

Council Meeting 3/5/66 -
Agenda Items

WHITE HOUSE CONFERENCE
"TO FULFILL THESE RIGHTS"

BACKGROUND INFORMATION

COUNCIL MEETING

5 MARCH 1966

THE WHITE HOUSE

ORIGINAL - FILE COPY

WHITE HOUSE CONFERENCE

"TO FULFILL THESE RIGHTS"

BACKGROUND INFORMATION

COUNCIL MEETING

5 MARCH 1966

AT

THE WHITE HOUSE

INDEX

- I. WHITE HOUSE PRESS RELEASE ANNOUNCING THE FORMATION OF THE COUNCIL

- II. PROVISIONAL AGENDA, COUNCIL MEETING, 5 MARCH 1966

- III. SUMMARY, KEY ISSUES AND PROPOSALS, PLANNING SESSION

- IV. PANEL AGENDA PAPERS FOR PLANNING SESSION
 1. Jobs, Job Training and Economic Security
 2. Administration of Justice
 3. Voting and Citizenship Participation
 4. Health and Welfare
 5. The Family: Resources for Change
 6. Housing and the Neighborhood
 7. The Community: Institutions and Social Action
 8. Education

PRESS RELEASE

FEBRUARY 26, 1966

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced the formation of a Council to the White House Conference, "To Fulfill These Rights." The Council, composed of a cross section of the nation's leadership, will devote evenings and weekends to preparations for the Conference first proposed by the President in his speech at Howard University in June, 1965. The Conference will be held in Washington June 1 and 2.

The President charged the Council, under the Chairmanship of Ben W. Heineman with the responsibility of sifting through the concepts, proposals, and programs outlined in the 1965 Planning Session and developing through their experience and knowledge a substantive agenda. It will be the task of the Council to consult with experts across the country; then develop programs for change to be presented to the Conference participants for their consideration and action.

In his speech at Howard University, the President announced he would call the Conference "to help the American Negro fulfill the rights which, after the long time of injustice, he is finally about to secure."

The Planning Session, held November 17 and 18, brought together approximately 250 scholars, leaders, and experts in civil rights problems from across the nation to consider some of the outstanding problems involved in bringing minority groups in this country from opportunity to achievement.

Mr. A. Philip Randolph is the Honorary Chairman of the Conference. The members of the Council will include:

Ben W. Heineman
Chairman of the Board
Chicago & Northwestern Railway Company

Morris Abram
Paul, Weiss, Rifkind, Wharton & Garrison

Honorable Edward T. Breathitt
Governor of Kentucky

Jerome Bruner
Director, Center for Cognitive Studies
Harvard University

William T. Coleman, Jr.
Dilworth, Paxson, Kalish, Kohn & Dilks

Stephen Currier
Taconic Foundation, Inc.

Professor Allison Davis
University of Chicago

John S. Gleason, Jr.
Vice President
First National Bank of Chicago

-MORE-

(OVER)

Courtlandt S. Gross
Chairman
Lockheed Aircraft Corporation

Miss Dorothy Height
President
National Council of Negro Women

Father Theodore M. Hesburgh
President
Notre Dame University

Judge A. Leon Higginbotham, Jr.
U. S. District Court of Philadelphia

Rafer Johnson
Former Olympic Decathlon Champion

Vernon E. Jordan
Project Director
Voter Education Project
Atlanta, Georgia

Martin Luther King
President
Southern Christian Leadership Conference

John Lewis
Chairman
Student Nonviolent Coordinating Committee

James A. Linen III
President
Time, Inc.

Honorable Theodore McKeldin
Mayor of Baltimore

Floyd McKissick
National Director
Congress of Racial Equality

James G. Maddox
Professor of Agriculture
University of North Carolina

~~Walter R. Maloney~~ Joseph Malony
Vice President
United Steelworkers of America

Burke Marshall
General Counsel
IBM

J. Irwin Miller
Chairman
Cummins Engine Company

William Miller
Textron, Inc.

Professor Robert Spike
University of Chicago

George Meany
President
AFL-CIO

Roy Wilkins
President
NAACP

Whitney Young, Jr.
Executive Director
National Urban League

The Reverend Walter E. Fauntroy, Director, Washington Bureau of the Southern Christian Leadership Conference; and Edward Sylvester, Director of the Office of Federal Contract Compliance, U. S. Department of Labor, as Vice Chairmen of the Conference will assist Mr. Heineman. Mr. Berl Bernhard, who served as Executive Director of the Planning Session, will act as Special Counsel to Mr. Heineman and the Conference.

The first meeting of the Council has been scheduled for Saturday, March 5.

#

PROVISIONAL
AGENDA

PROVISIONAL AGENDA

COUNCIL MEETING - MARCH 5

- I. Opening Remarks - Honorary Chairman
- II. Background of Conference - Chairman
 - A. President's Howard Speech
 - B. Fall Planning Session
 - C. Broad Objectives
- III. Organization - Chairman
 - A. Staff Structure and Responsibilities (Tentative organization chart and timetable to be distributed)
 - B. Role of Government (Primarily Staff Support and Resource)
 - C. Limited Budget (\$300,000) -- Need for Non-Government Funds
- IV. Role of Council - General Discussion
 - A. Policy Maker
 - B. Areas of Council Activity
 - C. Task Forces on Substantive Items for Presentation to Conference
 - D. Schedule and arrangements for future meetings
- V. Provisional Areas of Focus for the Conference - General Discussion
(These are areas covered by the Planning Session. The Council should decide whether the Conference should consider this entire spectrum or focus upon selected goals and concrete proposals. A Summary of Planning Session Proposals and a listing of current programs for each of the following will be available at the Council Meeting)
 - A. Jobs and Economic Security (See Agenda Paper No. 1)

- B. Education (See Agenda Paper No. 8)
 - C. Voting and Citizens Participation (See Agenda Paper No. 3)
 - D. Housing and the Neighborhood (See Agenda Paper No. 6 and enclosed President's Housing Message)
 - E. Administration of Justice (See Agenda Paper No. 2 and enclosed statement from President's State of the Union Message)
 - F. Health and Welfare (See Agenda Paper No. 4)
 - G. The Family (See Agenda Paper No. 5)
 - H. Community Action (See Agenda Paper No. 7 and enclosed President's Housing Message)
 - I. Other Areas
- VI. Matters Requiring Discussion or Decision in a Near Future Meeting
- A. Categories or Kinds of Interests to be Represented at Conference
 - B. Size of Conference
 - C. Structure of the Conference
 - D. Other

Lunch will be served about 1:00 p.m.

STATEMENT FROM
PRESIDENT'S STATE OF UNION MESSAGE

" ... I propose legislation to establish unavoidable requirements for non-discriminatory jury selection in federal and state courts --- and to give the Attorney General the power necessary to enforce those requirements.

I propose legislation to strengthen authority of federal courts to try those who murder, attack, or intimidate either civil rights workers or others exercising their constitutional rights -- and to increase penalties to a level equal to the nature of the crime...."

January 26, 1966

NOTICE: There should be no premature release of this Message to the Congress, nor should its contents be paraphrased, alluded to or hinted at in earlier stories. There is a total embargo on this message until 12:00 noon January 26, 1966, which includes any and all references to any material in this message.

Bill D. Moyers

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

Nineteen-sixty-six can be the year of rebirth for American cities.

This Congress, and this people, can set in motion forces of change in great urban areas that will make them the masterpieces of our civilization.

Fifty years from now our population will reach that of today's India. Our grandchildren will inhabit a world as different from ours, as ours is from the world of Jefferson.

None can predict the shape of their life with any certainty. Yet one thing is sure. It will be lived in cities. By the year 2,000, four out of five Americans will live and work in a metropolitan area.

We are not strangers to an urban world.

We began our national life gathered in towns along the Atlantic seaboard. We built new commercial centers around the Great Lakes and in the Midwest, to serve our Westward expansion.

Forty millions came from Europe to fuel our economy and enrich our community life. This century has seen the steady and rapid migration of farm families -- seeking jobs and the promise of the city.

From this rich experience we have learned much.

We know that cities can stimulate the best in man, and aggravate the worst.

We know the convenience of city life, and its paralysis.

We know its promise, and its dark foreboding.

What we may only dimly perceive is the gravity of the choice before us.

Shall we make our cities livable for ourselves and our posterity?
Or shall we by timidity and neglect damn them to fester and decay?

If we permit our cities to grow without rational design --

If we stand passively by, while the center of each city becomes a hive of deprivation, crime, and hopelessness --

more

(OVER)

If we devour the countryside as though it were limitless, while our ruins -- millions of tenement apartments and delapidated houses -- go unredeemed --

If we become two people -- the suburban affluent and the urban poor, each filled with mistrust and fear one for the other --

If this is our desire and policy as a people, then we shall effectively cripple each generation to come.

We shall as well condemn our own generation to a bitter paradox: an educated, wealthy, progressive people, who would not give their thoughts, their resources, or their wills to provide for their common well-being.

I do not believe such a fate is either necessary or inevitable. But I believe this will come to pass -- unless we commit ourselves now to the planning, the building, the teaching and the caring that alone can forestall it.

That is why I am recommending today a massive Demonstration Cities Program. I recommend that both the public and private sectors of our economy join to build in our cities and towns an environment for man equal to the dignity of his aspirations.

I recommend an effort larger in scope, more comprehensive, more concentrated -- than any that has gone before.

The Work of the Past

I know the work of the past three decades. I have shared in the forging of our Federal housing and renewal programs. I know what they have done for millions of urban Americans:

Eight million single family dwellings assisted by the Federal Housing Administration.

An additional 6.7 million assisted by the Veterans Administration.

1.1 million multiple units created.

605,000 families moved out of decayed and unsanitary dwellings into decent public housing.

300,000 dwelling units supported under urban renewal.

Without these programs, the goal I recommend today would be impossible to achieve. Because Federal sponsorship is so effective a part of our system of home-building, we can conceive a far larger purpose than it has yet fulfilled. We must make use of every established housing program -- and of social, educational, and economic instruments as well -- if the Demonstration Cities Program is to succeed.

The Problem Today

Our housing programs have built a platform, from which we may see how far away is the re-born city we desire. For there still remains:

-- some 4 million urban families living in homes of such disrepair as to violate decent housing standards.

-- the need to provide over 30% more housing annually than we are currently building.

-- our chronic inability to provide sufficient low and moderate income housing, of adequate quality, at a reasonable price.

-- the special problem of the poor and the Negro, unable to move freely from their ghettos, exploited in the quest for the necessities of life.

-- increasing pressures on municipal budgets, with large city per capita expenditures rising 36% in the three years after 1960.

-- the high human costs: crime, delinquency, welfare loads, disease and health hazards. This is man's fate in those broken neighborhoods where he can "feel the enclosure of the flaking walls and see through the window the blackened reflection of the tenement across the street that blocks out the world beyond."

-- the tragic waste and, indeed, the chaos that threatens where children are born into the stifling air of overcrowded rooms, destined for a poor diet, inadequate schools, streets of fear and sordid temptation, joblessness, and the gray anxiety of the ill-prepared.

-- and the flight to the suburbs of more fortunate men and women, who might have provided the leadership and the means for reversing this human decline.

The Inadequate Response

Since 1949, the urban renewal program has been our chief instrument in the struggle for a decent urban environment.

Over 800 cities are participating in urban renewal programs. Undertaken and designed by the cities themselves, these efforts have had an increasing influence on the use of urban land. Last year the Congress wisely extended the authorization for urban renewal, at a higher level than before.

Years of experience with urban renewal have taught us much about its strengths and weaknesses.

Since 1961 we have made major alterations in its administration. We have made it more responsive to human needs. We have more vigorously enforced the requirement of a workable program for the entire community. Within the limits of current law, we have achieved considerable progress toward these goals.

Nevertheless the social and psychological effects of relocating the poor have not always been treated as what they are. They are the unavoidable consequences of slum clearance, demanding as much concern as physical redevelopment.

The size and scale of urban assistance has been too small, and too widely dispersed.

Present programs are often prisoners of archaic and wasteful building practices. They have inhibited the use of modern technology. They have inflated the cost of re-building.

The benefits and efficiencies that can come from metropolitan planning are still unrealized in most urban regions.

more

Insufficient resources cause extensive delays in many projects. The result is growing blight and over-crowding that thwart our best efforts to resist them.

The goals of major federal programs have often lacked cohesiveness. Some work for the revitalization of the central city. Some accelerate suburban growth. Some unite urban communities. Some disrupt them.

Urban Dilemmas

Virtually every forward step we have taken has had its severe limitations. Each of those steps has involved a public choice, and created a public dilemma:

... major clearance and reconstruction, with its attendant hardships of relocation.

... relieving traffic congestion, thereby widening the gulf between the affluence of suburbia and the poverty of the city.

... involving urban residents in redeveloping their own areas, hence lengthening the time and increasing the cost of the job.

... preserving the autonomy of local agencies, thus crippling our efforts to attack regional problems on a regional basis.

These dilemmas cannot be completely resolved by any single program, no matter how well designed. The prize -- cities of spacious beauty and lively promise, where men are truly free to determine how they will live -- is too rich to be lost because the problems are complex.

Let there be debate over means and priorities.

Let there be experiment with a dozen approaches, or a hundred.

But let there be commitment to that goal.

What is Required

From the experience of three decades, it is clear to me that American cities require a program that will:

-- concentrate our available resources -- in planning tools, in housing construction, in job training, in health facilities, in recreation, in welfare programs, in education -- to improve the conditions of life in urban areas.

-- join together all available talent and skills in a coordinated effort.

-- mobilize local leadership and private initiative, so that local citizens will determine the shape of their new city -- freed from the constraints that have handicapped their past efforts and inflated their costs.

more

A Demonstration Cities Program

I propose a Demonstration Cities Program that will offer qualifying cities of all sizes the promise of a new life for their people.

I propose that we make massive additions to the supply of low and moderate-cost housing.

I propose that we combine physical reconstruction and rehabilitation with effective social programs throughout the rebuilding process.

I propose that we achieve new flexibility in administrative procedures.

I propose that we focus all the techniques and talents within our society on the crisis of the American City.

It will not be simple to qualify for such a program. We have neither the means nor the desire to invest public funds in an expensive program whose net effects will be marginal, wasteful, or visible only after protracted delay.

We intend to help only those cities who help themselves.

I propose these guidelines for determining a city's qualifications for the benefits -- and achievements -- of this program.

1. The demonstration should be of sufficient magnitude both in its physical and social dimensions to arrest blight and decay in entire neighborhoods. It must make a substantial impact within the coming few years on the development of the entire city.
2. The demonstration should bring about a change in the total environment of the area affected. It must provide schools, parks, playgrounds, community centers, and access to all necessary community facilities.
3. The demonstration -- from its beginning -- should make use of every available social program. The human cost of reconstruction and relocation must be reduced. New opportunities for work and training must be offered.
4. The demonstration should contribute to narrowing the housing gap between the deprived and the rest of the community. Major additions must be made to the supply of sound dwellings. Equal opportunity in the choice of housing must be assured to every race.
5. The demonstration should offer maximum occasions for employing residents of the demonstration area in all phases of the program.
6. The demonstration should foster the development of local and private initiative and widespread citizen participation -- especially from the demonstration area -- in the planning and execution of the program.
7. The demonstration should take advantage of modern cost-reducing technologies without reducing the quality of the work. Neither the structure of real estate taxation, cumbersome building codes, nor inefficient building practices should deter rehabilitation or inflate project costs.

more

many projects.
 thwart our best
 acked cohesive-
 city. Some
 initiatives. Some

For the large
could provide dec
living in substan
marginal housin
gram could well

8. The demonstration should make major improvements in the quality of the environment. There must be a high quality of design in new buildings, and attention to man's need for open spaces and attractive landscaping.

9. The demonstration should make relocation housing available at costs commensurate with the incomes of those displaced by the project. Counseling services, moving expenses, and small business loans should be provided, together with assistance in job placement and retraining.

10. The demonstration should be managed in each demonstration city by a single authority with adequate powers to carry out and coordinate all phases of the program. There must be a serious commitment to the project on the part of local, and where appropriate, state authorities. Where required to carry out the plan, agreements should be reached with neighboring communities.

11. The demonstration proposal should offer proof that adequate municipal appropriations and services are available and will be sustained throughout the demonstration period.

12. The demonstration should maintain or establish a residential character in the area.

13. The demonstration should be consistent with existing development plans for the metropolitan areas involved. Transportation plans should coordinate every appropriate mode of city and regional transportation.

14. The demonstration should extend for an initial six-year period. It should maintain a schedule for the expeditious completion of the project.

These guidelines will demand the full cooperation of Government at every level and of private citizens in each area. I believe our Federal system is creative enough to inspire that cooperative effort. I know it must be so creative if it is to prosper and flourish.

Size of the Program

The program I recommend is intended to eliminate blight in the entire demonstration area. Through efficient rebuilding it must replace that blight with attractive and economic housing, social services, and community facilities.

There are many ways by which this can be done, once the commitment has been made to do it. Total clearance and reconstruction; partial clearance and rehabilitation; rehabilitation alone -- any of these methods may be chosen by local citizens.

Whatever approach is selected, however, must be comprehensive enough to be effective and economic.

There are few cities or towns in America which could not participate in the Demonstration Cities Program. We shall take special care to see that urban communities of all sizes are included. For each such community, the impact of the program will be significant, involving as much as 15 to 20 percent of the existing substandard structures.

more

For the largest qualifying cities a relatively modest program could provide decent housing for approximately 5,000 families now living in substandard dwelling units. It could rehabilitate other marginal housing sufficient to affect 50,000 people. A typical program could well involve a total of 35,000 units or 100,000 people.

For cities of approximately 100,000 people, 1,000 families could be rehoused, and 3,000 units rehabilitated, affecting a total of 10,000 people.

Benefits of the Program

I recommend that participating cities receive two types of Federal assistance:

First, the complete array of all available grants and urban aids in the fields of housing, renewal, transportation, education, welfare, economic opportunity and related programs.

Second, special grants amounting to 80% of the non-Federal cost of our grant-in-aid programs included in the demonstration. These grants are to supplement the efforts of local communities. They are not to be substituted for those efforts.

In every qualifying city, a Federal coordinator would be assigned to assist local officials in bringing together all the relevant Federal resources.

Once authorized, the supplemental funds would be made available in a common account. They would be drawn at the discretion of the community to support the program. They would be certified by the Federal coordinator.

It is vital that incentives be granted for cost reductions achieved during the performance of the program.

At least as vital as the dollar commitment for rebuilding and rehabilitation is the social program commitment. We must link our concern for the total welfare of the person, with our desire to improve the physical city in which he lives. For the first time, social and construction agencies would be joined in a massive common effort, responsive to a common local authority.

There is another benefit -- not measurable in dollars, or even in the extended range of social services -- that qualifying cities would secure by participating in this program.

It is a sense of hope:

-- that the city is not beyond reach of redemption by men of good will

-- that through wise planning, cooperation, hard work, and the sacrifice of those outmoded codes and practices that make widespread renewal impossibly expensive today, it is possible to reverse the city's decline.

That knowledge, that confidence, that hope can make all the difference in the decade ahead.

more

(OVER)

Federal Cost

Funds are required in the first year to assist our cities in the preparation of demonstration plans. We should not underestimate the problems involved in achieving such a plan. The very scale of the demonstration, its widespread and profound effects on the social and physical structure of the city, calls for marshaling the city's planning and administrative resources on an unprecedented scale.

I estimate the appropriate Federal contribution to this planning effort at \$12 million.

For the supplemental demonstration grants I will recommend appropriations, over a six-year period, totalling over \$2.3 billion, or an average of some \$400 million per year.

It is impossible to estimate exactly -- but it is necessary to consider -- the rising cost of welfare services, crime prevention, unemployment and declining property values that will plague all governments, local, state, and Federal, if we do not move quickly to heal and revitalize our cities.

Metropolitan Planning

The success of each demonstration will depend on the quality of its planning, and the degree of cooperation it elicits from the various governmental bodies concerned, as well as from private interests.

Most metropolitan areas conduct some degree of metropolitan planning now. The Federal government has made funds available throughout the country so that state and local planning agencies might devise -- many for the first time -- comprehensive plans for metropolitan areas.

I recommend improvements and extensions of this program. The Congress enacted them recognizing that the problems of growth, transportation, housing, and public services cannot be considered by one entity of government alone.

The absence of cooperation between contiguous areas is wasteful. It is also blind to the reality of urban life. What happens in the central city, or the suburb, is certain to affect the quality of life in the other.

The widespread demand for these funds has resulted in their being spread thinly across the fifty states. Thus, the benefits of a truly coordinated attack on metropolitan problems have not generally been realized.

Incentives to Orderly Metropolitan Development

Over the past five years, the Congress has authorized Federal grants for urban mass transportation, open space, and sewer and water facilities. The Congress has required that such projects be consistent with comprehensive planning for an entire urban or metropolitan area. The Federal

more

Government Planning
 Bureau
 Washington, D.C.

Government has thus not only helped our localities to provide the facilities they need. It has also stimulated cooperation and joint planning among neighboring jurisdictions.

But more remains to be done. The powerful forces of urban growth threaten to overwhelm efforts to achieve orderly development. A metropolitan plan should be an instrument for shaping sound urban growth -- not a neglected document.

I now propose a new incentive to help assure that metropolitan plans achieve their potential.

The Federal Government should bear a larger share of the total cost of related Federal aid programs. This share would be borne where local jurisdictions show that they are ready to be guided by their own plans in working out the patterns of their own development and where they establish the joint institutional arrangements necessary to carry out those plans.

Demonstrations of Effective Planning

I propose that a series of demonstrations in effective metropolitan planning be undertaken promptly.

Metropolitan areas would be selected to return the broadest possible data and experience to Federal, state and local governments. They should therefore be of varying size and environment, in widely separated locations. They would be selected to assure that their benefits reach small communities surrounding the large cities.

Advanced techniques and approaches should be employed. There must be

- balanced consideration of physical and human development programs.
- coordinated treatment of the regional transportation network.
- technical innovations, such as metropolitan data banks and systems analysis.
- new educational and training programs.
- new arrangements for coordinating decisions of the various local governments involved.

I estimate the cost of the demonstrations at \$6,500,000.

I shall impose on the new Department of Housing and Urban Development the continuing responsibility to stimulate effective planning. If local governments do not plan cooperatively and sufficiently in advance of inevitable urban growth, even adequate funds and an aggressive determination to improve our cities cannot succeed.

Housing for All

The programs I have proposed -- in rebuilding large areas of our cities, and in metropolitan planning -- are essential for the rebirth of urban America.

more

(OVER)

Yet at the center of the cities' housing problem lies racial discrimination. Crowded miles of inadequate dwellings -- poorly maintained and frequently over-priced -- is the lot of most Negro Americans in many of our cities. Their avenue of escape to a more attractive neighborhood is often closed, because of their color.

The Negro suffers from this, as do his children. So does the community at large. Where housing is poor, schools are generally poor. Unemployment is widespread. Family life is threatened. The community's welfare burden is steadily magnified. These are the links in the chain of racial discrimination.

This Administration is working to break that chain -- through aid to education, medical care, community action programs, job retraining, and the maintenance of a vigorous economy.

The time has come when we should break one of its strongest links -- the often subtle, but always effective force of housing discrimination. The impacted racial ghetto will become a thing of the past only when the Negro American can move his family wherever he can afford to do so.

I shall, therefore, present to the Congress at an early date legislation to bar racial discrimination in the sale or rental of housing.

New Communities

Our existing urban centers, however revitalized, cannot accommodate all the urban Americans of the next generation.

Three million new residents are added each year to our present urban population. The growth of new communities is inevitable. Unless they are to be casual parts of a general urban sprawl, a new approach to their design is required.

We must:

- enlarge the entire scale of the building process;
- make possible new efficiencies in construction, land development, and municipal services;
- relieve population densities;
- offer a variety of homes to a wide range of incomes.

These communities must also provide an environment harmonious to man's needs.

They must offer adequate transportation systems, attractive community buildings, and open spaces free from pollution. They must retain much of the natural beauty of the landscape.

The private sector must continue its prominent role in the new community development. As I recommended to the Congress last year, mortgage insurance should be made available for sites and community facilities for entire new communities.

more

It is apparent
increasing number
existence, promis
tion techniques, v
should be encour
of doing so.

It is apparent that new communities will spring into being near an increasing number of major metropolitan areas. Some, already in existence, promise dramatic efficiencies through size and new construction techniques, without sacrificing beauty. Obviously such a development should be encouraged. I recommend that the Congress provide the means of doing so.

Rent Supplement Program

Rarely has a new housing program evoked such a dramatic and positive response as the rent supplement program.

The Department of Housing and Urban Affairs has already received preliminary proposals from sponsors to construct nearly 70,000 low-income units under this program as soon as funds become available.

The proposals involve 424 projects in 265 localities in 43 States, the District of Columbia, and Puerto Rico. The sponsors have already selected sites for some 40,000 of these units. The interested groups are about equally divided between non-profit organizations and private limited dividend developers.

The need for this program is obvious. It is the need of the poor and the disadvantaged. The demand for the means to meet this need by private enterprise is demonstrated by the figures I have just cited.

I strongly urge the Congress to pass a supplementary appropriation to fund the rent supplement program at the \$30 million level it has authorized in the Housing and Urban Development Act of 1965.

Mass Transportation Program

We must continue to help our communities meet their increasing needs for mass transportation facilities. For this purpose, I propose an additional one-year authorization for the urban mass transportation program.

The New Department

No Federal program can be effective unless the agency that administers it is efficient. This is even more crucial for programs that call for comprehensive approaches at both the Federal and local level.

Progress was made after 1961 toward unifying the Housing and Home Finance Agency. But the very nature of that agency limited the extent to which its several parts could be welded into a truly unified whole. Its Administrator lacked the statutory basis for gaining full control over partially independent agencies.

With this in mind, I requested -- and you enacted -- legislation to create a Department of Housing and Urban Development.

As a result, the Secretary of the new Department now has the authority and the machinery for implementing the new programs I have asked for.

more

(OVER)

I see five ways by which he can do this:

1. He can organize the Department so that its emphasis will be upon meeting modern urban needs -- rather than fitting new programs into old and outworn patterns.
2. He can strengthen the regional structure so that more decisions can be made in the field.
3. He can assert effective leadership throughout the Department.
4. He can mesh together all our social and physical efforts to improve urban living.
5. He can assume leadership among inter-governmental agencies dealing with urban problems.

Such a Department, and such leadership, will be worthy of the program I recommend you adopt.

A Year of Rebirth

The evidence is all about us that to be complacent about the American city is to invite, at best, inconvenience; at worst, a divided nation.

The programs I have proposed in this message will require a determined commitment of our energy and a substantial commitment of our funds.

Yet these programs are well within our resources. Nor do they compare in cost with the ugliness, hostility, and hopelessness of unlivable cities.

What would it mean to begin now, and to bring about the rebirth of our cities?

It would mean:

- a more tolerable and a more hopeful life for millions of Americans.
- the possibility of retaining middle-income families in the city, and even attracting some to return.
- improving the cities' tax base, at a time of heavy strain on city budgets.
- ultimately reducing welfare costs.
- avoiding the unnecessary waste of human resources.
- giving to both urban and suburban families the freedom to choose where they will live.
- a clean room and a patch of sky for every person, a chance to live near an open space, and to reach it on a safe street.

As Thomas Wolfe wrote. "to every man his chance -- to every man, regardless of his birth, his shining, golden opportunity -- to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him -- this . . . is the promise of America."

more

I believe these are
people. I want to make
I urge the Congress
of 1966. If wo
hono

I see five ways by which he can do this:

1. He can organize the Department so that its emphasis will be upon meeting modern urban needs -- rather than fitting new programs into old and outworn patterns.
2. He can strengthen the regional structure so that more decisions can be made in the field.
3. He can assert effective leadership throughout the Department.
4. He can mesh together all our social and physical efforts to improve urban living.
5. He can assume leadership among inter-governmental agencies dealing with urban problems.

Such a Department, and such leadership, will be worthy of the program I recommend you adopt.

A Year of Rebirth

The evidence is all about us that to be complacent about the American city is to invite, at best, inconvenience; at worst, a divided nation.

The programs I have proposed in this message will require a determined commitment of our energy and a substantial commitment of our funds.

Yet these programs are well within our resources. Nor do they compare in cost with the ugliness, hostility, and hopelessness of unlivable cities.

What would it mean to begin now, and to bring about the rebirth of our cities?

It would mean:

- a more tolerable and a more hopeful life for millions of Americans.
- the possibility of retaining middle-income families in the city, and even attracting some to return.
- improving the cities' tax base, at a time of heavy strain on city budgets.
- ultimately reducing welfare costs.
- avoiding the unnecessary waste of human resources.
- giving to both urban and suburban families the freedom to choose where they will live.
- a clean room and a patch of sky for every person, a chance to live near an open space, and to reach it on a safe street.

As Thomas Wolfe wrote. "to every man his chance -- to every man, regardless of his birth, his shining, golden opportunity -- to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him -- this . . . is the promise of America."

more

I believe these are people. I want to make of 1966. If we have hopes of

I believe these are among the most profound aspirations of our people. I want to make them part of our destiny.

I urge the Congress promptly to adopt the Demonstration Cities Act of 1966. If we begin now the planning from which action will flow, the hopes of the 20th Century will become the realities of the 21st.

LYNDON B. JOHNSON

THE WHITE HOUSE,

January 26, 1966.

#####

SUMMARY
PLANNING SESSION

SUMMARY
KEY ISSUES AND PROPOSALS: PLANNING SESSION,
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

The proceedings of the Planning Session for the White House Conference "To Fulfill These Rights" reveal a striking amount of agreement on the key issues and major elements of the problems facing the Negro American today. At the same time it should be noted that no votes were taken, that individuals were allowed to express personal views freely, and that there was no attempt to force consensus in what was essentially a free-wheeling exploration of possible solutions to a complex and deeply rooted national problem. Nevertheless, it is reasonably safe to say that from each of the eight panels* came discussion, concern, and recommendations related to these commonly agreed upon themes and problems:

I. The major problems faced by the Negro American are inextricably related, and piecemeal approaches will fail.

The Negro's ability to find a job, or earn a decent income, the kind of housing available to him, the kind of education and training he is able to secure for his children (which may or may not enable them, in turn, to

*Jobs, Job Training and Economic Security; Administration of Justice; Education; The Family: Resources for Change; Housing and the Neighborhood; Health and Welfare; Voting and Citizenship Participation; and The Community: Institutions and Social Action.

earn a decent income), the quality of his medical and hospital care, his right to a day in court -- all are intertwined. The Negro without one of these is likely to be without any of them.

However, most of the panelists strongly shared the belief that the crucial element is economic security. They agreed that the Negro without economic security is without options, without, in a true sense, freedom. "The real horror of the ghetto today," said one of the participants, "is lack of choice." Similarly, several of the panels pointed out that until the Southern Negro is economically free, he cannot be politically free. The various parts of the problem fell together in the panel that focused on the family, which argued in its report that families should have the right to evolve in directions of their own choosing.

One key to economic security for low income Negroes was seen to be the creation of socially useful jobs -- jobs which would contribute to the rebuilding of cities, the construction of schools. Panelists advocated "sub-professional" jobs in the fields of health, welfare, education, administration of justice which would provide added services, relieve hard pressed professional workers, and link services more closely to the communities they

are to serve. They urged expanded and updated training programs, teaching skills geared to the needs of the present and the future, the raising of the minimum wage and the expansion of its coverage.

Where jobs cannot be obtained, the panels said, there must be other forms of guaranteed minimum income -- through revisions in tax policy, or through changes in the welfare system. Several of the panels suggested that the welfare system must be restructured so that its true purpose is the end of welfare dependency and the beginning of economic self-sufficiency.

It was widely suggested that the Government must set as a high-priority goal the end of illiteracy in the United States -- for the illiterate has no hope of finding a decent job, of filling out his welfare forms, of exercising full citizenship, of sitting on a jury, of, in effect, coping.

Several of the panels suggested that rural poverty needs more attention. The Federal Government, which has done so much to support large farm businesses, was urged to do more for the impoverished rural Negro -- the tenant farmer, the small farm owner, the sharecropper -- whose choices are often worsening economic subjugation or flight to urban hopelessness. Such help might come through

special farm programs, through Federal land and farm equipment aid.

II. Racial discrimination remains a pervasive factor - affecting all aspects of the Negro's life, limiting his options.

Discrimination, subtle or blatant, intentional or not, affects the Negro's ability to find a job, get a good education, choose a home, get medical care, become a doctor, and be dealt with fairly by welfare, police, and other agencies that determine his opportunities.

The education panel felt strongly, for example, that American education is organized along race and class lines, that segregated education is inherently inferior, no matter what brings it about, and that all evidence is that Negro children receive an education deficient in quality by every standard -- academic achievement, teaching, supervision, facilities, materials, curriculum and by every measure of consequence.

Several of the panels felt that this truth of pervasive discrimination must be faced, and that while the instruments of government cannot outlaw prejudice, neither should they cooperate with it.

III. The problems discussed by the Conference are of national importance, and there is a national responsibility to solve them; whatever the local variations, most of the problems are of such scope that only the Federal Government has the over-all perspective, responsibility and resources to initiate and underwrite significant change. Yet the solutions must focus on the local community; and Federal action does not imply preemption of state and local activity -- it means encouraging and enabling state and local instruments to make a greater contribution.

Inherent in a great many of the proposals was the belief that where Federal funds contribute to programs, there should be greater insistence on Federally established standards which require equality of services, which demand that they be equally available to all, and which have desegregation as a primary goal. Such standards were called for in housing and in welfare services. The education panel felt there should be national norms in education. Where equal access to programs is deliberately denied Negroes -- in the fields of education, training, or welfare -- it was felt that the Federal Government must step in to fill in the gap.

Many of the proposals reflected the underlying

assumption that only the Federal Government had the resources -- monetary, technical, and informational -- to make significant inroads on the problems. Thus the education panel called for a major investment of Federal funds and leadership to remove racial considerations from the organization and operation of American public schools. The panel on housing called for a program to assure a vast new supply of housing for those of low and moderate incomes, widely dispersed throughout the metropolitan area, and available to anyone, whatever his race. They maintained that unless housing for those of under \$6,000 income becomes available in large amounts outside the ghetto, on a racially inclusive basis, there is no hope of breaking up the ghettos and redeveloping blighted areas. The panel proposed more financial inducements to private enterprise to build houses for the poor, a large rent supplement program, better land planning, Federal encouragement for "New Towns" in which those of all income levels can live and work.

IV. There must be more coordinated planning of programs and services.

Conferees were in general agreement that services and

programs must be coordinated at the local level, so that they are coherent, complete and reinforce each other. There were suggestions that there should be centers, neighborhood and community, containing and combining the various welfare, health, educational, job referral, training and other services. In the panel on the family, it was suggested that there be a national family policy which would serve to check the multiplying services and agencies, and the fragmentation of the family that often results from uncoordinated programs and services.

It was repeatedly stressed that within individual programs there must be greater insistence on regional planning. Particularly in the fields of housing and education it was felt that unless programs were planned on a metropolitan basis, including city and suburb, and that unless such plans had affirmative action to desegregate as a primary goal, all talk of solving urban problems would be meaningless.

There were suggestions that there should be regional centers for general medical, educational and welfare services patterned after the regional centers on heart disease and cancer -- so that the best that this country has to offer can more readily be available to all.

V. Government-sponsored services must be available uniformly, without discrimination; there must be efforts to inform potential clients that the services exist, and clients must also be made fully cognizant of their rights to these services. It was noted that all too often the intended recipients of a program or service are not aware that it exists; that if they do apply for help they are often treated with disrespect, if not abuse, by the dispensers of the services; and that they seldom know whether there is any recourse against denials, or the abusive dispensation, of these services.

Moreover, several of the panels, particularly those on the family and health and welfare, proposed positive efforts to assure that the poor receive the same quality and range of services, the same options, as those with higher income. Both panels felt that family planning services should be available to all who seek them.

It was widely suggested that efforts be made to assure greater accessibility of health and welfare services; and it was suggested that subprofessionals recruited from the low income neighborhoods might serve as "expeditors," helping to spread information about the availability of services. It was proposed that those who dispense the

services be better trained to deal with their clients -- to treat them with understanding and respect.

VI. There must be a greater voice in the planning of programs for those whom the programs affect. A recurrent theme was the necessity of finding ways through which poor and relatively powerless Negroes may express their own needs and grievances; widespread failure to talk to those concerned, to listen to them was described in several panels. Panelists recommended that poor Negroes be included in policy formulation, and enabled to bring problems to the attention of officials and secure results through improved complaint machinery. This theme was emphasized particularly in the panel on jobs, health and welfare, education, housing, the administration of justice, and the community. There were further suggestions that government provide forums for such communication; that the government strengthen "indigenous" groups; that private groups could play an important catalytic role in this area; and that here, too, subprofessionals might form a vital link between those administering programs and those for whom the benefits of the programs were intended.

VII. There is a wide range of contributions which private

groups -- civil rights and other citizen groups, foundations and other nonprofit organizations, and business -- can make towards fulfilling the rights of the Negro American, both with government cooperation and acting on their own.

It was proposed that Negro and other citizen groups should: provide opportunities for improving police-community relations; help government agencies enforce civil rights statutes by monitoring compliance and bringing complaints; help official agencies spread information about the availability of programs, and about the recipients' rights to them; conduct registration drives and voter education; support community action programs.

It was proposed that foundations and other nonprofit groups should play a larger role in: political education; in supplying low income housing by taking advantage of rent-supplement and rehabilitation programs; in providing funds for experimenting in new ways to organize public education, and in making up for the damage that segregated, inferior education has already done.

Business, both with and without incentives from the Federal Government, should: do more to create new jobs, train workers, and improve the skills of those already on

the job so that they might adapt to new technologies; build housing for the long neglected low income market; lower some of the present barriers to the extension of credit; contribute to the education and protection of consumers.

VIII. There must be more aggressive enforcement of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; there must be more forceful use of the Federal Government's explicit and inherent powers to require equal access to, and desegregation of, services and facilities supported by Federal funds.

All of the panels whose areas came under Title VI of the 1964 Act, prohibiting the use of Federal funds for maintaining segregated facilities, or the discriminatory supplying of services, felt that there had been inadequate enforcement of the Title. They urged the strengthening of compliance machinery in all Federal agencies affected by Title VI -- through more funds, more staff, and more authority. It was widely argued that the Federal Government must establish thorough performance criteria, and reject token compliance. In the field of education, for example, it was felt that many communities in the South continued to show intent

to resist the law of the land by meeting its requirements with only minimal means, and by placing the burden for seeking integration on the parents and children.

In a broader sense, it was widely felt that Federal agencies are failing to use their power to encourage desegregation -- in housing, education, health and welfare -- and are inadequately informed about who is benefiting from their programs, and to what degree. There were several suggestions that effective program evaluation and compliance required more reliable collection of data by race.

The panel on the administration of justice stated that the Federal Government must do everything in its power now to ensure the safety of civil rights workers, and those advocating their rights, in the deep South. The panel felt that the Federal Government has the power to provide this protection now, and that this is literally a matter of life and death.

IX. More civil rights laws are needed, particularly to combat violence against those seeking their rights, and discrimination in employment and housing.

The panel on the administration of justice welcomed

President Johnson's call for legislation to end discrimination in the selection of juries; it recommended, in addition, legislation to make violence against those seeking their rights, and those helping them do so, a Federal crime, and to guarantee fair trials. It urged a broader program of police training, and legislation holding state and local governments liable for civil rights violence by their officers.

The panel on jobs recommended that the Equal Employment Opportunities Commission, established under Title VII of the 1964 Civil Rights Act, be strengthened through legislation broadening its focus and giving it power to issue cease and desist orders against discriminatory practices.

The panel on housing proposed that there be a broadened executive order, guaranteeing equal access to all housing constructed with direct or indirect Federal assistance.

X. Finally, throughout the discussions at the Planning Session there ran the theme that the current gaps in the Negro's share of the opportunities and promises of American life are not only unjust, but they are wasteful. The panelists insisted that the nation need not, and should not, produce citizens badly educated, ill-trained,

economically and socially dependent, and bereft of hope when it has the resources to enrich these depleted lives and thus undergird the future of our society.

The planners looked to the Spring Conference to produce action programs and blueprints clearly responsive to their impatience to get on with the job of "fulfilling these rights."

PANEL AGENDA
PAPERS

Jobs, Job Training
& Economic Security

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #I
JOBS, JOB TRAINING AND ECONOMIC SECURITY
Dr. V. W. Henderson

Proposed Agenda

I. Questions and Issues on National Economic Policies

Inquiry into national economic policies -- fiscal, monetary, manpower, employment, and area development -- should permeate the discussion session on Jobs, Job Training and Economic Security. Policies in these areas are of special significance to Negro workers and income recipients. Policy implies more than the existence of programs and practices which have some impact on the problem at hand. A policy requires the explicit recognition of goals and the formulation of a coherent program for realization of those goals. Important implications for the employment and economic situation of Negroes are associated with alternative economic policies and program approaches. Some of the questions and issues to which the two-day discussions should be addressed follow:

- A. Would achievement of full employment be sufficient to alleviate significantly the range of employment problems which currently handicap Negroes?
 - 1. What gains in employment and economic opportunities can Negroes expect if we achieve the "interim goal" of 4 per cent unemployment?

2. What structural deficiencies in the Negro labor force can be attacked through national economic policies? What policies and programs should be pursued to get at these deficiencies?
 3. What is the role of job creation programs, both in and outside the Negro ghetto, in meeting the employment and income problems of Negroes?
 4. What are the alternative approaches to job creation programs that will reach Negro members of the working-age population and utilize present skills while providing for the development of new ones?
- B. What role should tax policies play in accelerating achievement of racial equality in economic outcomes and results?
- C. Will national economic policy, oriented toward stimulating aggregate demand, get to the root problems of low per capita incomes among Negroes?
- D. How may social needs be converted into jobs, and what are the alternative approaches?
1. What can be done through public policy and private action to marshal idle Negro manpower in an attack on accumulating unmet public needs?
 2. About 8 million Negroes, 40 per cent of the nation's Negro population, live in 70 cities. What policies and programs should be concentrated on these cities to reach Negro workers with comprehensive programs to improve their economic situation?
 3. What priority should be given to public works program and work projects in an attack on Negro employment problems and in developing Negro human resources?
 4. Should a special program of direct employment be undertaken in the more distressed Negro communities that will permit the unemployed as well as those not in the labor force to work on projects which will alleviate physical deficiencies in their own environments?

- E. How can private enterprise be more effective in generating human resources development and use among Negroes?
1. What incentives can be provided through public policy to encourage private employers to increase programs in Negro human resource development?
 2. What incentives can be provided through job policy to encourage employers to apply some of the gains from increased productivity to measures aimed at easing human resource adjustments in the labor market?

II. Profile of the Negro Labor Force

The exploration of the profile of the Negro labor force should focus on an inventory of present and future skill resources and their allocation in the economy. The discussion of these questions should form the basis for prescribing future action.

A. The Employed Worker

1. In what significant ways do the characteristics of employed Negroes differ from the characteristics of employed whites with respect to wages and salaries, occupations, industry attachment, educational attainment, minimum wage coverage, unemployment insurance coverage, union membership, etc.
2. To what extent are already existing skills in the Negro community not being utilized in the job market? What job categories, if expanded, could be readily filled by qualified Negroes?
3. What skills are available in the Negro community for new kinds of jobs which the Government could stimulate, e.g., nonprofessional jobs in the human services (health, education, welfare, recreation, community organization, etc.)?
4. To what extent are workers in low status jobs screened from promotable skills?
5. To what extent is the reservoir of existing skills affected by technological change?

6. To what extent are Negroes in the labor force outside the structure of laws designed to protect the working man?
7. What incentives and subsidy programs would best encourage industries to locate in the vicinity of the Negro labor force?

B. The Underemployed Worker

1. What barriers in the traditional corporate setting restrain the Negro worker from full realization of his potential?
2. How can underemployed Negroes be identified, and the degree of their underemployment ascertained in terms of actual and potential qualifications? What should be done to reduce underemployment among Negroes?
3. To what extent are Negroes economically underemployed in comparison to whites when both groups are standardized with respect to age, educational attainment, participation in the labor force, and sex?

C. The Unemployed Worker

1. In what significant ways do the characteristics of the Negro unemployed differ from the characteristics of the white unemployed with respect to labor force experience, age, educational attainment and skills, previous occupation, industry attachment?
2. To what extent is unemployment among Negro workers connected with technological change and shifts in manpower requirements, seasonal factors, inadequate growth, frictional factors, geographic and occupational immobility, racial discrimination in employment as such, other forms of racial discrimination?
3. How can we best improve assistance to the long-term unemployed?

D. Those Not in the Labor Force

1. Why have many of the long-term unemployed withdrawn from labor force participation and are reluctant to enter again?

2. What programs are needed to reach the prime-age Negro males with low labor force participation?
3. What special efforts are required to extend and improve the public employment services?

E. The Rural Worker

Panelists may want to consider and evaluate --

1. The current loan programs that are administered by the Farmers Home Administration, with special reference to the E O Loans, Title III.
2. The new farm program as it applies to non-commercial agriculture, which includes 99 per cent of the Negro farm operators.
3. The lack of a national farm labor policy, with special reference to hired farm labor, including migrants.
4. The organization and institutional services and programs provided by Federal, state, and local governments to the rural workers.
5. The extension of minimum wage and other provisions of the Fair Labor Standards Act and collective bargaining rights under the Taft-Hartley Bill to hired farm workers.

III. New Programs and Attitudes

- A. Since employability in our economy, particularly in recent years, is related to skills and work-experience, what are the training and re-training programs, existing or proposed, that are relevant for employed and unemployed Negro workers and youth?
 1. Apprenticeship programs
 - a) What are the current practices of unions, construction contractors and their association and industry with regard to Negro workers and youth?
 - b) What is the role of public vocational schools and government agencies such as Employment Service and Bureau of Apprenticeship and Training in this area? What, if any, modifications and improvements are needed?

- c) What is the relationship of city, state and Federal government to apprenticeship training, especially in regard to public construction and licensing activities?
- d) To what extent should policy move from reliance on qualifications alone to facilitate integration in the apprenticeable trades?

2. On-the-Job Training

- a) To what extent is training emphasized as opposed to hiring workers with skills previously acquired?
- b) Can on-the-job training be utilized effectively in public and private institutions such as schools, hospitals, recreation facilities and welfare agencies to:
 - 1) Provide needed additional manpower?
 - 2) Free professionals to concentrate on professional tasks by greater utilization of non-professionals from group to be served?

3. Other Programs

- a) How effective are the present government-supported training programs?
- b) To what extent should institutions concentrate on training Negro applicants to hurdle existing qualification barriers (testing, etc.) and to what extent should there be emphasis on the changing of those qualifications (FSEE, AFQT, employment tests, apprenticeship examinations)?

4. The Overall Role of the United States Employment Service

- a) Should its mandate be updated in view of increased emphasis on skills in labor market and growing labor force?
- b) What is its relationship to other channels of employment and other institutions which implement manpower and education policy?

- c) How can its operation be made more efficient?
- d) Are its services adequate for older workers, members of minority groups and workers with limited education and low-level and obsolete skills, especially in service occupations?

B. How can greater economic stability be developed among under-employed and unemployed Negro workers by changing the social definition of jobs, the requirements for entrance into them, particularly in the service-producing industries and occupations such as health, education, recreation and welfare?

- 1. Can and should "non-professionals" be introduced as paid workers into public and private institutions in this area as teacher aides, psychiatric aides, research aides, block workers and community organizers with realistic training programs to encourage effective participation and promotion?
- 2. Should coverage of the Fair Labor Standards Act be broadened, and the minimum wage be raised? If so, in what industries in particular?
- 3. Should collective bargaining rights be extended to these occupations and industries?

C. The Negro Entrepreneur

- 1. To what extent should government resources be devoted to the encouragement of a class of small businessmen in the Negro community?
- 2. How can Negro businessmen be drawn into the mainstream of American commerce?
- 3. What new institutional arrangements, banking, etc., are necessary to provide the proper climate for increased entry into the entrepreneurial class?

