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72nd Commission Meeting, Mr. Mastel

Jan 6, 1966

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U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C.

MINUTES OF THE 72nd MEETING

Thursday, January 6, 1966

Fifth Floor Conference Room
1701 Pennsylvania Avenue
Washington, D.C.

The 72nd meeting of the U.S. Commission on Civil Rights convened in the Fifth Floor Conference Room at 1701 Pennsylvania Avenue, N.W., Washington, D.C., at 11:20 a.m., on January 6, 1966, the Honorable John A. Hannah, Chairman of the Commission, presiding. Present in addition to Dr. Hannah were: Mr. Eugene Patterson, Vice Chairman; Mrs. Frankie Muse Freeman, Commissioner; Dean Erwin N. Griswold, Commissioner; Theodore M. Hesburgh, C.S.C., Commissioner; Dr. Robert S. Rankin, Commissioner; and William L. Taylor, Staff Director. Also present were: F. Peter Libassi, Deputy Staff Director; Samuel J. Simmons, Director, Field Services Division; Walter B. Lewis, Director, Federal Programs Division; Howard A. Glickstein, General Counsel; Mrs. Eunice S. Grier, Director, Research & Publications Division; M. Carl Holman, Special Assistant to the Staff Director; Sherwin T. Montell, Special Assistant to the Staff Director; and, for a part of the session, Dr. David Cohen, of the Research Division.

Adoption of the Agenda and Minutes of the Previous Meeting

Chairman Hannah called the meeting to order at 11:20 a.m. The minutes of the previous meeting were approved and the agenda was adopted.

Executive Session

Chairman Hannah noted that the Commissioners, the Staff Director, and the Deputy Staff Director had met in executive session prior to the meeting. He requested that the actions taken in the executive session be inserted into the record. Those These actions were:

1. The Commissioners expressed appreciation for the services rendered by Mr. Libassi as Deputy Director and wished him success in his new job at the Department of Health, Education, and Welfare.

2. The Staff Director recommended that Mr. M. Carl Holman be appointed to replace Mr. Libassi as Deputy Staff Director. The Commissioners unanimously approved the recommendation.

3. The Staff Director recommended that Dr. Thomas Pettigrew of Harvard University be asked to serve as director of the race and education project. Dean Griswold agreed to make inquiries concerning Dr. Pettigrew. The Commissioners unanimously approved the Staff Director's recommendation providing the results of Dean Griswold's inquiries did not reflect adversely on Dr. Pettigrew.

4. Dean Griswold raised questions concerning the operation of the Massachusetts Advisory Committee. After some discussion Dr. Hannah stated that in some States where a Commissioner resides, the staff should work in close cooperation and with extensive consultation with the Commissioner concerning the activities of the Advisory Committee in that State. Dean Griswold felt that staff were expressing policy positions which to his knowledge had not been discussed or approved by the Commissioners. Mr. Taylor indicated that this should not happen and that steps would be taken to bring to the Commissioners basic policy questions concerning the State Advisory Committees.

Report of the Staff Director

Personnel

The Commissioners were given a report on staff accessions, separations, promotions and awards for the period December 3, 1965, through January 6, 1966. The report indicated that there were 107 persons on board in permanent positions as of January 6.

Budget

The Staff Director reported that the Commission had obligated 44 per cent of its F.Y. 1966 funds during the first six months of the fiscal year.

The Staff Director also presented a report on the budget allowance recently approved by the Bureau of the Budget, including a chronology of budget developments since November 4, 1965. The Budget Bureau allowance was:

	<u>Positions</u>	<u>Amount</u>
F.Y. 1966 Supplemental for race and education project and pay raise costs	13	\$468,000
F.Y. 1967 Budget	154	\$2,703,000

The allowance for F.Y. 1967 was \$297,000 and 10 positions below the Commission's budget request. Mr. Taylor noted the Budget Bureau's concern about the possible proliferation of field offices. The Bureau had authorized the Commission to station people in the field but requested that the Agency not use the formal label of field office.

Title VIII Survey

The Staff Director reported that the Department of Commerce had suggested in a draft letter that the Commission withdraw its request for the conduct by the Bureau of the Census of the survey on registration and voting statistics authorized by Title VIII of the Civil Rights of 1964. The Commerce Department's position is that a survey in 1966 to ascertain

registration and voting in 1964 would be of doubtful value since Census Bureau experience indicates that people tend to overstate their voting participation even when an inquiry is made immediately after an election. Moreover, since enactment of the Voting Rights Act of 1965 there have been increases in registration in many areas.

The Staff Director recommended that the Commissioners go along with the Department of Commerce suggestion, providing that the final version of the letter indicate that the Congress would be appropriately informed of the basis for the decision and asked to amend Title VIII to defer the census on registration and voting until 1970. Mrs. Freeman thought it important that the letter indicate that the Commission had complied with its statutory responsibility to request the Title VIII survey. Chairman Hannah felt the Commission, in withdrawing its request for the survey, should take credit for exercising intelligent discretion. Father Hesburgh pointed out that the Department of Commerce should meet with the Chairman of the Appropriations Committees and inform them of what had taken place with respect to Title VIII. The Commissioners unanimously approved the Staff Director's recommendation on the handling of this problem.

Other Items

The Staff Director reported that the prospects were good for new legislative proposals by the President to carry out the recommendations made in the Commission's recent report on law enforcement in the South.

Mr. Taylor also reported on the new Title VI guidelines recently promulgated by the Attorney General. Mr. Lewis noted that the guidelines made clear that the Attorney General expected each Agency to assume the major

responsibility for enforcing its own regulations and that every effort to effect compliance short of termination of funds would be made.

Mr. Taylor notified the Commissioners that the Commission may be forced to move from its present quarters because GSA has been unable to negotiate a succeeding lease at a rental consistent with the going market price for space in Washington.

The Staff Director described the press coverage of the report on the first months under the Voting Rights Act as excellent. In response to Chairman Hannah's question, Messrs. Taylor, Glickstein, and Montell confirmed that the Attorney General had been quite upset by the report.

Cleveland Study

Mr. Libassi reported on developments relating to the Cleveland study and handed out a schedule for the various phases of the study from November 1965 through June 1966. He said that the staff was in the process of completing the first phase of the study and that 2½ man-years of effort had been spent within the last six weeks on field and other study work. It is hoped that the problems and issues identified in staff papers can be presented to the Commissioners at their February meeting.

Education Project

The Staff Director noted that steps had been taken to obtain an adequate budget for the Project. He reported on recent meetings with Assistant Secretary Keppel and Secretary Gardner of HEW about the ^Pproject. Mrs. Grier presented a written progress report on the project, and Dr. Cohen of her staff described a January 4 meeting with various educational experts for the purpose of seeking guidance on the research outline for the study.

Mrs. Freeman suggested that Dr. John Ervin, Associate Dean of University College, Washington University, St. Louis, Missouri, be contacted as a possible project consultant. Dr. Hannah reported on the Chicago meeting of the Cleveland Conference that he, Mr. Libassi, and Dr. Cohen attended on December 4.

Film on Mississippi Hearing

After a break for lunch the Commissioners were shown a film based on the Commission's Hearing of February 16-20, 1965, at Jackson, Mississippi. Mr. Holman ^{outlined} described the showings planned for the film. The Commissioners were complimentary about the film. Dr. Hannah and Mrs. Freeman anticipated that there would be a heavy demand for the film and urged that additional prints be made. Father Hesburgh urged that the film be used on television and offered his good offices in making arrangements with NBC.

Report on Southern School Desegregation

The Staff Director indicated that a full draft of this report had not yet been completed. He proposed to send a completed draft to the Commissioners in the mail before the next Commission meeting. If some of the Commissioners felt the report was inadequate and if the problems ^{would} not be worked out on the phone, he proposed that the document be discussed at the Commission's February meeting -- otherwise to send it to the printer.

Father Hesburgh suggested that the section of the report dealing with faculty integration could be strengthened by the addition of a recommendation to give Negro teachers an opportunity to become better qualified through the NSF Institute program. Mrs. Freeman noted that ^{the} report ~~showed~~ ^{showed} that in areas where Negro teachers were not qualified white teachers were

Mr. Patterson noted that the preliminary draft report on Southern School Desegregation had ~~already~~ ^{already} been shown to the Office of Education for use in consideration of revision of Title VI guidelines. He wondered what possible purpose would now be served by publishing the full report. He stated his view that the issuance of a report based on very sketchy investigation might jeopardize the credibility of the Commission's future major study of race and education. Mr. Patterson objected to the report because it concluded that there was a considerable failure in desegregation progress based on the total number of Negro children attending Southern white schools rather than on the number of southern school districts desegregated.

Dr. Rankin stated that he had already expressed his reservations about the report at the previous Commission meeting.

Mr. Taylor stated that if the report were timely it would serve a purpose, since the Office of Education guidelines on Title VI would be published in the Federal Register. The Commission report could make a contribution to resolution of issues raised about the guidelines if it came out during the 30-day period available for comments on the guidelines in the Register. Mr. Taylor made a distinction between a major Commission report and a sample survey of the state of compliance with Federal policy. He felt that both were helpful.

Both Dean Griswold and Father Hesburgh expressed the view that there was a disproportionate balance between pages of text and pages of recommendations. Mr. Taylor said that this balance would be corrected in the final report. Mrs. Freeman said that the Commission should recognize but not be dismayed if the report made some people uncomfortable. Father Hesburgh suggested that the report mention that although its coverage was confined only to the South there were also immense school problems in

the North

Dr. Hannah concluded that it was his understanding that the report would not be released before the next Commission meeting if some of the Commissioners objected to it.

Title VI Year End Review

Mr. Taylor reported that a review of Title VI in civil rights areas other than education was in process, and that it would probably be ready between now and the next Commission meeting.

Report of Division Chiefs

Office of the General Counsel - Mr. Glickstein noted that his office had been drawing up recommendations dealing with standards of conduct of agency employees that would have to be sent to the Civil Service Commission and published in the Federal Register. The regulations will require financial disclosures by Commissioners as well as top staff of the agency. The regulations were prepared as the result of an Executive Order issued last May.

Field Services Division - Mr. Simmons reported on the December 4 Voting Rights Conference Meeting in Mississippi. Those at the conference felt that there should be mobile registrars and that registration should take place in churches, fire stations, etc., as well as in court houses.

Mr. Simmons reported to the Commissioners on an analysis of the McCone Commission Report prepared by the Southern California Subcommittee of the California Advisory Committee to the Commission. The analysis was highly critical of the McCone Commission Report and especially of Los Angeles Police Chief Parker. One member of the Subcommittee (R. J. Carreon, Jr.) dissented from the position taken by the other Subcommittee members. The Commissioners in general expressed extreme reservations about publishing the Subcommittee's analysis. The Commissioners instructed the Staff Director not to publish this report unless the overall State Advisory Committee agreed to endorse it. The

Staff Director and the Commissioners agreed that if the report were published it should contain a disclaimer clause indicating that it was a report to the Commission, not a report of the Commission or endorsed by the Commission. The Commissioners urged the staff to do everything in their power to obtain substantial revision in the text of the report. Mr. Simmons stated that he would try to do this and spoke of efforts that he had already made in this direction. Mr. Taylor and Mr. Holman indicated their concern about setting a precedent of having SACs do reports on reports, and agreed that in the future the Commission should set up some guidelines concerning what SAC material could be published.

Dr. Hannah described his recent tour in Los Angeles. He indicated surprise at the lack of awareness by the white citizens of Los Angeles about racial ~~mx~~ problems. He stated belief that the most important civil rights problem affecting Los ~~Angix~~ Angeles was to find jobs for ablebodied Negroes who would like to work.

Research Division - Mrs. Grier reported on a December 17 meeting with representatives of the National Institute of Mental Health. At this meeting there was a discussion of research projects of interest to the Commission that might be financed by NIMH.

Federal Programs Division - Mr. Lewis presented the Commissioners with a written report on his Division's liaison clearinghouse activities over the last six months. He stated that the Federal Programs Division was cooperating with the Civil Service Commission in training investigators for agencies having Title VI responsibilities. The FPD has obtained the services of a man from the Department of Agriculture to help prepare an Investigators Manual.

Dean Griswold asked if there had been any follow up on the Commission's study of discrimination in the Department of Agriculture. Mr. Lewis stated that change was occurring slowly in the Department. He agreed that it would be desirable to follow up on the Commission's report, but felt that his Division was committed to the hilt this year and would have to delay the follow up until next year.

SAC Nominations

Mr. Simmons asked and received ~~unanimous~~ unanimous Commission approval for a number of appointments to SACs in Georgia, Illinois and Southern ~~and~~ California. He also apprised the Commission of a number of SAC resignations.

Adjournment

The meeting was adjourned at 3:00 p.m. The next meeting will be held on February 3.

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UNITED STATES COMMISSION ON CIVIL RIGHTS
SEVENTY-SECOND MEETING OF THE COMMISSION

January 6, 1966 - 9:30 a.m.

5th Floor Conference Room
1701 Pennsylvania Avenue, N.W.
Washington, D.C.

PROPOSED AGENDA

- I. Call to Order
- II. Adoption of Agenda
- III. Report of Staff Director
- IV. Cleveland
- V. Education Project
- VI. Other Current Program Activities
- VII. Mississippi Film
- VIII. SAC Nominations

Staff Director

January 6, 1966

S. T. Montell
Special Assistant

Items that we must take care of following Commission Meeting, Jan. 6

- 1) Dean Griswold asked when new credit cards for telephone calls would be available. (I have asked Miss O'Brien to take care of this problem.)
- 2) We must inform the Department of Commerce that the Commissioners have agreed to reconsider their request for work to be done by the Bureau of the Census pursuant to Title VIII of the Civil Rights Act of 1964.
- 3) Mrs. Freeman suggested that Dr. John Ervin, Associate Dean of University College, Washington University, St. Louis, Mo., be invited to advise the Commission with respect to the race and education project.
- 4) Dr. Hannah and Mrs. Freeman both expressed a desire to obtain prints of the film on the Mississippi hearings for distribution. Father Hesburgh encouraged Carl Holman to explore using the film on television, particularly on NBC. He offered his good offices in making appropriate arrangements with NBC.
- 5) The report on southern school desegregation is to be sent to all the Commissioners for review.
- 6) A draft report of the Title VI Year End Review is to be sent to the Commissioners for review.
- 7) We are to determine whether the California SAC subscribes to the Southern California Subcommittee Report on the McComb Commission Report; and we are to make every effort to obtain improvements in the Subcommittee Report.

