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THE IMPACT OF THE UNITED STATES COMMISSION ON  
CIVIL RIGHTS IN THE STRUGGLE FOR RACIAL EQUALITY  
IN AMERICA: THE PROBLEMS IN URBAN HOUSING, EMPLOYMENT  
AND CRIMINAL JUSTICE (1965-1974)

By

Robert Steven Baker

A DISSERTATION

Submitted to:  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of:

DOCTOR OF PHILOSOPHY

Department of History

1989

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ON THE STRUGGLE  
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<sup>1</sup> Public Law 85-  
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## ABSTRACT

### THE IMPACT OF THE UNITED STATES COMMISSION IN CIVIL RIGHTS ON THE STRUGGLES FOR EQUALITY IN AMERICA: THE PROBLEM IN URBAN HOUSING, EMPLOYMENT, AND CRIMINAL JUSTICE (1965-1974)

By

Robert Steven Baker

The United States Commission on Civil Rights (the Commission) was created on September 9, 1957 as an aspect of the Civil Rights Act of 1957.<sup>1</sup> The purpose was to investigate allegations of civil rights violations; study and collect information on civil rights developments; and appraise the laws and policies of the Federal government with respect to equal protection of the law.<sup>2</sup> In its first seven years of existence the Commission primarily concerned itself, as illustrated in Foster Rhea Dulles' work The Civil Rights Commission: 1957-1965, with voting rights violations of minorities.<sup>3</sup> As the Jim Crow policy of segregation and discrimination began to be legally dismantled, new problems emerged with respect to urban discrimination. Consequently, the Commission began to undertake the responsibility for finding new solutions to the urban problems associated with housing, employment and criminal justice.

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<sup>1</sup> Public Law 85-315 U.S. Civil Rights Act of 1957 September 9, 1957 U.S. Statutes Vol. 71 pp. 634-638.

<sup>2</sup> Public Law 85-315 Ibid. p. 635.

<sup>3</sup> Foster Rhea Dulles, The Civil Rights Commission: 1957-1965 (East Lansing, Michigan: Michigan State University Press, 1968).

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<sup>4</sup> Hanes Walton, The Civil Rights Regu  
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As Hanes Walton indicates in his book, When the Marching Stopped: The Politics of Civil Rights Regulatory Agencies, only one study (Dulles) has been completed on the history of the Commission.<sup>4</sup> While Dulles' work is necessary in order to understand the historical developments of the Commission, there is a void in its history that pertains to the Commission's involvement with urban issues.

This project will attempt to accomplish two objectives. First, it will attempt to illustrate the historical developments of the Commission within the historical context of 1965-1975. Next this study will attempt to present the Commission's involvement with the urban issues of housing, employment, and criminal justice as the nation sought to cope with discrimination in its expanding urban society. From these findings, it is hoped that the Commission's involvement toward the eradication of these urban ills can be determined, and perhaps contribute to a more inclusive participation of urban citizens in the direction and prosperity of American society.

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<sup>4</sup> Hanes Walton, When the Marching Stopped: The Politics of the Civil Rights Regulatory Agencies, (Albany: State University of New York Press, 1988), p. xix).

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**This dissertation is dedicated:**

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**Robert Steven Baker  
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## ACKNOWLEDGEMENTS

I would like to thank members of my family, Elaine Junita Baker Bevere and Barbara Jean Baker Clifford, for their continued faith in me. Through all the years of hardship and denial their resolute belief in me has not wavered. Next, I would like to thank my many friends for their unflinching support. In particular, I would like to acknowledge Terrence R. Duvernay, Executive Director of the Michigan State Housing Development Authority whose brilliant conceptualizations and vast resources sustained me. Alwin K. Petterson whose innovative solutions allowed me to persevere. Edward Thomas who "held down the fort" in my absence. Dr. Charlie Rishard who inspired me to greater professional heights. We shall meet again! I would also like to thank Mrs. Clara Gill Morris who accepted the mantle of mother while providing common sense direction.

Next, I would like to thank the many people who assisted me with the technical aspects of this dissertation. Jerry Hagy whose masterful insights into computers "retrieved what was lost" and brought me, albeit with trepidation, into the 21st century. Mrs. Rosa L. Moss through her tireless, meticulous efforts proofread this document throughout its many stages and provided valuable assistance which kept me from faltering. Donald Glen McBride whose knowledge of

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computers and invaluable presence made the completion of this document more tolerable. Finally, Susan Joel whose final completion of this document was truly professional and timely.

Next, I would like to thank the members and staff of Michigan State University's Department of History as well as other members of my committee for their guidance and assistance. Dr. David C. Bailey whose belief in the historical maverick, allowed Dr. Leslie Rout to apply historical scholarship to music. Dr. Richard A. Thomas, chairman of my committee, whose commitment to academic excellence and innovative resourcefulness allowed completion of this dissertation. His tireless patience and strength of will afforded the conduit by which my vision became my reality. His unflagging dedication in this scholastic endeavor will always be greatly appreciated. Perhaps I, too, may repay this debt by passing the torch. Dr. William B. Hixson whose attention to historical detail allowed this project to evolve from a nebulous concept to a contribution in the larger story in recent American history. Dr. Donald Lammers whose stimulating discussions of international events allowed this project to be placed within the historical context of world history. Dr. David W. Robinson whose guidance encouraged completion of this project, as well as brought West Africa closer to Black America. Dr. Homer Hawkins who like the 9th and 10th calvary or Buffalo Soldiers magnificently filled the breach. Dr. Kathleen Rout who

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emphasized that historical scholarship can become more perfect. Dr. Herman Brown, Vice President for Academic Affairs: University of the District of Columbia I would like to especially thank for his continued inspirational presence, spiritually, emotionally, and academically, which afforded me "safe haven" from the pitfalls and hurdles a neophyte may be susceptible to. Mrs. Mary Reid who kept me on course and Mrs. Judith Skea who added humor to an otherwise tedious existence.

Finally, I would like to thank all of those people whose names are not mentioned, but donated invaluable assistance freely toward the completion of this project. I will always be indebted to their contributions. In conclusion, I would like to thank Bobbie and Camille for their sacrifices and hardships toward our common goal. G.O.A.W.M. . . T.B.I.Y.T.B.

Robert Steven Baker, Ph.D  
602 E. Owen Hall  
Michigan State University  
East Lansing, Michigan  
July 25, 1989

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## INTRODUCTION

The United States Commission on Civil Rights (the Commission) was created on September 9, 1957 as an aspect of the Civil Rights Act of 1957.<sup>1</sup> This enactment, the first of its kind since the Reconstruction Period, created a Federal agency which would monitor, appraise, and investigate the civil rights of all Americans. This Commission was mandated by Congress to report any injustices or acts of discrimination by some citizens, groups, or institutions which infringed upon or prevented the exercise of another's constitutional rights. The Commission had the authority to subpoena witnesses to testify, under oath or in writing, instances of their civil rights being violated. The Commission also had the authority to submit reports of its findings to the President and Congress, and to make recommendations as to the protection of citizens and the elimination of possible future rights infringements.<sup>2</sup>

In the first seven years of its existence, the Commission concerned itself primarily with the denial or abridgement of civil rights for Black Americans in the southern part of the United States. Within this time span, the Commission

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<sup>1</sup> Public Law 85-315 U.S. Civil Right of 1957 September 9, 1957 U.S. Statutes Vol. 71 pp. 634-638.

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monitored and investigated the systematically blatant opposition to the inclusion of Blacks in the democratic process. The basic fundamental right of all Americans to vote had been gradually eroded by law and customs in the south which ultimately resulted in the almost total disenfranchisement of Black Americans. From 1957 through 1964, the Commission concerned itself with the acknowledgement of a Jim Crow society and the solutions for the dismantlement of legalized discrimination and segregation of Blacks as illustrated by Foster Rhea Dulles' singular work The United States Civil Rights Commission: 1957-1965.<sup>3</sup> By the end of 1964, most of the nation's legal bastions of institutionalized racism had begun to crumble. Various Federal civil rights legislation had been enacted with constitutionally insured and protected the birthright of Blacks to exercise their vote as citizens of the United States. As 1965 dawned, the Commission began to expand its investigations into the infringement of civil rights of American citizens within the larger American society. This research project will attempt to examine the impact of the Commission on the problems of racial discrimination in urban metropolitan communities in the specific areas of housing, employment, and criminal justice. The time frame for this project will be limited to the years 1965 through 1974. This study will concern itself with these

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<sup>3</sup> Foster Rhea Dulles, The Civil Rights Commission: 1957-1965 (East Lansing, Michigan: Michigan University Press, 1968).

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<sup>4</sup> History of the  
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<sup>5</sup> John A. Hannah  
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problems of urban racial discrimination, and will attempt to explain the impact of the Commission on these specific areas in order to determine to what extent the Commission contributed to the identification and resolution of these urban issues.

A list of the Commissioners who served on the Commission during this time period 1965-1974 will be provided in the appendix so that the reader may have an overview of Commission appointments made during particular presidential administrations.<sup>4</sup> A more in depth biography of each Commissioner will be presented according to tenure at the conclusion of Chapter One. This use of the John A. Hannah Papers from the Michigan State University Archives has been incorporated within this study in order to gain some insight into Dr. Hannah's contributions as chairman of the Commission from 1965 to 1969. Unfortunately, Dr. Hannah resigned from the Commission at the request of President Richard Nixon, therefore his contributions might be limited to the early years of this time frame.<sup>5</sup> While many of the events which concerned the Commission's urban investigations primarily affected Black Americans, the use of the term urban will be

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<sup>4</sup> History of the United States Civil Rights Commissioners: Press and Communication Division. U.S. Commission on Civil Rights Jan. 21, 1986.

<sup>5</sup> John A. Hannah Papers Jan. 1965-Feb. 1969 Michigan State University Archives and Historical Collections, East Lansing, Michigan.

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employed because most of this research ultimately affected those Americans who lived in these urban areas. In some instances, certain events will be presented more than once. These events should be regarded within the particular context they are discussed in order to clarify the different reactions to specific issues the Commission had to address.

The first chapter of this project will concern the historical events which led up to the creation of the Commission in 1957. The research material will include government documents as well as legislative records which culminated in the passage of the Civil Rights Act of 1957. This information will help provide the reader with background material which should assist him in determining the forces the Commission had to contend with as it attempted to impact these urban issues. Four themes will then be presented which will attempt to illustrate the different directions the Commission expanded into as it sought to address the problems of racial segregation and discrimination Americans confronted in an increasingly urban society. The four themes in this study that will be addressed are: the assessment by the Commission of Federal agencies and their civil rights policies; the monitoring by the Commission of Federal involvement and cooperation with local urban community groups; on-site Commission investigation hearings which addressed specific urban problems; and the influence of the Commission within the Federal legislative process as an advocate for urban civil

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Finally, the research material for these urban themes will primarily be limited to the Minutes of the United States Commission on Civil Rights from 1965 through 1964.

A Freedom of Information Request was submitted to William L. Gellers, Solicitor of the United States Commission on Civil Rights, July 30, 1986. This request concerned documents, manuscripts, private letters, and other pertinent material that related to the Civil Rights Commission and the urban issues of housing, employment, and criminal justice from 1965-1974.

Upon granting this researcher an interview, Gellers explained that this research was stored in the Suitland, Maryland branch of the National Archives. He pointed out that the requested documents were placed, at random, in boxes and stored in the Suitland warehouse without regard for cataloguing or filing in a professional manner. He hoped that in the future, professional archivists and librarians will have an opportunity to catalogue this vast material for future use by scholars and researchers.

After offering to locate relevant material through examining several selected boxes without knowledge of their contents in order to ascertain documents that might be useful

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<sup>6</sup> Letter from the  
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to this research project, Gellers decided that this research option was impractical because much of the information might be sensitive and had to be declassified. He also concluded that he could not authorize this kind of research investigation because it was the responsibility of the Federal government to catalogue Commission documents, as well as the probability that in the event of an accident, the Federal government would be held responsible for any injuries sustained while private investigators were in Federal installations or examining Commission records. The Freedom of Information Act request was denied by Solicitor Gellers on April 7, 1987.<sup>6</sup> While Gellers justified his denial because the Freedom of Information Request was too general, there was no way of determining the specificity of each document without first examining it. The denial of this request severely limits the possibility of assessing information which could have clarified, explained, or provided new interpretations to the unofficial discussions, decisions, and conclusions the Commissioners made with respect to the impact of the Commission on urban problems in American. Though this research endeavor proved futile, some secondary sources and newspaper accounts, in conjunction with Commission Minutes, will hopefully provide a partial explanation of the effect the

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<sup>6</sup> Letter from the United States Commission on Civil Rights Solicitor, William L. Gellers to Robert S. Baker April 7, 1987.

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<sup>1</sup> Foster Rhea L  
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## CHAPTER I

### HISTORICAL FOUNDATIONS OF THE COMMISSION

The creation of the United States Civil Rights Commission in 1957 was a culmination of struggles for racial equality which began with the nation's inception in 1776. The question of whether America would be an egalitarian pluralistic society or one dominated by ideas and institutions embodying racial superiority has been the central theme in this struggle. The foundations for America's War for Independence had their roots in the principles of liberty and equality for all of its citizens. The concurrent segregation, discrimination, and enslavement of one ethnic group because of its physical distinctions, however, encouraged attitudes of racial superiority and contradicted the ideals of freedom and democracy. The issue of racial inclusion for Black Americans in American society was the foundation for the establishment of a Commission on Civil Rights.<sup>1</sup>

For over one hundred years the nation grappled with its institution of slavery. In 1861, the nation engaged in a civil war in order to determine whether a free society could

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<sup>1</sup> Foster Rhea Dulles, The Civil Rights Commission: 1957-1965. (East Lansing, Michigan: Michigan State University Press, 1968). p. 11

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<sup>3</sup> Ibid. p.255

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coexist within this institution. After four years of death and destruction, most Americans concluded that the principles of liberty and equality applied to all men regardless of race, creed, or color.<sup>2</sup> As the nation sought to reconstruct its society, the 13th, 14th, and 15th amendments were added to the Constitution which attempted to prevent the denial or abridgement of the civil rights of all Americans. These amendments abolished slavery, defined citizenship, and gave citizens the right to vote.<sup>3</sup>

Many proponents of racial superiority, however, refused to acknowledge the civil rights of Blacks. Schemes were devised which sought to subvert the exercise of these newly created civil rights by Blacks. White Supremacist (or Jim Crow) methods of segregation, disfranchisement, discrimination, intimidation and in some instances physical violence, were implemented to relegate Blacks to the status of second class citizens and consign them to the periphery of America society.<sup>4</sup>

Under this social arrangement, Blacks were prevented from the exercise of their right to vote; denied equal opportunity in employment; restricted in the attainment of educational

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<sup>2</sup> John Hope Franklin, From Slavery to Freedom, 4th ed., (New York, Alfred A. Knopf, 1975), p.234

<sup>3</sup> Ibid. p.255

<sup>4</sup> Ibid, p. 262

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<sup>5</sup> Ibid, p. 272

<sup>6</sup> Ibid, p. 276

<sup>7</sup> Plessy v. Ferguson

skills; and, forced to suffer the indignity of segregation in public facilities and conveyances.<sup>5</sup>

By the end of the nineteenth century, these Jim Crow policies effectively nullified the civil rights of Blacks.<sup>6</sup> Jim Crow advocates sought means whereby Blacks would be permanently excluded from the rights due to all Americans. The opportunity to legalize this institution of segregation and discrimination occurred in 1896 with the Plessy v. Ferguson case. The United States Supreme Court ruled that:

"a statute which implies merely a legal distinction between white and colored races a distinction which is pounded in the color of the two races...must always exist as long as white men are distinguished from the other race by color...has no tendency to destroy the legal equality of two races...the object of the Fourteenth Amendment was to...enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinction based upon color, or enforce social as distinguished from political equality...enforced separation of the races...neither abridges the privileges or immunities of the colored man...nor denies him the equal protection of the laws...Legislation is powerless to eradicate racial instincts or abolish distinctions based upon physical differences...If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plain."<sup>7</sup>

From this decision the "separate but equal" doctrine effectively legalized Jim Crow practices, and all but nullified the civil rights of Blacks.

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<sup>5</sup> Ibid, p. 272

<sup>6</sup> Ibid, p. 276

<sup>7</sup> Plessy v. Ferguson, 163 U.S. 537 (1896)

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By the 1920's policies of racial segregation and discrimination had become entrenched throughout American society. Blacks were forced to live in segregated neighborhoods; accept menial employment positions; subjugated to discriminatory practices in public accommodations; and denied the right to vote in the south. Though the second class status of Blacks contradicted the principles of American society, the nation as a whole was unwilling to address the exclusion of civil rights for some of its citizens. World events, however, began to cause an alteration of racial perceptions which culminated in the creation of the Civil Rights Commission.<sup>8</sup>

The Great Depression of 1929 disrupted the economic foundations of western civilization. As nations sought to cope with this catastrophe, Adolf Hitler seized the opportunity to create an empire that was predicated on racial superiority. Allied with Japanese and Italian imperialists, Hitler's Aryan Fascism threatened to destroy democratic ways of life. As totalitarianism spread throughout Europe, Americans began to realize that the preservation of their civil rights and democratic ideals were wedded to the destruction of Fascism.<sup>9</sup>

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<sup>8</sup> "To Secure These Rights", The Report of the President's Committee on Civil Rights (Washington, D.C., U.S. Government Printing Office, 1947), p. 18

<sup>9</sup> Franklin, op. cit., p. 436

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<sup>10</sup> Ibid, p. 437

<sup>11</sup> Ibid, p. 438

As America began to prepare for its involvement in the Second World War, Blacks recognized the parallel between Fascism and Jim Crowism. Most concluded that if they were to regain their civil rights in America, they must participate in the destruction of racism internationally. Unlike their involvement in World War One, where they gained little in the area of civil rights, Blacks were determined to destroy racism abroad and gain full inclusion as citizens at home.<sup>10</sup>

In an effort to gain economic benefits from the war effort, A. Philip Randolph met with President Roosevelt in 1941 to discuss the employment of Blacks in the expanding war-related industries. Unable to get a commitment from the President to end segregation and discrimination in the hiring practices of defense industries, Randolph threatened to organize a march on the nation's capitol to protest these Jim Crow policies.<sup>11</sup> Not wishing to challenge Randolph's sincerity and sensing worldwide condemnation of racial policies by the nation which professed to be the "Arsenal of Democracy", Roosevelt issued Executive Order number 8802, which declared that all Jim Crow policies of segregation and discrimination in Federal defense contracting agencies be abolished. A Fair Employment Practices Commission was created in order to investigate complaints of discrimination and

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<sup>12</sup> Ibid, p. 43

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provide a Federal agency for grievances which it found to be valid.<sup>12</sup> Blacks were elated that a President would take concrete action to address their civil rights complaints. They participated in this war with the full realization that the destruction of Fascism could lead to their fuller inclusion in American Society as equals. As the war ended in 1945, the United Nations was created in order to establish an international forum whereby human rights violations could be addressed.<sup>13</sup> Peoples of color, who had been subjected to domination by European colonial powers, began to demand their independence through this organization. Blacks concluded that through the United Nations, world opinion would also bring pressure on their country to address their demands for civil rights.<sup>14</sup>

One other world occurrence stimulated the need for a Civil Rights Commission. At the end of the war the Soviet Union emerged as a world power, and its leaders proclaimed that their form of government was destined to rule the peoples of the world. The subjugation of Eastern European countries by Communist forces alarmed the United States and other democratic nations. Preparations were begun by the United States to halt the spread of Communism. The confrontations

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<sup>12</sup> Ibid, p. 439

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between these two military powers resulted in what is termed the Cold War. These super powers jockeyed for political influence among the newly emerging colored nations. Most Blacks abhorred Communism but saw the issue of Cold war as an opportunity to pressure their government for their civil rights.<sup>15</sup>

With the death of Roosevelt in 1945, Harry S. Truman, a southern Democrat, became President. Most Blacks were skeptical of his commitment for the attainment of their civil rights. Pressured by these world events and concerned with the full inclusion of civil rights for all Americans, Truman created in 1946, a committee (on which Blacks were included) to inquire into and determine "whether current law enforcement measures may be strengthened and improved to safeguard the civil rights of the people of the United States"<sup>16</sup>.

The following year this committee submitted its findings and recommendations to the President in a report entitled, "To Secure These Rights". This report attempted to illustrate the shortcomings of the nation's civil rights record instead of praise for the country's progress.<sup>17</sup> It illustrated civil rights violations in all sections of the country. In particular, the civil rights limitations in southern states

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<sup>15</sup> Ibid, p. 472

<sup>16</sup> "To Secure These Rights", op.cit., p. viii

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<sup>18</sup> Ibid, p. x

<sup>19</sup> Ibid, p. xi

<sup>20</sup> Ibid, p. 139

<sup>21</sup> Ibid, p. 140

were addressed since most Blacks lived in the South. The Committee felt justified in centering its investigations in a particular region and a specific minority since Blacks had their civil rights abridged or denied more often because of their distinctiveness.<sup>18</sup> This Committee also felt that the protection of civil rights was a national problem however and not just regional, which affected all citizens.<sup>19</sup>

A series of public hearings were held by this committee from which interest groups and private individuals were questioned. Upon completion of these hearings the report was submitted to the President which detailed the historical aspects of racial inequality throughout American society. The Committee suggested a program of action which advocated the need to review the status of civil rights which was based upon three themes of reason.<sup>20</sup>

The first theme concerned the issue of morality. The Committee agreed that "the pervasive gap between the nation's aims and what it actually does was creating a kind of moral rot which eats away at the emotional and rational basis of democratic beliefs"<sup>21</sup>. The Committee found that individual outrages convinced many citizens that the basic truths of the

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<sup>18</sup> Ibid, p. x

<sup>19</sup> Ibid, p. xi

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<sup>22</sup> Ibid, p. 141

<sup>23</sup> Ibid, p. 143

<sup>24</sup> Ibid, p. 146

<sup>25</sup> Ibid, p. 147

American promise had become undermined. It concluded that all citizens had to "endure the moral damage of civil rights transgressions"<sup>22</sup>.

The next theme related to economics. The Committee found that the question of the nation's inability to achieve maximum production and continued prosperity was related to the huge loss of potential markets for goods "because of the economic discrimination against minority groups"<sup>23</sup>. Economic discrimination depressed the wages and incomes of minorities which resulted in the lessening of their purchasing power, reduced markets, and production. These reductions cut down on employment which resulted in fewer job opportunities. The Committee concluded that "this reduction process produced a vicious circle which was felt by the entire nation". This heavy economic drain compounded with the added expense of Jim Crow facilities "was detrimental to the nation's competence and human wealth"<sup>24</sup>.

The last reason for a re-evaluation of the status of the nation's civil rights concerned the international arena. The Committee found that the "nation's security was tied to the security of all people in all countries"<sup>25</sup>. America, being a

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<sup>22</sup> Ibid, p. 141

<sup>23</sup> Ibid, p. 143

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<sup>26</sup> Ibid, p. 148

<sup>27</sup> Ibid, p. 151-152

pluralistic society, had ties to other people in other countries. Many of these people were offended and outraged by America's practices of discrimination and these racial indignities produced severe repercussions worldwide. Communist propaganda often used instances of American racism to demonstrate that "democracy was a fraud", because it oppressed underprivileged people. The Committee concluded that the democratic ideal was "not so strong that Americans could afford to ignore the opinions of other people"<sup>26</sup>.

Several recommendations were made by this committee which attempted to address the broad range of the shortcomings of civil rights in American society. Among these recommendations were the reorganization of the Civil Rights section of the Justice Department as well as its elevation to the status of a full Division; an anti-lynching act; the end of poll taxes as a voting prerequisite; local self-government in the District of Columbia; the enactment of a Federal Fair Employment Practices Act; the outlawing of restrictive covenants in housing; the prohibition of discrimination and segregation in public hospitals, parks, housing projects, penal institutions; and, the prohibition of segregation in the public school system in the District of Columbia.<sup>27</sup>

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<sup>26</sup> Ibid, p. 148

<sup>27</sup> Ibid, p. 151-153, 165-173

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<sup>28</sup> Ibid, p. 154

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Of particular interest to this discussion, was the recommendation of the Committee for the establishment of a permanent Commission on Civil Rights.<sup>28</sup> The Committee concluded that a systematic, critical review of social needs and policy was a fundamental necessity. A permanent Commission would be invaluable in the collection of periodic appraisals of the status of civil rights and how efficient was the machinery for the improvement of this status. This proposed permanent Commission could be responsible for technical research and produce periodic audits of the extent to which American's civil rights are protected.<sup>29</sup> This Commission could serve as a clearinghouse and coordinate private, state, and local projects with the Federal government.<sup>30</sup> Technical problems of displacement as well as special civil-rights needs of minorities could also be addressed. The Committee further recommended that the Commission have the authority to obtain the assistance of any agency from the executive branch of government. The Committee suggested that Commission members be appointed by the President with the approval of the Senate and hold a specified number of regular meetings. Another suggestion of the Committee was the creation of a standing committee in

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<sup>28</sup> Ibid, p. 154

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<sup>11</sup> Ibid, p. 167  
<sup>12</sup> Ibid, p. 166  
<sup>13</sup> Ibid, p. 167

Congress, which would serve as a permanent liaison with the Commission in order to provide in depth discussion for proposed civil rights legislation. Finally, the Committee recommended that permanent civil rights commissions be created in each state in order to coordinate and facilitate solutions to civil rights problems with the Federal Commission.<sup>31</sup>

Blacks, as well as other Americans, were elated by the Committee's report, because civil rights issues that had plagued Blacks were finally acknowledged by the Executive branch of government. More important, this report advocated the "abolishment of segregation based upon race, creed, color, or national origin from American life"<sup>32</sup>. It also recommended a permanent Federal Fair Employment Practices Commission which would ensure the regulation of employment practices without regard to Jim Crow interests. Many felt that a permanent Civil Rights Commission would have the authority to monitor all aspects of civil rights issues without interference from special interests, and serve as an agency whereby civil rights grievances could be presented without fear of reprisals.<sup>33</sup>

As part of his State of the Union address, President Truman on February 2, 1948 submitted this report to the Congress and the nation, as part of his "comprehensive plan

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<sup>31</sup> Ibid, p. 167

<sup>32</sup> Ibid, p. 166

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to secure the essential human rights necessary to strengthen American democracy and improve the welfare of all its citizens"<sup>34</sup>. Though it was received favorably by most Americans, others regarded it as a threat to their perceptions of civil liberties. Southern Democrats felt that President Truman had deserted his party as well as his heritage. Many advocates of white supremacy abandoned Truman in the 1948 presidential election, and joined the Dixicrat Party in opposition to his civil rights views.<sup>35</sup> Though international events set the stage for a proposed Commission on Civil Rights, Congressional legislative battles in relation to its enactment would develop into protracted partisan orations and rhetoric which illustrated the determination many had for the retention of a Jim Crow society.

The first attempt to establish a Commission on Civil Rights was introduced in Congress by Senator Hubert Humphrey in April 1949.<sup>36</sup> S.1734 authorized this Commission to conduct studies, investigations, and research as it deemed necessary to enable it to effectively prevent the abridgement or denial of civil rights of American citizens.<sup>37</sup> It would also have

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<sup>34</sup> President Harry S. Truman, "State of the Union Address", Congressional Record, 80th Congress, 2nd Session, Vol. 94, Part 1, 2 February 1948, p. 928

<sup>35</sup> Franklin, op.cit., p. 464

<sup>36</sup> Congressional Record, 81st Congress, 1st Session, Vol. 95, Part 4, 29 April 1949, p. 5291

<sup>37</sup> Ibid, p. 5291

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<sup>38</sup> Ibid, p.  
<sup>39</sup> Ibid, p.  
<sup>40</sup> Ibid, p.  
<sup>41</sup> Ibid, p.

the power to investigate organization and methods of operation of all departments, agencies and other instrumentalities of the Executive branch of government, to determine what changes were necessary to prevent abridgement or denial of civil rights therein.<sup>38</sup> Another aspect of S.1734 empowered the Commission "to conduct hearings any time not less than ten days after published whenever a written complaint supported any probable evidence"<sup>39</sup> alleging that civil rights were being violated. The final recommendation of this bill would give the Commission the authority "to assist state and local governments in conducting studies that would prevent the abridgement or denial of civil rights" and recommend to Congress legislation necessary to safeguard the civil rights of Americans.<sup>40</sup> Humphrey proposed that the Commission consist of "three members who were appointed by the President and confirmed by the Senate". Each member would serve a term of office for four years. Enforcement provisions such as subpoenas, fines, and imprisonment, would be provided to the Commission to assist it in the execution of its duties.<sup>41</sup> Senator Humphrey perceived that the Commission would "serve as a barometer" in calling the nation's attention to emerging

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<sup>38</sup> Ibid, p. 5292

<sup>39</sup> Ibid, p. 5292

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<sup>4</sup> Ibid, p.

problems on the national and international level. Humphrey felt that the Commission's "constructive and factual approach to problems of civil rights would lessen emotional tensions between divergent opinions and "safeguard and enhance democracy".<sup>42</sup>

In the summer of 1949, Thurgood Marshall, special counsel for the National Association for the Advancement of Colored People, appeared before the Senate Judiciary Subcommittee where S.1734 was referred. Marshall commented that the proposal for a Commission on Civil Rights should "cause little opposition" to Congress.<sup>43</sup> Marshall stressed that the authority to establish such a Commission and congressional sanction and approval of the bill would clearly indicate the "possibility for good inherent in such a commission". Marshall concluded his remarks with the comment that this bill would make a serious effort to "make possible a oneness of thought, oneness of principle, and oneness of the respect for our constitution, our statutes and our individual human and civil rights, the very basis of our democracy"<sup>44</sup>.

Roy Wilkins, acting secretary for the National Association for the Advancement of Colored People, presented

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<sup>42</sup> Ibid, p. 5292

<sup>43</sup> U.S. Congress, Senate, Committee on the Judiciary, A Bill to Establish a Commission on Civil Rights, and for Other Purposes. Hearings Before a Subcommittee of the Senate Committee on the Judiciary on S 1734, 81st Congress, 1st Session, 1949, p. 36

<sup>44</sup> Ibid, p. 36

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<sup>65</sup> Ibid, P  
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<sup>68</sup> Ibid, P

his testimony upon Marshall's completion. He pointed out to the subcommittee that the organization, to which he represented, "had been instrumental since its founding in 1909 in securing the civil rights for black Americans, and for white citizens as well"<sup>45</sup>. Wilkins observed that an important section of the United Nations charter related to human rights had become a concern of the United States. He felt that every American should be protected in the enjoyment insofar as law can protect and guarantee the fundamental rights of men and citizens"<sup>46</sup>. Wilkins suggested that Blacks, being the largest and most easily discerned minority in the United States, were the "principal victims of inadequate legislation" and "indifferent enforcement of laws" that protected civil rights.<sup>47</sup> He concluded his remarks with the observation that "the rights of all must be secured or the rights of none will be secure. The passage of legislation that would create a Civil Rights Commission would help the United States show the way to democracy and freedom to peoples of the world"<sup>48</sup>.

Herbert M. Levy, staff counsel for the American Civil Liberties Union then made his presentation. Levy informed the Committee that his organization was instrumental over the

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<sup>45</sup> Ibid, p. 37

<sup>46</sup> Ibid, p. 37

<sup>47</sup> Ibid, p. 38

<sup>48</sup> Ibid, p. 40

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<sup>49</sup> Ibid, p.

<sup>50</sup> Ibid, p.

<sup>51</sup> U.S. Cong  
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past thirty years in the defense of civil rights for all Americans. He then commented that "the importance of a Civil Rights Commission could not be overemphasized and stressed the "urgent desirability" for such a Commission on a permanent basis.<sup>49</sup> Levy concluded his remarks with the observation that the "public good" required the end of segregation. "This degrading process must be stopped not only to stop the inroads of Communist propaganda but also to restore dignity to all men be they white or black".<sup>50</sup> The comments of these men illustrated the concern for humanity and the nation's well being. Though S.1734 did not reach fruition, the comments of these men supported by these longstanding civil rights organizations helped awaken the nation to the need for a Civil Rights Commission.

In January of 1953, Senator Humphrey introduced legislation in the Senate which again called for the creation of a Civil Rights Commission.<sup>51</sup> S.535 was similar to previous S.1734 in that a commission would be authorized to gather information that affected civil rights, appraise the activities of the Federal government with respect to civil rights, evaluate the status of civil rights in the nation as

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<sup>49</sup> Ibid, p. 59

<sup>50</sup> Ibid, p. 60

<sup>51</sup> U.S. Congress, Senate, A bill to be known as the Commission on Civil Rights Act of 1953, S. 535, 83rd Congress, 1st Session, 16 January 1953, Congressional Record, Vol. 99, p. 408

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<sup>2</sup> Ibid, p  
<sup>3</sup> Ibid, p  
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<sup>5</sup> Ibid, p

a whole, make an annual report to the President and Congress of its findings as well as recommendations, and consult with representatives of State and local governments to help carry out its functions.<sup>52</sup> There were major differences however between S.1734 and S.535. The first bill called for a three-member permanent commission whose tenure would be for four years. The second bill proposed a commission that would consist of five members. No mention was made in S.535 as to the length of tenure of the members or the length of the Commission's life.<sup>53</sup> Humphrey appealed directly to Southern senators to find a "middle approach through compromise and understanding", which would be predicated on the principle of volunteerism in order to "protect the constitutional liberties of all Americans."<sup>54</sup> Senator Humphrey also indicated that S.535 had no provision for "compulsion or enforcement" in relation to the powers of the proposed Commission.<sup>55</sup> These exclusions were perhaps intended by Senator Humphrey to lessen the reservations Southerners had about the possibility of their civil liberties being infringed upon by a Civil Rights Commission.

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<sup>52</sup> Ibid, p. 409

<sup>53</sup> Ibid, p. 409

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57 Ibid, p.

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In January of 1954 Senator Humphrey made the point before the Senate Judiciary Subcommittee that he would not be opposed to a permanent commission but he felt that the question of salaries, the Commission's life, and the number of Commission members were "details"<sup>56</sup>. He was more concerned with the creation of a Commission with the substance for "building a solid bulwark of civil rights law in this country"<sup>57</sup>. Humphrey concluded his remarks with the comment that many hoped action on S.535 would be a non-partisan approach for the creation of this commission because the abridgement of denial of civil rights was not a sectional issue but a national problem. If the Senate passed S.535 in this "spirit of nonpartisanship", the enactment of this legislation would "not be opposed by a filibuster."<sup>58</sup>

At this same hearing, Clarence Mitchell, Director of the Washington Bureau of the National Association for the Advancement of Colored People, made the observation that partisan politics prevented the end of a filibuster by Senators who were opposed to the passage of civil rights

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<sup>56</sup> U.S. Congress, Senate, Committee on the Judiciary, A Bill to Establish as Commission on Civil Rights in the Executive Branch of the Government. Hearings Before a Subcommittee of the Senate Committee on the Judiciary on S 535, 83rd Congress, 2nd Session, 1954, p. 14

<sup>57</sup> Ibid, p. 14

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<sup>59</sup> Ibid,  
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<sup>61</sup> Ibid,  
<sup>62</sup> Ibid,

legislation.<sup>59</sup> Mitchell pointed out that S.535 emphasized the study aspect of problems in human relations "rather than an action program". Mitchell suggested that the time had come for Congress to "take concrete action to eliminate the denial or abridgement of civil rights for American citizens"<sup>60</sup>.

At these hearings John J. Ganther, Legislative Representative for Americans for Democratic Action, expressed his concern about a civil rights filibuster. His organization hoped that Senators who were in favor of an enforceable measure to end discrimination be given an opportunity to vote on S.535 "rather than succumb to filibusters and secret prearranged agreements"<sup>61</sup>. He urged the Senate to vote on S.535 "on its merits" and urged the Senate to pass civil rights legislation, then address issues of enforcement rather than kill the bill through filibuster.<sup>62</sup>

An example of partisan politics diluted the debate in these hearings on S.535. Edgar Brown, Director of the National Negro Business League, began to berate the efforts of the Democratic Party to pass through Congress significant civil rights legislation. He labeled the Democrats as "fakers" and suggested that meaningful civil rights

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<sup>59</sup> Ibid, p. 42

<sup>60</sup> Ibid, p. 49

<sup>61</sup> Ibid, p. 55

<sup>62</sup> Ibid, p. 56

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<sup>43</sup> Ibid,

<sup>44</sup> Ibid,

legislation would only be passed by Congress under the direction and guidance of the Republican Party.<sup>63</sup> Clarence Mitchell interrupted Brown's speech to inform him and the Subcommittee that the need for civil rights legislation was more than a partisan issue, and that both parties had made contributions in the fight against segregation and discrimination.<sup>64</sup> Partisan squabbles, filibusters and secret agreements helped, much to the disappointment of Senator Humphrey, prevent S.535 from reaching the Senate floor. The legislation for the enactment of a Civil Rights Commission was, again, postponed while the rights of Black Americans continued to be violated.

While the passage of a Civil Rights Commission bogged down in Congress, national events heightened the nation's need for the creation of an apparatus that would monitor and seek redress of grievances for the civil rights of American citizens. In May of 1954 the National Association for the Advancement of Colored People won its suit against the "separate but equal" doctrine before the United States Supreme Court. In the Brown v. Board of Education Topeka Kansas case,

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<sup>63</sup> Ibid, p. 75

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argued by Thurgood Marshall, the Supreme Court in a unanimous decision ruled that:

"The plaintiff contends that segregated schools are not "equal" and cannot be made "equal" and that hence they are deprived of the equal protection of the laws... We came to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does... To separate them from others of similar age and qualifications solely because of their race, generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to be ever undone... Segregation of white and colored children in public schools has a detrimental affect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of the law therefore has a tendency to retard the education and mental development of negro children and deprive them of some of the benefits they would receive in a racially integrated school system... We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are by reason of the segregations complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment".<sup>65</sup>

With this decision, a major legal vestige of Jim Crowism had been struck down. The unanimity of the Supreme Court bespoke of the collective social conscience of American Society. A people could not be free if some, because of race, were separate, albeit, equal.

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<sup>65</sup> Brown v Board of Education, Topeka; 347 U.S. 483, (1954)

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The Supreme Court postponed implementation of the Brown decision until the following year in order to allow for consideration of arguments that could be executed in the desegregation of public schools. In May of 1955 the Supreme Court ruled in the second Brown case that:

"Full implementation of these constitutional principles may require solutions of varied local school problems.... The courts will require that the defendants make a prompt and reasonable start toward full compliance...Cases are remanded to district courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public school on a racially non-discriminatory basis with all deliberate speed to the parties to these cases".<sup>66</sup>

Because of the general time constraints this decision implied, "with all deliberate speed" was regarded as an opportunity by supporters of Jim Crowism to delay the enforcement of desegregation procedures indefinitely as well as table further efforts for the enactment of a Civil Rights Commission by Congress.

Though most Americans accepted the unconstitutionality of the "separate but equal" doctrine as applicable to all facets of American society, many Jim Crow advocates perceived that the Brown decision should not apply even to public education. In 1955 an event occurred in Montgomery, Alabama which clarified the meaning of these decisions and further stimulated the nation's need for a Civil Rights Commission. Rosa Parks sat in a bus seat that was reserved for whites.

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<sup>66</sup> Brown v Board of Education, Topeka; 347 U.S. 483 (1954).