IV. Enforcement of Equal Employment Opportunities

A. Title VII

- 1. What has been the experience since the July 2, 1965 effective date?

2. How can the most effective cooperation be achieved between the Federal, state, and local fair employment commission; in fulfilling the objectives of Title VII?
3. Should the Commission be supplied with firmer adjudicatory powers in addition to mediation and conciliation functions?
4. What other improvements might assist the Commission in achieving the statutory objectives?

B. Federal Contract Compliance Program

1. How can the use of the Federal spending power through Federal contracts be more adequately used to further equal employment practices in many industries?
2. Has the "affirmative action" provision of the Executive Order and the Plans for Progress program made a substantial impact on minority employment?

C. Government as the Employer, Federal, State and Local

1. What changes have occurred regarding the equal employment opportunities of minority group employees on the Federal level?
2. Is the Federal government doing all that it requires of private enterprise in terms of affirmative action, such as in-service training, etc?
3. What improvements can be suggested in order to further the program of fair employment practices among the state and local governments?

- D. In achieving equal opportunity, would the resources of the government be better harnessed by a different allocation of responsibilities among the agencies?

V. Barriers to Upward Mobility and Equal Employment

- A. What new techniques should be developed to deal with tokenism, concentration of minority groups in low wage jobs and lack of in-service training for upward mobility?

- B. How can the techniques used by some unions to perpetuate discriminatory employment practices be broken down?
1. Revision of labor-management agreements employing segregated lines of progression and discriminatory uses of seniority provisions?
 2. Consolidation of segregated locals without further disadvantage to members of the minority local?
- C. What new laws or techniques are needed to cope with private groups and individuals who perpetuate discriminatory practices in employment through economic and political influence?
- D. What "Affirmative Action Programs" should industry, unions and private organizations develop in order to create greater opportunities for Negroes?

Administration
of Justice

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

ADMINISTRATION OF JUSTICE WORK GROUP
Judge William H. Hastie, Chairman

AGENDA PAPER #2
ADMINISTRATION OF JUSTICE
Dr. Arnold S. Trebach

OUTLINE

INTRODUCTION

I. OPENING THE GATES: ENDING RACIAL DISCRIMINATION

(3 hours)

- A. Individual Physical Security
- B. Jury Selection
- C. Other Aspects of Dual Justice
- D. Summation: Major Program Goals

II. DISSOLVING DIVISIVE PREJUDICES: POLICE-COMMUNITY RELATIONS

(4 hours)

- A. Improvements Within Police Agencies
- B. Programs by Negro Groups
- C. Administration of Citizen Complaints
- D. Roles of Other Groups
- E. Summation: Major Program Goals

III. PASSING THROUGH THE GATES: REHABILITATION AND TRAINING

(3 hours)

- A. Education and Training for Personnel in Justice Field
- B. Problems of Youth
- C. Employment, Pay, and Education for Convicted Persons
- D. Other Programs
- E. Summation: Major Program Goals

INTRODUCTION

The purposes of this working session are: (a) to identify the principal obstacles in the field of administration of justice to the achievement of equality for American Negroes; (b) to outline creative approaches to surmount those obstacles; (c) to propose long-range program goals and specific recommendations for meeting them; and (d) to suggest additional work to be done in preparation for the full conference, in the spring, as well as the specific subject matter of that conference.

The panel will be guided by the statements of President Johnson in his Howard University speech of June 4, 1965, wherein he declared that he would call this conference, and that its theme and title would be "To Fulfill These Rights." The President stated that the objective of the conference would be to help American Negroes fulfill their rights; to destroy legal and social barriers to racial progress; to dissolve, as much as is possible, racial prejudice in the hearts of our citizens; and having thus opened the gates of equality, to assist American Negroes to achieve the competence to walk through those gates.

Since a primary objective of this panel is to identify areas of crucial civil rights concern in the administration of justice, this paper should not be interpreted as an attempt to limit discussion. Rather, it is meant to provide concreteness to the discussion by suggesting possible major issues and solutions. It is hoped that the enumeration of some specific problems may stimulate participants to bring up others that may have been omitted. Moreover, it is hoped that the participants will take very seriously the need to set priorities in terms of problems and effective solutions.

The term "justice field" is used as a shorthand description for the entire process that encompasses law enforcement, courts, probation, legal services, corrections, parole, and closely related functions.

I. OPENING THE GATES: ENDING RACIAL DISCRIMINATION

In the speech announcing this conference the President recognized that, as a threshold matter, it must deal with how "to shatter the barriers of law and public practice" which deny justice to the American Negro. This section of the agenda paper is meant to invite consideration of those barriers which operate in the administration of criminal justice, and of the means to shatter them.

A. Individual Physical Security

In dealing with the problem of physical violence in a civil rights context--for example, where civil rights workers have been killed and the assailants have not been brought to justice--the panel may want to consider the following approaches, among others.

1. Strengthening Federal Criminal Civil Rights Laws. Should additional Federal criminal legislation protecting civil rights be enacted? For example: Should new Federal offenses be created punishing persons who employ weapons or objects which have traveled in interstate commerce to deprive others, by violence, of their civil rights? Should the Federal courts, and the Federal investigative and prosecuting agencies, be given jurisdiction over state law criminal offenses in defined circumstances where state criminal process is ineffective to protect Federal civil rights? Should there be a constitutional amendment authorizing Federal prosecutions outside the district where the crime was committed in order to assure a fair trial--or would this do too much violence to basic American ideals?

2. Strengthening Federal Civil Remedies. Should additional Federal civil legislation protecting civil rights be enacted? For example: Should there be a new statute providing that: private persons or the Attorney General, on showing a Federal District judge that a person or organization has committed or is about to commit a violent invasion of constitutional rights, may obtain an injunction against such acts and a bond to ensure compliance? Should punitive damages be allowed for civil rights injuries, and a change of venue authorized in order to assure a fair trial? Should local governments be made liable in civil suits on the basis of violence by their officers, or on the basis of failure of their officers to give protection against private violence?

3. Strengthening Federal Enforcement Policies. Should there be some major changes in the manner in which the Department of Justice enforces the present arsenal of Federal civil rights

statutes? For example: Should the FBI be ordered to arrest private citizens or officials who are observed by agents attacking persons exercising or advocating Federal civil rights?

4. Professionalization of State and Local Police Forces. Should the Federal Government assist the process of professionalizing state and local police forces, on the theory that a well-trained and professional police force is much less likely to engage in brutality and much more likely to provide protection? For example: Should the Federal Government provide massive financial aid to state and local police forces, not purely on an experimental basis, but for regular operations? Would it be wise to enact a Federal law, for the purpose of protecting constitutional rights, requiring that each state establish uniform standards and tests, guided by minimum Federal standards, for all state and local police officials; that each state require a state license for all state and local police officers; and that all such officers present a bond for the faithful and legal performance of their duties--with this entire system supported by Federal grants-in-aid?

B. Jury Selection

In dealing with the problem of racial discrimination in the selection of jurors, the panel may want to consider the following approaches, among others.

1. Strengthening Federal Civil Rights Laws. In what manner should the Federal civil rights laws applicable to jury exclusion be strengthened? For example: Should the Attorney General be empowered to bring civil actions to prevent this practice, and should Congress provide that showing racial disproportion, according to a stated percentage formula, in jury rolls constitutes a prima facie case of discrimination? Should there be a statute providing that upon a finding by a Federal court that jury discrimination exists, all cases in the affected jurisdiction be removable to a Federal court pending the ending of discrimination?

2. Strengthening Federal Enforcement Procedures. Should there be changes in the manner in which the Department of Justice enforces present statutes? For example: Should the Department bring more criminal suits under Sections 242 and 243?

3. Scientific Selection of Jurors. Should a new Federal law be enacted which would seek to eliminate the problem of class and race bias in juror selection through a comprehensive scheme, involving nonpunitive and positive methods? For example: Would it be wise to have a Federal law that required every American jurisdiction to select jurors on the basis of one of several

alternate, scientifically determined methods, utilizing polling techniques and modern computers, for choosing jurors representing a true cross-section of the community, including minority groups and the poor? In addition, should such a law provide Federal funds to assist state and local governments to establish these new systems? Should Federal law require uniform state testing, licensing, and bonding of those who operate juror selection systems? Should Federal law provide for Federal juror registrars or commissioners in jurisdictions that persist in discriminating? Should educational and informational programs be established to encourage Negroes to participate as jurors, when called?

C. Other Aspects of Dual Justice

What other aspects of dual justice, among the many not specifically listed above, are so important as to receive the attention of this meeting? The panel may want to consider the following matters, among others.

1. Repression of Civil Rights Activities. Should there be a Federal civil rights statute specifically aimed at protecting 1st Amendment rights to speak, march, and petition? Should such legislation authorize Federal injunctions to stop harassing state arrests and prosecutions? Should present Federal policies toward public demonstrations and marches be changed--for example, greater use of marshals and FBI agents in providing protection?
2. Employment Discrimination in Justice Agencies. Should Congress amend Title VII of the Civil Rights Act of 1964 by including agencies of justice?

(Note that training programs for personnel in the justice field will be considered under III.)

3. Counsel in Civil Rights Cases. To what extent should the legal service programs financed by the Office of Economic Opportunity be involved in handling the various types of civil rights cases--for plaintiffs and defendants, in class suits and individual actions, etc.--throughout the nation, including the deep South? Should welfare recipients under Federally supported programs be authorized to retain private lawyers in civil rights cases, with the fees paid by Federal funds? Should the American Bar Association and other national legal organizations be encouraged to play a larger role--for example, through a campaign on the need for counsel in civil rights cases, similar to the present A.B.A. activity in regard to counsel for the poor?

4. Segregation in the Agencies of Justice. What significant new Federal laws or policies might be effective in combating racial segregation in the agencies of justice--suits under Title III of the 1964 Civil Rights Act or under Section 242, a new Federal law specifically prohibiting segregation in agencies of justice and withholding Federal funds from any jurisdiction which so discriminates? Should a new Federal statute declare that any proceeding in a segregated system of justice denies Negroes equal protection of the laws and is therefore invalid?

5. Sentencing and Death Penalty. Should there be new Federal laws or policies aimed at eliminating racial discrimination in the imposition of sentences? Is there a constitutional basis for a Federal statute declaring "jail or fine" sentences to be discriminatory against the poor, including many Negroes, and therefore a denial of equal protection of the laws? Is there sufficient evidence for Congress to make a finding that the death penalty for rape is administered on a racially discriminatory basis, that it violates the 14th Amendment, and that it is to be henceforth abolished? Should Federal funds be provided for the development of better pre-sentencing reports by both the government and the defense?

D. Summation: Major Program Goals

What are the major program goals in regard to ending racial discrimination in the administration of justice? Is one broad statement sufficient, such as: Racial discrimination in the administration of justice is, and always has been, an affront to civilization; it must be eliminated by every means at the command of this nation. Is this too simple, too sweeping, not sufficiently sophisticated? Should a phased timetable be established for eliminating specific types of discrimination, with some target date for ending it totally?

II. DISSOLVING DIVISIVE PREJUDICES: POLICE-COMMUNITY RELATIONS

President Johnson stated in his Howard University speech that one objective of the White House Conference on Civil Rights would be to help dissolve, as best we can, "the antique enmities of the heart which diminish the holder, divide the great democracy, and do wrong--great wrong--to the children of God." This section of the agenda paper is meant to invite consideration of how to dissolve those divisive prejudices in relations between policemen and Negroes, especially those who inhabit urban slums. It would seem fair to say that the great issues in this matter involve the attitudes of police and Negroes toward each other, the manner in which these attitudes are produced and reenforced by daily experiences, and the methods by which these experiences and attitudes can be modified.

A. Improvements Within Police Agencies

In dealing with the question of what police departments can do to improve relationships with minority groups, the panel may want to consider the following approaches, among others.

1. Redefining the Role of Police. Should it be recommended that police departments take a broader view of their role? For example: Should the police role be defined as keeping the peace in the broadest sense--not only apprehending criminals, but also preventing riots and preventing individual criminal acts? Should Federal legislation encourage the emergence of this broader role, perhaps by grant-in-aid programs directed at the subjects of the following paragraphs and at other subjects touching the role of police in the community?

2. Eliminating Abrasive Police Practices. Should the regular, day-to-day operations of police departments be extensively reviewed in order to determine the degree to which "normal" police practices, such as "stop and frisk" or crowd dispersal, carried out without any overt discriminatory intent, present a threat to good police relations with Negroes? Should such practices be regulated by a Federal statute?

3. Special Community Relations Units and Programs. Should special community relations units and programs be organized? Is it wise to recommend that every police department have such a unit and such a program? How can these units and programs best be administered so that they can have a pervasive impact on the department, and so that the community relations program does not become the isolated concern of a few special officers? Would it be wise to enact a Federal law providing regular grant-in-aid support to community relations units and programs? Is a root problem here to be found in the fact that the police are considered a hostile force by many Negroes--and that, conversely,

many policemen consider most Negroes to be potential criminals? If so, how can this root problem be attacked?

4. Recruitment and Training. Should the recruitment and training functions of police forces be changed in order to improve police-community relations? Should Federal legislation go beyond the provisions of the Law Enforcement Assistance Act and provide for developing better recruitment standards and testing programs, and for supporting these programs on a regular basis through grants-in-aid? Should this also apply to training programs? Should special emphasis be placed on providing training for police commanders--on the theory that command influences have a powerful impact on the subtleties of police attitudes that affect their behavior toward Negroes?

5. The Helping Policeman: Early Warning System. Should an attempt be made to change both the role and the image of the policeman by building upon the prevention-of-riots concept and applying this concept to individual criminal behavior? For example: Would it be practical to build an early warning system through individual policemen, and subprofessional aides, under which individuals and families would be referred for extensive social welfare assistance, before criminal activity takes place, on the basis of the appearance of factors tending to lead to criminality, such as family breakdown? Is this stretching the police role too far?

B. Programs by Negro Groups

In dealing with the possible contribution that may be made by Negro leadership, the panel may want to consider the following approaches, among others.

1. The Responsibility of Negro Leadership. What are the major contributions that Negro leaders can make to solving the problem of bad police-community relations? Would it be helpful if Negro groups conducted brief, informal investigations of complaints before making them public issues? How can Negro leaders best promote a continuing and reasonable dialogue with the police on a precinct, as well as on a citywide, basis that would contribute to changes in police practices and the alleviation of tensions?

2. Combating Crime. Is there an appropriate role that civil rights organizations can play in reducing crime in urban slums? For example: Since a significant source of police hostility towards Negroes may be based on the apparently high crime rate in Negro slums, would a sustained anti-crime program by Negro leadership be practical and effective? Would such a program

help to reduce crime and to improve the attitudes and the actions of police toward Negroes? If so, how could such a program be mounted and sustained?

C. Administration of Citizen Complaints

In dealing with methods for handling complaints of citizens against policemen, the panel may want to consider the following approaches, among others.

1. Police Review Boards. Should present methods of handling citizen complaints against policemen be changed? Is there any reliable evidence which indicates that internal departmental complaint administration machinery is less or more effective than an independent citizen police review board, or does it appear that the answer lies in the particular circumstances of each community? What are the disadvantages and advantages of a departmental complaint mechanism, on the one hand, and an independent board, on the other? Does one method offer any advantage over the other in terms of making the complaint machinery readily available to citizens, protecting complainants from police reprisals, finding facts accurately and impartially, disciplining offending officers appropriately, and giving the public confidence in the fair and effective administration of the complaint system?

2. A More Comprehensive Complaint Institution. Should the concern over the proper handling of citizen complaints be broader than only grievances against the police? For example: Should state and local governments adopt some form of the Scandinavian Ombudsman-- under which institutions are established primarily to provide channels for complaints of citizens against virtually all agencies of government on such grounds as violations of rights or inefficiency? In light of present Federal administrative complaint institutions, what role should the Commission on Civil Rights perform in this regard at the Federal level? Would such new institutions be more effective in handling complaints against the police than other suggested methods?

D. Role of Other Groups.

In dealing with the possible contributions of other groups to good police-community relations, the panel may want to consider the following matters, among others.

1. Legal Service Programs. To what extent should legal service programs for the poor, such as those supported by the Office of Economic Opportunity, seek to advocate the interests of Negro

groups in regard to relations with the police? What positive contributions could these legal programs make?

2. Community Relations Service. Should the role of the Federal Community Relations Service be expanded or changed in dealing with police-community relations problems?

3. Social Welfare Agencies and Labor Unions. What role should local social welfare agencies and labor unions play in improving police-community relations?

E. Summation: Major Program Goals

What are the major program goals in regard to improving police-community relations? Would the following statements of program goals be appropriate?

1. To end the wide-spread condition of mutual disrespect and conflict between police and citizens.

2. To produce efficient police forces that operate, in all day-to-day programs, with a sensitive awareness of racial problems.

3. To increase the effectiveness of programs by Negro leaders for improving citizen cooperation with the police.

4. To enlarge the police role in positive ways, such as riot prevention and helping individuals and families receive social welfare services as a preventive measure against crime, and thus to change the image of the policeman.

III. PASSING THROUGH THE GATES: REHABILITATION AND TRAINING

President Johnson stated in his Howard University speech that:

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "you are free to compete with all the others," and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

This section of the agenda paper is meant to invite consideration of how to use the agencies of justice as springboards for programs that will assist Negroes to develop the ability to take advantage of new opportunities. If properly planned, such programs could work to improve the agencies of justice, to prevent crime among masses of poor persons with no previous record of criminality, and to rehabilitate those who have committed crimes.

A. Education and Training for Personnel in Justice Field

In considering the matter of educating and training personnel for positions in the administration of justice field, the panel may want to consider the following matters, among others.

1. Traditional Positions. Should the Federal Government establish comprehensive financial aid programs for training personnel, both for entry and advancement, in traditional job classifications, such as policemen, probation officers, and correctional officials? Should these programs seek to draw the poor into these jobs through special incentives, including scholarships and stipends for support of families? Should funds also be provided for establishing new educational facilities in this field at universities and community colleges--for example, for schools of police administration and correctional studies?

2. New Positions for Subprofessionals. Should the new Federal programs pay particular attention to training poor persons, including high school dropouts, for subprofessional positions as aides in justice agencies (police departments, prosecutor offices, correctional facilities, and so on) and in private law offices, as well as in the whole range of human service and anti-delinquency work?

B. Problems of Youth

In considering the special problems of Negro youth, the panel may want to consider the following approaches, among others.

1. Education and Research. Since poor Negro youth have particular difficulties in urban society--i.e., in terms of finding employment and in terms of delinquency--should the Federal Government provide large scale support for the training of specialists in the range of youth problems (including employment, delinquency, and family breakdown, among others) at new experimental training and educational centers?

2. Youth Authorities. Should the Federal Government seek to encourage, in part through financial support, the formation of community Youth Authorities for the purpose of coordinating local activities, private and public, that deal with youth problems?

C. Employment, Pay, and Education for Convicted Persons

In considering the problem of how to provide rehabilitation and training programs for convicted persons, the panel may want to consider the following approaches, among others.

1. Basic Concepts. Since our present system for dealing with convicted persons is, in practice, perhaps 90 percent rejection-punishment, and 10 percent acceptance-rehabilitation, should we seek to reverse this approach? For example: Should people convicted of crimes be recognized as a group that should receive more, not less, attention than other groups in the fields of education, retraining, and social welfare services because they are most likely to commit additional crimes, stemming in part from their lack of any dignified socio-economic place in functioning society? If so, should this change be promoted by new state or Federal legislation, or both, as described in the sections that follow?

2. Work-Release Programs. Should the states be encouraged to adopt a law similar to the new Federal work-release statute, which provides that the Federal Bureau of Prisons may allow prisoners to work and reside in local communities? Since two significant factors associated with criminality are poverty and lack of marketable job skills--and since present correctional procedures often simply aggravate these factors for inmates and their families--what other programs should be recommended to eliminate them?

3. Employment Within Institutions. In addition to work-release programs, or as one alternative, should Federal funds be provided for the establishment, within institutions, of industries that provide both wages at prevailing union rates and on-the-job training in job skills that will provide good employment for inmates after release? Should inmates be encouraged to support their families from their pay while in custody, thus reducing the bad effects of a broken family and also reducing local welfare budgets?

4. Education and Training for Convicted Persons. Should Federal legislation provide for a comprehensive system of basic education and training for persons, in custody, along the basic lines of Job Corps centers, that would be aimed at the special needs of the culturally deprived? For example: Should convicted persons, especially youth, be placed under an "education-release" program, which would allow them to attend local educational institutions? Should outstanding educators and trainers be retained, in programs supported by Federal funds, to create whole new educational systems for inmates of youth and adult institutions? Should convicted persons be trained for subprofessional positions in delinquency control and corrections, because of the shortage of personnel in these fields, and also because convicted persons may have special aptitudes for such work? Should special educational systems, from primary schools to universities, be established on a regional or national basis, specifically designed for convicted persons, to which all American jurisdictions could send convicts?

5. Construction of New Facilities. Should such Federal legislation provide funds for the building of new facilities for convicted persons? For example: Since many prisons and jails are antiquated structures that date from the last century and are overcrowded, should Federal funds be authorized to support construction of correctional facilities for all American jurisdictions, and of every appropriate type, including local houses of detention and jails, state prisons, half-way houses, work-release community residential centers, and educational and training facilities?

6. Post-Release Assistance. Should new Federal legislation provide support for a comprehensive system of assistance to released convicts and their families? For example: If a convicted person has amassed a bank account under the suggested new method, should Federally-aided programs be established for assisting him on how to use his money properly, and how to reorient himself to a new life? How should Government Civil Service regulations and the employment policies of government contractors be changed so as to provide the opportunity for employment and a dignified place in the system for retrained

convicted persons--who now cannot obtain such jobs because of their criminal records? What other means can be used to strengthen the concept of dignified places in the society for convicted persons?

D. Other Programs

What other programs might be recommended in the administration of justice field for building the ability of Negroes to pass through the gates of opportunity?

E. Summation: Major Program Goals

What are the major program goals in the area of rehabilitation and training? Would the following enumeration be accurate?

1. To build positive programs of achievement into the process of justice.
2. To stress acceptance and rehabilitation instead of rejection and punishment as the dominant concern of the system for dealing with convicted persons.
3. To create a first-rate educational and employment system for convicted persons.
4. To provide adequate numbers of qualified personnel for the justice field, at all levels, from police departments to correctional agencies.
5. To train the poor for such jobs, having the objective of providing competent and sensitive personnel, and of helping to end segregated justice.

* * * * *

Voting & Citizen-
ship Participation

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER # 3

VOTING AND CITIZENSHIP PARTICIPATION

Mr. Sterling Tucker
Mr. Wiley A. Branton

Proposed Agenda

This panel is charged with setting goals and suggesting specific policies for enhancing citizenship participation among Negroes by the federal government or by state and local governments, by political parties and civil rights and other civic groups, by the business community and by labor unions, by foundations and by community organizations. Some of the panel's recommendations may require a constitutional amendment, and some changes in policy and attitudes by groups which are, or should be, active in this field. Recommendations put forward by the panelists should be as specific as possible, but panelists are not asked to wrestle with the legal intricacies or to write statutory proposals on the spot.

GENERAL BACKGROUND

On November 2 of this year, Negro voters displayed sufficient independence and strength to provide crucial margins in key elections in New York, Philadelphia, and Louisville. In Cleveland, a Negro, running as an independent with the backing of civil rights groups, came within 2400 votes of being elected mayor (as of November 9 the election results were still in dispute). These results showed the potential of the Negro vote. Yet all the evidence is that the Negro can have a far larger voice in government than, for a number of reasons, he has exercised to date.

The problem of overcoming the lack of political participation by the Negro is a crucial part of the large question facing this Conference: how to fulfill, to realize, the rights which the law protects and promises. The political process, particularly at the state and local levels, decides such questions as the availability and condition of housing, schools, playgrounds, welfare services, and other municipal services; the distribution and use of state and local taxes; and, issues of reapportionment. These questions are of the most vital concern to the Negro. The question before this panel is how to encourage and develop the participation of the Negro, to give him his full say when issues seriously affecting him are resolved.

NORTH

In the North, in contrast to most of the South, the story is less one of legal and official barriers to exercising the right to vote than it is one of inconvenience, disinterest, and missed opportunities to have an impact on political candidacies, policies, and outcomes. Many of the unofficial barriers to full participation--inconveniences and burdens of registering, shortages of polling places and lack of time to get to them, want of comprehension of the issues--affect the voting public at large. But to the extent that the Negro community suffers from higher mobility, inferior schools and opportunities for higher education, economic dependence, and lack of financial resources to back candidates and mobilize voter turnout, it suffers a greater proportional drag on its participation in the electoral process than does the public at large.

The November, 1963, report of the President's Commission on Registration and Voting Participation studied reasons for low voter turnout throughout the country. Many of its findings are relevant to the central question before this panel--increasing citizenship participation of the Negro. Among these findings are:

*"The more formal educational experience a person has had, the more likely he is to be politically involved, to feel that his vote counts, and to vote."

*"Young people vote less than older ones, and voter participation by women is about 10 per cent lower than among men."

*"Many election laws and administrative practices are unreasonable, unfair, and outmoded...Although the great majority of states provides permanent registration, only half enable voters to register in their precincts rather than at one county office. Only 17 states allow registration by mail...In too many states, registration closes more than a month before the election, when political campaigns are not in full swing and peak interest has not been achieved...Unlike registration systems in other Western democracies, where the initiative is with local officials and the process is simple and direct, registration in the U.S. often imposes

undue burdens of citizens who desire to vote." "In some states," the report said, "it is easier to get a hunting or fishing license or a pistol permit than to register and vote."

*"Residence requirements are frequently an unfair impediment to voting. It has been estimated that 8 million citizens were disenfranchised by residence requirements in 1960."

*"The teaching of citizenship in our elementary and secondary schools needs a major overhaul...American education has failed to do justice to politics and politicians... (One's) responsibilities as a citizen in a free society are not made clear. It is small wonder that we are a nation of cynics when it comes to our politics."

SOUTH

The essential ingredients of more effective political participation in the South are largely the same as in the North. First, Negroes must get on the books. Second, they must turn out at the polls. And finally, they must make their votes count: In short, registration, voting, and organization and education. Because of the vastly different circumstances in most of the South, however, some of the obstacles to these goals are unlike those existing elsewhere. Consequently, the means for attaining full and effective political participation must necessarily vary to some degree.

In the various areas of inquiry raised below, the panel should bear in mind that all of the questions suggested affect the South, some are applicable North and South. For example, decentralized registration offices are desirable everywhere for the sake of convenience. But alternatives to a single county-wide registration office are especially needed in the South, where that office is customarily located in the county courthouse.

I. REGISTRATION.

- A. What steps can be taken to make voter registration easier where there are no official or unofficial barriers to Negro registration as such? The panel may want to consider the following approaches, all of which have been publicly suggested by various sources:
 1. A constitutional amendment setting nationwide residence requirements for federal elections, and possibly state and local elections. Efforts to secure changes in state and local laws covering residence requirements. (In this connection,

the President's Commission recommended that anyone who has resided anywhere in a state for six months ought to be allowed to vote in county and city elections after 30 days residence; and that new state residents ought to be allowed to vote for President immediately.)

2. Placing greater obligations on governmental agencies, rather than the individual voters, to get people registered and to keep registration up to date.

In this connection, the panelists may want to consider a number of approaches including: a) permanent registration; b) registration by mail; c) door-to-door canvassing or other methods of bringing registration into the neighborhood by registration workers, including permanent decentralized registration offices; d) requirements of notice before anyone is dropped from registration lists for any reason, or changes in the laws providing that people be dropped from lists for failure to vote in a past election; e) providing for registration during periods close to election time, when interest is higher; f) provision for registration during non-working hours, or perhaps in-plant registration in large businesses; g) requirements that government agencies supply lists clarifying the proper place of registration for each voter's address.

Should there be prohibitions, as the President's Commission suggested, against the use of registration lists for any other purpose, such as tax assessment or jury duty? Should conscious efforts be made to appoint Negroes as registrars?

3. Is there a larger role which could be played by community organizations, social planning agencies, or civil rights groups in getting people registered?
4. Would it be feasible, or desirable, for the federal government to provide funds for non-partisan registration drives run by private non-partisan groups such as Y's, Scouts, etc.?
5. Does the Voter Education Project experience in the South suggest some models for action by northern groups? Is there more that civil rights and other groups could do along these lines? Could tax-exempt foundations, sponsor the spread of such non-partisan local voter education schools?

6. Should literacy be a requirement for voting anywhere?
 7. Is there any merit in following the Australian example and making registration and voting compulsory--with penalties for those who fail to discharge their citizenship duties? Under this arrangement, anyone who impedes in any way any person in complying with the duty to register and vote would be guilty of a criminal act.
- B. What needs to be done where official or unofficial barriers to Negro voting do exist?

The key elements in such areas are inducing citizens to register and ensuring that they are able to do so. The Federal Government is playing a role in the latter by means of litigation and the appointment of Federal examiners. Private organizations are engaged in the former. What needs to be done on both fronts and can it be effected?

1. Official Obstacles to Registration

Federal examiners have been sent to 32 counties and have listed about 60,000 Negroes. Whether any of the "listed" Negroes have actually been registered is doubtful. The Voting Rights Act has ended all legal obstacles to the right to register, except in Mississippi, but some questions remain:

- a. In Mississippi, some registrars continue to use the new short form application on the ground that the State Attorney General has ruled that it is not a literacy test. That question will be litigated, but should not the Federal Government for administrative purposes take the view that continued use of such a test there or elsewhere is a violation of the Act and appoint registrars?
- b. Delaying tactics are also still being employed. The Attorney General has stated that examiners will be appointed wherever there are inadequate personnel to register the applicants who appear on a given registration day. It is yet common, however, for there to be but one or two registration days a

month in some of the involved states. Should not the government take the position that Federal examiners are required unless some local official is available to receive registration applications every day?

2. Unofficial Obstacles

Even where federal examiners are in operation, the listing totals are not imposing. Cumulative totals are: Alabama, 31,407; Louisiana, 12,683; Mississippi, 16,239. It is apparent that unofficial obstacles of fear and/or apathy are a continuing factor.

- a. Should the Federal Government take on the added role of not merely ensuring that registration is open, but also encouraging local residents to take advantage of that opportunity? More specifically, should local community action programs undertake intensive registration drives? Is there merit in the view that participation in the political process--at least to the extent of registration--is an elemental part of community action? Should post offices, army installations, agricultural extension offices, and the like be sources of registration information? (It has been suggested that pamphlets be prepared for distribution at these facilities, perhaps in cooperation with the states; that posters might be displayed in Federal facilities; and that it might be desirable to display such posters on post office trucks.)
- b. Fear is a continuing deterrent--both where Federal examiners exist and elsewhere. Physical and economic harassment is a factor: What is its prevalence? 1) The panel on Administration of Justice will focus on judicial remedies for physical harassment, but this panel may want to consider the issue as well. Federal criminal and civil litigation has proven inadequate to prevent reprisals or the expectation of reprisals by the Negro. Is additional legislation desirable? 2) Can the fear of economic reprisal be eliminated short of the massive creation of new jobs?

What are the possibilities of judicial or administrative remedies against economic reprisals? Would it be more advisable to concentrate on administrative action? (For example, a Mississippi teacher was fired after testifying in a Justice Department suit. The school officials admitted that this was one cause. The government sued to get her job back--and lost because it was not the cause. Would it be sound for Congress to authorize HEW to establish procedures to protect teachers from discharge not merely because of their race but because of their engaging in protected outside activity? Should government contractors be held to the same requirements with regard to their employees? Is this in effect required by current law?)

- c. Can the registration problem be overcome within the present scope of Federal action? Can large-scale registration of Negroes take place unless Federal officers are empowered to actually register applicants? Should the Federal Government get into the business of buying TV and radio time and magazine space to promote voter registration?

II. VOTING

- A. Some of the above suggestions might also be considered as possibilities for enlarging the actual voter turn-out as well as registration. Which ones seem most feasible in this regard?
- B. In addition, the panelists may want to consider ways in which the process of voting could be made more convenient, including such publicly suggested ideas as:
 - 1. Should election day be on a Sunday, or, if this conflicts with some religious practices, should it be declared as a legal holiday, or a half-day holiday?
 - 2. Should businesses make greater provision for time-off during the working day for voting?

3. What obligations do local governments have for easing voting -- including length of time that polls are open, location of polling places, publication of information about where each person's voting place is, offering a choice of voting near place of business or residence?
 4. Should all citizens, instead of just the military and the ill, be given the choice of voting by mail?
- C. Are there ways in which newspapers, radio, and television could do more to inform would-be voters about where and when to vote, and by broadcasting during election day reports on whether the polls are relatively congested or free?
- D. Should the Community Action Programs of OEO focus on programs of citizenship education or registration drives? Should adult education and literacy programs of HEW contain a similar focus? Should these various Federal agencies engage directly in this activity; or should they supplement and assist the efforts of private and local groups to adhere to the same objectives?

III. ORGANIZATION AND EDUCATION

Getting out the vote dovetails with the final section. If the best way to overcome both fear and apathy is a broad-based, massive involvement of the people, then organization and education may be the most effective device. "Education" could go beyond informing about the duty to vote and the mechanics of how to do so. "Education" could also mean informing about the issues, civic affairs, government, and all other aspects of citizenship participation.

- A. Is potential active citizenship participation by Negroes hampered by real, or imagined, restrictions on political activity by teachers or by employees of other Federal, state, or local governments?
1. What ways are there for encouraging and protecting greater political activity by professionals?
 2. Should the Civil Service Commission, and parallel state and local agencies, undertake to eliminate confusion about restrictions on political activity?

3. Do state and local governments have an obligation to encourage political participation by those most familiar with government affairs, so that they may set examples and encourage political participation by others?
- B. Might community action and neighborhood associations provide new vehicles for political action, for promoting candidacies either within or outside the established parties, for providing an organization that will allow the Negro to have a larger voice in the government? Going one step further, might not the community action program, local charitable/social groups or private foundations play a role in financing and promoting the organization of local special interest groups -- tenants' councils, neighborhood or area associations, or the like -- that would engage in all sorts of citizenship activity -- not just voting and political affairs, but formulating proposals, evaluating local problems and the like?
- C. Financial impediments to participation in the political process.
1. What are the obligations of newspapers and other media, to give space and coverage to all candidates in primaries and in final elections? Is there more that could be done here?
 2. Might tax credits for small political contributions be helpful?
 3. Is there a means of guaranteeing that voters are exposed -- through newspapers, radio-TV, public forums, billboards, campaign literature and the like -- to the full range of candidates? Should this be in the form of subsidy to candidates?
 4. Should government ease some of the burdens of political activities by providing certain political resources, such as free mailing privileges, provision of mailing lists from registration lists, etc.?
- D. The panel might want to consider means for inducing both major political parties to include Negroes in the local party organizations. This is especially important on the local level, where the most basic decisions

affecting the Negro are made -- those relating to schools, streets, sewage disposal systems and the entire array of county or municipal services.

Should local party leaders of all parties be salaried employees of the state and local governments, to further development of continuing political organization?

- E. Some have suggested that an entire new structure of citizenship organization should be created, such as a national center of civil and political education. Such a center would operate through regional, state and local branches to develop techniques and methods of increasing citizen motivation, information, participation and involvement. Is such a program advisable? Should it be limited to providing basic information -- the mechanics of registration and voting, the character of American government, and the responsibilities and opportunities of citizenship? Or should it go further and offer education on the issues, especially local ones? Should it try to create and train local leaders and organizers from the Negro community? How could such an effort be financed -- under the Equal Opportunity Act or the new education act, by foundations, civil rights groups, labor unions, corporations or a combination of all of these?

Health and Welfare

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

WORK GROUP ON HEALTH AND WELFARE
Mr. Lisle C. Carter, Director

AGENDA PAPER #4
HEALTH AND WELFARE SERVICES
Dr. John Turner and Mrs. Cernoria Johnson

The purpose of our deliberations is threefold: (a) To identify the major problems and issues in the areas of health and welfare that affect Negroes; (b) To raise critical questions which emerge from such problems; (c) To suggest a number of alternative recommendations for public policy and strategy that have both short and long-range potential for resolving these problems.

The fundamental question before this session of the conference is: How should health and welfare services be mobilized, supported, organized, and delivered if they are to contribute effectively to equalizing opportunities between Negroes and whites for achieving the best in American life.

I. Basic Income Maintenance

A. Should Federally supported basic income maintenance be a goal of public policy? If so,

1. For what people should public funds be utilized to assure subsistence at a level of decency?

(a) Should income maintenance be a matter of right for all who meet specified conditions? If so, what conditions? If not, what are the alternatives?

- (b) Should there be variations in what is considered "subsistence at a level of decency" which depend on factors other than a definition of "decency"?
 - 2. How should public income maintenance funds be distributed to achieve maximum effectiveness?
 - 3. What are the implications for families and individuals of various methods of effecting income maintenance, including family allowances, public assistance, temporary and permanent disability payments, negative income tax, guaranteed annual income, social insurance and other retirement benefits, and unemployment insurance? Among the foregoing methods, what modifications must be achieved if existing programs are to be most effective?
- B. What are some of the major obstacles to achieving desirable and equitable forms of income maintenance? For example:
- (a) Public attitudes toward people who are economically dependent.
 - (b) Fear of too much involvement by the Federal government and of the diminution of State's rights.

What are the strategies that should be used to overcome these obstacles and bring about desirable income maintenance programs?

- C. What can be done in the short-run to bring public assistance standards in all states to a uniform level of decency?
- 1. What should be done to insure that place of residence in no way affects either the baseline by which "minimum subsistence" welfare grants are determined and paid to families and individuals, or affects the availability of supportive social welfare services? What must be done to stimulate a total redesigning of Federal-state relations so as to wipe out current severe inequities among the states, many of which have only partially drawn on available Federal matching potential for either grants or services?
 - 2. What should be done to assure that public assistance grants are based on financial need alone, with no discrimination against adults who are not aged, seriously disabled, blind, or parents of minor children?

3. What policies and practices should be adopted by welfare agencies to assure that (a) welfare clients can live in housing that is decent, safe, sanitary; (b) there is no racial discrimination in housing which is subsidized by public funds; and (c) that public funds do not support sub-standard housing?

II. Organization and Delivery of Health and Welfare Services

- A. To what extent are the existing Negro-White differentials in welfare financial grants and in the provision of welfare services, the product of the present system of Federal-state-and -local programs?
 1. Does the system tend to increase the dependency of Negro families?
- B. Is it desirable to continue the present system wherein public assistance agencies unify the provision of cash grants and of health and welfare services? Is it possible for anyone whose survival depends on public assistance cash grants --90% of which are given under investigatory surveillance--to make use of counselling and other social services, provided by the same worker in the agency? What chance has a grantee of talking with a worker in a straightforward, non-servile manner? What are the disadvantages of structural separation of the money eligibility process and the social service functions?
- C. To what extent do existing Negro-white differentials in health status reflect differences in access to health and medical services, and to what extent do they reflect other circumstances of Negro life, including unequal opportunities for decent housing, education, and income?
- D. To the extent that these differentials reflect differential access to high quality services, what must be done to make these services available and accessible?
 1. What are the forms that racial discrimination takes in the provision of health and welfare services?
 - a. What services are totally unavailable to Negroes?
 - b. What services are inferior--in the nature of the service or in the circumstances under which the services are provided--when they are rendered to Negroes?

- c. What services are available to Negroes and whites under different auspices or circumstances (e. g. , voluntary agencies which provide certain services to whites and refer Negroes to public agencies; differential requirements for hospital admittance between Negroes and whites).
 - d. What policies and practices do public and voluntary agencies pursue that perpetuate discrimination (e. g. , racially-based differences in the granting of hospital privileges to physicians; physical segregation and segregation of caseloads, matching races of providers and recipients of service).
2. What can be done to eliminate racial segregation in the provision of health and welfare services?
 3. What must be done to bring essential health and welfare services to sections of the country where they do not now exist, and in which large numbers of Negroes live?
- E. To what extent is the problem of making high quality health and welfare services available to Negroes dependent on public policy with regard to the availability of high quality health and welfare services for the poor, and the availability of high quality health and welfare services for all Americans?
1. Should distinctions in this regard be made between those services which are predicated on the existence of deprivation, and those which are needed by all?
 2. How can the goals of accessibility, responsiveness, and personalization of services be attained without developing or maintaining separations between classes and races?
- F. What should be done to assure that policies and practices of public and private agencies make unified and comprehensive health services readily available and accessible to individuals and families? Welfare services?
1. To what extent should services be integrated and coordinated to assure the most effective provision of service?

- a. What mechanisms of coordination and integration are appropriate with regard to various types of services and agencies?
 - b. What should be the relationship between publicly financed health services and publicly financed welfare services?
2. What kinds of social and health services are most effectively rendered at the neighborhood level?
 3. Is there a conflict between the goals of integrating all services needed by disadvantaged families ("one door" of entry) and providing certain services (e. g., health services) under auspices which serve all socio-economic groups?
 4. How do existing governmental policies promote or deter the provision of unified and comprehensive health services? Of welfare services, including child welfare?
- G. What changes are needed in policies and practices of private agencies and planning bodies relating to the expenditure of voluntary health and welfare funds? How can voluntary health and welfare agencies and planning councils set higher priorities on services that are oriented to the needs of poor people? How can private agencies be encouraged to change their methods of client selection to more effectively serve those whose need is greatest?
- H. What are the implications of existing differentials in white-nonwhite fertility?
- I. To the extent that these differentials reflect differential access to family planning services and information, what are the special considerations involved in making such services and information available?
1. What is the appropriate role of the following, in making high quality family planning services and information available: Official health agencies and institutions? Official welfare agencies? Voluntary agencies and institutions, including hospitals? Federal, state, and local governmental bodies?
 2. What are the circumstances under which family planning information and services should be made available?

What must be done to assure that no form of compulsion or coercion is associated with the provision of family planning services and information?

3. What are the most effective ways to bring about needed action?

III. Making Services More Responsive to Client Needs

A. What must be done about the way health and welfare services are organized and delivered to make them more effective and responsive to meeting client needs?

1. What changes are needed in the policies and practices of public and private health and welfare agencies to create a setting in which the recipients of services become "consumers", with some control over the circumstances of their own lives and, in particular, the circumstances under which they receive health and welfare services?
2. What changes are needed in the relationship between the agency and the client so that the client can more effectively influence the nature of services received and the circumstances under which they are rendered?
3. What changes are necessary in the way professional and non-professional manpower is recruited, trained, and utilized?
 - a. How can agencies be encouraged to reassess and redefine their tasks to delineate those areas where professionals can function most effectively and those in which trained non-professionals would function most appropriately and effectively?
 - b. In the provision of services, how can agencies be encouraged to employ (in the provision of services) the poor and others who traditionally have been regarded primarily in the role of passive recipients of services?
 - c. What changes need to be made in the education, recruitment and assignment of professionals (social workers, nurses, doctors, etc.) to make them more effective in meeting the needs of those served?

- d. What is needed to stimulate and develop active efforts to encourage and support the recruitment, education, on-the-job training, and use of Negroes on jobs with promotional promise in the human service occupations?
- 4. Would the needs of clients be more effectively met if they were represented by client "advocates" or client "agents"? Can these roles best be filled by trained non-professionals, social workers, lawyers, others? Under whose auspices should these "advocates" work?
- B. What changes are needed in Federal legislation and policies governing the expenditure of Federal funds to make services more effective and responsive to clients needs?

IV. Methods to Bring About Needed Action

- A. What priorities should be assigned to various proposals for short term and long term action?
- B. What additional information is needed in order to provide the basis for immediate planning and action?
- C. What action should be taken by
 - 1. Local Groups of Users of Health and Welfare Services?
 - 2. The Federal government?
 - 3. State and local governments?
 - 4. Professional organizations?
 - 5. Industry?
 - 6. Community Action Agencies?
 - 7. Organized labor?
 - 8. Groups of "opinion makers"?

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #V
THE FAMILY: RESOURCES FOR CHANGE
Dr. Hylan Lewis

SUMMARY

This planning session has a concern for the influences on contemporary family life, especially family life among Negroes. It is assumed that the aims of the working session are to propose policies and programs for the immediate future as well as long-term directions and programs. The agenda paper refers to some of the issues and some of the facts having to do with:

1. The effects of low income on family life
2. Family composition among Negroes--its characteristics, factors influencing it, and its consequences
3. Plans and programs aimed at strengthening family life, especially among the low income population.

Among the issues: the nature and extent of family disorganization among Negroes, the reasons given for it, the outlook for it, and of course what to do about it.

The measures of family disorganization most frequently used are the incidence of families headed by females, illegitimacy, and the attributes and behavior of the disadvantaged male. The nature of the prognosis and programs proposed are heavily conditioned by whether the indications of "family breakdown" are seen primarily as a heritage of slavery or as responses to current conditions.

Among the facts:

Over-all, two-thirds of Negro families include two parents. The increase in the proportion of female-headed households has been less than five percentage points in 15 years, with no rise in the last five years. The evidence is that Negro-white differences in family structure diminish when controlled for income and that differences by income are more striking than differences by color; that factors attributable to the effects of inequities in housing, employment, health, and education account for a large amount of the difference between the figures for Negroes and whites.

The family and family behavior among Negroes show great range and variability; especially overlooked and underrated is the diversity among low income Negro families. When these are overlooked for any reason, there is danger that the depreciated, and probably more dramatic and threatening, characteristics of a small segment of the population may be imputed to an entire population.

Family and personal strengths, resiliencies and demonstrated capacities for change found at all levels are a prime resource to be taken into account in planning programs aimed at strengthening family life among Negroes.

QUESTIONS

1. What are the goals for all families?

Are there special goals for different categories of families?
--e.g., Negro families? Negro low-income families? Negro families in urban ghettos? urban problem families? rural problem families?

2. What is the most important single thing that needs to be done now to improve the quality of family life generally? For low-income families?

3. What should be the general objective with regard to low-income Negro families:

(a) to propose a model to which all families should conform?

(b) to offer the kinds of economic and social supports that seem best suited to allow families to work out their own forms and functions?

4. Among the Federal Government's efforts to strengthen the family which programs seem to be moving effectively in needed directions --i.e., programs such as the following:

Aid to Families of Dependent Children

public housing, and other Federal aid to housing

day care

vocational training and rehabilitation

employment counseling and services

training and use of non-professional aids

family counseling and education

medical and survivors' insurance

foster family and group family care

social and protective services for children

Federal aids to education

5. What features in such programs require modification?
6. What innovations are required in current programs if they are to achieve their objectives of helping to strengthen family life?
7. Are the more adequate economic resources needed by low-income families to be supplied solely by improving the employment opportunities of family breadwinners? If so, how? If not, how?
8. What about non-job sources of family income--e.g., the family allowance? the negative income tax? the guaranteed annual income?
9. Assuming that children can be helped more effectively if their parents are involved, and that so far few major successes that stand up to scrutiny have been achieved in this direction, how shall effective involvement be accomplished?

And, if some parents are unreached, or unwilling to be involved, what should our approach be with reference to the child?

10. Are surrogate male models desirable and feasible for boys and girls without fathers? If so, what kind and how introduced?

Do any of the current programs--Big Brothers, neighborhood counselors, more male teachers, adult or near-adult aides in nursery schools and day care centers--offer promising leads?

11. Should day care centers offer, not only custodial care and opportunities for socialization, but also cognitive enrichment to enhance school readiness?

What about such questions as: Is cognitive enrichment being sought at the expense of social and emotional development?

Is nursery school cooperativeness cultivated at the expense of independence and coping abilities?

Are the intellectual gains reported after preschool training likely to be stable? Or are they to be threatened by unfortunate school experiences later--overcrowded classes, with split shifts, inadequate teachers?

12. How translate into social policy and action the evidence that low-income Negro parents have high educational aspirations for their children?