STMontell/mek

cc: Mr. Libassi
Mr. Holman
Miss O'Brien

VI. CLEVELAND PROJECT

CLEVELAND SCHEDULE

February 3 - Commission meeting: Status report

February 7-25 - Development of testimony for hearing

February 15-25 - Drafting of background papers for hearing;
Preparation of summaries of proposed testimony
and list of witnesses

February 26-March 2- Review of background papers and proposed
testimony

March 3 Commission meeting: Full discussion of hearing

March 7 - April 1 - Intensive hearing preparation

April 4 - 9 - Hearing

April - May Preparation of staff reports and profile for
publication

February 2, 1966

STAFF MEMORANDUM

SUBJECT: Proposed Issues for Cleveland Hearing

EDUCATION

The education section of the Cleveland hearing will deal with the extent of racial separation of pupils and professional personnel in the Cleveland public school system. It will show educational retardation of Negro students as reflected by test scores and ability groupings. It will also show the performance of Negro elementary students currently being bussed to an all white elementary school, compared with their performance in predominantly Negro schools. Comparisons of city schools and suburban schools will be included, as well as comparisons of city schools and parochial schools and the impact of parochial schools on racially separate education in Cleveland. The hearing will also deal with policies of the Board of Education which have tended to reinforce racial separation in the system. Finally, the effect of Federal programs in maintaining racial separation in the Cleveland school system will be documented.

HOUSING

The housing portion of the Cleveland hearing will present living conditions in the ghetto, through graphs and witnesses, showing that Negroes are segregated in a small part of the metropolitan area both by active discrimination and by the reluctance of Negroes to move where they may not be wanted. It will also be shown that as tenants and owners Negroes pay more for poorer quality housing than whites pay for better quality housing. Several witnesses will testify to these conditions and to their effect on other aspects of their lives. The hearing will consider the adequacy of such city services as garbage collection, code enforcement, and rodent control.

There will also be testimony about federally funded programs - public housing, urban renewal, and FHA insurance. We will consider the tenant assignment policies of the Public Housing Authority and the effects of urban renewal on those persons who are dislocated. We will also consider the failure of suburban planning to take account of the needs of low income families and the adequacy of FHA programs designed to foster the building of low and moderate income housing.

POLICE-COMMUNITY RELATIONS

The police-community relations section of the Cleveland hearing will deal with the following issues or allegations:

1. That the police provide poor service and insufficient protection in the Negro community.
2. That some policemen have engaged in police brutality towards Negroes and, on a more widespread basis, that police treat Negroes discourteously.
3. That some Negroes have been unjustly arrested and unjustly detained by policemen.
4. That the Negro community feels the police deliberately have failed to protect civil rights demonstrators from unlawful violence, but on other occasions have arrested civil rights demonstrators, using excessive force.

The hearing will also explore personnel practices of the Police Department and police attitudes toward the Negro community.

EMPLOYMENT

The employment section of the Cleveland hearing will compare Negro-white unemployment, the facts which have inhibited Negroes from obtaining employment, or employment producing a satisfactory income level or employment commensurate with the skills they may possess. The employment policies (good and bad) of private and public employers and the admission policies of craft unions will be considered. We will explore the adequacy and effectiveness of training programs for Negroes that are developed to teach them skills demanded in the labor market. This will include governmentally supported training programs such as MDTA, and the public school vocational education program. Finally, we will consider the adequacy of the various government programs designed to disseminate job information.

HEALTH

Statistical material on the high infant mortality rate compared with whites has been developed and can be presented. They will then be analyzed in relation to the availability of prenatal and obstetrical care for Negro women; Facts developed will show that prenatal clinics maintained by the City Health Department are inaccessible for many Hough residents; obstetrical care for welfare clients, including pregnant women, is concentrated in one city-owned hospital which is also inaccessible. Services of public health nurses of the City Health Department have also been analyzed and a patient case load highly disadvantageous to Negroes has been identified.

WELFARE

The County Welfare Department payments for Aid to Families with Dependent Children and other programs are one-half of the sum paid in Chicago and far lower than that of other cities similarly situated. Testimony will be adduced to explain the differential and the facts which have gone into its perpetuation.

UNITED STATES GOVERNMENT

Memorandum

TO : Staff

DATE: January 21, 1966

FROM : William L. Taylor ^{WT}
Staff Director

SUBJECT: Cleveland

The Commission is conducting a study in Cleveland to determine, within the limits of time and competence available to it, some of the major barriers to equality of opportunity and achievement for Negroes in this northern industrial city, where overt discrimination is only part of the problem. The focus of the Commission's study is the problem of securing equal opportunity for low income Negroes in Cleveland.

The Cleveland study includes a public hearing as well as other investigations which will result in one or more publications. The study is an Agency-wide project. One phase of the study, the Cleveland hearing, will have A-1 priority both for the project and for the Agency as a whole during the period between January and the conclusion of the hearing in the spring of 1966. The General Counsel is responsible for preparing and directing the hearing. The Staff Director has assigned M. Carl Holman the responsibility for coordinating the total project.

In developing material for the hearing the Commission will concentrate on what it deems to be significant issues relating to education, employment, police-community relations, housing and public services. It will take into account social and economic handicaps as well as any legal denials which prevent access to equal opportunity for low income Negroes in Cleveland. The purpose, content and scope of programs and policies intended to further equality of opportunity will also be examined. The hearing will be designed to reveal the nature of the problems faced by the Negro poor of Cleveland through the testimony of Negroes who live in the city's low income neighborhoods, through the testimony of Cleveland officials and other residents familiar with these problems, through a limited amount of testimony by outside experts and through the introduction of other relevant data.

Though the Commission will be interested in trying to discover why certain processes and programs have not succeeded in substantially or sufficiently altering the chances of the Negro poor in Cleveland, the hearing is not conceived as an exercise in fixing blame or discovering villains. Rather, it is anticipated that the hearing may serve to clarify for the Commission itself and for the people of Cleveland the deep-seated and complex problems under survey. Nor should we expect that a hearing can develop ultimate solutions to all the problems in Cleveland. The problems of northern ghettos are tough, complicated and intransigent. The Cleveland hearing is only one phase of a process extending well beyond the spring of 1966, in the course of which the Commission seeks to clarify issues with the view to developing possible remedies.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



Finally, it is hoped that the hearing and the publications growing out of the Cleveland project may provide the Federal Government and the city of Cleveland with information on these issues which may prove useful in shaping both short-range and long-term corrective action.

72-1

U. S. COMMISSION ON CIVIL RIGHTS

ANNUAL ESTIMATE OF APPROPRIATION

FISCAL YEAR 1967

November 8, 1965

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights,
including hire of passenger motor vehicles, /\$1,500,000/ \$2,426,000.

(Departments of State, Justice, and Commerce, the Judiciary, and
Related Agencies Appropriation Act, 1966.)

LEGISLATIVE AUTHORIZATION

GENERAL STATEMENT

JUSTIFICATION

I. Public Hearings and Meetings

- A. Northern Urban Hearing
- B. Southern Urban-Rural Hearing
- C. State Advisory Committee Open Meetings

II. Studies of Equal Protection and Appraisals of
Federal Laws and Policies

III. Clearinghouse Activities

- A. Publications
- B. Informational Services

BUDGET SCHEDULES

PROPOSED NEW LEGISLATION

LEGISLATIVE AUTHORIZATION

The Commission on Civil Rights was created as an independent, bipartisan agency in the Executive Branch of the Federal Government pursuant to Public Law 85-315, approved September 9, 1957. It is composed of six members, appointed by the President by and with the advice and consent of the Senate, who serve on a part-time basis. The day-to-day administration of the Commission is assigned to a full-time Staff Director who is also appointed by the President by and with the advice and consent of the Senate.

The Civil Rights Act of 1964, Public Law 88-352, approved July 2, 1964, extended the agency's life to January 31, 1968, and added significantly to its duties.

The statute provides that the Commission shall carry out the following functions:

(1) investigate sworn allegations that citizens are being deprived of their right to vote and have that vote counted by reason of their color, race, religion or national origin;

(2) study and collect information concerning legal developments which constitute a denial of equal protection of the laws under the Constitution;

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution;

(4) serve as a national clearinghouse for civil rights information;

(5) investigate sworn allegations that citizens are being denied the right to vote or have their vote properly counted in National elections as a result of any patterns or practices of fraud or discrimination; and

(6) prepare and submit interim reports to the President and the Congress and a final report of its activities, findings and recommendations not later than January 31, 1968.

GENERAL STATEMENT

<u>1966</u>		<u>1967</u>		<u>Change</u>	
<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>
116	\$1,500,000	156	\$2,426,000 \$2,390,000	40	\$926,000 \$890,000

The request for increased appropriations contained in this budget estimate reflects the recognition by the Federal Government of civil rights as an urgent domestic problem and the greatly increased scope of Federal law and policy under the 14th and 15th amendments to the Constitution.

It is the responsibility of the Commission on Civil Rights "to appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." During the period 1957-1964, this duty of appraisal entailed largely an assessment by the Commission of the consequences of the Federal Government's failure to guarantee effectively the rights of Negro citizens under the Constitution. With the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, there has been a great expansion of Federal laws and policies affecting civil rights. It is the duty of the Commission to appraise the effectiveness of these laws and the policies adopted to implement them. To perform this duty, it is now necessary for the Commission to compile information from all areas of the Nation on the policies adopted to implement Federal law, the means used to carry out these policies and their effectiveness in remedying denials of rights. (One measure of the increasing magnitude of the task of appraising Federal laws and policies is the increase in complaints received since the passage of the Civil Rights Acts. In the first three months of fiscal year 1966, more than 600 complaints were logged, a number almost equal to the total number received during the first nine months of fiscal year 1965.) Thus, the appraisal responsibility is now considerably more complex than in recent years.

The responsibilities of the Commission have also been enlarged by the recent recognition of civil rights as a national, rather than a regional problem. While this Commission has long held the view that denials of rights occurred in the North as well as the South and has gathered facts in many northern areas, budgetary considerations have frequently dictated lapses in our performance of our responsibilities in the North. For example, because of the Commission's heavy program commitments in the South, a period of 24 months will elapse between Commission hearings in the North. The increase during past months of urban tensions in many cities and the eruption of racial conflict in areas such as the Watts district of Los Angeles have made factfinding in northern cities on a regular, systematic basis a necessity.

Under the Civil Rights Act of 1964, the Commission's duties were expanded to include service as a national clearinghouse for civil rights information. The Commission has sought to perform this new function by initiating a program of disseminating information to persons who have rights and responsibilities under the Constitution and Federal civil rights laws. This program has already made an important contribution to the effectiveness of Federal laws by promoting a better understanding throughout the Nation of the rights and obligations which are created by these laws. The program, however, is still in its early stages.

If the Commission is to meet adequately its responsibilities to serve as a fact gathering, appraisal, clearinghouse agency under new and more urgent conditions, it must strengthen its Washington staff and establish a capability to perform these functions in the field. Regional offices of the Commission, presently serve only two regions of the Nation, encompassing 15 states.

Finally, the responsibilities of the Commission for making a contribution to the total civil rights program of the Federal Government was increased by the President's acceptance of the recommendation of Vice President Humphrey that "clearinghouse and data gathering functions currently being performed by the Community Relations Service should be undertaken by the Commission on Civil Rights which already has similar responsibilities."

JUSTIFICATIONI. Public Hearings and Meetings

<u>1966</u>		<u>1967</u>		<u>Change</u>	
<u>Pos.</u>	<u>Amt.</u>	<u>Pos.</u>	<u>Amt.</u>	<u>Pos.</u>	<u>Amt.</u>
42		54		12	

The Commission utilizes various techniques for carrying out its factfinding duties, the most valuable of which is the public hearing. Public hearings serve not only to elicit information on civil rights problems which otherwise might not be obtained, but also to present this information to the community concerned in a manner which may produce corrective action.

A Commission hearing in Mississippi in February 1965 produced basic data on voting and the administration of justice which formed the basis for reports and recommendations to the President and Congress. The hearing, covered extensively in the press and covered live on television, made available to citizens of the State information on deprivations of rights not previously publicized. The Governor of the State, testifying before the Commission, used the hearing as a forum to announce a new policy of accommodation with the requirements of Federal law. Businessmen, religious leaders and lawyers discussed frankly problems of violence and denials of rights, and made proposals for local reform. After the hearing, Negro and white citizens were able to meet together freely for the first time in years to discuss civil rights problems, to plan jointly community programs for combatting poverty and improving opportunity.

A. Northern Urban Hearings

Fiscal Year 1966: The Commission plans to hold one hearing in a large northern city to deal with the issues of the urban center. While the general standard of living in America has risen significantly since 1948, Negroes residing in hard-core depressed areas of our urban centers have not shared this prosperity. Measured in terms of unemployment, income, education, quality and quantity of housing, infant and maternal mortality, and general health standards, urban Negro families face increasing economic and social deprivation, discrimination, and segregation. The Commission will focus on:

- (1) the condition and attitudes of Negro families and members of other minority groups living in hard-core depressed neighborhoods of the central city;

(2) the forces, including discrimination and segregation in the larger community, which appear to militate against change in the present condition and attitudes of these groups; and

(3) the impact of Federal, federally-aided, and other public programs, policies, and practices, including those programs which operate in the depressed areas themselves and in the city or metropolitan area as a whole.

Commission staff will conduct intensive investigations of equal protection of the law in housing, employment, educational services, the administration of justice, police-community relations, and community services and facilities in the central city. Special attention will be given to constructive programs developed by public officials to deal with racial or ethnic problems in these areas.

The hearing to follow intensive investigation will acquaint the local community with the nature and severity of problems facing low-income and minority group families in the urban center.

As in Mississippi, the Commissioners will meet with public officials and representatives of private organizations before, during, and after the hearing to interpret more precisely the findings of the investigation.

Fiscal Year 1967: To further this basic factfinding program, two Commission hearings are planned in urban centers, one to be held in a large metropolitan center.

B. Southern Urban-Rural Hearing

As the legally enforced patterns of segregation are overcome, the problems of the Negro in urban areas of the South become more like those of minority groups residing in urban centers elsewhere in the Nation - problems of de facto segregation in education, of discrimination in employment and training, of racial segregation in housing.

In addition, there remain 4.7 million Negroes in rural and farm areas of the South who have not shared in the Nation's growing prosperity. These Negroes comprise a major element in the arc of poverty which sweeps from Maryland to Texas - the largest geographic and social concentration of the poor. Great disparities still exist between whites and Negroes in average income, and in educational attainment, as well as in the quality of housing and the level of employment. Denials of the right to register and vote, fear of economic intimidation, threats to personal safety and security, and inadequate law enforcement add to the problems of economic and educational discrimination which confront Negroes living in the rural South.

Fiscal Year 1967: The Commission proposes to undertake a major investigation leading to a public hearing in a multi-county area of the South. The city selected for the site of the hearing will enable the Commission to draw comparisons between the problems of northern and southern urban areas and also to focus attention on the problems peculiar to the rural South.