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Upon her refusal to move to a seat that was reserved for Blacks, she was ejected from the bus and arrested for disturbing the peace. The Southern Christian Leadership Conference, under the direction of EB Nixon and Martin Luther King, Jr., initiated a boycott of all public transportation in Montgomery as a means of protest against its Jim Crow facilities.<sup>67</sup>

The National Association for the Advancement of Colored People brought suit against the city of Montgomery with the contention that segregated public transportation facilities were unconstitutional. The Federal District Court for the State of Alabama concluded in Browder v. Gayle that:

We think that Plessy v. Ferguson has been implicitly though not explicitly overruled and that under the latter decisions, there is no rational basis upon which the "separate but equal" doctrine can be validly applied to public transportation within the city of Montgomery and its public jurisdiction. The application of that doctrine cannot be justified as proper execution of the state police power...We hold that the statutes and the ordinances requiring; segregation of the white and colored races on motor buses of a common carrier of passengers in the city of Montgomery and its public jurisdiction violate the due process and the equal protection of the law clauses of the Fourteenth Amendment of the Constitution of the United States".<sup>68</sup>

Efforts were made in behalf of the bus company's right to segregate its passengers through appeals to the Supreme Court. This Court affirmed the judgement of the lower court

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<sup>67</sup> Franklin, op. cit., p. 469

<sup>68</sup> Browder v Gayle, 142 F Supp 707, (MD Ala) (1956)

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in Owen et. al. v. Browder Per Curiam (without formal setting).<sup>69</sup> This decision nullified all legal arguments that supported segregation and discrimination throughout American society. Parks' dramatic resistance to Jim Crowism initiated the modern civil rights movement which was based on peaceful direct action and encouraged a higher level of participation by Blacks for their civil rights.<sup>70</sup> An example of this heightened protest by Blacks occurred in the United States House of Representatives. Congressman Adam Clayton Powell introduced H.R.389<sup>71</sup> to this body which called for, among other things, "the creation of a Civil Rights Commission"<sup>72</sup>. It was significant because a Black American, who was of equal stature in this legislative assembly, took advantage of the opportunity to demand the protection of civil rights for Black Americans.

Some Americans refused to accept the full equality of all citizens as the Supreme Court directed. Hate groups were organized, such as the Ku Klux Klan, White Citizens Councils, and the National Association for the Advancement of White

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<sup>69</sup> Owen, et. al., v Browder, et. al. 352 U.S. 903, (1956)

<sup>70</sup> Franklin, op. cit., p. 469

<sup>71</sup> U.S. Congress, House of Representatives, Committee on the Judiciary, Miscellaneous Bills Regarding the Civil Rights of Persons Within the Jurisdiction of the United States. Hearings Before a Subcommittee of the House Committee on the Judiciary on H.R. 389, 81st Congress, 1st Session, p. 183

<sup>72</sup> Ibid, p. 183

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<sup>74</sup> Ibid,  
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People, which encouraged violence, intimidation, and murder of Blacks in order to protect attitudes of racial superiority.<sup>73</sup> These brutal reprisals by Americans against other Americans accelerated the need for the Federal government to enact civil rights legislation that would ensure equal protection and due process for all its citizens regardless of race, creed, color, or national origin.<sup>74</sup>

As racial tensions heightened because of the recent Supreme Court decisions and non-violent direct protest by Blacks, President Eisenhower saw fit to suggest in his 1956 State of the Union Address the creation of a bi-partisan Civil Rights Commission.<sup>75</sup> In the Spring of that year, Representative Kenneth Keating introduced legislation in the House of Representatives in support of H.R. 627.<sup>76</sup> This bill called for the establishment of a bi-partisan Commission comprised of six members of which "no more than three may be of the same political party." This Commission would be authorized to make a study of "deprivations of the vote and other facets of the civil rights problem". The proposed legislation provided for the duration of the Commission to be

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<sup>73</sup> Franklin, op. cit., p. 475

<sup>74</sup> Ibid, p. 475

<sup>75</sup> President Dwight D. Eisenhower "State of the Union Message", Congressional Record, 84th Congress, 2nd Session, Vol. 102, Part 1, 3 January 1956, p. 143

<sup>76</sup> Congressional Record, 84th Congress, 2nd Session, Vol. 102, Part 5, 1 April 1956, p. 5955

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<sup>77</sup> Ibid

<sup>78</sup> U.S. Notes Proc  
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<sup>79</sup> Ibid

<sup>80</sup> Ibid

for two years. In addition, the office of an Assistant Attorney General would be created with the responsibility to oversee the civil rights of the Department of Justice.<sup>77</sup>

Acrimonious debate over civil rights legislation ensued in both houses of Congress. The testimony of Congressman John Bell Williams before the Senate Judiciary Committee reflected the attitudes of many of his southern colleagues. Williams commented that friendly racial relationships were destroyed "by outsiders who came to his state for the purpose of stirring up trouble, hatred and discord between members of the two races"<sup>78</sup>. He noted that "those who are furthest removed from the problems in which they speak are the first to come forward with absolute solutions to the problem"<sup>79</sup>. Williams concluded his remarks with the comment that the establishment of a Civil Rights Commission would result in a "type of Gestapo in this country"<sup>80</sup>.

By the summer of 1956, the demand for civil rights legislation became more pronounced. Sensing that civil rights would be a campaign issue, both political parties began to make overtures in behalf of civil rights. The Democratic

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<sup>77</sup> Ibid, p. 5955

<sup>78</sup> U.S. Congress, Senate, Committee on the Judiciary, Civil Rights Proposals, Hearings Before the Committee on the Judiciary on S. 906, 84th Congress, 2nd Session, 1956, p. 280

<sup>79</sup> Ibid, p. 280

<sup>80</sup> Ibid, p. 280

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Party not wishing to antagonize its southern constituents, submitted a platform to "continue its efforts to eliminate illegal discriminations of all kinds but rejected all proposals for the use of force to interfere with the orderly determination of these matters by the courts"<sup>81</sup>. The Republican Party Platform recognized the Constitution as the supreme law of the land which guaranteed to all people the blessings of liberty, due process and equal protection of the laws. It supported "the enactment of the civil rights program already presented by the President" in his State of the Union Address.<sup>82</sup> These generalities reflected the mood of the nation, through both platforms, astutely avoided mention of a Civil Rights Commission specifically. Though a change of attitude in relation to civil rights resulted in passage of H.R. 627 in the House of Representatives, a reluctant Senate refused its approval.<sup>83</sup>

In 1957, President Eisenhower, in his State of the Union Address, requested Congress "to enact legislation whereby a

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<sup>81</sup> National Party Platforms, Vol. 1 1840-1956, Compiled by Donald B. Johnson (Urbana: University of Illinois Press, 1978), p. 542

<sup>82</sup> Ibid, p. 554

<sup>83</sup> Statutory History of the United States: Civil Rights, Part II, Bernard Schwartz ed. (New York: Chelsea House Pub., 1970), p. 837

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Civil Rights Commission would be created"<sup>84</sup>. With the opening of Congress, representative Emanuel Celler introduced H.R. 6127 which included the establishment of a Civil Rights Commission.<sup>85</sup> Both houses of Congress continued its protracted debate on this civil rights legislation. Southern spokesmen vehemently declared that this legislation was "unnecessary and wholly subversive to states rights"<sup>86</sup>. Many felt that if civil rights investigations "were necessary they were better left to the F.B.I. rather than an uninformed inexperienced Civil Rights Commission".<sup>87</sup> Northern spokesmen countered with the argument that a commission would fill a "vital need" and make a "tremendous contribution to national welfare" with the collections instead of charges"<sup>88</sup>.

After much debate, and rhetoric the House of Representatives passed H.F. 6127 on June 18, 1957 by the vote of 286 to 126 with 19 abstentions.<sup>89</sup> Diehard Southern opponents of H.R. 6127 concentrated their efforts now in the

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<sup>84</sup> President Dwight D. Eisenhower "State of the Union Address" Congressional Record, 85th Congress, 1st Session, Vol. 103, Part 1, 10 January 1957, p. 410

<sup>85</sup> U.S. Congress, House, A Bill to Protect the Civil Rights of Persons Within the Jurisdiction of the United States, H.R. 6127, 58th Congress, 1st Session, 1957, p. 4026

<sup>86</sup> Dulles, op. cit., p. 15

<sup>87</sup> Ibid, p. 15

<sup>88</sup> Ibid, p. 15

<sup>89</sup> Statutes of U.S., op. cit., p. 837

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Senate. Southern Senators, led by Strom Thurmond (who staged a one-man filibuster with a record breaking marathon speech of 24 hours and 18 minutes) and James Eastland, continued to define the Commission as a "Gestapo" agency.<sup>90</sup> After extended discussion, H.R. 6127 was passed with deletions and corrections in the Senate on August 7 by the vote of 72 to 18 with 5 abstentions.<sup>91</sup> On August 27th the House of Representatives approved the revised bill and the Senate followed suit on August 29th. On September 9, 1957 President Eisenhower signed H.R. 6127 into law. The Civil Rights Commission was created as a facet of the Civil Rights Act of 1957.<sup>92</sup>

Under this law the Commission would be an appraising agency without any powers of enforcement but had the authority to issue subpoenas and call up witnesses to testify under oath in the course of its investigations.<sup>93</sup> It also had the authority to consult with government officials on the Federal as well as the state levels, as well as establish State Advisory Committees to aid in its investigations. The Commission would be comprised of six members (not more than three from each major party) appointed by the President with

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<sup>90</sup> Dulles, op. cit., p. 14

<sup>91</sup> Statutes of U.S., op. cit., p. 839

<sup>92</sup> Ibid, p. 839

<sup>93</sup> Dulles, op. cit., p. 15

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the approval of the Senate. Each member of the Commission was to serve without pay other than per diem Commission related expenses. Its staff, however, were to be salaried according to civil service regulations. The life of the Commission was to be for two years. At the end of its life, a final report was to be submitted to the President.<sup>94</sup>

The growing size of the northern Negro vote had made civil rights a major issue in national elections which eventually led, in 1957, to the establishment of a Federal civil rights commission with the power to investigate discriminatory conditions throughout the country as well as recommend corrective measures to the President.<sup>95</sup> Some regarded the Commission as a "mild measure with little substance."<sup>96</sup> Though it was the first civil rights legislation enacted since Reconstruction, Stephen Oates asserts that Dr. Martin Luther King, Jr. and other Negroes were unhappy with the Civil Rights Act of 1957 because it "ignored central issues including the need for a strong Civil Rights Commission."<sup>97</sup> Al Dunmore, editor emeritus for the Michigan Chronicle, took the position that Blacks were

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<sup>94</sup> Ibid, p. 15

<sup>95</sup> August Meier and Elliott M. Rudwick, From Plantation to Ghetto: An Interpretive History of American Negroes. (New York: Hill and Wang 1966) p. 223.

<sup>96</sup> Dulles op cit p. 16.

<sup>97</sup> Stephen Oates, Let the Trumpet Sound: The Life of Martin Luther King Jr. (New York: Harper and Row 1982) p. 122.

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ambivalent. Many people at first regarded the Commission with exultation, "then became disenchanted because they could not see that much being accomplished outside the area of public accommodations."<sup>98</sup> It was significant to a diversity of people in that it was "a part of a renewed Federal legislative concern for the vindication of civil rights which had not been addressed since the period after the Civil War."<sup>99</sup>

President Eisenhower wanted a legally constituted commission that was bipartisan and created by Congress that would have the power to subpoena witnesses "because it was time to establish such an investigative body."<sup>100</sup> Vice President Nixon felt that "Congress had at last taken some constructive action in civil rights in the establishment of the Commission."<sup>101</sup> Roy Wilkins, Executive Secretary for the NAACP, made the observation that "the nation finally had a civil rights commission, however tame it might be, because it did get civil rights out of the broom closet and into the front office of the Justice Department."<sup>102</sup> Dr. Ralph

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<sup>98</sup> Interview with Al Dunmore, editor emeritus of Michigan Chronicle, August 1, 1987.

<sup>99</sup> Dulles op cit p. 16.

<sup>100</sup> Dwight D. Eisenhower, Waging Peace: 1956-1961. (Garden City, New York: Doubleday 1965) p. 153.

<sup>101</sup> Stephen Ambrose, Nixon: The Education of a Politician 1913-1962 (New York: Simon and Schuster 1987) p. 436.

<sup>102</sup> Roy Wilkins with Tom Mathews, The Autobiography of Roy Wilkins: Standing Fast. (New York: Penguin Books 1982) p. 245.



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Abernathy applauded the Commission "because it would take us closer to justice and equality."<sup>103</sup> CORE's director, James Farmer, considered the establishment of the Commission as a means for "hope that there would be an official agency in Washington which would monitor the civil rights activities around the country and would have the force of government on its side so that when it spoke, it would speak with some force."<sup>104</sup> Finally, Arthur Johnson, who headed the NAACP's largest chapter, equated the Commission with Truman's Civil Rights Committee of 1947. The creation of the Commission, Johnson perceived, "brought a response of praise and a general feeling of encouragement because the Federal government recognized that the interest of civil rights issues and the interest of the nation was acknowledged."<sup>105</sup>

The continued pressure by civil rights advocates like Adam Clayton Powell who encouraged President Eisenhower to marshal his resources to push through legislation for the creation of the Commission,<sup>106</sup> compounded with international events had finally reached fruition. This is evidenced by the

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<sup>103</sup> Interview with Ralph Abernathy: A Founder of the Southern Christian Leadership Conference, July 9, 1987.

<sup>104</sup> Interview with James Farmer: Founder of the Congress of Racial Equality, July 15, 1987.

<sup>105</sup> Interview with Arthur Johnson: Executive Secretary for the Detroit Chapter of the National Association for the Advancement of Colored People, June 17, 1987.

<sup>106</sup> Neil Hickey and Ed. Edwin, Adam Clayton Powell and the Politics of Race (New York: Fleet Pub. 1965) p. 147.

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Commission's first Chairman's, John A. Hannah, observation that the presence of a civil rights commission "wold help establish compatible relationships between races and creeds in order to enhance domestic tranquility and also have a profound affect on America's relationship with the people of the rest of the world."<sup>107</sup> Black Americans now had a forum by which their civil rights grievances could be addressed and ultimately help gain admittance as equals in the larger American society. Though some advocates were lukewarm to the limitations of the Commission, Dr. John Hope Franklin perhaps best summed up its importance with the comment that "the real significance of the Commission lay not so much in its provisions as in its recognition of Federal responsibility and its reflection of a remarkable and historic reversal of Federal policy of hands off in matters involving civil rights."<sup>108</sup>

With the creation and funding of the Commission being determined, the selection of bipartisan Commissioners with the approval of the President got underway. For the purposes of this research paper, biographies of Commissioners will be presented according to their tenure in office.

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<sup>107</sup> Richard Niehoff, John A. Hannah: Versatile Administrator and Distinguished Public Servant (Lanham, Massachusetts: University Press of America 1989) p. 46.

<sup>108</sup> Franklin op cit p. 475.

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Biography of United States Commissioners on Civil Rights 1965-1974. United States Commission on Civil Rights: Press and Communications Division, Washington, D.C., September 10, 1980.<sup>109</sup>

Hannah, John Alfred: Born in Grand Rapids, Michigan, October 1, 1902, graduated from Michigan State College, 1923 -  
- Entered the poultry business whereupon he became president of the International Baby Chicken Association. During the Depression of the 1930's, Hannah supervised egg production for the National Recovery Administration. In 1938 he married Sarah Shout. They have four children. In 1941 he was appointed president of Michigan State College. Under his leadership, the college became an international university. In 1953 President Eisenhower appointed Hannah to Assistant Secretary of Defense for Manpower. He also became, in that year, Chairman of the United States/Canadian Joint Board on Defense, a position he held until 1963. In November of 1957, President Eisenhower appointed Hannah Chairman of the United States Commission on Civil Rights, a position he held until February, 1969. He was awarded the Medal of Freedom in 1964. In 1969, President Nixon appointed him Director of the Agency for International Development. President Hannah has held several other positions including Chairman of the American Council of Educators, President of the Association of State Universities and Land Grant Colleges, and served as a member

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<sup>109</sup> Biography of United States Commissioners on Civil Rights 1965-1974. (United States Commission on Civil Rights: Press and Communication Division, Washington, D.C.) September 10, 1980.

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of the International Development Board which helped formulate policies for the Point Four Program. In 1974, he served as Deputy Secretary General of the World Food Conference. In 1975, he was named Executive Director of the United Nations World Food Council. He helped launch the International Fund for Agricultural Development and was trustee of the International Agricultural Development Services, as well as the Chairman of the Board of Directors of the International Fertilizers Development Center.

Hesburgh, Theodore Martin: Born in Syracuse, New York, May 25, 1917. He was ordained a Roman Catholic priest in 1943. He taught theology at Notre Dame where, in 1952, he became the school's president. In November of 1957 President Eisenhower appointed Hesburgh a member of the United States Commission on Civil Rights. He was named Chairman of this Commission by Richard Nixon in March, 1969. He served in this capacity until November, 1972 when President Nixon requested his resignation. As a member of the Commission, he distinguished himself in support of civil rights for minorities. He has served on several boards and commissions including the Rockefeller Foundation, the Carnegie Foundation for the Advancement of Teaching, and the Association of American Colleges.

Rankin, Robert Stanley: Born in Tusculum, Tennessee, November 17, 1899. He received his A.B. degree, summa cum

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laude, from Tusculum College in 1921. He earned his A.M. and Ph.D. degrees from Princeton University 1922, 1924, and became a fellow in political science, 1922-1926. Served as a professor of political science at Tusculum College, 1924-1927. He became a member of the faculty at Duke University in 1927 and was chairman of the political science department, 1949-1965. In 1933 he married Dorothy Newsom. They have two children. In August, 1960, President Eisenhower appointed Rankin member of the United States Commission on Civil Rights. He has served on several boards, including founder and past president of the Southern Political Science Association in 1931, and in 1960 served on the National Municipal League Committee which helped draft a revised Model State Constitution. A Phi Beta Kappa scholar, he has written or edited several books, including Fundamentals of American Government, Race and the Tobacco Industry, The Presidency in Transition, When Civil Law Fails, and The Government and Administration in North Carolina.

Griswold, Erwin Nathaniel: Born in East Cleveland, Ohio, July 14, 1914. He earned his A.B. and A.M. degrees from Oberlin College, and, in 1928, he earned his L.L.B. from Harvard University. He has taught in several universities, including Brown, Northeastern, Brandies, Columbia, University of Michigan, Notre Dame, Princeton, Georgetown, and Oxford. He married Harriet Ford in 1931. They have two children.

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Became Assistant Professor of Law at Harvard, 1935-1946. He became a constitutional expert for the U.S. Treasury in 1942. In 1952-58, Griswold became a member of the Harvard Law Review. Phi Beta Kappa and has written several books, including Spendthrift Trusts, The Fifth Amendment Today, and Cases in Federal Taxation. In 1961, President Kennedy appointed Griswold a member of the United States Commission on Civil Rights, where he served from August 1961 through October 1969. He is a member of the American Law Institute and the American Philosophical Society.

Freeman, Frankie Muse: Born in Dansville, Virginia. She was a student at Hampton Institute, 1933-1936 and earned her L.L.B. from Harvard University in 1947. Married to Shelby Freeman, they have one child. She was admitted to the D.C. Bar in 1947 and the Missouri Bar in 1948. She practiced law in St. Louis, 1949-1956. She was Missouri's Assistant Attorney General, 1955-1956. She became Assistant Counsel for the St. Louis Housing Authority in 1956 -- named Woman of Achievement by the National Council of Negro Women. She received the Centennial Medallion from Hampton Institute in 1968. She was appointed by President Johnson in August 1964 to the United States Commission on Civil Rights, where she served until 1980. She was appointed trustee to Howard University and was awarded Distinguished Alumni from Howard in 1971. She is past president of Delta Sigma Theta sorority.



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Patterson, Eugene Corbett: Born in Valgosta, Georgia, October 15, 1923. He earned his A.B. degree in journalism from the University of Georgia in 1943, and his L.L.D. from Tusculum College in 1965, and Howard University in 1969. He married Mary Carter in 1950. They have one child. Patterson taught at several colleges, including Tuskegee Institute, Oglethorpe, Roanoke, and Mercer colleges. He has worked for United Press (1948-1949), and Night Bureau Manager in New York, 1949-1953. He was also manager for the London, England, Bureau and chief correspondent for the United Kingdom, 1953-1956. He has served as vice president, executive editor for the Atlanta Journal and Constitution, 1956-1960, and editor of the Atlanta Constitution, 1960-1968. He was the managing editor of the Washington Post, 1960-1971. He was appointed by President Johnson as vice chairman of the United States Commission on Civil Rights, October 1964 to July 1968. He has served as professor of political science at Duke (1971). He received the Pulitzer Prize for editorial writing in 1966, and is a member of the American Society of Newspaper Editors, as well as the Atlanta Chamber of Commerce.

Mitchell, Maurice: Born in New York City, February 9, 1915. He attended New York University in 1935 and earned his L.L.D. from the University of Denver in 1958. He married Mildred Roth in 1937, and had one son. Married Mary Rowles in 1951 and has two children. He worked with the New York

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Times, 1935-1936, and became editor of the Gouverneur Press, 1936-1937. He worked with several television networks, including CBS and NBC, 1945-1953. He was president of Encyclopedia Britannica, 1962-1967, and Chancellor of the University of Denver, 1967. He was the director of the Empire Savings and Loan Association and Samsonite Corporation. Mitchell became a delegate to the UNESCO Conference on International Cooperation in Films and Television, 1958-1966. He was appointed to the United States Commission on Civil Rights by President Nixon in November 1969 and served until March 1974. He was the recipient of the Freedom Foundation Honor Award in 1969, as well as a member of the Foreign Policy Association (Director of World Affairs Center, 1964-1970), American Textbook Publishers Institute (past director), and National Education Association.

Garcia, Hector Perez: Born in Llera Tamoulipas, Mexico, January 17, 1914. Earned his B.A. from the University of Texas in 1936, and received his M.D. degree from the university in 1940. After serving with distinction in World War II, he returned to Corpus Cristi, Texas. He organized the G.I. forum and became active in Mexican-American civil rights organization in LULAC, and helped found the Political Association of Spanish-Speaking Organizations, where he was elected its first president in 1960. In 1956 and 1960, Garcia served on the Democratic National Committee. In 1961,

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President Kennedy appointed him as a delegate to the Mutual Defense Agreement Meeting between the U.S. and the Federation of the West Indies. In 1964, he represented President Johnson as ambassador to the inauguration of President Raul Leoni of Venezuela. In 1967, President Johnson appointed him alternative delegate to the United Nations and a member of the National Advisory Committee on Economic Opportunity. In November 1968, President Johnson appointed Garcia the first Mexican-American to serve on the United States Commission on Civil Rights, which he held until December, 1969. In 1974, he became a member of the Advisory Council to the Veterans Administration. He was awarded the Medal of Freedom by President Reagan in 1984.

Horn, John Stephen: Born in Gilroy, Georgia, May 31, 1931. He earned his A.B. degree with great distinction from Stanford University in 1953, and his Ph.D. in political science in 1958. He married Nina Moore in 1954, and they have two children. In 1958-1959, Horn received a Congressional Fellowship from the American Political Science Association. He served as administrative assistant to the Secretary of Labor, 1959-1960, and Legislative Assistant to Senator Kachel, 1960-1966. He was the senior fellow at the Brookings Institution, 1966-1969, and dean of the Graduate Studies and Research of American University, 1969-1970. He was appointed president of California State University, Long Beach in 1970.

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He was appointed by President Nixon as vice chairman of the United States Commission on Civil Rights in December of 1969, and served until 1980. In 1969, he was appointed member of the Law Enforcement Education Program and advisor for Law Enforcement Assistance Administration in the Department of Justice. He is co-founder of the Western U.S. Commission of Arts and Sciences, 1956, and a Fellow in the John F. Kennedy Institute of Politics at Harvard, 1966-1967. A Phi Beta Kappa, Horn has authored several books, including The Cabinet and Congress, and Unused Power: The Work of the Senate Committee on Appropriations.

Ruiz, Manuel: Born in Los Angeles in 1910. He attended the University of Southern California and became the first Mexican-American to receive a law degree from USC in 1934. Active in the Mexican-American community, he practiced law, specializing in international private law. He established the Citizens Committee for Latin American Youth, which was the forerunner of the Los Angeles Human Relations Commission. He also founded the War on Poverty, Inc., Mexican-American Resources and Information Services, and the Mexican-American Western Economic and Social Development Corp. In 1964, Ruiz was the National Chairman of the Hispanic Division of the Republican Party for the 1964 campaign. He was awarded the Los Angeles Chamber of Commerce Certificate of Distinguished Service for developing foreign commerce, good will, and

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reciprocal relations between the United States and Latin American countries. In 1969, Ruiz received the Mexican American Lawyer's Club LEX Award for his outstanding career. President Nixon appointed Ruiz, in January 1970, to the United States Commission on Civil Rights, where he served until July 1980. Ruiz authored a book on ethnic studies that was used by several universities entitled, The Mexican American Legal Heritage in the Southwest.

Flemming, Arthur Stanley: Born in Kingston, New York, June 12, 1905, he graduated from Ohio Wesleyan University in 1927, and received his Juris Doctor degree from George Washington University in 1933. Fleming taught government at American University and became the director of the School of Public Affairs in 1934. In 1935, he became a member of the Civil Service Commission, a position he held until 1948. He also served as Chairman of the War Manpower Commission. From 1961 to 1968 he was president of the University of Oregon, then president of Macalester College. He was president of the National Council of Social Welfare in 1968, and chairman of the American Council on Education in 1969. He served as Commissioner on Aging of the Department of Health, Education, and Welfare from 1973 to 1978. In March 1974, President Nixon appointed Fleming Chairman of the United States Commission on Civil Rights and he served in this capacity until March 1982. He is married to Bernice Moler Fleming and they have

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two children. He has served as a member of President Eisenhower's Advisory Committee on Government Organization, the International Civil Service Advisory Board and Chairman of the National Advisory Committee of Upward Bound. He is also the former president of Ohio Wesleyan University.

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## CHAPTER II

### **APPRAISAL EFFECTS OF FEDERAL AGENCIES**

#### Early Enthusiastic Appraisal of Federal Agencies

As early as the spring of 1965, the Commission shifted its interest from the hard fought battle for the inclusion of voting rights for all Americans to the arena of national urban problems. The Commission's first priority was the development of an urban strategy that would address the anti-discrimination policies of all Federal agencies, as well as establish guidelines that would make them more effective. The Commission sought to assist Federal departments in the development of regulations and procedures under Title VI of the 1964 Civil Rights Act. It also sought to provide staff assistance to the Vice President in his task of coordination of Federal civil rights programs.<sup>1</sup> The Commission's Staff Director-Designate, William L. Taylor, made the suggestion that the Commission "undertake cooperative studies of all Federal agency anti-discrimination policies, in order to determine which areas the Commission should concentrate its appraisal efforts focus"<sup>2</sup>.

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<sup>1</sup> Benjamin Muse. The American Negro Revolution: From Non-violence to Black Power (New York: The Citadel Press) p. 245.

<sup>2</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 62nd Meeting, March 18, 1965, p. 13.

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<sup>3</sup> Ibid.,

<sup>4</sup> Ibid.,

<sup>5</sup> Ibid.,

<sup>6</sup> Ibid.,

Commissioner Frankie M. Freeman observed that the focus of this investigation into anti-discrimination policies would primarily be in the urban metropolitan areas of the North and West because most of the nation's urban problems were in these geographical regions<sup>3</sup>. Taylor agreed, and suggested that this urban anti-discrimination strategy" would be useful in relation to such areas as police/community relations as well as housing and employment"<sup>4</sup>, as they related to Federal agencies. Commission Chairman, John A. Hannah, thought that a specific anti-discrimination policy that would monitor and appraise Federal agencies was "a worthy project and expressed the hope that the project could be as successful as the projects in the South had been"<sup>5</sup>. Dr. Hannah concluded that since the Commission had success in the South with Commission Hearings, the tactic of "Commission Hearings in major northern cities would be appropriate"<sup>6</sup> in order to discuss these urban ills. Though the Commission had shifted its focus from the issues of voting rights in the South to the urban problems of housing, employment, and criminal justice, the creation of an urban policy that would appraise the anti-discrimination policies of Federal agencies, would incorporate many of the

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<sup>3</sup> Ibid., p. 13.

<sup>4</sup> Ibid., p. 13.

<sup>5</sup> Ibid., p. 13.

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As the summer progressed, the Commission continued to formulate and identify strategies that would be employed to confront the nation's urban ills. Staff Director Taylor noted that "in terms of Federal policy, employment was the area that was going to raise the major questions"<sup>7</sup>. He emphasized that "some kind of cooperative program could be instituted by the Commission in order to facilitate the Commission's Federal agency efforts"<sup>8</sup> with respect to their anti-discrimination policies. Deputy Staff Director, Peter Libassi observed that "one area that was not programmed for hard investigative work was the housing area,"<sup>9</sup> but he expressed hope that a trained staff would be employed by the Commission to look into this urban problem. Commissioner Freeman commented that real estate lobbyists notably as in California "were hard at work knocking out fair housing ordinances and legislation" but expressed the hope that the trained staff Taylor referred to, "could devote its attention to this countervailing information"<sup>10</sup>. While the issues of housing, employment, and criminal justice began to become more clearly defined, the

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<sup>7</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 67th Meeting, June 3, 1965, p. 9.

<sup>8</sup> Ibid., p. 9.

<sup>9</sup> Ibid., p. 9.

<sup>10</sup> Ibid., p. 9.

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Commission began to understand that the monumental task of appraising Federal agencies' anti-discrimination policies would be opposed by powerful special interests through legal loopholes and legislative efforts.

In the fall of 1965, President Lyndon B. Johnson made a speech at Howard University in Washington, D.C. Many felt that this speech perhaps heralded the beginning of a new era in race relations in race conscience America.<sup>11</sup> Johnson hoped to expand his administration in the field of civil rights by extending the life of the Commission five years and provide jobs, decent homes, and social problems that would hold families together.<sup>12</sup> From this speech, it was determined that because of the urban violence of Watts, a conference on civil rights would be held that would discuss the structure of Negro family life<sup>13</sup>. The Staff Director concluded that while the structure of Negro family life was important, the conference should focus on other major urban issues, such as housing and employment. Vice Chairman Eugene Patterson commented that the President's speech marked "a major turning point in the Civil Rights Movement," and that the proposed White House Conference "would be a major departure in government policy"<sup>14</sup>.

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<sup>11</sup> Crisis Vol. 72(6) June 7, 1965 p. 346.

<sup>12</sup> The American Negro Revolution op cit p. 278.

<sup>13</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 68th Meeting, September 8, 1965, p. 4.

<sup>14</sup> Ibid., p. 4.

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<sup>15</sup> Ibid.

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With regard to the issue of criminal justice, Taylor pointed out that in the President's speech, the question of "criminal laws or laws empowering the Federal government to act in a more protective capacity was urged by the President against the Ku Klux Klan, and other extremist groups"<sup>15</sup> which had been responsible for the murder of Viola Luizzo, the white voter registration volunteer from Detroit who was killed during the Selma to Montgomery march.<sup>16</sup> Sensing that the Commission had the support of the Office of the President in the appraisal of Federal agencies with respect to criminal justice anti-discrimination policies, Taylor noted that various criminal justice proposals had been recommended by the Commission to the Department of Justice but they had not been incorporated into this Department's anti-discrimination policy. He stated that enforcement machinery was inadequate because compliance reports "were not being submitted, many complaints were not being investigated, and Federal agencies were slow to negotiate elimination of discrimination policies"<sup>17</sup>.

Taylor emphasized that the major deficiency of Federal agencies "was their failure to develop program evaluations in order to determine the extent minorities were benefiting from

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<sup>15</sup> Ibid., p. 5.

<sup>16</sup> Pat Watters and Reese Cleghorn. Climbing Jacob's Ladder. (New York: Harcourt Brace, and World. 1967) p.258

<sup>17</sup> Minutes of Commission 68th meeting op cit p. 5.

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the programs that were being administered"<sup>18</sup>. The actual enforcement of anti-discrimination policies by Federal agencies was hindered because there was "very little assessment of where Federal monies were going, or whether they were benefiting those citizens who were in most need"<sup>19</sup> of these programs. Commissioner Robert S. Rankin questioned whether Federal agencies "refused to enforce anti-discrimination policies, or whether there was a failure to get enforcement machinery in operation"<sup>20</sup>. Through Libassi suggested that the "prime reason was the failure to get enforcement machinery started"<sup>21</sup>, Taylor suggested that "Federal officials preferred to progress as far as they could through negotiations and discussions before evoking enforcement procedures"<sup>22</sup>.

Though the Commission had the support of the President with respect to the Commission's appraisal of Federal agencies anti-discrimination policies, the complexity of urban problems compounded with the ponderous procrastinating nature of the Federal bureaucracy would inhibit the efforts of the Commission's appraisal endeavors.

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<sup>18</sup> Ibid., p. 5.

<sup>19</sup> Ibid., p. 5.

<sup>20</sup> Ibid., p. 6.

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## Early Commission Appraisal Efforts

With the beginning of 1966, the Commission's infrastructure for the appraisal of Federal agencies anti-discriminatory urban policies had been put in place. The first test of the Commission's appraisal mandate occurred in February of 1966. AFL-CIO unions had walked off the Gateway Arch Project in St. Louis, Missouri in protest against working alongside a group of Black plumbers who were affiliated with the racially integrated Congress of Independent Unions. Though the National Park Service had awarded contracts that were based on Federal non-discrimination requirements, White union members refused to honor this policy<sup>23</sup>. This union walk-off forced the Department of Labor and the National Labor Relations Board to intervene in behalf of the Black plumbers. The Commission's appraisal actions taken of these Federal agencies prompted Commissioner Freeman to observe that "this case was significant because it was the first time a Federal agency had taken seriously the requirement for non-discrimination by contractors in the building trades field"<sup>24</sup>. Though these Federal agencies had acted properly in acknowledging the charges of discrimination against the AFL-CIO, this case illustrated the extent of discrimination

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<sup>23</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 73rd Meeting, February 3, 1966, p. 2.

<sup>24</sup> Ibid., p. 2.

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<sup>25</sup> Ibid.,

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among craft unions and engendered, as Freeman observed, "public feeling against discriminatory union practices"<sup>25</sup>.

In the spring of that year, another case which concerned a Federal agency's response to charges of discriminatory practices, was brought before the Commission for its appraisal. Staff Director Taylor informed the Commission that the Equal Opportunity Commission, the Department of Labor's Apprenticeship Training, and Contract Compliance Offices were investigating alleged employment discrimination practices of the Plumbers Union, as well as the employment policies of the Parker-Hannifin Company in Cleveland, Ohio.<sup>26</sup> Black community spokesmen felt that "certain trade unions, especially Plumber and Electrical Unions have an extended policy of excluding Negroes practically all over the county"<sup>27</sup>. The Commission concluded that these investigation procedures by these Federal agencies "were in accordance with Federal laws."<sup>28</sup> In a related case which concerned discrimination in housing occupancy in Cleveland, the Commission's Federal Programs Division staff person, Moses Lukaczer, illustrated his Office's efforts to "spur the Public Housing Administration to look more closely

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<sup>25</sup> Ibid., p. 2.

<sup>26</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 76th Meeting, May 5, 1966, p. 2.

<sup>27</sup> Pittsburgh Courier Apr. 16, 1966 p.8 c.1

<sup>28</sup> Minutes of Commission 76th meeting, p. 2.

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<sup>29</sup> Ibid.,

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at the statistics on racial occupancy in public housing"<sup>29</sup>. Commission Chairman John A. Hannah suggested that "the Commission should help find solutions to the problem of securing civil rights to all our citizens"<sup>30</sup>. In these comments the appraisal efforts by the Commission of Federal agencies' non-discriminatory policies, proved to be small but important victories. As the result of the Commission's activity in Cleveland, discriminatory practices in employment and housing were addressed, albeit with some prodding by the Commission, through the proper Federal agency. The appraisal by the Commission of discriminatory policies by Federal agencies were not limited to complaints of Black Americans. In the spring of 1967, Spanish-speaking Americans, as well as Asian Americans, testified before the Commission at its hearing in San Francisco about housing covenants in the San Lorenzo area.<sup>31</sup> Many of these citizens felt that the urban renewal programs that were funded by HUD, often involved a denial of equal opportunity for jobs and housing for minority group citizens. Commission Chairman John A. Hannah suggested that "the Commission should help find solutions to the problem of

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<sup>29</sup> Ibid., p. 2.

<sup>30</sup> John Hannah to House of Representative Charles S Gubser, 24 May 1967, John A. Hannah Papers. Michigan State University Archives and Historical Collections, East Lansing, Michigan.

<sup>31</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 84th Meeting, April 6, 1967, p. 11.

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securing civil rights to all our citizens".<sup>32</sup> Commissioner Freeman suggested that the Commission staff obtain copies of real estate deeds in the San Lorenzo area in order to determine "if these deeds contained elaborate covenants which governed building improvements and restriction of sales to only Caucasians"<sup>33</sup>. This was the first instance whereby the civil rights concerns of Asian and Spanish-speaking Americans were confronted on a national level. Though there were cultural and language barriers, many in the Commission were shocked by the extent of urban discrimination problems which confronted these minority Americans. They were also disturbed by the lack of emphasis HUD placed on the problems of urban minorities other than Blacks.<sup>34</sup>

#### Dissatisfaction With the Commission's Appraisal Efforts

Though the Commission had met with some success with its appraisal of Federal agencies anti-discrimination policies, dissatisfaction with the scope of its appraisal responsibilities began to emerge. In the fall of 1965, Staff Director Taylor informed the Commissioners of a meeting he attended with Attorney General Nicholas Katzenbach. Though

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<sup>32</sup> John Hannah to House of Representative Charles S. Gubser, 24 May, 1967. John A. Hannah Papers. Michigan State University Archives and Historical Collections, East Lansing, Michigan.

<sup>33</sup> Minutes of Comm. 84th meeting, p. 11.

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the meeting was amiable, the Attorney General continued to press Taylor on the Commission's plans for activities in the North with respect to other Federal agencies' anti-discriminatory responsibilities.<sup>35</sup>

The Commission's General Counsel Howard Glickstein, who also attended this meeting commented that it appeared to him that "the Attorney General was more concerned that the spotlight for the enforcement of civil rights laws be put on Federal agencies other than the Justice Department"<sup>36</sup>. Commissioner Freeman expressed concern as to whether the Attorney General "had in mind the failure of the Housing and Home Finance Agency to carry out its enforcement responsibilities as they related to the 1964 Civil Rights Act"<sup>37</sup>. Katzenbach's attempts to remove the Justice Department from the Commission's appraisal policy by his inference to other Federal agencies shortcomings, with respect to the enforcement of Civil Rights Laws, reflected the nature of Federal agencies to disburse this responsibility of enforcement to other agencies. Why should the Justice Department be singled out by the Commission for its non-enforcement of civil rights laws, when other agencies were remiss in their enforcement responsibilities? This

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<sup>35</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 70th Meeting, November 4, 1965, p. 2.

<sup>36</sup> Ibid., p. 2.

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bureaucratic dilemma illustrated to the Commission that its appraisal of Federal agencies had to be comprehensive if the ills of urban America were to be properly addressed.

As the Commission sought to cope with attempts to appraise Federal agencies of their civil rights responsibilities, criticism of its appraisal activities became more vocal. The Director of the Commission's Midwest field Office, John McKnight, spoke of "the importance of establishing belief and, more importantly, credibility by the Commission as far as its investigation of Federal anti-discrimination policies were concerned"<sup>38</sup>. He noted that many people in urban areas felt that "there was a tremendous gap between what the Federal government says it does to alleviate these problems and progress actually seen"<sup>39</sup>. He suggested that in order to address the needs of these people "Federal officials had to sit down with them and let them talk about what the government isn't doing"<sup>40</sup>. Though these people had the right to expect the Federal programs that would help resolve these urban problems "they are skeptical when the Federal government tries to impose these programs without their input"<sup>41</sup>. He recommended that the Commission initiate

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<sup>38</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 83rd Meeting, March 2, 1967, p. 4.