13. In administering large programs aimed at eliminating the effects of poverty and discrimination on families, what principles of administration should be followed, and how can this be accomplished?

For example, what are the relative advantages and disadvantages of Federal vs. local direction?

TABLE OF CONTENTS

Contemporary Family Forms

The Father--Present and Absent

The Present Mother

Children and Daytime Care

Births Out of Wedlock

Child Rearing Practices

Some Familiar Generalizations

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #V
THE FAMILY: RESOURCES FOR CHANGE
Dr. Hylan Lewis

...the family is rooted in human nature -- in human nature conceived not as a bundle of instincts but as a product of social life;...the family may take protean forms as it survives or is reborn in times of cataclysmic social change; and...we can predict with some assurance the persistence of the family but not the specific forms which it may take in the future.1/

The viability of families, especially low-income families, is critically relevant to our national design and commitment "to fulfill these rights." The purpose of this agenda paper is to serve the working group's examination of stresses and potentials for contemporary families. The discussion is cued to "outside" as well as "inside," and to contemporary as well as historical, factors affecting the course and quality of family life, particularly among low-income Negroes. The aim is to focus attention on the policy and program implications of current family facts and issues. The agenda paper has been prepared with these goals of the planning session in mind:

- (1) the proposal of directions and long-term programs that seem most promising for eliminating or reducing the factors that make for family stress and instability, and for maximizing the realization of family potentials
- (2) the proposal of some specific programs, services or activities to be accomplished within a stated time.

It is through the family that the individual enters into the privileges and liabilities bestowed upon him as a citizen. And it is through the family that the effects of his citizen status first impinge on his inner circle and his inner self. The family acts, not merely as conduit, but rather as agent, reagent and catalyst. It defines the

child's world for him; and it, initially, defines him to himself.

The functions of the family are discussed chiefly in terms of what it does for children, and the emphasis is accurate. Yet the viability of the family depends on the satisfactions and supports it offers to adults, since it is they who determine whether a family unit survives or dissolves. Moreover, what the family can offer to its children depends on the psychological, social, physical and economic status of the adults who preside over it.

It is often claimed that the United States is a child-centered country and, like most claims, this one is occasionally challenged. If we were child-centered, ask the challengers, would we be spending on education only a fraction of what we spend for defense? Would our most family-labeled program, Aid to Families of Dependent Children, have focused for so many years on the sex morality and employability of the mother, with so little official regard for the care of children while the mother works?

I. Contemporary Family Forms

A major issue in any discussion of the Negro family is the higher proportion of female-headed households among Negroes compared with whites.^{2/} The genesis of such families is, by some, attributed to slavery. Others reject or place little emphasis on slavery as an explanation, as compared with current conditions. For example, it has been suggested that

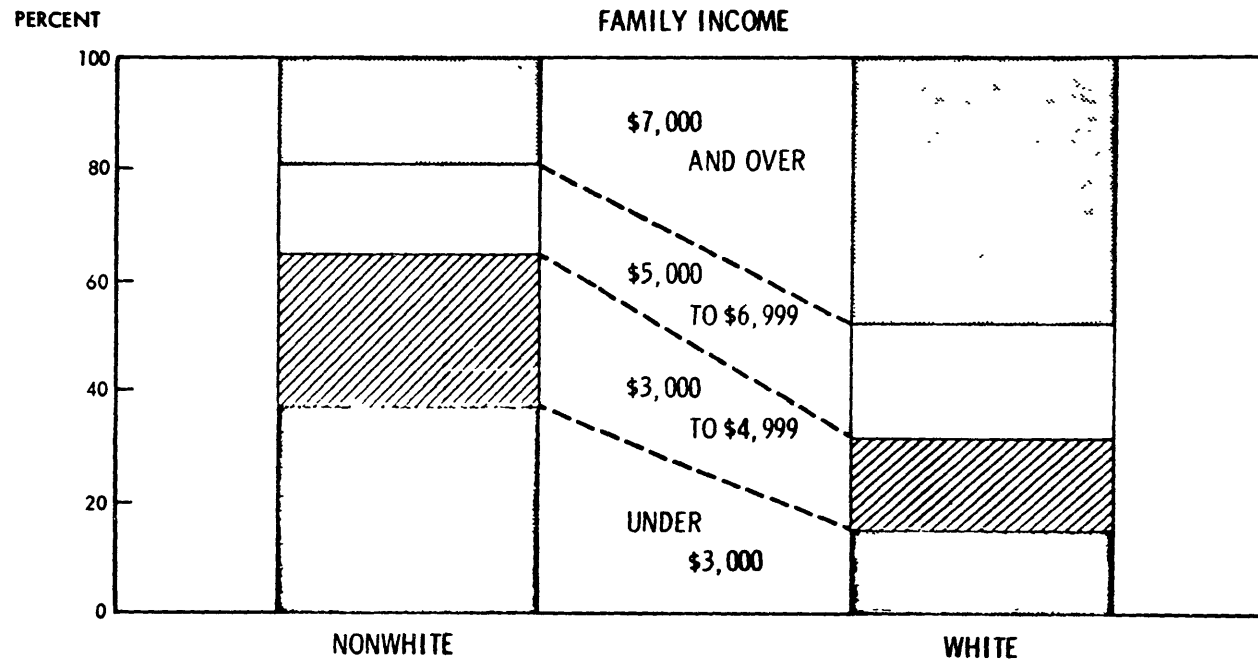
...not enough is known about...present family forms and functions and about the behavior patterns which are distinctly urban products with a dynamic and history of their own. The forms, as in the case of the family headed by the female, may be the same but the context in which they fit and function has probably changed in important details.^{3/}

In one sense, the disagreement about the influence of the slavery heritage on current family forms and practices appears largely academic. We are dealing with the problems and potentials of today, as they are manifested today. Although historical influences may affect kind and degree of potential for growth, it is not necessary to agree on underlying causes in order to perceive present problems and build upon present potentials.

In another sense, the controversy is not academic, for it colors opinions about the nature and extent of differences and similarities between Negro and white families at very low income levels. Those who emphasize the historical influence point to differences; those who emphasize post-slavery influences point to similarities between the two.

The habit of analyzing data by color rather than by income level has tended to support the slavery-specific hypothesis. Since a much larger proportion of Negroes than of whites are on the lowest income levels, what look like statistically significant differences between Negroes and whites may actually be differences between socio-economic

2 OUT OF 5 NONWHITE FAMILIES HAD INCOMES BELOW \$3,000 IN 1964.



SOURCE: U.S. BUREAU OF THE CENSUS

levels. But if the figures are presented only in one way, the other possibility is obscured. Studies of prenatal care, for example, indicate that in effect one is comparing the prosperous with the poor in all three of the following comparisons: white mothers with nonwhite mothers; married mothers with unmarried mothers; all mothers who do with all mothers who do not obtain prenatal care.4/

The Lefcowitz paper compares a variety of qualities for Negroes and whites who are poor and for Negroes and whites who are not poor.5/ In effect, Negro and white comparisons are made after a rough standardization for income. These data suggest that:

1. When controlled for income, Negro-white differences in family structure diminish. Differences by income are more striking than differences by color.

2. When Negro and white children with similar incomes are compared, differences between them in educational achievement diminish and the differences by class appear more striking than the differences by color.

3. There is far more difference in employment status by income than by color.

4. The relative position of men with respect to women, economically and educationally, is the same for whites as for non-whites.

In short, some differences diminish and others disappear. On the other hand, even within income classes, some striking differences remain, differences that may be attributed to two qualities. First, a time-consuming, sophisticated analysis may be required to discern what quality that overlaps with ethnic status is operating. For example, the number of children born per 1,000 mothers is greater for Negroes than for whites. However, the migration pattern of Negroes is different from whites and rural background, like income level, appears to be a powerful factor affecting fertility. If one could standardize white-Negro fertility figures for rural background and for income, would a difference continue to appear?

A second quality that creates difference between Negroes and whites is, obviously, the impact of discriminatory treatment. If the rate of home ownership is higher for whites than for Negroes, even within income classes, can there be any doubt that discrimination by real estate and financing firms is responsible? As another example, the mortality rate of young Negro men exceeds that of white men.* Obviously, this increases the incidence of Negro broken families.

* At ages 25-30, 7 per 1,000 white males and 16 per 1,000 Negro males are likely to die. These figures are not adjusted for income. White young women can marry-up into a comparatively large pool of non-poor white young men. The relative opportunity for Negro young women has been much smaller.

We may come to three general conclusions:

1. Plainly, and overlooking the fact that most Negroes are poor, there are more female-headed families among Negroes than among whites.

2. Poverty accounts for a large measure of this difference. If the qualities of poverty were removed from statistical comparisons, figures for Negroes would move much closer to those for whites.

3. Locatable factors emerging in general from discrimination--health, housing, employment, and so forth--account for a large measure of the difference between figures for Negroes and for whites.

Opinions differ about the rate of increase in the proportion of female-headed families.^{6/} Some, citing the increase in the proportion of nonwhite families headed by women, from 1949 (18.8%) to 1962 (23.2%), see a headlong deterioration, a rapid "crumbling" of the low-income Negro family. Others point out that the rise from 1949 to 1964 was 4.4 percentage points in all (that is, less than one-third of one percentage point a year); that it was gradual from 1949 (18.8%) to 1959 (23.6%), and that from 1959 to 1964 it has remained relatively stable. They conclude that there exists a plateau, or perhaps a gradual but not acute increase in the over-all proportion of broken homes among low-income Negroes.

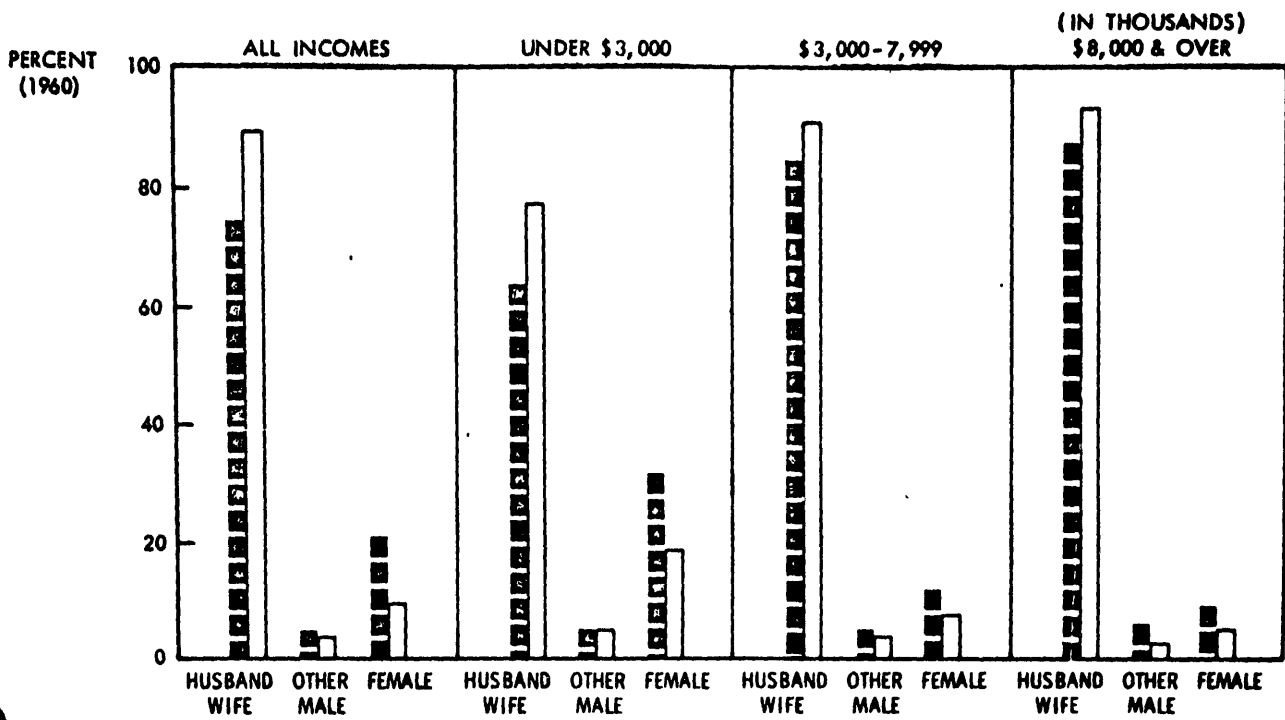
Those who hold the rapid-deterioration view urge strong action to halt an accelerating breakdown. Those who hold the plateau view urge strong action to remedy adverse conditions that have existed far too long. There is consensus between the two schools of thought with regard to the existence of a long-standing disparity between white and nonwhite rates, and the need for strong and prompt intervention. Differences lie: (a) in interpreting the current situation as a crisis vs. a long-term manifestation; (b) in the attitudes of alarm and hostility that may be held with regard to an erupting crisis, as compared with the problem-solving approach that is more likely with regard to a long-continued situation.

The Father--Present and Absent

The two-parent family is modal in the United States, which is to say that it is the norm for American Negroes. Over-all, two-thirds of Negro families include two parents. At the upper income levels the proportion rises and at the lower income levels it falls. Nevertheless, it is useful to remember that when we speak of the female-headed household we are talking about a minority, even among the poor. The fact that family composition is especially flexible among the very poor means that, although at any given moment, two-thirds of the Negro families in the urban slums include two parents, individual children at various times of their lives may move from two-parent to one-parent homes and vice versa.^{7/}

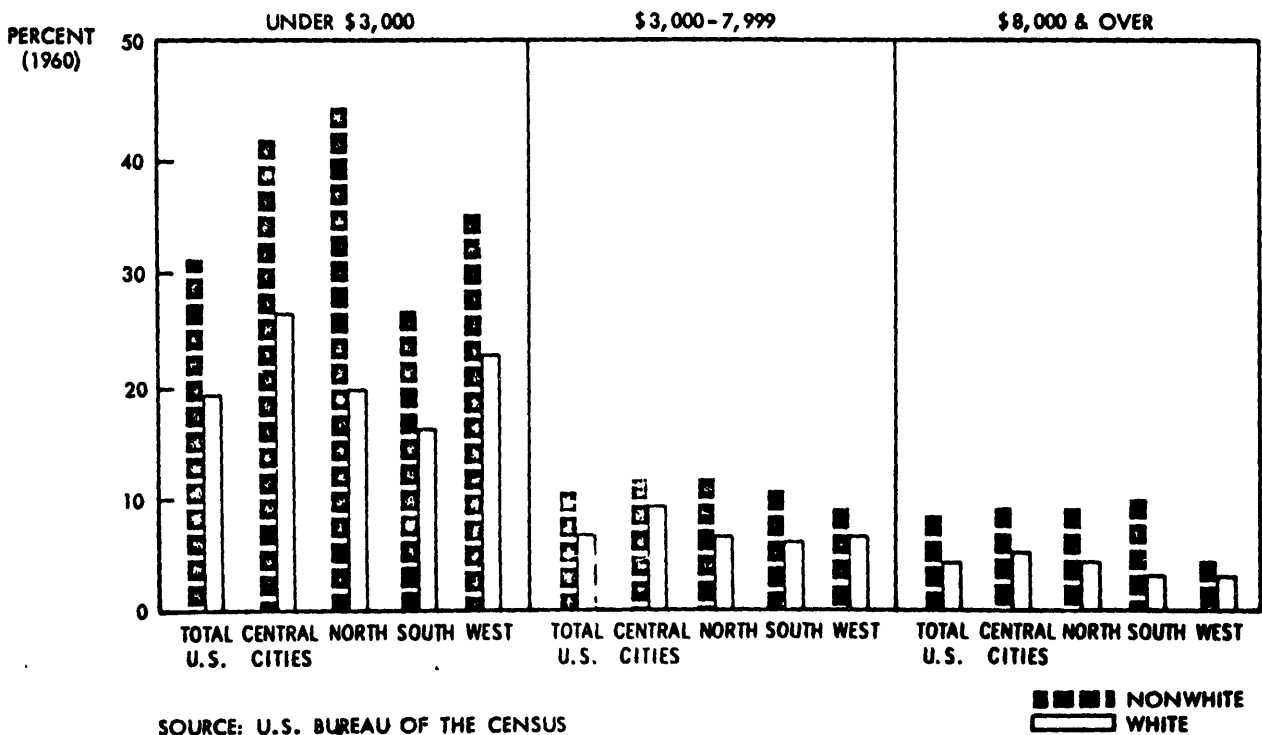
ALL FAMILIES

AT ALL INCOME LEVELS, MOST FAMILIES HAVE MALE HEADS
BUT FEMALE HEADS ARE MORE PREVALENT AMONG NONWHITES



FAMILIES WITH FEMALE HEADS

THE PROPORTION OF FEMALE FAMILY HEADS FALLS SHARPLY WITH RISING INCOME;
IT IS MOST PREVALENT AMONG THE POOREST FAMILIES IN LARGE CITIES AND IN THE NORTH



SOURCE: U.S. BUREAU OF THE CENSUS

■ ■ ■ ■ ■ NONWHITE
□ □ □ □ □ WHITE

At the same time, outside the slum areas, family stability is the rule rather than the exception. In focusing on family homes, as Erikson has pointed out, the present father tends to be forgotten. Forgotten also is the fact that we know very little about him. We do not even know whether there is evidence to support an occasionally voiced impression that the stable Negro home is more patriarchal than the stable white home.

The great majority of our children—some 87 per cent—live in a home with two parents. Most of the rest live in a one-parent home, and in most cases that parent is the mother.

Few would deny that a harmonious two-parent home offers the best prospect for a child to reach his full potential. On the other hand, a substantial minority of American children, over six and a half million of them, live in a home headed by a woman. It is reasonable, therefore, to review current assumptions about the one-parent home and what it means for the developmental prospects of the children who grow up in it.

It has been our habit to view any deviation from our modal family pattern as an aberration. A number of research findings have tended to reinforce this habit. The question may be raised, however, whether a form that includes so many children and has produced so many effective and apparently happy adults, deserves a less negative status. Perhaps the time has come to recognize the one-parent family as a family form in its own right.

Among reasons urged for re-assessment of the one-parent family as a family form in its own right are the following:

1. The one-parent family is with us and shows no sign of becoming less frequent.
2. There is reason to believe that children in such families are adversely affected by the negative assumptions which cluster around it.
3. Through time and space the family has absorbed a vast array of different forms and still has continued to function as the family.
4. The modal American family may not be as functionally two-parent or as "patriarchal" as is sometimes assumed.
5. Analysis of research findings concerning the one-parent family fails to support a sweeping indictment of its potential for producing children capable of fruitful and gratifying lives.

1. The first proposition is supported by a vast array of statistics. The march of these figures is reminiscent of figures concerning the working mother. Not many years ago, conferences were discussing whether

mothers should or should not be permitted or encouraged to work. At present, the main focus of discussion is rather, what kinds of daytime care or other supervision should be established to help the working mother fulfill her dual role. (A subject which is touched upon at somewhat greater length below.) In any case, although there is hope that effective economic and social measures can reduce the frequency of one-parent homes, it seems unlikely that the numbers will be drastically reduced in the very near future.

2. With regard to effects on children of popular assumptions about the one-parent home, the evidence is chiefly presumptive. Specialists in child development provide persuasive discussions and data bearing on the growth of positive and negative identity. There is no lack of evidence that children are alert to the classifications implicit in questions at school about father's occupation, in social differences between mothers who do and do not have a spouse, in the activities of children who do and do not have a father to take them places and do things with them. The fact of a father's presence or absence is ineluctable; the subtle or overt responses to that fact on the part of adults and other children are in themselves responsive to popular assumptions, and are capable of change as those assumptions change.

3. Although relatively few have made an intensive study of family forms through time and space, most students of problems relating to families are aware that, as Witmer and Kotinsky put it:

All the evidence points to the infinite capacity of the family to change--to change its composition, to redefine the way it shares the care of children with other social institutions--and yet to retain its over-all responsibility for them.8/

4. The extent to which children in two-parent homes are reared at home and taught at school by women, during their formative years, has been the subject of extensive comment. Without assuming that this is to their advantage, some raise question about the extent to which it reduces the contrast between children in one-parent and in two-parent homes.

5. Correlation between undesired behavior or attributes and the one-parent home has been a repetitive research finding. The broken home has been reported as associated with emotional maladjustment, poor school achievement, juvenile delinquency, and illegitimacy. However, when data are controlled for socio-economic status, such correlations often fade out. The relationship is more often apparent in studies that have not made a point of such control. Its occurrence is too frequent to require documentation here. Its absence under adequate statistical controls is less familiar but is reported in a number of studies.9/

In this connection it is sometimes pointed out that studies which claim adequate controls also have shown children doing better in warm, stable one-parent homes than in two-parent homes with tension and friction. If such findings are trusted, the implication may be an underlining of the need to offer to one-parent homes the kinds of support that would enhance the mother's ability to be a competent, unharried and undefeated mother.10/

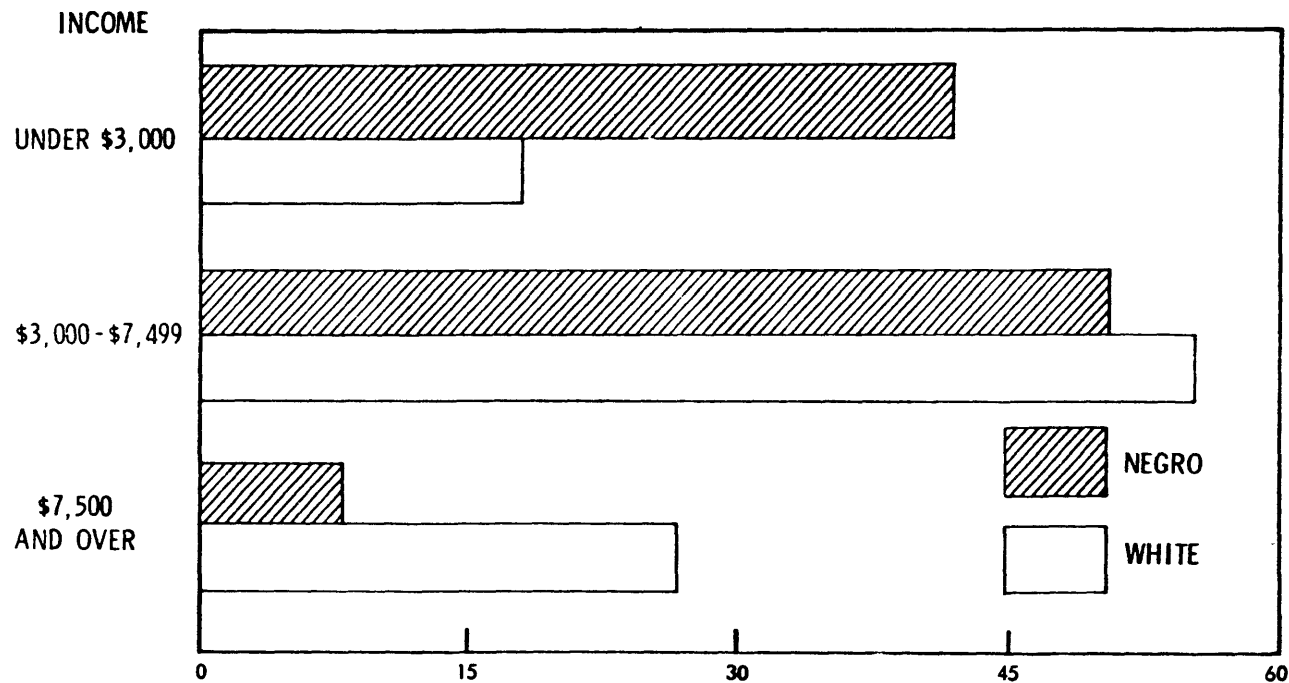
The proponents of the views summarized above do not by any means advocate the one-parent family as the most desired type. What they do advocate is: (1) recognition of the one-parent family as an existing and fairly common form rather than a sick form or a strange deviation from normality; (2) recognition that a sound one-parent home may be better for a child than a torn and strife-ridden two-parent home; (3) devising of ways to enhance the ability of parents without partners to provide a sound one-parent home.

The choice, unfortunately, is not necessarily between a warm, stable, adequate two-parent home and a one-parent home. No one would hesitate to prefer the former for any American child. To avoid the separation of the parents does not, however, insure for the child a "good" or "adequate" home. Evidence available so far does not justify the assumption that any two-parent home is better for a child than any one-parent home; or that the intactness or broken-ness of the home is, in itself, the variable that determines whether or not a child will reach his full potential. As in so many cases, it is an extremely important variable, the net effect of which depends on a number of other important variables. And as in so many cases, the net effect can be helped or hindered by community attitudes and supports.

The relatively frequent dissolution of marriages among low income Negro families is generally attributed, by students of the subject, to the disadvantaged economic position of the Negro male and the consequent downgrading of his role and status within the family, his own self-esteem, and his readiness to struggle with continuing and insuperable family responsibilities.11/ A new determination to improve the economic status of Negro men coincides with a widening of information about and access to the means of birth control. Some see in this convergence a likelihood of mutual reinforcement. A man with a stable income is more ready to accept the responsibilities of family head than one whose economic position is precarious. At the same time, the responsibilities of a family head are more manageable if the size of the family can be planned. The most optimistic prognosticators add that marital stability is likely to be enhanced by the convergence of male ego satisfaction, female respect for him as a breadwinner, and ability of each to give and to receive sex satisfactions without fear of undesired pregnancy.

Early indications suggest that in general people will reach out for services when they believe the services will meet a felt need, and specifically that birth control information and assistance can increase the

**ABOUT HALF OF THE NEGRO AND WHITE URBAN FAMILIES* HAD INCOMES
 1) OF \$3,000 - \$7,500 BUT MOST OF THE REMAINING NEGROES HAD LOWER INCOMES
 WHEREAS MOST OF THE REMAINING WHITES HAD HIGHER INCOMES**



1) AFTER TAXES, 1960-61 *INCLUDES SINGLE CONSUMERS
 SOURCE: U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS

interest in receiving prenatal health care. "Our experience so far in the maternity and infant care programs gives us hopeful indications that the institution of family planning services more than doubles attendance at postpartum clinics and, in some programs at least, seems to have a favorable influence in attracting women to prenatal clinics early as word gets around that the services are available."12/

The Present Mother

In a fatherless home, the mother carries a multiple burden: as head of family, as breadwinner, as home-maker, as mentor, comforter and caretaker of children. Some psychologists hold that, during the first two years of a child's life, the father's presence is more important for his psychological, physical and economic help to the mother than for his direct effect on the child's well-being. (This assumes, of course, that he does give such support.)

The one-parent mother of very low income is likely to be either a working mother or a relief recipient. In either case she is likely to be more fatigued, less healthy physically and more subject to depression than a prosperous mother. If she is "on relief," she and her family may be living on less than a subsistence budget--although recent modifications in welfare practices and policies may bring about some modification of this situation.

If she is a working mother, the same comparisons would hold, plus the problem of arranging supervision for the children while she is out of the home. Mothers without husbands are far more likely to work than other mothers with children under eighteen; and nonwhite mothers are more likely to work than white mothers. They are also likely to receive lower pay.

The effects on children of having their mothers work outside the home are hotly debated. Research findings show strong convergence on three conclusions: (1) that almost no generalization holds true for all working mothers or all their children; (2) that many popular assumptions about working mothers and their children do not stand up under challenge; (3) that the mother's working, in itself, is only one among many factors impinging on children, and may well be a secondary factor.

Primary factors appear to condition its impact on children and family life in three chief ways:

(a) The type of arrangements made for the child's care and supervision during the mother's absence. These are partly the result of attitudes, assumption and behavior, which affect the child whether the mother works or not. But to a large extent they are the result of resources available to her.

(b) The way the child perceives and reacts to the mother's absence. This is also a result of basic factors--including his own special needs--which again affect the child in any case.

(c) Parental attitudes and behavior, including specific reactions to the mother's outside work. These, once more, are largely the product of basic factors which would affect the child in any case, although in special instances the working mother situation may have a secondary influence on their impact and interaction.13/

The conclusions listed above have been reported by a number of independent investigators. They leave unanswered a good many questions that cannot be discussed here. They also drive home a realization that the very mothers most likely to have no option about working outside the home are the ones least able to arrange for adequate supervision of children while the mother is out of the home.

Some of their problems were highlighted by studies conducted in the late fifties and mid-sixties. The Children's Bureau and the Women's Bureau contracted with the Bureau of Census in February 1965 for a new survey to obtain information on the child-care arrangements of one specific group of working mothers: those women who worked 27 weeks or more in 1964, either full or part time and who had at least one child under 14 years of age living at home. There were 6.1 million mothers in this group. These mothers had a total of 12.3 million children under 14, one-fifth of all U.S. children in this age group. The number of mothers in the labor force with children under six numbered 3.6 million.

A number of different child-care arrangements were reported:

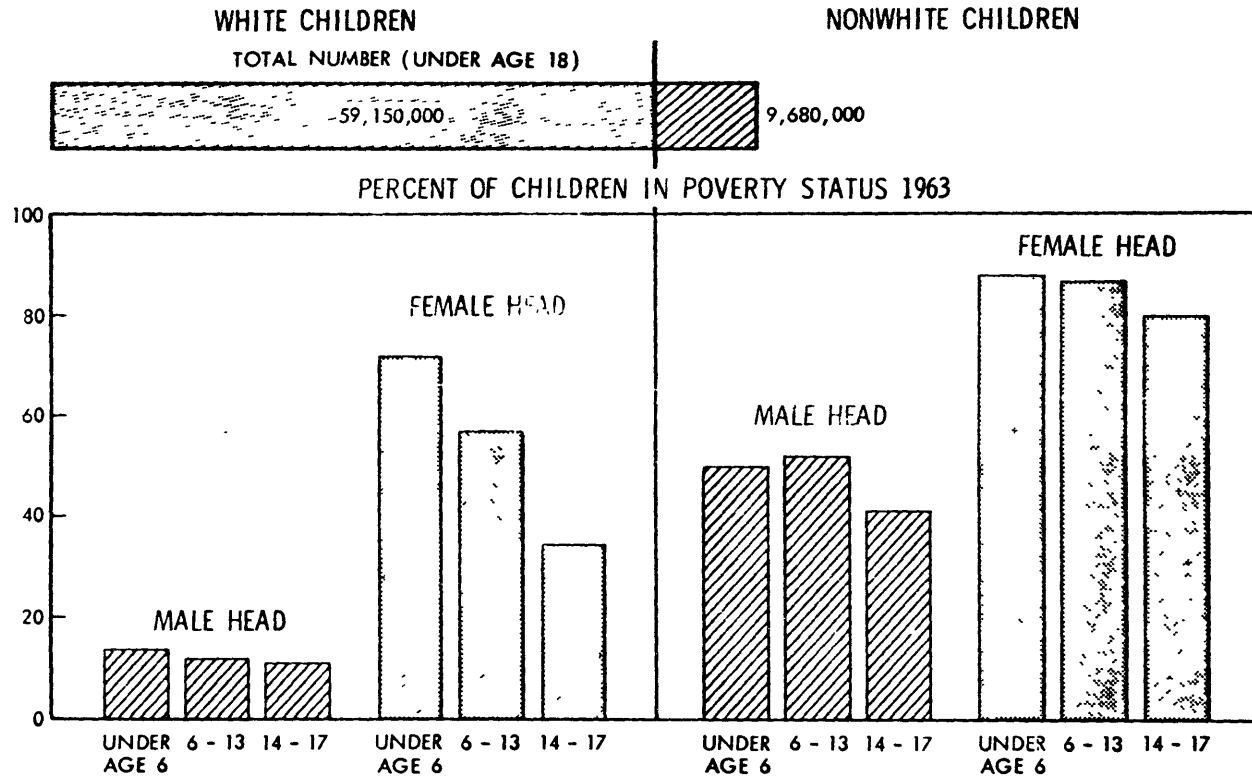
Almost one-half of the children (46 per cent) were cared for in their own homes, usually by a father (15 per cent) or by another relative (21 per cent) and less frequently by a nonrelative (10 per cent). For 5 per cent the relative caring for the children at home was a child under 16 years of age.

Care in someone else's home (15 per cent) was reported much less frequently than care in own home and was equally divided between care by a relative and by a nonrelative.

Group care (in day centers, after school centers, etc.) was reported for 2 per cent of the children but this type of arrangement also varied by age, being 4 per cent for children under 3, 7 per cent for children 3 to 5, and 1 per cent or less for children 6 years of age or older.

Eight per cent of the children in the survey were

OVER 80% OF THE NONWHITE CHILDREN LIVING IN FAMILIES HEADED BY FEMALES AND 40 - 50% OF THOSE IN FAMILIES WITH MALE HEADS WERE POOR IN 1963



SOURCE: MOLLIE ORSHANSKY, "WHO IS AMONG THE POOR" SOCIAL SECURITY BULLETIN, JULY 1965

expected to care for themselves, an arrangement that varied by age, amounting to 1 per cent for the children under 6, 8 per cent for those 6 to 11, and 20 per cent for children 12 or 13 years of age.

14/

The picture is not reassuring, especially if one considers that the "latchkey" children for whom no arrangements are made are probably over-represented among the lowest income families, that the proportion of children in group care remains very low, and that some of the arrangements reported are sketchy in the extreme. Studies of children under the AFDC program show a larger proportion of children with no daytime care arrangements. It should be added that some of these studies also have revealed great concern on the part of some mothers about the lack of child supervision, and ingenious arrangements by a few of them to have the children report regularly by telephone.

Children and Daytime Care

In recent years, new and systematic efforts have been made to increase the quantity and quality of day care facilities for children of working mothers, and new legislation has given impetus to these efforts. Nevertheless, the 1965 figures suggest a large gap to be filled.15/

Although research results indicate that outside employment of the mother does not, in and of itself, affect children adversely, a good many believe that it is better for children to be in their own homes with their own mothers during the first two years. Even if present measures do not demonstrate adverse effects, they say, we are not able to tell whether the own mother's care would be better for them. This discussion, invoking "the Bowlby thesis" on the one hand, and, on the other, accounts of the many "fulfilled" men and women who were raised by nurses and governesses, will probably not be resolved in the near future.

Meanwhile, new controversies are flaring about the need of pre-school children to obtain training for school adjustment and achievement of a kind believed not to be provided in their own homes. Should day care centers offer, not only custodial care and opportunities for socialization, but also cognitive enrichment to enhance school readiness? The hotly debated and many-faceted subject of preschool care for children of low income families is equally pertinent to discussions of education and discussions of family life. It includes consideration of what mothers offer to children and what a specific mother offers to a specific child under specific circumstances, as compared with what trained and responsive day care attendants or nursery school teachers can offer. It includes questions about whether cognitive enrichment is being sought at the expense of social and emotional development; of whether nursery school cooperativeness is cultivated at the expense of

independence and coping abilities; of whether the intellectual gains reported after preschool training are stable, or fade away under the impact of unfortunate school experiences in over-crowded classes, with split shifts, and teachers often hampered by inadequate teaching or by their own unconsciously acquired habits.16/

Closely linked to problems of preschool and later education is the role of the parent in his child's schooling. There is ample evidence that low-income Negro parents have high educational aspirations for their children; and that they (like the rest of the American public) see education as the magic key to wealth and happiness. It is equally clear, however, that they tend to view themselves as having no role in the child's education, aside from housing and feeding him while he goes to school. The school is seen as a foreign and fearsome place, where a parent goes chiefly when summoned because his child has failed in his work or gotten into trouble

There is a widely accepted dictum that small children cannot be helped toward school readiness and social competence if their parents are not involved. Many programs are based on this principle, some very ingenious and apparently effective. Nevertheless, on-the-spot visits often reveal that glowingly-described programs in fact are able to "reach" very few parents, at great cost and investment of staff. The great break-through in parent and family life education has yet to be made, at least for the low income groups. Pending it, the question remains whether one must assume that any child whose parent is unable or unwilling to be "reached" is himself beyond the reach of programs designed to open up for him the way to the kind of life that most people in this country consider a good life.

The use of non-professional aides in nursery schools and day-care centers is urged as one means of combatting both the problem of parental involvement and the problem of insufficient adequate male models. Some centers for daytime care of children from low-income families encourage the mothers to serve as aides, thus increasing their involvement, giving them practice in enhancing intellectual stimulation and interpersonal response, establishing them as active collaborators in the school program, and--in some instances--augmenting their income a little. Some of these centers strive to promote active school-home partnership by arranging for parents to visit the schools their children will later attend and to become acquainted with the teachers in whose classes the children will be.

Some success has been reported in the use of teen-age boys as nursery school aides, including "delinquents" and "near-delinquents." The children respond with eager warmth to these "big men" in their lives. The youthful "big men" in turn, appear to derive great pleasure and profit from the response of the children, who treat them as responsible adults and thus evoke warmth, responsibility and enhanced self-respect.

Recently some parents whose children are in a preschool enrichment program met with the teachers to express their concern about the lax discipline in the school. Children were not smacked when they failed to obey adults, and were not scolded if they were "ugly" to each other. The teachers explained that they were trying to instill inner controls that would continue to operate when the children were too old to spank, and when so many low-income parents feel their children have moved beyond parental control. After considerable discussion, both parents and teachers expressed satisfaction.

The observers, however, were left with a number of questions that echoed concerns expressed by others: Are the children being "socialized" in a way that will be a disadvantage to them in their own neighborhoods?

Are the school and home environments incompatible in a way that will be detrimental to the children and to family cohesion?

Will the encouragement of spontaneity and autonomy in the nursery school equip them badly for the atmosphere of the usual public schoolroom?

Is the cognitive being stressed at the expense of other elements?

Births Out of Wedlock

A number of statements frequently made about births out of wedlock are supported by evidence which--even allowing for vagaries of national reporting that include over-reporting and under-reporting, as well as lack of reporting from some 15 States--still affords solid support for these particular generalizations.

It is solidly established, for example, that numbers of births out of wedlock have increased strikingly in the past twenty years and that rates have tripled since 1938. Rates are far higher among Negroes than among whites. In fact, the majority of children born out of wedlock are nonwhite, although only 12 per cent of the population are nonwhite.

There is also ample and unchallenged evidence that illegitimacy rates are much higher among the poor than among the prosperous. If further evidence were needed on a virtually unchallenged generalization, figures on rates in high and low income tracts should be sufficient. Pakter and associates, for example, found that the proportion of births out-of-wedlock in relation to total nonwhite births varied from a high of 37.5 per cent in the Central Harlem district to a comparative low of 8.9 per cent in the Pelham Bay district.¹⁷ It is difficult to say to what extent differences should be ascribed to greater use of contraception and abortion by the non-poor, to more frequent marriage because of pregnancy among the non-poor, to higher fertility rates among the poor and among nonwhites, and to differential reporting.

A few points, also based on available figures, are less recognized and publicized. Some of these relate to the increase in rates of illegitimacy, by which is meant the number of births out of wedlock per 1,000 unmarried women of child-bearing age. The rise in rates (as differentiated from numbers) has been relatively steady over several decades, and has paralleled to a considerable degree changes in birth rates generally. This rise represents a long-term trend and not a sudden upsurge. Moreover, in the last six years reported (1957-1963) the rates have oscillated at about the same level, rising or falling one or two points or less, but in effect representing a six-year plateau. Thus, the current picture is a rise in numbers and a leveling off in rates of non-wedlock births.18/

The rates for teen-agers have increased less than the rates for other age groups over the past twenty years, and in the last eight years reported their rates have remained relatively constant. The rates for those fourteen and under have not increased since 1947. The population explosion has multiplied numbers in that age group, but rates have remained constant. True, the figures derive from estimates, but this is true of all figures on unmarried mothers and there is as much reason to trust one part of them as to trust another part. Thus any recent increase in the magnitude of problems relating to births out of wedlock is attributable to increase in population rather than to changes in the way people are behaving.

The figures just cited refer to all births out of wedlock, since rates for white and nonwhite are not available separately. Until recently, rates were undoubtedly increasing faster among nonwhites than among whites. Recently, however, nonwedlock births have increased faster among whites than among nonwhites.19/ This minor shift in relative rate of increase does not, of course, alter the large and long-standing difference between white and nonwhite illegitimacy rates nor answer the question noted above, concerning it.

Although rates of illegitimacy have not increased during the past six years, numbers have multiplied, reaching 259,000 in 1963. Unfortunately, social and medical service have not kept pace. It has been estimated roughly that probably less than one-third of our unmarried mothers receive social services near the time of the child's birth. Presumably still fewer receive them at other times.

No careful observer asserts that the insufficient services we do have are distributed evenly or efficiently. With regard to social services, it has been estimated that in 1961 about one unmarried mother in six received services from a public or voluntary child welfare agency.20/ Three-fourths of the mothers served by such agencies in 1961 were white, although the majority of the children born out of wedlock in that year were nonwhite. From this we can estimate that nearly one-third of the white unmarried mothers and less than one-tenth of the nonwhite were served by public or private child welfare agencies.

On the whole, the unmarried mothers served by voluntary child welfare agencies, maternity homes and family service agencies tend to be of higher socio-economic status (including somewhat higher education) than the average for all unmarried mothers in the United States. They also tend, as do those served by public agencies, to be younger and more likely to place their children in adoption. About 70 per cent of the white babies born out of wedlock and less than 10 per cent of the nonwhite are legally adopted.

Failure to receive services does not necessarily mean that service has been sought and refused. On the contrary, a major deterrent to receiving social services is that the unmarried mother-to-be sees no need of them. It should be added that her definition of her needs and her conception of the kind of help social agencies give seldom coincide with agency definitions. Moreover, if all unmarried mothers did seek agency help, the agencies would be unable to cope with the demand.

In the case of medical services, problems of eligibility and of arranging for care bulk far larger than with social services, and many women--married or unmarried--wait until they are in labor in order to obtain emergency service because they are not eligible to receive prenatal care. Far too few mothers, married or unmarried, receive adequate prenatal care and many receive none at all. However, still fewer unmarried than married mothers-to-be receive such care.21/

Those who have studied the problems of low-income Negro unmarried mothers on the whole subscribe to the belief that the most effective way to decrease nonwedlock births in this group would be to improve the economic situation of the low-income Negro male. Census tract data and special studies show that as income increases rates of non-wedlock birth, like the frequency of female-headed homes, decrease.22/

How illegitimacy rates will respond to dissemination of birth control information and devices, remains to be seen. Some predict that, after moderate delay, there will be a radical decrease in the number of births out of wedlock. Those who question the prediction hold that among low-income Negroes a positive value attaches to having a child, both as an affirmation of masculinity or femininity and because children are prized in themselves. This view, in turn, is countered by reminders of nonwedlock children left in hospitals by mothers who do not want to keep them. It seems reasonable to assume that given the information and materials they need, at least some unmarried women will take steps to avoid pregnancy. It is possible also that the possibility of family planning would encourage men to enter and maintain the continuing obligations of marriage--the more so if, at the same time, their own economic stability is improved.

Recent changes in policies with regard to AFDC are also cited as a possible influence in decreasing illegitimacy rates. Among other

features, these changes modify the "man in the house" rule, which is said to discourage marriage, on the one hand and, on the other, to encourage over-reporting of illegitimacy through fear of losing the relief check if it is known that there is a stable relation with a man.

The often-heard statement that no stigma attaches to illegitimacy among low-income Negroes usually carries the implication that no stigma means no penalty, and that this means it doesn't matter whether one is born in or out of wedlock. This implication runs contrary to abundant evidence. To be born in wedlock and to have your children born in wedlock is a decided social plus, and a gratification.

The plus value of regular marriage is stronger than the minus value of no marriage. The lack of marriage is by no means a matter of indifference. Some low-income mothers pray for boys in order to avoid "trouble" for their daughters, and when trouble comes there is grief and anger, even though you stick to your own, take care of your own, and never turn them away. There is also a revulsion against forcing a marriage between a girl pregnant out of wedlock and the putative father, unless they really love each other. The question is - is an unhappy marriage more desirable than an out-of-wedlock birth? A girl may wait until she is "sure she loves him"--even though the assurance comes after the baby is born.

Both national statistics and special studies make it clear that women move in and out of married and unmarried motherhood, so that many families include both legitimate and illegitimate children. The pattern is familiar also among middle and high income whites, although with them it is more usual to have one illegitimate child (which may or may not be placed in adoption) and then marry and have children only in wedlock.

Attitudes toward illegitimacy and toward marriage are clearly linked with the economic position of the Negro male. A male head of house who is not a bread-winner and provider is a hazard to the happiness of the marriage, and his loss of economic status is so great a hazard to his intra-family status that he may decamp, either to protect his own ego or to make his family eligible for support from AFDC. Recent changes in the AFDC program are aimed against the second reason for family desertion.

One reason why it is difficult for middle-class observers to fathom attitudes toward sex and marriage among the poor is failure to recognize that values may be honored by people who do not adhere to them in daily life. This discrepancy between what one believes and what one does may arise from conflict between different sets of values observed by the same individual, and different hierarchies of values held by different nations, socio-economic classes, or individuals. Food and shelter for self or family may rank higher than scrupulous honesty; avoidance of an unhappy marriage may rank higher than legitimate birth status, and the value hierarchy may be constant in an individual's life

or may change according to the situation.

Rodman posits the "value stretch," which he describes as broader among the poor than among the prosperous. The very poor, he says, "share the general values of the society with members of other classes, but in addition they have stretched these values or developed alternative values, which help them to adjust to their deprived circumstances." 23/ Thus, the "lower-class value stretch" refers to "the wider range of values, and the lower degree of commitment to these values, to be found within the lower class." Some commentators raise question whether the "stretch" is wider among the low income groups than among those with middle or high incomes, or merely more perceptible to middle-class observers. The behavior of the prosperous with regard to taxes is mentioned in this connection, as are sharp business practices, sexual infidelity, and the frequent placing of career advancement before the needs of family or country. No one has devised an accurate measure of stretch-difference. It seems clear, however, that on all socio-economic levels people can consciously believe in certain values, even while they continue to act as if those values did not exist. 24/

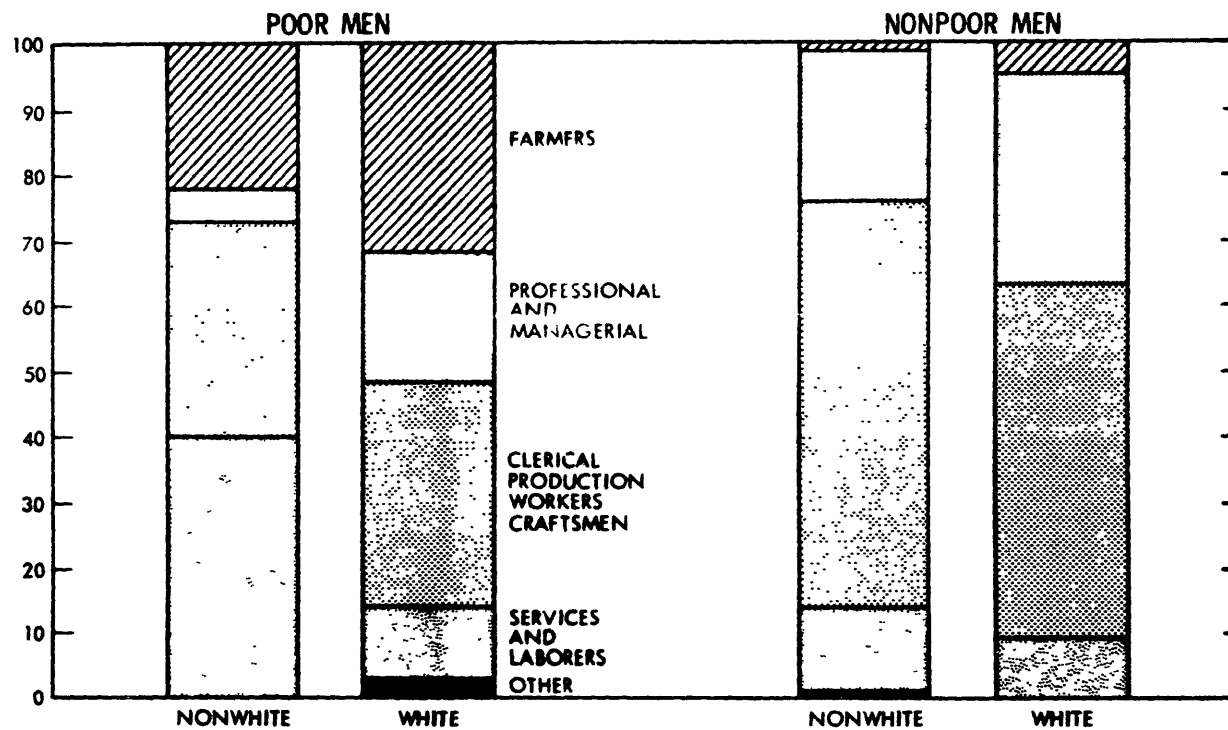
Child Rearing Practices

A number of differences between the poor and the prosperous with regard to child-rearing practices have been described, and attempts have been made to relate some of them directly to school achievement, social satisfactions and later vocational adequacy. Among the differences frequently cited: The poor are less likely to encourage a child's interest in exploration, discovery, inquiry; they are more likely to reward inactivity and passivity as attributes of a "good child;" they are less likely to enhance and reward development of verbal skills through precept and approval; they are more likely to display repressive and punitive attitudes toward sex, sex questioning and experimentation, and a view of the sex relationship as basically exploitative; they are more likely to rely on authoritarian methods of child rearing; they are more likely to discipline by corporal punishment, harshly and inconsistently applied.