C. State Advisory Committee Open Meetings

The Commission's Advisory Committees in each of the 50 States and the District of Columbia have engaged the voluntary services of 578 citizens in the work of the agency.

Fiscal Year 1966: One of their valuable contributions to the Commission and, more importantly, to their own States, is the holding of open meetings to elicit information on civil rights problems. The 30 meetings scheduled for fiscal year 1966 represent a minimal program, covering only a small percentage of States, particularly in the North where budget limitations have required a severe cut in program activity. These meetings are being held on the neighborhood level in major urban centers in the North and on a multi-county or city-wide basis in the South.

For instance, the Alabama Advisory Committee held an open meeting at Demopolis, Alabama, focusing on a 3-county area. Local, civic, business, and religious leaders reported on recent civil rights changes and on remaining problems. Officials representing several Federal agencies reported on Federal grant programs operating in the area and on civil rights policies governing their implementation. State and local officials discussed the difficulties they were encountering in enforcing new civil rights policies. As a result, the citizens of that area have a far better understanding of the current status of civil rights and the next steps that can be taken.

Fiscal Year 1967: In order to initiate the fact gathering activities of the State Advisory Committees on a more comprehensive basis, particularly in the North, 60 neighborhood and city open meetings are scheduled. This will enable the Commission to hold at least one meeting in each of the States facing significant minority group issues and more than one neighborhood meeting in selected metropolitan areas.

II. Studies of Equal Protection and Appraisals of Federal Laws and Policies

<u>1966</u>		<u>1967</u>		<u>Change</u>	
<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>	<u>Positions</u>	<u>Amount</u>
35		48		13	

Over the past eight years, the Commission has issued reports with recommendations to the President and the Congress touching nearly every area of civil rights: Employment, training, education, housing, health, voting, administration of justice, armed forces, agriculture. These reports have studied activities of State and local governments and of fourteen departments and agencies of the Federal Government. A total of 101 major recommendations have been made since 1959. Over 75 ultimately have been adopted as proposed or in modified form, resulting in fundamental changes in governmental procedures.

The issuance in February 1965 of the Commission report on programs of the Department of Agriculture is a case in point. Upon receipt of the report, the President requested periodic reports from the Department on its progress in carrying out Commission recommendations. Since then, the Department has eliminated 178 instances of discriminatory practices in buildings housing its agencies' offices (10 remain) and has taken the following actions in its constituent agencies:

Agricultural Stabilization and Conservation Service (ASCS) has employed over 4,000 Negroes during peak summer months of 1965; fewer than 10 had been employed previously.

ASCS has appointed 3 Negroes to State Committees, and 62 Negroes have been appointed to review committees; none served on these committees previously.

Farmers Home Administration - 351 Negroes appointed as regular FHA committeemen, replacing a segregated committeeman system.

Federal Extension Service has eliminated separate lines of administrative supervision and staff communication, and has eliminated segregated offices in 182 of 424 counties.

Soil Conservation Service - Negro employment has more than doubled.

Similar changes have taken place in other Federal departments following the issuance of Commission reports.

Fiscal Year 1966

1. Administration of Justice - Based in part on investigations and on evidence presented at the Commission's hearing in Mississippi in 1965, and in part on field studies conducted in other southern states, the Commission issued a report on "Law Enforcement: A Study of Equal Protection in the South" which presents and analyzes problems of effective law enforcement and denials of equal protection of the law to Negroes and civil rights workers. This report makes recommendations for executive and legislative action to protect the physical security of American citizens at a time when law enforcement reforms are considered a top priority issue by the Administration and Congress.

2. Voting - The Commission will issue a report on the effect of the Voting Rights Act of 1965 during the first two months of its operation in 32 southern counties and parishes.

3. Education - Implementation of Title VI of the Civil Rights Act of 1964 requires that segregated school districts, in order to remain eligible for Federal financial assistance, submit desegregation plans to the Commissioner of Education for his approval. A report on southern school desegregation will examine the extent of compliance with this requirement in elementary and secondary schools, the extent of desegregation in September 1965, and the adequacy of the policies of the Office of Education.

4. Employment - A report on the Manpower Development and Training Act will compare and evaluate the participation of Negro and white trainees in the program in terms of quality, quantity and duration of training, and of placement after training, and consider the reasons for inequalities found.

5. Health and Welfare Survey - The effectiveness of Title VI of the Civil Rights Act of 1964, prohibiting the use of Federal funds in segregated programs, will be reviewed, particularly with respect to health and welfare programs in the South. The study will be based on field work in 42 communities and interviews in Washington.

6. Mexican Americans - This staff report describes the civil rights status of Mexican Americans in the Southwest, with due recognition of their history and cultural heritage. It touches upon traditional areas of concern such as housing, education and employment.

Fiscal Year 1967

1. Employment and Economic Problems

a. Equal Opportunity in State and Local Government - State and local government constitutes one of the more rapidly expanding fields of employment in the Nation today. Because it encompasses a broad spectrum of job opportunities relatively unaffected by automation, local public employment offers particularly valuable opportunities for minority groups. The proposed report will analyze trends and patterns in public employment, the administration of Federal merit standards, and will appraise laws against discrimination in public employment.

b. Economic Development Programs - At all governmental levels, a growing number of economic development programs seek to strengthen and expand the economic potential of regions, States and localities. While most such programs may be expected to benefit all groups within the affected areas to some degree, the ways in which such programs are conducted can cause selective advantages or disadvantages to minority group members. The purpose of this study will be to examine the potential differential impact of economic development activities upon minority groups.

c. Manpower Policies - The Commission proposes to undertake a study of the impact of Federal manpower and equal employment programs and policies on members of minority groups, based in part on data gathered in the Commission's public hearings.

2. Housing and Community Development

a. Low and Moderate Income Housing - Low income Negro families in cities encounter racial discrimination and an inadequate supply of units in their efforts to obtain suitable housing. This report will appraise the operation of public programs designed to increase the housing supply and their impact on racial groups.

b. Urban Planning and Urban Renewal - This report will review the effect of urban planning and renewal activities on patterns of residential segregation and discrimination, and the accessibility of various services and facilities to minority groups in a selected sample of urban areas.

3. Voting and Vote Fraud

a. Voting - A study is proposed of compliance with the 15th amendment and the Voting Rights Act of 1965, including an evaluation of the Bureau of Census survey of registration and voting conducted pursuant to Title VIII of the Civil Rights Act of 1964.

b. Vote Fraud - A staff report on vote frauds will examine present law, describe and analyze reported State and Federal cases, and review the handling of complaints by the Department of Justice.

4. Administration of Justice

This report will examine denials of equal protection of the law in Federal and State agencies of justice, and in particular allegations of racial discrimination in the selection of juries.

5. Welfare

Many social welfare programs of public assistance and aid to the handicapped are administered through State agencies with Federal funds granted by the Department of Health, Education, and Welfare. The Commission will evaluate the quality and quantity of services provided to white and Negro clientele, emphasizing and analyzing the statistical characteristics of program participants.

6. Education

A review is proposed of Federal policies applicable to segregation in elementary and secondary education, particularly in the North, and of Federal programs designed to increase equality of educational opportunity.

7. Other Federal Programs

The Commission will conduct more limited reviews and appraisals of other Federal programs with respect to possible denials of equal protection of the law in such areas as the school lunch and anti-poverty programs, Indian affairs, and the provision of community facilities.

III. Clearinghouse Activities

<u>1966</u>		<u>1967</u>		<u>Change</u>		11
<u>Pos.</u>	<u>Amt.</u>	<u>Pos.</u>	<u>Amt.</u>	<u>Pos.</u>	<u>Amt.</u>	
39		54		15		
A. <u>Publications</u>						

As a national clearinghouse in civil rights, the Commission is responsible for disseminating information in fields including but not limited to "voting, education, housing, employment, the use of public facilities and transportation, or in the administration of justice." Performance of this function requires the Commission to make information available to a wide range of institutions, organizations and individuals, including employers and unions, public officials, (including school, housing and law enforcement officials), religious groups, civil rights organizations, newspapers and television and the general public.

Fiscal Year 1966: During fiscal 1965 and 1966, the Commission began performance of this responsibility by preparing six basic publications explaining the provisions of the Civil Rights Acts of 1964 and 1965. Three hundred and eighty thousand copies of these publications have been distributed to date. The Commission is also initiating the publication of a periodic digest summarizing important civil rights developments for organizations and persons with a professional interest in the field.

To assist communities in dealing with their civil rights problems, the Commission also plans to initiate during fiscal year 1966 the publication of community profiles designed to give officials, leaders and citizens of a community an objective and comprehensive view of civil rights problems and programs adopted to alleviate them. The profiles, of primary value to the community studied, will also be useful to cities with similar problems.

Fiscal Year 1967: The Commission proposes to render the following publication services during fiscal year 1967:

1. Employment - Employers and Unions

a. A review of pre-employment testing and selection procedures, their impact upon policies of equal employment opportunity, the ways in which some employers have modified their testing and selection procedures to increase opportunity and the results of such modifications.

b. A review of employer programs to assist employees who are members of minority groups in overcoming racial obstacles to securing decent and convenient housing.

2. Education - Public Officials, Educators, School Boards, PTA

A looseleaf education service, which will include such materials as case studies on various means adopted by communities to achieve school integration (e.g., Princeton plans, educational complexes); reviews of laws, judicial decisions and administrative rulings concerning de facto segregation; case studies on programs designed to improve the quality of education in disadvantaged neighborhoods.

3. Voting

The dissemination through posters and other appropriate material of information concerning the right to vote, requirements for voting in the several States and the operation of Federal laws.

4. General - State and Local Civil Rights Officials, Civil Rights Organizations, Civic and Religious Groups

The publication of six issues of a digest on current civil rights developments.

Other proposed publications for the general public and special interest audiences include continued preparation and distribution of community profiles and case studies, materials and study guides for high school classes on civil rights, information for service clubs and civic organizations.

B. Informational Services

1. Services to Public Officials and Private Institutions.

Passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 created across the country an urgent need for authoritative, objective and precise information on Federal laws and policies, on the requirements and obligations they impose, and on the status of compliance. To meet this need, the Commission held three regional conferences during fiscal year 1965 in Atlanta, Dallas, and Washington, D.C., on Title VI of the Act. At these meetings a total of 3,700 people from 19 States, representing State and local governments, business and labor organizations, civil rights, civic and professional groups, and college and universities, met with Federal agency representatives. The Commission thus brought together people in need of information and the Federal officials who could provide it. These three meetings were preceded by a national conference on Title VI and nine statewide meetings on the Civil Rights Act.

Fiscal Year 1966: Advisory Committees plan seven statewide informational meetings on a variety of subjects: The new Voting Rights Act in Mississippi and Louisiana; employment, training and agriculture in Alabama and Georgia; education in Maryland; and general civil rights information in North Carolina and Virginia. For these conferences, the Commission has the close cooperation and support of the Federal agencies having responsibilities in the areas under discussion.

In addition to sponsoring public meetings, the Advisory Committees gather and disseminate information through both closed and subcommittee activity. For example, the Alabama Committee met with 18 major employers in the Birmingham area to discuss private employment opportunities and compliance with Federal nondiscrimination requirements.

Commission staff, both in Washington and in the field, service requests from State and local public officials, from representatives of private organizations and from the public at large for information of all kinds on civil rights laws, policies, practices, and problems. On request, staff members participate selectively in civil rights conferences and seminars.

Some examples: Commission answered requests of an association of southern hospital administrators for a speaker and materials on Federal civil rights policies; officials of a southern college for information on changes in admission practices necessitated by Federal law and policy.

Fiscal Year 1967: It is proposed that State Advisory Committee programs for disseminating information on civil rights be continued and extended during the coming fiscal year. Statewide informational conferences are planned in half the States; several regional conferences are planned, dealing with "Federal Programs and Civil Rights" in the South, problems of the Indians and Spanish-Speaking minorities in the Southwest and Far West, and racial and ethnic problems resulting from increased urbanization in the North and Midwest. Advisory Committee meetings and subcommittee activity will be increased in each area of the country.

The increase in field services of Commission staff and Advisory Committees was made possible by the establishment of two regional offices - in the mid-South, at Memphis, and in the Midwest, at Chicago. These offices - vital to the adequate performance of the Commission's clearing-house function, as well as to fact gathering and appraisal - presently are able to service only 15 States. It is proposed that the Commission open three additional offices.

2. Service to the Federal Government

The Civil Rights Acts of 1964 and 1965 have profoundly affected the policies and practices of Federal agencies. The prohibition of Federal assistance to discriminatory programs affects some 200 Federal programs involving the expenditure of \$18 billion. Between 1959 and 1964 the Commission issued 23 separate recommendations calling for the denial of Federal money to or its withdrawal from racially-discriminatory and segregated programs. These recommendations have now become the law of the land. Because of the Commission's knowledge of Federal programs and their civil rights implications, many agencies are seeking Commission assistance in their efforts to eliminate discrimination in their progress.

Fiscal Year 1966:

1. Coordination and Implementation of Title VI -

Assistance was provided to the Departments of Agriculture, Labor, Health, Education, and Welfare, and the Housing and Home Finance Agency in drafting enforcement procedures and in preparing staff training programs. These and other agencies were aided by the coordination proposals designed by the Commission for the Administration to assure consistent and simplified enforcement. These proposals covered health and hospital facilities, colleges and universities and the establishment of a pool of hearing examiners.

2. Commission staff has also cooperated with the Civil Service Commission in organizing civil rights training programs for voting registrars; with the Labor Department in designing a critical evaluation study of the Employment Service; and with the Bureau of the Budget on a review of policies governing the collection of racial data.

Fiscal Year 1967:

It is expected that the Commission will continue to render the type of services sought by Federal agencies during fiscal year 1966. In addition, the Commission will provide assistance in implementing substantive and procedural changes resulting from its reports and recommendations, review agencies' processing of complaints, and distribute selected material, such as administrative decisions, guidelines, explanatory materials, to departments and agencies concerned.

Although the Commission has collected data on particular communities and made this information available to Federal agencies on request, the President's reorganization of civil rights responsibilities and his assignment of all clearinghouse function so the Commission will necessitate an expansion of this activity. To service the needs of the Community Relations Service and the conciliation units of various Federal agencies, the Commission proposes to engage in systematic and routine collection of data on communities with significant minority populations or developing civil rights difficulties.

The data on each community will include census information, assessment of Federal involvement and support of local activities, information on city officials, civic leaders and organizations, and an analysis of racial and ethnic patterns.

The precise composition of the community profile will reflect the needs of the various Federal conciliation agencies and will include such data as will enable these agencies to approach communities with a degree of understanding and knowledge not now possible.