<sup>39</sup> Ibid., p. 4.

<sup>40</sup> Ibid., p. 4.

<sup>41</sup> Ibid., p. 4.

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a program, such as the one created by the Illinois State Advisory Commission on Civil Rights, that was the kind of program the Commission could undertake in order "to make Federal programs more relevant to ghetto problems"<sup>42</sup>. The need for more direct involvement by the Commission in its appraisal efforts of Federal agencies, as well as the input of those the appraisal efforts were designed to assist, indicated to the Commission that its own appraisal program needed redefining.

#### **Re-Assessment of the Commission's Federal Agency Appraisal Efforts**

By the late sixties urban explosions rocked the foundations of American society, with increasing destructiveness. As urban living conditions became more unbearable, poor alienated Black people resigned themselves to acts of destruction, as a last resort, in order to gain the attention of the Federal government. As these people's demands for a more responsible and just government burgeoned, the Commission acknowledged the necessity for a reassessment of its appraisal of Federal-agency civil-rights programs. In the spring of 1968, the Commissioners met with civil rights advocates at the University of Miami in Coral Gables, Florida. In order to bridge the menacing gap between the hopelessness of urban dwellers and an increasingly aloof Federal

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<sup>42</sup> Ibid., p. 4.

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government, the participants agreed to discuss the future programs and policies of the Commission<sup>43</sup>.

Robert Carter, General Counsel for the National Association for the Advancement of Colored People (NAACP) suggested that the Commission "needed more troops and a stronger following"<sup>44</sup> in order to monitor and appraise the anti-discrimination policies of Federal agencies. He was of the opinion that "further Commission reports would not be very successful because the vast amount of Commission information was not seeping down to the people who needed it"<sup>45</sup>. He felt that these reports were unimportant unless they were implemented and urged the Commission to "address itself to educating urban people on how to utilize the machinery of government to reach the objective of equal opportunity and to eliminate violations of existing civil rights laws and policies"<sup>46</sup>.

Dr. Ernesto Galarza, who represented the urban Hispanic community, defined the Commission "as the country's authoritative spokesman in the field of civil rights"<sup>47</sup>. He advocated the continuance of frequent Commission reporting of

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<sup>43</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 92nd Meeting, March 7-9, 1968, p. 1.

<sup>44</sup> Ibid., p. 3.

<sup>45</sup> Ibid., p. 2.

<sup>46</sup> Ibid., p. 3.

<sup>47</sup> Ibid., p. 3.

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its appraisal findings of the Federal agencies civil rights policies, as well as advising the President and Congress on these urban issues. He suggested that the Commission "had the responsibility to educate the Federal bureaucracy, as well as those on the firing line in the ghettos by moving away from abstract and intellectual tactics of education to those that were concrete, specific and immediate"<sup>48</sup>.

Dr. Thomas Pettigrew, the psychologist from Harvard University, suggested that the Commission "place a higher priority on monitoring Federal agencies than in the past"<sup>49</sup>. He suggested that enforcement of existing civil rights laws and policies often placed the responsibility almost entirely on the victim, and that many people in urban areas did not trust Federal agencies. He urged the Commission to hire more social scientists in order to advise these Federal agencies of their discriminatory practices and suggested that "the Commission oppose non-categorical Federal aid and direct Federal aid to States which continued to have negative civil rights policies"<sup>50</sup>.

Georgia State Legislator Julian Bond suggested that the Commission consider "a sort of information service for minority groups who needed to know the issues and where to get

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<sup>48</sup> Ibid., p. 4.

<sup>49</sup> Ibid., p. 4.

<sup>50</sup> Ibid., p. 5.

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answers to urban problems from particular Federal agencies"<sup>51</sup>. Deputy Staff Director M. Carl Holman made the observation that the "Commissioners as well as many social scientists regarded the Federal government as the level for change, but they failed to understand that Federal funds were funneled through institutions of State government"<sup>52</sup>. Special Assistant to the Staff Director, Sherwin T. Montez, was of the opinion that Federal officials, particularly those on Federal executive boards, "simply did not know how to go about dealing with problems in urban areas because they were not sensitized to those problems"<sup>53</sup>. He felt that it was the responsibility of the Commission to make these officials and their agencies more aware of these urban concerns. Commissioner Freeman agreed with this assessment, and noted that "civil rights programs often get separated from civil rights"<sup>54</sup>.

McKnight felt that in many instances, the fault with the implementation of anti-discrimination programs often rested with "the unwillingness of local government to adhere to the law"<sup>55</sup>. The Commission's Southern field Office Director Philip Montez was of the opinion that many Washington officials

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<sup>51</sup> Ibid., p. 6.

<sup>52</sup> Ibid., p. 7.

<sup>53</sup> Ibid., p. 9.

<sup>54</sup> Ibid., p. 9.

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placed the emphasis "on blueprint planning in Washington rather than accepting advice for solving these real life problems from field officials"<sup>56</sup>. The Commission's Director of field Services, Samuel J. Simmon, felt that many Federal agencies "had not designed programs with the inclusion of those they were intended to help. Consequently, these programs often did not make sense to those who needed them most"<sup>57</sup>. Commissioner Theodore M. Hesburgh suggested that the future well-being of the nation as an integrated society was "a major goal of the Commission." This Commission should concern itself with the development of Federal programs that would help minority families become more independent. Dr. Hesburgh concluded that the Commission should be concerned also with "the need for non-discriminatory housing laws as well as the impact of Federal housing programs"<sup>58</sup>. Though this conference identified many problems and many solutions, most of the participants were in agreement that the Commission must improve its appraisal efforts of Federal agencies civil rights policies. Another area where there was general agreement was the betterment of communications and input between the nation's urban populace and Federal agencies, which included the Commission. This conference was beneficial

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<sup>56</sup> Ibid., p. 10.

<sup>57</sup> Ibid., p. 10.

<sup>58</sup> Ibid., p. 15.

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to the Commission's appraisal operations because it allowed the Commission to focus more clearly on urban issues, and helped to clarify the Commission's appraisal responsibilities and hopefully provide a more viable alternative to urban upheaval.

### Commission Appraisal and the New Administration

In the Presidential election of 1968, the nation decided on a change in direction and leadership. The War on Poverty had lost to the war in Vietnam. The turbulence of the urban riots had given way to demands for law and order. The passions of Kennedy and King for more social reform were supplanted by a yearning for less government intervention. The liberal Democratic years of Kennedy and Johnson came to an end with the election of Republican conservative leaning Richard M. Nixon.

In an attempt to establish harmonious relations, the Commission sought to open avenues of communication with the new Administration. During the Nation's transition of power, Staff Director Glickstein reported to the Commissioners that there had been "no communication with President-elect Nixon, though a memorandum had been prepared and forwarded to him as an historical background of the Commission"<sup>59</sup>. Chairman Hannah suggested that comprehensive statements on problems the

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<sup>59</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 99th Meeting, December 10, 1968, p. 2.

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Commission found which concerned the civil rights responsibilities of Federal agencies be prepared for the new Cabinet members and their respective departments. He suggested in order of priority "HEW, HUD, Agriculture, Defense, and State Departments be informed of Commission findings"<sup>60</sup>. Commissioner Freeman suggested that in relation to the Commission's appraisal efforts, recommendations by the Commission which concerned "HUD criteria for site selection and tenant selection, in order to facilitate housing desegregation, be forwarded to the President for his consideration"<sup>61</sup>. President Hannah concurred and communicated to HUD Secretary George Romney that HUD regulations, especially the new home ownership and rental housing programs emphasize as a criterion for approval that the housing policy should assist in providing new locational choices for low-and-moderate-income families outside existing racial and poverty concentrations and that "the programs should contribute to the elimination of segregation by race and income".<sup>62</sup> Though those overtures were made in good faith by the Commission to the new President and his Cabinet, it had not received any response due to, perhaps, time constraints associated with

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<sup>60</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 100th Meeting, January 9, 1969, p. 6.

<sup>61</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 99th Meeting, December 10, 1968, p. 2.

<sup>62</sup> John A. Hannah to Secretary George Romney 20 January 1969. John A. Hannah Papers. op.cit.

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transition, they also portended the future working relationship with the Commission and the new Administration.

Further efforts to work in harmony with the new Administration were made by the Commission. Acting Staff Director Glickstein informed the Commissioners in February, that he would meet with Jerris Leonard, the new Assistant Attorney General for Civil Rights, soon. Glickstein also reported that he had met recently with Daniel Patrick Moynihan of the White House staff, who had requested that "the Commission supply him with information on the shortcomings and problems of the Federal bureaucracy"<sup>63</sup>. President Hannah concurred and communicated to HUD Secretary George Romney that HUD regulations, especially the new home ownership and rental housing programs emphasize as a criterion for approval that the housing policy should assist in providing new locational choices for low and moderate income families outside existing racial and poverty concentrations and that "the programs should contribute to the elimination of segregation by race and income"<sup>64</sup>. During this meeting Glickstein requested that Moynihan keep the Commission informed of the President's Urban Affairs Council's work. Then the Staff Director reported to the Commissioners that the letters, that were requested to be

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<sup>63</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 101st Meeting, February 6, 1969, p. 2.

<sup>64</sup> John A. Hannah to Secretary George Romney, 20 May 1969, John A. Hannah Papers. op. cit.

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sent to the respective Secretaries of HUD, HEW, Labor, Agriculture, State and Defense, had been mailed but "only the Secretary of Defense had responded"<sup>65</sup>. Dr. Hannah informed the Commissioners that communication sent to the White House which had requested a meeting with the President in order to discuss Civil Rights issues within the Federal bureaucracy, "had been apparently lost"<sup>66</sup>. Being notified of this matter, Moynihan informed the Chairman that he would "arrange a meeting with the Commission and the President within two weeks to discuss these urban issues"<sup>67</sup>. Though the Commission met with some success in communicating with the new Administration, the Commission continued to regard this Administration with optimism.

The Commission's optimism about working in harmony with the new Administration began to waiver, however, in the spring. Glickstein informed the Commissioners that replies to the letters former Chairman Hannah had requested, which concerned the civil rights problems within particular Departments, "had been acknowledged except for HUD and Agriculture"<sup>68</sup>. The Commission's new Chairman, Father Theodore Hesburgh, one of the most outspoken advocates of minority

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<sup>65</sup> Ibid., p. 2.

<sup>66</sup> Ibid., p. 4.

<sup>67</sup> Ibid., p. 4.

<sup>68</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 102nd Meeting, March 13, 1969, p. 2.

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<sup>69</sup> New York

<sup>70</sup> Ibid., p.

<sup>71</sup> Ibid., p.

rights on the Commission,<sup>69</sup> commented that he had recently met with the Secretary of Agriculture in Bogota, Columbia. Upon informing Dr. Hesburgh that his Department had not received Dr. Hannah's communique, the Chairman requested that "another letter be forwarded to the Secretary from the Commission"<sup>70</sup>. In keeping with the spirit of accommodating the new administration, a hand-delivered letter was forwarded to the Secretary. Lost communications, non-replies, and broken promises (there is no mention in Commission minutes of a meeting with the President and the Commission)<sup>71</sup> by the new Administration, dampened the early, good faith, enthusiasm of the Commission. The optimistic attempt to work with the new administration, with respect to the appraisal efforts of Federal agencies, by the Commission gradually began to become skeptical.

Though the Commission continued its efforts to establish communication with representatives of the new Administration, these overtures continued to be unsuccessful. This is illustrated when, at the Commission's April meeting, Glickstein informed the Commissioners that "material that had been sent to the Attorney General in February which concerned an incident of police brutality in Los Angeles," had not

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<sup>69</sup> New York Times, March 13, 38:4, 1969.

<sup>70</sup> Ibid., p. 2.

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received a reply<sup>72</sup>. Though the Attorney General's office may not have completed its investigation of this particular incident, this lack of acknowledgment by the Justice Department, further eroded the Commission's earlier optimism.

This feeling of skepticism, which had begun to replace the optimism of the Commission, was not limited to communication with the new Administration, but began to pervade its appraisal efforts with Federal agencies. When Commissioner Freeman commented on the lack of minority participation in a study of economic development projects by the Economic Development Administration (EDA), she questioned whether this study had reached such a level whereby a letter from the Commission to the EDA, that expressed some concern about these economic development projects, could be sent. She hoped that this action could be achieved "before the situation deteriorated while the study was underway"<sup>73</sup>.

As the new Administration settled into its duties, the relationship with the Commission and the policies of non-responsiveness to Commission communiques, postal service failures, and broken commitments tended to reflect the new Administration's hesitancy with respect to the appraisal efforts of Federal agencies by the Commission. This was evident when Moynihan canceled a previously agreed upon

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<sup>72</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 103rd Meeting, April 10, 1969, p. 2.

<sup>73</sup> *Ibid.*, p. 4.

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commitment to attend the Commission's hearing on housing in Denver<sup>74</sup>. Though Moynihan perhaps had a more important meeting which negated his presence in Denver, these compounded incidences began to justify the Commission's skepticism. There was declining hope that the Commission would have the support of the new Administration in its appraisal responsibilities of Federal agencies as a means of improving conditions for the betterment of racial and economic relations for urban Americans.

#### Some Tribulations of the Commission's Appraisal of Federal Agencies

As the decade of the 70's emerged, the Commission encountered different obstacles, which inhibited or prevented its appraisal endeavors of Federal agencies, with respect to urban civil rights issues. Though the Commission expended much time and energy, its appraisal responsibilities were met with limited success. The intransigence of the new Administration to support the Commission's appraisal efforts of Federal agencies urban Civil Rights policies, soon began to bourn out the Commission's newly acquired skepticism.

In February of 1970 Staff Director Glickstein reported to the Commissioners that he had received a letter from Secretary of Defense Melvin Laird, which concerned the Federal

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<sup>74</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 105th Meeting, June 13, 1969, pp. 1-6.

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contract compliance of the McDonnell-Douglas Company. U.S. Congressman William Clay from St. Louis where McDonnell-Douglas is located, recommended that "the aircraft makers' Federal contract be withdrawn if it didn't make adjustments to meet equal opportunity requirements"<sup>75</sup>. The press had reported that Secretary Laird had sent a letter to the Defense Department staff that told them how shocked he was that the contract had been awarded "without the required contract compliance review"<sup>76</sup>. The press reported, also, that Secretary of the Air Force Seamans had sent a letter to McDonnell-Douglas which "outlined what he expected them to do in order to be in compliance"<sup>77</sup> with Federal employment procedures. Letters were sent by the Commission staff to other Federal agencies, which concerned Mallinckrodt and Chrysler's employment compliance contracts<sup>78</sup>. From these comments it appears that top level administrators were not cognizant of the fact that their agencies were awarding defense contracts without following compliance procedures. Perhaps the threat of exposure by the press encouraged these

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<sup>75</sup> New York. Amsterdam News. February 21, 1970, p.1 c.4

<sup>76</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 11th Meeting, February 5, 1970, p. 3.

<sup>77</sup>Ibid., p. 3.

<sup>78</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 11th Meeting, February 5, 1970, p. 3.

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administrators to correct these discriminatory policies and, thus, prevent Commission appraisal recommendations.

At the same hearing Acting General Counsel Lawrence B. Glick informed the Commissioners that his staff would be writing to HUD and the Justice Department appraising them of weaknesses found in the FHA equal housing program and the regional office programs of HUD. Chairman Hesburgh felt that "HUD should be a prime target"<sup>79</sup> for Commission appraisal of civil rights violations. Vice-Chairman Stephen Horn suggested that the Commission meet with the operating people at HUD, at the Assistant Secretary level," to tell them we have found wrong, and advise these officials to personally intervene to correct some of these problems"<sup>80</sup>. Glick thought these suggestions were sound and that it was his impression that HUD was one Department where the top person has a commitment to civil rights and the Commission "should help him to get this commitment to filter down through the operating bureaucracy"<sup>81</sup>. This is another instance whereby the top administrators of a Federal agency had to be prodded by the Commission, through its appraisal procedures, to acknowledge discriminatory policies within their agencies.

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<sup>79</sup>Ibid., p. 3.

<sup>80</sup> Ibid., p. 3.

<sup>81</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 113th Meeting, April 2, 1970, p. 5.

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A similar example of discriminatory ignorance by administrators, concerned the air traffic controllers. While the Commission had recommended that the Civilian Aviation Board issue regulations to prohibit employee discrimination, CAB chose to rely on complaints of discriminatory practices by employees to enforce prohibitions against such actions.<sup>82</sup> Assistant Staff Director for Civil Rights Program and Policy, Martin E. Sloane, informed the Commissioners "that of the 20,300 controllers, only 540 were minorities", and of the 175 traffic controllers between GS-15 and GS-18 there "was not one Black controller above GS-14"<sup>83</sup>. Commissioner Maurice B. Mitchell suggested that "the Commission communicate with the Federal Aviation Administration and the Civilian Aviation Board its concern about the employment disparity among minorities" and suggested that these agencies "make every effort to correct the racial imbalance that presently exists"<sup>84</sup>. One could argue that perhaps these Federal agencies did not recognize these employment disparities, or that minorities did not desire these upper echelon positions, or that minorities did not have the necessary skills to be in positions of authority. In any event, if the Commission had

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<sup>82</sup> Federal Civil Rights Enforcement Effort Seven Months Later (A Report of the U.S. Commission on Civil Rights, Washington, D.C., May 1971) p.67.

<sup>83</sup> Civil Rights Commission Minutes op cit. p. 5.

<sup>84</sup> Ibid., p. 5.

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not brought these employment disparities to the attention of these Federal agencies through its appraisal actions, these agencies would have continued to be in violation of Federal anti-discrimination Laws. In each of these cases, there was little, if any, support from the White House for the enforcement of Federal anti-discrimination Laws.

Some Federal agencies attempted to circumvent the appraisal recommendations of the Commission. In relation to Federal housing, Sloane reported that the Section 235 Public Housing Program of HUD, which provided home ownership for low and moderate income families, was "perhaps the most significant low income housing program the country ever had"<sup>85</sup>, but the Commission found the program wanting in some respects. There was still housing discrimination in the general housing market. New housing had primarily gone to White families who were located in the suburbs, while existing housing that was located in the central cities had been going to minority families, though families within the same income limits could only be eligible for 235 housing<sup>86</sup>.

Sloane concluded that "the FHA, which was charged by statute for the administration of this program, had abdicated its responsibility and delegated it to representatives of the

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<sup>85</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 122nd Meeting, March 15, 1971, p. 6.

<sup>86</sup> Ibid., p. 7.

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private housing and home finance industry"<sup>87</sup>. He suggested that "the traditional policies and practices of real estate brokers, and mortgage lenders had been allowed to operate without any Federal controls"<sup>88</sup>. He informed the Commissioners that he had received a short, non-responsive, answer to a letter that had been sent to the FHA Commissioner regarding this policy. The FHA Commissioner suggested that the issues, which were raised, were under study and that his agency would provide the Commission "specific answers later." Sloane felt that it was obvious that there "are no policies at HUD concerning the 235 program." In order for the FHA to be the champion of the rights for lower income families, he felt that "the FHA must get up off its passive posture with respect to the administration of the program"<sup>89</sup>. Though the low income housing program which was designed to assist low income families, was commendable, the awarding of new housing to Whites violated Federal housing regulations. The abdication by the FHA of its administrative responsibilities to private housing interests, as well as, its evasive response to charges of administrative negligence by the Commission, underscored the complexity of the Commission's appraisal duties.

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<sup>87</sup> Ibid., p. 7.

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<sup>90</sup> Gary Or  
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Another tactic the Commission had to confront with respect to its Federal agency appraisal attempts, concerned the FHA and racial covenants. The common wisdom of white appraisers was that housing integration damaged white property values. Consequently, the FHA adopted a segregationist policy and refused to insure projects that did not comply. Although there was no evidence for this assumption, it became official FHA policy for appraisals. While the FHA provided important services to young white families, Blacks were viewed as a liability on an appraisal balance sheet. The FHA had refused insurance for mortgage commitments in large areas of central cities it judged to have uncertain future value, thus channeling funds and buyers outward in order to deny Federal assistance in the Black housing market. This policy discouraged investment in inner city ghettos and barrios as well as in integrated neighborhoods adjoining them.<sup>90</sup> Covenants were frequently employed by builders and real estate interests in order to keep a particular neighborhood free of minorities. Glickstein stated that "there were reported to be racial provisions in an FHA underwriting manual"<sup>91</sup>. Although the Commission was able to quote what the racial restrictions were supposed to contain, the Commission was

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<sup>90</sup> Gary Orfield. Must We Bus? Segregated Schools and National Policy (Washington, D.C., The Brookings Institution, 1978) p. 80.

<sup>91</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 123rd Meeting, April 4, 1971, p. 4.

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unable to obtain an actual copy of the recommended covenant. Copies of this underwriting manual located in the Library of Congress did not contain this racial covenant and apparently copies at HUD were deleted with reference to any racial covenant. While Commissioner Horn suggested that staff go to the National Archives for a copy of the original manual, Commissioner Freeman suggested that "the NAACP files should contain the covenant because some years ago, it was handling these cases"<sup>92</sup>. Commissioner Mitchell believed that "this covenant probably is contained in the deeds of ownership of homes purchased under FHA guaranteed financing in the years when the covenant was being recommended"<sup>93</sup>. This racial covenant, which was illegal but supported by a Federal agency, offers a blatant example of discriminatory policies the Commission discovered in its attempts to appraise Federal agencies. The absence or deletion of such a covenant from official documents, while civil rights organizations had these documents in their possession, indicates that a conscious effort, by Federal officials to suppress incriminating evidence, was made. This obscene pandering to racist prejudices reflected the resistance to the Commission's appraisal activities.

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<sup>92</sup> Ibid., p. 4.

<sup>93</sup> Ibid., p. 4.

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Another method whereby Federal agencies circumvented the appraisal activities of the Commission, was to respond to recommendations only on paper. In the fall of 1971, Sloane presented to the Commissioners a chart which graphically illustrated the progress, or lack thereof, of Federal agencies, with respect to non-discriminatory Civil Rights policies"<sup>94</sup>. The graph illustrated that progress had been made in the structure and mechanism of these policies, but little progress had been made in their performance. In the spring of 1971, for example, the Commission issued a report which stated that contract compliance continued to suffer from the failure of the OFCC to provide adequate guidance concerning the setting of specific goals and timetables in the establishment of criteria for compliance.<sup>95</sup> Instead of HUD's "open communities" policy for increasing housing options for low-income and minority families, the Commission concluded that HUD had narrowed the scope of this policy to rule out any activity aimed at facilitating economic integration. Minority families were still disproportionately represented among the nation's low-income families. The Commission also recommended that HUD actively seek authority to use cease and desist orders instead of limiting itself to methods of conferences,

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<sup>94</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 128th Meeting, November 16, 1971 (part II), p. 1.

<sup>95</sup> Enforcement Effort Seven Months Later op cit, p.21.

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conciliation, and persuasion to enforce Title VII regulations of the Civil Rights Act of 1968.<sup>96</sup> This chart also indicated gross disparities among Federal agencies that had civil rights responsibilities in common. Sloane pointed out that when the Federal government's role in relation to civil rights was measured by its performance, progress was clearly lacking. He commented that though the Federal Home Loan Bank Board had made a commitment for greater minority participation in its programs "there had been no progress made in performance to match its commitment"<sup>97</sup>. In a similar vein HUD and GSA had signed a commitment for making low income housing available to minorities who lived near Federal installations, but "HUD had made no follow-through action since." He determined that some Federal agencies "could be made to respond to Civil Rights Laws when pressed, but other agencies, such as regulatory agencies, didn't respond even when pressed"<sup>98</sup>. This hollow response of Federal agencies to the appraisal actions of the Commission seemed to insult the intelligence of the Commission. The submission of grandiose schemes and plans for the implementation of non-discriminatory policies and programs without tangible results, implied that these

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<sup>96</sup> Ibid., p. 35.

<sup>97</sup> Civil Rights Commission Minutes op cit p. 1.

<sup>98</sup> Ibid., p. 1.

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agencies had little regard for the intelligent professionalism and personal commitment of the Commission.

Some agencies resorted to impotence when confronted by the Commission's appraisal actions. In May of 1972, the Federal Home Loan Bank Board (FHLBB) had apparently agreed to comply with the Commission's appraisal recommendations for the establishment of regulations which would require member institutions to collect racial data concerning loan applications<sup>99</sup>. The Commission noted that the FHLBB had received few complaints in mortgage lending since the 1968 Federal Fair Housing Law had been enacted. The Commission had suggested that the FHLBB needed to adopt a mechanism for uncovering discrimination practices such as the traditional one of examining lending institutions and developing procedures for examiners to detect discrimination practices.<sup>100</sup> After the Commission had "praised the Board for agreeing to collect this information," Staff Director-Designate John A. Buggs informed the Commissioners that "the FHLBB had reneged on its promise." The FHLBB had gotten so much negative response from the housing industry that it quietly dropped this proposed regulation. As a result of this spineless action, Chairman Hesburgh directed Buggs to forward a letter to the Director of the Office of Management and Budget with

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<sup>99</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 134th Meeting, May 8, 1972, p. 5.

<sup>100</sup> Report Seven Months Later op cit. p. 43.

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an explanation as to what had transpired, as well as a request that the Director contact the FHLBB about this change of policy.<sup>101</sup> This shameful display of bureaucratic cowardice provided yet another means whereby a Federal agency could ignore the appraisal efforts of the Commission, and continue to disregard the right of equality for urban Americans, while catering to the demands of special interests. As the Commission's appraisal endeavors of Federal agencies continued to prove futile, attempts were made to communicate its displeasure to Cabinet officials<sup>102</sup>. Chairman Hesburgh directed the staff to forward letters to OMB Director Casper Weinburger, Secretary of the Treasury George Schultz, and Attorney General Richard Kleindienst "which appraised them of civil rights problems" which fell within their areas of responsibility"<sup>103</sup>. Though some administrators indicated that they would like to meet with the Commission soon, there was little movement by their agencies to comply with the Commission's appraisal recommendations.

In the fall of 1972, President Nixon submitted to Congress his revenue sharing proposal. Under this program, income taxes collected by the Federal government would be funneled back into local units of government for their use,

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<sup>101</sup> Ibid., p. 5.

<sup>102</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 136th Meeting, August 29, 1972, p. 4.

<sup>103</sup> Ibid., p. 4.

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rather than continue Federally operated programs<sup>104</sup>. The Commission's Director of the Office of Federal Civil Rights Evaluation, Jeffrey M. Miller, noted that in order not to attach strings to this program, these revenue sharing dollars "would presumably be applied to programs in which there was little opportunity for discrimination of minorities"<sup>105</sup>. Miller pointed out, however, that "this program could allow the use of State monies, which was thus freed up, to be put in State programs which could be discriminatory, such as housing and health services." Miller concluded that if this were to happen, "there would be no Federal mechanism for control of these funds, since these programs would be funded by the State".<sup>106</sup>

After further discussion about revenue sharing and how Federal anti-discrimination safeguards could be monitored and enforced, Commission Director of Congressional Liaison Jonathan W. Fleming, suggested that rather than monitor thousands of revenue sharing Programs, "the Equal Employment Opportunity Commission (EEOC) could possibly be pushed into doing a good job on State merit standards". This policy could then "be filtered down through local governments"<sup>107</sup>. The

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<sup>104</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 138th Meeting, November 13, 1972, p. 2.

<sup>105</sup> Ibid., p. 2.

<sup>106</sup> Ibid., p. 2.

<sup>107</sup> Ibid., p. 2.

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Commission had noted the relative ineffectiveness of EEOC in resolving the problems of employment discrimination and attributed this weakness to the lack of strong enforcement powers as well as the lack of sufficient staff resources.<sup>108</sup> Commissioner Freeman pointed out that through this approach "the EEOC had jurisdiction over State merit systems," but only had the authority to defer to the States for at least sixty days after a complaint had been filed. When this time had elapsed, the EEOC had to go to the Justice Department for enforcement. She concluded, therefore, that "the complainant had to enter his own suit which placed the burden of enforcement on the victim"<sup>109</sup>. The Commission accurately assessed the possibilities for discrimination of minorities with the President's revenue sharing proposal. Though the President wished to decentralize the Federal government, States would have the opportunity to continue their discriminatory civil rights policies without being controlled by the Federal government. Revenue sharing dollars would be used for programs that heretofore were funded by State dollars. Thus, the state monies freed up could be used for discriminatory purposes. If minorities wished to complain of State dollars being used to their exclusion, they would have to rely on their own legal expertise, as well as, their

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<sup>108</sup> Report Seven Months Later op cit. p. 24.

<sup>109</sup> Report Seven Months Later op cit. p. 2.

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limited financial resources in order to seek redress of grievances from the Justice Department. Though the President's revenue sharing proposal was not a Federal agency policy, it had the potential to affect several Federal agencies and their anti-discrimination policies. The appraisal actions of the Commission illustrated its significance as a watchdog for the inclusion of civil rights of urban Americans.

In the spring of 1973, President Nixon presented his Community Development message. The Commission's appraisal of this program found that, though the President indicated that there were defects in the housing program area, he did not indicate what these defects were.<sup>110</sup> The Commission's Assistant Director for Program and Policy Review, Martin Sloane, suggested that "most of these defects were, perhaps in management of the programs which could be corrected." He noted, however, that "the people in HUD who knew how these programs did not adhere to HUD policy, were being replaced by a new group of people who did not necessarily know them"<sup>111</sup>. For a President to deliver such an important message, acknowledge its defects, but not explain what these defects were, reflected poor staff competence, or illustrated the further deterioration of Federal concern for the civil rights

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<sup>110</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 142nd Meeting, March 12, 1973, p. 8.

<sup>111</sup> Ibid., p. 8.

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of urban Americans. The removal of competent people in HUD who had the expertise and the commitment for the betterment of living conditions for all Americans, underscored, again, the increasing futility of the Commission's Federal appraisal activities.

Though the Commission's appraisal efforts continued to be met with obstacles, it continued to appraise Federal agencies of their discriminatory urban policies. While the Commission had issued a report two years before on Federal Civil Rights Enforcement, the promise of equal justice for all Americans had not approached reality. "Due to the lack of strong presidential leadership, there had been delays in issuing regulations, their implementation, and the use of sanctions when discrimination had been found."<sup>112</sup> In the spring of 1974, newly appointed Commission Chairman Arthur S. Flemming, former chairman of the White House Conference on Aging and a member of Eisenhower's Advisory Committee on Government Organization,<sup>113</sup> called the Commissioners' attention to the recommendations made by the Maryland State Advisory Committee. Its civil rights proposals, which were directed to the Office of Federal Contract Compliance (OFCC), concerned

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<sup>112</sup> The Federal Civil Rights Enforcement Effort - A Reassessment (A Report of the U.S. Commission on Civil Rights, Washington, D.C., 1973) p. 10.

<sup>113</sup> New York Times, December 6, 1973, p. 3.

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hiring, and training practices in Baltimore.<sup>114</sup> It was agreed by the Commission that inasmuch as there were recommendations at the OFCC as well as the Bureau of Apprenticeship and Training, "both agencies would receive communication from the Commission in order to determine if the contract office had taken appropriate action with respect to hiring practices in Baltimore"<sup>115</sup>. Commissioner Mitchell suggested that a parallel request for contract compliance "might be made in housing, and employment in construction trades between minorities and non-minorities, and some explanation as to which of these areas might be most dramatically demonstrated"<sup>116</sup>. Commissioner Freeman noted another dimension of the problem "was the lack of any viable national housing program in terms of appropriations, allocations, and pending legislation in the housing field"<sup>117</sup>.

In commenting on the policy of Federal financing of regulatory agencies, staff member Jeffrey Miller noted that some of these agencies had recently announced "a policy which concerned the collection of racial and ethnic data," but had given their auditors the "responsibility for examination of equal opportunity programs when they conducted their

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<sup>114</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 155th Meeting, April 8, 1974, p. 2.

<sup>115</sup> Ibid., p. 2.

<sup>116</sup> Ibid., p. 3.

<sup>117</sup> Ibid., p. 3.

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<sup>118</sup> Ibid.,

<sup>119</sup> Ibid.,

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audits"<sup>118</sup>. He concluded with the comment that with the exception of the Home Loan Bank Board, there seemed to be no effort put forth by other agencies "to require their regulatees to implement an Equal Employment program"<sup>119</sup>. Though the Commission had expended much time and energy to appraise Federal agencies of their discriminatory policies, this same expenditure had to be applied for each Regulatory Agency in order to get them to comply with Federal laws. To rely on auditors, who were not necessarily skilled in the processing of racial and ethnic data, to evaluate equal opportunity programs, represented *faits accomplis* for discriminatory programs because they were already in place by the time they were audited. This type of chicanery by some Federal agencies, in order to continue programs that were found to be discriminatory, further hindered the Commission's appraisal pursuits of Federal agencies.

In the fall of 1974, the Commission was confronted with a discrimination issue which reflected the futility of its appraisal attempts. Staff Director Buggs mentioned to the Commissioners that a letter be sent to Senator Metcalf in regards to "the discriminatory hiring practices of Congressmen on Capitol Hill"<sup>120</sup>.

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<sup>118</sup> Ibid., p. 3.

<sup>119</sup> Ibid., p. 3.

<sup>120</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 159th Meeting, September 9, 1974, p. 3.

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<sup>121</sup> Ibid.,  
<sup>122</sup> Ibid.,  
<sup>123</sup> Ibid.,

While the Congress is not a Federal agency, the legislature, like the Executive Branch, is a part of the Federal government, and therefore, should adhere to Federal anti-discriminatory employment regulations. As an alternative to this proposed letter, staff member William Blakely believed that "this issue might be suggested to a committee other than the Joint Committee on Congressional Operations." Instead of the Commission examining the hiring practices of Congress, perhaps "the Commission, as an alternative, could conduct the hiring examinations of Congress"<sup>121</sup>. Constitutional questions by the Commissioners as to what extent were members of Congress covered by the Civil Rights Act, and whether members of Congress had an obligation to live up to the Civil Rights Act of 1964 were discussed. When this discussion ended, Chairman Flemming directed staff to "prepare a presentation of the legal situation as it affects both the Legislative and Judicial Branches of the Federal government, as well as, include some legislative history on Federal employment"<sup>122</sup>.

It was agreed by the Commission that following an evaluation of this information "a decision would be made as to whether or not a recommendation should be transmitted to Congress"<sup>123</sup>. The audacity by some members of Congress to

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<sup>121</sup> Ibid., p. 3.

<sup>122</sup> Ibid., p. 3.

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assume that their hiring practices were above the pale of Federal laws was tantamount to declaring that they were a privileged class. Even more disturbing was the perception by some members of Congress that this body could engage in discriminatory hiring practices without regard for the right of equal employment opportunities for all Americans. Though this issue had great legal ramifications, it appears that the Chairman opted for a less controversial solution by deferring this issue to future discussion.

At the Commission's November meeting, the Staff Director made a brief report on the Commission's appraisal efforts with respect to the discriminatory hiring practices of Congress, and informed the Commissioners that "a memorandum on this issue would be provided at the next hearing"<sup>124</sup>. In the Commission's final hearing of the year no mention was made which concerned the discriminatory hiring practices of Congress.<sup>125</sup> Perhaps staff needed more time in order to collect the necessary data pertaining to this issue, or Congressional interests suppressed this sensitive issue. This deplorable, cavalier attitude by Congress that its employment practices were beyond the appraisal determinations of the

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<sup>124</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 161st Meeting, November 11, 1974, p. 1.

<sup>125</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 162nd Meeting, December 16, 1974, pp. 1-3.

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Commission, reflected the hypocrisy of that institution. Though it had the power to legislate civil rights, Federal laws did not apply to Congress.

### Conclusion

In looking at the Commission's appraisal activities of Federal agencies with respect to the urban issues of housing, employment, and criminal justice from 1965-1974, several points emerge. As the Commission turned its attention from voting rights in the South to national urban concerns, it not only embraced these urban concerns with the same level of enthusiastic idealism that it employed in the South, but attempted to incorporate much of the strategies that were successful in the South because the Commission represented a kind of cassandra, disclaiming over the inadequate efforts of civil rights enforcement.<sup>126</sup> Unfortunately, the appraisal of Federal agencies was more complex than uncovering denials of voting rights. After refining its strategies, with the assistance of civil rights leaders, in order to better understand the nature of the Federal bureaucracy, urban civil rights issues that had been ignored, produced violent protest upheavals.

The new Presidential Administration was unresponsive to the Commission's overtures for assistance in its appraisal of

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<sup>126</sup> Nathan Glazer. Affirmative Action Discrimination: Ethnic Inequality and Public Policy (New York: Basic Books, Inc. 1975) p. 39.

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Federal agencies, with respect to their discriminatory urban civil rights policies. The Commission found that Federal agencies had not supported effective utilization of Title VI of the Civil Rights Act of 1964 with respect to staff, nor staff's recommendation for enforcement action. Officers of Federal agencies had not made full use of State resources for ensuring compliance. Federal agencies had not collected or required their recipients to collect sufficient or appropriate data necessary to measure the distribution of benefits in Federally assisted programs for minorities. Federal agencies had conducted too few pre-award and post-award reviews, many of which proved superficial because of inadequate tools for measuring non-discrimination. There was a lack of government-wide leadership for the enforcement of these requirements, and a lack of direction as to what constituted discrimination and how it should have been eliminated.<sup>127</sup> Presidential leadership had gone far in international leadership, cooperation, and friendship but "without strong presidential leadership, the problems of domestic issues becomes infinitely more difficult."<sup>128</sup> "Dirty tricks," which were not limited to Watergate, were employed by many Federal agencies and encouraged by high ranking officials as a means of

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<sup>127</sup> The Federal Civil Rights Enforcement Effort-1974 (A Report of the U.S. Commission on Civil Rights, Washington, D.C., November 1975) p. 757.

<sup>128</sup> Civil Rights Enforcement-A Reassessment op cit, p.10.

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circumventing the Commission's appraisal recommendations. These tactics included lost correspondence; the cancellation of appointments; ignorance of discriminatory practices within agencies; and unexplained delays in the implementation of compliance regulations. "In the aggregate, the Federal agency compliance programs held out false hope for many minorities to participate in the benefits of federally assisted programs"<sup>129</sup> while their Congressional representatives remained aloof from the enforcement of their own laws. Considering these negative forces, tactics and pressures, the Commission was unable to institute an effective Federal agency appraisal program that would help provide a more equal opportunity for urban Americans to participate in the prosperity of their country.

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<sup>129</sup> Civil Rights Enforcement-1974 op cit, p. 758.

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### CHAPTER III

#### COOPERATION WITH URBAN COMMUNITY GROUPS

As the Commission sought to grapple with its Federal agency appraisal program in order to more effectively monitor the civil rights programs of Federal agencies, racial tensions of the mid-sixties enveloped the nation's cities. New solutions to urban protest violence had to be addressed in a forthright manner in order to prevent the further polarization of urban dwellers, as well as, the possible collapse of American Society.