Little challenge is raised against these generalizations, although many are quick to point out that some of them are almost inevitable in crowded dwellings where adults are harried, depressed and fatigued.

Some other generalizations about child-rearing practices, as about attributes of the poor generally, arouse more objections. Some of the objections relate to the investigators' use of "culture-bound instruments"; some to the claim that the traits involved are direct products of the "reality world" in which both parents and children dwell. These kinds of challenges have been raised against statements that children are reared to low esteem of selves and parents, present time-orientation, impulse gratification, fatalism, emphasis on "keeping out of trouble" rather than positive achievement, lack of goal commitment.

AMONG POOR MEN THE LARGEST PROPORTION OF NONWHITE WERE IN FARM, SERVICE AND LABORER OCCUPATIONS; THE LARGEST PROPORTION OF WHITE WERE IN CRAFTS, PRODUCTION OR CLERICAL WORK. AMONG THE NONPOOR, THERE ARE FEW IN FARMING AND THE BULK OF BOTH NONWHITE AND WHITE WORKERS ARE IN CRAFTS, CLERICAL OR PRODUCTION WORK.



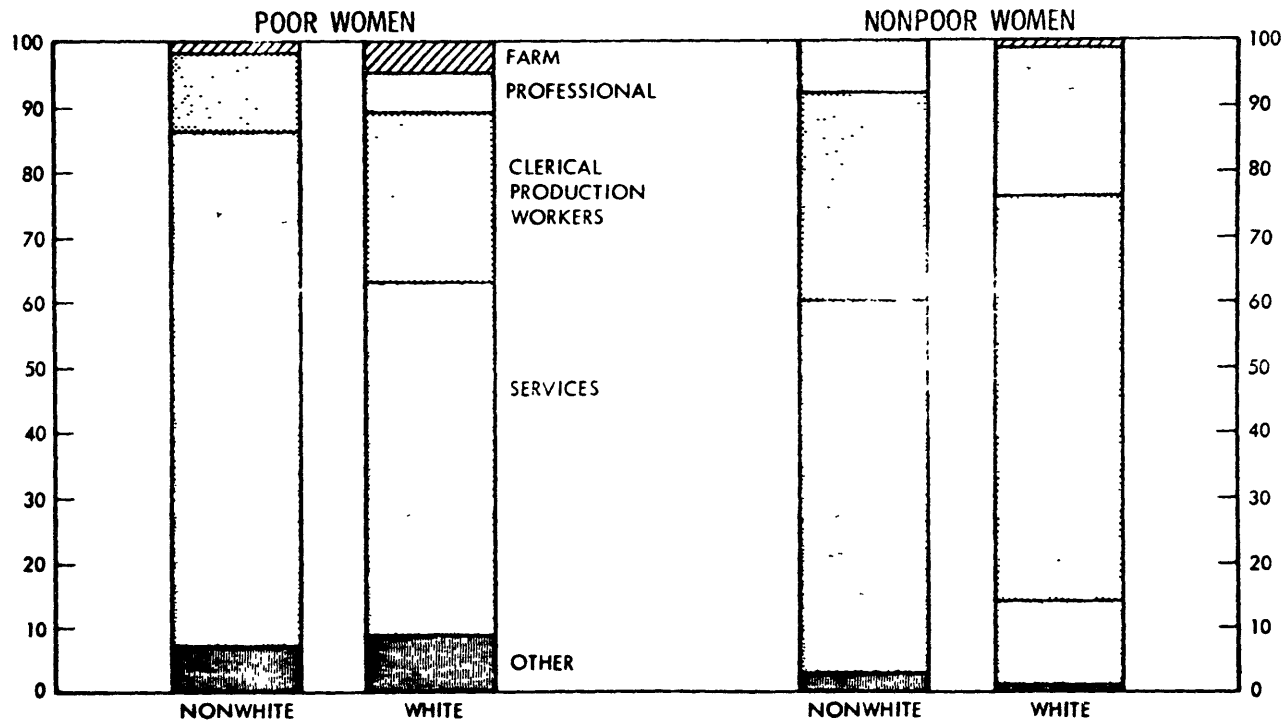
✓ POOR BY SOCIAL SECURITY ADMINISTRATION CRITERIA. BASED ON A 1963 INCOME OF \$1,580 A YEAR FOR A NONFARM SINGLE PERSON UNDER 65 (\$1,470 AGED 65 AND OVER), TO \$5,090 FOR A NONFARM FAMILY OF 7 OR MORE PERSONS. THE POVERTY LINE FOR SINGLE PERSONS AND FAMILIES LIVING ON A FARM WAS PUT AT 60 PERCENT OF THE ABOVE.

SOURCE: OFFICE OF ECONOMIC OPPORTUNITY

Objections are raised also to implications that some of the attitudes and psychological sets listed in the preceding paragraph are basic traits rather than responses to immediate environment; and that they apply globally to an income category or neighborhood. For example, a study of child rearing practices among low income families in Washington, D. C. reports that the amount of diversity among low income families is overlooked and underrated in popular and scientific thinking.^{25/} In addition, the study supports the following propositions:

1. The life chances and the actual behavior of low income families are not to be confused with the cultural values and the preferences of families so classified.
2. A great deal of behavior among low income urban families reflects a straddling of behavior and of goals associated with deprivation and poverty on the one hand, and of behavior and of goals associated with higher socio-economic status and affluence on the other hand.
3. Among a considerable proportion of low income urban families observed, failures to conform in overt behavior to the so-called middle class values are due less to any lack of recognition of, and affirmation of, middle class values than they are due to such factors as (a) lack of money to support these values, (b) a process of diminution in the will to do so, and (c) a lessened confidence in their own, and especially their children's, life chances in the present and future.
4. Most parents in low income families tend to show greater conformity to and convergence with the ascribed standards of parents of middle and upper income in what they indicate they want than in their actual behavior.
5. The range and the specifics of the child rearing concerns of low income parents approximate closely the range and the specifics of child rearing concerns ascribed to upper and middle income families. The specifics of child rearing concerns and the priorities attached to particular concerns vary from family to family.
6. The amount of family income and the evenness of its flow makes a significant difference in child rearing priorities acted upon by parents.
7. Major priority among families with low income tends to be given to meeting basic physical needs -- food, clothing, and shelter.
8. The need to invest a significant proportion of energies into meeting basic physical needs on inadequate income can result in a kind of compartmentalization of child rearing concerns.

AMONG WHITE AS WELL AS NONWHITE POOR WOMEN, MOST WERE IN SERVICE OCCUPATIONS; AMONG THE NONPOOR THE MAJORITY OF THE NONWHITE WERE STILL IN SERVICES BUT THE MAJORITY OF THE WHITE WERE CRAFTSMEN, CLERICAL OR PRODUCTION WORKERS.



1/ POOR BY SOCIAL SECURITY ADMINISTRATION CRITERIA. BASED ON A 1963 INCOME OF \$1,580 A YEAR FOR A NONFARM SINGLE PERSON UNDER 65 (\$1,470 AGED 65 AND OVER), TO \$5,090 FOR A NONFARM FAMILY OF 7 OR MORE PERSONS. THE POVERTY LINE FOR SINGLE PERSONS AND FAMILIES LIVING ON A FARM WAS PUT AT 60 PERCENT OF THE ABOVE.

SOURCE: OFFICE OF ECONOMIC OPPORTUNITY

9. With few exceptions, low income parents do not approve of the circumstances in which they now live or in which their children are being brought up.

10. A major aspiration of low income parents for their children is to see their children do better in life -- especially in jobs, education, and family behavior -- than they have been able to do themselves.

11. Many low income parents assess their own child rearing performances in terms of whether they have made advances over the child rearing circumstances and performances of their own parents.

12. The economic and social roles wished of, and expected of, the low income male as husband and father by wives, mothers, and children are not different from those of the middle and upper classes, but his abilities -- and the family and community consequences of his inabilities -- to fulfill these roles are different.

Some Familiar Generalizations

A great many generalizations are made about the poor, often without differentiating among various categories of people and life styles found on the lower income levels. In general, the ill-defined group referred to as "the poor" does not include the stable, respectable working class. Nevertheless, certain characteristics are reported in inverse relation to income from top to bottom, (e.g., education, physical and mental health, regular employment, adequate housing, privacy, membership in organizations).^{26/} Some of the attributions come from studies based on inadequate breakdowns, so that in our studies as in our life, class distinctions become blurred.

The term "culture of poverty" is used by Oscar Lewis in a dynamic sense to express the interplay of circumstance and attitude. There is no special issue when the term is used in this way. Issues arise when the term is used to mean a world outlook or style of life that has become a thing in itself. At this edge of the term, there is an implication that the source of such a world outlook lies in other people -- parents, peers -- who hold the same attitudes and that the attitudes persist, whatever their relation to reality.

Many of the attitudes and much of the behavior of persons enmeshed in "the culture of poverty" are a response to facts of life. One author writes about the effects of prolonged malnutrition:

...various functional changes occur. These functional changes are manifested clinically by symptoms usually placed in the neurasthenic syndrome. They include such common complaints as excessive fatigability, disturbances in sleep, inability to concentrate, 'gas,'

heart consciousness, and various queer bodily sensations... Occurrences [of these symptoms] as a manifestation of tissue depletion of certain nutrients is undoubted.

As for drive and ambition, a study describes "depression, apathy, and lethargy" as consequences of malnutrition. The tendency to blame others rather than one's self has also been attributed to inadequate nutrition.27/

The following effects have been attributed to poor housing:

...a perception of one's self that leads to pessimism and passivity, stress to which the individual cannot adapt, poor health, and a state of dissatisfaction; pleased in company but not in solitude, cynicism about people and organizations, a high degree of sexual stimulation without legitimate outlet, and difficulty in household management and child rearing; ...relationships that tend to spread out in the neighborhood rather than deeply into the family.28/

The ways in which some of these effects are produced are almost self-evident. Poor health is a consequence of the effects of poor housing in contributing to accidents, to respiratory and skin diseases, and so forth. Poor health has its attitudinal and behavioral consequences, of course. The effects of crowding are possibly less apparent but are felt through their effects on privacy, on time and opportunity for communication, and on the tendency to live out-of-doors. Living in congested neighborhoods, where tenants are transient and physical hazards are real, produces in many a constant sense of loneliness, helplessness and anxiety.

With regard to the higher level of aggression attributed to the poor, one report comments that, in encouraging their children to fight back, slum dwellers show a realistic perception of the social problems in their neighborhoods. This view receives support from a low-income father who said of his son: "I...knock the hell out of him, 'cause he can't be no sissy and grow up in this here jungle."

One frequent generalization made about the poor is that they have less belief in their control over their own destinies than the prosperous--less sense of autonomy. And to this, another commentator responds--why wouldn't they?

Perhaps the most frequent generalization of all is that the poor have a shorter time perspective than the prosperous, that they are present-oriented rather than future-oriented. A number of challenges to this one have been heard lately, especially with regard to the

Negro poor. Those who question the blanket accuracy of the present time-orientation generalization, add that in many instances future time-orientation just doesn't make sense for many of the poor. Nevertheless, they claim, when it does make sense to people of any income level, they plan for the future.

Many of the middle class have been recruited from the poor, many of the poor have middle class tastes and preferences. Time orientation may not be a culture trait or a unitary trait. It may be rather a multiple and realistic response to the multiple aspects of life as it presents itself, with future-oriented planning and performance where that makes sense, and present-oriented response where the future is unpromising and unpredictable.

It has been argued from cases and from large-scale but partial experiences (e.g., moving poor people into public housing, which rapidly turn into slums) that the attitudes and behavior--however they began--persist well beyond the need for them. Virtually all evidence lies in a contrary direction, that upward mobility is accompanied by change in values. The difference between the impression and the evidence may depend on whether a shorter or longer time span is considered or whether one element of reality (housing) or several (schools, nutrition, job opportunity) are changed.

There is abundant evidence of resources for change among Negro families, particularly among the children. Dr. Robert Coles writes:

...I was constantly surprised at the endurance shown by children we would all call poor or, in the current fashion, "culturally disadvantaged."

What enabled such children from such families to survive, emotionally and educationally, ordeals I feel sure many white middle-class boys and girls would find impossible? What has been the source of the strength shown by the sit-in students, many of whom do not come from comfortable homes but, quite the contrary, from rural cabins or slum tenements? Why do some Negro children--like the ones I have studied--behave so idealistically and bravely, while others go on to lives of uselessness and apathy, lives filled with hate, violence and crime?29/

REFERENCES

1. Ernest W. Burgess, Preface to E. Franklin Frazier, The Negro Family in the United States (New York, 1957).
2. Office of Policy Planning and Research, United States Department of Labor, The Negro Family: The Case for National Action (March 1965), pp. 9 ff.
3. Hylan Lewis, "The Changing Negro Family" in The Nation's Children, Vol. I (New York, 1960), p. 126.
4. Elizabeth Herzog and Rose Bernstein, Health Services for Unmarried Mothers, Children's Bureau Publication No. 425, Welfare Administration, U. S. Department of Health, Education, and Welfare (Washington, D. C., 1964), p. 32.
5. Jack Lefcowitz, "Poverty and Negro-White Family Structure," unpublished paper, Research and Planning Division, Office of Economic Opportunity (1965).
6. Office of Policy Planning and Research, United States Department of Labor, The Negro Family: The Case for National Action (March 1965), pp. 9 ff.
7. The section entitled "The Father--Present and Absent" is part of an unpublished manuscript by Elizabeth Herzog, Children's Bureau, Welfare Administration, Department of Health, Education, and Welfare.
8. Helen Leland Witmer and Ruth Kotinsky, Personality in the Making (New York, 1962), p. 209.
9. Ivan F. Nye, Family Relationships and Delinquent Behavior (New York, 1958). Clark Vincent, Unmarried Mothers (New York, 1961).
10. Ivan F. Nye, "Child Adjustment in Broken and in Unhappy Broken Homes," Marriage and Family Living, Vol. 19 (1957); and Virginia Wimperis, The Unmarried Mother and her Child (London, 1960).
11. E. Franklin Frazier, The Negro in the United States (New York, 1957). St. Clair Drake and Horace R. Cayton, Black Metropolis (New York, 1954). Thomas F. Pettigrew, A Profile of the Negro American (Princeton, 1964). Hylan Lewis, "The Changing Negro Family," in The Nation's Children (New York, 1960). Office of Policy Planning and Research, United States Department of Labor, The Negro Family: The Case for National Action (March 1965).

12. Katherine B. Oettinger, "This Most Profound Challenge," U. S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau (1965). Address before the Fall Conference on Public Family Planning Clinics, Hotel Roosevelt, New York, New York, September 9, 1965.
13. Elizabeth Herzog, Children of Working Mothers, U. S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau Publication No. 382, (1960); reprinted 1964. See also Alberta Engvall Siegel, Lois Meek Stolz, Ethel Alice Hitchcock, and Jean Adamson: "Dependence and Independence in the Children of Working Mothers," Child Development (1959) Vol. 30, pp. 533-546.
14. U. S. Department of Health, Education, and Welfare, Welfare Administration, Children's Bureau and U. S. Department of Labor, Women's Bureau, Child Care Arrangements of the Nation's Working Mothers - a preliminary report (Washington, D. C., 1965), (Processed) pp. 1-4.
15. Kathryn Close, "Day Care As a Service For All Who Need It," Children (July-August 1965), pp. 157-160.
16. Kenneth B. Clark, Dark Ghetto (New York, 1965); S. M. Miller and Ira E. Harrison, "Types of Dropouts: 'The Unemployables,'" Presented at the Annual Meeting of the American Orthopsychiatric Association, Washington, D. C., March, 1963. (Syracuse University Youth Development Center, Syracuse, New York).
17. Jean Pakter, et al, "Out-of-Wedlock Births in New York City: I-- Sociological Aspects," American Journal of Public Health, LI (1961).
18. The section entitled "Births Out of Wedlock" is based on the following papers: Elizabeth Herzog, "The Chronic Revolution," Journal of Clinical Pediatrics, to be published December, 1965 or January, 1966; "Unmarried Mothers: Some Questions to be Answered and Some Answers to be Questioned," Child Welfare (October 1962); Hylan Lewis and Elizabeth Herzog, "Priorities in Research on Unmarried Mothers," in Research Perspectives on the Unmarried Mother, Child Welfare League of America, Inc. (New York, 1961).
19. National Center for Health Statistics, Public Health Service, U. S. Department of Health, Education and Welfare: Vital Statistics of the United States, 1963: Volume 1, Natality.
20. Hannah M. Adams, Social Services for Unmarried Mothers and Their Children Provided through Public and Voluntary Child Welfare Agencies. Child Welfare Report No. 12. Children's Bureau, Social Security Administration, Department of Health, Education, and Welfare (Washington, D. C., 1962).

21. Elizabeth Herzog and Rose Bernstein, Health Services for Unmarried Mothers, Children's Bureau Publication 425, Welfare Administration, U. S. Department of Health, Education, and Welfare (1964).
22. Paul H. Gebhard, et al, Pregnancy, Birth and Abortion (New York, 1958).
23. Hyman Rodman, "The Lower-Class Value Stretch," Social Forces, Vol. 42, No. 2 (December 1963), pp. 205-215. See also, Hylan Lewis, "Culture, Class and the Behavior of Low Income Families," prepared for Conference on Lower Class Culture, Barbizon Plaza Hotel, New York City, June 27-29, 1963.
24. William J. Goode, "Illegitimacy in the Caribbean Social Structure," American Sociological Review, Vol. 25 (1960). Elizabeth Herzog, "Some Assumptions About the Poor," Social Services Review (1962). Oscar Lewis, Children of Sanchez (New York, 1961). Hortense Powdermaker, After Freedom: A Cultural Study in the Deep South (New York, 1939).
25. From Hylan Lewis, "Culture, Class and Child Rearing among Low Income Urban Negroes," prepared for inclusion as a chapter in a forthcoming volume, Arthur Ross (ed.), Jobs and Color, to be published by Harcourt Brace, and World. The paper is based on materials from a 5-year project, "Child Rearing Practices Among Low Income Families in the District of Columbia," sponsored by the Health and Welfare Council of the National Capital Area, and supported by NIMH Grants, MH 278-5.
26. Seymour Martin Lipset, "Democracy and Working-Class Authoritarianism," American Sociological Review, Vol. 24:4, pp. 482-501 (August 1959). Elizabeth Herzog, "Some Assumptions About the Poor," Social Service Review, Vol. 37, No. 4 (December 1963).
27. J. Jolliffe, "The Pathogenesis of Deficiency Disease," A. Keys, "Caloric Deficiency and Starvation," and F. F. Tisdall, "The Relation of Nutrition to Health," in J. Jolliffe, F. F. Tisdall, and P. R. Cannon, Clinical Nutrition (1950).
28. Alvin L. Schorr, Slums and Social Insecurity, Division of Research and Statistics, Social Security Administration, U. S. Department of Health, Education, and Welfare, 1963.
29. Robert Coles, "There's Sinew in Negro Family," Washington Post (October 10, 1965).

Housing and
the Neighborhood

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #VI
HOUSING AND THE NEIGHBORHOOD

George Schermer, George Nesbitt
and Robert Greene

This paper is designed to provoke discussion, to set up some preliminary targets of attack, and to suggest some tentative proposals for an action program.

Some of the proposals advanced here may appear to be mutually exclusive or contradictory. Our objective has been to place before the group a number of ideas which we believe are worthy of discussion rather than to offer a program for action.

The discussions are to be open ended and as far ranging as the group desires. All ideas are to be heard and considered. Every member of the panel is expected to make a contribution. There will be no predetermined limits to the subject matter, although the group itself may wish to define its own ground rules concerning relevance to the subject and to reach a constructive conclusion.

It is hoped that the Planning Session will achieve certain specific objectives. One objective is to come to some agreement on a statement of the problem if wide disagreements exist. This should be sufficiently general so that precious time will not be lost in debate over doctrinal definition. More importantly, it is hoped, the group will come forward with fresh approaches and program recommendations designed to deal with the problems in their full dimensions and complexities.

AN AGENDA

- I. Defining Goals and Establishing Priorities
 - A. Alternatives to Segregation
 - B. Class and Economic Stratification
 - C. Priorities and the "Issue of 'More' Versus 'Integrated' Housing"

- II. The Role and Responsibility of Government
 - A. The Appropriate Posture for Government
 - B. Examining Concepts of Regional Planning and Urban Development
 - 1) Planning as a Tool
 - 2) The New Towns
 - 3) New Approaches to Low and Moderate Income Housing
 - a) Public Housing
 - b) Rent Supplementation
 - c) Other Tools for Moderate Income Housing
 - 4) Central Cities Versus Suburbs
 - C. Equal Opportunity Provisions in Law
 - 1) The Executive Order on Equal Opportunity in Housing
 - 2) Title VI of the Civil Rights Act of 1964
 - 3) Additional Federal Legislation?

- 4) The Effectiveness of State and Local Laws
- 5) The Challenge of Fair Housing Referenda
- 6) Enforcement "Style" - Prohibitions Against Discrimination versus Requirements for Affirmative Action
- 7) The Use of Federal Programs as Instruments for Desegregation

III. The Housing and Home Finance Industry; Actions of Citizen Groups and Voluntary Efforts with Public Attitudes

- A. The Industry and the "Integrators"
- B. Enlisting the Support of "White America"

I. Defining Goals and Establishing Priorities

A. Alternatives to Segregation--What are the acceptable alternatives to the present massive pattern of segregation? Is the "Negro-in-every-block", "salt and pepper" kind of distribution desirable, necessary and feasible? Is the simple removal of racial barriers--with the chips of voluntary or incidental segregation falling as they may--acceptable? Would a policy of open occupancy combined with the development of widely dispersed low - and moderate - income projects be more realistic--even though it might result in a number of smaller concentrations?

B. Class and Economic Stratification--Assuming the elimination of racial restrictions within each stratum is the present economic stratification of neighborhoods socially sound? Is desegregation possible within a pattern of stratification or will such stratification itself tend to perpetuate the ghetto? Is economic stratification a proper concern within the context of race and housing?

C. Priorities--Immediate and Long Range Goals--Which should have priority: improving conditions where people live now - which may be a matter of making the ghettos more livable and perpetuating segregation. or pressing for programs that will decentralize the ghetto and

encourage racially inclusive neighborhoods? Are these really mutually exclusive alternatives?

How far should desegregation be pressed at the risk of defeating legislation for more public housing, urban renewal and federal assistance to the private market; or of threatening local implementation of these programs? Since drives for integration have tended to function in the upper middle income range could ways be found to concentrate on more housing for lower-income groups without disputes over integration of this housing?

Has compromise with segregation actually produced more low and moderate income housing? Can an effective low- and moderate -income housing program ever get off the ground until barriers to land acquisition and use in suburban areas have been breached? Does the Los Angeles riot suggest that housing conditions per se or segregation, unemployment and isolation are the major problems?

II. The Role and Responsibility of Government

How far should government go in shaping racial patterns of neighborhoods? The precedent for governmental control has been long established. The governments of the southern states, for example, with considerable participation of the federal government, long regulated the separation of the races.

Prior to 1949 the Federal Housing Administration openly fostered racial segregation in housing. It was not until 1962 that the federal establishment adopted a posture of "equal opportunity" in housing where federal aids were involved. Now the federal posture can be described as favoring equal opportunity but standing neutral on the issue of *de facto* segregation in housing.

A. The Appropriate Posture for Government--What should be the posture of the federal government and all its agencies? How far should the federal establishment go in the direction of fostering integration unless and until it receives a mandate to that effect from the citizenry and from Congress? Should efforts be made to generate such a mandate?

B. Examining Concepts of Regional Planning and Urban Development

1) Planning as a Tool--How effective is fundamental planning as a tool for achieving an open urban society? Can it be more effective? The urban planning profession increasingly recognizes its social

obligation in this regard. How can it be aided in working its way to solutions? What are appropriate steps to take with the public, appointed board members who direct the work of community planners in order to ease the planner's path? Has planning, in fact, been "oversold" as a weapon? Is it accurate to say that current community patterns are the result of unofficial but pervasive "planning"?

2) The New Towns--Within the past five years "New Towns" have burst upon the American scene as a fundamental approach to the ordered development of housing and related facilities. While new in a sense, American experience goes back to Radburn, New Jersey, and the "Greenbelts" of the 1930's. Developers of New Towns are, often by their own testimony, finding themselves heavily dependent on governmental assistance for their success.

What requirements should federal, state and local governments lay down as preconditions to governmental assistance so far as race and income selectivity are concerned? What incentives should be offered to induce the developers to plan affirmatively for the needs of low and moderate income families of all racial backgrounds?

Can the principles of new town planning be introduced into the revitalization of central city areas? Would planning for economic opportunity, adequate community facilities, a non-stratified population, and the cultivation of a sense of community within each area be enough to bring about the reintegration of the central city ghetto areas? What types of federal aids and preconditions would help to produce such a trend?

3) New Approaches to Low and Moderate Income Housing

a. Public Housing--Thus far public housing has been more often than not an instrument for firming up the segregation pattern. At best it has made its peace with "separate but equal". There have been many proposals for changing the character of public housing. Among them are (a) developing many widely scattered small projects inconspicuously blended into their respective neighborhoods, (b) easing federal restrictions on land and building costs, (c) vigorous administration of the several new authorizations for buying or leasing existing houses and renting them to low income families (rehabilitating those that are below standard), (d) extending the jurisdiction of local authorities to metropolitan areas, (e) empowering the federal government to assume direct control of local public housing programs, and extending them throughout the metropolitan areas.

What are the merits of these proposals? What is the order of importance? What administrative variations are appropriate to implement these proposals? Could the desegregation objective be met through the strict application by the Department of Housing and Urban Development of a requirement that new public housing sites give evidence of contributing to desegregation and of having an integrated tenancy? Is such a requirement administerable? Is it practicable?

b. Rent Supplements--Two major weaknesses of the public housing program are that local administration is in the hands of authorities subject to racial - crossfire, and confined to functioning within delimited municipal jurisdictions; that eligible families are confined to a rigid process of application, investigation, waiting lists and limited choice of locations, unit size and style.

Various proposals for rent supplements for low income families have been advanced in recent years, both for those of public - housing income level and the income group between public housing eligibles and those able to compete in the private market. The Housing Act of 1965 provides only for a rent supplement program for families within the public housing eligibility range and limited to those families dispossessed by public action, elderly couples, the handicapped, and persons living in substandard housing. However, Congress did not fund this program. In addition, there are strong Congressional pressures to require local approval of rent supplement projects.

Of what order of magnitude is the need for rent supplements? What would be the effect of a requirement of local approval? Should the rent supplement program be expanded to cover those in the "income gap" between public housing and the private market? Can rent supplement contracts with non-profit and limited dividend sponsors play a significant role in the dispersal process?

c. Other Tools for Moderate Income Housing--There is evidence that younger Negro couples, with children of elementary school age, and incomes in the \$4,000 to \$7,000 range, would be highly responsive to opportunities to purchase or rent homes within a price range of \$8,000 to \$12,000 or rents of \$75 to \$100 per month. If, with federal aids, new housing within these cost ranges could be supplied throughout the metropolitan area and effectively marketed to Negroes the desegregation effort would be substantially accelerated. Values of this magnitude are likely to attract white purchasers, and more normal market factors would come into play.

What are the principal hurdles to such a program? The high cost of land? Construction costs? What additional legislation should be recommended?

Can Sections 221 and 213 be used to bring housing costs down to this level? What other financial devices are needed to keep costs within reach of this market?

4) Central Cities vs. Suburbs--With Negroes so heavily concentrated in the central cities (except in the South) and generally excluded from suburban areas by pricing factors as well as discrimination, and with the suburbs constantly draining off the more affluent whites, is there a real prospect that any desegregation program can succeed?

Inasmuch as the federal low income housing and urban renewal programs function through municipal authorities, and are evaluated solely in terms of each respective jurisdiction, there are no obligations among the municipalities to share each other's burdens. The federal government extends many forms of financial assistance to some municipalities which seek actively to exclude Negroes by one means or another.

It has been suggested that there be established a "workable program for federal assistance" which would require that local jurisdictions participate in a regional plan, including a plan for racial desegregation, as a qualification for federal assistance of any kind including highways, airports, water supply, sewage treatment, and the like. What might be the advantages and disadvantages of such an approach?

The program most associated in the public mind with FHA - single family home mortgage insurance - has almost literally underwritten suburbia. It has been alleged that, except for special, multi-family programs, FHA has its back turned on the central city.

To what degree is this an accurate assessment? How can the "FHA way" better contribute to "saving" the core city? What modifications are required in FHA policy and procedure with respect to the purchase of existing homes as well as in the rehabilitation loan programs?

C. Equal Opportunity Provisions in Law

Despite federal and state fair housing legislation, equal opportunity is by no means an established fact with respect to the existing supply, and truly equal access is by no means assured in the current production and programs. It is appropriate therefore to review the present status of such laws and regulations.

1) The Executive Order on Equal Opportunity in Housing--Is the Order currently being effectively implemented? How important is its extension to cover conventional loans? Is there more that can appropriately be done through Executive action?

2) Title VI of the Civil Rights Act of 1964--Is the mandate of Title VI being met by the Federal agencies and local authorities? Is the directive in Title VI met by a passive requirement of non-discrimination or does Title VI require an affirmative commitment by the recipients of federal grants and loans that positive measures to accomplish desegregation will be taken?

3) Additional Federal Legislation? What additional fair practices legislation or other action at the federal level would be desirable to extend equal opportunity within the framework of present housing programs in urban centers, in smaller localities and in rural settings? To what extent is the remainder of the problem economic and not socially-oriented?

4) The Effectiveness of State and Local Laws--How effective have the state and local fair housing laws proven to be to date? Does the extension of these laws merit a high priority in an agenda for action? Are present model laws adequate to the need and the nature of the problem? Is it important to get total coverage of the local housing supply or does "exemplary coverage" suffice? Is state administration of fair housing laws comparable to the older, FEP laws and, if not, what can be learned from the enforcement history of the latter? In many states where fair housing laws are in force few Negroes appear motivated to test out the market or file complaints. Does this suggest that the precise laws have little value or that law, itself, as a tool, is inadequate in the fair housing field.

5) The Challenge of Fair Housing Referenda--How serious a challenge to the equal opportunity principle are anti-fair housing referenda? Does this tactic require exhaustive counter measures or can the energies of concerned citizens be better directed in support of other efforts?

6) Enforcement "Style"; Prohibitions Against Discrimination vs. Requirements for Affirmative Action--Executive Order 11063 and the state fair housing practice laws prohibit sellers, lessees and agents from refusing to sell or rent because of race. There are no requirements that the patronage of Negroes or other minorities be solicited in the same manner as is commonly done for whites. Is this adequate to overcome the inertia left by generations of discrimination and segregation? Is it appropriate and feasible to require affirmative solicitation of all segments of the prospective market? Would it be possible to develop special incentives to encourage entrepreneurs to do so?

7) The Use of Federal Programs as Instruments for Desegregation-- Executive Order 11063 requires that all federally assisted housing and facilities be equally accessible to persons regardless of color or race. There are no requirements that the programs be used as instruments for promoting desegregation. Local public housing authorities can continue to select sites within a framework of a segregated pattern. Urban renewal agencies are required to show only that planned projects will not result in a reduction in the supply of housing available to minorities (in addition, of course, to adequately rehousing the relocated). Cities are not required to adopt a plan for desegregation as part of their workable programs. Are there advantages or disadvantages in requiring that cities adopt and implement desegregation plans as part of their workable programs? Is this the proper vehicle for such a requirement? Can individual projects better support this type of affirmative obligation?

III. The Housing and Home Finance Industry; Actions of Citizen Groups, and Private, Voluntary Efforts Re Public Attitudes

The three partners of concern in the provision of housing are the government, the housing and related industries, and citizen groups occupied with adequate provision of shelter. This outline section deals with the latter two.

A. The Industry and the "Integrators"

Builders, bankers, developers and realtors are often cast in the role of villains. They are blamed by segregationists if Negroes enter the market and by integrationists for keeping them out. With only a few exceptions the private sector has been identified with opposition to equal opportunity laws and programs.

How can the operators in the private sector of the housing field cast themselves in a more constructive role? How can more dialogue between the industry, civil rights groups, religious and civic leadership be arranged? How can communication and joint planning be fostered at the national, metropolitan and neighborhood levels?

B. Enlisting the Support of "White America"

This agenda paper is based in large measure upon the premise that the housing and segregation problems have reached such critical dimensions that nothing less than public (governmental) action can cope with them. However, governmental action will reflect public attitudes. If the public is not fully involved itself, through voluntary action, it will view all governmental programs as imposed, and will either resist or become passive.

The question of public attitudes will be under consideration in several other sections, so the housing and neighborhood group need not deal with

the total problem. But it cannot be passed over lightly. How shall suburban whites become voluntary participants in activities to develop genuine inclusiveness in their neighborhoods? Inclusiveness to be meaningful should be fairly broad. Including a token number of upper middle income Negroes will not solve the ghetto problem. Unless lower and moderate income Negro families are included in significant numbers the ghetto will continue to grow.

How can Negroes and whites together become involved in building better neighborhoods, either in the central city or in the suburban areas?

Discussion of techniques in this area can be time consuming and fruitless. Many techniques have been developed; the problem is one of implementation. To be effective millions of people need be reached and involved; this takes planning, organization and money. Who, what agencies, what structure should do this? Government? Does that not put us back to where we started? Yet there is much evidence that localized efforts can not buck the tide against a background elsewhere of passivity or exclusiveness. How then can the necessary effort be mounted on a sufficiently large scale? What is the role of foundations and other private organizations?

A BACKGROUND

Any discussion of race and housing must be held in the context of several imposing facts and pervasive trends. The most basic fact is the urbanization of Negroes. The movement of Negroes from the rural areas to the cities began much later than for whites and accelerated at a much faster rate. In 1900 only 27.7 percent of the non-white population lived in urban areas compared to 42.4 percent for whites. By 1960, 72.4 percent of non-whites lived in urban areas compared to 69.5 percent for whites. While whites have moved from rural to urban to suburban areas Negroes have remained concentrated in the central cities. In 1960, 78.4 percent of the urban non-whites lived in the central cities, compared with 47.8 percent of the whites.

The system of institutionalized segregation characteristic of the rural South has given way to a system of geographic concentration and isolation in urban areas throughout the nation. This has been accompanied by congestion, compression and perhaps even greater frustration and alienation than had been characteristic of the rural South.

Whether Negroes in urban areas are making progress or losing ground is a subject of debate. Undoubtedly it can be demonstrated that in absolute terms Negro income has increased, more Negroes graduate from high school and college, and more Negroes have jobs in skilled, white collar, professional and managerial categories. Home ownership among Negroes increased from 24 percent to 38 percent from 1940 to 1960, and the number of substandard housing units occupied by non-whites decreased from 2,800,000 in 1950 to 2,263,000 in 1960, from 72 percent to 44 percent of the units occupied by non-whites. However, perhaps as an outgrowth of rural to urban in-migration, the number of non-white households living in overcrowded conditions actually increased from 960,000 to 1,314,000 in the 1950-1960 period, although this represents a percentage decline from 32 percent to 27 percent of the growing number of non-white households.

In the light of the conflict between relative and absolute figures it is not surprising that some competent observers contend that the gains of the World War II and post-war decade were partially lost after 1950, and that in relative terms the gap between white and Negro has widened. Much empirical "evidence" is cited in support of this contention.

However, many authorities assert that with new dwelling units coming on the market, especially in urban renewal areas, the trend toward intensified segregation in urban areas has leveled off and that decentralization of the urban ghettos is underway. Others believe that the segregation pattern is being extended and intensified, and that no real relief in this respect is in sight.

Despite these differences concerning current trends there can be little disagreement that for Negroes the transition from rural to urban living basically has been a shift in ground rather than in relative status and, at best, may provide a more solid platform for the upward climb which lies ahead. From the viewpoint of the nation as a whole, and especially of the urban areas

the gulf that separates Negro and white, the barriers to economic opportunity, the concentration of the Negro poor in racial ghettos and the fear that paralyzes much of the white population are the most serious of all domestic social problems.

The dignity and persistence of civil rights groups in the South captured the admiration and support of a large part of the American public and helped produce the Civil Rights and Voting Rights Acts of 1964 and 1965. The disorders, riots, and destruction in the city slums of the North and West, have been symptomatic of conditions as insidious and explosive as those of the rural South--but some white Americans have responded to them in a different way--"If that is how they are going to behave, they are not fit to live among us." However, most, if not all, mayors, police chiefs, school superintendents, responsible civic and religious leaders as well as social scientists read the riots as acute symptoms of a malignancy. The urban ghetto is a dangerous thing--a breeder of social disorganization and a destroyer of humanity--in short, a social cancer which is a threat to the body politic.

The Goals -- In Brief

The goals which most thoughtful Americans share might also be stated without much contradiction--provided they are couched in sufficiently general terms, as in the Housing Act of 1949: "a decent home and a suitable environment for every American family." Nor will many question the basic principle upon which President Kennedy's Executive Order 11063 is founded--that the granting of federal assistance for the provision, rehabilitation or operation of housing and related facilities from which Americans are excluded because of their race, color, creed or national origin is unfair, unjust and inconsistent with public policy."

Public policy has gone beyond that of the federal government in many states which have extended the equal opportunity coverage to a much larger segment of the private housing market. Finally, perhaps, it is accurate to state it is a widely accepted principle that practices of discrimination in housing are harmful and should be prevented. Perhaps the majority of Americans disapprove of segregation and believe that the general welfare would be enhanced if suitable means were found to end it. However, it is unlikely that there would be today a substantial body of support among whites for any specific governmental programs to implement residential desegregation.

Needed--New Programs To Build New Neighborhoods and To Desegregate the Ghettos

While public support may be lacking at this time, it is assumed that those assembled have no quarrel with the goal of desegregation. The situation has reached crisis proportions. Large cities are generally powerless to act effectively to reverse the trends of rapidly growing non-white population

within the city and the even more rapidly expanding suburbs which filter off the more affluent whites. Some state governments have acted to advance equal opportunity but none have devised programs to deal effectively with the problems of the urban areas or to encourage and implement racial desegregation. Some observers hold that only the Federal government has the resources and the capability for launching the necessary programs. However, much more than governmental action is required.

Questions, Issues, Program Recommendations

The task of the work group begins where the common ground of agreement leaves off. The work group must decide how far it can go in defining the problems more precisely, in stating goals in more concrete terms, and in outlining the specific elements of a comprehensive program. Following are some of the issues. Many more will appear as the discussion develops.

Defining Goals and Establishing Priorities

Questions raised in this section of the agenda paper concern the kinds of desegregation which are feasible and desirable. They also relate to the often asked question whether desegregation or better housing is given greater emphasis by ghetto dwellers. Implicit too, is the realpolitik issue of whether non-white social welfare in the nation will be better served if there is a dilution of minority group political influence. From the view of America's social health, desegregation is championed as the answer to many communal ills. The approach of some social scientists, therefore, tends to focus on the needs of the body politic and not on the wishes of perceived 'needs' of a minority group.

The same considerations occur in the matter of the economic stratification (apart from artificial, racial barriers) which pens non-whites in ghettos. This is a question which has received growing attention among planners and socially concerned citizen leaders. Its appropriateness in a discussion of "race and housing" is set forth as an issue for consideration by the work group.

The question of priorities-- 'more housing versus integrated housing'--has become a very real issue in many American communities. Civil rights groups have often split on this issue, and sometimes this split has paralleled their divisions on other matters. The issue has come alive in such widely separated cities as Boston, Trenton, Washington, D. C., Chicago, San Francisco and Pasadena.

The more vigorous integrationists hold that upward mobility is inhibited by the closed society and that progress in education, training and employment are dependent upon integrated experiences in early childhood. In larger cities, at least, this requires the breakup of the ghetto.

The "better housing" viewpoint holds that integration is more an end product of social mobility. Realistically, it is said, lower income groups are strongly dependent upon the protection and security of the racial or ethnic enclave and are unlikely to respond to opportunities to enter the open society until they first find security in themselves. From this point of view it might seem more practical that programs for increasing the supply of housing for low income groups receive priority.

New housing tends to be priced within the reach of families earning \$7,000 or more per year. In 1960, only 16 percent of the urban Negro households were in this category as compared with 43 percent of the whites. Public housing is generally restricted to families earning less than \$4,000 per year. In 1960 54 percent of the urban non-white families and 22 percent of the white received incomes at these levels. Thirty percent of the non-white and 35 percent of the white households receive incomes between the \$4,000 and \$7,000. Among Negroes, at least, it is in this income range that there is a high ratio of young, child rearing and upwardly mobile families highly responsive to opportunities to improve their condition and to escape the ghetto. Little new housing is being supplied to this group. It is this income group that now gets its housing through the "filtering down--ghetto extending" process.

The Role and Responsibility of Government

Clearly, a response to this subject turns on questions of basic philosophy. It turns also on perceptions of what the absence of an active governmental role will produce. An unfettered market is said, by some, to have produced an economy of abundance and more and better housing than that ever enjoyed before or elsewhere. Market forces and "natural selection" this argument suggests, will before too long, bring America to new plateaus in housing as in other areas.

Contrarily, it is contended, that the present "system" of housing supply and neighborhood residence has been contrived and is a social menace. This position argues that government must take an active role not only because of an asserted threat but because government has much "undoing" to take on as a result of the patterns which governmental policies of the past are said to have produced.

Nowhere is this issue more firmly joined than in the field of urban planning. The unprecedented growth of the metropolitan urban regions, random and sometimes wanton use of open space, chaotic conditions in traffic and transportation, depleted water supply, stream and air pollution, and disposal of solid wastes, have led to a sense of national urgency. Municipalities everywhere are increasingly dependent upon federal grants and loans to cope with the problems of growth and the breakdown of facilities and services. The need for region-wide attack upon the problems has led to a system of federal grants for regional planning programs.

The Federal government is substantially in the business of supporting community planning by localities and states. Eight Federal departments and agencies support eighteen planning programs--twelve functional or general planning efforts and six, project-related planning endeavors. It is argued with increasing frequency that a commitment to desegregation need be a precondition to Federal assistance for planning in those instances where the planning program bears some relationship to patterns of residence. On the other hand, it has been said that such planning efforts, by and large, are intangible and not amenable to including the provision of planning for desegregation; that the process in some instances is extraneous to this concern. However, at least one Federal planning program now has such a requirement. The Urban Renewal Administration's Community Renewal Program now requires studies of minority group housing patterns and the development of plans to overcome obstacles to equal opportunity. It is worth determining whether programs relating to highway development, health and education--to name just three--take adequate cognizance of the intergroup relations component in their planning.

And beyond the matter of threading racial sensitivity into existing planning programs lies a perhaps larger question. That is the conscious use of planning as a tool to achieve heterogeneous living patterns. If it be accepted that the health of the urban complex requires such patterns, then, in an age of exploding knowledge it is negligent and naive to expect this to occur through happenstance. The same disciplined, professional approach is appropriate here as in the fashioning of sophisticated urban design in construction or the development of elaborate data systems.

Among the emerging solutions to some regional problems are programs for the multi-purpose use of land, the conservation of open space and the development of the new town concept.

It is frequently asserted that new towns offer great hope for the orderly redistribution of overcrowded central city populations. However, they will provide genuine relief only if they can supply the employment opportunities, community facilities, housing accommodations and community structure to serve the needs of a genuine cross-section of the urban population in terms of economic class, educational achievement, skills, occupations, age, race and ethnic grouping.

Public Housing

In recent years the literature on public housing has become voluminous and the issues repeated perhaps ad nauseum. Most proposals advanced for discussion at these working sessions are well known to the participants. The problem, however, may perhaps merit a fresh review.

It arises from the previously acceptable practice of providing housing on a segregated basis. For approximately 25 years this practice was sanctioned

by the government. One of the program's requirements prior to the issuance of the Executive Order was that housing units should be provided for Negroes on a basis proportionate to the number eligible. Many local authorities designated projects as white or Negro.

Under Executive Order 11063 and Title VI such discrimination is no longer permitted. The Public Housing Administration issued a circular requiring all local housing authorities to establish a plan for the selection of tenants and assignment of units to insure nondiscrimination. Two different types of plans were accepted. One provides for assignment based on priority of date of application; the other offers the applicant a freedom of choice in selecting a project. Under the former the applicant may refuse the first assignment and wait for a vacancy in another project. Under the latter he waits for a unit in the project of his preference.

In most instances where the "freedom of choice" plan has been in operation, Negroes elect to live in all-Negro, and whites in all-white projects, because of choice, fear or methods of administration by the local housing authority. As a consequence there are projects where many units in the all-white projects remain vacant for lack of qualified applicants and Negroes wait indefinitely for a suitable vacancy in an all-Negro project.

In the public housing program, selection of a site is a matter of local responsibility subject only to review by the Agency. PHA has a veto power, which traditionally has been exercised sparingly. PHA has prescribed various criteria which must be met in order to make a site acceptable. Its policy statement requires that the local housing authority in site selection should select, from among otherwise available and suitable sites, those which will afford the greatest accessibility to eligible applicants regardless of race, color, creed or national origin.

Local housing authorities frequently propose to construct public housing in or near areas where Negroes predominate. The resulting dilemma is whether to approve sites which will either extend or perpetuate a Negro ghetto or withhold Federal approval and, thereby, perhaps deprive some families of needed housing. Because of local pressures against public housing projects, which in large cities it is usually assumed will be Negro-occupied, the ghetto site is the only viable option. Some large cities, caught between white pressures against public housing projects in white neighborhoods, and Negro pressures against "perpetuating the ghetto," have simply given up on building public housing. In 1964, forty-three percent of the public housing starts was in cities of under 50,000, and more than half of it was for the elderly.

Rent Supplementation

An important feature of the original rent supplementation proposal was that arrangements for a rent subsidy project would be made directly between the

Federal government and the project sponsors. Local city councils and housing authorities would not have the burden of approval over local protests, or the right to veto the projects. Thus, it was hoped that the rent subsidy program would escape the racial-political controversies which have killed so many public housing projects at the local level, or consigned them to the ghetto. This provision was contained in the 1965 housing act authorizing rent subsidy projects for low-income families. In reaction, however, to fears that the rent subsidy program meant "scatteration," attempts were made to add to the housing appropriation bill a line item requiring that rent subsidy projects be cleared by local governing bodies. This issue died when all funds were denied for rent subsidies. When the issue of appropriations for rent subsidies is revived in the next Congress, the issue of local control will also be revived.

One of the more far reaching statements on the recently revived concept of rent supplements was published by the Philadelphia Housing Association in April, 1965 under the title New Directions in Housing Policy. It is included in the literature packet, and the participants' attention is directed to it.