3. Special Factfinding and Clearinghouse Services for Local Communities

During the past two decades the migration of rural Negroes to urban areas has increased at such a rapid rate that the proportion of non-whites in many cities has doubled or tripled. City officials and community leaders have been taken unawares by the changes in the racial and ethnic character of urban populations and, by and large, have not made plans to meet the needs of the newcomers or to deal with racial frictions. Outbreaks of racial hostility in many cities in recent months have brought a recognition that remedial action is necessary, but few officials are prepared with plans to bring about the needed reforms.

In short, many mayors and community leaders sincerely desire to meet the just grievances of Negro citizens and to allay racial tensions, but they need help from various sources to achieve this goal.

One major problem is the lack of basic information about civil rights deprivations. In most communities, city planning - site selection for new schools, urban renewal and relocation, the development of plans to meet transportation needs - has proceeded without regard to the racial implications of the plans. At the same time, city departments and agencies often have failed to take inventories of the need for increased recreational, social and welfare services in areas of increasing racial density. While there are programs and aids available to help communities analyze particular economic and social problems, there is no program to assist communities in analyzing their civil rights problems and the relationships of these problems to social and economic difficulties.

Once problems are identified, one aspect of finding solutions is to identify from the wide range of Federal aids available to cities those which are particularly relevant to improving opportunity for minority groups.

To meet these problems the Commission proposes to establish two new activities: Urban study and planning grants, and a Federal program clearinghouse service. The urban study and planning grant proposal, requiring additional authorization, is the subject of a separate submission.

Federal Program Clearinghouse Services - The Commission proposes to expand its clearinghouse activities to provide local communities with information on Federal programs, grants, and services available to assist in dealing with civil rights issues and with basic economic and social problems affecting race relations. This service was performed in modified form by the Community Relations Service of the Department of Commerce in connection with the efforts of a Presidential task force to allay tensions in urban areas during the Summer of 1965.

The Commission's capacity to perform this service is based upon its thorough knowledge of Federal programs gained through previous reports and studies, its field and research capacity and the confidence it has won from Federal agencies, local officials and civil rights groups in the performance of informational, liaison and clearinghouse activities.

To assist communities in meeting civil rights problems, the Commission proposes to establish a Federal Program Clearinghouse Service. With the help of existing Federal resources, and working through Commission field offices, the Federal Clearinghouse Service would aid communities in identifying race relations problems and Federal programs relevant to their solution. Information would be provided on the means by which these programs could be utilized or adapted to meet the needs of minority groups.

The Service would make available expert advice and would also direct communities to other sources of help. Appropriate Federal officials would be alerted to the needs of particular communities and would be provided background information on the nature of the problems of these communities.

The Service would bring to bear all the resources of the Federal Government rather than those of only a single agency or program.

A small, well-trained staff is necessary to have an adequate grasp of the problems involved, the Federal resources available, and to provide the kinds of service required. The staff would be based in Washington but would be made available through Commission field offices to all parts of the country. Members of the staff would provide technical assistance to communities in the form of written materials describing Federal resources available for use at the local level, as well as more specific assistance to communities attempting to identify and solve particular problems.

Examples:

(1) A community is seeking to encourage a large industrial concern to locate a plant in its industrial park. The company, a Government contractor and an Equal Opportunity Employer, is concerned that Negroes in the area have not had the opportunity to obtain necessary training.

Community officials ask for help. After study, the Federal Clearinghouse Service might recommend:

- an MDTA training grant from the Department of Labor
- the establishment of an area vocational school with the help of HEW, or
- technical assistance from the Office of Education on desegregation of an existing vocational school.

The Service study might reveal a transportation problem for Negroes living in the central city. To meet that problem the city might apply for a transportation planning grant from Housing and Urban Development.

(2) Negroes in a community march on city hall protesting job discrimination. The community seeks help to meet the grievances of the protestors and to avoid possible violence. A survey of job opportunities in the area reveals that a local industry has been seeking female employees but has been unsuccessful in attracting Negro workers. Further analysis indicates that Negro mothers in low-income areas of the city cannot seek employment because there is an inadequate supply of day care facilities to which they can entrust their children. Funds for such day care facilities are available through the Office of Economic Opportunity.

The Service would be familiar with the full range of resources, the requirements for grants, and the names of individuals in Washington or in a regional office who could be of specific assistance to the community.

LEGISLATIVE PROPOSAL FOR A RESEARCH GRANT PROGRAM1967 -- Urban Study and Planning Grants --

To aid communities in self-analysis, the Commission proposes to fund study and planning grants to communities, particularly those which have problems but lack resources to attack them. The grant program does not envision the funding of abstract research. Rather, it will seek to foster in-depth community analyses looking toward possible and concrete corrective action. In the past, this kind of analysis has been made after a riot; we propose to encourage and fund it before a riot.

Specific grants will be made available to State, metropolitan (county and multi-county), and local governmental authorities as well as to public agencies within a community or metropolitan area, for surveys of civil rights problems and their implications for the populations under their jurisdiction. While such studies will contribute to general research knowledge, their major purpose will be to provide communities with objective and rational analyses of their current position and with inventories of factors affecting their race relations issues. Particular attention would be given to the impact of plans and programs for the physical, economic, and social development of the local area.

Based on this kind of study, a city would be aided in devising its plan for dealing constructively with those issues identified as needing corrective action.

Some grants, especially for smaller communities, may be made for "across-the-board" studies of civil rights problems. Others may be directed toward assuring maximum achievement of civil rights objectives with respect to a specific problem area or activity such as social welfare programs, economic development, police-community relations, schools, etc.

Research undertaken must be designed so as to define and analyse the problems faced by a locality and to make recommendations for proposed action by the community to enable it to fulfill its responsibilities to the total community. Preference will be given to grant applications in these categories:

- those which show maximum promise of producing significant change in the long-range action of local governments;
- those submitted by agencies representing a metropolitan, area-wide approach;

- those having maximum general applicability to the problems of other communities.

Authorization will be sought for \$1,000,000 per year for two years for grants. The Appropriations request for fiscal year 1967 will be \$750,000 for grants and approximately \$60,000 for administrative costs, including five positions.

Administrative - Confidential

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U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C.

MINUTES OF THE 72nd MEETING

Thursday, January 6, 1966

Fifth Floor Conference Room
1701 Pennsylvania Avenue
Washington, D.C.

The 72nd meeting of the U.S. Commission on Civil Rights convened in the Fifth Floor Conference Room at 1701 Pennsylvania Avenue, N.W., Washington, D.C., at 11:20 a.m., on January 6, 1966, the Honorable John A. Hannah, Chairman, presiding. Present in addition to Dr. Hannah were: Mr. Eugene Patterson, Vice Chairman; Mrs. Frankie Muse Freeman, Commissioner; Dean Erwin N. Griswold, Commissioner; Theodore M. Hesburgh, C.S.C., Commissioner; Dr. Robert S. Rankin, Commissioner; and Mr. William L. Taylor, Staff Director. Also present were: F. Peter Libassi, Deputy Staff Director; Samuel J. Simmons, Director, Field Services Division; Walter B. Lewis, Director, Federal Programs Division; Howard A. Glickstein, General Counsel; Mrs. Eunice S. Grier, Director, Research & Publications Division; M. Carl Holman, Special Assistant to the Staff Director; Sherwin T. Montell, Special Assistant to the Staff Director; and, for a part of the session, Dr. David Cohen of the Research Division.

Adoption of the Agenda and Minutes of the Previous Meeting

Chairman Hannah called the meeting to order. The minutes of the previous meeting were approved and the agenda was adopted.

Executive Session

Chairman Hannah noted that the Commissioners, the Staff Director, and the Deputy Staff Director had met in executive session prior to the meeting. He requested that the actions taken in the executive session be inserted into the record. Those actions were:

1. The Commissioners expressed appreciation for the services rendered by Mr. Libassi as Deputy Director and wished him success in his new job at the Department of Health, Education, and Welfare.
2. The Staff Director recommended that Mr. M. Carl Holman be appointed to replace Mr. Libassi as Deputy Staff Director. The Commissioners unanimously approved the recommendation.

3. The Staff Director recommended that Dr. Thomas Pettigrew of Harvard University be asked to serve as director of the race and education project. Dean Griswold agreed to make inquiries concerning Dr. Pettigrew. The Commissioners unanimously approved the Staff Director's recommendation, providing the results of Dean Griswold's inquiries did not reflect adversely on Dr. Pettigrew.

4. Dean Griswold raised questions concerning the operation of the Massachusetts Advisory Committee. After some discussion, Dr. Hannah stated that the staff should work in close consultation with a Commissioner concerning the activities of the Advisory Committee in his State of residence. Dean Griswold felt that staff members were expressing policy positions which to his knowledge had not been discussed or approved by the Commissioners. Mr. Taylor agreed that this should not happen and stated that steps would be taken to bring to the Commissioners basic policy questions concerning the State Advisory Committees.

Report of the Staff Director

Personnel

The Commissioners were given a report on staff accessions, separations, promotions and awards for the period December 3, 1965, through January 6, 1966. The report indicated that there were 107 persons on board in permanent positions as of January 6.

Budget

The Staff Director reported that the Commission had obligated 44 per cent of its F.Y. 1966 funds during the first six months of the fiscal year.

The Staff Director also presented a report on the budget allowance recently approved by the Bureau of the Budget, including a chronology of budget developments since November 4, 1965. The Budget Bureau allowance was:

	<u>Positions</u>	<u>Amount</u>
F.Y. 1966 Supplemental for race and education project and pay raise costs	13	\$ 468,000
F.Y. 1967 Budget	154	\$2,703,000

The allowance for F.Y. 1967 was \$297,000 and 10 positions below the Commission's budget request. Mr. Taylor noted the Budget Bureau's concern about the possible proliferation of field offices. The Bureau had authorized the Commission to station people in the field but requested that the Agency not use the formal label of field office.

Title VIII Survey

The Staff Director reported that the Department of Commerce had suggested in a draft letter that the Commission withdraw its request for the conduct by the Bureau of the Census of the survey on registration and voting statistics authorized by Title VIII of the Civil Rights Act of 1964. The Commerce Department's position is that a survey in 1966 to ascertain registration and voting in 1964 would be of doubtful value since Census Bureau experience indicates that people tend to overstate their voting participation even when an inquiry is made immediately after an election. Moreover, since enactment of the Voting Rights Act of 1965 there have been increases in registration in many areas.

The Staff Director recommended that the Commissioners go along with the Department of Commerce suggestion, providing that the final version of the letter indicate that the Congress would be appropriately informed of the basis for the decision and asked to amend Title VIII to defer the census on registration and voting until 1970. Mrs. Freeman thought it important that the letter indicate that the Commission had complied with its statutory responsibility to request the Title VIII survey. Chairman Hannah felt the Commission, in withdrawing its request for the survey, should take credit for exercising intelligent discretion. Father Hesburgh pointed out that the Department of Commerce should meet with the Chairmen of the Appropriations Committees and inform them of what had taken place with respect to Title VIII. The Commissioners unanimously approved the Staff Director's recommendation on the handling of this problem.

Other Items

The Staff Director reported that the prospects were good for new legislative proposals by the President to carry out the recommendations made in the Commission's recent report on law enforcement in the South.

Mr. Taylor also reported on the new Title VI guidelines recently promulgated by the Attorney General. Mr. Lewis noted that the guidelines made clear that the Attorney General expected each Agency to assume the major responsibility for enforcing its own regulations and that every effort to effect compliance short of termination of funds would be made.

Mr. Taylor notified the Commissioners that the Commission may be forced to move from its present quarters because GSA has been unable to renegotiate a succeeding lease at a rental consistent with the going market price for space in Washington.

The Staff Director described the press coverage of the report on the first months under the Voting Rights Act as excellent.

Cleveland Study

Mr. Libassi reported on developments relating to the Cleveland study and handed out a schedule for the various phases of the study from November 1965 through June 1966. He said that the staff was in the process of completing the first phase of the study and that 2½ man years of effort had been spent within the last six weeks on field and other study work. He said that he hoped the problems and issues identified in staff papers can be presented to the Commissioners at their February meeting.

Education Project

The Staff Director noted that steps had been taken to obtain an adequate budget for the Project. He reported on recent meetings with Assistant Secretary Keppel and Secretary Gardner of HEW about the Project. Mrs. Grier presented a written progress report on the project, and Dr. Cohen of her staff described a January 4 meeting with various educational experts for the purpose of seeking guidance on the research outline for the study.

Mrs. Freeman suggested that Dr. John Ervin, Associate Dean of University College, Washington University, St. Louis, Missouri, be contacted as a possible project consultant. Dr. Hannah reported on the Chicago meeting of the Cleveland Conference that he, Mr. Libassi, and Dr. Cohen attended on December 4.

Film on Mississippi Hearing

After a break for lunch, the Commissioners were shown a film based on the Commission's Hearing of February 16-20, 1965, at Jackson, Mississippi. Mr. Holman outlined the showings planned for the film. The Commissioners were complimentary about the film. Dr. Hannah and Mrs. Freeman anticipated that there would be a heavy demand for the film and urged that additional prints be made. Father Hesburgh urged that the film be used on television and offered his good offices in making arrangements with NBC.

Report on Southern School Desegregation

The Staff Director indicated that a full draft of this report had not yet been completed. He proposed to send a completed draft to the Commissioners in the mail before the next Commission meeting. If some of the Commissioners felt the report was inadequate and if the problems could not be worked out on the phone, he proposed that the document be discussed at the Commission's February meeting -- otherwise to send it to the printer.

Father Hesburgh suggested that the section of the report dealing with faculty integration could be strengthened by the addition of a recommendation to give Negro teachers an opportunity to become better qualified through the NSF Institute program. Mrs. Freeman noted that other reports show that in areas where Negro teachers were not qualified white teachers were not either.

Mr. Patterson noted that the preliminary draft report on Southern School Desegregation had already been shown to the Office of Education for use in consideration of revision of Title VI guidelines. He wondered what purpose would now be served by publishing the full report. He stated his view that the issuance of a report based on very sketchy investigation might jeopardize the credibility of the Commission's future major study of race and education. Mr. Patterson objected to the report because it concluded that there was a considerable failure in desegregation progress based on the total number of Negro children attending southern white schools rather than on the number of southern school districts and schools desegregated.

Dr. Rankin stated that he had already expressed his reservations about the report at the previous Commission meeting.

Mr. Taylor stated that if the report were timely it would serve a purpose, since the Office of Education guidelines on Title VI would be published in the Federal Register. The Commission report could make a contribution to resolution of issues raised about the guidelines if it came out during the 30-day period available for comments on the guidelines in the Register. Mr. Taylor made a distinction between a major Commission report and a sample survey of the state of compliance with Federal policy. He felt that both were helpful.