As legalized segregation and discrimination began to be dismantled in the South, urban problems, such as housing, employment, and criminal justice, began to enter the civil rights arena. In order for the Commission to address these urban issues, new strategies had to be developed for the resolution of these pressing problems. By the mid-60's, racial tensions had enveloped the nation's cities, which resulted in violence and riots. Civil rights legislation had absolutely no meaning for urban Blacks who were fed up with police brutality, de facto segregation, unemployment, underemployment, inferior education, political tokenism, and Jim Crow justice as Adam Clayton Powell correctly enumerated

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the causes for the riots.<sup>1</sup> These urban tensions demanded new and innovative solutions. One such solution emerged, out of social necessity, which added a new dimension to the involvement of the Commission in the attainment of civil rights for all Americans. Instead of applying idealistic legal interpretations to the Constitution, or advocating moral discourses on the right of egalitarian principles, the Commission sought to [examine and] encourage the feasibility of direct community involvement in efforts to confront and hopefully eliminate the more subtle forms of racism in urban America. The next phase of this project will attempt to address the interaction of urban community representatives with the efforts of the Commission in relation to housing, employment and criminal justice. The theme of community involvement between the Commission and local urban community groups will perhaps help disclose the input the Commission had on the greater inclusion of civil rights and a better quality of life for urban Americans.

#### Early Commission Involvement with Community Groups

At the Commission's March 1965 hearing, Staff Director-Designate William L. Taylor informed the Commissioners of two meetings he had attended which were a

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<sup>1</sup> Mary Frances Berry. Black Resistance/White Law: A Constitutional History of Racism in America (New York: Appleton-Century-Crofts 1971) p. 213.

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<sup>2</sup> Unit  
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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

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part of President Lyndon Johnson's Council on Equal Opportunity<sup>2</sup>.

At the first meeting, Vice President Hubert Humphrey, who headed this council, requested that the Commission prepare a directory of Federal personnel who had civil rights responsibilities, a directory of private civil rights organizations, and a report on the Commission's Advisory Committee operations<sup>3</sup>. Several task forces were set up, with the Commission's Chairman John A. Hannah being invited to serve on the Community Relations and Education Task Force<sup>4</sup>. President Hannah commented that "Vice-President Hubert Humphrey reflected the successful leadership of bipartisan forces for civil rights legislation in this nations history"<sup>5</sup> This Community Relations Task Force, which was charged with seeing what the Federal government could do to prevent conflicts and riots in urban areas, met with the Vice President as well as representatives from the Departments of Health, Education and Welfare, Labor, Housing and Home Finance Administration, the Office of Emergency Planning, and the

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<sup>2</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 65th Meeting, March 18, 1965, p. 1.

<sup>3</sup> Ibid., p. 2.

<sup>4</sup> Ibid., p. 2.

<sup>5</sup> John A. Hannah Remarks on Community Relations Task Force. 28 February 1965. John A. Hannah Papers, Michigan State University, Archives and Historical Collections, East Lansing, Michigan.

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<sup>6</sup> Ibid

<sup>7</sup> Ibid

Office of Economic Opportunity. Matters, such as accelerating the creation of jobs, improving police-community relations and others were discussed. At the conclusion of this meeting, Vice President Humphrey directed the chairman of this task force to compose a list of things the Federal government was prepared to implement in order to help local units of government carry out these policies.<sup>6</sup>

At the Council's second meeting, the Vice President expressed the President's concern that civil rights organizations did not feel that his position on civil rights had been made clear enough to the general public. After further discussions, it was suggested that "the President should go on national television to make his feelings about civil rights clear"<sup>7</sup>. Shortly thereafter, President Johnson announced a sweeping reorganization of Federal civil rights programs, after acting on the advice of Vice President Humphrey who said that "we want to get people out of each other's way." As a result, the civil rights responsibilities of the Attorney General and the Secretary of Labor were broadened; the Commission was given new fact finding chores and the Commerce Department's Community Relations Service was transferred to the Justice Department. Consequently, the President's Committee on Equal Opportunity and the President's

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<sup>6</sup> Ibid., p. 2.

<sup>7</sup> Ibid., p. 3.

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<sup>8</sup> New York

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<sup>10</sup> Ibid.

Council on Equal Opportunity were abolished.<sup>8</sup> Although the Commission minutes did not indicate that community organizations were represented at these council meetings, the Commission had the support of the Office of the President as well as officials from the President's administration. They, along with the Commission, realized that people responsible to local communities had to be included in the planning of strategies for the elimination of urban ills and the prevention of future urban bloodshed.

Efforts for cooperation with community groups as a means of confronting urban problems continued to be a priority of the Commission. Staff Director-Designate Taylor reported to the Commissioners on meetings he had attended with a number of civil rights leaders in Atlantic City.<sup>9</sup> These meetings were designed to help establish closer relationships, explore areas of mutual concern, and make known to these organizations the available resources of the Commission.<sup>10</sup> The concern and commitment to civil rights for urban Americans were of paramount importance to the Commission. The involvement of community leaders and organizations as equal participants was necessary so that their urban concerns could be expressed.

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<sup>8</sup> New York Times, May 25, 1:6, 1965.

<sup>9</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 67th Meeting, June 3, 1965, p. 4.

<sup>10</sup> Ibid., p. 4.

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<sup>11</sup> "The  
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<sup>12</sup> Robe  
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<sup>13</sup> Ibid

<sup>14</sup> Ibid

The interaction of Commission resources with community group's awareness of urban problems, had to become a marriage of necessity if urban problems were to be resolved.

In January of 1966, President Johnson transmitted to Congress and the nation his views for the enrichment of urban life.<sup>11</sup> After discussing some of the past accomplishments in Federal housing and renewal programs, he discussed the need for local inclusion in community development projects. He stated that from the past three decades of experience "it is clear to me that American cities require a program that will mobilize local leadership and private initiative so that local citizens will determine the shape of their new city."<sup>12</sup> He proposed that the new demonstration program "should foster the development of local and private initiative and widespread citizen participation in the planning and execution of the program."<sup>13</sup> He urged housing relocation services, counseling, moving expenses, and small business loans, as well as job placement and re-training so that "communities could provide an environment harmonious to man's needs."<sup>14</sup> He concluded his

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<sup>11</sup> "The Rebirth of our Cities: A Message to Congress," President Lyndon B. Johnson, H.R. Doc. #368, 89th Congress, 2nd Session, January 26, 1966, p. 1.

<sup>12</sup> Robert A. Goldwin, editor. A Nation of Cities: Essays on America's Urban Problems (Chicago: Rand McNally and Co., 1966) p. 5.

<sup>13</sup> Ibid., p. 6.

<sup>14</sup> Ibid., p. 12.

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<sup>15</sup> Ibid.

<sup>16</sup> United  
D.C.: Minutes

<sup>17</sup> Ibid.,

remarks with the comment that his proposed demonstration program will demand the full cooperation of government at every level as well as private citizens<sup>15</sup> if it was to succeed and flourish. Urban communities were elated because their concerns were presented by the President in a national forum. This presidential commitment toward the resolution of urban ills through the participation of local community groups encouraged the Commission to continue its cooperation efforts with urban community groups.

As the Commission attempted to grapple with the urban problems of housing, employment, and criminal justice through its community involvement policy, a Commission hearing was proposed that would be held in an urban northern location. Commissioner Frankie M. Freeman suggested that "more attention be paid to problems of urban renewal which had resulted in the relocation of people into substandard housing"<sup>16</sup>. Several people had complained that while urban renewal was a beneficial long-term solution, the temporary housing of people in substandard dwellings only exacerbated the housing problem. She suggested that "an urban renewal official from the Federal government attend this hearing in order to discuss this housing dilemma"<sup>17</sup>. Another topic which concerned urban

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<sup>15</sup> Ibid., p. 12.

<sup>16</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 74th Meeting, March 3, 1966, p. 4.

<sup>17</sup> Ibid., p. 4.

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

community groups concerned charges of police brutality. Commissioner Erwin Griswold proposed that "in the area of police-community relations, it would be preferable to speak in terms of poor personal relations by police rather than in terms of brutality unless the latter could be really demonstrated"<sup>18</sup>. He was concerned that this proposed hearing would worsen feelings toward police in the Black ghetto and precipitate another Watts type riot. Taylor intimated that followup discussions about the proposed hearing, as well as constructive action by all levels of government, and interested groups of persons, "could help prevent future instances of urban violence"<sup>19</sup>. The problems of urban renewal as well as police brutality were real concerns of community groups. The attempts to softpedal the presence of police brutality, while ignoring housing relocation problems, encouraged distrust of the Federal government's intentions and the Commission's ability to serve as a conduit for the concerns of urban groups.

Commission attempts to further community involvement with the alleviation of urban concerns continued to be met with obstacles. Deputy Staff Director M. Carl Holman informed the Commissioners that the White House staff had proposed a "Conference on Civil Rights which would include discussions

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<sup>18</sup> Ibid., p. 4.

<sup>19</sup> Ibid., p. 4.

on the administration of justice, housing and employment"<sup>20</sup>. The organizers of this proposed conference, as well as the White House itself, wanted it to be a citizens' conference with heavy involvement by the private sector, White Americans, and in particular, businessmen. Massive Federal efforts to deal with these deep-rooted civil rights problems were suggested. It was pointed out by Holman, however, that "the Commissioners and staff would attend this conference as observers not as participants"<sup>21</sup>. The concern by the White House that the proposed conference would include the community, the private sector, and White Americans was a sound attempt to marshal resources to address these urban problems. The unexplained relegation of Commissioners and staff to the role of observers, however, perhaps caused resentment within local communities. If this Commission was supposed to be the watchdog and guardian of civil rights for American citizens, but its members were excluded as participants from this Conference on Civil Rights, then how, many citizens may have queried, could they expect the Commission to protect them and speak for their civil rights? The distrust of the Federal government, compounded with the exclusion of the Commission as a participant in this proposed White House Conference on Civil Rights, began to produce skepticism among urban

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<sup>20</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 76th Meeting, May 5, 1966, p. 5.

<sup>21</sup> Ibid., p. 5.

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Americans of the Commission's viability as a guardian for their civil rights.

This skepticism of the Commission by urban communities was reflected in the comments of John McKnight of the Commission's Midwest Field Office. He stressed to the Commissioners "the importance of establishing credibility and belief of the communities in Federal Civil Rights programs"<sup>22</sup>. He noted a tremendous gap between what the Federal government professed to be doing and what progress could actually be seen. People had the right to expect Federal programs but "are skeptical when Federal agencies try to impose these programs without their input"<sup>23</sup>. He also found that many businesses as well as civic leaders "were often willing to move further than civic leaders anticipated"<sup>24</sup>. Though the Commission had advocated support for the concerns of civil rights groups, the skepticism community groups felt toward a Federal agency was extended to the Commission because it, too, was a Federal agency. Though the Federal government had long made promises and offered programs for the betterment of urban life; people in urban communities had heard these statements before. The Commission, consequently, had to find some means

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<sup>22</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 83rd Meeting, March 3, 1967 Part II, P. 4.

<sup>23</sup> Ibid., p. 4.

<sup>24</sup> Ibid., p. 4.

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<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

whereby this pervasive doubt could be replaced by demonstrated commitment and concrete action for the attainment of civil rights of inner-city people.

#### Direct Community Involvement and the Commission

As a means of allaying this growing skepticism of urban communities, the Commission met with civil rights leaders at the University of Miami, Coral Gables, Florida in order to discuss future programs and policies of the Commission<sup>25</sup>. In response to urban violence in the cities, the National Association for the Advancement of Colored People's (NAACP) General Counsel Robert Carter suggested that "further Commission Reports would not be very helpful"<sup>26</sup>. He noted that though the Commission's Report on Civil Disorders "placed the responsibilities for these disorders on White rather than Negro society" which accounted for the poor state of race relations in the United States, he felt that the Commission could not improve on this report. He felt that such reports "were unimportant unless they were implemented, because the vast amount of information was not seeping down to the people in communities who actually needed it"<sup>27</sup>. He suggested that the Commission add on "how to utilize the machinery of the

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<sup>25</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 92nd Meeting, March 7-9 1968, p. 1.

<sup>26</sup> Ibid., p. 2.

<sup>27</sup> Ibid., p. 2.

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<sup>28</sup> Ibid

<sup>29</sup> Ibid

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

Federal government in order to reach the objective of equal opportunity, and to eliminate violations of existing Federal civil rights laws and policies"<sup>28</sup>. He concluded his remarks with the observation that the Commission should "try to reach minority group leaders, opinion makers, as well as potential leaders and opinion makers"<sup>29</sup>.

Speaking for the Hispanic community, Dr. Ernesto Galarza agreed with Carter's point that the Commission should become more involved in communities. He defined the Commission "as the country's authoritative spokesman in the field of civil rights and advocated a continuance of frequent Commission reporting and giving advice to the President and Congress"<sup>30</sup>. He surmised that the Commission was responsible to and dependent upon national civil rights organizations, such as the NAACP and Labor. Though Hispanic and other ethnic groups "had poor national structures, the Commission had a responsibility to these groups as well"<sup>31</sup>. He felt that it was the Commission's responsibility "to educate those on the firing line in the ghettos and barrios, and in the communities that are stricken by poverty"<sup>32</sup>. He suggested that he would

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<sup>28</sup> Ibid., p. 2.

<sup>29</sup> Ibid., p. 3.

<sup>30</sup> Ibid., p. 3.

<sup>31</sup> Ibid., p. 3.

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like the Commission to become more involved in communities by providing funds and personnel "to get civil rights going in a community as well as lessen the tension between Hispanics and blacks by emphasizing their common ties of poverty which binds them"<sup>33</sup>.

Psychologist Thomas Pettigrew of Harvard University noted that "the Commission had to think through the issue of cultural pluralism versus assimilation. Problems of the central city were not just a money problem. Questions as to who gets Federal money, how it is spent, and what structure hands it out had also to be addressed."<sup>34</sup> He felt that since the Commission "was a Federal agency, the community was hesitant to accept it as a trusted ally committed to change" and doubted that the Commission "was the best agency to make alliances with businessmen and foundations which tended to view themselves as models"<sup>35</sup>. He was of the opinion that the Commission should conduct more investigations, issue more statements on local tense situations and use its subpoena power when necessary. Those reports "could create a feeling of fairness, even among White residents if they saw the facts"<sup>36</sup>. Finally, Pettigrew suggested that the Commission

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<sup>33</sup> Ibid., p. 4.

<sup>34</sup> Ibid., p. 4.

<sup>35</sup> Ibid., p. 5.

<sup>36</sup> Ibid., p. 5.

try to spell out particular problems "for a variety of specific communities in various regions as well as specific actions by the community and the government in order to alleviate these problems"<sup>37</sup>.

Black Georgia state legislator Julian Bond suggested that the Commission should consider "a sort of information service for minority groups who were beginning to organize and needed to know the issues and how and where to get answers to their problems"<sup>38</sup>. He felt that the Commission had to come to grips with the issue of separation in the Black community. He expressed the growing doubt among Blacks about the value of integration and felt that "the larger issue was whether minority groups would enjoy the same rights as the majority"<sup>39</sup>. It was up to the Commission to disprove the theory that integration was a hopeless dream. While he felt that metropolitanism was in the interest of good government, he also believed that Blacks would never gain political muscle if immediate annexation was permitted because they would be absorbed by suburban interests. Blacks would "only retain the hulls of deteriorating cities while White suburbs would hold all political power nationally as well as locally. This would

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<sup>37</sup> Ibid., p. 8.

<sup>38</sup> Ibid., p. 5.

<sup>39</sup> Ibid., p. 6.

result in two unequal societies, one White and the other Black.<sup>40</sup>

After these views had been presented, Holman suggested that the Commission "should bring about the confluence of the people with these needs with the Federal agencies responsible for doing something about them"<sup>41</sup>. Through a Commission sponsorship of community leadership training programs for minority group leaders, it could be possible for these community leaders to participate more effectively in Federal and other programs. McKnight felt that people in the communities regarded local government as the enemy and suggested that "a change in the relegation of funds was needed from the existing centers of power directly to the community"<sup>42</sup>. As this hearing adjourned, the Commissioners agreed to take these recommendations into consideration and pledged to establish a continuing liaison with the Urban Coalition.<sup>43</sup>

This discussion was beneficial to the Commission as well as community interests. Festering concerns of urban communities were allowed expression in a forum that was representative of the Federal government. Closer interaction

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<sup>40</sup> Ibid., p. 6.

<sup>41</sup> Ibid., p. 6.

<sup>42</sup> Ibid., p. 9.

<sup>43</sup> Ibid., p. 16.

between the Federal government and community interests was acknowledged and urged by the participants. The specter of American society, possibly on the brink of polarization, between rich and poor, and White and Black, was brought to the Commission's, as well as, the nation's attention. The need for the Commission to become a more viable conduit for urban America's expression of its problems and concerns to government and the nation was illustrated as an alternative to the desperate measures of urban violence many had to resort to in order to gain the attention of American society. Though the Commission had a clearer understanding of urban problems and the expectations of urban Americans, it still was faced with the unresolved issue of how to get the Federal government to enforce its civil rights laws and policies so that urban minorities could be included in the prosperity of the nation as equal citizens.

As a means of coming to grips with the issue of more direct involvement with community groups, the Commission, in September of 1968, instituted its Urban Project.<sup>44</sup> This two-year program was designed to provide people at the local level with the type of information they would need in order to deal with urban problems. This program initially began with four cities and eventually would expand to six. A key component of the Urban Project involved community advisory committees

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<sup>44</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 96th Meeting, September 5, 1968, p. 3.

in these selected cities because most of the established community advisory committees were structured on the state level but not on the local level.<sup>45</sup> One of the goals of the Commission's Urban Project was to define in systematic terms what was meant by the term racism. An attempt would also be made to explain racism in institutional terms as well as illustrate how racism manifests itself in various institutions at the local level. Finally, this project would attempt to link up recommendations of the Kerner Commission so that people working at the grass roots level could have some idea as to what they could do to help resolve basic urban problems, such as housing, employment, and criminal justice.<sup>46</sup> If this program proved successful in these selected cities, then material would be collected and distributed to other cities for implementation. This program would be different from the Commission Field Projects because it would involve the total resources of the Commission over a period of time.<sup>47</sup> This Urban Project, which was a direct result of Pettigrew's suggestion, in theory had great potential. The direct involvement of local community groups with the total resources of the Commission in order to define American racism and illustrate many of its subtle characteristics, could be

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<sup>45</sup> Ibid., p. 3.

<sup>46</sup> Ibid., p. 3.

<sup>47</sup> ibid., p. 4.

beneficial to these community groups and the Commission itself. The Commission, however, was faced with the monumental task of getting this project from its theoretical confines to the realities of practical application.

The practical application of this Urban Project was assigned to Samuel J. Simmons, the Commission's Field Services Division Director.<sup>48</sup> He informed the Commissioners that six technical experts had been given the responsibility for covering housing, welfare, education, employment, economic development, and poverty programs.<sup>49</sup> Other staff would be assigned from the Commission's Information Office in order to "establish liaison with the Urban Coalition, Urban America, and other such organizations as well as work to develop materials in a form that people can use at the local level"<sup>50</sup>.

Simmons informed the Commissioners that four cities had been selected in different regions of the country. Memphis, Tennessee was selected because it was in the mid-south and because it had been doing similar types of urban programs as the Urban Project proposed. Canton, Ohio had been selected because it was a midwestern city that could provide the broadest exposure to a variety of problems. San Diego, California was chosen because of its extensive military

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<sup>48</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 97th Meeting, October 3, 1968, p. 5.

<sup>49</sup> Ibid., p. 5.

<sup>50</sup> Ibid., p. 5.

facilities, as well as, its large concentration of Hispanics and Blacks. The final city that was selected was Bridgeport, Connecticut because it was a small northern industrial city and offered an evenly balanced minority population of Blacks and Puerto Ricans.<sup>51</sup> The structure for the Urban Project in each of these cities was to be in place by the end of the year so that the Commission could begin to evaluate what the problems were in the various areas and how the Commission could be of assistance in alleviating them. Finally, Simmons informed the Commission that "advisory committees would be expanded in each of these four target communities in order to develop community advisory committees"<sup>52</sup>. Though the six Commission experts were over extended, with respect to applying their expertise to these four urban regions, the idea behind the Urban Project was to place the Commission in a position to articulate Federal programs to people in local communities who, heretofore, had little communication or assistance with Federal agencies. By establishing the Commission as the vehicle by which local ideas and problems associated with urban life could be addressed to the proper Federal agency, the Commission hoped to allay the skepticism of urban Americans as well as encourage the Federal government to be more responsive to the needs of urban communities.

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<sup>51</sup> Ibid., p. 5.

<sup>52</sup> Ibid., p. 5.

At the beginning of the new year Simmons informed the Commissioners that the Commission's Office of Information had compiled a listing of private organizations and programs they had developed, or were starting to develop, that "would deal with specific urban problems associated with the Urban Project"<sup>53</sup>. These listings could be very helpful to members of its staff as well as community groups in the target cities. Though it was found that Memphis lacked communication between urban groups, it was starting to function in support of the Urban Project. Canton's City Advisory Committee, meanwhile, had begun preparing a list of recommendations to be submitted to the Commission for its consideration. Though preliminary work had begun in Bridgeport and San Diego, Simmons informed the Commissioners that "enthusiasm and leadership in the Black and Hispanic communities were very high"<sup>54</sup>. While the Commission's Urban Project's initial stages met with obstacles, its direct involvement with urban community groups continued to evolve into a viable civil rights program.

In the spring of 1969, the Commission's Director of Technical Assistance Carol B. Kummerfield, updated the Commissioners on its Urban Project. She informed them that Canton's Advisory Committee had been working on a program that dealt with "racism in the white community as well as the

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<sup>53</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 100th Meeting, January 9, 1969, p. 4.

<sup>54</sup> Ibid., p. 4.

development of a program on housing, while the Memphis Advisory Committee was concentrating its efforts mainly on housing"<sup>55</sup>. She also informed the Commissioners that the Urban Project's staff was in the process of developing a self-analysis questionnaire for use by profit making and service organizations "in order to determine discriminating policies and institutionalized racism within their own organizations"<sup>56</sup>. The development of programs, which confronted racism within the White communities, as well as the use of questionnaires in order to determine institutionalized racism within community organizations, illustrated new approaches urban communities and the Commission were willing to implement in order to alleviate racial ills in urban environments.

Except for passing reference to the Urban Project, Commission concern for this project began to wane. In October of 1970, Assistant Staff Director for Community Programming Isiah T. Creswell, informed the Commissioners that "the Urban Project was being phased out"<sup>57</sup>. He noted that while the project had some value, "it was an expensive proposition for

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<sup>55</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 103rd Meeting, April 10, 1969, p. 6.

<sup>56</sup> Ibid., p. 6.

<sup>57</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 117th Meeting, October 12, 1970, p. 6.

a Commission with budgetary limitations"<sup>58</sup>. He admitted, though, that there were benefits from activities that concentrated on specific cities, and drew residents from the particular locality to help define urban problems and the ways the Commission should attack these problems.<sup>59</sup> Kummerfield suggested that the Commission had learned how to prepare publications and other visual material in order to attack the problems of White racism within urban communities. She agreed with Creswell that these lessons learned from the Urban Project, by the Commission, could be applied to other community programs. She conceded, however, that there were numerous people who wanted to attack White racism in urban communities, "but unfortunately we cannot provide help to all of them"<sup>60</sup>.

Creswell's statement all but sounded the death knell for direct Commission involvement with community groups for the betterment of urban life in America. The energy and enthusiastic support these groups had given to the Commission's Urban Project had come to naught. The identification of institutionalized racism within America's urban society, and the call for community input for its resolution, proved to be useless. Perhaps the sensibilities

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<sup>58</sup> Ibid., p. 6.

<sup>59</sup> Ibid., p. 6.

<sup>60</sup> Ibid., p. 7.

of White Americans were ruffled with respect to their racist attitudes, and institutions that were exposed by the findings of this project. Perhaps the fiscal constraints the Nixon Administration placed on the Commission inhibited the continuance of this project. In any event, the direct cooperation between urban community groups and the Commission ceased. Though lessons were learned as a result of direct community input, and visual aids were developed and enhanced with respect to the confrontation of white racism in urban society, the equal partnership of community and Commission in the resolution of America's urban problems had dissolved. Urban community groups were left with the Commission mandating solutions to their urban problems, but without their direct input. The Commission was left without an ally in its fight for the elimination of institutionalized racism in urban America. The exuberance that created this alliance of civil rights cooperation was suddenly replaced by the resigned skepticism of urban Americans.

#### The Commission and Indirect Urban Community Involvement

The Commission's change of focus with respect to community relations, from direct cooperation with community groups to indirect involvement, was reflected in its proposed administration of justice and law enforcement project<sup>61</sup>.

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<sup>61</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 119th Meeting, December 14, 1970, p. 6.

Topics for this project were submitted to the Commissioners by Staff Director Howard A. Glickstein in order to get their reactions. The Commissioners felt that the Commission should undertake an administration of justice-community relations investigation "because it was one of the most important topics in the civil rights area"<sup>62</sup>. The Commissioners suggested that a sufficient number of people be assigned to this study, but no mention was indicated as to who would comprise this project. From these actions, it appeared that the Commission could best serve the interest of urban Americans with the input of a limited number of participants, rather than involving large numbers of community representatives.

In January of 1971, the Commission's General Counsel John A. Powell suggested to the Commissioners that the staff for the Administration of Justice Conference would assemble a panel of police officials and police experts in order to discuss important issues in the law enforcement field so that they could "advise the Commission on areas of the proposed study"<sup>63</sup>. Dr. King noted that police brutality was a daily experience for Blacks. He pointed out that "many Blacks live in a police state which paradoxically maintains itself in a democratic republic." He felt that "the Commission was correct in describing the grossness of police behavior as one

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<sup>62</sup> Ibid., p. 6.

<sup>63</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 120th Meeting, January 11, 1971, p. 5.

of the worst manifestations of Negro oppression."<sup>64</sup> After this group had met, General Counsel Powell informed the Commissioners that the proposed study "would focus on the responsiveness of police operations to the needs of the minority community and the factors that influence the extent to which they respond"<sup>65</sup>. Other topics that were to be addressed concerned the legal foundations for the role of police that included enabling ordinances and regulations; the extent to which training was a factor in the determination of police roles; how responsive police were to the needs of the minority community; the influence of politicization on police officers generally; the impact of violence on American society and what this impact had on how police see their roles; and, the extent to which Federal funding had a favorable impact, as well as the extent to which this funding was used to finance the different kinds of experimentation throughout the country.<sup>66</sup>

These objectives for this proposed Commission study perhaps reflected the new Presidential Administration's position on urban disturbances which proclaimed that

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<sup>64</sup> James Washington, editor. A Testament of Hope: The Essential Writings of Martin Luther King, Jr. (San Francisco: Harper and Row, 1986) p. 172.

<sup>65</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 121st Meeting, February 8, 1971, p. 8.

<sup>66</sup> Ibid., p. 9.

"appeasement had gone too far. It is time to draw the line."<sup>67</sup> Its law and order mentality placed emphasis on the enforcement policies of police officials rather than on the root causes for these disturbances. There was no indication that urban communities, which experienced directly police brutality, participated or were represented in these discussions. The use of police officials and experts to discuss these urban problems without the direct input of those citizens the police were employed to protect, increased, in all likelihood, the further polarization of urban communities. No indication was given as to how these officials and experts would determine the needs of the communities; what would determine the legal rights of citizens; how the people saw the police, or the parameters of police-community experimentation. The Commission was apparently content to dictate solutions to urban communities without their direct input. The distrust of these urban communities toward law enforcement agencies, compounded with their absence from these discussions, decreased the opportunities for the Commission to serve as mediator for the civil rights of urban Americans.

A point of tension arose between the use of police force in an urban community and the Commission's proposed Administration of Justice Project. Commissioner Maurice B.

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<sup>67</sup> William Safire. Before the Fall: An Inside View of the Pre-Watergate White House (New York: Doubleday, 1975) p. 354.

Mitchell commented that "there was indignation and disappointment in the Mexican American community of East Los Angeles about the failure of the Commission to do anything concerning the alleged police killing of Ruben Salazar"<sup>68</sup>. Salazar, a television news executive and reporter for the Los Angeles Times was killed in a tavern that had been teargassed by police after a riot had erupted during an anti-war demonstration.<sup>69</sup> After much discussion as to whether the Commission should get involved in cases which were essentially criminal in nature, Commissioner Mitchell suggested that "the Commission re-examine its position and use this as a case history in its Administration of Justice Study."<sup>70</sup> Commissioner Freeman expressed dismay that the Commission was reluctant to be responsive to the needs of the East Los Angeles community and hoped that the Commission's Administration of Justice Project "could be used in a more timely manner in order to respond to the Los Angeles situation"<sup>71</sup>. Commission Vice Chairman Stephen Horn felt that there was a reluctance on the part of the majority of the Commission to hold a special hearing pertaining to the Salazar case because "Commission staff is not trained to deal with what is essentially a

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<sup>68</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 122nd Meeting, March 15, 1971, p. 5.

<sup>69</sup> New York Times, August 31, 1970. page 32. C-3

<sup>70</sup> U. S. Commission Minutes: 122nd Meeting, op cit. p. 5.

<sup>71</sup> Ibid., p. 5.

criminal matter"<sup>72</sup>. Staff Director Glickstein felt that little could be accomplished by the Commission holding such an investigation, but was confident the Justice Department would conduct an extensive investigation which the Commission could not hope to repeat. He felt that such a hearing "might provide a forum for an emotional outlet but would not serve a particularly constructive purpose"<sup>73</sup>. The Commission finally agreed not to hold this suggested investigation, but did agree to expand its Administration of Justice Project "to include urban and rural areas in order to obtain a cross-section of various minority groups"<sup>74</sup>.

It appears from these comments that a rift had developed as to what was the Commission's responsibility. Should it investigate, at the behest of this particular urban community's will, the alleged infringement of a citizens civil rights by law officials, or leave this investigation to Federal law officials because it was essentially a criminal matter? The majority of the Commissioners concluded that since their staff did not have the expertise to investigate this matter properly, it should be deferred to a Federal enforcement agency that might not be as committed to bringing to justice those who were responsible for the violation of

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<sup>72</sup> Ibid., p. 5.

<sup>73</sup> Ibid., p. 6.

<sup>74</sup> Ibid., p. 6.

Salazar's civil rights. Though a special hearing might serve as an emotional release for those most affected by this tragedy, the Commission concluded that this unfortunate incident should only be associated with its Administration of Justice Project as a case history. Though the East Los Angeles community demanded direct involvement of the Commission, its reservation about direct action and the relegation of it to just a case history in its Administration of Justice Study, disillusioned and angered these citizens. Finally, the inclusion of rural areas in this project diluted the Commission's effectiveness as a champion of civil rights for urban communities, because this project now would have a wider area in which to study. Instead of addressing criminal justice problems specifically associated with urban areas, the Commission opted to expand this study, which, at best, could only relate urban problems in a generalized manner, with those of rural areas. This decision further eroded the Commission's commitment for the inclusion of urban communities in the resolution of urban problems.

By the mid-seventies, any direct presence of urban community input and participation in civil rights programs of the Commission had all but disappeared. This point is illustrated when Creswell informed the Commissioners that a planning schedule had been developed by staff for a proposed

Conference on Civil Rights.<sup>75</sup> His staff was in the process of interviewing "knowledgeable persons about how the conference should be conducted and what issues should be considered."<sup>76</sup> No indication was made by Creswell as to who these knowledgeable persons would be, or what criteria would be incorporated in order to determine their level of civil rights expertise. Staff Director John A. Buggs commented that forty-five persons had been invited to attend this proposed conference, but some representatives from the business community had declined. The Staff Director thought that the real problem today with the civil rights movement "is that it does not have a power base. The old coalition of labor, civil rights organizations, and religious groups is no longer viable. If civil rights is to advance, it can only do so by developing strategies for the development of coalitions"<sup>77</sup>. In response to Vice Chairman Horn's hope that this proposed conference would be a working conference aimed at finding solutions, the Staff Director opined that he "hoped the conference would not get caught up in particular issues

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<sup>75</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 143rd Meeting, April 9, 1973, p. 8.

<sup>76</sup> Ibid., p. 8.

<sup>77</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 145th Meeting, June 11, 1973, p. 8.

because he did not think that the conference would solve any issues"<sup>78</sup>.

Though it was true that the civil rights movement did not have these coalitions as its power base any longer, Buggs failed to consider the decline of interest in this movement because of lack of positive assistance from the Federal government in support for the attainment of civil rights, or that the people from the grassroots level were the backbone of the civil rights movement. Their exclusion as direct participants in civil rights projects, and their relegation to the periphery of these types of conferences contributed to the disintegration of these coalitions. Finally, the conclusion that this proposed civil rights conference would not solve any issues, caused many civil rights frontliners to ponder, perhaps, the futility of having such a conference if nothing was going to be resolved or changed.

The Commission's loss of direction and commitment for the elimination of urban discriminatory practices through the inclusion of community groups as equal participants, was illustrated when the Commission's Staff Director reported that after he had attended a planning session on the proposed conference, he was of the opinion that "the objective could not be reached at this time"<sup>79</sup>. Consequently, the Staff

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<sup>78</sup> Ibid., p. 8.

<sup>79</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 146th Meeting, July 7, 1973, p. 5.

Director, along with Commissioner Robert S. Rankin, and Commissioner Manuel Ruiz Jr., who had attended the session, all agreed that the proposed civil rights conference should not be held. Commissioner Freeman, who had also attended the planning session, thought that the planning session had not been structured as it should have been, and concluded that "the Commission should try to get back on target in order to find means of reaching our original objective"<sup>80</sup>. After approving a motion that the proposed Civil Rights Conference should be canceled, the Commission entertained suggestions for alternatives to this conference. Among the suggestions were a proposed conference on state and local human relations commissions, regional civil rights conferences, a conference of state and local public officials and their involvement with civil rights problems, and a national or regional conferences of major civil rights agencies.<sup>81</sup> The goals for the resolution of urban ills in housing, employment, and criminal justice had somehow gotten lost in lofty terminology, and lack of firm support from influential government officials. None of these suggested alternatives to the now defunct conference on civil rights, included the direct participation of urban community groups. The direct input of these groups, in conjunction with Commission efforts to eradicate these urban ills had been

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<sup>80</sup> Ibid., p. 5.

<sup>81</sup> Ibid., p. 5.

replaced with proposals and projects that did not include those they were designed to serve. By allowing these groups to be relegated to the fringe of efforts for civil rights endeavors, the Commission had all but abdicated its mandate to serve as a conduit for the inclusion of urban community groups civil rights in American society.

#### Urban Community Groups and the Commission as an Information Service

By the mid-seventies the Commission seemed to incorporate Julian Bond's suggestion of an information service agency.<sup>82</sup> Instead of offering information to urban community groups, however, it appeared to accept the mantle of an information service agency by just providing information of its civil rights activities to community groups, rather than serve as an active participant with them in the attainment of civil rights for urban America. This type of media information agency image was reflected in the Commission's February 1974 meeting. Staff Director Buggs presented to the Commissioners information on a police conference that was held in Milwaukee, Wisconsin whereby the Wisconsin State Advisory Committee had participated along with several other organizations. No details were provided that pertained to this conference's goals, representatives, or its findings.<sup>83</sup> He also made

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<sup>82</sup> Op Cit, March 7-9, 1968, p. 5.

<sup>83</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 153rd Meeting, February 11, 1974, p. 4.

references to a development in Oak Park, Illinois which concerned that community's attempt to limit the number of Blacks from moving into that community. He did mention, however, that there were a lot of problems the community had been made aware of, as well as a lot of issues that were raised "since Illinois did not have a Fair Housing Ordinance."<sup>84</sup> No further information was presented as to the outcome of these housing discrimination practices, what were the issues that were raised by the community of Oak Park, or what were the efforts (if any) by the Commission or its State Advisory Committee to obtain a Fair Housing Ordinance for the State of Illinois.

Throughout the remainder of the year the Commission continued to serve as an information agency in relation to activities of urban community groups. In May, a brief summary was presented to the Commissioners which pertained to the investigations of the Washington, D.C. Advisory Committee's concern with lending practices.<sup>85</sup> No information was given which concerned the specific lending agencies involved, or the community's response to these discrimination practices. During the Commission's October meeting, Creswell briefed the Commission on a report which concerned the Nebraska Prison System. The Nebraska State Advisory Committee recommended to

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<sup>84</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 156th Meeting, May 13, 1974, p. 1.

<sup>85</sup> Ibid., p. 1.

the Commission that "the Law Enforcement Assistance Administration (LEAA) require that the State Department of Corrections have an Affirmative Action Program"<sup>86</sup>. While the Commission approved this recommendation, there was, however, no mention of a Commission proposed timetable for the implementation of this program, who would participate in the formulation of this Affirmative Action Program, or efforts by the Commission to encourage the LEAA to use its enforcement powers on behalf of this community group's criminal justice concerns.

The image of the Commission as being just an information service agency with respect to urban community groups' civil rights concerns was reflected in the Commission's end of the year meeting. Vice-Chairman Horn made reference to a letter he had received from the Director of the Bureau of Prisons, who was critical of the Prison Report by the Colorado State Advisory Committee.<sup>87</sup> Commission Chairman Arthur S. Flemming, asked for a staff response to this letter "at an early meeting." Staff member John Brinkley informed the Commissioners that documents related to this matter "would be forwarded to the Commissioners at the January Commission

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<sup>86</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 160th Meeting, October 14, 1974, p. 2.

<sup>87</sup> United States Commission on Civil Rights. Washington, D.C. Minutes of the 162nd Meeting, December 16, 1974, p. 2.

meeting"<sup>88</sup>. There was no indication of the issues made by this committee which offended the Director of the Bureau of Prisons. There was also no community group input as to the report's findings, or who participated in its authorship, though this report directly affected community groups. The request by Chairman Flemming for a response to this letter "at an early meeting" suggests that the Commission was not overly concerned with this criminal justice report, the urgency of this issue, or the criticisms of the Director of the Bureau of Prisons.

### Conclusion

In looking at the Commission's activities with respect to direct involvement with urban community groups from 1965 through 1974, several changes developed. During the Johnson Administration, the urban explosions in the cities prompted immediate action. Direct support by the Office of the President encouraged the development of direct cooperation of the Commission with urban community groups in order to address and, hopefully, eradicate the ills associated with urban housing, employment and criminal justice. Projects were created by the Commission, with the direct input of urban community leaders and organizations, in order to find solutions to these problems and insure the civil rights of urban Americans.

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<sup>88</sup> Ibid., p. 2.

With the change of Presidential Administrations in the late sixties, a mood of "law and order" enveloped the country. the Commission discarded the direct input of urban community interests, and opted to find ways to alleviate urban tensions with programs that relegated urban community groups to the periphery of these efforts. The Commission seemed to take the attitude that it knew what was best for the resolution of urban problems without the assistance of the citizens they affected most. This exclusion by the Commission, in all probability, alienated these urban community groups and engendered skepticism by them in relation to the Commission's intentions.

By the mid-seventies, the fervent commitment by the Commission to facilitate the eradication of civil rights violations with the support, directly or indirectly, of urban community groups had waned to the point, that by the end of 1974, the Commission had been reduced to an information agency. Events were reported by the Commission that directly affected urban community groups, but had little substance. The involvement of the Commission with local community organizations in the redress of their urban grievances had ceased to exist because of budgetary constraints, the Nixon law-and-order mentality, the insulation by the Commission from the pulse of urban communities, and apathy. The skepticism of urban communities, that the Commission would intercede in their behalf in the articulation of their urban concerns of

housing, employment and criminal justice, was for all intents and purposes, borne out. As a result, the polarization of American society, with respect to the division of rich versus poor, and minority versus majority in urban communities, became more separate and unequal.