Equal Opportunity Provisions in Law

Executive Order 11063 and Title VI

Today there are over 61 million nonfarm housing units in the United States. Less than two percent of these are subject to the mandatory requirements of the President's Executive Order on Equal Opportunity in Housing (Section 101) or Title VI of the Civil Rights Act of 1964. Under existing Federal law probably less than twenty-five percent of new nonfarm housing construction will be subject to Federal nondiscrimination requirements in the next few years.

In all cases where FHA mortgages were insured pursuant to an application filed after November 20, 1962, the property is covered by the nondiscrimination requirements of the Order except that FHA has provided by regulation that one and two-family houses, after having once been owner-occupied are exempt from coverage.

It is the grant-in-aid housing programs that raise the issue of Title VI coverage. One school of thought argues that equal access is the sole command of Title VI, and that this is accomplished when barriers to the admittance of a minority group family are removed. More recently, however, a more "liberal" construction of Title VI has been advanced. This argues that in planning projects and in carrying on related activities in the community the local governing body must commit itself to the principle of desegregation in order to qualify for Federal financial assistance.

A gut problem confronting the urban renewal program results from the fact that substandard housing in slum areas has in many instances been disproportionately occupied by Negroes. When such areas are cleared for redevelopment this dilemma results: If redevelopment housing is public it is often occupied predominantly or entirely by Negroes. Such undertakings have been attacked as perpetuation of the ghetto; when more expensive housing has been developed, beyond the economic means of the former residents, projects have been attacked as Negro removal. While a mixture of housing in various price ranges is a suggested solution this has been frequently deemed infeasible; it may or may not be appropriate from a broad community viewpoint and may still fail to bring white families into the area.

Farm, Rural and Small Town Housing

The Farmers Home Administration in the Department of Agriculture has several housing programs covered by Executive Order 11063 and Title VI. These are designed to assist farm, itinerant labor, and non-farm, rural area families in improving their housing conditions. Programs include insured loans to individuals for the purchase of new and existing homes, and repairs to homes already owned. Direct loans may also be made to the elderly, and to non-profit corporations and cooperatives for multi-family housing for the aged. In addition, individual farmers, associations of farmers and non-profit organizations are eligible for direct loans and partial grants for the construction of housing for migrant labor.

It is worth noting that the bulk of FHA (USDA) loans are made not to farm families but to non-farm families in small towns with a population up to 5,500 (raised from 2,500 by the recent Housing Act.)

FHA (USDA) secures mortgage money in the capital market and makes loans through its own personnel, assisted by local committees. Its special assistance programs are carried on by direct loans from appropriations. It services the loans as well as inspecting construction, and makes annual payments to the mortgage holder. The system of recommendation (in effect) by local committees has produced charges of discriminatory conduct to the detriment of non-white farm and small town families. This was treated in one section of the March, 1965 Agriculture report of the U. S. Commission on Civil Rights. Today, FHA (USDA) reports that its local committees in areas in which non-whites make up 20 percent or more of the populace are bi-racial in composition.

The size of home loans to non-white farm families have averaged less than two-thirds of the size of loans to white farm families. Major obstacles to the provision of insured loans to Negro farm families are the low economic status of these families and their inability to make down payments. The median income of Southern Negro farm families in 1960 was \$1,259 compared to \$2,802 among white farm families. The average size of farms operated by Negro families in 1960 was approximately one-fifth the average size of farms operated by white families.

BACKGROUND MATERIAL - AGENDA PAPER #IV

Housing and Neighborhood

I. The Problem of Race and Housing, 1965; Defining Goals and Establishing Priorities:

Abrams, Charles, "The Housing Problem and the Negro." Daedalus, Journal of the American Academy of Arts and Sciences, Winter 1965.

Grier, George and Eunice, "Equality and Beyond: Housing Segregation in the Great Society." Daedalus, Journal of the American Academy of Arts and Sciences, Winter 1965.

Horne, Frank, "Achieving Integration in Housing, A Few Concepts and Procedures." A presentation to the Fair Housing Conference held by the National Committee Against Discrimination in Housing, June 1965.

Taeuber, Karl, "Residential Segregation," Scientific American, August 1965.

II. The Role of Government; Law and Public Policy:

Denton, John H. (ed.), Race and Property, Berkeley, California, Diablo Press, 1964.

U. S. Commission on Civil Rights, Civil Rights Under Federal Programs, An Analysis of Title VI, pamphlet, January 1965.

U. S. Department of Agriculture, Farmers Home Administration, Administration Letter 845 (400) Subject: Compliance Review on Equal Opportunity and Nondiscrimination; and Administration Letter 837 (400) Subject: Nondiscrimination by Financial Assistance in Accordance with Title VI of the Civil Rights Act of 1964.

U. S. Housing and Home Finance Agency, Regulations Implementing Title VI of the Civil Rights Act of 1964, December 1964.

Weaver, Robert C., "Dilemmas of Racial Policy,"
reprinted from Godkins lectures, Harvard University,
1965.

III. Recent Experience, Suggested Solutions, And Proposed Actions:

Nesbitt, George B. and Elfriede F. Hoerber, "The Fair
Housing Committee: Its Need for a New Perspective,"
reprinted from Land Economics, May 1965.

Philadelphia Housing Association, "New Directions In
Housing Policy," Issues, April 1965.

Potomac Institute, The Federal Dollar and Nondiscrimination,
pamphlet, March 1965.

Weissbourd, Bernard, "Segregation, Subsidies and Megalopolis,"
Occasional Paper No. 1, "The City," Center for Study of
Democratic Institutions.

Community:Institu-
tions&Social Action

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #7
THE COMMUNITY: INSTITUTIONS AND SOCIAL ACTION
Dr. David Danzig

I. Introduction

The purposes of this panel's deliberations are to identify those obstacles to the full sharing by Negroes in American life which could be eliminated through community action, and to explore ways to strengthen such community action programs. The question is what can be done by government, business, labor, church, welfare and other private groups to assist attempts to give the Negro a greater voice in the decisions which affect the quality of his community life -- the condition of his schools, his housing, his parks, his health and welfare services, his opportunities to earn and to spend his income. And the question is what community action techniques seem most promising to fulfill this goal.

In recent years there has been wider acceptance of the idea that mobilization of power is essential to bring about social change. The realization of the connection between social power and social change has led to a re-evaluation of community-oriented programs. This approach to community organization has assumed some of the characteristics of a movement; recently it has been given impetus by the federal juvenile delinquency program and later by the anti-poverty programs. Traditional methods are currently being re-examined to see whether they involve their intended beneficiaries on the level of policy, planning and staffing. Established and new agencies are being subjected to a second look in the light of this new criterion. New techniques are being found for giving a community greater voice, and for making that voice heard by policy-makers.

II. Major Goals for Community Organization

There seems to be general agreement on the broad aims of community action; whatever specific changes it seeks to achieve as to jobs, housing, education, etc., it is also expected to mobilize community power to:

(1) create functional organization by which all segments of the society can assume a role in developing programs to meet their specific needs;

(2) open up existing social agencies, institutions, and organizations to the full participation of the poor -- in policy making, program development and staffing, as well as in the full and equal use of services;

(3) initiate programs that will foster experiences among the poor that can be the basis of political and economic power.

Questions:

1. In what ways does, or can, the Federal Government contribute to the above goals of community action?

a. What changes in the Community Action Program of the Office of Economic Opportunity are needed to make it more effective in forwarding these goals?

b. How may community action components be built into other anti-poverty programs, such as the Job Corps, Head Start, and adult education?

c. Should the spirit of "maximum feasible participation of the poor" be extended to other federal agencies, such as the Housing Department's urban renewal, public housing, and other programs? Which other federal programs and agencies should be reviewed in this light?

d. Should federal agencies assume more responsibility for measuring the extent to which Negroes benefit from their programs? In what ways could community action bring this kind of information to federal attention?

2. What kinds of demonstration projects or action programs can be developed to create greater involvement of the poor in decisions at the state and local levels?

a. What are the possibilities of the application by state and local government of "maximum feasible participation of the poor" on boards, commissions and staffs of relevant programs and agencies?

b. In what specific ways could this be brought about?

c. What are some other ways of seeing to it that the needs of the minority are understood, and met, in the carrying out of state and local programs and services?

III. Major Community Organization Gaps in Low-Income Neighborhoods

While there is no monolithic, undifferentiated Negro community, one does find some pattern of communal associations among Negroes. There are, for example, church and fraternal associations, leisure time activities, and business relationships. Some of these associations transcend socio-economic and geographic boundaries. But there are few Negro communal institutions of the sort found in Catholic, Jewish and other ethnic communities.

The great need for social welfare services on the part of Negroes goes hand in hand with the lack of resources to supply such services. The absence of a voluntary welfare structure is in part responsible for a lack of influence in shaping the policies of the public welfare agencies.

Questions:

1. What are the major organizational lacks in low-income areas -- political - economic - social?

2. To what degree are the policies and practices of social welfare agencies now being shaped by local community groups representing the interests of low-income Negroes?

3. How effective are such groups in influencing policies and in representing individual citizens who have grievances before these agencies?

4. How adequate are the Community Action Programs fostered by the Economic Opportunity Act to fill community organization gaps in low-income neighborhoods? If there are inadequacies, are they those of funds? Of personnel? Of encouraging local action?

5. In what ways could other groups or agencies, public or private, help community efforts to win improved welfare services?

6. To what extent and by what means can and should the Office of Economic Opportunity, or other federal agencies make funds available to local private groups and community organizations engaged in voter education and citizenship training?

IV. Strategies for Community Action

Various strategies for community action have been developed in recent years. But there is a scarcity of factual data on the effectiveness of the different approaches. Some frequently advocated strategies include the following:

A. The Local Audit Approach. One of the possibilities for community action at the local level is the identification of gaps, inadequacies, mismanagement, etc., of the systems that provide services to the poor.

Community strength begins when the residents of the neighborhood are able to: (1) identify the service problems and gaps in terms of their own needs; (2) create broad community concern and consensus around the problem; (3) devise strategies for producing the necessary changes; and (4) take action in order to produce the designated results.

Questions:

1. What are the most promising techniques of "local auditing"? What are ways in which such a program can be both "low-cost" yet comprehensive in its scrutiny of services?
2. Is this approach aided by the employment of residents of the ghetto by service agencies?
3. How should the Federal Government react when such efforts by local citizens meet with resistance from local agencies which receive federal funds? Should some kind of "Inspector

General's Office" or other grievance machinery exist to which citizens may turn when calling for needed changes in federally backed programs?

B. Coalition of Groups. Even where Negroes organize for action, they seldom have the resources to successfully press for the fundamental changes in society which are needed to meet the problems of technological unemployment, insufficient housing, inadequate schools, etc. As a variety of groups share an interest in finding solutions for such problems, a logical strategy for mustering sufficient political influence to forward needed programs might lie in forming coalitions of such interest groups.

Questions:

1. What kinds of coalitions might be formed at the local level?
2. To achieve coalition for mutually desired goals, can different interest groups (such as Negroes-labor-poor whites) be united while utilizing divergent techniques?

C. Minority Action Approach. Contrasting with the coalition approach, the strategy of minority action accepts the necessity of community conflict as a means of achieving social change. The minority action view sees the broad coalition approach as necessarily diluting bold action in order to achieve consensus.

Those who favor minority action hold that the action must be taken by those most directly affected by the policies they want to change. They maintain that their community activity must be self-financed, so that it belongs to the local community and is beholden to no one.

Questions:

1. How seriously would use of federal funds inhibit such independent groups?
2. Are there any other outside resources which are compatible with such independent action? What kinds?
3. Should "no strings" grants be given by the Office of Economic Opportunity to such groups for community organization?

4. Are there ways to maintain independence of these groups, yet, if they want either government or private funds, to adequately insure program and staff control?

V. Resources for Community Organization

Earlier questions have dealt with the possibilities of federal contributions to community action. This section will examine other possible resources.

A. Foundations. Foundation funds have been used independently or in conjunction with federal funds to launch many of the major community action programs in the country. In numerous instances, foundations are the exclusive funding resources for experimental and controversial programs.

Questions:

1. How can foundation funds be further utilized to supplement programs also receiving public funds?
2. What are some of the programs of community development for which the foundations are uniquely suited? For instance, should foundations be urged to invest specifically in:
 - a. the area of leadership training among the poor?
 - b. community organization programs among poor Negroes in the rural South?
 - c. legal, technical and management assistance to the non-profit housing corporations to rehabilitate old housing or build new housing for low and moderate income families under section 221 (d) (3) of the Housing Act or under the new rent supplement program?
 - d. technical and management assistance to community credit unions in low-income neighborhoods?

B. Private Organizations. The private social agencies and organizations have many programs among the poor. Traditionally, these programs have offered health and welfare services financed chiefly by voluntary contributions.

Questions:

1. What potential resources do such agencies have for social action programs?
2. What are the possibilities and implications of Chamber of Commerce and other "establishment" support of these agencies for social action programs among the poor?

C. The Poor Themselves

Questions:

1. How much resource do the poor themselves represent for social action programs?
2. Are the resources of the poor being sufficiently utilized in supporting community organization programs?

D. Regional Resources. Just as problems concerned with transportation, air and water pollution, water and land use, crime control and manpower, are already considered incapable of solution within the boundaries of city or state, many feel that community development in the terms defined here, must also be dealt with on a broader basis. They point out that we shall need bold political experiments which attempt to transcend conventional state and local governing units. It is argued that there needs to be a shift to regional or sub-regional planning and operating agencies. It is anticipated that political and economic resistance to such a shift would be enormous. Indeed, we already see that the customary battle between rural and urban areas is being replaced by new struggles between the suburb and central city.

Questions:

1. In what ways would increased community planning ease the problems faced by the Negro? Is this a major goal -- particularly with regard to desegregating schools, or deconcentrating the ghetto?
2. Should pressure for "regional planning" -- for closer coordination of central city and suburb -- be a community action activity?

3. How can the Federal Government encourage regional planning -- for example, through grants of housing or school funds?

4. Does the developing procedure of community action suggest a new role, or new subjects of study and research by colleges and universities? Is there more for them to do in their training of professional personnel and in the development of new techniques of evaluation and research?

* * * * *

Education

PLANNING SESSION
for the
WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

Washington Hilton Hotel
November 16-17-18, 1965

This agenda paper was prepared by the author to stimulate discussion of the work group. It does not represent any policy determination of the White House Conference, and is not a final statement of the issues. The agenda outline suggested by the author is a starting point for discussion and subject to consideration and revision by the work group participants themselves.

AGENDA PAPER #8
EDUCATION
Dr. Kenneth Clark

THE SCHOOL AND CONTEMPORARY SOCIETY: AIMS AND ISSUES

Wednesday Morning Session

1. The Current School Desegregation Picture

What are the salient developments and trends?

in northern urban communities?
in southern urban communities?
in southern rural communities?
in border communities - rural and urban?

What are the developments and trends in higher education, technical and professional training?

What are some of the constants and what are some of the variants?

What are the implications of these for social policy?

2. The Current Role of Government

What specific role is government playing in the school desegregation process?

the federal government?
the state government?
the local government?

What about compliance with the Civil Rights Act of 1964?

3. Immediate and Specific Desegregation Needs

What is the most important thing that can be done now?

by the government - federal, state, local?
by the community or designated parts of it?
by individual citizens?

Wednesday Afternoon Session

Some Specific School Desegregation Issues

1. What should be done, if anything, about the practice and concept of:
 - neighborhood school patterns?
 - open enrollment, freedom of choice, and other voluntary transfer plans?
 - the Princeton plan and other forms of pairing?
 - rezoning and changing feeder patterns?
 - 4-4-4 plan?
 - tracking and other efforts at ability pairing?
2. What should be done, that is not being done, about:
 - the displacement of Negro teachers in some areas?
 - the intimidation of Negro parents in some areas?
 - requiring or encouraging suburban school systems to help meet the educational needs of central city children?
 - broadening the base of participation in policy-making?
 - increasing Negro and low-income representation in the staffing of education institutions?
 - revising and adapting courses of study and methods of teaching, particularly in center city schools?
3. In view of existing and prospective programs of federal aid to education, what should be done to:
 - assure that school construction funds are used to diminish rather than preserve or extend de facto segregation?

provide for a combination of desegregation and the high quality of faculty and instruction that will stabilize desegregated enrollment?

require as a precondition of aid the kind of metro planning for the school systems that will commit local policy and practice to the twin goals of desegregation and quality?

bring state law and policy into support of these goals?

THE SCHOOL AND CONTEMPORARY SOCIETY: NEW TECHNIQUES AND PROGRAMS

Thursday Morning Session

Techniques and Programs - Current

1. School Enrichment Programs

What has been the experience, and what can be expected with reference to the various programs that operate at different age levels, such as:

the Great Cities type of program; the school as a center of neighborhood activities and services?

Child Development Centers (Head Start) and other preschool programs; cognitive and cultural programs?

Higher Horizons and special college preparatory programs designed to remediate or compensate?

the pairing of institutions of higher learning - e.g. Tuskegee Institute and the University of Michigan?

programs of exchange and cooperation - e.g. the Educational Improvement Project of the Southern Association of Colleges and Schools?

What changes or innovations need to be made in current programs if they are to meet their objective of providing better training for all, and especially for the disadvantaged?

2. Training for the World of Work

What has been the experience, and what can be expected with reference to the various job-oriented programs, such as:

special vocational training?
remedial training and re-education?
training for non-professional careers?
vocational aspects of continuing education for adults?

What changes or innovations need to be made in job-oriented programs for which the public schools have some responsibility?

Thursday Afternoon Session

Techniques and Programs - Projected

1. What should the goals of educational planning be?

selective rebuilding?
reorganization on a large scale?
2. What are the priorities, time schedules, and means of implementation for the indicated changes and innovations in such areas as:

teacher recruitment and training?

administrative recruitment and training?

the educational policy-making apparatus and process?

the organization and distribution of schools - e.g. educational parks, consolidations?
3. How can popular support be mobilized for the changes and innovations in education necessary "to fulfill these rights"?

* * * * *

SUMMARY

Education

This panel took critical note of the fact that, in spite of the breaching of de jure barriers by the courts, de facto barriers result in the education of the overwhelming majority of American children in segregated schools. The panel agreed that segregated education is, by definition, inferior education for both Negroes and whites; for Negroes it is deficient in quality by every standard and by every measure of consequence, and for whites it is deficient because it reinforces racism. The panel specifically listed the following:

A. The Process of Change: Obstacles and Facilitating Forces

1. Obstacles to desegregation stemming from prejudice must be overcome, such as (a) organized opposition of White Citizens Councils and parents and taxpayer groups; (b) implacability of political officials and school boards; and (c) hostility, apathy, and incompetence of many educational administrators.
2. Avoidance of the use of achievement and intelligence tests in the early elementary grades for placing children in such a way as to effectively institutionalize patterns of segregation.
3. Eliminating segregated school staffs and all-white school boards and including minority and lower class members on these decision-making bodies.
4. Elimination of textbooks which perpetuate an image of Negro inferiority.
5. Correcting zoning for school attendance which institutionalizes segregated neighborhood schools.
6. Avoiding use of the "track system" in the higher grades in such a way as to impose intramural or intraschool patterns of segregation by clustering Negro children on lower "tracks."
7. Ceasing to encourage Negro students to concentrate on "dead-end vocational, rather than academic, preparation."
8. Restructuring college entrance tests so that they do not reflect the educational handicaps of lower class and minority group children by favoring those of middle class background.
9. Improving or eliminating such "pseudo-programs" as open enrollment or voluntary transfer plans, compensatory programs like Head Start (which often disguise the need for fundamental

change) and strengthening Negro colleges with the effect of perpetuating segregated education.

10. Avoiding covert resistance to desegregation by perpetuating theories of cultural deprivation which blame the Negro family for the problems of Negro society. The advancement of such theories (which are merely another form of the old theories of racial inferiority) raise doubts in teachers, administrators and parents as to the ability and motivation of Negro children and thereby perpetuate segregation.

B. Programs for Effective Change: Commitment to Existing Programs.

1. Miraculous new ideas and programs are not so important as commitment, purpose and the application of power. Education needs, first, a sense of full commitment to the goal of desegregated education, and, second, an exercise of power and authority by the federal government to demonstrate its serious intention of attaining this end.
2. The Office of Education must fully enforce Title VI of the 1964 Civil Rights Act and refuse to accept minimal passive local acquiescence in desegregation in both the South and in northern urban centers.

C. The Reorganization of Education.

1. A Presidential Task Force should be appointed immediately to re-examine and articulate the goals of public education and to establish guidelines, standards, and fiscal reorganization.
2. The Office of Education should be strengthened to give it effective regulatory powers (or if this is impossible, a separate federal agency should be created).
3. There should be a major investment of federal funds in education at all levels with elimination of racially segregated school systems the objective. Such funds should be used for educational innovation, technical assistance for counseling and other expert aid, reading programs, cooperative programs among colleges and high schools, training and retraining of teachers, institutional reorganization, strengthening local collegiate institutions, reexamination of criteria for college admission and exploration of the educational and economic feasibility of educational parks.

4. The submission of joint proposals should be required of inter-city and suburban schools and of predominately white and predominately Negro colleges in the same locality, so that federal funds will be used affirmatively to facilitate desegregated education.
5. There should be special appropriations to states with low financial resources to encourage them to introduce the above programs.
6. Federal funds should be used in housing to assist in achieving desegregated education.
7. National leadership should be provided for designating minimum standards and national norms of student performance and general educational efficiency of local school systems.
8. The federal government should provide for education in those areas where the local government is unwilling or unable to provide non-segregated public education for all children.
9. Education should be reorganized at the state and local levels following such models as the New York State Allen Committee Report. School systems should be totally reorganized in terms of goals, curriculum, methods, construction, fiscal arrangements, quality of materials, facilities, text books and training and selection of administrative and teaching personnel.
10. Extension of pre-school and other compensatory programs in terms of implicit value and need, but not as a substitute for basic educational reform and reorganization.
11. Reorganization of school boards to represent all groups in the community.
12. Assumption of the initiative by the education profession in developing an affirmative national program of education, information, and persuasion for support of non-segregated education.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

December 1965

EDUCATION

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernard
Harold Fleming

Following is a preliminary report on proposals by the panel on Education of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. Kenneth Clark, Professor of Psychology, City College, New York. A final report, based on a thorough study of the transcript of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problem which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-conclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

EDUCATION

-2-

The Education panel agreed to approach the general problem by discussing: (1) The facts concerning the extent of segregation and desegregation in American public education and the consequences and cost of racially segregated education; (2) Direct and indirect, overt and covert obstacles to effective desegregation; (3) Realistic programs for increasing the efficiency of effectively desegregating American public education.

A. The Nature of the Problem

As de jure barriers have been breached by the courts, de facto barriers, no less rigid for their foundation in custom rather than law, have become even more formidable.

1. Today the overwhelming majority of American school children--more than 90 per cent--are educated in segregated schools.
2. The evidence is that American education continues to be organized along racial and class lines and that nothing significant has happened in the last eleven years to change this fundamental fact.
3. The group agreed also that segregated education is, by definition, inferior education for both Negroes and whites.
 - a. It has serious and costly consequences for Negro children. All the evidence indicates that Negro children receive an education deficient in quality by every standard of quality--academic achievement, teaching, supervision, materials, facilities, curricula, building standards and so forth--and by every measurement of consequences--reading ability, attendance at college, drop-out rate, IQ and other tests, and incidence of personal alienation and social disorganization (crime and delinquency, drug addiction, family instability, menial jobs and unemployment). There is clear documentary evidence of a direct relationship between segregated schools and inferior education, and of cumulative academic retardation among children in Negro ghettos. There is evidence also that this waste is remediable, hence the greater tragedy.
 - b. The consequences for white children of racially segregated schools are also serious because they reinforce racism and make it difficult if not impossible to prepare white children for life in a democratic society and to function effectively in a world of human diversity. Quality education must be defined as "attitudinal as well as cognitive," as one member put it--values as well as knowledge.

4. The consequences for democratic society of an educational system which is deeply rooted in racism, with its wastage and destruction of human potential and its erosion of values, are patently not consistent with the promises and erode the potential and power of democracy itself.

5. The search in the South for minimal means to satisfy the requirements of the Federal Government in order to procure federal funds for schools and the growing segregation in the North, seemed conclusively to indicate a widespread intent to resist the law of the land, a resistance that law alone cannot combat. This resistance, flagrant or subtle, can be overcome only by firm and serious commitment of national leadership to the enforcement of law, but will require also a major reorganization of the American educational system.

B. The Process of Change: Obstacles and Facilitating Forces

The group addressed itself, in its second session, to those forces which have sustained segregation, and to the direct or indirect obstacles which stand in the way of school desegregation.

1. These included: (a) the organized opposition of such groups as the White Citizens Councils and Parents and Taxpayers groups; (b) the implacability of political officials and school boards; and (c) the hostility, apathy, and incompetence of many educational administrators.

2. Among other obstacles discussed were those which included procedures of the schools themselves:

a. The use of achievement and intelligence tests in the early elementary grades for placing children in special tracks and which stigmatize children of ghetto schools as unintelligent and uneducable, thereby effectively institutionalizing a pattern of segregation.

b. The continuation of segregated school staffs and all-white school boards and the exclusion of minority and lower class members from these important decision-making bodies.

c. The use of textbooks which perpetuate an image of Negro inferiority--now more by omission than by commission.

d. The zoning for school attendance by neighborhood in cities where neighborhoods are segregated, thereby institutionalizing by the "neighborhood school" segregation in public schools and particularly in the early grades. The evidence shows, in this regard, that the greatest damage to the future learning capacity

of Negro children is done in these same early grades.

e. The track system in the higher grades, where statistics show a greater degree of integration because of a lesser dependence on neighborhood patterns, has imposed an intramural or intraschool pattern of segregation, where Negro children are for the most part clustered in classes on lower "tracks."

f. Further segregation at the high school level through encouraging Negro students to concentrate on dead-end vocational, rather than academic preparation.

g. At the college level, college entrance tests generally favor those of middle class background and reflect the educational handicaps of lower class and minority group children. The actual inferiority of the elementary and secondary education of these less privileged children together with rigid college entrance requirements effectively exclude them from the advantages of a college education.

These practices and procedures make it possible for an educational system to have "statistical desegregation and maintain functional segregation," as one member put it.

3. Pseudo-programs--The group noted as one of the major obstacles, the "pseudo-programs" that seem to promise the substance of change and either fail to do so in reality, act as a substitute for meaningful change, or actually act to reinforce segregation. Among such pseudo-programs, the group listed the freedom-of-choice plan and other open enrollment and voluntary transfer plans, and many compensatory education plans.

a. No plans which place the primary burden of school desegregation upon the parent and child rather than requiring the school system to reform or reorganize itself can be considered effective means of desegregation.

b. It was the consensus, also, that many of the enrichment and other compensatory programs--from the pre-school plans like Head Start to enrichment programs and special tutoring of Negro students--are worthy in themselves as help to selected individuals. But the very benefits of these programs can obscure the need for fundamental change of the educational system whose basic inefficiency makes such special programs necessary.

c. On the question of Negro colleges, the group was not in agreement, some members feeling that they should be strengthened in order to give quality education to students who, for many years, may be excluded from other schools, others feeling that segregated education was, by its very nature, of inferior quality,

and that to strengthen it was to perpetuate segregated and inferior education.

4. Covert Obstacles

The group was also convinced that there were covert, less tangible forms of resistance to desegregation. Some of these are the obstacles in the minds of men that condition them to accept racism. Such obstacles are the old theories of racial inferiority of Negroes and their contemporary manifestation in some of the theories of "cultural deprivation," which, while emphasizing cultural rather than racial causes of inferiority, have the same result in overall educational consequences. Such theories have been used by teachers and administrators as supports for their doubts about the motivation of Negro children and their parents, and their questions concerning the ability of Negro children to learn. This leads to an anticipation of failure which becomes self-fulfilling.

This expectation and reality of failure, in its turn, stimulates the fears of whites that desegregated education is necessarily inferior education and that their own children will be contaminated by contact with Negroes. However well-intentioned such theories may originally be, they have the result of seeing the Negro child as different in kind from white children, as needing to be made ready for acceptance in American society. They place the burden of cause not on the society nor on education, but on the child and his home; they maintain the status quo of segregation, encapsulating children in the ghetto. They do not demand the transformation of the basic segregated pattern of education itself.

C. Programs For Effective Change

Since the opposition to change is deeply entrenched in American society, the counter-opposition must be even stronger if it is to succeed. The ways to achieve desegregated and democratic education are not mysterious; what is missing is not a miraculous solution, a new idea, a new program, but commitment, purpose, and the application of power.

It was agreed, in the third session, that American education needed first a sense of full commitment to the goal of desegregated education, i.e., a system of education and an organization of public schools in which race and class are not relevant factors; and second, an exercise of power and authority by the Federal Government effective enough to demonstrate its serious intention of attaining this end.

1. Great dissatisfaction was expressed with the failure of the Office of Education fully to enforce Title VI, its acceptance of minimal passive local acquiescence in desegregation in the South, and its reluctance to apply Title VI to Northern urban

centers like Chicago and Boston. The group expressed the view that the entire program of the Department of Health, Education and Welfare is in danger of emasculation if it does not assert the authority of the Executive. As an expression of this deep concern, the group urged that the following message be submitted at the conclusion of the Planning Conference to the President of the United States:

The Educational section of the planning session of the White House Conference "To Fulfill These Rights," having discussed the matter of school desegregation extensively, wishes to express its position to the chairmen of this conference, and to request that they communicate this expression to the President immediately. We make this unusual request because this educational section unanimously believes this matter is of such urgency that it should be brought to the attention of the President now.

We find that school desegregation has been proceeding at a dangerously slow pace--and that in the North the trend has been toward increased segregation. We believe that continuation of segregated education constitutes a major hazard to the welfare of the nation, and a specific obstacle to the attainment of the goals of the Great Society.

In view of this danger, we urge the President to use the full force of his personal leadership, and the full authority of his office to alert the American people to the present danger, and to bring about the promise of school desegregation.

Because of the depth of his personal commitment, we respectfully urge the President to direct the Office of Education and other appropriate governmental agencies to enforce the provisions of Title VI of the Civil Rights Act of 1964. Failure to enforce Title VI or acceptance of token compliance makes Title VI meaningless.

In light of the evidence examined at this Conference, we respectfully suggest that while continuous study, such as the proposal to submit the problem to the Civil Rights Commission, would certainly be helpful, the urgency of the educational emergency that confronts the American people demands that Title VI be enforced immediately by executive direction.

2. The Reorganization of Education

The group made a number of program proposals that, taken as a whole, would help achieve desegregated democratic education--that is, a truly efficient American educational system.

a. Federal

The education section recommended:

- (1) The immediate appointment of a Presidential Task Force, among whom might be some members of the panel, to study the problems and to develop a plan for dealing with:
 - (a) a reexamination and articulation of the goals of contemporary American public education and a determination of the necessary guidelines, standards, approach and administrative and fiscal reorganization required to raise the level of educational efficiency throughout the country and to obtain the stated and imperative goals; (b) an effective implementation of Title VI, and (c) the necessary steps in an orderly but imperative reorganization of the American system of public education.
- (2) The enforcement of existing regulations under Title VI and the rejection of evasive, token and ineffective implementation of Title VI, such as the freedom-of-choice plans and the use of standardized tests for exclusion of Negro students from higher education.
- (3) The strengthening of the Office of Education so as to give it effective regulatory powers. If this is not possible, the establishment of a separate agency of the Federal Government with powers necessary to obtain the goals of desegregated and more efficient education.
- (4) A major investment of federal funds in education at all levels, pre-school, elementary, secondary and college, with designation of special funds for the elimination of all racially segregated school systems. Such funds to be used for: (a) educational innovation; (b) technical assistance for counseling and other expert aid; (c) reading programs; (d) cooperative programs among colleges and high schools; (e) training and retraining of teachers; (f) educational and other administrative and institutional reorganization; (g) strengthening and use of local collegiate institutions wherever possible; (h) encouragement of the reexamination of criteria for college admission; (i) exploration of the educational and economic feasibility of educational parks.
- (5) That submission of joint proposals be required of inner city and suburban schools, or predominantly white and predominantly Negro colleges in the same locality so that Federal funds will be used affirmatively to facilitate desegregated and democratic education.

- (6) That there be special appropriations to states with low financial resources to encourage and enable them to introduce the above programs.
- (7) That use of Federal funds in other areas of governmental concern, particularly housing be so regulated as to assist in achieving desegregated education.
- (8) That the movement toward national leadership for the designation of minimum standards of student performance and the establishment of national norms in academic performance and general educational efficiency of local school systems be accelerated.
- (9) That the Federal Government provide for education in those areas where the local government is unwilling or unable to provide non-segregated public education for all children. (Some members of the group believed that the section should recommend that the Federal Government should set up a National System of Education, but the majority of the participants believed that this would introduce more problems than it would solve.)

b. State and Local Programs

The group agreed that education must be reorganized at the state and local levels also. On such levels, reorganization might well follow the model presented by the New York State Allen Committee Report as a transitional program for the desegregation of the public schools of large cities.

The group recommended especially:

- (1) The total reorganization of school systems in terms of goals, curriculum, methods, building construction and location of facilities (such as educational parks), fiscal arrangements and support, quality of materials, facilities and textbooks; training and selection of administrative and teaching personnel to the end of the achievement of more efficient education for all children and the elimination of racially segregated schools.
- (2) The extension of pre-school and other compensatory programs in terms of implicit value and need but not as a substitute for basic educational reform and reorganization.
- (3) The reorganization of school boards to represent all groups in the community.

It especially urged the educational profession and other informed and concerned citizens to take initiative in

developing an affirmative national program of public education, information, and persuasion for support of democratic, racially nonsegregated education; and it urged responsible educators and educational officials to play an aggressive leadership role in the attainment of this goal.

Conclusion

The group concluded that enforcement of Title VI was only a beginning step in the arduous and complex task of reforming American public education away from its present pattern of racial and class organization to the desired goal of democratic, nonracial education in nonsegregated schools.

Public education--the public schools and colleges--are the basic social institutions designed to make real, vitalize and strengthen American democracy. Racially segregated schools are a mockery and make it difficult if not impossible to attain the goals of a democratic society. Such schools destroy the potentials of human beings. They contribute to social instability and community pathology. They weaken the foundations of the American system of government.

The members of the Education section were unanimous in the belief that President Johnson's commitment to fulfill the rights of American citizens without regard to race or color and to attain equality for Negroes "as a fact and as a result" cannot be achieved under a system of racially segregated schools, but can only be achieved when American public schools are reorganized and function under nonracial and nonsegregated conditions.

This can be done--and the future of America and all of its children may be determined by the speed with which America understands that it must do so, resolves to do so, mobilizes the resources and allocates the funds for the unprecedented national effort which is required.

SUMMARY

The Community: Institutions and Social Action

The community action problems considered by this panel overlapped broadly into the areas discussed by almost all of the other panels. Consideration was given to the "dual system" of housing, employment, education, services, and justice which has kept the Negro "subjugated." The proposals advanced by the panel focused upon these problems in the context of community action:

A. Relationship Between the Federal Government and Local Groups.

1. Overcoming the use of federal funds to strengthen the established bureaucracy on the state and city levels in such a way that the power position of low income Negro groups is not significantly altered by federal programs.
2. Support for the development of autonomous democratic mass organizations of minority low-income groups by: (a) legislation making it practicable for such organizations to become bargaining agents with the institutions controlled from outside the Negro communities; and (b) training of organizers to create and lead such organizations.
3. Developing new ways of funneling federal resources into communities while by-passing the "establishment" which siphons off such resources to the advantage of their own institutions:
 - a. Giving federal grants and subsidies directly to community organizations.
 - b. Extending the principal of "maximum feasible participation" to agencies such as the Job Corps and others.
 - c. Experimenting with new corporate structures such as consumer corporations and credit bureaus, utilizing direct federal subsidies.

B. Federal Sponsorship of Community Development Projects Among Negroes in the Rural South.

1. Purchase by the federal government of large allotments of land in the South and making that land available at a charitable rate to no-income and low-income people who are trying to escape from

indentured existences as share croppers and plantation workers.

2. Federal underwriting or financing of "community neighborhood corporations" among southern rural Negroes enabling them to acquire land, build homes and establish business and community services.

C. Improvement of Existing Federal Services.

1. Focusing concern of the Department of Housing and Urban Development upon social planning in a broad sense as well as housing in a narrow sense; establishing a national housing policy that encompasses programs of regional planning covering cities, suburbs and "new towns."
2. Enlarging and strengthening the Community Relations Service.
3. Increase of the minimum wage to recognize that the current \$1.25 per hour provides less than the recognized minimum subsistence income of \$3,000 annually.
4. Enlargement of the government machinery and resources for limiting discrimination in all types of businesses which furnish services and which would not normally fall within the range of its contract compliance program.
5. Placing federal funds (especially OEO funds to local CAPs) in banks which do not discriminate against Negroes and which offer employment training opportunities to the poor.
6. Federal policy directed at ultimately guaranteeing a family income to all people, thus making present welfare policies unnecessary.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

THE COMMUNITY: INSTITUTIONS AND SOCIAL ACTION

December 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on The Community: Institutions and Social Action of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. David Danzig of Columbia University. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report

THE COMMUNITY: INSTITUTIONS AND SOCIAL ACTION
PRELIMINARY REPORT

The session on community was designed to focus upon problems in the context of community action. Because of this wide focus, the participants discussed the full range of Negro problems. Their observations and recommendations frequently dealt with problems of employment, segregation, or housing, as well as community action as such. There was a wide variety of opinion about the obstacles to the development of community action, as indicated in the following quotes from the discussion.

Definitions of Problem

The Social Environment: "...our real concern has to do with recognition that we live in a dual society. A dual housing market, the dual labor market, the dual school system, and even duality before the law--this entire system of duality is what has kept the Negro subjugated...."

Government Support of Discrimination: "....Our problems are mostly in government. We have certain agencies in government that deliberately, systematically, discriminate against various ethnic groups. Members of our organization cannot get a job in certain government agencies...."

"....You may describe ineffective community organizations, but you have to start with the Federal Government itself, which perpetuates poverty in many instances....it does by reinforcing poverty, breaking down the family through the way it grants funds to agencies...."

"....two-thirds of the industries in Chicago do not hire any non-whites, and with all those defense contracts going in there, this is perpetuating poverty. Because the Federal Government, with \$100 billion a year, shores up the economy, and then when they shore it up on the basis of inequality, they are perpetuating poverty...."

"....The whole welfare system, you know, many of its practices, outside of its policies, are directed towards making and perpetuating poverty...."

How Effective are Local Organizations: "....how can we, the poor, get our already existing organizations recognized by the white and Negro power structure...."

"....most such organizations are much less effective than they are alleged to be, have smaller memberships; they accomplish fewer things; and the goals of community organization are greatly beyond the capacities of community organizations in low-income areas...

....I would like to see this conference give its full support to a change in our public policy on the posture of government to the effect that we recognize the necessity of government giving support to community action programs, social action programs, by providing consultative, professional, adequate resources which will aid the development of local community organizations...."

Neighborhood vs Group as a Basis of Social Organization:if we make the compass so big that we use the language 'the poor' alone, then we may lose the sharp focus that we would have by using the word 'Negro'.

....Should the Federal Government, for instance, fund a social agency to do something [for] the poor, a church to do something for the poor, or a unit of government to apply some kind of sop, or should it fund a unit of the population, a geographical unit....

....How far, for example, should we go in encouraging and stimulating purely racial organizations and institutions in the Negro community, regarding them not as ultimate goals, perhaps, but as interim mechanisms whereby you develop the sense of community, the sense of strength, the sense of power, and the actual fact of power.

Should Negroes get together as Negroes, for example, and develop purely Negro institutions as a stepping stone to achieving the respect and the power which alone, in my judgment, can lead to their creative activity and creative movement across a broad range....

....Who is the neighborhood? And should the neighborhood in Harlem be Harlem Negroes organized as Negroes, with Negro banks, with Negro trade unions perhaps, with any number of a range of all-Negro institutions drawing upon the sense of racial identity as one of its major sources of strength....?

Will OEO Community Action Programs Develop Political and Economic Power in Local Groups: "...policies like the 'maximum feasible participation' of the poor are absolutely meaningless, in terms of the practice of the Office of Economic Opportunity....

....I am at least in part convinced that the Poverty Program, far from securing the involvement of the poor in any meaningful way, will impede their organization; for one thing, the Poverty Program is going to consist largely of the expansion of professional bureaucracies of various sorts. These youth unemployment programs, Head Start programs, are essentially professional programs. They are huge, bureaucratically-organized, professionally-dominated programs, no matter who sits on the council or board that makes general policy for them. In view of the fact that they are likely to exert their influence in ways to secure from their clientele not militant action but relative docility, so as not to disrupt the flow of resources to their professional, bureaucratic operations....

....I don't think that OEO directly, unless it established either through its office of inspection or something -- that you have to have some kind of separate government arm, rather like the NLRB, which has the responsibility solely of policing this relationship which the community can turn to and ask for assistance when it feels that a local government agency is not giving it adequate recognition....

....if a Community Action Program can negotiate with the Board of Education to carry out a "Head Start" Program, why can it not negotiate with a group in Syracuse, New York, to carry out some other kind of program? If it can negotiate with some family agency to carry on a program dealing with family problems, why can't it not negotiate in South Los Angeles with a group that really represents that neighborhood?...

RECOMMENDATIONS

(The panel's recommendations represent the majority opinion that the White House conference did not present the proper forum for discussion of the specifics of strategy and tactics by various local groups. The recommendations assume a certain level of community action, and go beyond that to discuss the relationship between community action and government at all levels.)

I. RECOMMENDATIONS WHICH HAD SUBSTANTIAL SUPPORT

The following appeared to have the support of most of the panel members. There was general agreement that organization was necessary to building Negro power in the community-- and that power was essential to improving the Negro position in society.

Panel members felt that on the whole current use of federal funds leads to the strengthening of established bureaucracies on the state and city levels, and that neighborhood groups derive little amount of resources or political influence from them. The power position of low-income groups, particularly Negro communities, is not being significantly altered by these federal programs. It was recommended that the Federal Government should:

1. Discard policies which weaken and discriminate against low-income minority communities; and provide jobs and careers which recognize the abilities of the people of such areas, and
2. Support the development of autonomous, democratic, powerful, mass organizations of minority low-income communities by:
 - a. legislation which makes it practicable for such organizations to become bargaining agents with the institutions controlled from outside the Negro community;
 - b. training of organizers to create and lead such organizations;
 - c. allowing such organizations to secure funds directly from the Federal Government and other sources to operate their own programs.
3. New ways of funneling federal resources into communities should be found that will by-pass the "establishments" which siphon off such resources to the advantage of their own institutions:
 - a. Federal grants and subsidies might be given directly to community organizations;
 - b. The principle of "maximum feasible participation" could also be extended to agencies such as Job Corps, and others;
 - c. New corporate structures such as consumer corporates, credit bureaus, and other might be experimented

with, utilizing direct federal subsidies.

4. The Federal Government should assume responsibility for seeing that the rights of existing local indigenous groups are recognized. City-wide, regional and state organizations should be required to be more responsive to the demands of indigenous local organizations and institutions. In general, the channels through which federal funds flow to communities from regional and state agencies should be re-examined to see whether these moneys are dispersed in such a fashion as to undermine and weaken indigenous groups.

II. RECOMMENDATIONS BY ONE OR MORE PANELISTS

A. FEDERAL GOVERNMENT AND LOCAL GROUPS

1. The Government should adopt as a matter of policy, as it has with trade unions, the encouragement of the development of community action groups, which can autonomously negotiate and conduct programs.

2. All people working with the Job Corps, Neighborhood Youth Corps, social work, recreation, etc., should work through, under, or with already established local community groups in the effected communities.

B. FEDERAL SPONSORSHIP OF COMMUNITY DEVELOPMENT PROJECTS AMONG NEGROES - THE RURAL SOUTH

The Federal Government should:

1. Buy up large allotments of land in the South and make that land available at a charitable rate to "no-income" and low-income people who are trying to escape from indentured existences as sharecroppers and plantation workers in a politically and economically hostile environment.

2. The Federal Government would underwrite or finance "community neighborhood corporations" among "no-income" and low-income southern rural Negroes as they attempt to acquire land, build homes, establish businesses and community services and escape their traditionally indentured lives. Capital investments in businesses and institutions owned and run by these communities is one suggested method of assistance.

C. THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. The Department should concern itself not only with housing, but also with social planning in a much broader sense in communities.

2. National housing policy should encompass programs of regional planning covering both city and suburb, and also "New Towns" program.

D. THE COMMUNITY RELATIONS SERVICE

The Community Relations Service should be enlarged and strengthened. The Community Relations Service has demonstrated effectiveness in fostering organization in the Negro community, and this should be continued and encouraged.

E. ESTABLISHMENT OF NEW CABINET-LEVEL DEPARTMENT

There should be established a Department of Decolonization at the cabinet level. This department should oversee Federal policies which will transfer the resources of the black ghettos of the United States into the hands of the local people.

F. STATE OF "NATIONAL DISASTER" IN NEGRO COMMUNITY

1. The Negro community, because of its political and economic status, should be declared a "national disaster area," and the Federal Government should provide massive aid, working in cooperation with existing and/or emerging indigenous organizations.

2. Considering the disastrous state of unemployment among Negro males and the conditions of substandard housing in Negro ghetto areas (and in southern rural Negro communities) massive programs for the construction and rehabilitation of housing should be begun, providing employment, the development of marketable skills, needed income and more and better housing for Negroes.

G. NEW MINIMUM WAGE LAW

A higher minimum wage should be sought, as the current rate of \$1.25 per hour provides less than the recognized minimum subsistence income of \$3000 annually.

H. GOVERNMENT POLICIES TO END DISCRIMINATION

The Government should enlarge its machinery and resources for limiting discrimination in all types of businesses which furnish services and which would not normally fall within the range of its contract compliance program.

I. BANKING OF FEDERAL FUNDS TO HELP THE POOR

Federal funds, especially OEO funds to local CAPs, should not be placed in banks which discriminate against Negroes or which do not offer employment and training opportunities to the poor.

J. LONG-RANGE FEDERAL PLANNING

The various massive programs suggested here are important, but they are only transitional proposals as we move out of an economy of scarcity into an economy of abundance. Therefore, after massive programs are scheduled to close present gaps, the Federal Government has to encourage a new kind of cultural, educational, political practice program, in which people who will be freed from the tyranny of burdensome work, who will have a lot more leisure, should be encouraged to minister to each other.

Federal policy should reach the point where the Government can guarantee a family income to all of the people and present welfare policies will be unnecessary.

SUMMARY

Housing and the Neighborhood

This panel established the following ultimate goals: (a) an absolutely open, discrimination-free housing market; (b) new types of communities inclusive of the total range of socio-economic class and racial groups; (c) all levels of government and private institutions affirmatively involved in planning and building new communities and neighborhoods; and (d) close the gaps of the upper and lower income groups by coordinating planning for housing with planning for education and job opportunities. More specifically, the panel listed the following problems and proposals to meet them:

A. Achieving an Open, Discrimination-Free Housing Market.

1. Executive leadership directed toward:
 - a. Extension of the executive order to cover all direct and indirect forms of assistance.
 - b. Issuance of a new executive order to cover every element of the housing supply which receives any form of federal assistance, direct or indirect (as an alternative to extend-the existing order).
 - c. A White House Conference for the housing industry per se.
 - d. A series of meeting with the leaders of industry (similar to the ones that have been held with employers) as a less formalized, but more direct, alternative to a White House Conference.
 - e. A housing industry program, initiated by the President and comparable to Plans for Progress, to promote equal opportunity in housing.
 - f. A directive from the President to the administrators of the housing agencies that all housing programs are to be used as instruments for desegregation, rather than continuation of the present "neutral" posture.
 - g. An executive order requiring that any form of federal assistance to localities be conditioned upon participation in regional "workable programs", of which racial desegregation would be one element.
2. A realistic plan for racial desegregation as a requirement for all

urban renewal programs .