Both Dean Griswold and Father Hesburgh expressed the view that there was a disproportionate balance between pages of text and pages of recommendations. Mr. Taylor said that this balance would be corrected in the final report. Mrs. Freeman said that the Commission should recognize but not be dismayed if the report made some people uncomfortable. Father Hesburgh suggested that the report mention that although its coverage was confined only to the South there were also immense school problems in the North.

Dr. Hannah concluded that it was his understanding that the report would not be released before the next Commission meeting if some of the Commissioners objected to it.

Title VI Year End Review

Mr. Taylor reported that a review of Title VI in civil rights areas other than education was in process, and that it would be sent to the Commissioners for review before the next Commission meeting. The findings and recommendations were to be reviewed at the next meeting.

Report of Division Chiefs

Office of the General Counsel - Mr. Glickstein noted that his office had been drawing up recommendations dealing with standards of conduct of Agency employees that would have to be sent to the Civil Service Commission and published in the Federal Register. The regulations will require financial disclosures by Commissioners as well as top staff of the Agency. The regulations were prepared as the result of an Executive Order issued last May.

Field Services Division - Mr. Simmons reported on the December 4 Voting Rights Conference in Mississippi. Those at the conference felt that there should be mobile registrars and that registration should take place in churches, fire stations, etc., as well as in courthouses.

Mr. Simmons reported to the Commissioners on an analysis of the McCone Commission Report prepared by the Southern California Subcommittee of the California Advisory Committee to the Commission. The analysis was highly critical of the McCone Commission Report and especially of Los Angeles Police Chief Parker. One member of the Subcommittee (R. J. Carreon, Jr.) dissented from the position taken by the other Subcommittee members. The Commissioners in general expressed serious reservations about publishing the Subcommittee's analysis. The Commissioners instructed the Staff Director not to publish this report unless the overall State Advisory Committee agreed to endorse it. The Staff Director and the Commissioners agreed that if the report were published it should contain a disclaimer clause indicating that it was a report to the Commission, not a report of the Commission or endorsed by the Commission. The Commissioners urged the staff to do everything in their power to obtain substantial revision in the text of the report. Mr. Simmons stated that he would try to do this and spoke of efforts that he had already made in this direction. Mr. Taylor and Mr. Holman indicated their concern about setting a precedent of having SACs do reports on reports, and agreed that in the future the Commission should set up some guidelines concerning what SAC material could be published.

Dr. Hannah described his recent tour in Los Angeles. He indicated surprise at the lack of awareness by the white citizens of Los Angeles about racial problems. He stated his belief that the most important civil rights problem affecting Los Angeles was to find jobs for able-bodied Negroes who would like to work.

There was general discussion of the possibility of planning a hearing in Los Angeles after the completion of the Cleveland hearing.

Research Division - Mrs. Grier reported on a December 17 meeting with representatives of the National Institute of Mental Health. At this meeting there was a discussion of research projects of interest to the Commission that might be financed by NIMH.

Federal Programs Division - Mr. Lewis presented the Commissioners with a written report on his Division's liaison clearinghouse activities over the last six months. He stated that the Federal Programs Division was cooperating with the Civil Service Commission in training investigators for agencies having Title VI responsibilities. The FPD has obtained the services of a man from the Department of Agriculture to help prepare an Investigator's Manual.

Dean Griswold asked if there had been any follow-up on the Commission's study of discrimination in the Department of Agriculture. Mr. Lewis stated that change was occurring slowly in the Department. He agreed that it would be desirable to follow up on the Commission's report, but felt that his Division was committed to the hilt this year and would have to delay the follow-up until next year.

SAC Nominations

Mr. Simmons asked and received unanimous Commission approval for a number of appointments to SACs in Georgia, Illinois, and Southern California. He also apprised the Commission of a number of SAC resignations.

Adjournment

The meeting was adjourned at 3:00 p.m. The next meeting will be held on February 3.

Montell

Jan/65

CLEVELAND SCHEDULE

Nov. 12 - Dec. 17	Preliminary visits by executive staff; field investigation; preparation of reports identifying issues.
December 23	All issue reports due.
Dec. 23 to Jan. 3	Review by Staff Director of issue reports.
Jan. 3 - 14	Decisions by Staff Director on issues and on approach of studies
<u>January 6</u>	<u>Commission meeting: status report</u>
Jan. 10 - Feb. 18	Completion of field work, and preparation of staff reports; preliminary hearing preparation.
<u>February 3</u>	<u>Commission meeting: status report</u>
<u>February 18</u>	<u>First draft of all staff reports due</u>
Feb. 21 - 25	Review by Staff Director of staff reports
Feb. 28 - March 2	Prepare summary of each staff report for Commission meeting March 3. Prepare list of witnesses and summary of testimony.
<u>March 3</u>	<u>Commission meeting: full discussion of hearing and of staff reports.</u>
March 7 - April 1	Completion of staff reports and profile; intensive hearing preparation.
<u>April 4 - 8</u>	<u>HEARING</u>
April 11 - 29	Revision of staff reports and profile for publication.
June 15	Release of publications

III. REPORT OF STAFF DIRECTOR

IV. CLEVELAND

V. EDUCATION PROJECT

VI. OTHER CURRENT PROGRAM ACTIVITIES

VII. MISSISSIPPI FILM

Report on Personnel

January 6, 1966

Permanent

Positions on board - December 3, 1965	--	101
Positions on board - January 6, 1966	--	107
Increase	--	6

Temporary

Positions on board - December 3, 1965	--	0
Positions on board - January 6, 1966	--	1
Increase	--	1

*Two of these positions are occupied by Experts who will be converted to regular appointments.

ACCESSIONS FROM DECEMBER 3, 1965 TO JANUARY 6, 1966

Permanent

Professionals

Dr. David K. Cohen, Expert, \$65.00 per diem, Research and Publications Division. A.B., Alfred University; Ph.D., University of Rochester. Dr. Cohen was formerly Assistant Professor of History at Case Institute of Technology in Cleveland, Ohio.

Miss Judith Nusbaum, Expert, \$30.00 per diem, Field Services Division. Miss Nusbaum will be in grade GS-9 upon her conversion to a regular appointment.

Miss Carole Williams, Social Science Analyst, GS-5, \$5181, Research and Publications Division. B.A., Barnard College. Miss Williams was formerly a Research Assistant with the NAACP.

Mr. Thomas N. White, Social Science Analyst, GS-7, \$6269, Research and Publications Division. B.A., and M.A., George Washington University. Ph.D. candidate. Mr. White came from the Research and Microfilm Corporation, Annapolis, Maryland, has been teaching at George Washington University, and is a former employee (1959 to 1962) of the Commission.

Non-Professionals

Miss Brenda Jackson, Clerk-Typist, GS-3, \$4149, Federal Programs Division. Miss Jackson transferred from the General Services Administration.

Miss Barbara Abrams, Clerk-Typist, GS-3, \$4149, Research and Publications Division. Miss Abrams was formerly employed by the Equal Employment Opportunity Commission.

Temporary

Professionals - None

Non-Professionals

Mrs. Rena Jeffries, Clerk-Typist, GS-4, \$5577, Office of Business Administration. Part-Time. Mrs. Jeffries was formerly employed in the Water Supply and Pollution Control Division of the U. S. Public Health Service.

SEPARATIONS FROM DECEMBER 3, 1965 TO JANUARY 6, 1966

Permanent

Professionals - None

Non-Professionals

Mrs. Catherine V. Stultz, GS-5, Office of Business Administration. Mrs. Stultz retired.

Temporary

None

PROMOTIONS FROM DECEMBER 3, 1965 TO JANUARY 6, 1966

Miss Mary Botko, Federal Programs Division
From: Secretary (Stenography), GS-5 \$6730
To: Secretary (Stenography), GS-6 \$7238

PROMOTIONS (con't.)

Barnard Sellers, Federal Programs Division
From: Social Science Analyst, GS-7 \$6269
To: Social Science Analyst, GS-9 \$7479

Miss Brenda Jackson, Federal Programs Division
From: Clerk-Typist, GS-2 \$3814
To: Clerk-Typist, GS-3 \$4149

Miss Gwendolyne Belva, Office of the Staff Director
From: Secretary (Stenography), GS-6 \$6662
To: Secretary (Stenography), GS-7 \$7097

Miss Elaine Heffernan, Office of the Staff Director
From: Secretary (Stenography), GS-7 \$7097
To: Secretary (Stenography), GS-8 \$7553

AWARDS AND QUALITY INCREASES

Quality Step Increases

Mrs. Marjorie Keith, Office of the Staff Director

Cash Awards

Jonathan Fleming
M. Carl Holman

U.S. COMMISSION ON CIVIL RIGHTS
Statement of Funds and Obligations
December 31, 1965

	(1)	(2)	(3)	(4)
	<u>FY-66 Appropriation</u>	<u>Full Year Obligation</u>	<u>Pro rata Oblig- and Completed Oblig.</u>	<u>% on Col. 3</u>
<u>Personnel Compensation</u>	<u>\$1,073,000</u>		<u>\$471,114</u>	<u>44</u>
Permanent			443,347	
Commissioners			2,700	
Consultants			13,311	
Temporary & Part-time			11,756	
<u>Personnel Benefits</u>	<u>74,000</u>		<u>34,257</u>	<u>46</u>
<u>Travel</u>	<u>125,000</u>		<u>52,367</u>	<u>42</u>
Commissioners	6,100		2,819	46
Staff Director	7,800		1,357	17
Office of Business Administration	2,500		345	14
Information Office	4,000		1,158	29
General Counsel	8,200		6,482	79
Federal Programs Division	7,000		5,880	84
Field Services Division	67,500		26,429	39
Staff, D.C.			3,593	
Staff, Memphis			7,937	
Staff, Chicago			1,774	
Field Consultants			1,615	
SAC Members			11,510	
Cleveland	16,400		7,201	44
Research & Publications Div.	5,500		696	13
<u>Rent and Communications</u>	<u>72,000</u>		<u>31,864</u>	<u>44</u>
Rent-space 6th floor (Non expenditure transfer to GSA)		13,350	6,675	
Rent-equipment		1,380	907	
Communications-Tel. & Teleg. Post Office		7,000	20,782 3,500	
<u>Printing</u>	<u>68,000</u>		<u>30,000</u>	<u>44</u>
			Md. Empl. Miss. Law Enf. Miss. A/J Vot. report GSA shop	
<u>Other Services (Commercial Contractors)</u>	<u>38,000</u>		<u>15,945</u>	<u>42</u>
<u>Services of Other Agencies</u>	<u>57,000</u>		<u>23,452</u>	<u>41</u>
		GSA 30,000 PCEO 5,000 PHS 1,804	Incl. 3,000 space renov. Chic. & D.C.	
<u>Supplies and Materials</u>	<u>13,000</u>		<u>5,781</u>	<u>44</u>
<u>Equipment</u>	<u>6,000</u>		<u>2,790</u>	<u>47</u>
Total	<u>\$1,526,000*</u>		<u>667,570</u>	<u>44</u>

* Includes \$1,500,000 already appropriated and \$26,000 in pay costs for which deficiency apportionment will be approved and supplemental funds requested by the President. Does not include supplemental funds for the education project.

ANALYSIS OF DECEMBER 31, 1965 STATEMENT OF FUNDS AND OBLIGATIONS

The statement shows that at the end of the first half of FY 1966 the Commission has spent 44 percent of the funds already appropriated and those anticipated for FY 1966 pay increase costs (\$1,500,000 + \$26,000 = \$1,526,000). Generally, the statement indicates that the Commission is about where it ought to be at this time with respect to financial matters. A fiscally sound approach toward expenditure of funds in the first half of the fiscal year has placed the Commission in a good position as it enters the second half.

The unobligated balance at the end of the first half of the year against the funds apportioned by the Budget Bureau for the first half will amount to about \$40,000. This balance carries over to the third quarter and is available for obligation. The unobligated balance results primarily from the following factors: 1) The Commission's reserve that was not allocated to the Divisions for obligation, 2) Minor delays in recruitment of new staff, 3) A lag on the part of the accounting point (GSA) in recording on the books about \$12,000 of obligation that the Commission has incurred.



THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

January 4, 1966

Honorable William L. Taylor
Staff Director
U.S. Commission on Civil Rights
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20425

Dear Mr. Taylor:

Pursuant to our telephone conversation this morning I am enclosing a copy of a letter we would be prepared to send to you regarding the Survey of Registration and Voting Statistics. It is my understanding that you will take this matter up at your Commission meeting on Thursday and will be in touch with us.

I further understand that if you feel that it is necessary to have a meeting we will do so, and before the letter is actually signed, we will have an opportunity to examine your tentative reply.

Sincerely yours,

David R. Baldwin
David R. Baldwin

Enclosure



THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON 25, D. C.

Honorable William L. Taylor
Staff Director
U. S. Commission on Civil Rights
1701 Pennsylvania Avenue, N. W.
Washington, D. C. 20425

Dear Mr. Taylor:

In accord with the President's directive to examine carefully the budgets for all existing and proposed programs we have given careful consideration to the Survey of Registration and Voting Statistics. As you know, this survey was provided for in the Civil Rights Act of 1964, in which Title VIII directs that

"The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights."

Although the Act was approved on July 1964, funds for this Survey were not appropriated until November 1965 when active work was first initiated on preparation for this Survey. The amount appropriated for 1966 is \$2,750,000 and the amount needed for fiscal 1967 is \$3,095,000.

Under present circumstances, we believe that your Commission may want to reconsider its request for work to be done under the Civil Rights Act of 1964. In support of this recommendation we would point out that in view of the problem of recall, the results of a survey in 1966 to ascertain registration and voting in 1964 would at best be of doubtful value. The recent experience of the Census Bureau, and that of other agencies, shows that people tend to overstate their voting participation, even when the inquiry is made immediately after an election. Moreover, as a result of the passage of the Voting Rights Act of 1965, there have been increases

in registration in many areas since 1964. In our opinion, for the reasons cited, a survey in 1966 would not adequately comply with the legislative intent of Title VIII.

I would be glad to join you in a conference to discuss this matter further if you believe it is desirable.

Sincerely yours,

Andrew F. Brimmer
Assistant Secretary for
Economic Affairs

* Action items

Commission Meeting - Jan 6

11:20 Call to order Minutes approved & agenda adopted

Exec Session - decision to be inserted in the record by
Abruzzi

SD's Report

Staff Director's Report on Personnel

Budget Pos as of Dec 31

* Credit cards on telephone - new cards (D Griswold)

Budget allowance report - mention fld officer

Father Heelingh - meeting w/ McKnight successful & impressive.

Mr. Patterson expresses appreciation for being informed, Hamel
agrees

Census Prob - Applicability of remedy after

Oct Rts Act questioned by Census. Census letter.