## CHAPTER IV

### ON-SITE INVESTIGATION HEARINGS

While the Commission experienced some success with its interaction program with urban community groups, the question of the Commission's inaccessibility to specific urban tension areas arose. The next aspect of this study will discuss the theme of on-site investigations by the Commission from 1965-1974. By the end of 1964, most of the constitutional issues that concerned racial discrimination and segregation in the South had been addressed by the Commission. As the nation became more urbanized, the Commission began to direct its energies toward the eradication of discriminatory practices and institutionalized racism within metropolitan urban areas. While the nation became more urbanized, many of its citizens, however, continued to remain on the periphery of urban life. As the Commission began to confront the urban problems of housing, employment, and criminal justice, difficulties began to emerge which concerned the perceived isolation and distance of the Commission from the complexities of urban life. Many critics of the Commission contended that Commission hearings, held only in Washington, D.C., lessened its effectiveness in dealing with the nation's urban ills. Consequently, new strategies had to be devised in order to make the Commission more accessible to the people within these communities. This segment of the research project will

attempt to illustrate the Commission's efforts from 1965-1974 to hold investigative hearings in specific urban locations as a means of addressing their particular urban problems associated with housing, employment, and criminal justice that were inherent to specific locales.

#### **Early Need for Commission On-Site Hearing Investigations**

In January of 1965, as a result of the urban violence protests of Watts, Acting Staff Director Howard W. Rogerson informed the Commissioners that there had been an exchange of letters between himself and the California State Advisory Committee Chairman Bishop Pike. During this correspondence, Bishop Pike had requested that the Commission come to California in order to hold a hearing on urban housing problems because his organization had serious concerns about Proposition Fourteen, (which in 1964 would have constitutionally prohibited all fair housing legislation and was subsequently declared unconstitutional), being on the State ballot, and the fact that real estate brokers had boycotted his Committee's public hearing. Bishop Pike expressed his Committee's desire that "the Commission come to California and force these people, through the use of subpoena, to testify about the State's housing problems"<sup>1</sup>. Commission Chairman John A. Hannah, in response to Rogerson's

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<sup>1</sup> United States Commission on Civil Rights. Washington, D.C.: Minutes of the 62th Meeting, January, 7, 1965, p. 17.

comments, informed the Commissioners, that he had explained to Bishop Pike the Commission's "inability at the present time to meet his request but that the Commission would consider such a hearing in the not too distant future"<sup>2</sup>. Though Proposition Fourteen was a State concern, its impact effected public housing services which justified Bishop Pike's request for a Commission investigation hearing in California. The need for the presence of Commission hearings at particular urban locations, in order to address specific urban needs, began to be expressed and debated at subsequent Commission hearings.

This need for on-site Commission investigation hearings was discussed further, when in the spring Staff Director-Designate William L. Taylor reviewed upcoming Commission programs. He suggested that the Commission "should develop a program for the North in relation to Federal anti-discrimination policies which would include police-community relations, housing, and employment issues".<sup>3</sup> Commissioner Frankie M. Freeman agreed, and pointed out that these hearings "should focus primarily on the metropolitan areas in the North and the West"<sup>4</sup>. Chairman Hannah concurred, and suggested that these proposed hearings should be patterned

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<sup>2</sup> Ibid., p. 17.

<sup>3</sup> Minutes of the U.S. Commission on Civil Rights: 65th Meeting, March 7, 1965, p. 13.

<sup>4</sup> Ibid., p. 13.

after those hearings in the South which had proven to be successful. He hoped that "one of the major northern cities would be an appropriate place to hold this kind of hearing in fiscal year 1966"<sup>5</sup>. On-site Commission investigations of discriminatory practices had proven to be beneficial in the South. The implementation of on-site investigation hearings by the Commission in the metropolitan areas of the North and West, with the use of successful site hearings in the South as models, was incorporated as the strategy the Commission would employ as a means of confronting the complex urban problems in metropolitan areas.

With the approach of summer, Staff Director-Designate Taylor reviewed the Commission's preliminary thinking with respect to its programs for the next fiscal year. He pointed out to the Commissioners that "an investigation of the problems in urban areas was still being considered, but it would take several different directions before it would become crystallized"<sup>6</sup>. He expressed the hope that by the fall he "would have a better definition of the scope of the project which would include employment and housing issues".<sup>7</sup> It is clear from these comments that on-site Commission investigation hearings on problems in urban areas had moved

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<sup>5</sup> Ibid., p. 13.

<sup>6</sup> Minutes of the U.S. Commission on Civil Rights: 67th Meeting, June 3, 1965, p. 7.

<sup>7</sup> Ibid., p. 7.

from a theoretical nucleus to the feasibility of holding such hearings soon. The structure for incorporation of Commission on-site investigation hearings though, had yet to be determined and refined in order that the proposed project could be implemented. Steps toward the realization of this proposed project were expressed by Staff Director Taylor at an early fall meeting of the Commission. Taylor called the Commissioners' attention to the proposed Northern Urban Program, and asked them "to establish some priorities in terms of objectives and methods of procedures".<sup>8</sup> Commissioner Robert S. Rankin observed that the proposed plan "was the same as those hearings that were held in the South, but that the emphasis was changed to northern cities".<sup>9</sup> Taylor agreed with Commissioner Rankin's view, but added that the Commission would be moving beyond some of the issues of legal equality into other areas. He suggested that "the Commission would be bringing information to other major institutions which would have a significant influence, and not just Federal and Executive remedies".<sup>10</sup> While Vice-Chairman Eugene Patterson felt that housing was the key issue for this project, Commissioner Freeman was of the opinion that "it was impossible to separate housing from employment, and other

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<sup>8</sup> Minutes of the U.S. Commission on Civil Rights: 68th Meeting, September 8, 1965, p. 10.

<sup>9</sup> Ibid., p. 10.

<sup>10</sup> Ibid., p. 10.

urban issues".<sup>11</sup> The proposed Northern Urban Plan offered several issues for debate among the Commissioners, but their comments continued to establish the Plan's focus.

With respect to the scope of the Northern Urban Plan, Taylor expressed the view that this project "would have to be narrowed down, hold one major hearing in 1966, and concentrate its efforts on specific urban problems in the one area".<sup>12</sup> He also pointed out that the major impact of this kind of hearing "would be derived from publicity received from the hearing itself, as well as the follow-up from the use of Commission field resources".<sup>13</sup> Vice-Chairman Patterson emphasized that the Commission "could not ignore the lesson of Watts or other riot-torn cities -- that is the passing over into violence of what once was a non-violent protest".<sup>14</sup> He expressed the hope that the "Commission would investigate the root causes of that violence".<sup>15</sup> Finally, Chairman Hannah applauded the California State Advisory Committee's Police-Community Relations Report and its farsighted recommendation for special training of police to work with community groups in the Watts area, and hoped that "this kind of input could be developed for the

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<sup>11</sup> Ibid., p. 11.

<sup>12</sup> Ibid., p. 11.

<sup>13</sup> Ibid., p. 11.

<sup>14</sup> Ibid., p. 12.

<sup>15</sup> Ibid., p. 13.

Northern Urban Plan".<sup>16</sup> Though the proposed Northern Urban Plan would employ a similar strategy that was instituted in the South, different kinds of discrimination was prevalent in the North. Consequently, the Commission had to recognize and adjust this on-site investigation hearing strategy in order to accommodate these specific urban ills. The urban upheavals in Watts and other locations prescribed urgent and innovative solutions to problems of discrimination that were unique to urban settings in order to understand and prevent future urban confrontations. The urban protest that had resulted in violent upheaval, was a spontaneous reaction of some urban dwellers to their perceived futile efforts to get the nation to acknowledge their deplorable living conditions which were predicated on discriminatory practices that were beyond their control. The Commission had to investigate these urban problems of discrimination in housing, employment, and criminal justice through the proposed Northern Urban Plan in a forthright manner, if it hoped to resolve these urban issues and prevent the possible dismemberment of American society.<sup>17</sup>

The Commission's Northern Urban Plan's implementation began to reach its fruition when Staff Director Taylor announced to the Commissioners that an urban investigation would be held in fiscal year 1966 "with the area to be

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<sup>16</sup> Ibid., p. 13.

<sup>17</sup> Ibid., p. 13.

investigated being Cleveland, Ohio".<sup>18</sup> He recommended that the Commission undertake an across the board study of Cleveland in order to investigate the problems of equal opportunity in education, employment, housing, and other relevant areas. He added that, in contrast to previous Commission hearings, preparations for "this proposed hearing would involve the staff of every division of the agency. Following the completion of this hearing, reports, which covered the major problems considered, would be issued".<sup>19</sup> After further discussion, it was decided that the proposed Cleveland Study would be scheduled for April 4-8, 1966.<sup>20</sup> The decision for the Commission to hold its first urban investigation hearing in Cleveland during the first quarter of the upcoming year indicated the urgency of the Commission to take positive action in order to address the gravity of urban concerns, as well as, perhaps dispel future tensions in urban areas. The amplification of the proposed Cleveland Study beyond the parameters of local concerns to the national arena, suggested that urban problems were not one-dimensional, but rather reflected the multi-faceted shortcomings of

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<sup>18</sup> Minutes of the U.S. Commission on Civil Rights: 69th Meeting, October 7, 1965, p. 7.

<sup>19</sup> Ibid., p. 7.

<sup>20</sup> Minutes of the U.S. Commission on Civil Rights: 71st Meeting, December 2, 1965, p. 3.

America's urban society, which shared common urban experiences.

In March of 1966, Staff Director Taylor and General Counsel Howard A Glickstein presented to the Commissioners a detailed tentative outline for the proposed Cleveland hearing.<sup>21</sup> The subjects that were selected included housing, health, welfare, police-community relations, education, employment, and the administration of justice. After some discussion, the Commissioners agreed that the general approach to the proposed Cleveland Study would be designed "to look out through the eyes of the people in the ghetto of Cleveland".<sup>22</sup> In the discussion that concerned police-community relations, Commissioner Erwin N. Griswold wondered "if there was any chance that the Commission hearing could exacerbate feelings in the Negro ghetto and precipitate a Watts-type riot?".<sup>23</sup> Taylor responded with the comment that "constructive action at the State, local, and Federal levels, the promotion by the Commission of meetings with interested groups and persons, as well as a follow-up hearing, would hopefully prevent this type of occurrence".<sup>24</sup> In relation to this topic of employment, the Commissioners concluded that "witnesses would testify on

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<sup>21</sup> Minutes of the U.S. Commission on Civil Rights: 74th Meeting, March 3, 1966, p. 4.

<sup>22</sup> Ibid., p. 4.

<sup>23</sup> Ibid., p. 4.

<sup>24</sup> Ibid., p. 5.

the discriminatory practices of unions and industry with respect to vocational training and guidance that was made available to Negro students".<sup>25</sup>

The Commission's initial on-site investigation hearing encompassed a broad spectrum of urban issues in an effort to illustrate the diversity of urban problems. The need to present the proposed Cleveland study through the perceptions of the Cleveland community in conjunction with the support of all levels of government, underscored the complexities that were inherent in urban life. Blatant acts of urban discrimination, as well as the more subtle discriminatory practices of unions and industry, provided a forum whereby the Commission could institute its Northern Urban Plan in Cleveland. The vigor and enthusiasm of the Commission for this on-site investigation hearing would hopefully give legitimacy to the complaints of urban Americans, as well as perhaps, avert further violent urban protests.

#### On-Site Commission Investigation Hearings and In-Depth Results

In the spring of 1966, the Commission, after months of preparation, held its first on-site investigation hearing in Cleveland, Ohio.<sup>26</sup> The Commission hoped to identify the problems residents in urban areas faced as they attempted to

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<sup>25</sup> Ibid., p. 5.

<sup>26</sup> Minutes of the U.S. Commission on Civil Rights: 75th Meeting, April 6, 1966, p. 1.

overcome the barriers of race and poverty.<sup>27</sup> As the Cleveland hearing got underway, Chairman Hannah stated that "the Commission was not coming to Cleveland with any preconceived hunches but would make every effort to see that the hearing is objective and that both sides are heard in balance." He hoped that from this hearing "suggestions would come that will be helpful to other large cities in the north and the south".<sup>28</sup> Hannah informed the audience that the purpose of this hearing would be to examine denials of equal protection of laws by reason of race with respect to housing, education, employment, health, welfare, and police-community relations.<sup>29</sup> He then stated that "this hearing is the first of a new series of hearings the Commission will hold in order to seek the facts concerning civil rights problems affecting Negro citizens and other minorities living in the inner city."<sup>30</sup> Barriers would be identified to equal opportunity and achievement for Blacks who resided in deteriorating and economically depressed areas of Cleveland. The Commission also hoped to learn about the steps being taken by government and the community to redress

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<sup>27</sup> Hearing before the United States Commission on Civil Rights: Hearing held in Cleveland, Ohio, Washington, D.C., April 1-7, 1966, p. 641.

<sup>28</sup> John A. Hannah opening remarks for Cleveland hearing 31 March 1966. John A. Hannah Papers. Michigan State University Archives and Historical Collections, East Lansing, Michigan.

<sup>29</sup> Ibid., p. 642.

<sup>30</sup> Ibid., p. 642.

grievances and secure equal opportunity for all citizens.<sup>31</sup> The Commission was optimistic that the hearing had provided a better understanding of civil rights problems in a larger metropolitan center with a large number of non-white citizens as well as offered remedial action to correct these problems at the Federal, state and local levels.<sup>32</sup> As a result of this hearing, Commissioner Griswold expressed his bafflement about the reasons "why the problems of poverty in Cleveland and in the nation as a whole, had become worse while the economy had expanded and become wealthy".<sup>33</sup> He concluded that "the problems in northern cities were related more to poverty than of race".<sup>34</sup> Commissioner Eugene Patterson stated that the Cleveland hearings made him realize that the nation was at a watershed in the social programs that were begun in the 1930's. He felt that "many of these social programs had become profoundly inhuman and illiberal in practice, and had to be changed".<sup>35</sup> Staff Director Taylor pointed out that in a broad sense the Commission was "dealing with denials of equal protection in a kind of geographic way," and explained that "housing denials prevented some citizens from living in

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<sup>31</sup> Ibid., p. 643.

<sup>32</sup> Ibid., p. 643.

<sup>33</sup> Minutes of the Civil Rights Commission op cit. p. 4.

<sup>34</sup> Ibid., p. 4.

<sup>35</sup> Ibid., p. 4.

a community where there are available community resources".<sup>36</sup> Commissioner Theodore M. Hesburgh was of the opinion that the Commission must picture dramatically and brutally for the American people the problems of the cities. He recommended that if the problems of the inner cities "could be effectively illustrated, then, perhaps, the nation might commit forty billion dollars to do something about this problem as it had committed itself to land a man on the moon".<sup>37</sup> The bafflement by some Commissioners reflected the inability of many Americans to comprehend the pervasive depths of poverty many urban dwellers struggled to exist in. For many Americans, the comfortable belief that New Deal programs had eliminated poverty in the cities was dramatically shattered with the findings of the Cleveland study. While the nation had committed billions of dollars for space exploration, many felt that a like amount of commitment dollars was needed so that these massive urban ills, which were an embarrassment to the nation, could be eradicated.<sup>38</sup>

As responses to the Commission's Cleveland study continued, Staff Director Taylor reported to the Commissioners that the Equal Employment Opportunity Commission "had taken an interest in following up the alleged discrimination

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<sup>36</sup> Ibid., p. 4.

<sup>37</sup> Ibid., p. 4.

<sup>38</sup> Ibid., p. 5.

practices of the Plumbers Union, as well as the employment practices of Cleveland's Parker-Hannifin Company".<sup>39</sup> Similar interest was evidenced by the Department of Labor's Apprenticeship and Training and Contract Compliance Offices. Taylor also indicated that Housing and Urban Development Secretary Robert C. Weaver, had recently visited Cleveland after the Commission's hearing had ended, and had "dispatched a task force to the city to get the urban renewal program moving".<sup>40</sup> The Commissioners were also informed that the city's new housing commissioner had proposed a code enforcement program for the Hough area of Cleveland, and the Mayor had appointed a committee to find developers for low and moderate income housing. Taylor concluded his remarks on the Cleveland study with the comment that "though there had been conflicting reports of improvements in police-community relations and police services, the Mayor would not remove the Chief of Police unless the city's Director of Public Safety made such a recommendation".<sup>41</sup> After several witnesses testified about their experiences with police brutality in Cleveland, many Black leaders complained about Police Chief Richard Wagner's evasiveness to the Commissioners inquiries. He refused to directly respond to charges of his department's

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<sup>39</sup> Minutes of the U.S. Commission on Civil Rights: 76th Meeting, May 5, 1966, p. 2.

<sup>40</sup> Ibid., p. 2.

<sup>41</sup> Ibid., p. 2.

"stop and frisk" practice or the alleged denial of the use of telephones to persons "under investigation".<sup>42</sup> Though responses to these newly discovered urban ills in Cleveland were instituted in a timely manner by several Federal agencies, local authorities were apparently content to make cosmetic changes and policies with respect to the realities of these urban ills. Though the Mayor's hesitance in the removal of the Chief of Police was probably sound politics, this hesitance did little to lessen the hostility and distrust of Blacks toward police officials in Cleveland.

Staff Director Taylor continued to update the Commissioners on developments in Cleveland since the Commission's investigation hearing. He informed them of a renewed effort by the city in relation to its new housing code enforcement policy. He also announced "a new program of housing rehabilitation in the University-Euclid area of Cleveland; an increase in the provision for recreation areas; and an expansion in the collection of garbage throughout the city".<sup>43</sup> The Commission's Federal programs Director Walter Lewis indicated, however, that though the urban renewal program in Cleveland had been reorganized, "there had been no information that anything had actually changed, other than

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<sup>42</sup> "Police Chief Proven Weak witness for Commission", a clipping from the Cleveland Call and Post. 16 April 1966 in the John A. Hannah Papers op. cit.

<sup>43</sup> Minutes of the U.S. Commission on Civil Rights: 77th Meeting, June 20-21, 1966, p. 2.

intentions".<sup>44</sup> Taylor then commented to the Commissioners that a traditional type of Commission Report would not be issued in regard to the Cleveland study. Instead, a profile on the City of Cleveland would be distributed, which would review the subject areas that were investigated during the hearing, but no specific recommendations would be made. He concluded his remarks with the point that "information on housing, employment, and criminal justice would be compiled into a broader nation-wide Commission Data Report".<sup>45</sup> Though some problems of discrimination in Cleveland had been addressed, the root causes for these urban ills had yet to be explored fully. It is interesting to note that the Commission broke with tradition, and established precedent with the postponement of recommendations on the Cleveland study. Through this strategy, more studies would be conducted throughout the nation, then all recommendations would be compiled and evaluated in order to illustrate the presence of similar problems associated with urban discrimination in other metropolitan areas.

In the fall of 1966, the Commission heard final follow-up reports on its Cleveland study.<sup>46</sup> The Commission's Director of Field Services Division, Samuel Simmons, reported to the

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<sup>44</sup> Ibid., p. 2.

<sup>45</sup> Ibid., p. 2.

<sup>46</sup> Minutes of the U.S. Commission on Civil Rights: 78th Meeting, September 15, 1966, p. 4.

Commissioners that a new group, the Besse Committee, had recently been organized to focus on the problems of Cleveland's central city. This group, along with several legal associations and community groups, had met to discuss "the city's seventy-two hour detention rule, as well as other problems with respect to administration of justice policies, which were brought out as a result of the Cleveland hearing".<sup>47</sup> Taylor and Simmons expressed their concern about the problems of urban renewal and "the city's inability to implement some of the programs that the Mayor and HUD had agreed upon".<sup>48</sup> Moses Lakaczer, of the Commission's Federal Programs Division informed the Commissioners that his offices had made efforts "to spur the Public Housing Administration to examine more closely the statistics on racial occupancy in public housing"<sup>49</sup> for Cleveland. As a result of the Commission's efforts to hold an on-site investigation hearing in Cleveland, people that heretofore never considered the need to discuss their city's urban problems, now met to confront these issues. Though some problems were resolved, while many more continued to exist, the people of Cleveland had established lines of communication among different interest groups in order to confront these issues. Though there was much disagreement

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<sup>47</sup> Ibid., p. 4.

<sup>48</sup> Ibid., p. 4.

<sup>49</sup> Ibid., p. 4.

between these groups and different units of government, the Commission's Northern Urban Plan was an important step toward the resolution of these urban issues of housing, employment, and criminal justice which had the potential to produce social upheaval in Cleveland and the nation.

As the city of Cleveland and Federal agencies sought to grapple with these urban problems, the need for another Commission on-site investigation hearing emerged on the west coast. In March of 1967, Staff Director Taylor reported to the Commissioners that "the Commission's number one priority was the denial of civil rights to Mexican Americans".<sup>50</sup> He then presented staff plans to the Commissioners for a proposed hearing in the spring for the City of San Francisco. Commissioner Patterson expressed concern that "the focus of this proposed hearing would only be on housing and employment, but nothing would be done on education".<sup>51</sup> The Commission's Acting General Counsel, David Ruben, however, made the suggestion that the proposed San Francisco hearing "would tangentially deal with schools by illustrating the concern of middle class whites in relation to low income housing and employment for Negroes and Hispanics within their communities".<sup>52</sup> Commissioner Freeman requested that the

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<sup>50</sup> Minutes of the U.S. Commission on Civil Rights: 83rd Meeting, March 2, 1967, p. 8.

<sup>51</sup> Ibid., p. 7.

<sup>52</sup> Ibid., p. 7.

proposed hearing "examine more thoroughly the problems of craft union discrimination and that there be some testimony on the licensing of craftsmen"<sup>53</sup> within the city. Commissioner Robert S. Rankin felt that the major emphasis of the proposed hearing "be placed on the employment problems within the Bay Area".<sup>54</sup> Though there was some disagreement as to what urban issues should be investigated in the proposed hearing, there was no opposition for the need for an on-site Commission investigation hearing in the Bay Area.

As discussion continued on the proposed hearing, General Counsel Howard A. Glickstein indicated to the Commissioners that "this would be the first major hearing to include the civil rights problems of the Spanish speaking community".<sup>55</sup> Chairman Hannah made the suggestion that "during this hearing investigation the civil rights problems of Asian Americans in the San Francisco area be addressed, as well as there be some Asian American witnesses".<sup>56</sup> Commissioner Griswold made the comment that he "was troubled because the hearing outline suggested a call for a general survey of sociological, political, and economic conditions in the Bay Area".<sup>57</sup> He

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<sup>53</sup> Ibid., p. 7.

<sup>54</sup> Ibid., p. 7.

<sup>55</sup> Minutes of the U.S. Commission on Civil Rights: 84th Meeting, April 6, 1967, p. 9.

<sup>56</sup> Ibid., p. 9.

<sup>57</sup> Ibid., p. 10.

suggested that "the Commission was not the United States Sociological Commission, but that the Commission should be concerned with the denial of equal protection of the laws under the Fourteenth Amendment".<sup>58</sup> Both the Staff Director and the General Counsel, however, took the position that "the Commission had to take a broad view of its mandate in dealing with urban problems".<sup>59</sup> Commissioner Freeman requested that staff "obtain copies of real estate deeds in the San Leandro area, (which was near Oakland), which allegedly contained elaborate covenants governing building improvements, and restricted sales to Caucasians".<sup>60</sup> She pointed out that "governmental action in urban renewal programs often involved a denial of equal opportunity to minority group citizens".<sup>61</sup> In an attempt to address the focus of the proposed Bay Area investigation hearing, the inclusion of Hispanic and Asian Americans, with respect to problems of discrimination they encountered in urban life, expanded the Commission's concern for equal opportunity to all urban minorities. Though some members of the Commission were reluctant to expand the Commission's mandate, the application of equal protection for all citizens necessitated a broader interpretation of the

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<sup>58</sup> Ibid., p. 10.

<sup>59</sup> Ibid., p. 10.

<sup>60</sup> Ibid., p. 11.

<sup>61</sup> Ibid., p. 10



Commission's commitment for the eradication of discriminatory practices in urban America.

In May of 1967, the Commission held its on-site investigation hearing in San Francisco.<sup>62</sup> At the opening session of the hearing, Chairman Hannah made the comment that "this hearing would concern issues of housing and employment for Negroes, Spanish speaking persons, and other minorities".<sup>63</sup> While Mexican Americans and Chinese Americans felt that the Federal government had not done enough to help them overcome the barriers of ethnic and cultural discrimination, Blacks complained that the races were becoming increasingly isolated as white residents and industries were leaving the cities for the suburbs.<sup>64</sup> The city's former poverty director Dr. Larry Jack Wong made the observation that overt discrimination in employment and housing had been directed toward Orientals and only the stoicism and fortitude of the Asiatic races prevented outright rebellion. He concluded his remarks with the rhetorical question as to whether " a yellow power movement

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<sup>62</sup> Minutes of the U.S. Commission on Civil Rights: 85th Meeting, May 3, 1967, p. 1.

<sup>63</sup> John A. Hannah opening remarks at the San Francisco hearing 2 May 1967 John A. Hannah Papers op. cit.

<sup>64</sup> Hearing before the United States Commission on Civil Rights: Hearing held in San Antonio, Texas: Washington, D.C., December 9-14, 1968, p. 714.

might not be in order."<sup>65</sup> Though the problems of Asian Americans were presented, the Commission apparently focused the hearing only on the urban problems of Blacks and Hispanics because restrictions of time allowed the Commission to hear only a limited number of witnesses on a limited number of issues.<sup>66</sup> Commissioner Hesburgh noted that the "Mexican American minority was going to be much more difficult to deal with than the Negro minority because of the lack of a national leadership and national program".<sup>67</sup> Commissioner Patterson felt a good deal of sympathy for the Mexican Americans, and "was shocked that the Commission knew so little about their problems".<sup>68</sup> He suggested that the Commission should investigate these problems in depth as a matter of first priority. He was impressed with the sense of futility by members of minority groups in relation to the lack of real equality of opportunity, "in spite of numerous civil rights laws and regulations as well as the professed interest of White Federal officials to carry them out".<sup>69</sup> Commissioner Rankin perceived that this hearing had demonstrated that the

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<sup>65</sup> "Rights Commission Accused of Discrimination," in a clipping from the Oakland Tribune, May 3, 1967 in the John A. Hannah Papers, op cit.

<sup>66</sup> San Antonio Hearing op cit., p. 3.

<sup>67</sup> Minutes of the Civil Rights Commission op cit., p. 2.

<sup>68</sup> Ibid., p. 2.

<sup>69</sup> Ibid., p. 2.

Commission had not placed enough emphasis on the problems of Mexican Americans. He anticipated, however, that in future Commission hearings, "the Commissioners could expect demands from other minorities, such as the Chinese and Italians".<sup>70</sup> Staff Director Taylor noted that the problems of Mexican Americans were not conventional civil rights problems, but stemmed from language difficulties. He felt, however, that "these problems warranted Commission attention".<sup>71</sup> Commissioner Griswold believed that the Commission "should steer away from general social problems which were a local responsibility, and focus on civil rights because much of the Mexican American community's testimony had no focus on civil rights".<sup>72</sup>

In the spring of 1968, the Commission held a meeting in Coral Gables, Florida with civil rights representatives in order to discuss the future role and direction of the Commission. With respect to the Commission's involvement with on-site investigation hearings, there was some discussion. Harvard psychologist, Dr. Thomas Pettigrew, felt that "the Commission should contact more local investigations on local situations such as the police shooting in Orangeburg, South

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<sup>70</sup> Ibid., p. 2.

<sup>71</sup> Ibid., p. 3.

<sup>72</sup> Ibid., p. 3.

Carolina".<sup>73</sup> Dr. Ernesto Galarza, speaking for the Hispanic community, was of the opinion that the Commission should never turn down an occasion to get into a particular hot spot in order to use its weight, influence, and technical know-how on the side of the people."<sup>74</sup> Commissioner Eugene Patterson was enthusiastic about Dr. Pettigrew's and Dr. Galarza's suggestions for "short, fast, immediate reports by the Commission in selected tense situations."<sup>75</sup> At the conclusion of this meeting it was agreed that Commission staff should "explore the feasibility of short on-the-spot Commission investigations in selected tense situations including the use of Commission subpoena power."<sup>76</sup>

The San Francisco investigation hearing was beneficial because it exposed the Commission and the nation to the urban problems of Mexican Americans. Though numerous civil rights laws had been enacted, the lack of enforcement by Federal officials who supposedly understood the needs of the Hispanic community, continued to plague the Commission. The reluctance of some Commissioners to equate social problems of Hispanics with the Commission's mandate to investigate the denial of

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<sup>73</sup> Minutes of the U.S. Commission on Civil Rights: Hearing held in San Antonio, Texas: Washington, D.C., December 9-14, 1968, p. 714.

<sup>74</sup> Ibid., p. 9.

<sup>75</sup> Ibid., p. 5.

<sup>76</sup> Ibid., p. 16.

equal protection of laws for all citizens, reflected the conservative attitudes of many Americans. The absence of Oriental American urban issues in Commission discussions suggests that the Bay Area investigation hearing focused primarily on the urban problems of Blacks and Hispanics. Though some of these urban issues were brought to the nation's attention, there still was left unanswered many problems associated with urban Oriental Americans that had to be addressed by the Commission. Perhaps the need for a yellow power movement would indeed remove the urban burdens of Asian Americans from the tradition of family responsibility and place them within the larger context of urban America.

The next instance of on-site Commission investigation hearings was presented at the Commission's May, 1968 meeting. Acting Staff Director Howard Glickstein submitted plans to the Commissioners for a proposed hearing of urban problems in San Antonio, Texas.<sup>77</sup> He indicated that this proposed hearing would include "a Mexican-American administration of justice study; testimony on economic security; economic development; and the relationship of migrant workers to the urban problems of housing".<sup>78</sup> The City of San Antonio was selected because of its predominantly Hispanic urban population as well as the large influx of migrant workers which presented the Commission

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<sup>77</sup> Minutes of the U.S. Commission on Civil Rights: 96th Meeting, September 5, 1968, p. 4.

<sup>78</sup> Ibid., p. 4.

with distinct problems of enforcement of the equal protection laws. Another reason San Antonio was selected was because Kelly Air Force Base was the largest single employer in San Antonio. There had been little white collar positions and promotions for Mexican Americans at Kelly. Mexican Americans comprised 44% of the employees at the Base but only 28% of white collar employees were Mexican Americans. Meanwhile, of the GS 11 and above employees, only 8% were Mexican American.<sup>79</sup>

In the fall of 1968, Acting Staff Director Glickstein updated the Commissioners on preparations for the upcoming San Antonio hearings. Acting General Counsel Ruben then explained to the Commissioners that this hearing would be dealing with issues that concerned Mexican Americans in Texas as well as other parts of the Southwest, and that "it would include testimony on economic security and the administration of justice".<sup>80</sup> He pointed out that in the area of economic security, "emphasis would be placed on the adequacy of Federal programs to further economic development, as well as employment discrimination".<sup>81</sup> On the administration of justice issue, this hearing "would investigate the employment of Mexican Americans in the law enforcement agencies, the process

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<sup>79</sup> P.H. McNamara, "Rambles Along the Rio: the U.S. Civil Rights Commission Hearings in San Antonio." Commonweal 89: 730-2, March 14, 1969.

<sup>80</sup> Minutes of the U.S. Commission on Civil Rights: 98th Meeting, November 7, 1968, p. 5.

<sup>81</sup> Ibid., p. 6.

of jury selection, and the practices of police and other law enforcement agencies"<sup>82</sup> as they related to the Hispanic community. The Commissioners were in agreement that attention "would be placed on the people directly concerned with urban life rather than on papers written by outside college professors".<sup>83</sup> This emphasis on urban dwellers, rather than theoretical views of college professors underscored the fact that some scholars were removed from the day to day struggles for existence in some barrios and ghettos, which would thus defeat the purpose of the Commission's investigation hearing.

As the San Antonio hearing convened in December of 1968, Chairman Hannah stated that the purpose of the hearing was to "collect information regarding the civil rights of Mexican Americans in the areas of employment, economic security, and administration of justice...that were representative of the problems elsewhere throughout the southwest".<sup>84</sup> The Commission's San Antonio hearing found that Mexican Americans, being the second largest minority, had been virtually ignored by public and private reformers.<sup>85</sup> Many felt that language barriers were the basic problems for Mexican Americans. If

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<sup>82</sup> Ibid., p. 6.

<sup>83</sup> Ibid., p. 6.

<sup>84</sup> John A. Hannah opening remarks from San Antonio hearing 12 December 1968 John A. Hannah Papers op. cit.

<sup>85</sup> "Strangers in One's Land," U.S. Commission on Civil Rights: Clearinghouse #19, Washington, D.C., May 1970, p. 1.

they could melt into the Caucasian melting pot like European immigrants, these language barriers would be eliminated.<sup>86</sup> Contrary to this belief, the Commission found that the color of one's skin was important in America, but Mexican Americans were neither black nor white. Many older Mexican Americans were of the belief that integration into the larger American society would resolve their problems. Young Mexican Americans, however, felt cheated by tacitly agreeing to be Caucasian in name only while disavowing their heritage and culture.<sup>87</sup> Mexican Americans also had a deep distrust of government and traditionally had "regarded the government as the enemy."<sup>88</sup> Unlike European immigrants, Mexican Americans were not separated from their ancestors by oceans, but by a common border with the United States. Consequently, there was a direct cultural link between Mexican Americans and Mexico. "Mexican Americans are not strangers to this land, but are indigenous to it." Mexican American youth understood the importance of being Americanized, but in the process, they insisted that Anglos become Mexicanized if the melting pot theory in American had any value.<sup>89</sup> Glickstein expressed his concern that "many of the questions to witnesses were too

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<sup>86</sup> Ibid., p. 3.

<sup>87</sup> Ibid., p. 3.

<sup>88</sup> Ibid., p. 40.

<sup>89</sup> Ibid., p. 47.

specific and covered areas beyond their expertise".<sup>90</sup> Because many of the Commissioners complained that this hearing was too noisy, Chairman Hannah commented that "if the audience participation was not restrained, many of the witnesses could feel intimidated".<sup>91</sup>

Glickstein then informed the Commissioners that a group of Mexican Americans had come from Los Angeles in order to protest about police brutality. Despite the denials of Mayor Samuel Yorty and Police Chief William Parker of Los Angeles, there was such a thing as police brutality. Blacks, Puerto Ricans, and Mexican Americans were the "most common victims of law enforcement by the gun and nightstick. They were susceptible to police brutality, violence and abusive contempt under the pretext of law and order."<sup>92</sup> He pointed out that these people threatened to disrupt the hearing if they were not allowed to testify. Another group of people from San Antonio had "also complained of police brutality and demanded the right to testify or disrupt the hearing if necessary".<sup>93</sup> These people accused Texas Ranger Captain A. Y. Allee of employing police brutality in breaking up a farm labor dispute in deep south Texas. Consequently, much of the shouting and

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<sup>90</sup> Minutes of the U.S. Commission on Civil Rights: 99th Meeting, November 10, 1968, p. 4.

<sup>91</sup> Ibid., p. 4.

<sup>92</sup> Crisis Vol. 72:7(8-9)65, p. 416.

<sup>93</sup> Minutes of the Civil Rights Commission op cit., p. 4.

jeering was directed at his comments. Captain Allee concluded his remarks with the comment that "the Commission belonged in Washington and we belong in Texas".<sup>94</sup> It was agreed at this juncture, that a number of Commissioners, "in the presence of a court reporter, would meet with these groups and forward their comments to the Justice Department".<sup>95</sup> Though many Mexican-Americans apparently did not understand the Commission's proceedings, the questions may have been too complicated or there was confusion with language barriers. Though outbursts by these citizens disrupted the proceedings, the underlying causes for this disruption should be considered. This was perhaps the first instance whereby a national forum had been convened in order that local residents could express their urban grievances, which included the sensitive issue of police brutality. Though their methods for gaining the attention of the Commission and the nation were chaotic, their civil rights had been abridged, and the Commission had to acknowledge these acts of urban discrimination.

In follow-up discussions on the San Antonio hearing, Glickstein reported to the Commissioners that "there was no violence in the hearing, although outside the hearing hall

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<sup>94</sup> "Tough Texas Ranger Denies Brutality" a clipping from the El Paso Times 10 December 1968 in the John a> Hannah Papers op. cit.

<sup>95</sup> Ibid., p. 5.

there were peaceful demonstrations<sup>96</sup> because many Mexican Americans perceived the Commission as being unfair in its selection of witnesses who testified and also accusations that the Commission had "a rigged inquiry".<sup>97</sup> He then announced that the reported charges of police brutality from the Mexican American communities "had been forwarded to the United States Attorney General's office with a request from the Commission that it act upon this matter as soon as possible".<sup>98</sup> A summary of the facts presented at the hearing, as well as a follow-up on appropriate urban issues had "been referred to the proper Federal departments, as well as recommendations for public and governmental actions".<sup>99</sup> Glickstein concluded his remarks with the comment that "a Texas state wide community action program was being developed as a follow-up to the San Antonio hearing".<sup>100</sup> The Commission's Texas Advisory Committee on civil rights had also developed programs which would utilize a great deal of information that was introduced during the course of this hearing.<sup>101</sup> Though actions by some members of the Hispanic community were disruptive, there was some

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<sup>96</sup> Minutes of the U.S. Commission on Civil Rights: 100th Meeting, January 9, 1969, p. 2.

<sup>97</sup> Hearings of Commission in San Antonio op cit p. 753.

<sup>98</sup> Minutes of the Civil Rights Commission op cit., p. 3.

<sup>99</sup> Ibid., p. 3.

<sup>100</sup> Ibid., p. 3.

<sup>101</sup> Ibid., p. 756.

acknowledgment of their urban concerns, and through the efforts of the Commission, there were some positive results.

There were other positive developments that were the direct result of the Commission's San Antonio investigation hearing. Commissioner Hector P. Garcia announced to the Commissioners that "a minimum wage bill had been introduced to the Texas State Legislature".<sup>102</sup> He felt that the San Antonio hearing had made the State of Texas conscious of the problems of the Spanish speaking people, and he recommended "that a permanent Civil Rights Field Office be kept in San Antonio or some other part of the State".<sup>103</sup> As a result of this recommendation, the Commission voted unanimously "to establish a permanent Civil Rights Field Office in San Antonio, effective July 1, 1969".<sup>104</sup> Other results of the San Antonio hearing produced a better understanding of the gravity of Mexican American problems; a sense of urgency and the realization that delay in reaching solutions would only exacerbate the problems of Mexican Americans.<sup>105</sup> The State of Texas consequently appropriated money for bilingual education programs, raised welfare ceilings, and enacted legislation

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<sup>102</sup> Minutes of the U.S. Commission on Civil Rights: 101st Meeting, February 6, 1969, p. 3.

<sup>103</sup> Ibid., p. 3.

<sup>104</sup> Minutes of the U.S. Commission on Civil Rights: 104th Meeting, May 15, 1969, p. 3.

<sup>105</sup> "Strangers in One's Land," op cit p. 46.

that would prevent the confiscation of property outright for missing delinquent housing payments.<sup>106</sup> Though disruptive tactics were employed by disgruntled citizens, their tactics did manage to gain positive results. Though unorthodox methods were resorted to, the State of Texas, as well as the Federal government, were made more aware, through the Commission's on-site investigation efforts, of the complex discriminatory problems within Hispanic urban communities.

Because of the success of its on-site investigation hearings, the Commission began to lay the groundwork for its most ambitious on-site investigation hearing of urban problems associated with housing, employment, and criminal justice. In the fall of 1969, Staff Director-Designate Glickstein suggested that the Commission "hold a hearing in St. Louis, Missouri in order to investigate the relationship of white suburbs to the black inner-city".<sup>107</sup> He suggested that this proposal "presupposed that the suburbs were where the economic growth of the country was taking place, and where it would continue to take place in the future".<sup>108</sup> He proposed that the Commission "should examine the relationship between the city and the suburbs as it effected individual lives; the ability of Blacks to obtain good income levels; the

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<sup>106</sup> Ibid., p. 47.