3. Full implementation of the provisions of Title VI of the 1964 Civil Rights Act as they apply to public housing, urban renewal developments and community facilities. HUD regulations and guidelines similar to those issued by HEW. Informing local authorities that failure to act will result in direct federal administration of local programs .
4. Affirmative marketing of homes to Negroes (rather than the mere prohibition against refusing to sell or rent to Negroes) in the administration of Executive Order 11063 and Title VI.
5. A federal Equal Housing Opportunity Law covering all housing (but not as a substitute to an immediate Executive Order).
6. Adoption of fair housing laws in all states; greatly strengthening enforcement procedures and broadening existing state laws to cover all housing .
7. Concerted action to defeat popular referenda aimed at blocking or rescinding state fair housing laws .
8. Avoidance by the federal government of underwriting discrimination by conditioning all federal aid to localities (e.g., water supply, waste disposal, air purification, highways and transportation) upon planning for the local welfare and removal of discrimination in housing .

B. Eliminating the Ghetto.

1. Large-scale programs for encouraging development of new towns and rebuilding cities fully inclusive of a total cross section of the population adequately supplied with community facilities .
2. Commitment of greater resources by the federal government to research on environment and housing similar to government-sponsored research in agriculture and the physical and biological sciences. Research should be directed towards decreasing the cost of housing .
3. Action by federal and state governments to force all constituents of metropolitan areas to cooperate in meeting the needs of the total population because central cities alone probably cannot

cope with the burdens of race and poverty.

4. More response by state and local authorities to the needs of declining and racially transitional areas in combatting blight and decay through improvement of services and facilities.
5. An Executive Order requiring federal agencies to plan new governmental installations and disbursal of agencies in such a manner that job opportunities are decentralized and that multi-income open-occupancy housing is encouraged. Application of the same principal to private industry where new plant facilities are related to government contracts.

C. Moderate and Low-Income Housing.

1. Funding the rent supplement program in the Housing Act of 1965 and broadening it to cover moderate-income as well as low-income groups (to help moderate income Negro families find their way out of the slums and into racially inclusive neighborhoods).
2. Prohibiting public housing authorities from proceeding independently to build more and more publicly subsidized ghettos; instead, small projects widely disbursed throughout the city and suburban areas and the purchase or lease of existing dwellings for rental to low income families. (Alternate suggestion that public housing be sold to non-profit corporations for operation under 221 (d) (3) financing in the rent supplement program).
3. Improvement of programs for low and moderate income housing (such as 221 (d) (3) and 213) by relaxing budgetary controls and reducing the interest rates.
4. Establishment of national and/or local development foundations or non-profit corporations to foster low and moderate income housing with such federal aids as 221 (d) (3) and rent supplements.
5. Authorization for FNMA to provide a secondary market for financing the purchase of existing housing for resale or rental to low income families.
6. A federally sponsored property insurance program to cover properties in areas where private companies refuse to insure.
7. Elimination of barriers that discourage public and private groups

from developing low and moderate income housing in suburban areas:

- a. Creation of an agency within HUD to directly purchase and reserve land in metropolitan areas for low and moderate income development.
- b. Federal loans and grants to metropolitan authorities empowered by the respective states to perform the same function.
- c. A nationally chartered and federally financed corporation to serve this purpose.
- d. Federal loans and grants to state chartered corporations for such development.
- e. Amendment of state enabling acts to authorize local housing and urban renewal authorities to operate on a metropolitan-wide basis.
- f. A combined arrangement to enable localities to have their choice of developing their own means for reserving land or accepting direct federal action.
- g. Assumption of responsibility by state governments for regulating the control of land for the general welfare and removing such control from local government jurisdiction.

D. Other Proposals.

1. An in-depth dialogue between the operators of the housing industry (builders, lenders, brokers) and the civic, religious and civil rights groups.
2. More attention by civil rights groups and their allies to the total area of housing, planning and urban development. Federal technical assistance to citizens' fair housing councils.
3. Investigation of the NAREB by the Department of Justice for possible practices in restraint of trade.
4. Serious consideration of the unique problems posed by rural housing.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

HOUSING AND THE NEIGHBORHOOD

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on Housing and the Neighborhood of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Mr. George Schermer, Human Relations Consultant. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

HOUSING AND THE NEIGHBORHOOD - PRELIMINARY REPORT

- 2 -

The Panel on Housing and the Neighborhood established a high degree of unanimity from the very beginning on:

- I. Definition of the problem
- II. General goals and principles
- III. The definition of action proposals

The differences within the group were those of relative emphasis. Those who might be identified as closest to the civil rights action groups were more emphatic about specific actions now, with relatively short-term objectives. Those who might be identified as planners and scholars were more concerned about longer-range goals and a comprehensive strategy. However, there was surprisingly little polarization within the work group. Such exchanges as this characterized the differences: "I agree that what you propose is important but we want to see some evidence of action first." or, "Yes, an extension of the executive order is important, but let's not assume that it is going to solve very much--this problem is so tremendous that we must stretch our imagination and think about what must be done about a population that will be doubled in another generation."

I. Definition of the Problem

A. Areas of substantial agreement

1. In terms of purely physical dimensions and growth the problem is substantially urban.

2. A rural problem was recognized. Lack of time prevented the work group from exploring it, however, to the expressed regret of the group.

3. Patterns of residential segregation by race in urban areas are expanding rapidly and becoming more and more solidified.

4. The physical condition of housing may be improving in absolute terms, but the gap between white and non-white is widening.

5. Practices of discrimination in the sale, rental and financing of housing are general throughout the nation. They are only a little less overt in states having fair housing laws. The fair housing laws go no farther than prohibiting the refusal of sales and rentals. They impose no obligation to plan for or to engage in affirmative marketing of houses to Negroes. The absence of such a requirement fosters continued practices of exclusion.

6. Overt practices of discrimination may be less significant as causes of segregation than the entire system by which housing is produced. The private housing industry is geared to meeting the demand of the "easy to serve"--the more affluent half of the white population. This leads to

constant draining off of that part of society into affluent, white ghettos. The housing of the balance of society is left to chance, unregulated pressures, and manipulations of the market. The massive racial ghettos characteristic of the major metropolitan areas with all the problems inherent in them is one result. This stratification by economic and social class as well as by race, aggravated further by the multiplicity of governmental jurisdictions in the major metropolitan areas, leads to polarization of local interests related to social class and race.

7. Simple requirements for equal opportunity in housing are not likely to be effective. Programs designed and geared to restructure the entire pattern of urban society will be required if the ghetto pattern is to be changed.

8. Discrimination and segregation in housing both result from and cause many other conditions such as poor education and training, limited job opportunities, racial stereotypes, poverty, accelerated depreciation of property, municipal and institutional neglect and abandonment. Such problems do not respond to simple panaceas. The sickness that causes the ghetto permeates the whole of society--the whole of the metropolitan area. The treatment must be founded upon a comprehensive diagnosis and must itself be comprehensive and adequate to the total situation.

9. Government, federal, state, and local, has thus far failed in combating discrimination in housing, in promoting racial desegregation, and in serving the housing needs of low and moderate income groups.

Federal housing programs still function to foster de facto segregation, and the agencies are failing to use their influence and power to foster desegregation. The executive order is too narrow in its application and is not being effectively administered. The housing agencies have done practically nothing to implement Title VI as it applies to public housing, urban renewal and community facilities.

While some states have adopted fair housing laws, the laws are not being vigorously administered. The state governments are doing nothing about the discrimination and restrictive policies and practices of suburban governmental jurisdictions. Local public agencies are forced to accept discrimination and segregation in order to function at all.

10. Neglect of transitional and Negro areas - one member stated emphatically that a major cause of flight of whites and the general decline of areas occupied by Negroes was the studied neglect of such areas by municipal governments, school authorities, banks, insurance companies, businesses and the like. There was no disagreement with this view.

11. Housing and residential segregation have been "back burner" issues. Civil rights groups have focused upon public accommodations, voting, police, education, and jobs. There is some concern about conditions within the slums. Equal opportunity in housing has received only "lip service." Government has taken its cues from the civil rights movement. It responds to pressures. It has not acted to prevent the growing crisis of the slums and ghettos.

B. Points of view expressed by individuals or small numbers of people

As stated in the introductory comments there was a high degree of unanimity and an absence of what might be termed a "minority" view. However, there were differences as to emphasis and degree as follows:

1. While there was general agreement concerning the complexity of the situation as cited above, the fear was expressed repeatedly that in dealing with the broad social and economic problems the brutal fact of discrimination would be underplayed, and lost. It would be inaccurate to say that this represented either a "majority" or "minority." Rather, the group recognized both aspects of the problem.

2. Closely related was the problem of doing something about the ghetto versus the problem of implementing desegregation and fostering racially inclusive neighborhoods in suburban areas.

3. A third difference centered around the value of existing governmental programs. While everyone agreed that existing programs are not effective and much more is required, there was a tendency among some to condemn public housing, urban renewal, etc. as useless or harmful. This was definitely a minority viewpoint. The majority expressed strong dissatisfaction with performance but believed the programs to be potentially useful tools.

4. A fourth area of disagreement grew out of the "back burner" issue. Some of the civil rights leadership argued that the NAACP, Urban League, CORE, and the civil rights arm within organized labor had indeed been concerned about the housing industry, but government had been unresponsive. It is not fair, they maintained, to place the entire burden for effective action upon the civil rights movement.

5. Rural housing - one member of the group felt strongly about the failure to devote a part of agenda to this problem and all agreed it was a serious oversight.

II. Goals

The work group was careful to distinguish between ultimate goals and proposals for action programs.

A. There was substantial agreement on the following:

1. An absolutely open, discrimination-free housing market. Every house offered for sale or rent, all financing programs, and all community facilities must be open, without a trace of racial distinction.

2. New types of communities inclusive of the total range of socio-economic class and racial groups are needed--rather than the over simplified concept of open occupancy in economically stratified areas. Such communities should be planned to provide economic opportunities for a wide range of skills and community facilities to serve the needs of a full cross-section of the population.

3. All levels and instruments of government, the private institutions, and citizen organizations must become affirmatively involved in planning for and committing their influence, power, and resources to the building of the new communities and neighborhoods. Piecemeal measures, such as fair housing laws, low and moderate income housing programs, urban renewal, each functioning separately are not likely to produce the results intended. Therefore, while all these programs are useful tools there needs to be a comprehensive design.

4. The long range goal is to close the gaps of opportunity between white and Negro and between the upper and lower income groups. This means that planning for housing and neighborhoods must go hand-in-hand with planning for education, job opportunity, etc.

B. Immediate Goals

There was agreement that the above goals would not meet the immediate challenge of the slum-ghetto. The immediate goals for such areas must be:

1. Crash programs to provide training and job opportunity.
2. Immediate elimination of the worst abuses in the operation of slum area housing.
3. Increased welfare allowances and/or rent supplements.
4. A strong leadership posture from the heads of government, federal, state, and local, directed toward relieving slum conditions.

C. "Minority" Viewpoint

There was really no significant difference in view as to goals. However, it would be inaccurate to say that all were equally enthusiastic about the development of new style communities. To several people this was "pie in the sky" talk. They wanted to talk about ending discrimination now, and improving slum conditions now. Therefore, references to "planning" and "new towns" drew some negative response. Those that adhered to this viewpoint really did not enunciate separate goals. They were simply anxious to get on with specific proposals which are outlined in the next section.

III. Proposals for Action - Program Recommendations

A. Proposals on which there was substantial agreement

While the work group did not have time to establish priorities, the intensity of concern and the degree of unanimity could be interpreted as indicators of priority. This does not mean that the group believed that number one would necessarily produce greater results than number two. Among the factors reflected in the order of the items listed below are: (a) the degree of moral indignation felt on some subjects,

(b) the prospect that immediate executive action might be expected soon while long, hard political campaigns might be necessary for others, and (c) some issues are better understood by the public than others. Items 1 (a through f), 2, 3, and 4 below were especially singled out for immediate action by the Administration or as soon as Congress reconvenes. Considerable urgency, impatience and a demand for immediate action was indicated with reference to all the items except those involving long-range planning. There was also strong feeling that positive programs to alleviate conditions in the big city ghettos as indicated in II B above was imperative.

1. Executive leadership--the kind that has been effective on the employment, voting and public accommodations issues--should be applied to housing.

The leadership can be exercised in several ways:

a. An extension of the executive order to cover all direct and indirect forms of assistance. (The group was not impressed by reports that the Attorney General had questioned the legal foundation for an extended order.)

b. As an alternative to extending the existing order, issuance of a new executive order to cover every single element of the housing supply which receives, or will receive, any form of federal assistance, direct or indirect.

c. A White House Conference for the housing industry per se called as a specific challenge to the industry.

d. Something less formalized but more direct than a White House Conference, such as a series of meetings with the leaders of the industry, in the manner that employers have been challenged.

e. A directive from the President to the administrators of the housing agencies that all housing programs are to be used as instruments for promoting genuine, equal opportunity and racial desegregation rather than the "neutral" posture and role which now prevails.

f. An executive order requiring that any form of federal assistance to localities be conditioned upon participation in a regional "workable program," of which racial desegregation is one element.

2. Full implementation of the provisions of Title VI as they apply to public housing, urban renewal developments and community facilities. The new Department of Housing and Urban Development should issue regulations and guide lines, as has been done by the Department of Health, Education and Welfare. Local authorities should be informed that failure to act will result in direct federal administration of local programs.

3. Federal agencies responsible for administering the provisions of Executive Order 11063 and Title VI should require far more than prohibitions against refusal to sell or rent homes to Negroes. Affirmative marketing of homes to Negroes should be required as a demonstration of good faith.

4. The rent supplement program provided for in the housing act of 1965 should not only be funded at the next session of Congress but should be broadened to cover moderate-income, as well as low-income, groups. Rent supplements to serve the income group above the eligibility levels for public housing could become one of the most important single tools for assisting moderate-income Negro families in finding their way out of the slums and into racially inclusive neighborhoods.

5. A realistic plan for racial desegregation actively implemented should be a requirement of all workable programs for urban renewal.

6. No further large public housing projects should be authorized. Public housing should be retained and used as one element of a comprehensive program for rebuilding and desegregating the cities. Public housing authorities should not be permitted to proceed independently to build more and more publicly subsidized ghettos. Small projects widely dispersed throughout the city and suburban areas and the purchase or lease of existing dwellings for rental to low-income families as part of a general plan are examples of how public housing could be used creatively.

7. Programs for moderate-income housing such as 221 (d) (3) and 213 should receive far greater encouragement than they have to date. The budgetary controls over the amount of 221 housing to be authorized should be relaxed. Interest rates for 221 housing development should be reduced to lower levels, perhaps to zero.

8. A federal equal housing opportunity law covering all housing should be pressed. However, this long-range objective should not be a substitute for an immediate executive order.

9. A recurrent issue that arose in connection with several other matters was the network of barriers to land that discourage and prevent entrepreneurs, public authorities and non-profit sponsors from developing low and moderate-income housing in suburban areas. Among the barriers most frequently mentioned were: (a) the use of zoning and other powers by suburban governments to prevent unwanted development, (b) opposition from hostile neighbors, (c) pre-emption of desirable land for future development, and (d) land cost.

The group was unanimous in its agreement that the barriers had to be breached. A number of proposals for solution were advanced. All received favorable response, but there was little critical evaluation concerning their potential practicality.

Among the proposals were the following:

a. The Federal Government should create and empower an agency within the D. H. U. D. to directly purchase and reserve land in metropolitan areas through out the nation for low and moderate income development.

b. The Federal Government should supply loans and grants to metropolitan authority empowered by the respective states to perform the same function.

c. A nationally chartered and federally financed corporation should be created to serve this purpose.

d. Federal loans and grants should be made available to state-chartered corporations.

e. State enabling laws should be amended to authorize local housing and urban renewal authorities to operate on a metropolitan-wide basis.

f. A combined arrangement should be devised under which localities would have the choice of developing their own means for reserving land or accepting direct federal action.

g. State governments should assume the responsibility of regulating the control of land for the general welfare - removing such control from local government jurisdiction.

10. Housing laws should be pressed for adoption in all states.

Existing state laws need to be broadened to cover all housing and greatly strengthened in their enforcement procedures, particularly injunctive proceedings to withhold contested units from the market while complaints are processed. Enforcement agencies require adequate appropriations and more positive support from the state administrations.

11. Popular referenda to defeat or rescind state fair housing laws are a very serious threat and every effort should be made to defeat them.

12. Totally new programs on a scale never before thought of, for encouraging development of new towns and rebuilding our cities to meet the needs of the expanding population, to rid our cities of slums and blight, to offer something far more interesting, challenging and creative than the sterility of suburban sprawl, should be designed. The group did not have time to go into details. It was evident that nearly all felt that existing concepts and programs are not adequate. Over and over again the discussion returned to the importance of comprehensive planning for the entire metropolitan region, the need for discrete communities smaller in size than megalopolis, larger than the typical one-class suburban town, fully inclusive of a total cross-section of the population, adequately supplied with community facilities.

The group recognized that such a program, nationwide, would require the investment of billions of dollars. Such an investment, said the group, would be less expensive than maintaining and extending the present pattern of slums and suburban sprawl.

13. The Federal Government must set the standard. Billions of dollars in federal aids go to the assistance of localities now. More federal billions for water supply, waste disposal, air purification, highways and transportation appear inevitable. If this government does not make such aids conditional upon planning for the local welfare, including the removal of discrimination and segregation in housing the government will, in fact, be underwriting discrimination.

14. Emphasis upon federal action should not becloud the responsibility of state and local government. State governments in particular should accept responsibility for regulating the behavior and activity of local jurisdictions, especially suburban ones which function extensively to exclude both Negroes and less affluent whites. Central cities probably can no longer cope with the burdens of race and poverty unless state and federal governments force all the constituent units of a metropolitan area to cooperate in meeting the needs of the total population.

15. State and local governments and school authorities must be far more responsive to the needs of declining and racially transitional areas to fight blight and decay by improving services and facilities.

16. The housing industry (builders, lenders, brokers) needs to face up to and accept its responsibility. There needs to be a dialogue in depth between the operations of the industry and the civic, religious and civil rights groups.

17. Civil rights groups and their allies need to give more attention to the total area of housing, planning and urban development. Much more needs to be done to enlist the support of more people, white and non-white. The Federal Government should supply technical assistance to the citizens' fair housing councils.

18. A few participants strongly advocated the proposition that Title VI could be interpreted to require that fair housing laws could be required as conditions to highway and other community facilities aids to states.

19. Some indicated reservations about "new town" concepts and regional planning as unrealistic and impractical.

20. A few wanted to take drastic measures to dispose of or reform public housing--suggesting that it be sold to non-profit corporations to be operated under 221 (d) (3) financing and the rent supplements program.

21. An alternative to rent supplements in the form of income supplements was suggested.

SUMMARY

The Family: Resources for Change

The matters discussed by the panel broadly overlapped areas considered by the other panels, although some of the items considered were unique to the Negro family. The specific proposals advocated by the panel were as follows:

A. Assurance of Adequate Economic Support for Families.

1. Implementation of a full employment policy, including public works and needed services.
2. Establishment of an adequate minimum wage and elimination of unwarranted wage differentials.
3. Expanded programs of housing and educational subsidies.
4. Establishment of family allowances or guaranteed minimum income (through a negative income tax) to give family strength and stability where direct earning power is insufficient.
5. Improvement of job opportunities (especially for youth) through review and revision of overwritten job descriptions to reflect the level of training and skill actually required to perform particular jobs.
6. Continuation and broadening of the "Head Start" type of program.
7. Broadening the Negro middle class by public and private programs encouraging business enterprise, entrance into the skilled trades, and improvement of Negro colleges.
8. Increases in programs of consumer education, consumer protection, and consumer aid (including low cost loans through credit unions and readily available emergency loans for families).

B. Provision of Non-Economic Family Supports and Services.

1. Legal protection and advice for the poor, especially in connection with jobs, housing, consumer practices, and family and child welfare.

2. Creation of "male models" for children by suppling jobs for men to make them useful and respected members of the community, increasing the number of male teachers in schools, and building up local and group "heroes."
3. Development of new institutions for young people that will catch their imagination and give them a sense of commitment and worth (such as the Peace Corps has done).
4. Voluntary programs providing the most effective means of contraception.
5. Concern for relationships within the family as well as for external pressures operating on the family.
6. Family improvement programs seeking the betterment of housing, health care, parental confidence and control of younger children, prevention of out-of-wedlock birth, and more enlightened ways of dealing with low income out-of-wedlock mothers and children.

C. Elimination of Discrimination in Opportunities and Services.

1. Changing staffing patterns to include more Negroes in administrative positions in existing family programs and services.
2. Setting up training schools and standards that would effect changes in the orientation and attitude of staff persons toward Negro and low-income clients.
3. Improving the circulation of information about available programs and services.
4. Stepping up evaluation and surveillance of programs and better use of available compliance procedures.
5. Requiring that a certain ratio be maintained between money spent on administrative structure and the amount funneled into direct services.

6. Considering the requirement that some federal programs be made obligatory on the states rather than a matter of choice.

D. Coordination of Programs and Services.

1. Proclamation and implementation of a "National Family Policy:" (a) to reaffirm the importance of the family on all socio-economical levels; (b) to affirm the rights of families on all levels to resources and experiences that promote family viability and choice; (c) to provide direction and guidance in realizing objectives through national and local, public and private, programs; and (d) to emphasize the role of the government as an enabler rather than super-parent.
2. Establishing an Under Secretary for Family, perhaps in the Department of Health, Education and Welfare.
3. Involvement of citizen groups (including civil rights groups) in implementing and supporting family policy.
4. Centralization and establishment of multi-service, family-oriented and community-based agencies in which health, education and welfare services would be centralized.

PRELIMINARY SUMMARY

...what we really need is a national family policy -- something more than just a Negro family policy. We need at least recognition of our national responsibility in this area just as there are national responsibilities with respect to the economy, health, education, welfare and the like.

One possibility mentioned was that there should be an Under-Secretary for Family, perhaps in the Department of Health, Education and Welfare.

There was consensus that a national family policy should provide directions and guidance in realizing the objectives of current family-oriented programs, and in pushing toward needed innovations in policies, administration and in funding -- national and local, public and private. Further, it was stressed, a national family policy should emphasize the role of the Government as enabler rather than super-parent.

A specific role for civil rights organizations in implementing and supporting family policy was suggested by a representative:

...we might supply these agencies...with some of the resources and assistance whereby...family assistance might be created at the local level....I think we ought to involve these citizens groups and race relations groups as an adjunct of the local and state government /in carrying out family programs/.

2. ECONOMIC SUPPORTS AND FAMILY VIABILITY

The issue of jobs for men is paramount. Jobs for men are the key to family stability and to individual status and self-respect. Just as firm, however, was the agreement that true family strength and stability must be maintained by other sources of income where direct earning power is insufficient.

The problems that have aroused public comment were seen as products of economic, social and legal deprivations. Removal of such deprivations was agreed to be prerequisite to amelioration of the problems. Non-economic supports were discussed and recommended, but prime priority was given to the economic base. On this point, consensus amounted to unanimity.

3. CENTRAL SUBJECTS OF OTHER PANELS: "THE PROBLEMS ARE ALL OF A PIECE"

The view that "the problems are all of a piece" was accepted and reiterated frequently:

Almost everything we say about the Negro family here goes back to one of the other sessions....

The report on the Negro family was not designed to be introduced in any way as if it were a new element to explain the situation of the Negro in America. On the contrary. The report was designed simply to show...the effect...the results of unemployment, of the ghetto, of discrimination, of bad health, of low pay....

4. DISCRIMINATION DIMINISHES OPTIONS

The panel was reminded repeatedly that "discrimination is not passe." The ways in which deprivation of civil rights leads to other deprivations were prominent concerns. Prominent among the deprivations pointed out was the lack of choices, options, alternatives for poor families. If "the poor" feel fatalistic and robbed of choices, it is because to so large an extent they are not in a position to choose:

"The real horror of the ghetto today is lack of choice."

5. FAMILY RIGHTS TO RESOURCES

Although the focus of attention in these planning sessions was the low-income Negro family, the point was frequently made that whether it be rich or poor, white or Negro, the family today is not free of problems. Furthermore, there was agreement that American families have the right to certain basic resources:

We want family goals which are essentially the same for Negroes as well as whites, for rich as well as poor -- goals which are essentially the same but which would permit wide variation and individual differences..

Every child born in the society has a right to those resources and experiences which will socialize him in such a way that he can function in the society as it is....

* * *

B. Specific Proposals

In general, the specific proposals fall into two major categories -- (1) economic and (2) non-economic supports for family viability and choice.

1. Family income and a sense of status through jobs. High among proposals for providing adequate and stable income families was a full employment policy. The chief special means mentioned were public works and needed services, with the constant reminder that these should be undertaken on a massive scale and should be necessary and useful activities: "No made work, no busy work."

2. Among the sources in addition to jobs proposed as possibilities of assuring adequate income were family allowances, guaranteed minimal income, negative income tax.

3. Also mentioned were innovative services and added protections for families that would have the effects of generating and preserving income.

4. Among the supports needed by families, housing and housing subsidies were prominently mentioned. It is not only the poor, it was pointed out, who need help with housing. The marginal or moderate income family also requires help with this, as well as with education. And here again, it was stressed that the family requires help as a right, not as charity.

5. The Head Start concept and approach received firm endorsement as an undertaking that might generate meaningful, productive jobs. It was urged that this kind of program be broadened to include Head Start programs for adolescents, for adults, and for older people. Such programs, it was felt, can offer real support to family life, giving children enrichment they have not received before, giving adults opportunities for work that is rewarding psychologically and financially, and at the same time laying a basis for improved family life.

The necessity of thinking in terms of "jobs for the future" and "education for the future", rather than current needs only, was stressed in connection with economic maintenance and meaningful work proposals, particularly with respect to youth.

Among the suggestions for making more jobs available for youths was the the rewriting of "all the job descriptions in this country that are overwritten." Here it was felt that many jobs can be successfully performed by those who are now automatically ruled out by arbitrary and irrelevant "qualifications."

6. Although family planning was mentioned seldom, it was heartily supported and appeared to be unanimously endorsed. The present large number of unwanted pregnancies was seen as a threat to marital and also to economic stability.

7. The thought was expressed by some participants that a prime objective of efforts to improve the overall economic and social position of the Negro should be the broadening of the Negro middle class:

This is one way of getting people into skilled trades -- and the payoff is money. And the payoff is also a different kind of community circumstances...which gives a better chance to survive in the rather complex situation in which we exist.

8. The need to deal with family problems arising from internal relationships, as well as from external pressures. There were repeated reminders that the concern for better family living includes a concern for relationships within the family as well as for the external pressures operating on the family. The thought was expressed that "the automatic relieving of the external pressures does not automatically take care of the pressures of family life."

I think the sense of this whole gathering has been that the most important thing that needs to be done is to get families involved together -- whole families involved with each other and within the family itself.

Although the discussion of the panel neither developed nor projected a picture of a self-perpetuating "tangle of pathology" that would not respond to sharply increased employment of Negro men, it did focus on recognition of long-standing conditions that need to be attacked through the provision of non-economic as well as economic supports. Among the problems referred to and discussed were births out of wedlock, health, housing, parental control of younger children, and extra-family influences. The discussion of illegitimacy, for example, focused on the need for programs of prevention as well as more effective and enlightened ways of dealing with children and mothers in out-of-wedlock situations.

9. Needs in services and programs for families. One cluster of concerns is related to the fragmentation of services and its effects on families and communities. The magnitude and the complexity of administrative problems were recognized, although this recognition did not diminish concern for the results of these problems. There were more questions than answers concerning ways of inter-relating government and non-governmental programs, national, state and local operations. But the need for better coordination among all was strongly stated.

There is a need to find some central clearing house in the Government and outside...so that these programs pull together for a change. And I don't think this is limited to programs for the Negro and the Negro family. This is true all the way across the board.

One type of proposal was for multi-service agencies in which health, education and welfare services would be centralized. These would not be merely referral centers, but offer integrated services. Such centers would be family-oriented and community-based.

10. To some extent, programs were felt to be inadequate because of insufficient funds. However, the way available funds were used also came in for criticism. One proposal called for review of existing programs and the application of specific criteria to their operation: for example, a requirement that there be a certain ratio of money spent on administrative structure to money funnelled into direct services or activities providing direct income for poor people.

11. Two cogent points were made by one of the resource persons: (1) there is a lack of information in some quarters about programs that are available or possible under provisions of current legislation, and (2) the program lags and gaps are frequently at the state and local--not the Federal--level.

...And I would like to submit for consideration of the group the idea that some of these opportunities that are available at the Federal level should become obligatory on the states rather than a matter of choice.

The most positive proposals involving family and child services concerned the need for new administrative structures. The most negative comments related to the actual carrying out of current programs.

12. Considerable attention was given to the ways in which the administration of programs discriminates against Negroes: for example, the preference of maternity homes for white unmarried mothers, the tendency of private institutions to take "the child that is easiest," leaving the Negro child to a public hospital where he is "given diagnosis but not treatment," the differences in treatment of juvenile delinquents who are white or non-white, poor or nonpoor.

13. Comments about personnel in programs dealing directly with families touched on the need for training, and on efforts to change attitudes that frequently combine impersonality with disrespect. Perhaps, it was suggested, the practitioner is part of the problem, and not just the family.

14. Some saw running throughout much of the discussion a crucial question -- whether we shoot for integration or for strengthening the Negro community through increased services and income. These were not seen as mutually exclusive, since it was proposed that simultaneous efforts to provide for both might foster economic viability and enable many families now relatively powerless to exercise options and command events.

15. Until such times as the viability and choice of low-income Negro families has been significantly improved -- and one sign of significant change would be more fathers in the home -- two kinds of support were recommended especially; (1) help for the low-income mother in her multiple roles -- homemaker, child rearer, and breadwinner; (2) effective role models for children -- girls as well as boys.

16. Effective male models. Whether or not the male model must be resident in the home, however, there was no dissent from the proposition that boys -- and girls, too -- need to have before them the examples of competent, responsible, achieving men. The best way to achieve male models, it was felt, is to provide jobs for men so they are members of the community. Let youngsters see men naturally filling jobs that command respect.

Among suggested new sources for effective male models were: more male teachers in elementary and high schools, male aids in non-professional capacities helping professional workers.

17. Emphasis was placed on the need for new institutions for young people, the parents of tomorrow -- institutions that will give them imagination, role, worth, excitement and a sense of fulfillment as did the Peace Corps and the civil rights movement.

18. Among the strongest and most frequent complaints about old and new family-oriented programs was failure to involve those concerned -- that is, the poor; failure to ask them and failure to listen to them. Three not inconsistent points about the involvement of the poor were set forth:

- (a) There are articulate people among the poor who might make contributions to planning and programs affecting the family;
- (b) The absence of large numbers of the poor from the planning session does not necessarily mean that effective planning for poor families is impractical; and
- (c) The poor should be represented in significant numbers at the proposed spring conference.

*

*

*

On the first day, during a discussion of the objectives of the planning session, one participant suggested:

I wonder if our goals should not be to try to discover if it is true that the economic basis is the main thrust of all our solutions.

During the discussion of the second day he said:

Throughout the conference, I have undergone a complete turn around.... I have come back to the classic position -- to the point of what is absolutely necessary. Is the goal of full employment absolutely necessary? Is that the only way of dealing with the necessity of competing socially so that the ideals of the family and the person are raised? In the present state of society, I suppose it's necessary....I would think that almost anything we would say would first have full employment as a central thrust and all of the rest of this is frosting on the cake. I've changed. I've turned around from hearing all of you talk.

*

*

*

PRELIMINARY SUMMARY

10/20/52

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

HEALTH AND WELFARE

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on Health and Welfare of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Mr. Lisle C. Carter, Assistant Director for Interagency Relations, Office of Economic Opportunity. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

The sessions of the panel on Health and Welfare were chaired by Whitney Young, Executive Director of the National Urban League on the first day, and by James S. Dumpson, Professor, School of Social Work, Hunter College, on the second day.

At the outset the panel discussed the agenda which had been submitted to the participants. The agenda was accepted, with the understanding

that greater emphasis would be given to discrimination in the provision of services and the implementation of Title VI.

The following were among the major problems identified as affecting Negro Americans in the areas of health and welfare, and the proposals for solution.

a. The total lack of availability of such services in some places, particularly in the rural South. Related to this the failure of state and local governments to take advantage of existing Federal programs.

b. Discrimination in the provision of services, where they are available, which often results in deprivation of the services or in indignity in their receipt.

c. Regardless of discrimination, the lack of accessibility and the manner in which services were provided that often impeded their utilization. These impediments include:

1. The conditions under which services are provided -- location, adequacy of facilities, and quality and attitude of personnel.

2. The public attitudes towards persons who use public health and welfare services that regard such users as less worthy and therefore worthy of less.

d. Lack of information on the part of civil rights groups, consumer groups and potential beneficiaries concerning health and welfare programs or services, and their rights with respect to such programs or services.

e. The powerlessness, or sense of powerlessness, of recipients, actual or potential, to do anything about the above problems, which leads to an increased sense of dependency.

PROPOSALS

The general proposals and the minority views expressed below include both immediate steps and longer range efforts which may be of substantial value in solving these problems. These proposals or views are by no means always complementary, but represent the suggestions made during the discussion sessions.

Recommendations emanating from the panel's deliberations are divided into three major categories:

I. General Proposals Reflecting the Consensus of the Group

II. Proposals or Points of View Expressed by One or Several Individuals in the Group

III. Proposals of Interim Importance for Implementation Before the Spring Conference

Those general proposals on which there was a consensus, and which are also of interim importance, are noted under both categories I and III.

Planning and design of the Spring Conference will be covered in a subsequent report.

I. GENERAL PROPOSALS REFLECTING THE CONSENSUS OF THE HEALTH AND WELFARE GROUP

A. The Federal Government should establish standards for the quality, availability, accessibility and acceptability of health and welfare services. Where these standards are not met, the Federal Government should be empowered and enabled to contract for the direct provision of such services.

B. Sufficient funds should be appropriated for the Department of Health, Education and Welfare to fully implement the prohibition against discrimination contained in Title VI of the Civil Rights Act of 1964. The panel felt that insufficient funds were devoted to administering Title VI.

C. Fundamental changes are required in the organization and delivery of both health and welfare services, to assure that the high quality of services that the nation's scientific and economic development has made possible will benefit all Americans.

D. The Spring Conference agenda should include a discussion of the several aspects of family planning services including:

1. The problem of variations in access to family planning services by different economic and racial groups, and the implications of such variations.

2. Freedom from coercion. These services should be used only by choice of the client, and dispensed with respect for all clients' religious and personal beliefs. They should not become prerequisite to receipt of other services.

E. In order to make health and welfare services effective and responsive to the needs of the persons being served, the recipients of service must be actively involved in decision-making with respect to the nature, location and other circumstances under which services are rendered.

F. The Federal Government should provide a forum in which recipients of service or potential recipients of service, and their representatives, are brought together with those who are responsible for the provision of services, particularly under public auspices, and particularly in the South -- so that responsible public officials, at all levels, will be made more aware of the needs, desires, and demands of the recipients of service, and that continuing communication may be established.

G. To reduce unemployment and attendant dependency upon cash benefits, government at all levels, and private agencies of all kinds should take immediate action to support and facilitate the recruitment, training, and employment of nonprofessionals in large numbers. Trained nonprofessionals should be utilized extensively in health, welfare, education, and other services, both in order to provide more effective and appropriate service, and to permit the more effective utilization of scarce professional manpower.

H. There should be a universal adult literacy program which is available as a right to all who wish to avail themselves of it.

I. Fundamental changes are needed in public policy to provide all persons with a decent level of income, in circumstances which maintain the full dignity of the recipient. Immediate improvements can be made in public assistance programs to assure that they operate in all states at a uniform minimum level of decency.

II. PROPOSALS OR POINTS OF VIEW EXPRESSED BY ONE OR SEVERAL INDIVIDUALS IN THE GROUP

Availability of Services

A. The Conference should give considerable attention to the arguments pro and con about a federally-operated program of health and welfare services.

Arguments pro:

1. Uniformity of standards
2. Higher quality of service
3. Safeguard for minority rights particularly in any state where a government, unresponsive to Negro needs for services, forms a barrier to delivery of services.

4. Better administration, organizational structure, and personnel placement.
5. Greater adequacy of grants

Arguments con:

1. Deviation from existing policies of Federal-state relationships and necessity for modification of our legal philosophy.
2. Loss or diminution of local relationship to local needs and consequent difficulty of keeping programs related.
3. Resistance based upon established U.S. traditions.

B. Abolish the Federal-state grant system and advance to a regional planning system to assure access to the most recent health and welfare facilities without severe burdens on each state or community.

C. Abolish the several categories of public assistance, and the locally-determined means test and residency requirements for receiving public assistance. Establish need, as determined by a Federal eligibility scale, as the sole criteria for receipt of assistance.

D. More attention should be focused on mental health programs (particularly in the South) and the need for staffing such programs with adequately trained personnel.

Discrimination in Provision of Services

A. Since the provisions of Title VI of the Civil Rights Act of 1964 cover more than 190 programs administered by 21 Federal departments and agencies which in fiscal 1966 will distribute over \$18 billion in Federal benefits, Federal funds should also be appropriated for full implementation and enforcement of Title VI. There should be a study in depth of personnel requirements for adequate staffing of all Federal installations having responsibilities under Title VI. To facilitate Federal monitoring of involved programs, the administrative structure should include specially trained personnel and an improved mechanism for detection of non-compliance. Existing personnel resources should be supplemented by additional and better-trained staff for investigation of complaints and local hearings.

B. The U.S. Public Health Service should establish a unit with a surveillance function to give special attention to providing presently available and new health services to minority groups, particularly from the standpoint of quality and accessibility of services. There is a pressing need for integration of the boards and staffs of all public and private agencies.

C. The U.S. Public Health Service and other agencies in the Department of Health, Education and Welfare should integrate their staffs, from top to bottom now; for it is these agencies that serve as the model for local agencies handling programs administered by that Department.

D. The Federal Government should establish centers to facilitate the adjustment of migrant Negroes and immigrants. White immigrants are already provided some services of this kind, migrant Negroes are not.

E. A Federal land and farm equipment grant program should be established for all southerners who are forced out of their homes and jobs in reprisal for their participation in civil rights activities. Such a measure would allow those who wish to remain in the South and would minimize migration to urban areas by persons best equipped to earn a living in rural areas.

F. Civil rights and other local groups should compile documentation of infringements of Title VI, and of other legal rights accruing to beneficiaries of public programs.

G. Civil rights and other local groups must be fully and accurately informed of the instances in which evidence of non-compliance may be submitted directly to the Federal Government for federal action for non-compliance rather than having to go through the individual appeal process.

H. Special attention should be given to the problem of obtaining hospital staff appointments for Negro physicians--by government at all levels, medical groups, hospital associations and other related organizations.

I. There should be a special effort to recruit young Negroes for health and para-medical occupations. There should be special programs to help Negro college graduates qualify for graduate training in health and para-medical occupations.

Accessibility of Services

A. In order to project the poor into the mainstream of American medicine, medical services should be organized to meet the health needs of all people

and to be used by all people--those who are able to pay for services would be charged accordingly.

B. Neighborhood cooperatives should be developed by community residents to whom experts would be accountable for their technical assistance.

C. Each community must have a top-level social policy of provision of services on a coordinated basis.

D. Health services should be neighborhood-based, and staffed with well-trained and well-salaried personnel who are able to communicate with the patients.

E. Explore the possibility of use of VISTA volunteers in medical and para-medical capacities for health programs in urban ghettos and in the South generally.

Dissemination of Information

A. There must be devised and implemented an efficient system of informing citizens of their rights to health and welfare services under existing legislation. This system must be designed not only to give pertinent data relating to the nature of programs but also to give explicit instructions relating to program participation, either individual or otherwise. This may be accomplished by campaigns conducted through the communications media or information programs conducted by community agencies.

B. There must be an information mechanism which serves the specific purpose of advertising to the citizen the various recourses available to him for infringement of his rights as a beneficiary of a public program.

Means to Decrease Dependency

A. There should be some consideration of the degree to which non-professionals can be of assistance to professionals in various occupational areas, and whether non-professionals should be trained as specialists or generalists.

B. The agenda should include consideration of the "expeditor role" which has significant value in many categories of the Health and Welfare Planning Session deliberations:

1. Making the poor aware of available benefits.
2. Assisting the poor to avail themselves of services.
3. Grievance procedures for correction of abuses.

As much as possible, expeditors, those who are actually in the neighborhoods with the persons most in need of services, should be incorporated into the governmental personnel structure. Since this measure alone cannot accomplish the job completely, this new breed of worker should also be used by private groups.

C. Colleges should be used as training facilities for non-professional personnel.

D. Basic education is preliminary to the exercise and enjoyment of any civil rights. In our present society one must know how to read. If the Conference were to accomplish nothing else but to launch an effective national campaign to eliminate illiteracy, it shall then have achieved a great goal.

E. Voluntary organizations should be encouraged to sponsor (i.e., provide legal services either from within or outside its ranks) violation cases through the entire appeal process--from the filing of complaints through court actions--and to file briefs as amicus curiae in pending cases with regard to violation of rights in the provision of health and welfare services.

F. Legal representation in civil cases should become a "right," just as it is in criminal cases as established by Gideon v. Wainright.

G. Some system of proportional representation for election to state and local legislative bodies is needed to offer opportunity for minority ethnic and economic groups to have a voice in government.

H. Welfare programs and services should be organized and administered with a recognizable focus on rehabilitation and/or developing the ability of the Negro to break dependency upon welfare where this is a realistic goal for the particular recipient of services.

I. The neighborhood service center should be viewed as the focal point for consumer "participation and representation."

J. It is recommended that a brief be prepared in analysis of a Federally-guaranteed minimum income policy that is directed toward reducing the causes of poverty. This brief should include specification of the chief features to be incorporated in a program to implement the policy, such as:

1. A universal guaranteed minimum income incorporated as the middle level in a three deck system, that is, between the contributing social insurance system and the public assistance program. This would have the following advantages:

a. It would permit the contributory social insurance system to be developed explicitly as a conservator of middle-income levels of living.

b. It would free enormous amounts of financial and manpower resources in state welfare departments to develop statewide networks of services to families and children.

K. A provision for state and local welfare departments to continue to provide financial assistance to persons in need because of emergency situations such as fires, floods, and other acts of nature, because of personal emergencies and also because of their inability to handle their funds.

L. Every means should be used to reduce the number of persons dependent, on the basis of "need," upon such assistance as free health and social service programs. This may be accomplished by extension of social insurance coverage and expansion of public works or public employment programs.

M. The provision of welfare services and cash assistance should be administratively separate services.

Other Proposals Not Specifically Related to Health and Welfare

A. Perhaps the most basic consideration in "Fulfilling These Rights" is the need of a constitutional convention to consider such items as:

1. Reorganization of the states.
2. Representation in the Congress.
3. Review of some aspects of the executive and judicial branches of our government.

B. The Conference should be a Federal program to stimulate the moral consciousness, to encourage a change in attitudes of white America; a crash program to stimulate and exert a positive influence on the thinking of the white majority as to their responsibility in becoming aware of the existence of, and the plight of, the Negro and other minority groups in the United States. For all too long, the Negro does not exist in the consciousness of white America. The Negro has been so completely and so generally excluded from the mainstream of ordinary life that until the "sit-ins" and the protest groups, the average American never gave a second thought to the fact that the Negro exists as a person; thus, the wholesale denial. It is therefore just as important to make the Negro more aware of his rights, as it is necessary to approach white America to acquaint them with their responsibility and arouse their consciousness. That must be done in order to make real the proposals and the gains which have been provided through the 1964 Civil Rights Act!

III. PROPOSALS OF INTERIM IMPORTANCE FOR IMPLEMENTATION BEFORE THE SPRING CONFERENCE

Discrimination in Provision of Services

A. Sufficient funds should be appropriated to the Department of Health, Education and Welfare to fully implement the prohibition against discrimination contained in Title VI of the Civil Rights Act of 1964.

B. The Federal Government should provide a forum in which recipients of service or potential recipients of service, and their representatives, are brought together with those who are responsible for the provision of services, particularly under public auspices, and particularly in the South-- so that responsible public officials, at all levels, will be made more aware of the needs, desires, and demands of the recipients of service, and that continuing communication may be established.

C. Federal officials should continually communicate more closely with indigenous people on the firing line in the South, those people who know first-hand of the intimidation of welfare recipients and other program beneficiaries.

Other Proposals Not Specifically Related to Health and Welfare

In order to commit and involve the citizenry of all levels in all communities across the nation, to involve those critics who were not invited to the Planning Session, to provide psychological outlets for ventilation of relevant problems, and to generally support the President and the Conference, the Spring Meeting should be made a public forum on civil rights by the President inviting all--via nationwide broadcast--to submit ideas for "Next Steps."

SUMMARY

Health and Welfare

This panel listed the lack of availability and accessibility of services, discrimination in the provision of services, lack of information, and the powerlessness of recipients as the major problems in health and welfare. The panel urged consideration of the following proposals to remedy these difficulties:

A. Availability of Services.

1. Establishment of standards by the federal government for the quality, availability, accessibility and acceptability of health and welfare facilities.
2. Fundamental changes in the organization and delivery of services to take better advantage of the nation's scientific and economic development.
3. Provision for family planning services free from coercion in respect for all client religious and personal beliefs; attention given to variations in access to family planning services by different economic and racial groups.
4. Availability of a universal adult literacy program for all who wish to avail themselves of it.
5. Study and attention to the arguments for and against a federally-operated program of health and welfare services.
6. Consideration of alternatives to the present organization of the welfare system: (a) abolishing the federal-state grant system and developing a regional planning system; (b) abolishing categories of public assistance, locally-determined means tests and residency requirements and substitution of a federal eligibility scale establishing need as the sole criterion for assistance; and (c) reimbursement to the states by the federal government for payments to non-residents until legal residency is established (as an alternative to abolition of the residency requirement).
7. More adequate mental health programs (particularly in the South) and staffing such programs with adequately trained personnel.

B. Discrimination in Provision of Services.

1. Appropriation of funds for full implementation and enforcement of Title VI of the 1964 Civil Rights Act, including provision for specially trained personnel and an improved mechanism for detection of non-compliance.

2. Establishing fact-finding programs to determine the extent to which federal funds are being used to maintain segregation and other forms of discrimination (e. g., by requiring hospitals and other health facilities to file check lists of their practices).
3. Compilation by civil rights and other local groups of documentation concerning infringements of Title VI.
4. Dissemination of information to civil rights and other local groups as to instances in which evidence of non-compliance may be submitted directly to the federal government for federal action rather than having to go through the individual appeal process.
5. Establishment of a unit of the U. S. Public Health Service with a surveillance function giving special attention to providing health services to minority groups.
6. Maintenance by the Public Health Service of racial statistics on all health and welfare programs in order to determine areas of needed improvement and additional funds.
7. Publication by the National Center for Health Statistics of an annual inventory of the health status of minorities.

C. Negroes in Health Professions.

1. Better enforcement by the federal government of its powers under Title VI to require state medical schools to admit Negro students. Improved recruitment by medical schools at Negro colleges and provision for adequate scholarships.
2. Attention to the problem of obtaining hospital staff appointments for Negro physicians through the efforts of government, medical organizations and hospital associations.
3. Special efforts to recruit young Negroes for health and para-medical occupations supported by special programs to assist graduates of Negro colleges to qualify (e. g., through accelerated summer study or a fifth year of study between college and professional school).
4. Promotion by national medical, dental and hospital associations of compliance by their local affiliates with announced policies of non-discrimination.

5. Integration of the boards and staffs of all public and private health and welfare agencies (e. g. , the Public Health Service and other agencies of HEW).

