

Document 103
Gerald D. Morgan Records

Executive Branch Cooperation

with the

COMMISSION ON CIVIL RIGHTS



February 27, 1959

THE COMMISSION ON CIVIL RIGHTS

was created by
Public Law 85-315
enacted by the
85th Congress
and known as the
CIVIL RIGHTS ACT OF 1957.
It was signed into law by
President Eisenhower on
September 9, 1957.



This is the first
legislation enacted
by Congress in this
important field of
domestic affairs in
more than 80 years!

Section 104 of the
CIVIL RIGHTS ACT OF 1957

provides that -

"(a) The Commission shall -

- (1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;
- (2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and
- (3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as either the Commission or the President shall deem desirable, and shall submit to the President and to the Congress a final and comprehensive report of its activities, findings, and recommendations not later than two years from the date of the enactment of this Act."



The Commission's

AUTHORITY

and

DUTIES

--- It is a FACT GATHERING agency

--- It COLLECTS INFORMATION

in the field of Civil Rights

by these means:

Surveys

Investigations

Hearings

Research

--- It STUDIES, ANALYZES and APPRAISES

the information collected

--- It makes FINDINGS and RECOMMENDATIONS

to the President and to the Congress

on the basis of its studies and

appraisals.



The COMMISSION ON CIVIL RIGHTS is

---NOT a police agency.

---NOT an enforcement unit.

---NOT a pressure group.

---NOT an action body.

Whatever it hopes to accomplish -
indeed, whatever it lawfully and
properly can accomplish - must be
done by judicious employment of
the unspectacular techniques of
fact-gathering, study, appraisal
and recommendation.



The Commission's

primary tools are

L A W S

F A C T S

and

I D E A S

Yet these are three of the most effective weapons available in a democratic society for combatting the fears and obsessions and prejudices which lead otherwise reasonable men to impose inequalities upon some of their fellow citizens, thus depriving them of the full enjoyment of their Constitutional Rights.



The Commission has determined that it can fulfill its mission more creditably by focusing its studies for the present on three vital areas of Civil Rights problems:

- . V O T I N G
- . H O U S I N G
- . E D U C A T I O N

To that end three Staff Teams have been assigned the task of developing background material on these fields, and of

- . a n a l y z i n g
- . s y n t h e s i z i n g
- . a p p r a i s i n g

the volume of material thus assembled.



The Civil Rights Act of 1957 provides that the Commission must complete its work and make a final report to the President and the Congress not later than two years from its enactment on September 9, 1957.

But it was not until May 14 -- eight months later -- that the Staff Director's appointment was approved by the Senate, and the important work of building an effective organization begun.

The Commission is grateful for the recognition of its usefulness in the field of Civil Rights so generously expressed by the Administration, by members of the Congress, and by private citizens.

In his recommendations to the Congress on February 5, 1959, the President asked that the Commission on Civil Rights be continued for two more years and make "an interim report this year within the time originally fixed by law for the making of its final report."

The Commission will undertake faithfully to discharge any new responsibilities it may be given. At the same time it is convinced that it can and should accomplish the mission originally undertaken by completing the limited studies and investigations already initiated in the fields of Voting, Housing, and Education, and report its findings and recommendations to the President and the Congress no later than September 9, 1959.



The Act provides that "all Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties."

Accordingly, on December 4, 1958 it made a request through the Executive Office of the President for the cooperation of nine of the Departments under the direction of members of the Cabinet in supplying certain information. This was needed in connection with its "appraisal of Federal Laws and Policies with respect to equal protection of the laws."

The information sought fell into two general categories:

- (1) Statistics or raw facts (such as census figures) not necessarily related to any "equal protection" policy of the agency, and
- (2) information relating to "equal protection" policies of each department (such as Federal financial aid to schools, hospitals, etc.).



Responses have been received from all nine Departments. A preliminary examination of the replies indicates that interpretation or clarification of the data received may be necessary in some instances, and supplemental information required in others. Appropriate requests for these purposes will be made.

Additionally, in connection with its appraisal of Federal laws and policies the Commission will need and wishes to direct similar inquiries to several of the independent agencies of the Government.



In connection with its duty under the Act to

"investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin,"

the Commission has held -

A Hearing on Voting Complaints

at Montgomery, Alabama

on December 8 and 9, 1958.

In connection with its duty under the Act to

"study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution,"

and its further duty to

"appraise the laws and policies of the Federal Government with respect to equal protection,"

the Commission also has held -

A Hearing on Housing

in New York City, New York

on February 2 and 3, 1959.

And in the same connection it has scheduled -

A Conference on Education

at Nashville, Tennessee

on March 5 and 6, 1959.



It is possible the Commission will consider that the testimony of witnesses, documents produced, and records examined in connection with the Montgomery hearing present a picture of the situation there so complete and informative that additional hearings on voting will be unnecessary. Meanwhile, investigations into voting complaints are under way in Mississippi and Louisiana, and others may be undertaken later in the northern counties of Florida, in Georgia, in South Carolina, and possibly elsewhere.

On the succeeding pages are brief reports on the two hearings already held, and a preview of the Conference on Education scheduled for March 5 and 6.



THE ALABAMA VOTING HEARING

In the course of a preliminary investigation of sworn complaints from Negro citizens in several Alabama counties alleging denials of their right to vote, local officials refused to permit Commission agents to see their records. Thereupon a hearing was ordered commencing on December 8, 1959, at Montgomery.