<sup>107</sup> Minutes of the U.S. Commission on Civil Rights: 106th Meeting, September 11, 1969, p. 5.

<sup>108</sup> Ibid., p. 5.

relationship between zoning laws and building codes; and how Blacks were being barred from jobs and homes in the suburbs".<sup>109</sup> Although few white Americans had firsthand contact with inner city slums, many had recently become generally familiar with the tangible facts of ghetto life: the meanness of poverty, deteriorating housing, unemployment, crime, and vice. Many Black residents felt that they "lived in a trap from which they could not escape."<sup>110</sup> Life in the slums is characterized by frustration, fear, despair, and hopelessness. It would be reassuring for many to believe that Blacks are not dissimilar to past American immigrants. Many whites had expressed the view that Blacks were responsible for their condition, and all that was needed was personal effort to escape ghetto living conditions.<sup>111</sup> Blacks are not recent immigrants, but Americans of longstanding. They were oppressed by a system of slavery supported by their government, not by foreign governments.<sup>112</sup> The legacy of slavery was perpetuated in the form of racial discrimination, segregation and prejudice. American society had become more complex since the 19th century. Trade unions practiced

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<sup>109</sup> Ibid., p. 5.

<sup>110</sup> A Time to Listen... A Time to Act: Voices from the Ghettoes in the Nation's Cities, U.S. Commission on Civil Rights, Washington, D.C., November 1967, p. 3.

<sup>111</sup> Ibid., p. 4.

<sup>112</sup> Ibid., p. 89.

employment discrimination in the construction fields; private industry had moved from the cities to the suburbs; jobs were inaccessible because of housing practices of the government and housing industry. These urban characteristics did not apply to past urban dwellers.<sup>113</sup>

In response to Commissioner Rankin's inquiry as to whether this hearing would conflict with other Federal agencies' work, Glickstein commented that "most Federal agencies were working on different aspects of the city-suburb problem, but they could not tie them all together the way we would".<sup>114</sup> After further discussion, the Commissioners tentatively approved of this investigation hearing proposal because St. Louis had not experienced any riots, urban programs had apparently worked, and "the Commission needed prototypes that work".<sup>115</sup> The question of an urban/suburban investigation hearing that would be held in St. Louis, presented major problems for the Commission. The discontinuity of economic growth between city and suburb was very complex and sensitive. The decay of inner cities, while metropolitan areas flourished, was a pressing problem. These urban issues had to be confronted by the Commission through its on-site investigation hearing program in order to

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<sup>113</sup> Ibid., p. 92.

<sup>114</sup> Minutes of the Civil Rights Commission op cit., p. 6.

<sup>115</sup> Minutes of the Civil Rights Commission op cit., p. 6.

illustrate the problems of discrimination that were inherent in urban life.

As plans for the proposed St. Louis hearing began to be formulated, Commission Chairman Theodore Hesburgh emphasized that "this hearing should not just rehash things we already know, but bring out new information in order to get something started in the community which will lead to change".<sup>116</sup> Commissioner Rankin concluded that "the Commission not only should cover high priority items, but also items that are transferable to other areas, and do not apply only to St. Louis".<sup>117</sup> After the discussion had ended the Commissioners passed a motion that "a hearing should be held in suburban St. Louis for the first week of December, 1969".<sup>118</sup> This proposed hearing illustrated the Commission's commitment to identify tangible issues of discrimination associated with urban life within metropolitan areas, not just within a particular urban setting. These findings could perhaps be incorporated within a formula for the identification and eradication of similar urban ills throughout the nation's urban landscape. Due to time constraints and logistics problems, this investigation hearing convened in St. Louis during the second week of

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<sup>116</sup> Minutes of the U.S. Commission on Civil Rights: 107th Meeting, October 9, 1969, p. 4.

<sup>117</sup> Ibid., p. 5.

<sup>118</sup> Ibid., p. 5.



January, 1970.<sup>119</sup> As the St. Louis hearing convened, Commissioner Freeman stated that the purpose of this hearing was to collect information on the racial implications of suburban development as they related to housing and employment for members of minority groups. She noted that "our cities have wilted while our suburbs have separated from them. The poor, predominantly Black, have been trapped behind the invisible wall that divides cities from suburbs."<sup>120</sup> Because of rapid suburbanization, Blacks had been virtually excluded from equitable participation. While the opportunity for jobs continued to grow in the suburbs, they had declined in the city. She warned that "if this trend continued, it would push us further toward the tragedy of two separate societies: one white and comfortable, and one black and poor."<sup>121</sup> At the conclusion of the hearing it was noted that this hearing was only the first step by the Commission on the racial implications of the rapid growth of industry and housing in the suburbs.<sup>122</sup> During this summation, Commission chairman Hesburgh determined that the problems of suburbanization "were inter-related with the cities so that they exacerbate each

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<sup>119</sup> Minutes of the U.S. Commission on Civil Rights: 110th Meeting, January 14-15, 1970, p. 1.

<sup>120</sup> Hearing Before the United States Commission on Civil Rights: Hearing held in St. Louis, Missouri, January 14-17, 1970, p. 3.

<sup>121</sup> Ibid., p. 3.

<sup>122</sup> Ibid., p. 442.

other. . . The unavailability of transportation makes it difficult for some residents to hold employment in the suburbs, yet the supply of jobs within the cities is on the decline. Some housing patterns seem to exclude Blacks so that it is almost impossible for them to live close to their source of employment."<sup>123</sup> He reiterated Commissioner Freeman's warning with the comment that if left unattended these problems could help produce almost all black cities and virtually all white suburbs.<sup>124</sup> As the hearing closed the participants were informed that a specific subcommittee of the Missouri State Advisory Committee was being constituted for the specific purpose of engaging in follow-up activities on the Commission's findings.<sup>125</sup>

At the Commission's February meeting, Staff Director Glickstein presented a letter from the Department of Defense Secretary Melvin Laird which concerned the employment compliance practices for minorities of the McDonnell-Douglas Defense Company. In conjunction with this letter, Glickstein reported that the press had printed a letter Secretary Laird had sent to his staff which informed them of "how shocked he was that a defense contract awarded to this company had been

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<sup>123</sup> Ibid., p. 443.

<sup>124</sup> Ibid., p. 443.

<sup>125</sup> Ibid., p. 444.

received without the required compliance review".<sup>126</sup> Glickstein also noted that the press had reported that the Secretary of the Air Force had sent a letter to McDonnell-Douglas which explained "what the company must do in order to be in compliance with Federal contract regulations".<sup>127</sup> U.S. Congressman William Clay expressed the view that the McDonnell-Douglas executives stress a recognition of the history of their equal employment program "but they are reluctant to recognize the present day need for Federal contractors to assume a greater-than average responsibility to insure equal employment opportunities." He noted that "the majority of Black employees at the McDonnell plant are concentrated in service, unskilled, and semi-skilled job categories".<sup>128</sup> Acting General Counsel Lawrence B. Glick informed the Commissioners that letters were being sent by his staff to all concerned Federal agencies "which were involved with the employment compliance practices of the Mallinckrodt and Chrysler companies in St. Louis".<sup>129</sup> He also indicated that a letter was being prepared to go to the Labor Department "which concerned weaknesses in the training program with respect to the employment practices of the Bemis Bag

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<sup>126</sup> Minutes of the U.S. Commission on Civil Rights: 111th Meeting, February 5, 1970, p. 3.

<sup>127</sup> Ibid., p. 3.

<sup>128</sup> New York Amsterdam News Feb. 21, 1970 p.1 c.4

<sup>129</sup> Ibid., p. 3.

Company in St. Louis".<sup>130</sup> HUD and the Justice Department would also receive letters which "concerned weaknesses found in the Federal Housing Administration's equal housing program in St. Louis, as well as the regional offices of HUD".<sup>131</sup> The Commission's on-site investigation hearing in St. Louis, unearthed new problems associated with discrimination in urban life. The Federal government's policies of regulation and contract compliance, with respect to minority issues of employment and housing, were being ignored or not enforced as its laws mandated. The letters sent by the Commission to these concerned Federal agencies were designed to prod Federal officials into compliance with the laws of the country, and perhaps serve notice to these Federal agencies that the Commission would continue to monitor their compliance programs as they affected minority urban life.

In a follow-up discussion on the St. Louis hearing, Glick presented to the Commissioners "the McDonnell-Douglas affirmative action plan that was basically a good concept".<sup>132</sup> This plan called for the establishment of goals and guidelines "beyond anything the Department of Defense had utilized before, although it has some weaknesses and ambiguities which the company could use in order to avoid employment

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<sup>130</sup> Ibid., p. 3.

<sup>131</sup> Ibid., p. 3.

<sup>132</sup> Minutes of the U.S. Commission on Civil Rights: 112th Meeting, March 8, 1970, p. 5.

responsibilities".<sup>133</sup> Commissioner Maurice B. Mitchell informed the Commissioners that after he had attended a meeting with members of the General Staff of the Air Force shortly after the St. Louis hearing, they expressed their concern "about the Air Force's affirmative action policy in relation to defense contract compliance awards that emerged as a result of discriminatory practices at McDonnell-Douglas".<sup>134</sup> He also stated that a delegation from the Martin-Marietta defense plant in Denver had visited him, and expressed their concerns about "similar employment problems in their plan and had requested that the Commission investigate these problems".<sup>135</sup> In response to these comments, Staff Director Glickstein suggested that "the Office of Federal Contract Compliance, and the contracting agency get a full report concerning Martin-Marietta in Denver".<sup>136</sup> This issue of affirmative action in relation to Federal contract compliance guidelines, revealed glaring discriminatory practices, with respect to minority employment, among large defense contracting companies. Had it not been for the Commission's investigation of employment practices at the St. Louis hearing, Federal agencies would have, perhaps, continued

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<sup>133</sup> Ibid., p. 5.

<sup>134</sup> Ibid., p. 5.

<sup>135</sup> Ibid., p. 5.

<sup>136</sup> Ibid., p. 5.

to tacitly condone or ignore discriminatory employment practices of some defense companies, which depended, in large measure, on Federal monies for their livelihood.

Reactions to the St. Louis investigation hearing continued to be appraised by the Commission. In the spring of 1970, the Staff Director reported to the Commissioners that a comprehensive letter had been forwarded to HUD Secretary George Romney "which concerned the housing problems that had been encountered at the St. Louis hearing".<sup>137</sup> He also presented a summary of McDonnell-Douglas' affirmative action plan and acknowledged receipt of the Department of Defense's affirmative action plan. Commissioner Freeman pointed out to the other Commissioners that she had received many inquiries about this affirmative action plan from the St. Louis community, but "informed them that the Commission could not do much about the plan until it had been reviewed".<sup>138</sup> The Commission's Assistant Staff Director for Community Programming Isaiah T. Creswell indicated that as an outgrowth of the inquiries Commissioner Mitchell had received from employees at the Martin-Marietta plant in Denver, "representatives of the Texas State Advisory Committee had met with representatives of minority employees from this company,

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<sup>137</sup> Minutes of the U.S. Commission on Civil Rights: 113th Meeting, April 2, 1970, p. 3.

<sup>138</sup> Ibid., p. 3.

as well as employees from a number of other plants".<sup>139</sup> He informed the Commissioners that a letter was being forwarded to the Office of Federal Contract Compliance and the Department of Defense concerning the allegations of employment discrimination by these employees. Commissioner Rankin inquired as to whether any evidence had been brought forth from the Defense Department with respect to "the checking of its contract compliance program in other areas because of the affirmative action plan submitted by McDonnell-Douglas".<sup>140</sup> Chairman Hesburgh then informed the Commissioners that he had received a call from the Assistant Secretary of Defense who indicated that his department "had called in all of its compliance people and planned to use the McDonnell-Douglas affirmative action plan as a reference to what a good plan should be like".<sup>141</sup> The Assistant Secretary "guaranteed that within thirty days, all of their defense contracts would be pulled into line".<sup>142</sup> Upon hearing these comments, Glickstein suggested that Secretary Laird should be asked to respond, "specifically as to what the Defense Department is doing to

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<sup>139</sup> Ibid., p. 4.

<sup>140</sup> Ibid., p. 4.

<sup>141</sup> Ibid., p 4.

<sup>142</sup> Ibid., p. 4.

insure that the commitment made to Chairman Hesburgh is being carried out".<sup>143</sup>

From these comments, a conclusion is drawn that the St. Louis investigation hearing uncovered some deep rooted urban problems. Federal agencies were remiss in their enforcement of Federal contract compliance regulations, with respect to affirmative action policies and programs. These failures in affirmative action programs were not limited to defense plants just in St. Louis, but were inclusive of other plants in other urban locations. Had it not been for the Commission's St. Louis investigation hearing, complaints by these employees would have probably continued to have gone unheeded and could have prompted urban labor unrest.

The implementation of the Commission's on-site investigation hearings through the spring of 1970 gained some in depth results. Urban minorities were afforded the opportunity to testify before the Commission and the nation about their experiences with discrimination in housing, employment, and criminal justice. Federal regulatory agencies that were responsible for these discriminatory practices were notified by the Commission of their negligence, and would continue to be monitored in relation to their compliance obligations. Agencies were created and steps were taken, as a result of these investigation hearings, which offered

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<sup>143</sup> Ibid., p. 4.

greater assurances that citizens' right to equal protection and opportunity would not be abridged because of urban discriminatory practices and policies. Though all urban issues were not resolved, the Commission's on-site investigation hearings did offer the hope that these urban ills associated with employment, housing, and criminal justice could be identified and ultimately eliminated.

#### Commission On-site Investigation Hearings and Superficial Results

By the early seventies, it appears that the enthusiasm for on-site investigation hearings by the Commission had begun to wane. Though these types of investigation hearings continued, the Commission seemed less committed to the concerns of urban dwellers and less clear about its findings. The superficial actions of the Commission's on-site investigation hearings appeared to be a conscientious attempt to placate the protests of urban dwellers in order to maintain or enhance the interest of others. In the spring of 1970, Staff Director Glickstein suggested to the Commissioners that "a second urban-suburban hearing should be held in Baltimore because all of the urban issues that were proposed in the St. Louis hearing had not been addressed".<sup>144</sup> His staff had selected Baltimore because it had many of the problems

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<sup>144</sup> Minutes of the U.S. Commission on Civil Rights: 112th Meeting, March 8, 1970, p. 8.

associated with a metropolitan area and because of its proximity to Washington, D.C. After much discussion as to the need for another urban-suburban hearing, where it would be held, and what issues other than housing and employment should be addressed, Chairman Hesburgh directed Commission staff "to investigate other issues and make the recommendations to the Commission as to the need for another urban-suburban hearing".<sup>145</sup> The rationale for a second urban-suburban hearing so shortly after the first one had been completed, indicated the magnitude and complexity of urban problems. The issues associated with metropolitan lifestyles could not be addressed in a comprehensive manner by one urban-suburban hearing, but had to be addressed on an incremental basis in order that sufficient time and expertise could be afforded these pressing urban problems. In the early summer, Staff Director Glickstein continued discussion on the proposed urban-suburban investigation hearing for Baltimore. Black critics of the urban-suburban issue took the position that the nations greatest industrial expansion had been in the suburbs, but inner-city Blacks, who could not live there because of zoning laws, must travel long distances for jobs. They also pointed-out that "inadequate transportation hinders competition which allows for whites who have better education and nearness to

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<sup>145</sup> Ibid., p. 8.

the plants to be selected for the jobs".<sup>146</sup> After further discussions, the Commission approved a motion that a hearing would be held in Baltimore, Maryland on August 17, 1970.<sup>147</sup> The format for this investigation hearing would differ from past Commission investigation hearings in that "witness lists would be pared down as much as possible so that the Commissioners would not feel rushed".<sup>148</sup> The Commissioners also agreed "to explore the possibility of having individual Commissioners examine different witnesses in depth, rather than having each Commissioner ask each witness a few questions".<sup>149</sup> Commissioner Mitchell added the view that "we exercise some care to avoid finding highly colorful prototypes for witnesses".<sup>150</sup> As the topic of witness selection continued, Commissioner Stephen Horn expressed his unhappiness with the testimony of expert witnesses at the St. Louis hearing, and suggested that rather than have someone improperly set the tone for the Baltimore hearing, "a number of the staff serve as the expert witness or that the staff write a speech for the Chairman of the Maryland State Advisory

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<sup>146</sup> Pittsburgh Courier Jan 3, 1970 p.1

<sup>147</sup> Minutes of the U.S. Commission on Civil Rights: 115th Meeting, July 7, 1970, p. 3.

<sup>148</sup> Ibid., p. 3.

<sup>149</sup> Ibid., p. 3.

<sup>150</sup> Ibid., p. 4.

Committee to present".<sup>151</sup> These comments on the proposed second urban-suburban investigation hearing suggested a turning point in relation to the interaction of Commission and hearing witnesses. The comfort and convenience of the Commissioners apparently superseded the harsh realities of urban witnesses. The Commission, as a body, would no longer interact with each witness. The paring down of hearing witnesses in order to eliminate "colorful prototypes", would also eliminate potential disruption of the hearing. The use of staff as expert witnesses or the presentation of prepared speeches by staff, presupposed that staff had the expertise or the experience necessary for the presentation of serious urban-suburban issues. Though these newly instituted hearing tactics offered the possibility that the Commission could save time, and perhaps avoid disturbances like those that occurred in San Antonio, the notion that urban-suburban issues had already been determined by Commission staff, potentially risked the further alienation and distrust of those people the Commission's investigation hearing was designed to serve.

The purpose of the Baltimore hearing was the continuation of the St. Louis hearing in order to study the racial implications of suburban development as they related to

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<sup>151</sup> Ibid., p. 4.

housing and employment for members of minority races.<sup>152</sup> Attention would be paid to the extent of racial and metropolitan polarization as well as possibilities of remedies. The policies of employers were to be considered insofar as they related to the problems of access to suburban jobs and housing for minority people.<sup>153</sup> Since World War II, America had been a nation on the move out of the city to the suburbs. Most of the new housing had been built in suburbia and most of the new attractive employment opportunities were likewise located there. Black Americans for the most part had not been able to participate equitably in these growing housing and employment opportunities. Thus, "an invisible wall had been erected to divide cities from the suburbs."<sup>154</sup> At the conclusion of this hearing it was pointed out that 50% of the people who lived in Baltimore were Black, while in the metropolitan area 96% of its residents were white.<sup>155</sup> The Commission concluded that "there appears to be two housing markets for the Baltimore area, one for whites and one for Blacks. This is symptomatic of the racial division that has occurred in our society. No-one seems ready to take the

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<sup>152</sup> Hearing Before the United States Commission on Civil Rights: Hearings held in Baltimore, Maryland, August 17-19, 1970, p. 3.

<sup>153</sup> Ibid., p. 4.

<sup>154</sup> Ibid., p. 5.

<sup>155</sup> Ibid., p. 486.

responsibility for creating this already existing and polarized society."<sup>156</sup> The Commission ended the meeting with the comment that it "hoped this hearing will encourage local communities to attack their own problems."<sup>157</sup>

Though there was no immediate follow-up on the Baltimore investigation hearing, in the fall Special Assistant to the Staff Director John H. Powell reported to the Commissioners that staff, as a result of the Baltimore hearing, was preparing a series of papers which "concerned the problems of suburban access and that these papers would place emphasis on solutions which can be effective at the local level".<sup>158</sup> The Staff Director, meanwhile expressed concern about a letter he had received from the Maryland State Advisory committee which voiced its displeasure because "it was not consulted by the Commission prior to the Baltimore hearing".<sup>159</sup> From these comments, it appears that Commission staff had placed emphasis on the accessibility of residents to the suburbs, rather than on urban issues which polarized urban communities from their metropolitan areas. Through the preparation of papers by Commission staff which sought local solutions to the problems of suburban access, the Commission tacitly removed the Federal

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<sup>156</sup> Ibid., p. 487.

<sup>157</sup> Ibid., p. 487.

<sup>158</sup> Minutes of the U.S. Commission on Civil Rights: 117th Meeting, October 12, 1970, p. 6.

<sup>159</sup> Ibid., p. 7.

government from the responsibilities of regulating discriminatory practices by these metropolitan localities. The lack of consideration by Commission staff in the consultation of the Maryland State Advisory Committee, which had the responsibility for the monitoring of discriminatory practices in Maryland, before the Baltimore hearing was conducted, could have been an oversight. A more plausible explanation could be that Commission staff did not desire this committee's input or presence in urban-suburban discussions, because this Committee might include urban issues that were not directly related to suburban access. The shallowness of this investigation hearing reflected the changing values the Commission embraced in relation to suburban interests as opposed to the ills of the inner cities.

In the Commission's last meeting of the year, Staff Director Glickstein announced to the Commissioners that as a direct result of the Baltimore investigation hearing, a recent article in the Baltimore Sun suggested that "changes, which would benefit the Black community, had been made with respect to zoning practices in Baltimore County".<sup>160</sup> The Staff Director, however, failed to mention what zoning practices had been made or how the people would benefit from these changes. In relation to the proposed Washington investigation hearing, he suggested that the proposed "Washington hearing on suburban

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<sup>160</sup> Minutes of the U.S. Commission on Civil Rights: 119th Meeting, December 14, 1970, p. 2.

access had assumed additional importance".<sup>161</sup> Glickstein then informed the Commissioners that "HUD Secretary Romney's policy of trying to open up the suburbs has been questioned in some quarters".<sup>162</sup> He clarified this comment with the statement that President Nixon had indicated that "he would go along with the current law, but is opposed to forced integration".<sup>163</sup> Since the issue of suburban access had become so sensitive, the Staff Director suggested that the Commission should utilize this opportunity of a hearing investigation to be used as an educational device in order to explain the significance of suburban access to the country. He concluded his remarks with the observation that "there should be no attempt to duplicate the local type items that were raised in the Baltimore and St. Louis hearings".<sup>164</sup> Commissioner Horn suggested that since Washington was the headquarters of many national unions, as well as national groups of manufacturers, and the Chamber of Commerce, "this hearing should be held in Washington so that these interests could propose solutions to suburban access problems".<sup>165</sup> After further discussion, the Commissioners tentatively approved "a suburban access hearing

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<sup>161</sup> Ibid., p. 5.

<sup>162</sup> Ibid., p. 5.

<sup>163</sup> Ibid., p. 5.

<sup>164</sup> Ibid., p. 5.

<sup>165</sup> Ibid., p. 5.

in Washington, D.C. for June 14-18, 1971 and a more completed outline be presented to the Commission well before June".<sup>166</sup>

The Baltimore investigation hearing was to have concerned itself with the urban-suburban issues associated with housing, employment, and criminal justice. This hearing and the proposed Washington hearing had evolved, however, into hearings which concerned suburban access. It seemed as if the Commission was no longer concerned with problems of the inner cities, but was more concerned with the better accessibility of suburbanites to and from their homes. The President's attempt to equate suburban access with forced integration, signaled to Federal agencies, and the Commission a declining commitment for including urban problems within suburban access issues. The listing of various business related organizations that had national headquarters in the nation's capital, justified the suggestion that they should be invited to attend this proposed suburban access hearing. No mention was made, however, that pertained to various civil rights organizations being invited to attend this proposed hearing, though they, too, were concerned with suburban access issues, and had national headquarters in Washington. One final point of this proposed Commission investigation hearing should be addressed. While the suggested topics for this hearing centered around the enhancement of suburban life, problems within urban

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<sup>166</sup> Ibid., p. 6.

centers were not addressed. Perhaps with the creation of new cities within metropolitan areas, (such as Columbia, Md.) houses, jobs, and transportation systems the issues associated with older cities would disappear, or remain hidden within their urban confines.

In the spring of 1971, General Counsel John H. Powell distributed a proposed outline for the Washington suburban access investigation hearing to the Commissioners.<sup>167</sup> The Commissioners agreed that "the outline, as presented, could not be completed within three days,"<sup>168</sup> therefore, a half day extension was approved. It was also agreed upon that "long speeches by witnesses would be discouraged, and that information from previous hearings would be summarized".<sup>169</sup> Staff Director Glickstein informed the Commissioners that he had spoken with Leonard Garment of the White House staff "about the need for the White House to use its influence to make sure that Cabinet members appear at the hearing".<sup>170</sup> The Commissioners then agreed that the questioning of Cabinet witnesses would be arranged so that "a Commissioner who has programmatic knowledge of a particular Cabinet department be

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<sup>167</sup> Minutes of the U.S. Commission on Civil Rights: 124th Meeting, May 9-10, 1971, p. 1.

<sup>168</sup> Ibid., p. 2.

<sup>169</sup> Ibid., p. 2.

<sup>170</sup> Ibid., p. 2.

the principle questioner of that Cabinet member".<sup>171</sup> As a means of further speeding up the hearing proceedings, Commissioner Horn suggested that "statements from non-Cabinet witnesses be submitted to the Commission a week before the hearing so that they could be reviewed by the Commissioners".<sup>172</sup> The request that the White House use its influence to encourage Cabinet members to attend this investigation hearing, implied that they were too busy to appear, or that they had to be prodded by the White House because they had little interest in its proceedings. The plan for non-Cabinet witnesses to submit their comments to the Commission a week prior to the scheduled hearing, probably was conceived as a time-saving tool. This scheme, however, removed the spontaneity of witness contributions, and limited their input, through Commission review, to approved topics on suburban access.

While the Commission Minutes did not reflect the events of the Washington hearing, it did issue a report which stated that the hearing was concerned with "the impact of Federal programs, policies, and priorities in relation to racial polarization within the nation's metropolitan areas."<sup>173</sup> THE

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<sup>171</sup> Ibid., p. 2.

<sup>172</sup> Ibid., p. 2.

<sup>173</sup> Hearing Before the United States Commission on Civil Rights: Hearing held in Washington, D.C., Washington, D.C., June 14-17, 1971, p. 4.

Commission was of the opinion that great racial polarization was the result of racial discrimination. A disproportionate number of minority people were relegated to life in congested misery which was characteristic of central cities.<sup>174</sup> Racial exclusion was basic to the formation of large areas of suburbia. Many state and local governments, as well as the Federal government and the private sector, had implemented racial exclusion. "Once segregated patterns of residence had been established, they were difficult to break."<sup>175</sup>

When the Washington hearing ended the Commission stated its findings. It determined that increased access to suburbia was only one part of the solution. Revitalization and the allocation of adequate resources for needed public services were also a matter of the highest priority.<sup>176</sup> Suburban access must also seek to increase the supply of low and moderate income housing. Suburban jurisdictions, which had freely reaped the benefits associated with metropolitan areas, should also be expected to share fully and fairly in the problems faced by metropolitan areas.<sup>177</sup> The Commission agreed that the Federal government had a major role in carrying out suburban access programs and policies, "but only as one of many

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<sup>174</sup> Ibid., p. 4.

<sup>175</sup> Ibid., p. 5.

<sup>176</sup> Ibid., p. 428.

<sup>177</sup> Ibid., p. 429.

institutions which must share in finding solutions for these problems."<sup>178</sup> The specific recommendations by the Commission on the Washington hearing included: cooperation between jurisdictions in metropolitan areas, effective cooperation among all Federal agencies in goals, timetables, and policies for coordinated multi-agency plans; and the use of all Federal tools in order to resolve racial polarization."<sup>179</sup>

In the fall of 1971, Acting Staff Director John A. Buggs suggested to the Commissioners that the proposed Puerto Rican investigation hearing "would focus on the urban problems of Puerto Ricans in New York City and Northern New Jersey".<sup>180</sup> Chairman Hesburgh felt that the project was too ambitious for a three and one half day period. He suggested that the staff "make it a little more leaner if possible in order to allow the Commissioners more flexibility".<sup>181</sup> At the end of the discussions, the Commissioners agreed to postpone this investigation hearing that was scheduled for January to February 14-17, 1972 "because the staff was having trouble meeting the deadline".<sup>182</sup> Though the Commissioners and staff had other responsibilities and obligations, it appears that

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<sup>178</sup> Ibid., p. 431.

<sup>179</sup> Ibid., p. 432.

<sup>180</sup> Minutes of the U.S. Commission on Civil Rights: 128th Meeting, November 16, 1971, p. 3.

<sup>181</sup> Ibid., p. 3.

<sup>182</sup> Ibid., p. 3.

they were predisposed to the hearing's earliest completion, rather than a thorough investigation of urban problems within the Puerto Rican community.

During the Commission's first meeting of the year, Staff Director-Designate John A. Buggs updated the Commissioners on the proposed Puerto Rican investigation hearing.<sup>183</sup> In 1969, the Commission held a hearing in New York City in order to examine denials of equal opportunities to the Black community. The purpose of this hearing was to ascertain conditions which denied equal opportunity for ethnic as well as racial persons.<sup>184</sup> After his presentation, many of the Commissioners reiterated their concern that "the hearing schedule was too tight and too long".<sup>185</sup> As a result of these complaints, discussion ensued about the "shortening of some presentations and the splitting up of Commissioners into two groups in order that simultaneous sessions could be conducted".<sup>186</sup> Chairman Hesburgh stated that this hearing would include "reports on public and private employment practices, housing opportunities, and the administration of justice".<sup>187</sup>

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<sup>183</sup> Minutes of the U.S. Commission on Civil Rights: 130th Meeting, January 10, 1972, p. 3.

<sup>184</sup> Hearing Before the United States Commission on Civil Rights: Hearing held in New York, New York: Washington, D.C., February 14-15, 1972, p. 1.

<sup>185</sup> Ibid., p. 3.

<sup>186</sup> Ibid., p. 3.

<sup>187</sup> New York Times Feb. 17, 1972 p.18 c.3

Commissioner Freeman inquired as to "how the Commission would only deal in a limited manner with the housing situation and only one part of the administration of justice problem".<sup>188</sup> Staff Attorney's Paul Alexander and Gabriel Guerra responded to her queries with the comments that in conversations with "knowledgeable Puerto Ricans," and on the advice of the Puerto Rican Advisory Committee, "the emphasis would be on the areas of education and employment, while housing problems would be limited to public housing. The administration of justice emphasis would be placed on the pretrial process since those were the specific areas which affected Puerto Ricans".<sup>189</sup> In preparation for the hearing, the Commission subsequently appointed a Puerto Rican Committee of 10 persons, each eminent in the areas in which the hearing was concerned with.<sup>190</sup> The Commissioners then concluded that Chairman Hesburgh would explain that the overall program "would be dealing with issues not just for Puerto Ricans, but for all minorities".<sup>191</sup> Hesburgh commented that this hearing was the first effort by a Federal agency to investigate the denial of equal opportunity to Puerto Ricans in the New York Metropolitan

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<sup>188</sup> Minutes of the Civil Rights Commission op cit., p. 3.

<sup>189</sup> Ibid., p. 3.

<sup>190</sup> Ibid., p. 3.

<sup>191</sup> Ibid., p. 3.

area.<sup>192</sup> He noted that the Commission would pay close attention to education and employment, although it would also examine the problems of housing and criminal justice. Like the San Antonio hearing, the Commission would address problems of a minority that suffered deprivation because of language and culture were different than the dominant ones in the country.<sup>193</sup> Hesburgh made the observation that "problems unique to Puerto Ricans are lost in the general category of the Spanish surnamed. They are citizens of the United States from birth, whether that takes place on the Island or on the mainland. When they come from the Island, they bring a language of their own, and possess a rich and cherished culture."<sup>194</sup>

In this investigation hearing, as in the preceding Washington hearing, the allocation of time seemed to be of paramount importance to the Commissioners, instead of the investigation hearing itself. The division of Commissioners into two groups for the purpose of conducting simultaneous witness testimony could expedite the hearing proceedings, but also lessen the awareness of Commission insight in these urban issues that concerned Puerto Ricans, as well as limit the contributions of these witnesses. Regardless of what

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<sup>192</sup> Ibid., p. 2.

<sup>193</sup> Ibid., p. 3.

<sup>194</sup> Ibid. p. 2.

determined knowledgeable Puerto Ricans, to limit a Commission investigation hearing to specific issues which affect Puerto Ricans is narrow minded and perhaps biased. This view implied that the vast majority of Puerto Ricans had limited urban problems and that they had not encountered discrimination problems in obtaining single family housing or in the overall criminal justice process. Finally, the reliance on Commission staff to define the parameters of this investigation hearing, seemed to illustrate the shallowness of the Commission's commitment toward this investigation hearing, and further isolated the Commission from the urban needs of Puerto Ricans.

At the opening session of this hearing, Congressman Herman Badillo, in the keynote address, charged that "Puerto Ricans had been prevented from fully participating in the political, economic and social life of this city and country."<sup>195</sup> As the hearing continued, dissident Puerto Rican groups, shouting nationalist slogans and overturning chairs, forced the Commission to adjourn the hearing. During this melee someone shouted "We want Puerto Ricans to speak for us, not whites, Blacks, or anyone else." As the disturbance escalated, the Commissioners left the podium and exited the auditorium while U.S. marshals attempted to restore order.<sup>196</sup> Part of the problem, according to Hesburgh, was that "Puerto

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<sup>195</sup> New York Times, February 15, 1972, c.3, p. 18.

<sup>196</sup> Ibid., p. 18.

Ricans in the audience felt that they should be allowed to testify, though witnesses had been subpoenaed in advance."<sup>197</sup>

The next day, as the hearing began, a smoke bomb was shot into the air, causing people to flee while wiping their eyes and coughing. Earlier, the Commission had ignored two bomb threats, but when chairs were thrown during the smoke bomb incident, the Commission called off the hearing. Though this session was to have addressed housing, jobs and political opportunities for Puerto Ricans,<sup>198</sup> several of the protestors, some supporting Puerto Rican independence, charged that Puerto Ricans were not properly represented at this hearing. Hesburgh justified halting this hearing with the charge that "the Commission was subjected to this kind of display of small groups of people pushing large groups of people because they were not represented at the hearing." He ended his remarks with the comment that "we are adjourning this meeting, and I think for everybody's personal safety, it would be good to get out of this building as quickly and orderly as possible." Several people were arrested and a few were injured.<sup>199</sup>

In a follow-up to the Puerto Rican hearing, Assistant Staff Director for Community Programming Isaiah T. Creswell reported that "about thirty percent of the people at the

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<sup>197</sup> Ibid., p. 18.

<sup>198</sup> New York Times, 2,16:6, 1972, p. 43.

<sup>199</sup> Ibid., p. 43.

hearing were allowed to testify before a small group of individuals disrupted the hearing".<sup>200</sup> These people were angry because the Commission "had announced a public hearing, but had subpoenaed specific witnesses and provided no opportunity for others to speak".<sup>201</sup> Consequently, law enforcement officials had to be called in to protect the Commissioners and witnesses. Those witnesses who were unable to testify, were provided interview reports that were given in the presence of court reporters and staff because the Staff Director felt it would be too much of a burden to visit each one. He then suggested that "the Commission determine which testimony was most important, have them notarized as true statements, and insert them into the record".<sup>202</sup> There was no mention as to what caused this hearing disturbance. Perhaps the people who attended this hearing and caused this disturbance felt that those knowledgeable people who were to testify in lieu of themselves, did not express adequately and fully the concerns of Puerto Ricans who directly experienced the harshness of discrimination in all facets of urban life. Apparently, the Commission did not consider that the causes for this hearing disruption, as well as the disruption in San Antonio, were

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<sup>200</sup> Minutes of the U.S. Commission on Civil Rights: 132nd Meeting, March 13, 1972, p. 4.

<sup>201</sup> New York Times Feb. 17, 1972 p.26 c.3

<sup>202</sup> Ibid., p. 4.

directly linked to the discrimination practices experienced in Hispanic communities.

In the fall of 1971, racial tensions flared in Cairo, Illinois over housing discrimination.<sup>203</sup> Cairo, a town located at the confluence at the Ohio and Mississippi Rivers in the southern tip of Illinois, had long been noted as a center for racial tension.<sup>204</sup> Though located in a northern state, the people of Cairo preferred to identify with their southern neighbors. When Blacks began to move into the industrial north, many southern Blacks settled in Cairo. As Blacks began to demand the right of equality they associated with being in the north, the prevailing southern attitudes reacted violently by resorting to vigilante activities.<sup>205</sup> After years of white vigilante terror, Blacks in 1967, led by Reverend Charles Koen, former Prime Minister of the Black Liberators in St. Louis, began to arm and defend themselves. Koen organized economic boycotts of Cairo's business district, which further heightened racial tension. By 1971, Cairo symbolized the racial polarization of the nation's urban communities.<sup>206</sup> Since Blacks began boycotting in Cairo almost two years before

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<sup>203</sup> Minutes of the U.S. Commission on Civil Rights: 128th Meeting, November 16, 1971, p. 5.

<sup>204</sup> "Bad Day in Cairo, Illinois" New York Times Magazine Feb. 21, 1971 p.78 c.3

<sup>205</sup> Ibid p. 82 c. 3

<sup>206</sup> Ibid p. 83 c. 4

there had reportedly been 140 Black and white shoot incidents. Most of these acts of violence occurred around or near Pyramid Courts, a Black low-income housing development near the headquarters of the United Front, a coalition of Black organizations.<sup>207</sup> Violence had erupted in Cairo when Blacks attempted to move into traditionally all white neighborhoods. Staff Director Buggs submitted a report that recommended that "a Commission subcommittee investigation hearing should be held in Cairo in order to investigate the causes for this racial upheaval".<sup>208</sup> Commissioner Mitchell observed that there was a very complicated situation in Cairo. He pointed out that part of the problem was that "there is no political power in the southern part of the State that could deal with solutions to these racial problems".<sup>209</sup> Commissioner Freeman stressed the point that Commission actions should be taken because she felt that "unless the Commission did something about the racial situation in Cairo, similar problems may develop in other cities".<sup>210</sup> Chairman Hesburgh agreed, and noted that "Cairo is symptomatic of the problem we can see developing in the entire country if racial polarization is

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<sup>207</sup> Bernard Garrett. "Race Relations Threaten Cairo," Race Relations Report, 1971, p. 156.

<sup>208</sup> Minutes of the Civil Rights Commission op cit., p. 5.

<sup>209</sup> Ibid., p. 6.

<sup>210</sup> Ibid., p. 6.

allowed to continue".<sup>211</sup> Buggs, however, expressed his concern whether such a hearing would be a substantial drain on Commission resources and whether "the Commission should have such a hearing because of a particular problem, and veer away from the general principle that hearings are held on broad issues which concern classes or groups of people in various parts of the country".<sup>212</sup> The violence associated with Cairo, became a growing concern for the Commission. While White citizens in the southern part of Illinois were strongly opposed to racial integration within their communities, Black citizens in southern Illinois wished to exercise their right to move into communities of their choice, regardless of their racial composition.

The use of violence as a means of preserving their communities, reflected a sense of desperation by many Whites in order to defend their perceived right to determine their communities' racial make-up. These two opposing camps reflected the growing polarization of the races within the country. Because each side was unwilling to yield, violence was perceived as the solution to this urban problem. Though the Commission had the responsibility for the investigation of discriminatory housing practices, some Commission staff were reluctant to support an on-site investigation of Cairo's

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<sup>211</sup> Ibid., p. 6.

<sup>212</sup> Ibid., p. 6.

housing practices because of budget limitations, and because it would have to get involved with local problems, rather than generalized national ones. More importantly, the sensitive issue of an individual's right to protect his own neighborhood reflected an attempt to prevent forced integration by the Federal Government, a position acceptable to the President as well as to many citizens throughout the nation. This question of forced integration encouraged the further polarization of the country and placed the Commission in the forefront of this dilemma.