D. Accessibility of Services.

1. Organization of medical services to assure accessibility to all who need them (with payment by those who are able to pay and government or private agencies paying for needy recipients).
2. Overcoming consumer ignorance by teaching what constitutes adequate medical care so that consumers may assess the adequacy of health services and make demands for new and improved services.
3. Coordination of services at the top level of state and local governments to avoid fragmentation.
4. Provision for neighborhood-based health services staffed with personnel who are able to communicate with the patients in their own language.
5. Possible use of VISTA volunteers in medical and para-medical capacities for health programs in urban ghettos and throughout the South.
6. Development of neighborhood cooperatives by community residents (to whom experts would be accountable for their technical assistance).

E. Dissemination of Information.

1. Devising and implementing an efficient system of informing citizens of their rights to health and welfare services under existing legislation.
2. Establishing an information mechanism to advertise to the citizens the various resources available to them against infringement of their rights as beneficiaries of public programs.

F. Means to Decrease Dependency.

1. Fundamental changes to assure all persons of a decent level of income while maintaining the full dignity of recipients. Improvements in public assistance programs to assure that they operate in all states at a uniform minimum level of decency.

2. Involvement of recipients of services in decision-making with respect to the nature, location and other circumstances under which services are rendered. Provision by the federal government of a forum for continuing communication in which recipients of services are brought together with officials.

G. Use of Non-Professionals.

1. Employment of non-professional workers in "expediter roles" to make the poor aware of available benefits and grievance procedures and to assist the poor to avail themselves of services.
2. Consideration of the following questions concerning use of non-professional manpower: (a) the degree to which non-professionals can assist professionals in various occupations; (b) whether non-professionals should be trained as specialists or generalists; (c) the use of Negro colleges or the Job Corps as a major base for training non-professional personnel; and (d) examination of professional attitudes which hinder effective use of the non-professional.
3. Launching an effective national campaign to eliminate illiteracy as a component of in-service training on jobs and for mothers in combination with day care services.

H. Rights of Recipients.

1. Provision for legal services sponsored by voluntary organizations to carry violation cases through the entire appeal process and to file amicus curiae briefs in pending cases.
2. Legal representation as of right in civil rights cases as it is in criminal cases.

I. Guaranteed Income, Rehabilitation.

1. Establishing a federal universal guaranteed minimum income, incorporated as the middle level in a three-deck system between the contributing social insurance system and the public assistance program.
2. Provision that state and local welfare departments provide financial assistance in connection with emergency situations both public (e. g., fires, floods) and personal (to be the primary state function after the federal government has taken over most welfare functions).

3. Reduction of the number of persons dependent upon assistance on the basis of "need" through free health and social service programs, extension of welfare services and expansion of public works or public employment programs.
4. Administration of welfare programs with a focus on rehabilitation and/or developing the ability of the Negro to break dependency upon welfare.
5. Separate administration of welfare services and of cash assistance programs.

J. Other Proposals.

1. Establishment of neighborhood service centers as the focal point for consumer "participation and representation."
2. Establishment by the federal government of centers to facilitate the adjustment of migrant Negroes and immigrants.
3. Establishment of a federal land and farm equipment grant program for southerners forced out of their homes and jobs in reprisal for civil rights activities.
4. Availability of family planning services to both married and unmarried females.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

VOTING AND CITIZENSHIP PARTICIPATION

December 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on Voting and Citizenship Participation of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the directors of the committee for the panel, Mr. Wiley Branton, Special Assistant to the Attorney General, Department of Justice, and Mr. Sterling Tucker, Director of the Washington Urban League. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

VOTING AND CITIZENSHIP PARTICIPATION - PRELIMINARY REPORT

- 2 -

The Panel on Voting and Citizenship Participation was attended by approximately 37 invitees, about half of whom were from the South. The participants met together in all of the sessions except for the Thursday morning session when the group split into North and South panels.

Most of the ideas or proposals by the group were based on those in the agenda paper. Many of the members were, however, concerned with the nature of the Negro power base in this country, and how political power should be developed. Implicit throughout the discussion was the panelists' belief that the mass of Negroes is isolated from the mainstream of political life. Assuming that the registration of voters is based on the premise that political power will redress wrongs, how will the vote lead to effective power on social and economic issues? Some felt that absorbing the Negro minority into the general electorate would negate any ability to act on issues of concern to the Negro masses, and that the only solution is maintenance of separate Negro entities and voting blocs. No solutions or consensus arose from these discussions, but it was very much on the minds of the panelists as they considered the more specific proposals for achieving and utilizing the right to vote, as follows:

I. UNIFORM REGISTRATION AND VOTING LAWS

A. National Standards

High on the Panel's list of priorities was the need for a constitutional amendment to set up uniform registration and voting laws. This was considered necessary not only to insure maximum enfranchisement in the South, but also to encourage full citizen participation in the North.

Some of the panel wanted to establish the minimum national voting age at 18. Others wanted to eliminate residency and literacy requirements and to establish voter registration by mail.

The status of the present litigation seeking to remove the requirement of poll tax payment as a prerequisite for voting was explained by a Justice Department official. Participants suggested that plans be made for the submission of a constitutional amendment to outlaw the poll tax in the event the present litigation is unsuccessful. Until the matter is adjudicated, the continued payment of poll taxes should be encouraged.

B. Universal and Permanent Registration

The majority of the panel supported universal and permanent registration. It was suggested that this could be accomplished by utilizing computers and the data already collected for social security and income tax records. One panelist suggested that the Federal Government could issue registration cards for voting at the same time it issued social security cards.

C. Ending Registration System

Some of the panelists wanted to eliminate the registration process.

D. Federal Control of Voting

It was suggested that there be a Federal study on the mechanics of the voting process. It was felt that the present system left the control of the voting apparatus and selection of election officials in the hands of the major parties. It was felt that such a system did not always insure the secret ballot, encouraged election fraud, and was not equipped to handle the increasing numbers of voters.

It was felt that election fraud, whether on the national or local level, should be made a Federal crime.

Some of the panelists supported a nation-wide system of voting while others suggested that Federal grants or matching funds be given to states in order to enable them to standardize their voting procedures and purchase computers and other equipment.

II. THE VOTING RIGHTS ACT OF 1965

A. Responsibility of the Government

It was felt that the government must adopt a firm and aggressive attitude in encouraging citizens to register and vote. It should assume the responsibility for getting people registered in those areas where the Negroes have been intimidated.

The President should use the full force of his office to launch a campaign for full citizenship. He should issue an executive order requiring all Federal agencies to cooperate in an effort to get people registered and make all Federal facilities available to assist in the effort.

B. Protection for Voters

In view of the pressures put on the Southern Negro who tries to register or vote, the Government has a strong obligation to insure that such persons are afforded full protection from physical violence and economic reprisal.

The Government must take swift action in prosecuting persons who deny others the right to vote. Statutes such as 19 USC 242 and 243, and the \$500 fine for infringement of voting rights, must be enforced.

Federal marshals should be assigned to registration or voting sites where there is a question of intimidation.

C. Use of Federal Registrars

Many of the panelists felt that the Government must recognize that broad-scale voluntary compliance with the Voting Act is not going to come about in the South. The Government should take immediate steps to increase the number of Federal registrars and to put them in all areas covered by the Act.

Similarly, the panelists felt that the present system, which requires that the individual collect evidence of refusal to register, places a heavy burden on the individual. They also felt that the Government was not prompt enough in providing registrars once complaints had been made; and that such delays meant a diminishment in the numbers of Negroes willing to try to register again.

The Justice Department has a responsibility not only to place Federal registrars but also to see that civil rights and local groups were given advance notice of the appointment in given areas.

The Justice Department must take an active role in promoting registration with registrars through an imaginative and active program of advertisement. It was suggested that all agencies of the Department of Agriculture, and other departments which are active in disseminating information in the South, could be used as outlets for disseminating information on voting registration. Another panelist thought that the information should be given out in public schools so that children could take it home to their parents.

It is imperative that the registrar offices be more accessible to the community. It was urged that their hours be changed to make them available in the evening and on weekends.

Federal registrars should be more mobile. Every tax-supported facility in the community -- schools, firehouses, libraries and post offices, etc. -- should be opened for registration. Police stations and courthouses should not be used in the South because of their negative connotations for the Negro community.

Federal registrars should use mobile units and operate on regular schedules that would be announced well in advance.

The Justice Department should investigate the possibility of using "deputy registrars," as in California. Such "deputy registrars" could canvass neighborhoods for potential registrants and would be authorized to register on the spot. The Department should also consider using postmasters as registrars.

D. Financial Impediments to Registration

Registration drives are costly; Federal funds should be made available to assist in voter registration drives. Grants by private foundations and individual contributors should be encouraged to support registration efforts. Some of the participants felt that the Federal Government should take over the full responsibility and cost of voter registration.

E. Federal Enforcement

Larger appropriations and, if needed, new legislation, should be provided in order to give the Department of Justice the powers it needs to enforce the Act.

III. INCENTIVES FOR INCREASED VOTER REGISTRATION AND CITIZEN PARTICIPATION

While there was substantial agreement on the need for Federal action in establishing a uniform registration and voting system and to enforce the 1965 Voting Act, the panel was divided on the role the Federal Government could, should, and would be able to play in providing political education and motivation for the Negro.

A. The Hatch Act

One area in which Federal action was deemed necessary was in providing clarification and possible amendment of the Hatch Act. Many of the potential leaders in the Negro community are Federal employees and it was felt that the Hatch Act restricted their participation in political activities.

The Government should make it possible for them to exercise their full leadership potential. It should also conduct a public relations campaign to explain what the Hatch Act now permits or prohibits. It was felt that many state and local government employees, including school teachers, fear the loss of their jobs if they get "involved in politics" under the mistaken belief that they are also covered by the Federal law.

B. Mandatory Registration

There was some discussion of whether it should be mandatory for all citizens to register and vote, but there was no consensus on this.

C. Election Day

There were a number of suggestions that Election Day be made a national holiday. Other panelists wanted to hold elections over a two-day period or on Sundays.

It was also suggested that voting booths be set up in all businesses which employ more than 100 persons.

D. Political Education

There were a number of suggestions for nation-wide programs for educating the Negro in his rights, opportunities and powers in the political system. These included suggestions for the establishment of a national Citizenship House to assimilate information and train indigenous leaders, compulsory courses in high school on voter registration, neighborhood centers for citizenship education, and political education and crash programs to eliminate illiteracy.

It was felt that assistance in the form of grants to encourage more political education should be provided. Many panelists felt that the poverty program had both the funds and the authority to establish such programs; others felt that it was unrealistic to expect the Office of Economic Opportunity to conduct nonpartisan training.

E. Political Parties

There was a strong feeling that the major political parties were not sufficiently responsive to the Negro or his needs. It was felt that more Negroes should be in national policy-making positions.

Most of the panelists felt that civil rights groups should put pressure on these parties to force them to consider issues such as housing, employment and income which affect the Negro. Equal pressure should be applied to see that more Negroes are appointed on the local level and that local organizations are more active in registering minorities.

It was felt that Negro groups should organize on the precinct level and be active in county and district meetings.

If it is assumed that party organization is a legitimate function of democratic society such organization must be maintained at public expense if there is to be meaningful competition. Government, both Federal and local, must assume some of the financial burdens of running for office. It was suggested that free broadcast time be provided all candidates, as well as free mailing service. Another participant advocated that political contributions be made tax exempt.

F. Neighborhood Organizations

It was suggested repeatedly that there is a need for stronger neighborhood organizations, perhaps supported by federal funds, to gain power for Negro citizens to enable them to solve their problems; questions were raised as to whether it is naive to assume that the Federal Government would make funds available to Negro-led organizations whose aim is the achievement of political power.

IV. PROPOSALS OF INTERIM IMPORTANCE BEFORE THE SPRING CONFERENCE

- A. There was general agreement that the Federal Government should immediately adopt a more aggressive attitude in encouraging citizens to register and vote.
- B. A presidential executive order could create a Commission on Registration and Voting to coordinate the Government's involvement in registration.
- C. The Attorney General should consider the certification of more counties for Federal examiners and there should be neighborhood and mobile examiners in those areas which are heavily populated by Negroes.

SUMMARY

Voting and Citizenship Participation

This panel concluded that Negroes are isolated from the mainstream of political life and discussed registration and voting as the instrument through which political power can be made available to Negroes to redress wrongs. The panel made the following specific proposals in this area:

A. Registration and Voting Laws.

1. Establishment of national standards in registration and voting:
 - a. A constitutional amendment to set up uniform registration and voting laws.
 - b. Consideration of establishing 18 as the national voting age.
 - c. Consideration of eliminating residency and literacy requirements and establishing registration by mail.
2. Establishment of universal and permanent registration, perhaps by utilizing computers and the data already collected for social security and income tax records.
3. Elimination of the registration process as an alternative to reform of registration.
4. Conducting a federal study of the mechanics of the voting process to better guarantee the secret ballot, eliminate election fraud, and increase efficiency in the handling of the increasing number of voters.
5. Making election fraud on the national or local level a federal crime.
6. Consideration of a nationwide system of voting, or federal grants to the states to enable them to standardize voting procedures and purchase computers and other equipment.
7. A Presidential executive order creating a **commission** on registration and voting to coordinate the government's involvement in registration.

B. Enforcement of the Voting Rights Act of 1965.

1. Adoption by the federal government of a firm and aggressive attitude in encouraging citizens to register and vote. Assumption of responsibility by the government for getting people registered in areas where the Negroes have been intimidated.
2. Issuance of an executive order by the President requiring all federal agencies to cooperate in an effort to get people registered and make all federal facilities available to assist in the effort.
3. Protection for voters:
 - a. Assurance of full protection from physical violence and economic reprisal against southern Negroes who try to register or vote.
 - b. Enforcement of existing statutes providing fines for infringement of voting rights.
 - c. Assignment of federal marshalls to registration or voting sites where there is a question of intimidation.
4. Use of federal registrars:
 - a. Increase the number of federal registrars by placing them in all areas covered by the voting rights act.
 - b. Improvement of the system whereby the individual must collect evidence of refusal to register and more prompt government action in providing registrars once complaints have been made.
 - c. Advance notice to civil rights and local groups of appointments of registrars in given areas.
 - d. An active program of advertisement to promote registration with federal registrars (possibly through existing outlets of the Department of Agriculture and other agencies or through the distribution of information in public schools).
 - e. More accessibility of registrar offices in the communities and availability for registration in the evenings and on weekends.

- f. Greater mobility of federal registrars through use of every tax-supported facility in the community (e.g., schools, firehouses, libraries and post offices) and avoidance of police stations and court houses with their negative connotations in the South.
 - g. Use of mobile units operated on a regular schedule by federal registrars.
 - h. Possible use of "deputy registrars" (as are used in California) to canvass neighborhoods and register on the spot.
- 5. Availability of federal funds and promotion of programs by private foundations and individuals to support registration efforts. Consideration of the federal government taking responsibility and bear the full cost of voter registration.
 - 6. Larger appropriations and new legislation to give the Department of Justice the powers it needs to enforce the Voting Rights Act.

C. Incentives for Increased Voter Registration and Citizen Participation.

- 1. Clarafication and possible amendment of the Hatch Act to obviate the real or apparent restriction of potential Negro leaders from participation in political activities. A public relations compaign to explain what the Hatch Act now permits and to dissuade the belief that the Act prohibits school teachers and local government employees from political involvement.
- 2. Consideration whether registering and voting should be made mandatory for all citizens.
- 3. Consideration of holding elections over a two-day period, or on Sundays, or creating a national holiday for election day.
- 4. Setting up voting booths in all businesses which employ more than 100 persons.
- 5. Establishing nationwide programs for educating the Negro on his rights, opportunities and powers in the political system:
 - a. Establishment of a National Citizenship House to assimilate information and train indigenou leaders.

- b. Compulsory courses in high schools on voter registration.
 - c. Neighborhood centers for citizenship education.
 - d. Political education and crash programs to eliminate illiteracy.
6. Pressure applied to political parties by civil rights groups to force them to consider important civil rights issues and to appoint Negroes on the local level.
 7. Organization by Negro groups on the precinct level to play an active role in county and district meetings.
 8. Consideration of government (federal and local) assuming some of the financial burdens of party organization and running for office (through such devices as free broadcast time, free mailing services and/or political contributions being made tax exempt).
 9. Consideration of federal assistance in stronger neighborhood political organizations by Negro citizens.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

JOBS, JOB TRAINING, AND ECONOMIC SECURITY - PRELIMINARY REPORT

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on Jobs, Job Training, and Economic Security of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. Vivian W. Henderson, President of Clark College. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

JOBS, JOB TRAINING, AND ECONOMIC SECURITY - PRELIMINARY REPORT

- 2 -

This report is in two parts. First is a summary statement of consensus on a comprehensive approach to Negro worker problems. The second part sets forth specific approaches to components of the problem; all of these specific suggestions were strongly supported by the majority of the panelists.

I

General agreement was reached that job problems encountered by Negroes are beyond the point that continued piecemeal approaches will be effective in alleviating them. While a full employment economy is essential to furthering job opportunities, even a full employment economy -- i.e., 3 percent unemployment -- will have, at best, very limited effect on the unemployed and underemployed Negro workers.

To reach the large numbers of Negroes who need jobs and job training, politics and programs beyond those directed toward achievement of full employment, as well as beyond present training and retraining programs, are needed.

A comprehensive program directed to specific targets in urban centers, the Negro ghettos, and rural areas where the Negro population is heavily concentrated, is needed. It cannot be assumed that aggregate programs will reach the masses of Negroes who need to benefit from such programs. Several concepts and names were given to the comprehensive approach: the development of a "freedom budget"; "a national economic development budget for equal rights"; "a job budget," "a capital and manpower budget." Regardless of nomenclature, there was general consensus that a structured program to reach in a highly systematic fashion the unreached masses of Negroes with new opportunities for jobs and training is essential to the mission of "fulfilling these rights."

1. To this end the panel called for a large-scale structuring of employment opportunities, and simultaneously a large-scale structuring of job training for Negro workers.

2. The panel strongly suggested the implementation of public programs to create jobs to absorb Negro workers utilizing present skills while affording opportunity for the development of new skills. The thrust of discussion on this point was that social and human needs presently existing in this society can be converted into jobs and thereby create new opportunities for jobs and job training for Negro workers. In attacking the problem social as well as physical reforms can be achieved. Occupations can be upgraded, re-defined and re-engineered.

a) Specific goals and targets should be established and aimed at the areas in which the bulk of unemployed and underemployed Negro workers are concentrated -- the 70-odd cities where urban Negroes are concentrated and specific rural areas in the 5 or 6 Southern states where Negro rural populations are concentrated.

b) A time-table should be developed. Mr. Randolph suggested 10 years. It should involve no more than 10 years. Goals with supporting policies and programs should be set. Accomplishments should be measurable and identified according to census tracts, neighborhoods and specific areas.

c) Data on Negro unemployment and underemployment must be systematically related directly to blocks, census tracts, neighborhoods and to sub-groups of the Negro working age population. Skill inventories must be developed and related to programs to structure new opportunities. This is necessary in order for targets and goals to be established.

d) Targets, goals and plans should include private businesses:

1) Private efforts should be directed toward fuller use of Negro workers at their present skill levels while implementing training programs and plant and business location schemes to reach Negroes in target areas.

2) Gains from increases in productivity should be re-invested in structured job expansion programs and structured job training programs.

3) Incentives for private business to encourage fuller use and development of Negro manpower should be developed. Direct subsidies to create jobs for Negroes, and tax policy, can be effective in this respect. Many jobs could be re-tailored for effective absorption of Negro workers at present skill levels.

e) Government contracts with private business should play a large role in the development of targets and goals, and the implementation of job expansion programs and job training programs for Negro workers.

II

Job Expansion

1. The panel concluded that in order to reduce Negro unemployment and underemployment to a socially tolerable level, the total number

of jobs in our economy will have to be expanded, and that in order to accomplish such an expansion, federal action will be required.

2. This consensus was reached because of the following developments which will militate against a reduction of Negro unemployment and underemployment to a tolerable level without government intervention:

a) The inflationary pressures likely to arise if reliance is placed on financial and monetary policies alone to drive the unemployment rate below 4 percent.

b) The continuing rapid rate of technological change with its consequent diminution in the number of unskilled and semi-skilled jobs, the usual portals of entry for many non-college trained youth.

c) The differentially high rate of unemployment among Negroes, particularly for Negro youth and the heavy influx of Negro youth into the labor force which can be expected in the years immediately ahead.

3. The tightening of the labor market by direct employment expansion was considered a necessary prerequisite for many of the recommendations that follow. Full employment for whites and Negroes -- including the substantial elimination of underemployment -- was held to be the primary target of governmental effort.

4. To accomplish this end: since there are a great many unfilled human and social needs -- including, as Mr. Randolph stressed, the desirability of destroying the ghettos in our cities -- government should establish priority goals and put idle labor to work.

5. Reference was made to the desirability of the U. S. Government's developing a capital and manpower budget, with sufficient forward planning to facilitate the full utilization of the human resources potential in socially useful employment.

6. In this, as in other governmental programs outlined below, it is essential that special care be taken to assure that those who need jobs are the ones who receive them.

Income

7. Secondary only to the need for an adequate total number of jobs is the necessity of assuring that all citizens engaged in useful work earn a livelihood that will enable them to keep themselves and their dependents at least above the poverty level. To this end, it was recommended that:

a) Millions of workers in agriculture and non-agricultural blue-collar employment now excluded from coverage under the Fair Labor Standards Act be brought under coverage forthwith.

b) The minimum wage be raised in a series of steps, but as rapidly as possible, until the minimum hourly wage becomes \$2.

c) The legislation governing trade unions be amended to facilitate their organizing the unorganized.

d) The exclusion of employees of government and nonprofit institutions from minimum wage protection and from the right to unionize be removed.

Elimination of Discrimination

8. In addition to increasing the total number of jobs it is essential that the opportunities of Negroes to share in the jobs that are available be widened through the following actions:

a) More effective enforcement of legislative and administrative regulations currently in force by the provision of adequate budgets and personnel for the appropriate agencies.

1) The present thrust of Title VII of the 1964 Civil Rights Act is largely oriented toward individual complaints. An attack through public policy and legislation upon patterns of racial discrimination in employment was suggested.

2) Voluntary compliance and efforts are accomplishing very little insofar as the masses of Negroes are concerned. Tokenism involving the Negro elite is insufficient. Sanctions need to be strengthened.

b) Amendment of Title VII of the Civil Rights Act to enable the Commission to issue cease and desist orders, and to take more initiating and affirmative action rather than to be largely confined to acting on complaints.

c) Assessment of whether under Executive Order 11114, covering non-discrimination in public construction, contractors' agreements with the government not to discriminate should have priority over contractors' collective bargaining agreements with labor.

d) Title VI of the 1964 Civil Rights Act is insufficient to deal with employment discrimination in local and state governments. An attack upon racial discrimination in employment in local and state governments through Federal policy is needed.

e) Closer coordination of federal agencies engaged in the various aspects of civil rights.

f) The establishment of performance criteria so that the extent of compliance can be measured and tokenism avoided.

Private Efforts

9. In addition to the foregoing recommendations aimed at strengthening the Federal Government machinery, it is highly desirable that non-governmental efforts also be strengthened so that discriminatory practices in employment can be reduced and eliminated as quickly as possible. Among the steps to be taken by non-governmental groups are:

a) Strong commitments by employer groups and individual employers to encourage them to take a wide range of affirmative action, such as the realistic adjustment of testing and hiring standards; special efforts to upgrade employees with limited skills and background; re-engineering of jobs, including the breakdown of complex jobs to facilitate the hiring of workers with limited skills, etc.

b) Continuing efforts on the part of trade union organizations to remove barriers to apprenticeships, employment, upgrading of members of minority groups.

c) Action by community leaders to establish, strengthen and make more effective local and state equal employment opportunity councils.

d) Adoption and expansion by nonprofit organizations of equal employment opportunity practices in all of their economic activities.

10. It is essential that the community understands the relation between the reduction and elimination of discrimination in employment and in housing and education. In this connection we must consider the multiple ways in which intra- and interurban transportation can be strengthened to assure that minority workers have easier access, through reasonable transportation charges, to jobs.

Education and Training

11. With respect to education and training the following steps should be taken while major efforts are made to speed desegregation:

a) To improve the quality of schools in de facto segregated areas.

b) To assure access of minority group members to the full range of all publicly supported facilities.

c) To rapidly expand the number and quality of junior or community colleges which should provide a wide range of courses, including those to assist members of minority groups to improve their occupational mobility.

12. To encourage management and labor through the use of new incentives, including possibly the use of tax credits, to broaden and deepen in-plant and plant-associated education and training.

The Federal Government should give special consideration to making use of its contracting power to insure improved training opportunities.

13. With respect to current federal training programs, particularly the Manpower Development and Training Act, the following is recommended:

- a) A large-scale expansion of MDTA and a conscious effort to bring Negroes in large numbers into such programs.
- b) To disseminate information about the availability of training opportunities so that those most in need of these opportunities can learn about them.
- c) To place additional stress on on-the-job training, thereby linking training more closely with employment.
- d) Many programs rely in the first instance on local initiative, and it is to the advantage of certain local leaders to prevent low-wage employees in their community from securing training. The Federal Government must be alert to the necessity of filling the gaps by establishing programs on its own initiative.

U. S. Employment Service

14. Significant gains for minority group members in training and employment depend on a major strengthening of the U. S. Employment Service. To this end it is recommended that:

- a) Early action be taken to establish a much higher degree of federal leadership of the Employment Service, including the setting of national standards as a second-best answer to the federalization of the system.
- b) The system be upgraded through better staffing, training, etc.
- c) The Federal Government act more aggressively to assure that the Service acts in a non-discriminatory manner.
- d) The scale and scope of the Service be broadened to assure that all people, including minority groups in rural areas, have access to it.
- e) These recommendations can be facilitated by placing personnel under state merit systems, by re-allocating federal funds in order to make special efforts to help minority group members, and by placing additional funds at the disposal of employment officers so that they can help defray the transportation costs of workers in search of jobs in other cities.

Unemployment Insurance

15. With respect to unemployment insurance, the Panel emphasized the importance of extending coverage, but it also advocated the establishment of a higher average minimum payment as well as federal action aimed at preventing employers with seasonal workers from following hiring and firing patterns which deprive their workers of much needed benefits.

Entrepreneurship

16. With regard to encouraging more Negroes to become entrepreneurs, the Panel took the following positions:

a) An enlarged Negro entrepreneur group is desirable because, among other reasons, its disproportionately small participation in such an important occupation in our economy helps perpetuate its tangential relation to the economy.

b) To open up opportunities for increased participation on a significant scale would require substantial federal financial assistance in the form of loans, guarantees, etc., as well as technical assistance. On the latter score, private and nonprofit organizations also have a significant contribution to make.

c) It would be particularly desirable for large and small franchise companies and others operating on an agency basis to intensify their efforts to find suitable Negro personnel to staff their outlets.

d) As far as possible, Negro businesses and businessmen should be helped to locate not only in the heart of the ghetto but on the periphery or outside so that Negro businessmen can more speedily be integrated into the mainstream of American commerce.

e) It is not necessary to think of Negro entrepreneurship as an exclusively Negro activity; joint ventures involving Negroes and whites should be encouraged.

Rural Negroes

17. Despite the heavy migration of Negroes from the rural areas of the South it was noted that:

a) Many are still living in these areas, and a high proportion remain in conditions of poverty or abject poverty.

b) The plight of these people has been increased by the many policies pursued by the Federal Government to assist agriculture without giving due consideration for the special needs and difficulties of sharecroppers, tenant farmers, and small farm owners.

c) There are a great many ways in which federal policy could and should be reshaped to give the Negro farm family a better chance of surviving on the land if it desires to remain there, and to help others to a better opportunity to shift to the city if that is their preference or becomes their only alternative.

d) While many white farm families have been able to raise their income substantially by securing additional employment in the new manufacturing plants locating in rural areas in the South, the continuing discrimination against Negroes in industrial employment have kept them at or below poverty levels.

e) In addition to moving aggressively to eliminate discrimination in the rural South, the Federal Government should explore whether it can stimulate employment of Negroes who live on rural, Southern farms so that more of them can continue to live where they are rather than flooding the cities which are ill prepared to receive them.

f) However, since many will continue to move to the cities, it is essential that more efforts be made by governmental and non-governmental agencies to provide a range of services which will speed their integration into the urban economy. Among the most important steps is to assure that they have an opportunity to acquire basic literacy and marketable skill.

18. While the problem of the full absorption of the Negro into American life has assumed national proportions, there remain important regional aspects to the problem:

a) Half of the Negro population continues to live in the South, where discrimination continues to be most intense.

b) The South continues to be an area characterized by an unskilled labor surplus which intensifies the difficulties that Negroes face in being absorbed into the economy.

c) Negro farm laborers in the South are in the most deprived sector of the entire American population.

d) Because of these regional aspects, the fashioning of constructive programs must always be tested against the needs of Negroes living in rural areas, small Southern communities, or large urban centers in the South, as well as those in the large ghettos of Northern and Western cities.

Representation Data

19. Because of the increasingly important role that government policy plays in determining the economic status of the Negro minority and because of the long-term exclusion of the Negro from most decision-making apparatus, it is important that every effort be made to secure Negro representation on all programs involving access to jobs, income, or other types of assistance.

20. In order to keep a closer check on results, consideration should be given by the civil rights organizations to their long-term position against the collection of data by race. It may well be that the risks of collecting such data today are less serious than the costs of not having such data available.

21. Further, it is essential that the Government establish sound bases for data collection to assess the extent to which the Negro minority is benefiting from federal programs, and to make such information available.

Taxes

22. Since many of the actions advocated above involve large expenditures of federal funds, it is important in the drafting of such legislation that special care be taken not to rely on taxes that have a regressive quality. Otherwise, workers just above the poverty line will be paying for many of the programs established for those just below the poverty line.

Goals

23. The inherently complex nature of the recommendations outlined above which are aimed at providing an adequate number of satisfactory jobs for all Americans, including Negro Americans, makes it essential that targets be set against which to measure progress. The urgency of the situation is such that much must be accomplished in the immediate future position, and more shortly thereafter. The American economy and democracy will forfeit security and progress if a substantial proportion of Negroes remain unemployed or underemployed.

SUMMARY

Jobs, Job Training and Economic Security

Generally, this panel called for a public program to create jobs, a review and re-engineering of occupational classifications, a timetable for the achievement of specific goals in employment and the establishment of "skill inventories." Specifically, the following goals and proposals were put forth.

A. Expansion of Jobs.

1. Governmental and private efforts to achieve full employment.
2. Development of a capital and manpower budget to develop "socially useful employment."

B. Adequacy and Security of Income.

1. Expansion of coverage of the Fair Labor Standards Act.
2. Raising of the minimum wage.
3. Encouraging the organization of unorganized workers.
4. Adoption of the negative income tax.
5. Supplement incomes for workers performing certain socially necessary jobs.
6. Packaging welfare payments with work incentives to encourage workers to raise their standards of living.
7. Extending coverage and establishing higher average minimum payments for unemployment insurance.
8. Government regulation of hiring and firing patterns for employers of seasonal workers.

C. Elimination of Discrimination.

1. Improvement of the administration of Title VII of the 1964 Civil Rights Act through (a) more adequate budget and personnel; (b) shift of orientation from individual complaints to attacking patterns of racial discrimination (legislation may be needed); (c) strengthening of sanctions; and (d) amendment to authorize cease and desist orders and other affirmative action by the Commission.
2. An attack upon racial discrimination in state and local government employment through federal policy.

3. Closer coordination of federal agencies engaged in the various aspects of civil rights.
4. Determination whether Executive Order 11114 (covering non-discrimination in public construction and contracting) should have priority over contractors' collective bargaining agreements with labor.
5. Establishment of performance criteria to determine the extent of Executive Order 11246 (covering non-discrimination by government contractors) compliance and to avoid tokenism.
6. Improvement of intra-urban and inter-urban transportation to assure that minority workers have easier access to jobs at reasonable cost.

D. Improvement and Expansion of Education and Training.

1. Improve the quality of schools in de facto segregated areas.
2. Assure access of minority groups to all publicly supported facilities.
3. Rapidly expand the number and quality of junior or community colleges.
4. Establish federal minimum standards for the conduct of public education.

E. Encouraging Entrepreneurship.

1. Make available increased Federal loans, guarantees and technical assistance to encourage entrepreneurship.
2. Increase contributions from private and non-profit organizations.
3. Encourage joint ventures including Negroes and white (particularly in large and small franchise companies).

F. Continuing Problems of the Rural Negro.

1. Stimulation of employment by the Federal Government to enable Negroes to continue to live on Southern farms.
2. Greater efforts by governmental and non-governmental agencies to provide a range of services to speed the assimilation of rural Negroes into the urban economy.

G. Expanding and Strengthening Non-Governmental Efforts.

1. Implementing programs for locating plants and businesses so as to reach Negroes in target areas.
2. Re-investment of gains from increases in productivity into structured job expansion and job training programs.
3. Retailoring of jobs for effective absorption of Negro workers at present skill levels.
4. Greater efforts by trade union organizations to remove barriers to apprenticeships, employment, and upgrading members of minority groups.
5. Action by community leaders to establish, strengthen and make more effective local and state equal employment opportunity councils.
6. Adoption and expansion by non-profit organizations of equal employment opportunity practices in all of their economic activities.

H. Expansion and Improvement of Federal Training Programs.

1. Tax credits to broaden and deepen in-plant and plant-associated education and training.
2. Use of federal government contracting power to insure improved training opportunities.
3. Large scale expansion of the Manpower Development and Training Act and an effort to bring Negroes in large numbers into such programs.
4. Dissemination of information about the availability of training opportunities to potential employees.
5. Additional stress on on-the-job training.
6. Education of local leaders that it is to their advantage not to prevent low wage employees from securing training.

various as-

I. Strengthening the United States Employment Service.

1. Federal leadership of the Employment Service through the establishment of national standards (as a second best answer to the federalization of the System), upgrading through better staffing, more aggressive action by the federal government to assure that the Service acts in a non-discriminatory manner, and broadening the scale and scope of the Service to assure that all people (including minority groups in rural areas) have access to it.
2. Placing personnel under state merit systems.
3. Re-allocating federal funds to help minority group members by placing additional funds at the disposal of employment officers.

PRELIMINARY SUMMARY

PLANNING SESSION
FOR
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.
Washington, D. C.
Tel: 737-9010

ADMINISTRATION OF JUSTICE

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman
Berl Bernhard
Harold Fleming

Following is a preliminary report on proposals by the panel on the Administration of Justice of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. Arnold S. Trebach, Director of the Human Rights Program of the Community Resources Institute, Howard University. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

ADMINISTRATION OF JUSTICE - PRELIMINARY REPORT

- 2 -

The Chairman of the Administration of Justice Panel was Judge William H. Hastie of Philadelphia. Civil rights lawyers composed the most numerous group among the panelists, but in addition, there were two high-ranking police officials, two sociologists, and a psychiatrist, among others. A list of the participants is attached. In preparing for the conference, I was ably assisted by Professor Anthony Amsterdam, University of Pennsylvania Law School, and by Mrs. Elyce Zenoff Ferster, George Washington University Law Center.

The discussion followed the guidelines set forth in the agenda paper. The major sections of the agenda paper, and the key subjects of discussion, were:

- I. Opening the Gates: Ending Racial Discrimination
- II. Dissolving Divisive Prejudices: Police-Community Relations
- III. Passing Through the Gates: Rehabilitation and Training

I. OPENING THE GATES: ENDING RACIAL DISCRIMINATION

A. Individual Physical Security

There was broad agreement that the need to provide individual physical security for Negroes in the deep South was the most pressing problem for the Federal Government in the administration of justice area. Indeed, some panelists expressed the thought that this was the most urgent problem in the entire civil rights field.

As stated in the justice panel's resolution, which is attached to this report, the participants were deeply concerned over the possibility that the only civil rights legislation to be pressed by the Administration in 1966 would deal with jury selection. In that resolution the panel stated forcefully that the top item on the civil rights legislative agenda for 1966 should be a sweeping and effective new Federal statute dealing with individual physical security. Numerous suggestions were made regarding the possible shape of that Federal legislation, and Professor Amsterdam presented a detailed 17-page memorandum containing a tentative draft of what he termed the "Civil Rights Protection Act of 1966." That memorandum and a summary of it are attached. Among the suggestions made in that draft statute, as well as in the discussion of new Federal legislation, were the following:

(a) extended use of the removal power, and granting Federal courts original jurisdiction over state criminal law offenses whenever the prosecution of such offenses in a Federal court is necessary to protect Federal rights;

(b) a statute creating specific civil rights criminal offenses--for example, by making a Federal crime the murder of a person seeking to exercise Federal rights;

(c) allowing the Attorney General, through the use of injunctions, to stop state proceedings on the basis of denial of civil rights;

(d) making state subdivisions liable for money damages on the basis of the violent misdeeds of their officers; and

(e) providing for the removal of state officers, who violate Federal rights, through Federal administrative proceedings.

What these discussions made clear was that there was an urgent need for new Federal legislation dealing with physical violence. While the panel's deliberations provided some guidelines, it would appear that this may be a useful field for further staff work in preparation for the Spring conference.

There was general agreement that there should be more vigorous enforcement of present laws, including 18 USC 242. Moreover, the panel focused on the following sentence in the U.S. Commission on Civil Rights' report, Law Enforcement (page 180) and urged a greater Federal presence in the South:

"The Commission recommends that the President direct that Federal law enforcement officers be stationed at the scene of likely violence, that increased numbers of Federal officials be assigned to communities where violence has occurred, that more extensive investigation and surveillance activities be undertaken by these officials, and that Federal law enforcement officers be authorized to make on-the-scene arrests for violations of Federal law."

There was also broad agreement that Federal police agencies have the constitutional power to provide protection in those instances where the states and localities are not doing so. However, some panelists stated that in order to make this effective, Congress would have to provide greater financial support for these Federal police agencies.

Some participants expressed the fear that these proposals could lead to a national police force and the weakening of the civil rights of everyone; this was a minority view, however. It was pointed out, in rebuttal, that at the

present time the concept of "selective Federal law enforcement" is now extensively used to deal with such problems as vice and narcotics in those communities where the Federal Government feels that local police officials are not being sufficiently vigorous.

It appeared that a majority of the panelists wanted the Department of Justice to review its present use of personnel resources. Civil rights, it was stated, should be the most important problem of the Department. Lawyers assigned to such activities as anti-trust work should be reassigned for a massive effort in the field of civil rights, especially in pursuing enforcement of present statutes dealing with violence.

There was much support for the idea that any new Federal legislation should also concern itself with compensation for the victims of violence. (It was not made entirely clear as to what victims should be eligible, whether it would cover victims of all crimes of violence.) It was recommended that such a compensation system be separate from the court process, and that it be handled by a Federal administrative panel, or by referees, as in the present Federal law that applies to longshoremen. Compensatory awards might be subtracted from Federal grant-in-aid monies ear-marked for the jurisdiction in which the injury was sustained.

Some panelists urged that the focus of concern for illegal violence should not only be on civil rights workers in the South, but rather on the poor in general, especially those who live in northern urban slums where there is an exceedingly high amount of violence of all sorts.

Other panelists were of the opinion that too much attention was being devoted to the action of the police and the FBI. It was urged that lawyers, bar associations, business organizations, and labor unions--all important elements of power--could become a powerful force for the reduction of violence in local communities.

B. Jury Selection

The panel was also greatly concerned about the problem of racial discrimination in the selection of juries. There was general agreement that this problem rated the attention given to it by the President in his speech on November 16th. Many panelists were in favor of having minimum Federal standards established that would apply in both Federal and state courts for the selection of jurors. This system should be supervised by a Federal administrative organization.

All jurisdictions would select people for jury service according to modern polling techniques and through the use of computers. In this fashion, a true cross-section of the community would be selected for jury service. This system should be financed in large part by Federal grants-in-aid. In those instances where a community continues to discriminate, Federal jury commissioners should be appointed, using an approach somewhat similar to the appointment of Federal voting registrars. In addition, it was suggested that it may be possible to utilize the same official for both functions.

The participants recognized the importance of determining how far the Federal Government could go in setting standards for state juries. This question was unresolved. There was a feeling that the Federal Government would have extensive powers to enact affirmative legislation of this nature under the 14th Amendment. Some participants felt that the Federal Government might have constitutional difficulty in enacting standards for jurors, but that it might have less difficulty in prescribing, on a rigid basis, standardized procedures and methods for selecting jurors. One of the sociologists stated that once the basic criteria--whether standards, methods, or other elements--had been determined, there would be no difficulty in establishing a polling system and in utilizing computers.

Some participants felt that any Federal jury statute should go beyond race, and should be concerned with age, sex, and class. Others felt that the major concern should be only race.

More panelists seemed to agree that the present case-by-case approach, especially the expedient of forcing an individual defendant to seek a reversal of a conviction on the basis of jury discrimination, was imperfect. At the same time, many panelists seemed to agree with the suggestion that more vigorous action by the Department of Justice would have a good impact. This action could include injunctions by the Attorney General, not only in individual suits, and greater use of injunctions by private individuals. Moreover, several panelists urged that more criminal suits be brought by the Department of Justice under Sections 242 and 243.

There also seemed to be general agreement that support should be given to programs for educating Negroes for service on juries, perhaps under the poverty program. Such programs could also be initiated by private civil rights groups. They would seek to encourage Negroes to serve when called, and to overcome fears about participating in the Southern system of justice.

Concern was also expressed about the need to deal with two related problems, not necessarily covered by the above recommendations. First, in many communities when a few Negro jurors do serve, they are often intimidated by the white majority on the jury. This would be partly alleviated if more Negroes served. Second, many prosecutors and defense attorneys simply strike Negroes called for jury service from the panel. Often, this has the silent support of judges.

Removal from state to Federal courts was considered a possible remedy in two senses. In the first place, there should be an expanded removal power so that cases could be tried in a Federal district court where it appeared that the defendant could not obtain a fair trial in a state court because of jury discrimination. In the second place, any Federal statute should provide for the removal from office of state jury officials who continued to discriminate in the selection of jurors.

C. Other Aspects of Dual Justice

Two significant suggestions were made on other aspects of dual justice in the hard-core areas. First, there seemed to be much support for a suggestion that the American Bar Association, and other legal organizations, should support the idea that the handling of civil rights litigation is an honorable and vital calling for lawyers. It was pointed out that the ABA has supported a campaign aimed at sensitizing bar organizations, as well as individual lawyers, to the need for counsel for the poor. Similar efforts should be made in the area of counsel for civil rights cases. Second, there was concern that not enough attention is being paid to eradicating employment discrimination in the agencies of justice.

II. DISSOLVING DIVISIVE PREJUDICES: POLICE-COMMUNITY RELATIONS

A. Improvements Within Police Agencies

There was general agreement that a key advance would be the redefinition of the role of the police in modern society. This definition would go beyond civil rights, but would be a necessary condition for improving relations between police and Negroes. This new role would require the police to conceive of their role as keeping the peace in the broadest sense. Thus the police would have to take positive steps to reach out to those minority groups in the community from whom they have become alienated. Many police departments today accept the prevention of riots, not merely their suppression, as a vital part of their function. This should also be applied to the prevention of individual criminal acts.

The panelists, including the police officials, felt that a great deal could be accomplished if police departments deliberately take steps to improve relations with minority groups. This would not only involve redefinition of the police role, but also would require a complete review of present police procedures. For example, certain "normal" police practices, such as "stop-and-frisk," are often applied almost exclusively to Negroes and are viewed by Negroes as discriminatory acts.

There seemed to be general acceptance for the proposition that all police departments should have a community relations unit and an active community relations program. These units must receive the support of top-ranking officers, otherwise they may have no effect on the department. Every effort must be made to prevent Negro officers from being isolated in the community relations unit. Moreover, the employment policies of police departments are crucial, for if Negroes are excluded from employment in departments, or if Negro employment is minimal, the possibility of good police-community relations is much diminished.

There was also general agreement with the proposition that as the police must take positive steps to improve relations with the community, they must also reach out to the community to try to induce Negroes to join the police force. In other words, they must act to combat traditions that have excluded Negroes from positions in law enforcement agencies. This may require special training programs that would provide Negroes with the basic skills to be police officers. One panelist suggested that there should be a crash Federal program to recruit and train Negroes for police positions. He suggested that there might be a Federal pool of trained Negro officers for various state and local departments to draw upon.

The most comprehensive suggestion to come out of this discussion was that the Federal Government should provide a massive program of support for the entire field of law enforcement, courts, and corrections. This program should provide grants-in-aid that would assist local police departments in recruitment, in-service training, community relations, and in linking police training and promotion to standard educational institutions. It was stated that such extensive Federal grant-in-aid programs have had a highly beneficial impact in the field of medicine, especially mental health. There seemed to be general agreement for such a comprehensive program of Federal assistance. At the same time, the panelists recognized that an experimental program of this type is now being carried out by the Office of Law Enforcement Assistance of the Department of Justice, which has a \$10-million appropriation for its first year of operation. It seemed clear that the participants were not seeking to discourage the efforts of this Office, but rather they were saying that the program was not big enough.

The principal minority point of view expressed during the above discussion was "You are putting too much on the police." In other words, a few panelists were of the opinion that the majority of the panel was seeking to make the police assume responsibilities that they should not have. Policemen, it was urged, should not be made into social workers, and they should not be used as agents for social change. It was argued in rebuttal that in the panel on the administration of justice, the mandate was to discuss programs for advance that fit within the confines of the field--and the police were a vital part of it. The statement was also made that for the great majority of Negroes in many communities, relations with policemen were absolutely crucial.

Near the end of this discussion, one panelist raised the question of whether all of the programs discussed to that point should be operated by the Department of Justice. He argued that administration of justice programs should be "right next to the President." There seemed to be much support for this proposition: administration of justice Programs were so crucial as to require the designation of a special agency or person, situated within the Federal hierarchy as close to the President as possible, to supervise them.

B. Programs by Negro Groups

There was also broad agreement that Negro groups and Negro leaders had vital contributions to make toward improving police-community relations. In those communities where the police were making an honest effort to improve relations, Negro organizations could take the leadership in promoting reciprocal efforts among Negroes.

Civil rights groups might also work with the police in combating crime. In this connection, it was stated that it was vital to convince the police that they could more effectively fight crime if a positive relationship could be established with civil rights groups. Several panelists stated that the police must work out good relations at the precinct level with grass-roots Negro organizations; and that to strengthen this approach, it was suggested, local Negro groups should seek to strengthen themselves through incorporation as non-profit entities, and through seeking Federal Government and private foundation grants. With such grants, the local groups could improve their effectiveness, and might even do preliminary investigations of complaints of police violations before making them public issues.

C. Administration of Citizen Complaints

There was no agreement among the panelists as to whether police review boards were appropriate devices for dealing with complaints of police illegalities. One police official stated that the major difficulty was that these boards had no responsibility for dealing with the problems on a day-to-day basis. Other panelists stated that the police review boards in some communities were not overly effective. At the same time, many of the panelists were in favor of police review boards. Some stated that the boards acted as symbols to Negroes of the concern in high places about their complaints against the police. Other panelists urged that these police review boards were most effective in handling complaints. It was also pointed out, however, that in some communities the police have been able to impress civil rights groups with their impartiality and, therefore, these civil rights groups are not pressing for police review boards.

Because of the concern over the matter of police review boards, this would seem to be an appropriate area for further staff work in preparation for the Spring conference.

There was much support for the notion of a more comprehensive complaint institution, somewhat similar to the Scandinavian Ombudsman. Indeed, this suggestion drew general agreement, and several panelists took pains to point out that all criticism should not be directed at the police because many of the complaints deal with other agencies of the government.

D. Roles of Other Groups

The panel explicitly recognized that many other groups could make a vital contribution to improved police-community relations. In particular, they supported the idea of the active assistance of legal service programs, such as those supported by the Office of Economic Opportunity, in serving as advocates of Negro groups in regard to relations with the police.

III. PASSING THROUGH THE GATES: REHABILITATION AND TRAINING

There was little time for discussion of this section of the agenda paper. It was pointed out that the new Federal work-release statute had made it possible to place convicted persons at work in some local communities where they draw good wages while serving their sentences. This was one

example of steps that are being taken to rehabilitate persons convicted of crimes. It was urged that a "Correctional Bill of Rights" be promulgated which would give greater protection to persons convicted of crimes.