Mr. T. not satisfied - Prob should bring matter before Payne

Glicksten - agreeing to withdraw request as no

sacrifice - money could be better spent

elsewhere, Amendment of Title VIII Repeal to 1970

Mr. T. wants to go along w/ request

Freeman - go along w/ request subject to

note that Comm. ~~of~~ complied w/ its

stat. responsibility. Comm. did request.

Hamel - take credit that we ~~are~~ are not going to

ask for an unnecessary thing

Gris - bring up in budget hearing

Hosb - Go back to appropriate Comm. chairman

Commerce should do this

* T - Amblyer to regard effort to on exp. report to

Title VIII
PASSED

- Good prospects for legal or law enforcement to carry out recent Comm. recommendations re violence & resp. on justice. No action yet on rec re changes in Exec. policies.
- Atty Gen'l has announced new Title III guidelines - major ques. how will this work in practice.
- Law - Atty-Gen'l make that every effort at compl would be against cutting off funds. A-B plans re day to day overrunning of super. activities
- The move
- Congress on Voting Rts Rept sent to Comm. Congress skeptical. Atty-Gen'l make really work!

Cleveland - Libassi

2 1/2 m. yr spent in Cleveland during 6 wks - have seen nearly 400 under people. Staff prep of issue papers. Item. List of A category, B category to include staff names properly. On schedule. Rule of Russ Jones. Before Feb 3 will identify specific issues to be covered on issue paper to be presented then. Feb 18 - staff papers Get hand out. No question or comment.

Education Project

- 1. Adequacy Budget
 - 2. Research outline - consultants
 - 3. Work with DHEW - to obtain material they are accumulating under Title III
- Meeting w/ Ass't Sec'y Koppel

Meeting w/ Gardner - description of
 (Coul France Program Report
 → Incl. all disciplines - whom planners as well as disciplines
 involved. Gardner also desc end its probs in gen'l
 Libessi - present Holman & Taylor for common w/cabinet office
 Trip to Boston - Pellegrini - Harri - J
 Trip to Cleveland Conf
 Report by Coul & David Cohen

Cohen - Turner - Johnson, Shaplan, Shaw, James, Dalton.
 No conflict noted w/ staff concepts of study.
 Commission shall not make mistake of OE - be or
 non-album or possible in study will school now.
 Main focus - should be remedial action. Confined
 feeling of shortness of time,
 H - Fed Englarged diff betw communities - take
 test longer in spec area rather than diff
 equal studies

T - Teacher Attitudes

* Freeman - Wash U. - Dr John ^{Ervin} ~~Erwin~~, Assoc
 Dean of Univ College - has worked extensively
 in the field

Hamm - Director Cleveland Conference - Nothing antithetical -
 attitude excellent - who willing to be helped
 if anything imp - diff orient to try of
 teacher - down w/ middle class. As core cities
~~become~~ now the central core to rest of community

12:25 Lunch Break

Film on Mississippi

F - Award for release

HT - December showings planned

Not free

* Hannah - Cost of prints?

Free - Extension demand - which distrib valuable

Hesbe - Use of Television - esp NBC

Free - Let me know how to get it

VI Other Prov. Activities

T - Report of School Desegregation in South - find to Katzman & Banker w/ proper understanding

Final report not ready yet - be sent to Commis. If then considered inadequate then take up at next Comm. meeting

Hes - Faculty intey. recommendation Pickel up on qualifications, propose to make it agree with good qualified - NSF grade etc

Free - White teacher not good either in many of same areas

Put - what purpose will be served by publishing now that OE has benefit of our thinking? Isn't there a damage to our school study + report on value?

Depends depth of reliability by a thorough study

T - If report is timely will serve purpose. Discretion of OE to be publ in Fed. L. Regs. If report comes out during this period will then make a contrib. If Comm. think ^{report} sketchy then won't publish. Disturges them full-blown report

sample survey, which are always useful
Pat - whole of objection - Deacons figure in total
of schools designated not no of Deacons
attending schools. we are making revision.

Rankin -> straight lead on facts + insert about this
Hes - Revisions

Gris - Symp to Rankin's Pkt, 11 pages + revision + only
20 pages of text. Revision "vision" + legislative
Reduce revision to 10 or less + take out legends

T - Freedom of their discussion

Gris - One of our functions is full educ - not just concerned
with OE. will help OE

Frankie - Yah, Yah

Hes - This is just South - Ing. to talk about North

Hannah - Restate Taylor's proposal

Year - End Review Table ~~at~~ (other than Ed)

In draft form - will be ready. Blank new + next
meeting. If report is satis would begin to process
revision got over phone + program over front meeting

G.C

Same, Standards of employees decency + morals +
person holdings prep. on result of E.O. of Pres
sent to

FSD

Miss - Voting Rts. Conf. - Dec 4, ... need for
mobile registrars + registers in other Miss. Counties +
in churches or disting for conf houses.

No regny. at King Edward

McCone Rept - Adm Com concerned about police - union
relations, S.C.L. Subcommittee Rept.

Hannich - Tom changes Los Angeles - not as bad as thought -
without employment of Negroes, shocked
at extent to which Los Angeles willing to rely on
white people have no awareness of Negro
problems.

Carson is an imp person - more imp in LA than
Wag.

Most imp service - #1 prob. is jobs in LA -
honesty + poverty prog. not the answer. Com society
must provide jobs with doing other than learn industry

Hos - Booth Board story - how - attempt was reduced. Fed'd.

job - restraining
Jee - want to publish!

T - yes

Cons - Any precedent for public subc. rept of advy.
Comm rept

T - Has been approved by Chairman of Advy Comm.

Cons - Not well written - almost minority of
McCone Rept. Also - get Parker atmosphere.
Parker is partly reason, but McCone Rept was
basically constructive + pointed out widespread
response - not just Chief Parker

T - We ought not to say that Advy Comm subscribe
to views of staff + Commission

Hannich - want to be sure Sikes + rest of Comm
back up the Rept

Hammel - This will get into political campaigns with the
I am - Report. Labels with R. Reagan

T - If not published will have attention by ^{Public} Comm.

Hammel - Report must say exactly what it is

Rosen - Report to us not by us

Goss - Target + internal - have to see comm
your this circulation

Sim - we have to wear down our every report.
we are going to have to take pos. on what
rights can be published

Holman - Bad prec. to have SAC. do rights on rights
But SACs must publish, or will quit.

Hammel - We might go to Los Angeles + ed
while people

T - Still think we should publish this - then guidelines
for future, Rhinehart

Pat - Must not look to Pike + emp. This must be
SAC Report Make Pike put name on it

~~Hammel~~ - must label for what it is

Hammel - Make real effort to bring out ~~reflections~~ Hearing
in LA

T - Don't want to get mixed up in politics

Hes - State & beginning - not a Comm report. - Some forward + pub.

Pat - Second Hindley's idea

* Try to work it out

RD

Clow + Edie

N/MH meeting

18

FPD

Rept on Linsen & Cloughlin activities
85 to general & copy of other agencies
Try copy w/ Gen. Commission for agency
investigators at table re response - Stuart memo.
* See West about recent agreement

Cris - D of Agr. - have they done anything,
Any follow-up

Lewis - will follow up next year

Agr. Ext. Sec. don't require putting in
offer until recently, consideration of offering - etc.

* Cris - Time to follow up - what has happened
sometime - would be considered - useful

Travis - wait for a year

SAC

Approved

First Thursday - Feb 3

Pan American Medical Eye Group

DR. R. J. CARREON JR. AND STAFF

424 SOUTH BROADWAY 2ND. FLOOR

MADISON 8-5179

LOS ANGELES 13, CALIFORNIA

December 21, 1965

U. S. Commission on Civil Rights
1701 Pennsylvania Ave.
Washington, D. C.

Gentlemen:

As a member of the Southern California Advisory Committee to your Honorable Body, I respectfully, though emphatically, wish to express my disagreement with some of the findings and conclusions arrived at by our group which met during the past week-end to evaluate and report on the McCone Commission recommendations concerning the August riots in Los Angeles. I did not attend said meeting because I was not notified of it until 2 days after it was held.

Because of my many years of devotion to the cause of equality in Civil and Human Rights and being a member of a deeply affected minority, shortly after the Watts Riots I accepted an appointment to the (Civilian) Police Commission of Los Angeles. As I expected, this position afforded me an inside view to the accusations and counter-accusations which followed the tragic events. Based on my long experience with the Mexican-American minority problems, my advantageous observation position and my sense of fair play, I have the following impressions regarding our report to you:

1. Generally, it is expertly presented with the specific purpose of erroneously placing all the blame for the rioting, looting, killing and arson on the Law Enforcement agencies in general, and the Los Angeles Police Department in particular. Chief William H. Parker, a national symbol of Police honesty, discipline and integrity has been made the principal target of senseless tirades. His surrender to the forces of evil and Civil disobedience, under any pretense, is impossible.
2. The McCone Commission, which rightfully requested specific complaints of Police malpractice, was "swamped" with seventy such grievances. Of these, 55% were against the Sheriff's Dept., and some against the California Hiway Patrol. Of the less than 30 complaints against the local Police, some are over a year old, but all are being very carefully investigated, as are all complaints customarily, and the guilty, I know, will be punished.
3. The McCone Commission report, which I have studied from the day it was first available, is the result of intensive study and evaluation of facts by a Blue Ribbon cross section of devoted public-minded individuals. These experts have analyzed the symptoms and recommended treatments which may fall short, but a cure-all should not be expected, as our committee would want and presumes to have.

U. S. Commission on Civil Rights
Dec. 21, 1965

2.

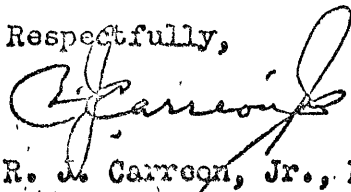
Pan American Medical Eye Group

DR. R. J. CARREON JR. AND STAFF
424 SOUTH BROADWAY 2ND. FLOOR
MADISON 8-5179
LOS ANGELES 13, CALIFORNIA

4. Certainly Civil Rights, as well as Police-Community Relations problems exist in this area as elsewhere. We also have Housing, Equality of opportunity and Employment deficiencies to alleviate. I for one certainly welcome a U. S. Commission meeting here anytime, but fail to see how it can create an Utopia which would summarily appease all of us interested in the Civil Rights image of our Country and the genuine welfare of all our fellow citizens.

Finally, I wish to assure you that the Police Department, as well as other City, County and State Agencies are already implementing some of the recommendations contained in the material of the McCone Commission report to our Governor.

Respectfully,



R. J. Carreon, Jr., M.D.

AN ANALYSIS OF THE McCONE COMMISSION REPORT

By the Southern California
Subcommittee of the California
Advisory Committee to the
United States Commission on
Civil Rights

January 1966

CALIFORNIA STATE ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

CHAIRMAN

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VICE CHAIRMAN

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Mrs. Marjorie Benedict

Alpha L. Montgomery

Reynaldo Carreon, Jr., M.D.

Dr. Hubert Phillips

PREFACE

The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent agency of the Executive Branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105 (c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied; assist the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

PURPOSE OF THIS REPORT

Following the August riot in Southeast Los Angeles, the Southern California Advisory Committee to the United States Commission on Civil Rights was established as a sub-committee of the state-wide California Advisory Committee. The Southern California Advisory Committee is composed of those members of the state-wide Committee resident in Southern California. The Southern California Advisory Committee met immediately upon formation to consider reporting to the United States Commission on Civil Rights concerning the possible need for Federal action. Following informal consultations with members and staff of the Governor's Commission on the Los Angeles riots (the McCone Commission), we decided to postpone making any recommendations until the McCone Commission had been afforded an opportunity to conduct its investigations and make its findings and suggestions. On December 2nd, the McCone Commission published its report. Accordingly, we now deem it appropriate to submit our views concerning (1) the extent to which the recommendations contained in the McCone Commission Report might assist in resolving the underlying problems; (2) the possible need for Federal assistance with respect to implementation of the McCone Commission Report; and (3) the extent to which the McCone Commission Report fails to consider or resolve essential issues, particularly in areas where Federal action might be appropriate.

THE McCONE COMMISSION REPORT - A BITTER DISAPPOINTMENT

We are sorely disappointed by the McCone Commission Report. Although there are a number of constructive suggestions which the Commission proposed, we feel the report falls far short of even the Commission's own view of its role. Certainly, it does not begin to deal adequately with the underlying problems. It prescribes aspirin where surgery is required.

The McCone Commission states, "Perhaps for the first time our report will bring into clear focus for all the citizens to see, the economic and sociological conditions in our city that underlay the gathering anger" With a budget of approximately \$250,000.00, a professional staff of 30, a secretarial staff of 15, and the services of 26 consultants, this might not have been too much to ask. Yet, the McCone Commission fails in this assignment. The report is elementary, superficial, unoriginal and unimaginative. It offers little, if anything, in the way of a study of economic and sociological conditions not previously available in published reports of public agencies such as the Los Angeles County Commission on Human Relations. In fact, we believe that the recently printed series of articles on Southeast Los Angeles in the Los Angeles Times, at no expense to the public, provide a far better and more well-informed picture of the economic and sociological conditions in our city.

Further, the report demonstrates a surprising ignorance of studies conducted by other groups. It fails to note the warnings of potential trouble in Los Angeles -- warnings which our public officials chose to ignore or scoff at. We are particularly mindful of the excellent report to the Attorney-General of California prepared by Assistant Attorney-General Howard Jewell, May 25, 1964, in which he specifically and unmistakably warned that the bitter conflict between the Chief of Police, William H. Parker, and the civil rights movement might well lead to riots and violence in the streets of Los Angeles. Jewell noted, "The evidence from Los Angeles is ominous." He pleaded for immediate action, saying "I think it is truly a situation in which a stitch in time would save nine." In his report Jewell quoted the perceptive warning of a member of this Advisory Committee, Judge Loren Miller. The Jewell report quotes Judge Miller as follows: "Violence in Los Angeles is inevitable. Nothing can or will be done about it until after the

fact. Then there will be the appointment of a commission which will damn the civil rights leaders and the Chief alike." Judge Miller's prediction was in error only to the extent that the McCone Commission failed to levy the criticism against Chief Parker which was so obviously called for.

In view of the Jewell report and other similar studies, we cannot help but feel that the absence of constructive steps to avert a riot, and the lack of preparation for dealing with one when it occurred, constituted acts of gross negligence on the part of local officials, including Mayor Yorty and Chief of Police Parker. The McCone Commission says, in an unconvincing manner, "Perhaps the people of Los Angeles should have seen trouble gathering under the surface calm." This observation misses the point completely. The officials of Los Angeles were expressly warned of the possibility of riots, failed to act, and instead chose to label those who cried out for reform as troublemakers or rabble-rousers.