During the Commission's February 1972 meeting, Buggs informed the Commissioners that a subcommittee investigation hearing would be scheduled in Cairo for March 23-25, 1972.<sup>213</sup> This hearing would address the "urban concerns related to housing, public health, safety, and the administration of justice as they affected racial polarization"<sup>214</sup> as well as allegations of extensive and overt racism in Cairo which included government officials at all levels who had not utilized their authority to help Cairo resolve these problems.<sup>215</sup> Though one-half of the people lived in substandard housing, bi-racial non-profit corporations had

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<sup>213</sup> Minutes of the U.S. Commission on Civil Rights: 131st Meeting, February 14, 1972, p. 3.

<sup>214</sup> Ibid., p. 4.

<sup>215</sup> Hearing Before the United States Commission on Civil Rights: Hearing held in Cairo, Illinois: Washington, D.C., March 23-25, 1972, p. 3.

been thwarted in their efforts to provide low and moderate income housing by a city government apparently reluctant to engage in bi-racial efforts and accept Federally subsidized housing projects.<sup>216</sup> Commissioners Freeman and Mitchell were designated as Commission representatives to this subcommittee. It was also agreed that potential witnesses to this hearing "who felt threatened by their testimony would be invited to present their testimony at an executive session of the subcommittee hearing".<sup>217</sup>

The proposed Commission subcommittee hearing in Cairo marked a change of policy by the Commission. Precedent would be set because this was the first instance whereby all of the Commission members would not be scheduled to attend a formal Commission investigation hearing. Though the use of a subcommittee could save the Commission valuable time and resources, the volatile issue of racial polarization, perhaps, demanded the full resources and representation of the Commission.

In an update on the proposed Cairo hearing, Buggs informed the Commissioners that "security measures had been taken in order to avoid a repetition of the disruptions we had

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<sup>216</sup> "Cairo's Race Conflict" Pittsburgh Courier April 8, 1972 p.5 c.1

<sup>217</sup> Minutes of the Civil Rights Commission op cit., p. 4.

at the New York hearing".<sup>218</sup> He also reported that he had met with the chief of the Protection Division of the United States Marshals Service who had informed him that "a review would be done in terms of security and that the Marshals Service would communicate with the FBI in order to determine what intelligence this agency had as to what might happen in Cairo".<sup>219</sup> The use of the FBI, as well as the United States Marshals, to investigate potential civil disruptions in Cairo, perhaps, was a sound precautionary measure, but this strategy also had the potential for this hearing to be perceived as an armed Federal camp, which could further isolate the Commission's mediating influences with respect to racial polarization in Cairo.

The Commission's investigation hearing found that while Cairo had a significant Black population, the municipal communities and public bodies were all white. Half of Cairo's youth left because there was limited opportunity for growth.<sup>220</sup> Government officials had abused their authority and contributed to the worsening of the city's problems or demonstrated an incapacity for the implementation of imaginative programs in the areas of law enforcement and communication. Public housing was almost totally segregated

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<sup>218</sup> Minutes of the U.S. Commission on Civil Rights: 132nd Meeting, March 13, 1972, p. 3.

<sup>219</sup> Ibid., p. 3.

<sup>220</sup> Civil Rights Commission Hearings op cit., p. 325.

and known to Federal officials as in clear violation of their housing guidelines.<sup>221</sup> Unemployment and underemployment for Blacks was a critical matter because Blacks had traditionally been excluded from employment or confined to menial job levels or denied promotions. Finally, the Commission concluded that because police had exacerbated racial tensions in Cairo, the lack of understanding for reason and cooperation were substituted for guns and violence.<sup>222</sup>

In follow-up comments on the Cairo hearing, Commissioners Freeman, Mitchell, and staff all "agreed that the Cairo hearing was successful, and that the protection which the Marshals afforded them was superb".<sup>223</sup> The decorum during the hearing "was excellent in spite of the potentially explosive situation in the city".<sup>224</sup> Buggs made the observations that "the Cairo hearing proved the usefulness of Commission subcommittee hearings, and that such hearings could be put on in half the preparation time needed for past hearings".<sup>225</sup> Though this Commission subcommittee investigation hearing was deemed a success, there was no discussion as to what urban issues were resolved, or what the majority of the

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<sup>221</sup> Ibid., p. 326.

<sup>222</sup> Ibid., p. 327.

<sup>223</sup> Minutes of the U.S. Commission on Civil Rights: 133rd Meeting, April 9, 1972, p. 2.

<sup>224</sup> Ibid., p. 2.

<sup>225</sup> Ibid., p. 2.

Commissioners were involved in during the Cairo hearing. The use of marshals during this hearing perhaps insured a peaceful presentation of the hearing, but, perhaps, their presence intimidated or angered potential witnesses from testifying in behalf of their perceived right to community association; which only postponed pent up urban frustrations in Cairo.

In subsequent discussions on the Cairo hearing, Staff Director Buggs informed the Commissioners that he had received a letter which stated that "members of the medical profession in Cairo had threatened to put out of business a public health clinic because of testimony given at the hearing by one of the clinic's staff".<sup>226</sup> Creswell then commented that after this witness talked with the Commission's General Counsel and staff from the Commission's mid-western field office she felt that "things were quieting down in Cairo and that the Commission should leave things alone unless there were further developments".<sup>227</sup> Perhaps the presence of U.S. Marshals projected the image of martial law which caused a respected profession to resort to the use of economic pressure in retaliation to witness testimony. Apparently when the Marshals as well as the subcommittee departed Cairo, the community felt less threatened and returned to the status quo of urban discrimination.

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<sup>226</sup> Minutes of the U.S. Commission on Civil Rights: 134th Meeting, May 8, 1972, p. 4.

<sup>227</sup> Ibid., p. 4.

As urban discrimination problems continued to fester in Cairo. Staff Director Buggs indicated to the Commissioners that he had received a letter from Jerris Leonard of the Law Enforcement Assistance Administration which informed him that "since there were no LEAA funds in Cairo, the LEAA did not feel it had a basis for taking any action".<sup>228</sup> Buggs then stated that his staff was making preparations "to contact the Justice Department so that it could make an investigation of housing discrimination and administration of justice problems in Cairo".<sup>229</sup> Commissioner Freeman suggested that since revenue sharing regulations required that such funds be administered without discrimination, perhaps Buggs' staff "could determine if Cairo had received any revenue sharing funds from the Federal government".<sup>230</sup> She also suggested that the Commission look into revenue sharing for each city where it held an investigation hearing, and found discrimination problems. Commissioner Mitchell inquired as to "the tax exempt status that the Internal Revenue Service had granted to the all-white schools in Cairo".<sup>231</sup> Buggs responded with the comment that the IRS had not yet acted, but his staff "would look into both revenue sharing and the tax exempt

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<sup>228</sup> Minutes of the U.S. Commission on Civil Rights: 143rd Meeting, April 9, 1973, p. 2.

<sup>229</sup> Ibid., p. 2.

<sup>230</sup> Ibid., p. 2.

<sup>231</sup> Ibid., p. 3.

status as they affected Cairo".<sup>232</sup> Though the people of Cairo did not want the Commission involved in their domestic affairs, they continued to employ economic pressure and discriminatory reprisals to threaten many of the black citizens of Cairo. The investigation into the use of LEAA funds, revenue sharing monies, and tax exemptions as a means of forcing the people to comply with Federal anti-discrimination regulations after the hearing had been completed, suggested that the Commission's subcommittee strategy was a failure. Unfortunately, the Commission did not report that racial hostility "was still at the boiling point and may explode any day on a scale never before attained".<sup>233</sup>

Had the full Commission been present at this investigation hearing, a more thorough attention to these solutions could have been considered. The superficial investigation of the urban problems in Cairo caused the Commission to seek stop-gap economic measures in order to protect the rights of citizens in Cairo, and encouraged the further racial polarization of that community.

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<sup>232</sup> Ibid., p. 3.

<sup>233</sup> Ibid p.5 c.2

### Commission On-Site Investigation Hearings and Their Decline in Importance

By the mid-seventies, the presence of on-site investigation hearings by the Commission had begun to decline in importance. Fewer investigation hearings were proposed, while still fewer urban issues were resolved. In the spring of 1973, a proposal was submitted by Staff Director Buggs to the Commissioners for an investigation hearing on the urban problems of American Indians.<sup>234</sup> After some discussion, Buggs commented that such a proposed hearing, "might be unfeasible because there were few concentrations of Indians in urban areas".<sup>235</sup> General Counsel John H. Powell expressed the view that "his staff had not been able to find a significant degree of discrimination in relation to urban Indians in the traditional sense".<sup>236</sup> Commissioner Mitchell made the suggestion that "the problems of urban Indians may be of such small interest that they do not rate among the most important Indian problems the Commission should devote attention to".<sup>237</sup> Commissioner Horn, however, suggested that an on-site investigation hearing for urban Indians could be held in Los Angeles whereby witnesses from other urban centers "could be flown to the hearing so that an urban hearing could be

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<sup>234</sup> Ibid., p. 8.

<sup>235</sup> Ibid., p. 8.

<sup>236</sup> Ibid., p. 8.

<sup>237</sup> Ibid., p. 9.

conducted on a national level in order to address the problems of urban Indians".<sup>238</sup> As a response to Commissioner Horn's comments, Commissioner Rankin suggested that "the Commission should use its time and resources in investigating problems on the reservations where problems were so great, you didn't have to hunt for them".<sup>239</sup> The concentration of urban Indians or the limitations of their urban problems were not at issue for this proposed investigation hearing. The investigation of racial discrimination, with respect to any urban minority regardless of its size, was the responsibility of the Commission. The suggestion that the Commission should concern itself with the problems of Indians on reservations, rather than in urban areas perhaps, reflected the narrow-minded biases and stereotypes some members harbored toward Indians. This view presupposed that urban Indians did not have housing problems, employment difficulties, or faced discrimination with criminal justice issues like other urban minorities. To ignore the need for this investigation hearing because urban Indians had problems that were quantitatively minor in comparison to those minorities who were more numerical in number, increased the risk by the Commission that this urban group might resort to violence in order to gain the attention of the Commission and the nation.

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<sup>238</sup> Ibid., p. 9.

<sup>239</sup> Ibid., p. 9.

In the spring of 1974, the Commission pondered the feasibility of holding an investigation hearing on the economic issues of lower income urban women.<sup>240</sup> Staff Lawyer Lawrence Glick proposed that the thrust of this hearing "would deal with problems concerning urban women who are in poverty, and whose poverty can be attributed to discrimination on the basis of race, sex, or ethnicity".<sup>241</sup> Commissioner Freeman suggested that a major focus of this proposed hearing "should be on sex discrimination and manpower programs".<sup>242</sup> The problems of urban women in poverty illustrated another facet of urban discrimination. Many of their rights, as citizens, were abridged or removed because of their economic status or because of their gender. Though there was a need for Commission investigation hearings, for both these urban interest groups, Staff Director Buggs informed the Commissioners that "these projects as well as proposals would be postponed until fiscal year 1976".<sup>243</sup> The urban concerns of both these urban groups would have to wait until the Commission found the time, resources, and opportunity to assist them.

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<sup>240</sup> Minutes of the U.S. Commission on Civil Rights: 155th Meeting, April 8, 1974, p. 5.

<sup>241</sup> Ibid., p. 5.

<sup>242</sup> Ibid., p. 5.

<sup>243</sup> Minutes of the U.S. Commission on Civil Rights: 158th Meeting, August 29, 1974, p. 4.

By the end of 1974, on-site investigation hearings had all but vanished from Commission discussion and programs. It appears ironic that new Commission Chairman Arthur S. Flemming would lead a discussion for the Commission "to exercise some leadership in studying and analyzing certain kinds of local crisis situations for the purpose of preparing findings and recommendations of urban problems to be reported to the President and the Congress".<sup>244</sup> The investigation of local crisis situations, which had been instituted by the Commission in 1965, and had all but ceased in the fall of 1974, seemed like a worthwhile project for the Commission to implement by the new Commission Chairman.

### **Conclusion**

In looking at the Commission's on-site investigation hearings, several conclusions can be drawn. The violence of urban riots, such as Watts, shocked the nation into the realization that New Deal social programs of the 1930's had become outdated and non-applicable to the urban needs of the 1960's. New programs had to be instituted in order to address the urban ills of the inner cities. In order to identify these problems, the Commission sought to create on-site investigation hearings which were patterned after those successful investigation hearings associated with the Civil

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<sup>244</sup> Minutes of the U.S. Commission on Civil Rights: 160th Meeting, October 14, 1974, p. 2.

Rights Movement. Unlike previous Commission investigation hearings though, the Commission had to define and resolve the more subtle and deep rooted forms of discrimination as they pertained to urban and metropolitan areas. The Commission, thus, had to refine and develop new tactics for its on-site investigation hearings.

As the Commission's on-site investigation hearings in urban areas evolved, the Commission began to center its efforts around the urban issues of housing, employment, and criminal justice, because these issues appeared to embrace much of the nation's urban problems. The early on-site investigations, such as Cleveland and San Francisco, were met with some success because the Commission allowed for the input from citizens within these hearing locations as well as national civil rights leaders to be expressed. Through the exchange of ideas, opinions, and information, the Commission was able to gain a clearer understanding of how urban discrimination practices excluded many citizens from the nation's prosperity. Though all the urban issues were not resolved, urban citizens had the opportunity to testify before a Federal investigation agency and the nation on the poor quality of life in urban ghettos and barrios.

By the early seventies, however, the mood of the nation began to change. Deluged with images of cities burning and rampant crime, the nation sought the comfort of more conservative and secure ideals that were associated with the

mentality of law and order. By extension, the Commission began to taper down its efforts with respect to its on-site investigation hearings on urban problems within the cities, and began to focus its attention on problems within metropolitan areas. With the Commission's investigation hearing emphasis now being focused on suburban access issues, the development of new communities, jobs, and new transportation systems offered solutions that inherently were removed from the urban decay of the older cities. This change of focus isolated the Commission from the inner cities as well as their citizens. The metropolitan areas, like Baltimore County and southern New York/northern New Jersey, were awarded on-site investigation hearings, while site locations within the inner cities declined.

As the Commission became more insulated from the harshness of urban decay, the Commission began to assume it had the expertise, or could supply the knowledge from its resource network, for the resolution of these nagging urban ills. Consequently, the Commission began to approach these on-site investigation hearings in a superficial manner. In subsequent investigation hearings, like in Baltimore and Washington, less attention was given to details that concerned urban problems, and more emphasis placed on the accessibility and comforts of suburban metropolitan areas. When this strategy backfired, as in the case of Cairo, stop-gap measures were presented as a means of coping with urban discrimination.

By the mid-seventies, the Commission's on-site investigation hearings had declined in importance. Minority interests in urban areas, like Oriental and Indian Americans, as well as impoverished women were left without Commission investigation due to the absence of concern by a, sometimes, cavalier Commission staff. These urban people were left to their own means for survival, while on-site Commission investigation hearings were postponed due to lack of interest, lack of resources, and the lack of commitment. Though some successes were achieved in the years 1965-1974, the overall Commission policy of on-site investigation hearings with respect to the urban issues of housing, employment, and criminal justice remained, at best, unresolved and perhaps contributed to the further polarization of America's urban society.

## CHAPTER V

### INFLUENCE ON FEDERAL LEGISLATIVE PROCESS

The Commission's concurrent projects, which included its Federal agency appraisal program, interaction with urban community groups, and its on-site investigation hearings, diluted much of its energy and resources. Many critics felt, however, that these urban improvement efforts needed to be strengthened and protected through Federal legislation. Since the Commission's creation in 1957, it had attempted to use its influence to sway the Federal legislative process for the greater inclusion of all citizens in the prosperity of American society. Because of the complexities and sensitivities of the Federal legislative process, many citizens turned to the Commission in order that it may be their advocate in issues that directly affected them. Much of the Commission's previous efforts, however, centered around legislative confrontations for the dismantlement of legalized discrimination within the South's Jim Crow society. Through the legal support system of the Commission, southern Blacks were able to regain, through the Federal legislative process, the right to exercise their civil rights as guaranteed by the United States Constitution. By the mid-sixties, the nation as well as the Commission began to focus their attention away from civil rights issues in the South, and toward the problems

Americans encountered in the urban areas of the country. As urban protest erupted into violence throughout the nation, the Commission became more aware of the urgency to address these urban issues in order to prevent future urban protest explosions, and find solutions that would help provide a greater inclusion of urban Americans within the nation's prosperity. The strategy of employing the Commission's influence with regard to the Federal legislative process, which had proven to be successful in the attainment of civil rights for Blacks in the South, began to be implemented as means of confronting the more subtle problems of urban discrimination associated with housing, employment, and criminal justice.

The Commission's Early Experiences with the Federal Legislative Process and Urban Issues

The first instance whereby the Commission attempted to influence the Federal legislative process with respect to the urban issues of housing, employment, and criminal justice occurred in the spring of 1966 when Staff Director William R. Taylor discussed with the Commissioners President Lyndon Johnson's proposed Civil Rights Act of 1966.<sup>1</sup> He made the suggestion that he "represent the Commission at a forthcoming hearing on this bill before a sub-committee of the House

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<sup>1</sup>. United States Commission on Civil Rights. Washington D.C.: Minutes of the 76th Meeting, May 5, 1966 p. 3

Judiciary Committee".<sup>2</sup> He proposed that the Commission support the jury and law enforcement sections of this proposed Legislation along with some additional recommendations for action. He also pointed out that the housing section of this bill "was deficient because it failed to provide suitable administrative remedies, and it does not address itself to the problems of people in low income urban areas who cannot afford better housing."<sup>3</sup> He ended his comments with the suggestion that he be allowed to represent the Commission's interest in these two areas. Commissioner Erwin N. Griswold agreed that the housing provisions were inadequate, but suggested that "any legislation against discrimination in housing was a step in the right direction and could be amended in the future."<sup>4</sup> After this discussion had ended, it was agreed upon by the Commissioners that the Staff Director "would proceed with his testimony as representative of the Commission to this Committee for this proposed legislation".<sup>5</sup> The presence of a Commission representative, during a congressional discussion of this proposed civil rights bill, would allow for direct Commission input in congressional efforts. Though the Commission never had the power to become a true regulatory

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<sup>2</sup>. Ibid., p.3

<sup>3</sup>. Ibid., p.

<sup>4</sup>. Ibid., p.3

<sup>5</sup>. Ibid., p. 3

agency, it could gather facts and report behavior that violated the constitutional principles of the nation with regard to human equality and equal rights<sup>6</sup>. This Commission accessibility would enable it to facilitate in the maneuvering of this urban legislative issue through the Federal legislative process. Though any Federal housing legislation was a step in the right direction for the improvement of urban housing conditions, the Commission understood the political realities that Federal legislation had to be first approved before it could be amended for improvement. With the Commission's presence in these Federal legislative maneuvering, the needs of urban low income people, who otherwise could not represent themselves, could be competently championed.

At an early summer meeting of the Commission, Staff Director Taylor updated the Commissioner's on his testimony on the proposed civil rights bill.<sup>7</sup> He reported that "most of the questions concerned Title IV on Fair Housing, in particular the Commission's suggestions for administrative remedies as well as the further strengthening of enforcement powers".<sup>8</sup> He also indicated that this Subcommittee had

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<sup>6</sup> Hanes Walton, When The Marching Stopped: The Politics of Civil Rights Regulatory Agencies. (Albany: State University of New York Press, 1988) p.13

<sup>7</sup>. Minutes of U.S. Commission on Civil Rights: 77th Meeting, June 20-21, 1966, p.2

<sup>8</sup>. Ibid., p.2

expressed interest in the Commission's suggestions that "The maintenance of voting records by race be required in order to determine whether Negroes had served on juries or not".<sup>9</sup> Commissioner Griswold then commented that this idea "represented a salutary change because in former years, there had been great opposition on the part of civil rights groups to maintaining racial records on the ground that they could be misused".<sup>10</sup> The presence of a Commission representative at this Subcommittee hearing proved fruitful because it allowed members of Congress to perhaps more fully understand the Commission's concern for, and commitment to, the urban issues of housing and criminal justice, as well as, provide an opportunity to infuse its recommendation with this urban oriented legislation. While the Commission's support for the maintenance of voting records by race had been opposed in the past because of the potential for misuse, the Commission regarded the implementation of this jury selection policy as a means for insuring greater inclusion of Blacks in the criminal justice process.

In the fall, a brief Commission discussion ensued which concerned the relationship between the defeat of the President's proposed civil rights bill and recent urban

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<sup>9</sup>. Ibid., p.2

<sup>10</sup>. Ibid., p. 2

protest upheavals in the cities.<sup>11</sup> While Deputy Staff Director M. Carl Holman drew a distinction between civil rights demonstrations versus civil disturbances, he noted that "many citizens, including legislators, failed to make the distinction".<sup>12</sup> Staff Director Taylor noted that "while the Ribicoff hearings on urban problems had produced some useful work, there was disarray among civil rights groups,"<sup>13</sup> because of this distinction. The failure of the proposed civil rights bill in all probability had a direct correlation to the renewed instances of violent protest in urban areas. These protest explosions reflected the increasingly acrimonious disappointment and anger by urban dwellers to the Federal government's inability to enact legislation that would help alleviate much of their urban distress. While Congressional hearings debated urban issues, these people apparently resigned themselves to acts of urban violence as a means of illustrating to Congress, the nation, and civil rights groups the uselessness of continued civil rights demonstrations that produced little tangible results.

As the Commission became more directly involved with the Federal legislative process in behalf of urban issues, by the spring of 1968 the Commission had elected to meet with civil

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<sup>11</sup>. Minutes of U.S. Commission on Civil Rights: 78th Meeting, September 15, 1966, p. 2

<sup>12</sup>. Ibid., p.2

<sup>13</sup>. Ibid., p. 2

rights leaders in order to discuss what the Commission could do to enhance its civil rights efforts.<sup>14</sup> Surprisingly, there was little discussion among the participants in relation to the Commission's involvement with the Federal legislative process in behalf of urban issues. There was no mention of this meeting in any of the National Black newspapers.<sup>15</sup> Commissioner Eugene Patterson, however, commented that the Commission should not only be involved in urban oriented programs, but should also "become more involved in the legislative process by making its views known while urban issues were debated in Congress".<sup>16</sup> It is perplexing to note that while these civil right leaders offered suggestions for greater Commission involvement with issues that were important to urban residents, they did not take advantage of this opportunity to encourage a heightened involvement by the Commission in urban issues as they made their way through the Federal legislative process. Perhaps these leaders felt that the Commission's involvement with the Federal legislative process with respect to urban issues was satisfactory, or that their organizations could better lobby Congress in behalf of these issues, rather than the Commission. In any event,

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<sup>14</sup>. Minutes of U.S. Commission on Civil Rights: 92nd Meeting, March 7-9, 1968

<sup>15</sup> New York Amsterdam News, Sept - Oct, 1968  
Pittsburgh Courier, Sept - Oct, 1968  
Chicago Defender, Sept - Oct, 1968

<sup>16</sup> Minutes of Civil Rights Commission op cit., p. 15

Commissioner Patterson's point for the greater involvement by the Commission in the Federal legislative process as an advocate for urban issues, was timely and appropriate. If the Commission aspired to improve the living standards of urban Americans, it had to become more involved with the legislative process which determined laws for the equal protection of all citizens.

During the Commission's April meeting, Special Assistant to the Staff Director Martin E. Sloane commented on Taylor's recent testimony on the proposed housing and urban development bill.<sup>17</sup> He noted that Congressman Mooreland had "requested Commission assistance in the drafting of legislative language in order to incorporate some of the suggestions made by Taylor to promote a metropolitan-wide approach to equal opportunity in housing".<sup>18</sup> Though the concept of a metropolitan-wide housing policy had not been discussed in detail, it is evident that congressional representatives desired and solicited Commission expertise in the drafting of legislation that would address the housing needs of urban communities. Apparently, greater constituent pressure for Federal housing legislation, as well as the Commission's knowledge and expertise on this urban issue, prompted Congress to utilize the resources of the Commission. The drafting of legislative language by the

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<sup>17</sup>. Minutes of U.S. Commission on Civil Rights: 93rd Meeting, April 4, 1968 p.6

<sup>18</sup>. Ibid., p. 6

Commission, illustrated another facet of the Federal legislative process the Commission could influence for the attainment of better living conditions of urban Americans.

In the early summer, Sloane informed the Commissioners that the President's proposed housing bill "had passed through the Senate, but still had to be considered in the House of Representatives".<sup>19</sup> He described this piece of legislation as "the most significant housing legislation ever brought before Congress".<sup>20</sup> He noted that if this bill was passed in its present form, "it would provide the first low-income housing program without a local government approval requirement".<sup>21</sup> Commissioner Frankie M. Freeman felt that one problem that was not being addressed by existing or proposed housing legislation was "the inability of families on welfare to pay sufficient rent to cover the operating expenses of public housing".<sup>22</sup> Since Federal law required housing authorities to pay their operating expenses out of rent received. "this inability to make rent payments resulted in financial problems for city public housing authorities".<sup>23</sup> She and the Staff Director agreed that "the basic solution to this problem was

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<sup>19</sup>. Minutes of U.S. Commission on Civil Rights: 95th Meeting, June 5, 1968, p. 2

<sup>20</sup>. Ibid., p. 2

<sup>21</sup>. Ibid., p. 2

<sup>22</sup>. Ibid., p. 2

<sup>23</sup>. Ibid., p. 3

the development of a national standard of welfare payments".<sup>24</sup> Sloane concluded this discussion with the comment that the Commissioners has received copies of Taylor's testimony on the proposed Inter-governmental Cooperation Act of 1967 "which dealt with uniform relocation assistance to families and businesses displaced by Federal and Federally assisted programs".<sup>25</sup> There was much enthusiasm over the President's proposed housing bill as well as the idea that it could be implemented without the approval of local governments which, heretofore, had obstructed the execution of previous Federal housing programs. Though this impediment could potentially be circumvented, the central issue remained. The inability of welfare families to pay sufficient welfare rent in order to support the operational expenses of local housing authorities, continued to plague any Federal housing program. While a national system of welfare payments and uniform relocation assistance policies for urban renewal programs were sound proposals, the Commission still had to find the means to influence the Federal legislative process in order to get these suggestions approved by Congress.

In the fall, Commission Chairman John A. Hannah called the Commissioner's attention to "the passages of the low

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<sup>24</sup>. Ibid., p.3

<sup>25</sup>. Ibid., p. 3

income housing bill".<sup>26</sup> He then made the observation that the passage of this bill" is going to be very significant and something in which the Commission will maintain a continued interest".<sup>27</sup> The presence of the Commission in those congressional deliberations which resulted in the passage of this bill, conformed the Commission's ability to influence the Federal legislative process. Chairman Hannah's comments, however, served notice to Congress, as well as the Commissioners, that their commitment to influence the Federal legislative process had to be maintained so that other urban oriented legislative endeavors could be assured.

The Commission's victory in this urban issue, however, was short lived. At the Commission's October meeting, Sloane reported that "there was a difference between the Senate and House versions of the appropriations bill for HUD which concerned funds for the enforcement of the Fair Housing Law"<sup>28</sup> He stated that while the Senate had approved nine million dollars, "the House of Representatives as well as the Conference Committee had not considered this issue, thus had granted nothing, which was a surprise and shock".<sup>29</sup> In spite

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26. Minutes of U.S. Commission on Civil Rights: 96th Meeting, September 5, 1968, p. 3

27. Ibid., p.3

28. Minutes on U.S. Commission on Civil Rights: 97th Meeting, October 3, 1968 p. 6

29. Ibid., p. 6

of this setback, "HUD was going back for a supplemental appropriation to the new substantive housing legislation and intended to attach other provisions in order to provide funds for the fair housing enforcement activity".<sup>30</sup> The intransigence of the House of Representative and the Conference Committee in not providing funds for the enforcement of the Fair Housing Law was a disappointing setback for the Commission as well as other fair housing advocates. Though Congress had passed a Fair Housing Law, two segments of the Federal legislative process had not devoted time or concern for consideration of necessary appropriations for this much needed urban housing assistance. This political stunt reinforced Chairman Hannah's observation that the Commission must maintain its vigil over the Federal legislative process with respect to urban issues. While the attachment of rider appropriations offered the possibility that the Federal legislative process could ultimately fund provisions for the enforcement of the Fair Housing Law, its lack of funding could offer the specter of the Fair Housing Law being nothing more than a chimerical political exercise.

When the Commission met in November, Sloane reported that "HUD had received a supplemented request of two million dollars for fair housing legislation for fiscal year 1969".<sup>31</sup>

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<sup>30</sup>. Ibid., p. 6

<sup>31</sup>. Minutes of U.S. Commission on Civil Rights: 98th Meeting, November 7, 1968 p. 8

He also indicated that while "HUD had requested seventy-five million dollars, Congress had appropriated only twenty-five million dollars for each of the two new low-income housing programs".<sup>32</sup> Though the allocation of funds was inadequate to meet HUD's housing needs because of the parsimoniousness of Congress, the Commission had to resign itself to the political reality that its influence within the Federal legislative process was able to partially address the urban problems associated with housing.

During a Commission meeting in the summer of 1969, Acting Staff Director Howard A. Glickstein informed the Commissioners that hearings on national housing goals were very successful, and that newly appointed Commission Chairman Theodore M. Hesburgh, who had been a member of the Commission since 1957 and was regarded as one of the most outspoken advocates of minority rights on the Commission,<sup>33</sup> "felt that the Commission had made a contribution to the record".<sup>34</sup> Though the Commission had, at times, experienced frustration with the funding process of Congress, its influence with the Federal legislative process, in some instances, was gratifying. Its views on national urban issues managed, albeit with reservations, to seep into the decision making processes of

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<sup>32</sup>. Ibid., p. 8

<sup>33</sup> New York Times, March 13, 1969 c.4, p. 38.

<sup>34</sup>. Minutes of U.S. of Commission on Civil Rights: 105th Meeting, June 13, 1969, p. 3

Congress which resulted in some changes for the betterment urban America.

Commission testimony before Congress on other urban issues was evident at its September meeting.<sup>35</sup> Staff Director-designate Glickstein reported to the Commissioners that he had recently testified before the Senate Subcommittee on Labor. In his testimony, he expressed the Commission's position "for the granting of additional powers to the Equal Employment Opportunity Commission".<sup>36</sup> The input of the Commission on urban development with respect to the enhancement of Equal Employment Opportunity Commission (EEOC) powers and Federal legislation, illustrated to the Commission that more legislation of this type was needed. Though the Commission had experienced some success with the Federal legislative process in its advocacy of urban issues, the Commission could not rest on past accomplishments.

#### Commission Influence and a Conservative Federal Legislative Process

While the Commission had experienced some successes in its involvement with the Federal legislative process as related to urban issues, by the late 1960's the nation's mood began to change. The majority of Americans perceived an escalation of violent urban protest, and other urban problems

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<sup>35</sup>. Minutes of U.S. Commission on Civil Rights: 106th Meeting, September 11, 1969 p. 2

<sup>36</sup>. Ibid., p. 8

associated with inner city life, which could engulf suburban communities. (Under Nixon the Commission had the lowest percentage of the total civil rights budget).<sup>37</sup> Consequently, the nation began to shun its liberal urban concerns and embrace more conservative views that were based on the premise of law and order. Sensing this mood change, the Federal legislative process began to change as well. This change in values was illustrated when the Commission met in the fall of 1969. Glickstein reported to the Commissioners that "a bill which would allow a governor the power to veto legal services programs in his state if he so desired, had passed the Senate".<sup>38</sup> The bill in its present state permitted a governor to veto legal services, but "allowed the Director of the office of Economic Opportunity to override that veto".<sup>39</sup> Glickstein indicated that "the American Bar Association, well as civil rights groups, had vigorously opposed this amendment".<sup>40</sup> Vice-Chairman Stephen Horn, consequently, directed staff "to prepare a summary of both sides of the issue, as well as the potential impact of this amendment"<sup>41</sup> for the Commissioners to examine. This issue directly

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<sup>37</sup> *ibid* p.73

<sup>38</sup>. Minutes of U.S. Commission on Civil Rights: 108th Meeting, November 6, 1969, p. 3

<sup>39</sup>. *Ibid.*, p. 3

<sup>40</sup>. *Ibid.*, p. 3

<sup>41</sup>. *Ibid.*, p. 4

affected those people who needed legal services, but could not afford them. The actions of the Senate could potentially remove the Federal government from discriminatory legal practices of special interests. This reactionary policy of the Senate began the political erosion of the Commission's influence as an advocate of urban issues in the Federal legislative process.

As this conservative attitude began to engulf the Federal legislative process, efforts were increased to curtail the Commission itself. In the spring of 1970, Staff Director Glickstein updated the Commissioners on the proposed McClellan Amendment to the proposed organized crime bill.<sup>42</sup> He informed them that this proposed amendment" would prohibit the Commission from holding public meetings, and would require the Commission to turn over reports critical of private persons to United States Attorneys rather than publish them".<sup>43</sup> Discussion ensued as to the strategy the Commission could "employ in the full Senate if these amendments were defeated in the Senate Judiciary Committee but were raised again in the full Senate".<sup>44</sup> While Senator McClellan was an old adversary of the Commission dating back to the civil rights movement of the early Sixties, the Commission was more concerned with

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<sup>42</sup>. Minutes of U.S. Commission on Civil Rights: 114th Meeting, May 7, 1970, p. 2

<sup>43</sup>. Ibid., p. 2

<sup>44</sup>. Ibid., p. 2

White Supremacist advocates in Congress allying with emerging reactionary law and order interests, for the purpose of influencing Federal legislation that pertained to urban issues, as well as, the political life of the Commission. Consequently, the Commission had to consolidate its support in the full Senate in order to protect its own self-interest as well as those of urban communities.

These supportive efforts proved successful when the Staff Director informed the Commissioners that the McClellan Amendment to limit Commission authority with respect to criminal justice "was defeated in the full Judiciary Committee by a vote of eleven to five".<sup>45</sup> With respect to other urban matters, Assistant Staff Director for Civil Rights Program and Policy Martin E. Sloane reported to the Commissioners that he had received a letter from Congressman Barrett of the Housing Subcommittee who requested that the Commission "comment on a bill which would attempt to deal with the problem of suburban communities keeping out minority group and low income families".<sup>46</sup> Sloane felt that "this bill was a step in the right direction, but was too weak".<sup>47</sup> He suggested that "the only remedy in the bill would be through legislation in the

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<sup>45</sup>. Minutes of U.S. Commission on Civil Rights: 115th Meeting, July 7, 1970, p. 4

<sup>46</sup>. Ibid., p. 8

<sup>47</sup>. Ibid., p. 8



Federal District Courts".<sup>48</sup> In regard to the authorization question, Special Assistant to the Staff Director, Jonathan W. Fleming, informed the Commissioners that "the Commission's authorization goes to the floor of the Senate today and should be voted on favorably next week".<sup>49</sup> Though the Mclellan Amendment had been defeated, the Commission had to maintain it vigilance against encroachment from other potential Federal legislative efforts to dilute or remove its authority. While the Commission was preoccupied with its own political survival, urban issues continued to demand the Commission's attention with respect to the Federal legislative process. Commission input was still needed by Congress to help strengthen laws against suburban housing discrimination.

As Congress continued to debate the Commission's authorization, the Commission continued to influence the Federal legislative process as it related to urban issues. In the Commission's fall meeting, Fleming reported that a bill that would "give the EEOC cease and desist power as well as coverage over State and local government employment is bottled up in the House Rules Committee, and the Family Assistance Plan is bogged down in the Senate Finance Committee".<sup>50</sup> Though the Federal legislative process was often-times tedious

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<sup>48</sup>. Ibid., p. 8

<sup>49</sup>. Ibid., p. 8

<sup>50</sup>. Minutes of U.S. Commission on Civil Rights: 117th Meeting, October 12, 1970 p. 3



and complicated, the political machinations of Congress, which included procrastination on the Commission's authorization, reflected the hesitancy of Congress to support urban oriented legislation. The Commission had to keep abreast of these Federal legislative pitfalls in order to continue influencing Federal legislation that would benefit urban interests.

At the Commission's February 1971 meeting, the Commission's major Federal legislative concern with respect to urban issues involved President Richard Nixon's proposed Federal revenue sharing project.<sup>51</sup> Revenue sharing was the centerpiece of Nixon's New Federalism, which was designed to reverse the flow of power from the Federal government back to the states and localities. This redistribution of wealth was intended to get governmental spending under control by putting discretionary spending income in the hands of those who earned it, not the bureaucrats in Washington.<sup>52</sup> Revenue sharing was the most important legislative achievement of the Nixon administration in terms of his New Federalism philosophy.<sup>53</sup> Many Black leaders, however, were skeptical of Nixon's revenue sharing proposal. They had been burned many times by the funnelling of unrestricted Federal funds to the states. Roy

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<sup>51</sup> Minutes of U.S. Commission on Civil Rights: 121st Meeting, February 8, 1971, p. 8

<sup>52</sup> William Safire. Before the Fall: An Inside View of the Pre-Watergate White House (Garden City, New York: 1975) p. 216.

<sup>53</sup> Ibid., p. 223.

Wilkins, Executive Secretary for the NAACP, made the comment that "Black voters are suspicious of any scheme which calls for sending Federal funds into states with no strings attached."<sup>54</sup> Many others felt that there must be safeguards to see that the unrestricted billions of dollars would go fairly in each state to all citizens without discrimination. "The government must not merely take the word of the states, but must follow through and enforce the nondiscrimination clause or withhold the funds."<sup>55</sup> Staff Director Glickstein provided the Commissioners with a summation of the proposal which called for "the allocation of Federal revenues to state and local governments for the purpose of employing laborers on various urban projects".<sup>56</sup> His presentation offered "documentation on the civil rights concerns that were created by this program and recommendations as to the basic protection which should accompany revenue sharing".<sup>57</sup> Glickstein warned the Commissioners that "in the near future the Commission would be required to take a position on this proposal".<sup>58</sup> He also informed them that "they would be invited to testify when

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<sup>54</sup> Crisis vol. 78:3(April/May 1971), p. 97.

<sup>55</sup> Ibid., p. 98.

<sup>56</sup>. Ibid., p. 8

<sup>57</sup>. Ibid., p. 8

<sup>58</sup>. Ibid., p. 8

the issue came before Congress".<sup>59</sup> After further discussion, the Commissioners agreed "not to take a position on the issue of revenue sharing, but take a stand on the civil rights safeguards required if revenue sharing is enacted, as well as what safeguards should be embodied in any revenue sharing law to make certain that minorities' rights are protected".<sup>60</sup> Civil rights advocates associated revenue sharing with a declining commitment to public participation in Federally-funded programs. It was based on the premise that government closest to the people was most responsive to the needs of the people. Many civil rights activists questioned this premise based on the view that state and local governments had hindered or denied minorities an equal opportunity to public programs and had passed laws which had infringed upon their rights. Consequently, revenue sharing was viewed as symptomatic of a declining commitment by the Federal government to the principle of equal opportunity.<sup>61</sup> Though a President has the right to request support for his legislative project, the requirements that the Commission take a position on this Federal revenue sharing proposal which was before Congress was, perhaps, inappropriate. The Commission employed

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<sup>59</sup> . Ibid., p. 8

<sup>60</sup> . Ibid., p. 8

<sup>61</sup> Making Civil Rights Sense out of Revenue Sharing Dollars. U.S. Commission on Civil Rights Clearinghouse Publication #50: Washington, D.C., February 1975, p. 84.

sound judgement in circumventing this Federal legislative chicanery. Had the Commission adhered to the President's demands, it could have unduly been pressured into influencing the Federal legislative process in favor of the President's urban policies. By limiting its assessment of revenue sharing to civil rights safeguards, the Commission avoided passing judgement on revenue sharing per se, but remained an advocate of minority rights with respect to Federal legislation.