One panelist objected to the inclusion of the topic of rehabilitation of convicted persons as a Negro rights issue.

RESOLUTION OF THE PANEL ON THE ADMINISTRATION OF JUSTICE

The Panel on the Administration of Justice believes and affirms that certain of the issues referred to us are of such paramount and immediate importance that action must be taken upon them at once without waiting for the spring Conference. These matters involve the very lives and safety of Negroes and civil rights workers in the Deep South. In most urgent terms, we recommend, on behalf of our panel the following:

(1) We ask the President of the United States immediately to implement the following recommendation of the U. S. Commission on Civil Rights:

"The Commission recommends that the President direct that Federal law enforcement officers be stationed at the scene of likely violence, that increased numbers of Federal officials be assigned to communities where violence has occurred, that more extensive investigation and surveillance activities be undertaken by these officials, and that Federal law enforcement officers be authorized to make on-the-scene arrests for violations of Federal law."

The immediate implementation of this recommendation is essential to the lives and safety of Negroes and civil rights workers.

(2) We urge the President to direct the Department of Justice to put its full resources into the enforcement of all existing laws, criminal and civil, which protect the safety of Negroes and civil rights workers, including espe-

cially 18 U.S.C. 242 and 243 and Title III of the 1964 Civil Rights Act. Resources should be reassigned from other activities of the Department in order to make civil rights enforcement the number one priority of the Department.

(3) As a Panel on the Administration of Justice, we have deemed it our duty to survey the entire legal process and its enforcement in the civil rights area. Having done this, we urge the President to direct an immediate speed-up in the lagging enforcement of the 1964 and 1965 civil rights laws. We especially urge that the Attorney General be directed to send voting registrars into every county where discrimination continues to exist and the Secretary of Health, Education and Welfare to make desegregation of schools a reality through vigorous enforcement of Title VI.

(4) Finally, we ask the Administration to give full support to a federal statute to protect the physical security of all Americans and to replace segregated justice with a true system of justice throughout the land. We commend the President for his proposal on the reform of the jury system and support it as a part of such a statute. But we assert our belief that legislation on jury reform alone is not enough.

(5) We also believe it of the utmost importance, and we urgently recommend, that in the period following this conference and preceding the spring conference, the President invest in the work of examining the proposals and concerns aired at

this conference, and of formulating a program of responsive executive and legislative action, sufficient resources at the White House level to assure that the ends of this Planning Session "To Fulfill These Rights" will, in fact, be achieved.

MEMORANDUM

TO: Members of the Justice Panel, White House Conference "To Fulfill These Rights"

FROM: Professor Anthony G. Amsterdam

DATE: November 16, 1965

The following pages contain the tentative draft of a federal statute embodying several possible approaches to the problems of individual physical security and repression of civil rights activities which are items I(A) and I(C) respectively on the agenda for our discussion November 17-18, 1965. I thought it might be helpful to have such a draft in hand during the discussion.

* * *

[Civil Rights Protection Act of 1966]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Civil Rights Protection Act of 1966."

FINDINGS

Sec. 50. On the basis of evidence adduced before committees of the Senate and the House of Representatives, and of reports of the United States Commission on Civil Rights and other agencies and departments of the Government, Congress finds:

(a) That in sections of the United States, criminal offenses defined by state law have been perpetrated upon Negroes and upon individuals advocating equal rights of Negroes, with the design and effect of intimidating these persons and others similarly situated, so as to coerce them to forego the exercise and enjoyment of rights, privileges and immunities guaranteed by the Constitution and laws of the United States, and to forego also the exercise and enjoyment of rights, privileges and immunities under the laws of the several States in which, by the Fourteenth Amendment to the Constitution of the United States, the States are required to protect equally all persons within their respective jurisdictions;

(b) That these offenses have been perpetrated sometimes by and sometimes with the connivance of persons acting under color of state law or authority, sometimes by persons acting without the participation or connivance of others under color of state law or authority;

(c) That the perpetrators of these offenses have often not been prosecuted by state authorities in cases where prosecution was practicable

and necessary to afford the equal protection of the laws to all persons within the jurisdictions of the respective States where the offenses occurred; and that, where the perpetrators have been prosecuted in state courts, prosecutions have often concluded in dispositions which fail to afford the equal protection of the laws to the victims of the offenses and to others similarly situated;

(d) That by reason of the foregoing circumstances, Negroes and persons advocating the equal rights of Negroes have been denied in some sections of the United States the rights, privileges and immunities guaranteed by the Constitution and laws of the United States, have been denied the equal protection of the laws, and have been given the reasonable apprehension that their persons, property, rights, privileges and immunities are unprotected by law, which apprehension itself denies them the equal protection of the laws;

(e) That, in addition, Negroes and individuals advocating equal rights of Negroes have often been sued or prosecuted in state courts for acts protected by the Constitution and laws of the United States, or with the design and effect of intimidating these persons and others similarly situated, so as to coerce them to forego the exercise and enjoyment of rights, privileges and immunities guaranteed by the Constitution and laws of the United States, and to forego also the exercise and enjoyment of rights, privileges and immunities under the laws of the several States in which, by the Fourteenth Amendment to the Constitution of the United States, the States are required to protect equally all persons within their respective jurisdictions;

(f) That in such cases the burdens and inconveniences of defending against suit or prosecution, and in some instances the outcome of the suit or prosecution, have repressed the exercise and enjoyment of rights, privileges and immunities guaranteed by the Constitution and laws of the United States and have effectively denied the individuals sued or prosecuted, and others similarly situated, the equal protection of the laws;

(g) That the denials of the federal rights, privileges and immunities, and the denials of equal protection of the laws described in paragraphs (a) through (f) of this section tend generally to occur in those sections of the United States where the following circumstances exist: systematic exclusion of Negroes from state court grand and petit juries; systematic disenfranchisement of Negroes from the electorate which elects state prosecutors and state judges; discrimination against or segregation of Negroes in state or local jails, prisons, police stations, court or other public buildings, schools and publicly [or privately] maintained places of public accommodation and transportation and public facilities; discrimination against Negroes in sentencing upon conviction of crime and in the terms and conditions of bail or other conditional release; discrimination against Negroes in employment by state and local agencies concerned with the administration of criminal justice, and by other state and local governmental agencies; that where these circumstances exist, they often precipitate, facilitate, cause and reinforce the denials of federal rights, privileges

and immunities, and the denials of equal protection of the laws described in paragraphs (a) through (f) of this section; and that, further, where the circumstances exist, reasonable apprehension by Negroes and persons advocating the equal rights of Negroes that their persons, property, rights, privileges and immunities are unprotected by law is particularly acute and particularly likely to cause them to forego the enjoyment and exercise of federal rights, privileges and immunities, and the equal exercise and enjoyment of state rights, privileges and immunities;

(h) That, by reason of the facts set forth in paragraphs (a) through (g) of this section, the remedies provided by this Act are necessary and proper to protect and enforce the rights, privileges and immunities guaranteed by the Constitution and laws of the United States, and to prevent the denial of equal protection of the laws by the several States to persons within their respective jurisdictions; and that these remedies are appropriate to enforce the provisions of the Thirteenth and Fourteenth Amendments to the Constitution of the United States and other provisions of the Constitution and laws of the United States.

TITLE I. CRIMINAL PROCEEDINGS

Sec. 101. The district courts shall have original jurisdiction, concurrent with the courts of the States, of all prosecutions for offenses (whether felonies, misdemeanors or other offenses) defined by the laws of the State or of any subdivision of the State where acts or omissions constituting the charged offense occur, whenever the prosecution of such offenses in a federal district court is necessary and proper to protect rights, privileges or immunities guaranteed by the Constitution or laws of the United States or to prevent the denial to any person or persons of equal protection of the laws.

Sec. 102. (a) Objection to the jurisdiction of the district court created by section 101 of this Act shall be entertained only if made before trial and in the manner authorized by the federal rules of criminal procedure in effect at the time of the objection. If such objection is not made before trial, the jurisdiction of the district court shall not thereafter be questioned in any manner or by any court.

(b) In the event of a properly presented objection to the jurisdiction of the district court under section 101 of this act, the question whether the prosecution of the charged offense in a federal district court is necessary and proper to protect rights, privileges or immunities guaranteed by the Constitution or laws of the United States or to prevent the denial to any person or persons of equal protection of the laws shall be promptly decided by the district court sitting without jury, and its decision shall be reviewable in the manner authorized by the laws of the United States.

(c) If any one of the circumstances specified in subsection (d) of this section and any one of the circumstances specified in subsection (e) of this section is established by a preponderance of the evidence, the district court shall find that prosecution of the charged offense in a federal district

court is necessary and proper to protect rights, privileges and immunities guaranteed by the Constitution and laws of the United States and to prevent the denial to a person or persons of the equal protection of the laws, unless the defendant satisfies the court, by clear and convincing evidence on the record as a whole, that prosecution of the charged offense in a federal district court is not necessary and proper to protect rights, privileges and immunities guaranteed by the Constitution and laws of the United States or to prevent the denial to any person or persons of the equal protection of the laws.

(d) The circumstances first referred to in subsection (c) of this section are: that the victim of the offense, or any person or class of persons prejudiced or threatened in any way by the acts or omissions constituting the offense, is or was deemed by the defendant at the time of the offense to be

(i) a member of the racial, religious or ethnic group described in subsection (e) of this section; or

(ii) a person who, by words or action, was advocating or supporting at the time of the offense or had advocated or supported prior to the time of the offense the exercise or enjoyment by any member or members of such group of rights, privileges or immunities guaranteed by the Constitution and laws of the United States or the exercise or enjoyment by any member or members of such group of equal protection of the laws.

(e)(i) The circumstances second referred to in subsection (c) of this section are: that in any county or parish where, under applicable state law the offense might be tried the members of any racial, religious or ethnic group are

(A) systematically absent from actual service on grand or petit juries in the state or local courts, whether their absence be caused by exclusion from the venires, or by excuses or challenges peremptory or for cause, or otherwise; or

(B) systematically denied in any manner the franchise in elections at which any prosecuting official or judge in the county or parish, or any official who appoints any such prosecuting official or judge, is elected; or

(C) segregated in, or discriminated against in any manner in connection with the services or facilities of, state or local jails, prisons, police stations, court or other public buildings, schools or publicly [or privately] maintained places of public accommodation and transportation or public facilities (whether or not such discrimination or segregation has been permitted to continue under the order of any state or federal court or agency); or

(D) systematically subjected to harsher punishment, pains, penalties or exactions upon conviction of crime than those to which persons generally convicted of crime are subjected (whether the punishment, pains, penalties or exactions are determined by a court, jury, administrative or

executive agency or by more than one of these and whether by the initial disposition of the prosecution or by later modification thereof); or

(E) systematically subjected to more onerous terms or conditions of bail or conditional release than those to which defendants generally are subjected; or

(F) discriminated against or segregated in any manner in employment in any position by state or local governments or their agencies, excepting positions to which the holder is elected by public election.

(ii) (A) If either of the following circumstances is established by a preponderance of the evidence, the district court shall find that the circumstance described in paragraph (A) of subsection 102(e)(i) is established by a preponderance of the evidence, unless the defendant satisfies the court, by clear and convincing evidence on the record as a whole, that the circumstance described in paragraph (A) of subsection 102(e)(i) does not exist:

(1) a finding has been made by any federal or state court, whose decision has become final within five years prior to the commencement of the prosecution, that members of the racial, religious or ethnic group referred to in subsection 102(e)(i) have been systematically excluded from service either on grand or on petit juries in the state or local courts of the county or parish referred to in subsection 102(e)(i); or

(2) the ratio of the number of members of the racial, religious or ethnic group referred to in subsection 102(e)(i) who have since the last decennial census of the United States prior to the commencement of the prosecution actually served either on grand or on petit juries in any court referred to in paragraph (A) of subsection 102(e)(i) to the total number of members of that group of the age of 21 or above in the county or parish as determined by the last decennial census of the United States is less than one half the ratio of the number of all other persons who have actually served on such grand or petit juries to the total number of all other persons of the age of 21 or above in the county or parish as determined by the last decennial census of the United States.

(B) If either of the following circumstances is established by a preponderance of the evidence, the district court shall find that the circumstance described in paragraph (B) of subsection 102(e)(i) is established by a preponderance of the evidence, unless the defendant satisfies the court, by clear and convincing evidence on the record as a whole, that the circumstance described in paragraph (B) of subsection 102(e)(i) does not exist:

(1) a finding has been made by any federal or state court, whose decision has become final within five years prior to the commencement of the prosecution, that members of the racial, religious or ethnic group referred to in subsection 102(e)(i) have been systematically denied the franchise in any election in the county or parish referred to in subsection 102(e)(i); or

(2) the ratio of the number of members of the racial, religious or ethnic group referred to in subsection 102(e)(i) registered

to vote in elections of the officials described in paragraph (B) of subsection 102(e)(i) to the total number of members of that group of the age of 21 or above in the county or parish as determined by the last decennial census of the United States is less than one half the ratio of the number of all other persons registered to vote in such elections to the total number of all other persons of the age of 21 in the county or parish as determined by the last decennial census of the United States.

Sec. 103. (a) Prosecutions under the jurisdiction given by section 101 of this act shall be commenced by indictment of a federal grand jury in all cases in which the Constitution requires that prosecution be by indictment; in other cases, prosecution may be by indictment or by information.

(b) The district court shall not proceed in the exercise of jurisdiction given by section 101 of this Act unless, at final arraignment or prior to final arraignment, there is filed with the district court a certificate of the Attorney General of the United States that the prosecution of the cause by the United States in a federal district court is in the national interest for the purpose of protecting any person or class of persons in the exercise or enjoyment of a right, privilege or immunity guaranteed by the Constitution or laws of the United States, or of the equal protection of the laws. Upon the filing of such a certificate, the jurisdiction given by section 101 shall become exclusive of the courts of any State, and the prosecution shall thereafter be conducted exclusively by the Attorney General of the United States or his designate, who may but need not be the United States Attorney of the district in which the prosecution is brought or his subordinate. Upon the filing of the certificate, no state court shall have or retain jurisdiction of any offense charged against the defendant prosecution for which would constitute jeopardy in respect of the offense described in the certificate. The certificate of the Attorney General shall not be subject to review by any court.

(c) If the certificate of the Attorney General described in subsection (b) of this section is not filed at or prior to final arraignment, the district court shall dismiss the prosecution without prejudice.

(d) Notwithstanding the certificate of the Attorney General described in subsection (b) of this section has not yet been filed, federal judicial, executive, administrative and law enforcement officers and agencies, including but not limited to federal judges, commissioners, marshals, grand juries, prosecuting attorneys, and the Federal Bureau of Investigation may exercise all powers given them by the laws of the United States in order to prevent and investigate any offense within the jurisdiction given by section 101 of this Act and to apprehend and prosecute the offender or offenders. In any case where such powers by the general laws of the United States are restricted to felonies, the same powers may be exercised in felonies, misdemeanors or petty offenses within the jurisdiction given by section 101. The authority given federal executive, administrative and law enforcement officers and agencies under this subsection shall be exercised under the direction of the Attorney General of the United States, but if the delay of their exercise until a direction of the Attorney General is received is impracticable in

order effectively to prevent or investigate any offense within the jurisdiction given by section 101 of this Act or to apprehend or prosecute the offender or offenders, they may be exercised without direction of the Attorney General.

Sec. 104. (a) Where a prosecution has been commenced in any court of a State in respect of any offense within the jurisdiction given by section 101 of this Act, the United States may at any time before jeopardy attaches remove the prosecution for trial to the district court for the district embracing the place wherein the prosecution is pending.

(b) Such removal shall be instituted by the filing in the district court of the certificate of the Attorney General described in section 103(b) of this Act, which certificate shall identify the prosecution to be removed. The filing of this certificate, together with the filing of a copy thereof with the judge or clerk of the state court in which the prosecution is pending (which filing may precede or follow or be contemporaneous with the filing of the certificate in the district court) shall effect the removal, and the jurisdiction of the state court shall thereupon terminate and all state court proceedings thereafter be null and void for all purposes unless and until the case is remanded. Following removal under this section,

(i) the jurisdiction given by subsection (a) of this section shall be exclusive of the courts of any State, and the prosecution shall be conducted exclusively by the Attorney General or his designate, who may but need not be the United States Attorney of the district in which the prosecution is brought or his subordinate; and

(ii) no state court shall have or retain jurisdiction of any offense charged against the defendant prosecution for which would constitute jeopardy in respect of the offense described in the certificate.

The certificate of the Attorney General shall not be subject to review by any court.

Sec. 105. Any person convicted in proceedings under sections 101 through 104 of this Act shall be sentenced to the fine, term of imprisonment, or both, prescribed by the rules of state law applicable to the offense of which he is convicted. For all other purposes of imposition or execution of sentence, including but not limited to the payment of fine, custody, probation and parole, he shall be treated as a person convicted and sentenced under the criminal laws of the United States.

Sec. 106. (a) Whoever, under color of any law, statute, ordinance, regulation or custom of any State or Territory intentionally commits an assault or an assault and battery is guilty of an offense.

(b) Whoever, being an officer of any State or Territory or of any county or parish, municipality or other sub-division or any agency of a State or Territory, has authority and opportunity by the use of reasonable force to prevent an assault or an assault and battery upon another, and wilfully fails or neglects to do so is guilty of an offense.

(c) Whoever intentionally commits an assault or an assault and battery under the circumstances specified in subsection (d) of this section is guilty of an offense.

(d) The circumstances referred to in subsection (c) of this section are:

(i) where, upon the facts known or reasonably knowable by the assailant at the time of the assault, the assault or assault and battery committed will foreseeably tend to intimidate, coerce or threaten any person or class of persons

(A) in the exercise or enjoyment of any right, privilege or immunity guaranteed by Titles II, VI or VII of the Civil Rights Act of 1964, 78 Stat. 243-244, 252-266; or from lawfully advocating or supporting, by words or action, the exercise or enjoyment of any such right, privilege or immunity by any person or class of persons; or from lawfully protesting, by words or action, the denial of any such right, privilege or immunity to any person or class of persons; or

(B) by reason of race, creed or color, in the use, direct or indirect, of the mails or the facilities of interstate or foreign commerce; or

(C) in the use, direct or indirect, of the mails or any facility of interstate or foreign commerce for the purpose of lawfully advocating or supporting, by words or action, the equal exercise or enjoyment of any right, privilege or immunity by any person or class of persons; or for the purpose of lawfully protesting, by words or action, the denial to any person or class of persons of the equal exercise or enjoyment of any right, privilege or immunity; or

(D) from bringing to the attention of any legislative, judicial, executive or administrative officer of the United States, by any lawful means including protests and demonstrations calculated to come to the attention of any such officer, information relating to the denial or claimed denial to any person or class of persons of the equal exercise or enjoyment of any right, privilege or immunity; or

(ii) where the assailant uses, directly or indirectly, the mails or any facility of interstate or foreign commerce, or anything that has moved in interstate or foreign commerce, in the commission of the assault or assault and battery; and where, upon the facts known or reasonably knowable by the assailant at the time of the assault, the assault or assault and battery committed will foreseeably tend to intimidate, coerce or threaten any person or class of person in the equal exercise of any right, privilege or immunity; or from lawfully advocating or supporting, by words or action, the equal exercise or enjoyment of any right, privilege or immunity by any person or class of persons; or from lawfully protesting, by words or action, the denial to any person or class of persons of the equal exercise or enjoyment of any right, privilege or immunity.

(e) Whoever is convicted

(i) of an offense defined by subsections (a) or (c) of this section shall be fined not more than \$1000 or imprisoned not more than one year or both; but if the assault or assault and battery results in the maiming or death of any person, the convicted party shall be fined not more than \$10,000 or imprisoned not more than twenty years or both;

(ii) of the offense defined by subsection (b) of this section shall be fined not more than \$500 or imprisoned not more than six months or both.

Sec. 107. (a) Prosecution under the jurisdiction given by sections 101 and 104 of this Act, and prosecution for any offense defined by section 106 of this Act or by Chapter 13 of Title 18, United States Code, or for conspiracy to violate section 106 of this Act or Chapter 13 of Title 18, United States Code, shall be had in the State and district in which the offense was committed. If the district consists of two or more divisions within the State, the prosecution may be commenced by indictment or information, or removed by certificate of the Attorney General, in any division. Trial shall be had in the division in which the prosecution is commenced or removed, unless the case is transferred for trial pursuant to subsection (b) of this section or to any other provision of law.

(b) The court upon motion of the defendant or the government shall transfer the proceeding to another division within the State and district if the court is satisfied that there exists in the division where the prosecution is pending such prejudice against the moving party, or in favor of the adverse party, that a fair and impartial trial cannot be had in the division. The authority to transfer given by this subsection is in addition to any other authority given by law to transfer a criminal proceeding.

(c) (i) In any proceeding removed under section 104 of this Act, where the offense charged is one required by the Constitution to be prosecuted by indictment, and where the proceeding removed was not commenced by indictment in the court from which it was removed, indictment by a federal grand jury may be returned in the district court before or after removal. If no indictment is returned within a reasonable time after removal, the proceeding shall be remanded to the state court from which it was removed.

(ii) In any proceeding removed under section 104 of this Act, where the offense charged is one required by the Constitution to be prosecuted by indictment, and where the proceeding removed was commenced by indictment in the court from which it was removed, the prosecution may proceed following removal on the charges contained in that indictment, and no further indictment shall be required to be filed.

(iii) In any proceeding removed under section 104 of this Act, where the offense charged is one not required by the Constitution to be prosecuted by indictment, the prosecution may proceed following removal on the charges contained in complaint, information or indictment by which the prosecution was commenced in the court from which it was removed,

and no further information or indictment shall be required to be filed.

(iv) In any proceeding removed under section 104 of this Act, a supervening or additional information or indictment may be filed, and the Government shall be allowed a reasonable time following removal in which to file or obtain the filing of such a supervening information or indictment. Prosecution upon any supervening or additional information or indictment or any count thereof which does not charge an offense defined by federal statute shall be treated for all purposes as a prosecution originally commenced in the district court under the jurisdiction given by section 101 of this Act, except that the certificate of the Attorney General filed pursuant to section 104(b) of the Act shall satisfy the requirements of, and have the same effect as a certificate filed under, section 103(b) of the Act.

TITLE II. CIVIL PROCEEDINGS.

Sec. 201. Section 1979 of the Revised Statutes (42 U.S.C. § 1983) is amended as follows: Insert "(a)" before the paragraph which is present section 1979 and add the following paragraphs:

"(b) Every person who,

"(i) under color of any law, statute, ordinance, regulation, or custom of any State or Territory, intentionally commits an assault or an assault and battery; or

"(ii) being an officer of any State or Territory or of any county or parish, municipality or other subdivision or any agency of a State or Territory, has authority and opportunity by the use of reasonable force to prevent an assault or an assault and battery upon another, and wilfully fails or neglects to do so shall be liable to the party injured in a civil action for legal, equitable or other proper redress.

"(c) Every county or parish, municipality or other subdivision of a State or Territory

"(i) by which any individual liable for damages under subsections (a) or (b) of this section is or was employed or whose officer or agent he is or was at the time of the acts or omissions giving rise to his liability; or

"(ii) within the territorial boundaries of which any act or omission occurs or occurred on the basis of which, in whole or in part, any individual is liable for damages under subsections (a) or (b) of this section,

shall be jointly and severally liable for damages for any and all acts or omissions for which that individual is liable under subsections (a) or (b) of this section, whether or not committed within the territorial boundaries of the county or parish, municipality or other subdivision.

"(d) In any action for damages brought under this section the court shall upon motion of either party transfer the proceeding to another district or division if the court is satisfied that attitudes against the moving party or in favor of the adverse party in the district or division where the proceeding is pending will make it difficult to obtain a fair and impartial trial in that district or division. The authority to transfer given by this section is in addition to any other authority allowed by law. Any order granting or refusing a transfer under this subsection shall be subject to review, on interlocutory appeal, by the court of appeals for the circuit embracing the district where the order was made; and, in the event of an appeal, the court of appeals shall review the order on the record as a whole.

"(e)(i) Section 2283 of Title 28, United States Code, shall not apply to any proceeding brought under this section.

"(ii) In any proceeding brought under this section to redress the deprivation of

"(A) any exercise or enjoyment of the freedoms of religion, of speech, of the press, of assembly or of petition guaranteed by the Constitution or laws of the United States; or

"(B) any exercise or enjoyment of a right, privilege or immunity guaranteed by any provision of the Constitution or laws of the United States (including but not limited to the Equal Protection Clause of the Fourteenth Amendment) against denial by reason of race, creed or color,

no federal court shall in any manner deny or delay relief by reason of the availability of any state civil, criminal or other proceeding in which the same or similar relief might be given, or the claims sought to be enforced might be decided or otherwise affected, unless the court is convinced, on the record as a whole, that such state proceedings will in fact afford relief which, in view of the nature and importance of the rights, privileges or immunities for whose deprivation redress is sought, will be prompt and complete. It is the purpose of this subsection that in the class of cases described therein, no federal court shall abstain in the exercise of its jurisdiction, require of any party the exhaustion of state remedies, decline to enjoin state civil or criminal proceedings, or give effect to any similar principles or doctrines unless the court is so convinced; but no inference may be drawn from this subsection that relief should be delayed or denied in any other case."

Sec. 202 (a) Every person who intentionally commits an assault or an assault and battery under the circumstances specified in subsection (d) of Section 106 of this Act shall be liable to the party injured in a civil action for legal, equitable or other proper redress.

(b) In any action for damages brought under this section, the provisions of subsection 1979(d) of the Revised Statutes, as amended by section 201 of this Act, shall be applicable.

Sec. 203 (a) Whenever

(i) any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice which by violence, coercion, intimidation or threat of any sort will tend to harass any person or class of persons in, deter any person or class of persons from, or punish any person or class of persons for

(A) any exercise or enjoyment of the freedoms of religion, of speech, of the press, of assembly or of petition guaranteed by the Constitution or laws of the United States; or

(B) any exercise or enjoyment of a right, privilege or immunity guaranteed by any provision of the Constitution or laws of the United States (including but not limited to the Equal Protection Clause of the Fourteenth Amendment) against denial by reason of race, creed or color; and

(ii) in any State or part thereof where any part of such act or practice has occurred or is reasonably likely to occur, the failure or probable failure of the State to prevent the denial to any person or class of persons of any of the rights, privileges or immunities described in either paragraph (A) or paragraph (B) of subsection 203(a)(i) of this Act, makes preventive relief by a federal court necessary and proper to prevent its denial,

an action for preventive relief, including an application for a permanent or temporary injunction, restraining order or other order (including but not limited to an order requiring the posting of a bond conditioned upon compliance with any order of the court) may be instituted by any person or member of a class of persons aggrieved.

Upon the filing in the district court of a certificate of the Attorney General of the United States, that the institution of, or intervention in, such an action by the United States is in the national interest for the protection of any right, privilege or immunity described in either paragraph (A) or paragraph (B) of subsection 203(a)(i) of this Act, the United States may institute an action under this section, or intervene as of right in any action brought by any person under this section, as the case may be. The certificate of the Attorney General shall not be subject to review by any court.

(b) If the act or practice described in subsection (a) of this section or any part of such act or practice has occurred or is reasonably likely to occur in any county or parish, and if both of the circumstances specified in subsection (c) of this section are established by a preponderance of the evidence, the court shall find unless satisfied of the contrary by a preponderance of the evidence on the record as a whole that, in the part of the State where the act or practice has occurred or is reasonably likely to occur, the failure or probable failure of the State to prevent the denial to a person or class of persons of a right, privilege or immunity described in either paragraph (A) or paragraph (B) of subsection 203(a)(i) of this Act makes preventive relief by a federal court necessary and proper to prevent its denial.

(c) The circumstances referred to in subsection (b) of this section are

(i) that any person or class of persons affected or likely to be affected by the act or practice is a person or is composed of persons described in either paragraph (i) or paragraph (ii) of subsection 102(d) of this Act; and

(ii) that in the county or parish described in subsection (b) of this section, any of the circumstances described in subsection (e)(i) of section 102 of this Act exists. In determining for this purpose whether any circumstance described in subsection (e)(i) exists, the provisions of subsection 102(e)(ii) shall be applicable.

TITLE III. REMOVAL: HABEAS CORPUS.

Sec. 301(a). Any of the following proceedings commenced in a State or local court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(i) any action or proceeding (civil, criminal or otherwise) for or on account of any act or omission in the exercise or enjoyment of the freedoms of religion, of speech, of the press, of assembly or of petition guaranteed by the Constitution or laws of the United States; or in the exercise or enjoyment of any right, privilege or immunity guaranteed, secured or protected in any manner by any provision of the Constitution or laws of the United States (including but not limited to the Equal Protection Clause of the Fourteenth Amendment) against denial by reason of race, creed or color; or

(ii) any action or proceeding (excepting an action or proceeding in which the only relief or remedy which the court may give is compensatory damages) pending in any State or local court in any county or parish where members of any racial, religious or ethnic group are systematically excluded from service either on grand or on petit juries, when the action or proceeding is against a person who, by words or action, was advocating or supporting at the time of the acts or omissions giving rise to the action or proceeding, or had advocated or supported prior to that time, the exercise or enjoyment by any member or members of the group so excluded of rights, privileges or immunities guaranteed by the Constitution or laws of the United States or the exercise or enjoyment by any member or members of such group of equal protection of the laws; or

(iii) any criminal prosecution in which capital punishment may be imposed at the discretion of a jury (whether or not with the concurrence or subject to the control or restriction in any manner of the court) pending in any State or local court in any county or parish where members of any racial, religious or ethnic group are systematically excluded from service either on grand or on petit juries, when the prosecution is against a member of the group so excluded for a charged offense involving harm or potential harm to any person not a member of the group.

(b) If any one of the following circumstances is established by a preponderance of the evidence, the district court shall find that members of a racial, religious or ethnic group are systematically excluded from service on grand or petit juries in the State or local courts of a county or parish, for purposes of section 301 of this Act, unless the prosecution or plaintiff satisfies the court, by clear and convincing evidence on the record as a whole, that the contrary is true:

(i) a finding has been made by any federal or state court, whose decision has become final within five years prior to the filing of the petition for removal, that members of the racial, religious or ethnic group referred to in section 301 of this Act have been systematically excluded from service either on grand or on petit juries in the State or local courts of the county or parish; or

(ii) the ratio of the number of members of the racial, religious or ethnic group referred to in section 301 of this Act who have since the last decennial census of the United States prior to the filing of the petition for removal actually served as members of the venires or panels from which either grand or petit juries were selected in any State or local court in the county or parish to the total number of members of that group of the age of 21 or above in the county or parish as determined by the last decennial census of the United States is less than three quarters the ratio of the number of all other persons who have served in the same capacity to the total number of all other persons of the age of 21 or above in the county or parish as determined by the last decennial census of the United States; or

(iii) the ratio of the number of members of the racial, religious or ethnic group referred to in section 301 of this Act who have since the last decennial census of the United States prior to the filing of the petition for removal actually served on grand juries in any State or local court in the county or parish to the total number of members of that group of the age of 21 or above in the county or parish as determined by the last decennial census of the United States is less than one half the ratio of the number of all other persons who have served in the same capacity to the total number of all other persons of the age of 21 or above in the county or parish as determined by the last decennial census of the United States; or

(iv) the ratio of the number of members of the racial, religious or ethnic group referred to in section 301 of this Act who have since the last decennial census of the United States prior to the filing of the petition for removal actually served on petit juries in any State or local court in the county or parish to the total number of members of that group of the age of 21 or above in the county or parish as determined by the last decennial census of the United States is less than one half the ratio of the number of all other persons who have served in the same capacity to the total number of all other persons of the age of 21 or above in the county or parish as determined by the last decennial census of the United States; provided that any member of the racial, religious or ethnic group involved who is shown to have been excused from service on a petit jury by the peremptory challenge of a party who was a member of the same racial, religious or ethnic group shall be treated for purposes of this computation as if he had actually served on a petit jury.

Sec. 302 (a) The United States Commission on Civil Rights shall investigate the patterns of selection for, and actual service on, grand and petit jury venires and panels and of actual service on grand and petit juries by members of racial, religious and ethnic groups in the State and local courts of any county or parish in which it believes that there may be disparate treatment of members of different racial, religious or ethnic groups.

(b) Before publishing the results of any such investigation, the Commission shall furnish a copy of its proposed findings to the jury commissioners and any other officials responsible for jury selection in the county or parish concerned, and shall give them an opportunity to controvert any of the proposed findings. Upon consideration of their responses and such consultation with the affected commissioners and officials as may be indicated,

the Commission may revise its proposed findings. If any of those proposed findings remains controverted, the Commission shall cause a public hearing to be held in the county or parish concerned to consider the remaining issues of fact. Such hearing may be held by the Commission or by a person or persons designated by it who may but need not be a member or members of the Commission or its staff; the person or persons thus designated shall have all the powers the Commission would have in regard to the conduct of such a hearing. If any such hearing is not held by the Commission itself, the person or persons conducting it shall prepare a report which shall be forwarded to the Commission together with such comments thereon as local officials may make and with the record of the hearing. The Commission shall thereafter publish its findings and a detailed summary of the data on which those findings are based. Judicial notice of the findings of the Commission and the data contained in its detailed summary shall be taken in any judicial proceeding in any court.

(c) In any action or proceeding removed under section 301 of this Act, the Commission's findings and summary of data under subsection (b) of this section shall constitute evidence of the facts presented therein and, except to the extent that the party controverting those facts satisfies the court, by clear and convincing evidence on the record as a whole, that particular findings or data are not correct, the district court shall accept the Commission's findings and data as adequately probative of all the facts contained therein, and shall make its findings in accordance therewith.

(d) In proceeding under this section, the Commission shall have all the powers granted it under all other statutes; and the powers conferred on it by this section are in addition to its powers under such other statutes.

Sec. 303 (a) In any action or proceeding removed under section 301 of this Act, the district court upon motion of the defendant shall transfer the action or proceeding as to him to another district or division if the court is satisfied that attitudes against the defendant or in favor of the prosecution or plaintiff in the district or division where the action or proceeding is pending will make it difficult to obtain a fair and impartial trial in that district or division.

(c) Any order granting or refusing a transfer under this section shall be subject to review, on interlocutory appeal, by the court of appeals for the circuit embracing the district where the order was made; and, in the event of an appeal, the court of appeals shall review the order on the whole record.

(d) The authority to transfer given by this section is in addition to any other authority to transfer allowed by law.

Sec. 304. In any proceeding for habeas corpus under section 2241 of Title 28, United States Code, by or on behalf of any person complaining of custody for or on account of, or incident to or consequent upon any State or local proceedings (civil, criminal or otherwise) for or on account of, any act or omission

(i) in the exercise or enjoyment of the freedoms of religion, of speech, of the press, of assembly or of petition guaranteed by the Constitution or laws of the United States; or

(ii) in the exercise or enjoyment of any right, privilege or immunity guaranteed by any provision of the Constitution or laws of the United States (including but not limited to the Equal Protection Clause of the Fourteenth Amendment) against denial by reason of race, creed or color,

the provisions of section 2254 of Title 28, United States Code, shall not apply; and no such person, or party proceeding on behalf of any such person, shall be required to exhaust available state remedies of any sort. It is the purpose of this section to preclude the application, in any of the proceedings for habeas corpus described therein, of any principle or doctrine requiring exhaustion of state remedies, or any similar doctrine or principle; but no inference may be drawn from this section that relief in proceedings for habeas corpus should be denied or delayed in any manner in any other case.

TITLE IV. MISCELLANEOUS.

Sec. 401. Section 1292 of Title 28, United States Code is amended as follows: Change the period at the end of subsection (4) to a semicolon and add the following paragraph:

"(5) Interlocutory orders granting or refusing transfers where such appeals are authorized by subsection (d) of section 1979 of the Revised Statutes [as amended by section 201 of this Act] or by . . . [section 302(c) of this Act].

Sec. 402. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Sec. 403. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Summary of the Act

1. Findings. In section 50 of the Act, Congress finds:

- (a) that crimes have been committed against Negroes and civil rights workers in sections of the country for the purpose of coercing them to forego federally guaranteed rights and equality in state-guaranteed rights;
- (b) that in such cases state justice has failed to afford the victims protection and thus has denied them federally guaranteed rights and equal protection of the laws;
- (c) that Negroes and civil rights workers have been sued and prosecuted in the state courts in sections of the country with the design and effect by harassment of coercing them to forego federally guaranteed rights and equality in state-guaranteed rights, and have thus been denied these rights; and
- (d) that these denials tend to occur in coincidence with, and to be caused and reinforced by, such circumstances as the systematic exclusion of Negroes from juries and from the electorate which elects state judges and prosecutors; racial discrimination or segregation in jails, prisons, courts, public buildings, schools, places of public accommodation and facilities; racial discrimination in sentencing and bail arrangements; and racial discrimination in employment by state justice agencies and other agencies.

2. Criminal penalties.

- (a) Section 101 of the Act gives the federal courts jurisdiction of prosecutions for state criminal offenses where the prosecution of such offenses in a federal court is necessary and proper to protect federally guaranteed rights and prevent denials of equal protection of the laws. Under section 102, a federal court must find (unless the defendant satisfies the court to the contrary by clear and convincing evidence on the record as a whole) that prosecution in a federal court is necessary and proper for these purposes whenever it is shown that an offense against a Negro or civil rights worker is triable in the state courts in any county where Negroes are systematically absent from juries; or systematically denied the franchise in elections of state judges or prosecutors; or discriminated against in public buildings or places of public accommodation or public facilities; or discriminated against in sentencing or bail arrangements; or discriminated against in public employment. Findings of systematic absence from juries and of systematic denial of the franchise must be made whenever jury exclusion or voting discrimination has

B.

been found by any court within five years previously, or whenever certain ratios of racial disparity appear in jury service or voter registration, unless the defendant negatives systematic absence from juries or systematic denial of the franchise by clear and convincing evidence on the record as a whole. Prosecution under section 101 may proceed only upon a certificate by the Attorney General that such prosecution by the United States in a federal court is in the national interest for the purpose of protecting federally guaranteed rights or preventing denials of equal protection of the laws. The certificate is not judicially reviewable. Once it has been filed, prosecution is conducted by federal prosecutors; the state courts are deprived of jurisdiction over the offense and over any offense which would constitute jeopardy; and persons convicted are sentenced under state law but thereafter treated as federal convicts for purposes of execution of sentence, pardon, parole, etc. (Sections 103, 105.) Under the same circumstances in which federal prosecution may be commenced by force of section 101, pending state prosecutions may be removed to federal court for federal prosecution by force of section 104. Notwithstanding a certificate of the Attorney General has not yet been filed, the FBI and other federal law enforcement officials are authorized to act to prevent and investigate offenses within section 101, and to apprehend and proceed preliminarily against offenders. (Section 103(d)).

- (b) Subsections 106(a) and (b) of the Act make it a federal crime for a state officer to commit an intentional assault, or wilfully to fail to prevent an assault which he has power to prevent. Assault is punishable by \$1000 fine and/or one year imprisonment; but if any person is maimed or killed the assault is punishable by \$10,000 fine and/or twenty years imprisonment. Wilful failure to prevent an assault is punishable by \$500 fine and/or six months imprisonment.
- (c) Subsections 106(c) and (d) of the Act make it a federal crime for any person to commit an intentional assault where, on the facts known to or reasonably knowable by the assailant, the assault will foreseeably tend to intimidate any person in the exercise or enjoyment of rights under the Civil Rights Act of 1964; or in advocacy or protest relating to such rights; or in use of the mails or facilities of interstate commerce by reason of race; or in the use of the mails or facilities of interstate commerce for advocacy or protest relating to equal rights; or in bringing to the attention of federal officials by any lawful means (including protests and demonstrations calculated to come to their attention) denials of equal rights. The subsections also make it a federal crime to commit an intentional assault where the assailant uses the mails or facilities of commerce and where the assault will foreseeably tend to intimidate any person in the equal exercise or enjoyment of any right, or in advocacy or protest relating to equal rights. These assaults are punishable by \$1000 fine and/or one year imprisonment; but if any person is maimed or killed the assault is punishable by \$10,000 fine and/or twenty years imprisonment.

3. Civil liability.

- (a) Civil actions for damages, injunctions or other redress are authorized to prevent or remedy any of the assaults made criminal by section 106 of the Act. (Sections 201, 202.)
- (b) State subdivisions are made liable for damages for such assaults by their officers, or for other civil rights violations by their officers; and they are also made liable for assaults or other civil rights violations by state officers within the territorial boundaries of the subdivision. (Section 201.)
- (c) In any action brought to vindicate First Amendment rights or rights of racial equality, the bar of the federal anti-injunction statute is removed, and federal courts are precluded from denying or delaying relief pursuant to the abstention doctrine, doctrine requiring exhaustion of state remedies, doctrine forbidding injunction of criminal proceedings, or any other similar doctrine, unless the federal court is convinced on the record as a whole that proceedings in the state courts will in fact afford prompt and complete relief to the complainant, in view of the nature and importance of the rights which he seeks to vindicate. (Section 201.)
- (d) Whenever any person has engaged or there are reasonable grounds to believe that any person will engage in any act or practice of violence, intimidation or threat tending to harass, deter or punish any person or class of persons in the exercise or enjoyment of First Amendment rights or rights of racial equality, and the failure or probable failure of a State to prevent the denial of these rights makes preventive relief by a federal court necessary and proper to prevent their denial, a civil action for preventive relief may be filed in a federal court, seeking temporary restraining orders, preliminary and permanent injunctions and other relief including a peace bond. On certificate of the Attorney General that it is in the national interest to protect First Amendment rights or rights of racial equality, the Government may initiate or intervene in such an action. The court must find (unless satisfied to the contrary by a preponderance of the evidence on the record as a whole) that the failure or probable failure of a State to prevent the denial of First Amendment rights or rights of racial equality makes preventive relief by a federal court necessary and proper to prevent their denial whenever the persons affected by an intimidating act or practice are Negroes or civil rights workers and, in any county where any part of the act or practice occurs or is likely to occur, it is shown that any of the various discriminations against Negroes detailed in paragraph, 2(a) on page A of this Summary exist. (Section 203.)

3. Removal and habeas corpus.

- (a) Section 301 authorizes the defensive removal to a federal court of any state proceeding (civil, criminal or otherwise) for any act or omission in the exercise of First Amendment rights or rights of racial equality.
- (b) Section 304 abrogates the requirement of exhaustion of state remedies in any federal habeas corpus proceeding complaining of custody for any act or omission in the exercise of First Amendment rights or rights of racial equality.
- (c) Defensive removal is also authorized by section 301 in two classes of cases:

(i) proceedings against civil rights workers, except in cases where only compensatory damages may be awarded, and

(ii) capital prosecutions against Negroes for offenses against whites where sentencing discretion is given the jury,

whenever such cases are pending in the courts of any county where Negroes are systematically excluded from grand or petit juries. The court must find such systematic exclusion (unless satisfied to the contrary by clear and convincing evidence on the record as a whole) whenever it is shown that any court has found such exclusion in the county within five years previously, or whenever certain ratios of racial disparity appear in jury service in the county. The Civil Rights Commission is directed to investigate jury selection practices and service by racial groups on juries in any county where it believes disparate treatment of racial groups in jury selection may be occurring. After furnishing copies of its proposed findings to the jury commissioners and other local jury-selection officials and giving them the opportunity to controvert the proposed findings, the Commission is to revise its proposed findings as appropriate, hold a public hearing in the county (itself or by its designate) to resolve remaining factual disputes, and publish its findings with a detailed summary of the underlying data. (Section 302.) Courts are directed to take judicial notice of the findings and summaries and, in proceedings removed under section 301, the federal court is directed to make findings in accordance with those of the Commission unless satisfied by clear and convincing evidence on the record as a whole that the findings of the Commission are incorrect.

4. Procedure.

Provisions are made for the transfer of the various federal judicial proceedings under this act and of other federal civil actions and criminal prosecutions in civil rights cases out of the district or division where they are pending in order that a fair and impartial trial may be obtained. Federal criminal prosecutions may be transferred within the district upon motion of either party. (Sections 107(a), (b).) Federal civil actions for damages may be transferred within or without the district upon motion of either party. (Section 201.) Removed proceedings may be transferred within or without the district upon motion of the defendant. (Section 303(a).)

SUMMARY

Administration of Justice

This panel concerned itself generally with equal protection of the law for Negroes, police-community relations and updating practices of criminal punishment and rehabilitation. The panel listed the following problems and proposed solutions:

A. Individual Physical Security.

1. Enactment of a "Civil Rights Protection Act of 1966" dealing with individual physical security in the following particulars:
 - a. Granting federal courts original and removal jurisdiction over state criminal law offenses when federally guaranteed rights cannot be adequately protected in state courts.
 - b. Creating new federal substantive civil rights offenses (e.g., making federal crimes of the assault or murder of persons seeking to exercise federal rights or for the intentional failure to prevent such offenses).
 - c. Broadening the injunctive powers of the federal courts to enable them to prevent state proceedings which do not adequately protect federally guaranteed rights.
 - d. Making state subdivisions liable for money damages for the violent misdeeds of their officers.
 - e. Providing for the removal (through federal administrative proceedings) of state officers who violate civil rights.
2. Stationing of federal law enforcement officers at the scenes of likely violence and more extensive investigation and surveillance and authorization of on-the-scene arrests by such officials.
3. Assignment of more justice department lawyers to the field of civil rights.
4. New federal legislation providing compensation for the victims of violence (to be administered by federal administrative panels).

5. Direction of the attention of bar associations, business organizations and labor unions towards action aimed at the reduction of violence in local communities.

B. Jury Selection.

1. Establishment of minimum federal standards for the selection of jurors in both federal and state courts.
2. Administration of jury selection standards by a federal administrative organization utilizing scientific selection techniques.
3. Appointment of federal jury commissioners (similar to federal voting registrars) where a community continues to discriminate in jury selection.
4. Injunctive and criminal suits by the Department of Justice to remedy discrimination in the selection of jurors.
5. Legislation authorizing removal by defendants from state to federal courts where jury discrimination is shown.
6. Programs for educating Negroes for service on juries by governmental effort (e.g., the poverty program) and by private civil rights groups.
7. Attention to the problem of preemptory striking of Negro jurors by prosecutors and defense attorneys with the silent support of judges.

C. Other Aspects of Dual Justice.

1. The American Bar Association and other legal organizations should devote greater support to promoting the handling of civil rights litigation as an honorable and vital calling for lawyers.
2. Greater attention should be paid to eradicating employment discrimination in the agencies of justice.

D. Police-Community Relations.

1. Re-definition of the role of the police towards the keeping of the peace in the broadest sense; acceptance of the notion that the prevention of riots and individual criminal acts is as vital a police function as their suppression.

2. Deliberate steps by police departments to improve relations with minority groups through review of such "normal police practices" as the almost exclusive application of "stop-and-frisk" procedures to Negroes.
3. The establishment of community relations programs in all police departments with support from top ranking officers.
4. Increased Negro employment in police forces through active recruitment and special training programs.
5. Massive federal support in the form of grants in aid to assist local police departments in recruitment, in-service training, community relations and merit advancement. (Expansion of the experimental program of the Office of Law Enforcement Assistance of the Department of Justice.)
6. Creation of a special agency situated close to the President to supervise administration of justice programs.
7. Reciprocal programs by civil rights organizations to improve police-community relations.
8. Programs by civil rights groups to work with police in combating crime.
9. Review of the merits of police review boards to administer citizen complaints and the establishment of more comprehensive complaint institutions.
10. Active assistance of legal service programs (such as those supported by the Office of Economic Opportunity) in improvement of Negro relations with police.

E. Rehabilitation and Training.

1. Further use of work-release statutes making it possible to place convicted persons at work in local communities while serving their sentences.
2. Promulgation of a "Correctional Bill of Rights" to give greater protection to persons convicted of crimes.