Voting officials in six counties were subpoenaed to appear with their records. The complainants also received subpoenas. Thirty-seven residents of these counties testified about their efforts to register and vote, almost invariably without success. Many of these witnesses had earned college degrees. Some were professional people.

The probate judge of Macon County brought his records to the hearing. Officials in three counties stated they had surrendered theirs to grand juries before receiving Commission subpoenas. Five refused to take the oath. One circuit judge having custody of voting records failed even to appear.

The Commission referred the matter to the Department of Justice for appropriate action under the Civil Rights Act. The United States District Court ordered the officials to produce the records.

The circuit judge who had impounded the records in Bullock and Barbour Counties resorted to what the Court termed "devious" conduct by turning them over to hastily impaneled grand juries after the Federal Court had ordered him to produce them. However, the grand juries permitted Commission representatives to inspect these records.

Millions of Americans gained their first understanding of the Commission and the voting problem being investigated as the result of extensive television and press coverage of the Montgomery hearing.



THE HOUSING STUDY

In its study of discrimination in housing by reason of color, race, religion, or national origin, the Commission has undertaken to

1. Collect and analyze the extent and nature of such discrimination.
2. Study the effectiveness of city ordinances and state laws enacted to eliminate discrimination in housing.
3. Appraise the role in housing discrimination of Federal laws, policies, programs, and agencies, including the Housing and Home Finance Agency and its constituent agencies, the Federal Housing Administration, the Public Housing Administration, and the Urban Renewal Administration.

To implement this study the Commission -

- Is conducting field surveys and consultations with public officials and private agencies in a number of cities.
- Is collecting and studying materials obtained from the Housing and Home Finance Agency and its constituent agencies bearing upon their policies and programs relating to discrimination in housing.
- Is requesting its Advisory Committees appointed by the Commission in 47 states to assist in the gathering of information about discrimination in housing in their respective states.
- Held a two-day Housing Hearing in New York City on February 2 and 3, 1959, at which state and city officials, and representatives of the real estate and home building industry, and private and religious organizations testified before the Commission with reference to the problems involved, State and City laws to cope with them, and the role of the Federal Government and its housing agencies.



THE NATIONAL CONFERENCE OF PUBLIC SCHOOL OFFICIALS

In its study of the field of education, the Commission has noted with interest that in the four-year period since the Supreme Court's decision in the Desegregation Cases --

- Considerable progress toward compliance has been made in the twenty states where racial segregation was required or permitted by law.
- Approximately one-fourth of the bi-racial school districts in the states requiring segregation now have some degree of desegregation.
- The desegregation process is believed to have been completed in the states in which segregation was permitted but not required by law.

As a basis for its findings and possible recommendations the Commission is seeking information about the administrative, scholastic, social, and community problems encountered in the transition.

It believes that only the professional educators who have had firsthand experience with desegregation programs can identify and define the problems, and assess the results.

To collect this information the Commission has invited a representative group of school officials from thirteen states to a Conference at Nashville, Tennessee, on March 5 and 6.

The State Superintendents of Schools of the twenty states in which segregation was required or permitted by law have been invited to attend as observers and to submit written statements in advance.

The Commission expects to hear from about twenty local school officials from a twelve-state area during the two days. Representatives from approximately ten state Departments of Education will be present. Special guests will include representatives of a number of national educational organizations, and of the Commission's State Advisory Committees.

Their presentations and discussions should result in an unprecedented stockpile of facts, methods, patterns and techniques for dealing with the problems encountered by local communities desegregating their public schools.



The procedures and
techniques utilized
by the Commission
thus far do not include

m e d i a t i o n

a n d

c o n c i l i a t i o n

The possibility of
applying these methods
in the solution of
certain problems
encountered in the
field of race relations
is discussed on the
following page.



M E D I A T I O N A N D C O N C I L I A T I O N

Some study has been given to the possibility of making mediation and conciliation in disputes connected with the equal protection of the laws one of the functions of the Commission. This study has led to a few tentative conclusions:

- Some types of disputes -- for instance, those arising out of school desegregation programs, and pertaining to the method as distinguished from the desirability of implementing constitutional rights -- seem appropriate for efforts at mediation and conciliation.
- There is doubt that the Civil Rights Act of 1957 authorizes the Commission to utilize such efforts.
- If legislation extending the life of the Commission is enacted, that would be an appropriate occasion for expressly conferring such authority upon the agency.
- If the Federal Government undertakes methods of mediation and conciliation in racial disputes it would be reasonable to assign that function to the Commission on Civil Rights rather than to create an entirely new agency.
- If the Commission is to undertake direct mediation and conciliation, specific authorization should be provided by appropriate legislation.



The specific requests for information already made and those now being developed for presentation in the immediate future illustrate the types of material sought.

They are not intended to preclude future requests to those departments nor to others possessing information or promulgating policies having to do with equal protection of the laws, which the Congress has directed this Commission to appraise.



R E C O M M E N D A T I O N S

I

That in assisting the Commission on Civil Rights to fulfill its obligations, the Cabinet, as requested under Section 105(e), Public Law 85-315, continue its cooperation in the above areas of interest as identified by the Commission.

II

That Independent Agencies of the Government be requested to give special attention and consideration to the above areas of interest as identified by the Commission.

III

That the Cabinet and Independent Agencies of the Government apprise the Commission of present and future policies which may be applicable in the field of Civil Rights.