We also find running through the McCone Commission Report a marked and surprising lack of understanding of the civil rights movement and a tendency to criticize those who ask for a redress of grievances rather than those who deprive citizens of their constitutional rights. For example, the McCone Commission attributes the riot in part to those who in the year preceding its occurrence urged action "to right a wide variety of wrongs, real and supposed." We think this conclusion readily lends itself to misinterpretation and plays into the hands of those who seek to stifle the civil rights movement.

The paragraph in the report which immediately follows the above quotation attributes the riot in part to the fact that "many Negroes here felt and were encouraged to feel that they had been affronted by the passage of Proposition 13." Here again, we see the basic failure of the McCone Commission to concern itself with

^{1/} Proposition 13, adopted as an amendment to California State Constitution in a November 3, 1964 initiative measure prohibited either the State, or any subdivision from making or enforcing fair housing legislation. Constitution of the State of California, Art I, Section 26.

essential issues.

We believe that the passage of Proposition 14 contributed to the tensions and resentment in the Negro community. That it would do so was obvious. Yet, the McCone Commission has no comment to make concerning Proposition 14 itself. The McCone Commission fails to mention that Proposition 14 dealt a serious blow to the cause of equal rights and equal opportunities. Instead of considering the primary issue (Proposition 14), the McCone Commission appears to clobber regretfully over the fact of Negro reaction to an injustice. We are not certain why the McCone Commission felt compelled to observe that Negroes were "encouraged" to feel affronted, or who the McCone Commission believes encouraged Negroes to do so. Although the McCone Commission apparently failed to appreciate the significance of Proposition 14, the Negro community did not. It needed no encouragement. Nevertheless, we are distressed by the implication here and elsewhere in the McCone Commission Report that those who criticized Proposition 14, or called for action in the area of social reform, are somehow to blame for the riot. Again, we feel that the McCone Commission Report lends itself to misinterpretation and plays into the hands of those who would silence the voice of protest.

We are deeply concerned over the effect which the patent failure of the McCone Commission to fulfill its assignment may have on the Negro community. As the McCone Commission recognizes, the situation in Southeast Los Angeles remains tense and highly explosive. The community had placed high hopes in the McCone Commission. This

[Fall we were advised by John Buggs, Executive Director of the Los Angeles County Commission on Human Relations, that if the McCone Commission did not

fulfill these hopes the existing tensions would be substantially increased. We regret to say that the Southeast Los Angeles community has concluded, with justification, that the McCone Commission failed in its mission. Thus, the need for affirmative action is even more critical than it was before.

POLICE - COMMUNITY RELATIONS

The McCone Commission Report recognizes that every "riot" which occurred in 1964 "was started over a police incident, just as the Los Angeles riot started with the arrest of Marquette Frye." The Commission further recognizes that there is a burning concern in the Negro population over police practices. The Commission was charged by Governor Brown with determining whether "these attitudes on the part of the Negro Community are supported by fact and reason." Nevertheless, the McCone Commission failed totally to make any findings concerning the existence or nonexistence of police malpractices, or the justification, or lack thereof, of the almost universal feeling on the part of Negroes that such malpractices exist to a significant degree.

We consider the portion of the McCone Commission Report which deals with police - community relations to be a step backward.

The Negro community assumed justifiably, based on Governor Brown's charge to the Commission that it would provide a forum for the determination of its complaints against the Police

Department.

A large number of specific cases were presented

to the McCone Commission, but the Commission failed to consider them. This we regret deeply.

Although the McCone Commission expressly refused to pass judgment on the validity of complaints of police malpractice, it did not allow its failure to resolve this essential issue to inhibit it from warning against the grave dangers inherent in criticizing the Police Department. In effect, it called for an end to criticism of Chief Parker and the Department. How it could do so, after

confessing its unwillingness to determine whether such criticism is meritorious, escapes us. Nevertheless, in its section on police - community relations the McCone Commission again engaged in one of its exercises in reverse logic, in which the people who protest injustice are found to be jeopardizing our society, rather than those whose acts give rise to the criticism. We are particularly struck by the following sentence. "The fact that this charge (police brutality) is repeatedly made must not go unnoticed, for there is a real danger that persistent criticism will reduce and perhaps destroy the effectiveness of law enforcement." While we too are concerned over criticism of the police, we believe that this criticism is not only proper, but necessary, if Negro citizens are not receiving equal treatment under the law. We call not for an end to criticism, but for an impartial investigation which will determine whether Negro citizens in Los Angeles are receiving the rights to which they are entitled under our Constitution.

We also consider that the McCone Commission failed in its treatment of the subject of police attitudes and particularly those of the administration of the Police Department. Although the Commission recommended the institution of an Inspector General system, increased efforts in the area of police - community relations, and more frequent meetings of the Police Commission, these recommendations fall far short of a serious treatment of the problem. We conclude, regretfully, that the McCone Commission in effect whitewashed Chief Parker and the administration of the Police Department.

We note with interest the annual report of the Los Angeles Police Department covering police activities during the year of 1964. This report demonstrates a persistent and continued refusal to recognize the problems of police - community relations. It demonstrates a complacency that can be explained only by a lack of understanding on the part of the Police Department of the problems and

attitudes of the minority community. It appears to ignore the repeated warnings that police attitudes required correction, and rejects clear warnings of impending trouble. The only portion of the report which deals in any way with police - community relations consists primarily of self-praise mixed with scorn for "false prophets" who warned of violence "in the streets of this city." Rather than treat the subject seriously, the annual report chose to castigate the courts, at length, for seeking to protect constitutional rights.

For years, police officials, and particularly Chief Parker, have turned a deaf ear to the complaints of Negro citizens of Los Angeles. Chief Parker has constantly refused to meet with Negro leaders, has challenged their right to represent their community, and has disparaged the civil rights movement. His refusal to recognize the very existence of the problem of police - community relations is exemplified by his statement to our California Advisory Committee in the Fall of 1962. "Basically, I do not believe that there is any difficult problem existing in the relationship between the Los Angeles Police Department and the Negro community." The extent to which these attitudes on the part of the police administration contributed to the tension in August, 1965, is immeasurable. We fear that the McCone Commission Report will provide justification for Chief Parker to continue to refuse to recognize the civil rights movement and to continue to underestimate the seriousness of the breakdown in police - community relations which exists in Los Angeles. This, too, we regret deeply.

Finally, with respect to police - community relations, we are surprised by the failure of the McCone Commission to mention or consider the invasion of the Muslim Temple by 60 police officers, the attendant wounding of a number of Muslims in the Temple, and the destruction of Temple property. We express no views concerning the police action involved. We can say, however, that the episode was most serious and that the allegations of denials of constitutional rights have been forcefully presented. The circumstances surrounding

the armed invasion of the Muslim Temple are such as clearly warrant full investigation. Rather than request a Federal hearing, we contacted the McCone Commission and asked whether it would investigate this episode and whether such investigation would constitute a significant part of the work of the Committee. The Muslim Temple episode clearly fell within the charge given the Committee by the Governor. We were assured by the McCone Commission that it considered the Muslim Temple episode of substantial significance and that it would treat it fully. Nevertheless, the report of the McCone Commission fails to contain a single word concerning the Muslim Temple incident. This, we do not understand.

OTHER OFFICIAL ATTITUDES AND ACTIONS

We do not believe that any report can be effective if it seeks to avoid fixing responsibility for basic failures. While criticism for criticism's sake serves no useful purpose, the failure to criticize where criticism is justified can only encourage those whose actions contributed to the problems which existed in Los Angeles in August of 1965, and exist today. Official attitudes towards the Negro community are of major importance in determining whether harmonious relations between majority and minority groups will exist. Where such official attitudes are unresponsive to the needs of the Negro community, it may be expected that the community will be restless and dissatisfied. We believe that the attitudes and actions of Mayor Yorty prior to and during the riot contributed substantially to its existence and duration. In fact, throughout the City administration there has been a demonstrable lack of understanding and concern for the Negro community. This fact must be recognized if official attitudes are to be changed.

The Mayor of Los Angeles, Samuel Yorty, has apparently been more interested in travels, national and international, than he has in visiting the Negro community. During the riots he absented

himself from Los Angeles, one day visiting San Diego and speaking on another day to a group of business leaders at the Commonwealth Club in San Francisco. Since the riot, he has shown far less interest in resolving the issues in Southeast Los Angeles than he has in traveling to South Viet Nam. Although our peripatetic Mayor appears to consider himself under a duty to advise the President concerning foreign policy, in the opinion of the Committee he has shown little interest in, or capacity for, resolving issues of race relations in Los Angeles.

The McCone Commission's failure to recognize the need for a change in the attitudes on the part of City officials constitutes a positive disservice to the ostensible objectives of the Commission. We might point out that the failure to criticize does not appear to stem from a desire on the part of the McCone Commission to limit itself to constructive suggestions. It did not desist to criticize Negro spokesmen and civil rights leaders, though not by name, in various portions of its report. Nor, did it hesitate to criticize an individual by name when it appeared a scapegoat was needed.

The individual the McCone Commission chose to criticize was the Lieutenant-Governor of California, Glenn M. Anderson, which criticism we find wholly unwarranted.

The criticism of Lieutenant-Governor Anderson stemmed from the fact that he called out the National Guard shortly before 4:00 p.m. on Friday, August the 13th. The McCone Commission notes that Chief Parker's request that the Guard be called out was made around 11:00 a.m. that day. The McCone Commission also notes, however, that at 1:00 p.m., after consultation with Guard officers and civilian officials, Lieutenant-Governor Anderson ordered that the

Guard be assembled at the armories at 5:00p.m. General Hill, Adjutant General and Commander of the Guard, had advised Anderson that 5:00p.m. was the earliest hour at which the troops could be assembled. The delay which the Commission appears to criticize is the two-hour period between 11:00a.m. and 1:00p.m. This "delay" was occasioned by the fact that Anderson, who was in Berkeley attending a meeting of the Board of Regents of the much troubled University of California, desired to consult with Guard officers and civilian officials before committing the Guard to action. He flew to Sacramento to meet with General Hill immediately upon being advised of Chief Parker's request.

We have several comments on the above facts. First, Lieutenant-Governor Anderson left Los Angeles for Berkeley on Friday the 13th because he was assured on that morning by the Los Angeles Police Department that "the situation was rather well in hand," which advice was subsequently proved to be erroneous. Second, we do not agree that the Lieutenant-Governor should have called out the Guard merely on the basis of telephone reports. We think that a decision to send the Guard into a ghetto area to quell racial troubles should be made only after careful analysis and consideration. We do not believe that a two-hour period in which to determine this grave question is unreasonable. Nor do we believe that a desire to consult personally with responsible officials is unwarranted.

We note, though the McCone Commission did not, that the Guard was probably mobilized more rapidly and more efficiently in this instance than on any other occasion in the history of this country in which the Guard has been requested to quell civil disobedience. We also note that no deaths had occurred prior to the calling out of the Guard. While property destruction was severe and even disastrous, we can well understand the reluctance of the Lieutenant-Governor to order armed troops into action without adequate consultation with Guard officials. The fact is that following the calling out of the

Guard, 34 human beings were killed -- almost all Negroes. These deaths may well have been inevitable, but they help us understand the desire of the Lieutenant-Governor for careful deliberation before ordering troops into action.

We are disturbed not only by what we believe to be the McCone Commission's unfair evaluation of the facts set forth above, but by the glaring omissions in this portion of the McCone Commission's report. General Hill stated at a press conference on Sunday, August 15th, in Los Angeles, "there was no more delay when the formal request was made Friday morning than if the authorization had been signed immediately, and no later, in Los Angeles." (UPI) The failure of the Commission to deal with this statement causes us serious misgivings. Moreover, the Commission notes the fact that Mayor Yorty and Chief Parker decided at 9:15a.m. to call the Guard. It also notes that the call from Chief Parker to state officials was made more than an hour and one-half later. Yet there is no word of personal criticism in the report of Mayor Yorty or Chief Parker.

We seriously question the objectivity of the portion of the McCone Commission Report which criticizes Lieutenant-Governor Anderson -- especially in view of the Commission's failure to criticize any other public official, even where in our opinion serious criticism was obviously called for.

We do so regretfully but we believe that the Commission's unwarranted attack on Lieutenant-

Governor Anderson has done a grave injustice to an outstanding public official and a dis-

service to our state. We are especially concerned that this criticism was levelled at a person

who has a record of affirmative activity in the field of civil rights. We hope

that the injustice can be remedied.

AREAS OF POSSIBLE FEDERAL IMPLEMENTATION
OF McCONE COMMISSION REPORT

General Observations

The remainder of this report will be devoted to a consideration of those areas in which direct Federal action, particularly

the expenditure of Federal funds, is required. The McCone Commission made a number of specific recommendations in the fields of education, employment and housing. In each of these areas we believe that the recommendations made by the McCone Commission are wholly inadequate. In some of these areas we think that the inadequacy of the McCone Commission's recommendations stems from a basic failure to comprehend the nature or significance of the underlying problem. Nevertheless, we believe that the specific recommendations if enacted would constitute a step forward. The very fact that the recommendations were made is of great significance, for a number of proposals which previously lacked sufficient public support may now find a climate of public acceptance. In this respect the McCone Commission has rendered a worthwhile public service.

Preliminarily, we should note our endorsement of the specific steps proposed by the McCone Commission in the areas of education, employment and housing. We are concerned, however, that consideration of these proposals may blind state and local officials to the need for continued efforts to find more basic solutions to the underlying problems. If the specific steps suggested by the McCone Commission are treated as essential preliminaries to a more serious treatment of the issues, they will prove of substantial value. If they are treated as a solution to the problem, more harm than good will have been accomplished. In this respect it is our impression that the McCone Commission realized the limitations of its report. We believe it attempted to suggest only programs which it thought would find ready acceptance. However, we also believe that the McCone Commission underestimated the willingness of governmental agencies, Federal and State, to devote their resources and efforts to providing a solution to problems which must at all costs be solved. In our opinion, it set its sights too low.

Even the limited specific proposals made by the McCone Commission require the participation of the Federal Government if they are to be realized. Governor Brown and Mayor Yorty have met to discuss the financing of the programs suggested by the McCone Commission Report. They each have announced separately that substantial Federal funds will be necessary if effective action is to be taken. The State and City have established a committee to work on joint implementation of the McCone Commission recommendations. In view of the request for Federal assistance already made by the Governor and the Mayor, we believe that the Federal Government should assign a full-time official to participate in the implementation of the recommendations of the McCone Commission. This assignment should be made immediately.

