not exclusively, to the business community.

Hundreds of angry demonstrations, spreading from Birmingham across the South, concentrated public anxiety on the public accommodations section. Under the circumstances, we believed--soundly, I think--that the business community of the South offered the best rallying point for an effective force in support of law. Indeed, through the efforts of Attorney General Kennedy and others in the Cabinet, the support of elements of the business community had often been sought and often gained in racial crises.

And it seemed eminent good sense to enlist the support of the Commerce Department, headed by a distinguished former Governor of North Carolina, to seek the spirit of compliance.

As events took their course, however, voluntary compliance with the public accommodations section exceeded the most hopeful expectations. Virtually from the time the Community Relations Service was organized and staffed, its work with businessmen on public accommodations required a relatively small part of its energies. And as time has gone on, the operations of the Community Relations Service have had steadily decreasing relevance to the dominant concerns of the Department of Commerce.

## II

Compliance with the public accommodations section allowed the Service to develop a scope much broader than the business community of the South. The Service, under the distinguished leadership of Governor Collins, was able to deal with situations arising from the whole range of racial problems, North and South.

The expanding range of the Service's activities has brought it more and more often into areas in which the Department of Justice has a direct enforcement responsibility: voter registration difficulties, discrimination in employment, school desegregation, discrimination in public facilities and accommodations, unsatisfactory police-community relationships, and inadequate law enforcement. The subject matter, the essential human problems and many of the organizations we deal with are, more often than not, the same.

To be sure, the techniques and statutory authorization of the Community Relations Service to deal with these situations are different from those of our Civil Rights Division. The Service has the staff and the authority

to move into communities where direct violation of the law is not--or not yet--the problem. It can deal broadly with the elements of discontent and coordinate all the available private and governmental solutions. This is a different function than that of investigating violations and bringing lawsuits, yet the fact that the functions are different is less striking than the fact that they are inherently complementary.

Conciliation is an old friend. Indeed, it has always been the function of the law and the good lawyer to keep tempers down, to find satisfactory agreement and to settle cases, wherever possible, out of court.

The Civil Rights Division has, without exception, followed this tradition. We have always given a high place to the function of conciliation. We have always felt acutely -- more often than we have been equipped to satisfy -- the need to anticipate conflict and to bring to bear on every disturbance the full resources of a community's responsible organizations and individuals.

It is for precisely these reasons that our concerns at the Department of Justice have led us repeatedly to look to the flexible capability of the Community Relations Service for support. And because we expect our need for this support to grow, we have planned to enlarge the staff of the Service, when it joins the Department of Justice, from 67 to 100 and to increase its budget 50 percent to \$2,000,000.

I would not favor the reorganization if I were not certain that the conciliation work of the Community Relations Service and the prosecutive functions of the Civil Rights Division could not be coordinated harmoniously, without confusion, and, most important, in such a way as to strengthen the impact of both.

The distinctive capacities of each agency can be more effectively applied under the direction of a single Cabinet officer.

Many situations involving the denial of constitutional rights and the violation of federal laws require the attention primarily of the staff with the experience and the authorization in law enforcement. The Community Relations Service would never take upon itself--as it never has taken upon itself--to bargain about compliance with law.

Other tensions, arising more out of basic hostility than out of any identifiable injustice, can be eased by the Community Relations Service alone without any invocation of legal sanctions.

And in many more situations, where legal injustices and traditional mutual distrust compound each other, we know already that the two agencies can work productively together without compromise of their own standards.

I would emphasize the intention I have stated before that we plan to give the Community Relations Service the standing of a division, separate from and equivalent to the Civil Rights Division and the other divisions and bureaus of the Department.

Its staff would have no part in investigations, nor would the requirement that the Service's work be conducted in confidence be changed in any way by the reorganization.

### III

As compelling as the reasons why the Service belongs in the Department of Justice are the reasons why it does not belong anywhere else.

Just as the scope of the Community Relations Service is wider than its work with businessmen in the South, it is wider than the work of any single department -- whether it be Labor, Health, Education and Welfare, or Housing and Urban Development.

To make the Community Relations Service, alternatively, an independent agency would only proliferate our civil rights agencies when it is the clear intention of Congress and the President and the clear need of the problems to bring all the government's resources in this field into closer coordination.

For the same reasons that Congressional committees two years ago rejected the possibility of putting the Service in the Executive Office of the President, we would do so again. Such a placement would run counter not only to the need to streamline civil rights agencies but also to the President's stated desire to look to his Cabinet officers for the execution of his policies.

In short, no Cabinet officer other than the Attorney General has the experience, the time and the close daily contact with civil rights that are necessary to give the Community Relations Service the supervision and support it deserves. No other Department has as natural a need for the Community Relations Service as does the Department of Justice.

I strongly urge that you reject Senate Resolution 220.