Housing

We believe that the portion of the McCone Commission Report which deals with housing fails completely to deal with the essential issues. The report leaves the impression that the fact that Los Angeles is a segregated community is a result primarily of the voluntary actions of Negroes, compounded by the existence of restrictive covenants. While these factors obviously contributed to the existence of segregated communities, we are concerned that the McCone Commission failed to recognize the adverse effect of past governmental actions as a major force contributing to the creation of segregated communities. Although the McCone Commission was fully advised of the extent to which the location of subsidized low-cost housing projects in ghetto areas contributed to the present pattern of discrimination in Los Angeles, it failed to acknowledge this fact. We believe that the pattern of government-sponsored segregated housing must be reversed by affirmative governmental action. Deliberate efforts must be made to create integrated low-cost housing developments, and to locate housing projects in areas where integration is practical. We do not underestimate

the extent to which the Federal Government can, when it desires to do so, influence the actions of private sectors of the economy, particularly where the use of Federal funds or guarantees is involved.

We are disturbed by the McCone Commission's failure to treat the existence of segregated communities as a major issue. The section of the report dealing with housing consists mainly of an historical discussion and a few minor suggestions for improving life in the ghetto. In our view, most of the evils discussed in other sections of the McCone Commission Report stem from the very existence of the ghetto system. Unless this fact is recognized, all of the recommendations offered by the McCone Commission will, in the long run, be meaningless. We think a frontal assault on segregated communities is essential. Immediate attention should be given by the Federal Government to developing methods of breaking up the ghettos. We would suggest that this issue be given priority by the new Department of Housing and Urban Development and that the housing problem in Los Angeles receive first attention.

Certain steps, in our opinion, should be taken immediately. Among these we would include the expansion of the Executive Order regarding discrimination in housing which covers only a small proportion of present housing. We would also include the adoption of regulations governing savings and loan institutions and banks subject to the jurisdiction of agencies such as the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation or which are otherwise subject to such regulation. The Executive Order and regulations should require as a condition to the lending of funds for housing construction the execution of non-discrimination covenants.

Education.

With respect to education, we also believe that the McCone Commission recommendations misconceive the basic issue. While we

endorse the specific proposals for reduction in class size and the institution of pre-school programs, we do not agree with the premise that an end to defacto segregation can be accomplished by improving the level of education in minority areas. We find that the McCone Commission's recommendations are deficient as a result of the failure of the Commission to focus on the primary goal of eliminating defacto segregation and a failure to note the relationship between segregated education and segregated housing.

The McCone Commission devotes most of the section of the report on education to seeking to find methods of improving facilities in the ghetto areas. We find this approach to be strikingly reminiscent of the Southern solution to educational problems prior to the 1954 Supreme Court decisions in the school segregation cases. The Southern solution, whenever complaints were made concerning educational opportunities for Negroes, was to urge the improvement of Negro facilities so as to make them equal to those which existed in white areas. We agree that the facilities in Negro areas should be improved, but we do not believe that such improvement will add materially to solving the problem of de facto segregation. Nor do we think that separate but equal is enough in Los Angeles in 1965. The problem of our segregated school system must be recognized and met head-on without further delay.

We believe that de facto segregation can best be ended by a frontal attack on the system of segregated communities. We think, however, that at the same time an effort must be made directly in the area of education. This can be accomplished in several ways. One is to insist that new schools be constructed in locations which will draw students from both white and Negro communities. Another is to modify the doctrine that attendance in all schools must be based solely on neighborhood patterns. These are problems which the McCone Commission ignored. They also ignored the ruling of the California Supreme Court that because de facto school segregation denies a pupil equal protection of the laws and due process of law, school officials must not only refrain from intentionally causing segregated schooling but are under a duty to take affirmative steps to end it.^{2/}

2/ Jackson v. Pasadena City School District, 31 Cal. Repr. 606, 382 P. 2d 878 (1963).

While we do not recommend any particular alternatives to the present system, we find that there is an urgent legal and moral necessity for consideration of such alternatives.

Employment

We feel that the McCone Commission recommendations with respect to employment are also inadequate. Again, we agree that the specific proposals contained in the McCone Commission Report should be adopted. We find two basic shortcomings, however, in the approach of the McCone Commission. First, we strongly disagree with the McCone Commission's rejection of Governor Brown's suggestion for an immediate Federally-financed program to create additional jobs. With respect to the Governor's suggestion, the McCone Commission comments, "Since we are somewhat skeptical about the feasibility of this program (especially as to the capacity of the unemployed in the disadvantaged areas to fulfill the jobs specified), we feel it should be tested on a pilot basis before a massive program is launched."

We believe that there is an urgent need for a massive program to create additional jobs and that it should be launched immediately. We think that job training for presently existing jobs does not provide an answer to our problem -- particularly in view of the increasing rate of automation. We favor the enactment of a substantial program of public works which will offer immediate employment to a large number of those currently unemployed and at the same time will permit the construction of much needed facilities, particularly in minority areas. We do not believe that a public works program constitutes a utopian concept in our "great society." To the contrary, we feel that job training for unemployed Negroes can only give rise to false hopes and produce additional bitterness unless a substantial number of additional jobs are created by Federal action.

We also believe that the McCone Commission did not recognize the failure of present programs to concentrate sufficiently on the problem of unemployment of those who are presently heads of families. We believe that while youth training and youth counseling are essential in order to avoid a new generation of unemployed, we cannot afford to abandon the older unemployed. We do not single out the McCone Commission for criticism in this respect. It is our feeling, however, that the Commission did not give sufficient attention to the need for concentrated efforts to solve the immediate problem of unemployment for so many heads of Negro families.

Public Welfare

The McCone Commission Report was quite critical of the administration of welfare programs. Its criticisms were made however, by way of raising questions rather than answering them. The questions raised are disturbing and they create implications which, if untrue, do a serious disservice to the entire system of public welfare. We note for example, the following three sentences in the McCone Commission Report: "However, the increase in AFDC Aid to families with dependent children expenditures, coupled with the increase in population, raises a question in the minds of some whether the generosity of the California welfare program compared with those in the southern and southwestern states is not one of the factors causing the heavy immigration of disadvantaged people to Los Angeles 'We are assured that many of the present recipients would rather have work than welfare, but the simple arithmetic of the matter makes us uncertain 'Indeed, we were told that the 18 year old girl who is no longer eligible for assistance when living with her mother may have considerable incentive to become a mother herself so as to be eligible again as the head of a new family group."

With respect to the statements quoted above, we find it regrettable that the McCone Commission felt it necessary to raise

such important questions but was incapable of answering them. Nevertheless, in view of the substantial contributions of the Federal Government to the Public Welfare program in Los Angeles County (42 percent according to the McCone Commission), we believe that the questions raised by the McCone Commission require an answer. We note that one of the two Negro members of the McCone Commission vigorously dissented from this portion of the report. However, we believe that the report itself cannot help but undermine public confidence in the public welfare program. In view of the McCone Commission's unwillingness to reach conclusions concerning the basic questions raised by it, we see no alternative to an immediate Federal study which will either justify the newly-created lack of public confidence or restore that confidence and lay the McCone Commission's insinuations to rest.

Coordination of Federal Programs

We also note the McCone Commission findings with respect to the dispersal and lack of coordination of Federal programs for administering funds in minority areas. Here, we believe the McCone Commission's Report points up an area where positive action is required. We believe that the Federal Government should give immediate consideration to consolidation and integration of federally administered or supported programs, and to improving the channels of disseminating information concerning the availability of Federal assistance.

CONCLUSIONS AND RECOMMENDATIONS

We are in full agreement with the McCone Commission's description of the present state of affairs in Los Angeles. The

Commission stated "We are seriously concerned that the existing breach, if allowed to persist, could in time split our city irretrievably. So serious and so explosive is the situation that, unless it is changed, the August riots may seem by comparison to be only a curtain-raiser for what could blow up one day in the future." It is because we agree with this basic view expressed by the McCone Commission that we are so deeply disappointed by its failure to render a report which meets even the minimum hopes, expectations or needs of the minority community. It is also because we believe that local and State authorities have failed to cope with a "clear and present danger" that we feel compelled to report the need for vigorous Federal action.

Two years ago we reported the existence of a crisis in police - community relations to the United States Commission on Civil Rights and urged it to consider scheduling hearings in Los Angeles concerning this subject. We believe that this crisis still exists. We think that the report of the McCone Commission makes it even more imperative that the United States Commission on Civil Rights now hold hearings in Los Angeles.

We would now urge, however, that the Commission on Civil Rights schedule hearings far broader in scope than those originally suggested by our Committee. We think that immediate Federal action is required in the areas of education, employment and housing.

The Committee recommends a four-part program to meet the present crisis:

First, we suggest the immediate assignment of a full-time, high-level Federal official to the Los Angeles area for a period of at least six months, and that he be vested with sufficient authority to make and implement the necessary decisions concerning the allocation and expenditures of Federal funds. Such a Federal official should be assigned the following duties, among others:

- (A) Coordination of existing Federal programs;
- (B) Participation in the current state - city studies

regarding implementation of the recommendations of the McCone Commission;

- (C) Investigation of the availability for immediate use in the Los Angeles area of additional Federal funds;
- (D). Establishment of an immediate "crash program" for assisting the unemployed to obtain employment both from existing job vacancies and by the creation of new jobs through the use of Federal funds.

Second, we urge the immediate expansion of the Presidential Executive Order relating to discrimination in housing. We also urge that regulations be adopted requiring non-discrimination covenants as a condition to the lending of funds for housing construction by banks and savings and loan institutions whose deposits are insured by Federal agencies, or who are otherwise subject to such regulations.

Third, we suggest that the new Department of Housing and Urban Development designate Los Angeles as its area of first concern and that it be instructed to give immediate attention to the development of Federal programs designed to alleviate the present crisis.

Fourth, we recommend that the United States Commission on Civil Rights schedule hearings in Los Angeles at the earliest possible date. We believe that the hearings should cover the following subjects:

- (A) Police - Community Relations. In this connection we believe the U.S.

Commission on Civil Rights must assume the responsibility abdicated by the McCone Commission of determining whether justification exists for continued Negro complaints concerning police malpractices. We also believe that the Commission must inquire into the alleged serious violation of constitutional rights in connection with the Muslim Temple episode;

- (B) Employment, Education, Housing and Public Welfare.

We believe that there are immediate problems in employment, education and housing which cannot await the scheduling of hearings by the Commission on Civil Rights. For this reason we have

suggested the assignment of a full-time Federal official to deal with the immediate problems. However, we believe that the underlying problems not faced by the McCone Commission are also urgent. We think that the U.S. Commission on Civil Rights is best equipped to deal with these basic issues and to recommend long-range programs and ideas. We think that full-scale efforts must be made to develop new programs which strike at the heart of segregated communities, segregated education and lack of employment opportunities. It is clear that these conditions all exist to an aggravated degree, in the Los Angeles area.

Solutions which go way beyond the minor corrective steps suggested by the McCone Commission must be found. We conclude, with reluctance, that such solutions will be explored and adopted only if the Federal Government takes the initiative. Unless Federal action is forthcoming, and without delay, we believe that no substantial progress will be made towards curing the ills which led to the August riots.

Southern California Subcommittee
STEPHEN REINHARDT, Chairman
MORTON A. BAUMAN
MERVYN M. DYMALLY
ALPHA L. MONTGOMERY
LOREN MILLER

DISSENTING POSITION
Submitted by Member
R.J. Carreon, Jr.

As a member of the Southern California Advisory Committee to your Honorable Body, I respectfully, though emphatically, wish to express my disagreement with some of the findings and conclusions arrived at by our group which met during the past week-end to evaluate the report on the McCone Commission recommendations concerning the August riots in Los Angeles. I did not attend said meeting because I was not available until two days after it was held.

Because of my many years of devotion to the cause of equality in Civil and Human Rights and being a member of a deeply affected minority, shortly after the Watts Riots I accepted an appointment to the (Civilian) Police Commission of Los Angeles. As I expected, this position afforded me an inside view to the accusations and counter-accusations which followed the tragic events. Based on my long experience with the Mexican-American minority problems, my advantageous observation position and my sense of fair play, I have the following impressions regarding our report to you:

1. Generally, it is expertly presented with the specific purpose of erroneously placing all the blame for the rioting, looting, killing and arson on the Law Enforcement agencies in general, and the Los Angeles Police Department in particular. Chief William H. Parker, a national symbol of Police honesty, discipline and integrity has been made the principal target of senseless tirades. His surrender to the forces of evil and Civil disobedience, under any pretense, is impossible.

2. The McCone Commission, which rightfully requested specific complaints of Police malpractice, was "swamped" with seventy such grievances. Of these, 55% were against the Sheriff's Department, and some against the California Highway Patrol. Of the less than 30 complaints against the local Police, some are over a year old, but all are being very carefully investigated, as are all complaints customarily, and the guilty, I know, will be punished.

3. The McCone Commission report, which I have studied from the day it was first available, is the result of intensive study and evaluation of facts by a Blue Ribbon cross section of devoted public-minded individuals. These experts have analyzed the symptoms and recommended treatments which may fall short, but a cure-all should not be expected, as our committee would want and presumes to have.

4. Certainly Civil Rights, as well as Police-Community Relations problems exist in this area as elsewhere. We also have Housing, Equality of Opportunity and Employment Deficiencies to alleviate. I for one certainly welcome a U. S. Commission meeting here anytime, but fail to see how it can create an Utopia which would summarily appease all of us interested in the Civil Rights image of our Country and the genuine welfare of all our fellow citizens.

Finally, I wish to assure you that the Police Department, as well as other City, County and State Agencies are already implementing some of the recommendations contained in the material of the McCone Commission report to our Governor.

VIII. SAC NOMINATIONS

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WASHINGTON, D.C. 20425

COMMISSION MEETING
JANUARY 6, 1966

Report of the Field Services Division

Advisory Committee Personnel

1. Appointments

GEORGIA

Dr. Vivian J. Henderson
Atlanta

President, Clark College. Former member,
Tennessee State Advisory Committee.

ILLINOIS

Rev. Arthur M. Brazier
Chicago

Minister. Graduate, Moody Bible Institute.
Chairman, Illinois District Council Pentecostal
Assemblies of the world.

SOUTH CAROLINA

Austin V. Edwards
Orangeburg

Federal employce - USDA Farmers Home Admin-
istration. Holds B.S. in Agriculture, South Carolina
State College; M.S. in Agricultural Economics,
Pennsylvania State University.

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2. Resignations

HAWAII

Bernard H. Levinson, Chairman
Honolulu

Appointed to Judgeship

MISSOURI

Hon. Edmund B. Smith
Kansas City

Unable to attend meetings
due to press of business

NEW YORK

Thomas V. Rafferty
New York City

Moved to Mississippi

TENNESSEE

Dr. Vivian W. Henderson
Nashville

Moved to Georgia

WYOMING

Marie H. Davis, Secretary
Casper

Moved to Colorado