General revenue sharing was signed into law October 20, 1972. With this new Federal funding policy, monies were to be spent on any type of service or project. Only minimal administrative provisions were imposed, while state and local governments were given considerable latitude in making spending decisions.<sup>62</sup> The Commission as well as civil rights proponents could only wait to see if these monies would be spend in a non-discriminatory manner.

While the Commission continued to influence the Federal legislative process associated with urban issues, it was also confronted with internal disruptions. At a spring meeting of the Commission, Staff Director Glickstein reported to the Commissioners that he had been asked to testify before a House committee on legislation that would strengthen the EEOC.<sup>63</sup> His testimony encompassed three recommendations the Commission

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<sup>62</sup> Ibid., p. 2.

<sup>63</sup>. Minutes of U.S. Commission on Civil Rights: 122nd Meeting, March 15, 1971 p. 2

had supported i.e., "the office of Federal Contract Compliance be merged into the EEOC; the EEOC be provided with cease and desist powers; and that the EEOC be given jurisdiction over State and local government employment".<sup>64</sup> With respect to another provision of the proposed bill which would have given the EEOC jurisdiction over discrimination in Federal employment, the Staff Director testified that "since the Commission's Civil Rights Enforcement Report had not found a significant overlap or the lack of coordination in this area, the Commission did not think this provision was necessary".<sup>65</sup> In his concluding remarks, Glickstein pointed out that "several members of the Committee as well as Clarence Mitchell, Legal Counsel for the NAACP took issue on that point".<sup>66</sup> It is difficult at this juncture to understand the Staff Director's line of reasoning. The first three recommendations concerned only the overlap or lack of coordination with State and local agencies and the EEOC, while the last recommendation concerned only the regulation of Federal employment by the EEOC. It appears that all of the recommendations involved means for the improvement of the EEOC as a more efficient regulatory agency. Because Federal government is such a vast bureaucracy with many different

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<sup>64</sup>. Ibid., p. 2

<sup>65</sup>. Ibid., p. 3

<sup>66</sup>. Ibid., p. 3

policies that related to employment, the EEOC should have been awarded this regulatory responsibility. Another point to consider in light of disagreement by members of this Committee as well as the NAACP's Legal Counsel, was that Glickstein would have been more judicious in the deferment of this recommendation for further deliberation to the Commission. This assumption of authority by a Commission subordinate on such a sensitive policy issue, without Commission authority, lessened the effectiveness of Commission input in the Federal legislative process with respect to this urban employment issue.

Another instance where by junior Commission staff superseded Commission authority, and influenced the direction of the Federal legislative process as it related to urban issues, was presented at the Commission's May meeting. Fleming informed the Commissioners that Sudow, a Member of his staff, "had preformed yeoman service for the Commission in terms of proposed EEOC legislation".<sup>67</sup> He explained that Sudow had been invited by Counsel for the House Education and Labor Subcommittee to, in effect, be his private Counsel during deliberations on this legislation. As a result of this arrangement, the Subcommittee "reported out a bill which embodies all the recommendation we have made in our reports

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<sup>67</sup>. Minutes of U.S. Commission on Civil Rights: 124th Meeting, May 9-10, 1971, p. 10

in the employment area".<sup>68</sup> As a result, Vice Chairman Horn requested Commission Staff to update a list of recommendations that had been adapted by Congress and the Executive Branch as well as "do more research on the Scranton and Kerner Commission recommendations in order to find out the degree to which their recommendations have been adopted vis-a-vis those of this Commission".<sup>69</sup> Though Fleming presented Sudow's accomplishments as fait accompli, which was instrumental in getting the Commission's recommendations reported out of this subcommittee, this question remains as to where Sudow got his authority to provide Counsel in behalf of the Commission. In this particular instance, the Commission's urban interests were served without its knowledge or approval. Though this non-authorization policy had some success, it could have potentially balkanized future Commission legislative endeavors. Disruptions, such as these, helped to detract Commission efforts from presenting, in a cohesive manner, the problems of urban Americans to the Federal legislative process.

As the Commission endured these internal distractions, it continued to confront urban discriminatory practices within the Federal legislative process. During a Commission fall meeting, a copy of Chairman Hesburgh's testimony, in

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<sup>68</sup>. Ibid., p. 10

<sup>69</sup>. Ibid., p. 10

connection with the Housing and Urban Act of 1971, was distributed to the Commissioners.<sup>70</sup> Acting Deputy Staff Director Sloane made the comment that the day after Chairman Hesburgh testified, representatives from the National Association of the home builders took the position that "Title V was undemocratic and contrary to the free enterprise system".<sup>71</sup> Many Committee members were angered by these remarks, and cited Chairman Hesburgh's testimony in attacking the position of the home builders. Acting Staff Director John A. Buggs, also informed the Commissioners that "Chairman Hesburgh had testified before the Senate Subcommittee on labor in regard to the Equal Employment Opportunity Act of 1971".<sup>72</sup> In these instances, Commission input was still desired on urban issues that were being addressed through the legislative process. The Commission had to continually confront special interests groups, like the home builders, who sought to enhance their own interests at the expense of low income urban citizens. At the risk of being labeled un-American, the Commission continued to confront the urban issues of housing, employment, and criminal justice by influencing the Federal legislative process for the enactment of laws that would address these issues. The Commission's influence within the

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<sup>70</sup>. Minutes of U.S. Commission on Civil Rights: 127th Meeting, October 7, 1971 p. 4

<sup>71</sup>. Ibid., p. 4

<sup>72</sup>. Ibid., p. 4

Federal legislative process, however, had begun to wane with respect to urban issues.

### Decline of Urban Issues in Federal Legislative Process

By 1972, the mood of the country and congress had drastically changed with respect to urban issues. The reactionary conservatism, that had been generated at the beginning of the decade, began to envelope Congress, and to an extent the Commission. Throughout the year there were no discussions or developments by the Commission which concerned the Federal legislative process and urban issues.<sup>73</sup> Unfortunately, the Commission had to involve itself instead, with authorization and extension issues which threatened its own political survival. In the fall of 1972, President Nixon forced the resignation of Father Hesburgh who expressed the hypocrisy of Nixon's administration in the commitment to the enforcement of civil rights. Perhaps Hesburgh was removed because he defined "law and order" not in terms of repression, but as an indispensable element for the kind of environment in which liberty and justice could be brought to flower.<sup>74</sup> Many people regarded him as "the epitome of the ideals of justice, human rights, and equal opportunity as well as the

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<sup>73</sup>. Minutes of U.S. Commission on Civil Rights: 130th-139th Meetings, January 10, 1972 - January 19, 1972

<sup>74</sup> "Law and Order and Father Hesburgh," Christian Century 89, December 6, 1973, p. 1232-3.

conscience of the Commission. His absence will sorely be missed."<sup>75</sup> The absence of urban issues with respect to the Federal legislative process as well as Dr. Hesburgh's enthusiasm as a national civil rights figure in all probability hampered the momentum the Commission had gained through its influence on Congress for the alleviation of urban ills.

In the spring of 1973, the Commission attempted to regain this urban impetus when Sloane reviewed President Nixon's community development message for the Commissioners.<sup>76</sup> He stated that though "this message acknowledged defects in the housing program, it did not say what these defects are".<sup>77</sup> He believed that "most of the defects were those of management which could have been corrected".<sup>78</sup> The message also suggested that "a study was underway in order to develop new proposals to replace existing housing programs, and that legislation affecting this would be introduced in about six months".<sup>79</sup> Sloane noted that the people at HUD who knew these programs "are out of the planning process and that a new group

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<sup>75</sup> "Loss and Opportunity," Commonweal 97, December 8, 1972, pp. 219-220.

<sup>76</sup>. Minutes of U.S. Commission on Civil Rights: 142nd Meeting, March 12, 1973 p. 8

<sup>77</sup>. Ibid., p. 8

<sup>78</sup>. Ibid., p. 8

<sup>79</sup>. Ibid., p. 8

of people who do not necessarily know the program, are now involved in it".<sup>80</sup> When Vice Chairman Horn indicated that he was planning to meet with the HUD Secretary in order to discuss these problems, Sloane suggested that "one of the best ways the Commission could get involved with some of these problems is in the process of clearance of the draft bill".<sup>81</sup> While the President's community development message acknowledged shortcomings within the housing section, the nation, Congress, and the Commission would have to wait for a least six months before corrections would be available for consideration. The lack of concern for those in need of Federal housing solutions, reflected the insensitivity by the White House for the plight of urban dwellers. The displacement of competent, experienced HUD staff, which apparently was decided by senior HUD officials, further illustrated the expanding deterioration the Nixon Administration had embraced for the resolution of urban housing ills. Blacks were still incensed over Nixon's "forced integration" phrase as well as the comment that "a municipality that does not want Federally assisted housing should not have it imposed from Washington".<sup>82</sup> This negative attitude further eroded the Commission's efforts to influence

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<sup>80</sup>. Ibid., p. 8

<sup>81</sup>. Ibid., p. 8

<sup>82</sup> Pittsburgh Courier. June 19, 1971 p.4 c.1

the Federal legislative process as an advocate for urban issues.

After a seven month lull, the Commission, again, sought to influence the Federal legislative process as it effected urban issues, when Vice Chairman Horn Presented for discussion Section III (c) of the criminal justice bill that was before Congress.<sup>83</sup> He expressed his concern that this section of the bill "exempts from compliance criminal justice information systems for which full compliance is not feasible because of the manual nature of the systems".<sup>84</sup> He suggested, however, that "it was more important to have a criminal justice information system, not whether the system was manual or automated".<sup>85</sup> The presence of a criminal justice information system that was based on Federal guidelines was an issue of major importance to urban communities. Efforts by Congress to dilute its effectiveness, and thus lessen its significance because of types of information systems employed, decreased the possibility of equal, uniform legal protection for all citizens regardless of race or economic status. Though a manual criminal justice information system would be tedious and perhaps less efficient than a fully automated system, the Commission had to continue to influence the Federal

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<sup>83</sup>. Minutes of U.S. Commission on Civil Rights: 150th Meeting, November 12, 1973 p.3

<sup>84</sup>. Ibid., p. 3

<sup>85</sup>. Ibid., p. 3

legislative process so that a system could be implemented which would address the criminal justice concerns of urban communities.

After another extended lull, the Commission, again, addressed urban issues in the Federal legislative process. Staff Director Buggs informed the Commissioners at their August meeting that letters had been sent by his staff "to the Speaker of the House, the President of the Senate, and the President of the United States which concerned a report from the Equal Employment Opportunity Council".<sup>86</sup> During a lengthy discussion, Buggs suggested that "the basic issues were the pros and cons of the Commission requesting that Congress relieve it of membership and/or recommending that the Council be abolished".<sup>87</sup> At the end of the discussion, newly appointed Commission Chairman Arthur S. Flemming, who was described by some as having a decent civil rights record which helped herald an urgently needed revitalization of the agency,<sup>88</sup> requested "a position paper on the various points of view"<sup>89</sup> be submitted to the Commissioners for their evaluation. There was no indication as to why the Council had not fulfilled its employment responsibilities. The

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<sup>86</sup>. Minutes of U.S. Commission on Civil Rights: 158th Meeting, August 29, 1974, p.3

<sup>87</sup>. Ibid., p. 3

<sup>88</sup> Nation vol. 217(23), December 31, 1973, p. 710.

<sup>89</sup> Minutes of the Civil Rights Commission op cit., p. 3

Commission's recommendations, however, further reduced the possibilities of avenues urban people could use for urban grievances, and solutions within the Federal legislative process.

In September, after the Commissioners had been updated on letter for Chairman Peter Rodino Jr. of the House Judiciary Committee, who had invited representatives of the Commission to testify on equal opportunity in housing,<sup>90</sup> a more controversial and sinister issue disrupted the Federal legislative process. The Staff Director distributed a memorandum to the Commissioners which concerned "allegations of employment discrimination practices on capital hill."<sup>91</sup> It is the policy of the Federal government to provide equal opportunity in Federal employment for all persons regardless of race, religion, sex, or national origin. The Constitution of the United States requires non-discrimination by the Federal government in all its activities, including employment.<sup>92</sup> While the Commission had no enforcement powers, it did illustrate the mistreatment of Blacks and other minorities which was anathema to a powerful minority in Congress which created it. As an alternative to writing a

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<sup>90</sup>. Minutes of U.S. Commission on Civil Rights: 159th Meeting, September 9, 1974, p. 2

<sup>91</sup>. Ibid., p. 3

<sup>92</sup> Benjamin Muse. The American Negro Revolution: From Non-Violence to Black Power (New York: The Citadel Press, 1970) p. 46.

letter to Senator Metcalf, who was the Chairman of the Joint Committee on Congressional Operations, the Staff Director suggested that "a letter could be sent to another committee which would recommend something more than the current examination of discriminatory hiring practices be done, or that the Commission conduct the hiring examinations".<sup>93</sup> Chairman Flemming raised the issues as to "whether the Civil Rights Act applied to members of Congress, or whether members of Congress had any obligation to adhere to the policy of Civil Rights Act".<sup>94</sup> After further discussion, the Chairman suggested that "a presentation of the legal situation, as it effects both the Legislative and Judicial Branches of the Federal government, as well as, some legislative history"<sup>95</sup> be examined by the Commissioners before a recommendation be transmitted to Congress. Though the Commission still attempted to be responsive to the needs of the Federal legislative process as it related to urban issues, this more ominous issue threatened the legitimacy of the entire process. While the Commission had no enforcement powers, it did illustrate the mistreatment of Blacks, and other minorities which was an anathema to a powerful minority in Congress which created it. Allegations of discriminatory hiring practices

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<sup>93</sup> Minutes of the Civil Rights Commission op cit., p. 3

<sup>94</sup>. Ibid., p. 3

<sup>95</sup>. Ibid., p. 3

within Congress posed a major dilemma for the Commission. The Legislative Branch of the Federal government had the responsibility for the enactment of legislation that would abolish discriminatory hiring practices for all citizens. The Commission was mandated by this body to monitor and assess employment discrimination within the Federal government. Congress was a branch of the Federal government, yet allegations had been presented which charged this branch of the Federal government with employment discrimination. To compound matters, this branch of government was directly responsible for the continued appropriations and existence of the Commission. The legalities of Congressional immunity versus the Commission's mandate to appraise Federal discriminatory hiring practices, as well as, the civil rights of potential Federal employees, placed the Commission in a moral and legal predicament. Should it continue to make recommendations for the alleviation of employment discrimination in Congress (a Federal entity) at the risk of losing its influence and existence, as well as, its credibility with citizens in the Federal legislative process? In all probability, this political quandary dampened the Commission's enthusiasm for the continued advocacy of urban issues through the Federal legislative process.

When the Commission met in November, Staff Director Buggs led a brief discussion on the alleged discriminatory hiring practices of Congress, and noted that "a congressional status

report would be provided to the Commissioners at the Commission's next meeting".<sup>96</sup> It is important to mention that at the Commission's December meeting, there was no discussion or status report which addressed the alleged Congressional discriminatory employment practices as promised by the Staff Director.<sup>97</sup> Apparently this urban issue was so sensitive that congressional pressures smothered this explosive controversy. It seems ironic that attempts to influence the Federal legislative process by the Commission in behalf of urban issues, was reversed. This same Federal legislative process was now employed to influence the Commission in order to sustain discriminatory employment practices of itself.

### Conclusion

In the appraisal of Commission involvement with the Federal legislative process on behalf of urban issues associated with housing, employment, and criminal justice from 1965-1974, several points must be considered. Since the Commission's inception in 1957, it had sought to influence the Federal legislative process. Its earliest sustained success evolved around the civil rights movement of the early sixties when civil rights laws were enacted as a direct result of the

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<sup>96</sup>. Minutes of U.S. Commission on Civil Rights: 161st Meeting, November 11, 1974, p. 1

<sup>97</sup>. Minutes of U.S. commission on Civil Rights: 162nd Meeting, December 16, 1974

contributions made by the Commission to the Federal legislative process.

When the urban protest demonstrations of the mid-sixties failed to institute change in the depressing lifestyles of urban dwellers, violence erupted in the cities which shocked the nation into confronting these urban ills or risking the dismemberment of American society. The Commission employed strategies that were successful in the civil rights movement to influence the Federal legislative process in behalf of urban oriented issues. Unlike previous encounters with Black Leaders, however, there was little input by them for the refinement of Commission activities with respect to urban issues and the Federal legislative process. Consequently, the Commission continued its efforts to influence the Federal legislative process as an advocate of urban issues with little criticism or support from urban leaders.

As the nation reacted to the presence of urban protest violence and embraced the law and order doctrine of Richard Nixon, the Federal legislative process became more conservative and less inclined to Commission influence with respect to the urban issues of housing, employment, and criminal justice. Efforts were, thus initiated to control or lessen the Commission's influence in the Federal legislative process, with political threats, like the "McClellan Amendments", for a reduction of congressional appropriations and the dilution of Commission authority, which threatened

Commission existence. While Congress still requested Commission input in its deliberations on urban issues, the Commission had to constantly be aware of the fact that this Federal branch of government controlled its very survival, and, thus, it could not pressure Congress on urban issues that were sensitive to congressional constituents. By 1972, the Commission began to experience political lulls within the Federal legislative process, with respect to urban issues, due to the demonstrated lack of support from the Nixon administration, as exemplified by HUD's displacement of competent staff, the absence of Father Hesburgh, as well as minimum involvement by civil rights organizations.

Finally, when the Commission in 1974 was confronted by charges of discriminatory employment practices in Congress, its influence within the Federal legislative process as it related to urban issues, evaporated. This Political bastion used its influence to protect its own interests and suppress Commission actions that would have challenged these discriminatory employment practices in Congress. Though the Commission had experienced some successes in its influence of the Federal legislative process as an advocate of urban issues associated with housing, employment, and criminal justice, the hypocrisy of Congress all but nullified these urban gains. The enthusiasm for and commitment to the enhancement of urban life in America, through its influence within the Federal legislative process, from 1965 through 1974 was replaced by

resignation within the Commission for its own political survival. This abdication of Commission commitment and responsibility left urban dwellers to their own means for influencing the Federal legislative process with respect to the problems associated with housing, employment, and criminal justice.

## CONCLUSION

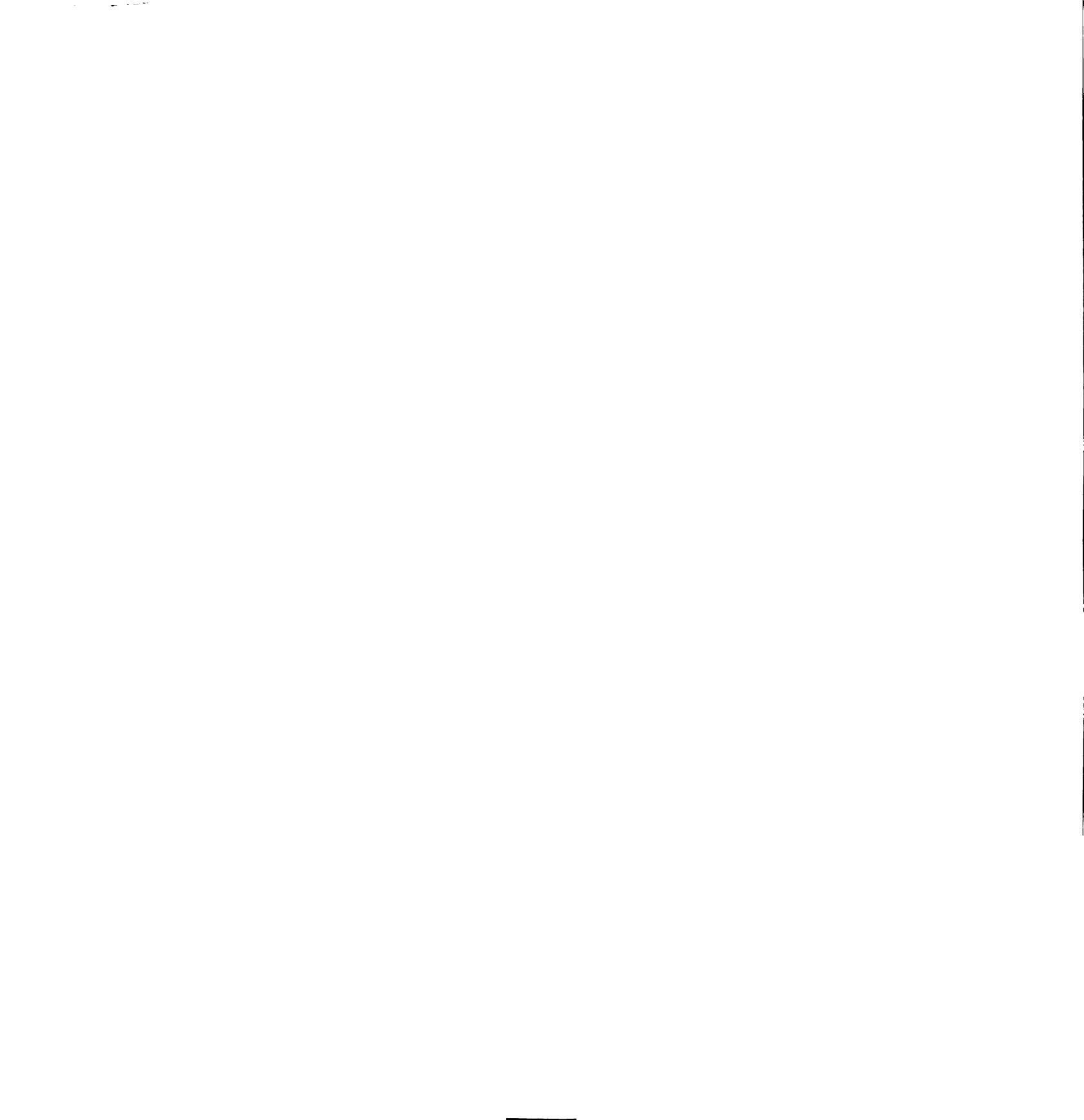
In looking back at the Commission's urban activities with respect to housing, employment, and criminal justice from 1965-1974, it is necessary to define the historical context in which these events occurred. The coalitions that were allies during the modern civil rights movement splintered into rival interest groups. The Viet Nam War became a no-win American tragedy. Many leaders, who could have been a positive force in urban race relations, were assassinated. George Wallace's silent majority gave way to Richard Nixon's law and order philosophy, while Watergate rocked the foundations of American democracy. Throughout this social and political turbulence, the Commission attempted to improve the lifestyles of urban Americans by confronting urban ills associated with housing, employment, and criminal justice. In assessing the input of the Commission with respect to these urban issues, four themes emerged. Before determining the Commission's impact on these urban themes, some general conclusions should be made. After these general conclusions have been discussed, then specific conclusions will be drawn from those themes.



### General Conclusions Within the Historical Context 1965-1974

Since the Commission's creation in 1957 through 1964, most of the Commission's involvement with civil rights issues centered around the question of voting rights and the Jim Crow segregation and discrimination policies of the South. After 1964, the Commission concentrated its energies on discrimination problems in primarily urban metropolitan areas. Because the Commission did not have models in which to address these issues, programs, that had been successful regionally, were incorporated on a national scale. Because of the uniqueness of urban metropolitan problems, the Commission realized that strategies that had experienced some success in the South could not necessarily be applied on a national urban level. New approaches had to be created as the Commission confronted these urban problems. Thus, the Commission had to be resourceful and flexible enough to adapt itself to these urban influences while still attempting to cope with the complexities of urban life.

Another issue that the Commission had to contend with concerned violent acts of urban protest in the nation's cities. The explosions of Watts ushered in a growing impatience with non-violent protest. Many citizens in urban communities became more intolerant of their living conditions and the apparently deaf ears of government. These people had watched their southern brethren march, sing, tolerate human indignities, experience physical brutality, and wait for their



government to acknowledge their rights as citizens. The return of Viet Nam veterans (as well as the loss of those who did not return), compounded with the growing disgruntlement and disillusionment of the urban populace, created a new militancy. This militancy, fueled by young college radicals, demanded immediate change in the social and economic structure of the country. It reached its zenith with the protest eruption in Chicago at the 1968 National Democratic Convention, and threatened to disrupt the foundations of American society. The Commission had to weather criticism from these militant forces, while not alienating more conservative national interests.

While the militancy expanded into urban areas, the specter of racial polarization began to threaten the social fabric of American society. Conservative urban interests perceived blatant Jim Crow discrimination policies as being unjust, but were hesitant to acknowledge racial discrimination within their own communities. Many urban people, especially Blacks, wished to improve their quality of life by relocating to suburban communities. As Blacks became more culturally expressive, many Whites became more apprehensive of these different cultural statements and mannerisms. When Blacks attempted to move into these heretofore closed communities, Whites perceived this urban shift as an intrusion on their constitutional right to protect their families. Latent racial hostility, as in the case of Cairo, Illinois, soon erupted

into violence. The Commission was faced with the dilemma of trying to improve the lifestyle of urban people while at the same time preventing the further racial polarization of the nation.

With the election of Nixon in 1968, the Commission and the nation began to experience a more conservative attitude toward the urban issues associated with housing, employment, and criminal justice. Federal funding sources for urban improvement projects became no longer available. National leaders, who had been supporters of past civil rights coalitions, began to be replaced by business people who were more concerned with their own self interests than with funding expensive urban programs. These business oriented interests conspired with die-hard White supremacist advocates, like Senator John McClellan, in attempts to dilute the authority of the Commission and reduce its funding. Consequently, the Commission had to constantly be on guard against economic and political encroachment, as well as the social alienation of these interests, for its own survival in its support for urban civil rights issues. Taken within the historical context of the uniqueness of urban civil rights issues, urban protest violence, racial polarization, and a more conservative national leadership, it is now possible to access the input of the Commission with respect to the urban issues of housing, employment, and criminal justice from 1965-1974.

### Specific Conclusions with Respect to Urban Issues

The first theme to be addressed concerns the Commission's appraisal efforts of Federal agencies. Early Commission appraisal efforts of Federal agencies met with some success. Federal agencies, such as HUD and the Department of Labor, were informed by the Commission of their discriminatory civil rights policies, and accepted the Commission's recommendations for their corrections. In an effort to improve its Federal agency appraisal policy, the Commission held a fact finding retreat in 1968 at Coral Gables, Florida, with several national civil rights leaders. From those discussions, recommendations were presented to the Commission, many of which were incorporated into its Federal agency appraisal program. Among these were the creation of a more uniform urban related informational service throughout the Federal government; the need for social scientists in Federal agencies; and better communication with urban groups and Federal agencies.

As the nation's leadership changed with the election of Nixon, the Commission sought to work in harmony with the new administration. Most of its efforts, however, were ignored or tabled. Letters were unanswered, meetings were canceled, and commitments forgotten. Many top administrators denied discriminatory practices within their agencies, as in the instance when Secretary of Defense Melvin Laird expressed his "shock" that Federal defense contracts had been awarded

without the required contract compliance review. Some Federal agencies attempted to circumvent the Commission's appraisal recommendations as did HUD by assigning newly constructed housing to suburban whites, while existing housing was targeted for inner-city Blacks. As 1970 ended, the appraisal efforts of Federal agencies dwindled in importance. The earlier appraisal successes had been supplanted by an administration that did not support or encourage the Commission appraisal policy of Federal agencies.

The next theme that was presented concerned the interaction and cooperation with community groups and the Commission. As a means of confronting the causes for urban violent protest, President Johnson's Council on Equal Opportunity requested the Commission's participation in discussions with community groups as to the causes and solutions for this urban unrest. While meeting in Coral Gables, civil rights leaders offered recommendations that were implemented by the Commission for the betterment of community relations. Among these were better attempts to reach minority group leaders and community opinion makers; better community education on urban issues; and the improvement of the Commission's informational services for urban communities. Programs were thus developed by the Commission, like the Urban Project, in specific communities that addressed the issues of urban renewal, urban racism, and police brutality.

With the change in presidential administrations in 1968, the focus of direct community involvement by the Commission began to change. The Commission now sought to resolve urban community problems without community consultation. Criminal justice issues, for example, were now concerned with law enforcement rather than charges of police brutality. Witnesses were screened at Commission hearings in order to save time and eliminate potential disruptions. By the mid-seventies, the Commission had been relegated to an informational agency with respect to community groups. They were informed of Commission activity with respect to urban issues without their input or involvement. Consequently, the Commission became more insulated from urban community groups and less receptive to their needs.

The next theme that was presented concerned the on-site investigation hearings of specific urban conflicts by the Commission. As racial tensions began to mount in the mid-sixties, critics of the Commission voiced their displeasure at the remoteness of the Commission in Washington. Many citizens felt that only the physical presence of the Commission in specific areas could resolve particular urban ills. A Northern Urban Plan was developed by the Commission for on-site investigation hearings. Several hearings were held throughout the nation's metropolitan areas which addressed housing, employment, and criminal justice. These kinds of hearings embraced each of these issues. Cleveland,

San Francisco, and San Antonio were among these cities. Other hearings, like the New York City Puerto Rican hearing, addressed primarily the single issue of police brutality. As a direct result of those on-site investigation hearings, programs were instituted and policies were changed which helped resolve these particular urban problems.

By the early seventies, the Commission began to re-direct its on-site investigation hearings away from inner-city problems and toward suburban access. This is illustrated by the St. Louis, Baltimore, and Washington hearings. Regional solutions began to be discussed by the Commission which concerned the problems associated with the creation of new communities, transportation systems, and new industry, while inner-cities were left to decay. As a budgetary measure, a portion of the Commission heard testimony about racial tensions over housing in Cairo. This hearing proved to be the nadir of Commission hearings, because questions were not addressed due to the lack of sufficient staff as well as the lack of concern by the full Commission. Racial tensions, which were deeper than the housing issue, became more pronounced after the Commission's departure. The less than thorough investigation of Cairo's urban problems, as well as the Commission's failure to investigate the racial problems of Asian Americans in San Francisco, typified the Commission's declining commitment to on-site investigation hearings with

respect to the urban issues of housing, employment, and criminal justice.

The last theme that was addressed concerned the Commission's influence in behalf of urban issues with respect to the Federal legislative process. The employment of Commission influence to assist in the creation of Federal legislation during the civil rights movement of the early sixties was a sound strategy. Because of its success, the Commission sought to use its influence in the Federal legislative process in order to insure the civil rights of urban Americans. Federal legislators, who wished to appeal to their urban constituents' needs, actively sought input from the Commission on urban legislative proposals. It is interesting to note that when the Commission met in Florida with urban civil rights leaders, no mention was made by these leaders with regard to the Commission's ability to influence the Federal legislative process. The Commission, however, continued to offer its recommendations and expertise to legislators as they attempted to create legislation that pertained to urban issues.

With the election of Nixon in 1968, however, the Commission's access to the Federal legislative process, with respect to urban issues, began to decline. With the change of congressional representatives, a constituency emerged which was less concerned with urban issues associated with housing, employment, and criminal justice, and more concerned with

regional business ventures and the reduction of government spending. White supremacist advocates like Senator McClellan, sensing this political change, attempted to pass legislation that would weaken the Commission, as well as its position on urban issues. Though the Senator's proposals were defeated, the Commission's influence within the Federal legislative process was severely weakened. President Nixon attempted to force his will on Commission policy through his revenue sharing proposal. The Commission side-stepped this political pitfall by limiting its assessment of this proposal to civil rights safeguards for urban minorities, but probably lost more of its influence in the executive branch, and the Federal legislative process. This is illustrated by the fact that there were no discussions of Federal proposals submitted by the President or Congress to the Commission for over a year. After several more extended lulls an event occurred which directly affected the Commission and its influence in the Federal legislative process. Allegations of employment discrimination in the hiring practices of Congress came to the Commission's attention. The Commission was faced with yet another dilemma. Should it continue its investigation of these charges and, since Congress controlled the Commission's budget, risk its economic existence? Apparently, the Federal legislative process pressured the Commission to drop its employment discrimination investigation of Congress because

this sensitive issue, which was scheduled for further discussion, was not addressed.

Before a final determination of these themes can be determined, two factors need to be considered. First, the Commission's involvement with these urban related issues was concurrent. From 1965-1974 the Commission had to involve itself with these ongoing projects, as well as its other duties, with an increasingly limited budget; White supremacist advocates attempts to abolish the Commission; business interests viewed the Commission as meddlesome and expensive; and disgruntled urban citizens who felt that the Commission was a panacea for urban problems. Next, except for some limited secondary sources, the conclusions for this project resulted from an analysis of the minutes of the Commission from 1965-1974. As explained earlier, but must be reiterated, the denial of the Freedom of Information Request by William Gellers, Solicitor for the Commission, prohibited access to information, documents, correspondence, and other research material that could have, perhaps, offered a different perspective on the activities of the Commission with respect to urban issues. Dr. Hannah's papers were insightful. Unfortunately, President Nixon requested his resignation in 1969. Finally, the author is solely responsible for the final conclusions of the Commission with respect to the urban issues of housing, employment, and criminal justice.

## Conclusion

The Commission did have an impact on, and did make a contribution to, the urban issues of housing, employment, and criminal justice from 1965-1974. Its appraisal of Federal agencies exposed civil rights discrimination and managed to get some Federal agencies to accept its recommendations for improvement. It was also responsible for bringing different people together with its urban community group meetings who, heretofore, were hostile toward each other. These meetings were fruitful because these urban groups were able to exchange ideas and perceptions for the betterment of their communities. The on-site investigation hearings allowed the Commission to be less isolated from particular urban problems. With exceptions, like Cairo, the presence of the Commission probably defused urban tensions to the point where citizens did not have to resort to violence in order to be acknowledged by their government. Finally, through its influence in the Federal legislative process, the Commission was able to contribute to Federal legislation that improved the quality of life for urban dwellers.

With the election of Nixon, however, many of the Commission's urban gains were diluted or nullified. His administration contributed to the discouragement of continued effective Federal agency appraisals; ignored the presence of community groups; demonstrated a lack of support for Commission on-site investigation hearings; and subverted the

Commission's influence on the Federal legislative process with respect to urban issues. In sum, considering the historical context of this period 1965-1974, while the Commission did not resolve all of the urban problems associated with housing, employment, and criminal justice, it did, at least partially, contribute to the betterment of lifestyles for urban people, and afforded them some greater opportunity for inclusion in the prosperity of America. Finally, this project will hopefully encourage further research on the United States Commission on Civil Rights so that questions, comments, and conclusions presented as a result of this research can be more definitively determined.

FINIS

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**Appendix A**

## Public Law 85-315

September 9, 1957  
[H. R. 6127]

## AN ACT

To provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Civil Rights Act  
of 1957.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

## RULES OF PROCEDURE OF THE COMMISSION

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in sections 102 and 105 (f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

Evidence or  
testimony.  
Release.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive \$4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

Witness fees.

(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

#### COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of \$12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of \$12 in lieu of actual expenses for subsistence when away from his usual place of residence, inclusive of fees or tips to porters and stewards.

#### DUTIES OF THE COMMISSION

SEC. 104. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

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

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

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

Reports to President and Congress.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

Termination of Commission.

## POWERS OF THE COMMISSION

**Staff director.**

Sec. 105. (a) There shall be a full-time staff director for the Commission who shall be appointed by the President by and with the advice and consent of the Senate and who shall receive compensation at a rate, to be fixed by the President, not in excess of \$22,500 a year. The President shall consult with the Commission before submitting the nomination of any person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of \$50 per diem.

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in paragraph (g) of section 102 hereof shall be construed to mean a person whose services are compensated by the United States.

(c) The Commission may constitute such advisory committees within States composed of citizens of that State and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

**62 Stat. 697 of  
1946.**

(d) Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

**Hearings, etc.**

(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

**Subpenas.**

(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

## APPROPRIATIONS

Sec. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this Act.

**PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY  
GENERAL**

**SEC. 111.** There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

**PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR  
OTHER PURPOSES**

**SEC. 121.** Section 1343 of title 28, United States Code, is amended 62 Stat. 932.  
as follows:

(a) Amend the catch line of said section to read,

“§ 1343. Civil rights and elective franchise”

(b) Deletes the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

“(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.”

**SEC. 122.** Section 1980 of the Revised Statutes (42 U. S. C. 1993) Repeal.  
is hereby repealed.

**PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING  
THE RIGHT TO VOTE**

**SEC. 131.** Section 2004 of the Revised Statutes (42 U. S. C. 1071), is amended as follows:

(a) Amend the catch line of said section to read, “Voting rights”.

(b) Designate its present text with the subsection symbol “(a)”.

(c) Add, immediately following the present text, four new subsections to read as follows:

“(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

“(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

“(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(c) Any person cited for an alleged contempt under this Act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

**PART V—TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS OF COURT (GROWING OUT OF CIVIL RIGHTS CASES) AND TO AMEND THE JUDICIAL CODE RELATING TO FEDERAL JURY QUALIFICATIONS**

Criminal con-  
tempt.  
Penalties.

**SEC. 151.** In all cases of criminal contempt arising under the provisions of this Act, the accused, upon conviction, shall be punished by fine or imprisonment or both: *Provided however*, That in case the accused is a natural person the fine to be paid shall not exceed the sum of \$1,000, nor shall imprisonment exceed the term of six months: *Provided further*, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: *Provided further, however*, That in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of \$300 or imprisonment in excess of forty-five days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

Nonapplicability.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience, of any officer of the court in respect to the writs, orders, or process of the court.

Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

62 Stat. 951.

**SEC. 152.** Section 1861, title 28, of the United States Code is hereby amended to read as follows:

**"§ 1861. Qualifications of Federal jurors**

"Any citizen of the United States who has attained the age of twenty-one years and who has resided for a period of one year within the judicial district, is competent to serve as a grand or petit juror unless—

"(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"(2) He is unable to read, write, speak, and understand the English language.

"(3) He is incapable, by reason of mental or physical infirmities to render efficient jury service."

**SEC. 161.** This Act may be cited as the "Civil Rights Act of 1957".  
Approved September 9, 1957.

Short title.

**Appendix B**

## United States Commissioners on Civil Rights, 1965-1974

<u>NAME</u>	<u>PROFESSION AT TIME OF APPOINTMENT</u>	<u>APPOINTED BY PRESIDENT:</u>	<u>TENURE</u>
Hannah, Chairman, John A.	President, Michigan State University	Eisenhower	Nov. 1957-Feb. 1969
Hasburgh, Feb. 1969	President, Theodore M. Notre Dame University	Eisenhower	Nov. 1967- Chr. Mar. 1969-Nov. 1972
Rankin, Robert S.	Chairman, Dept. of Political Sci. Duke University	Eisenhower	Aug. 1960-June 1976
Griswold, Erwin N.	Professor of Law, Harvard University	Kennedy	Aug. 1961- Oct. 1967
Freeman, Frankie M.	Attorney, St. Louis, Missouri	Johnson	Aug. 1964-Oct. 1980
Patterson, Eugene	Editor, Atlanta Constitution	Johnson	Oct. 1964-July 1968
Garcia, Hector B.	Medical Practitioner, Corpus Cristi, Texas	Johnson	Nov. 1968-Dec. 1969
Mitchell, Maurice B.	Chancellor, University of Denver	Nixon	July 1969-Mar. 1974
Horn, Stephen	Dean of Graduate Studies & Research, American University	Nixon	Vice Chair Dec. 1969-June 1980
Ruiz, Manuel	International Lawyer, Los Angeles	Nixon	Jan. 1970- July 1980
Flemming, Arthur S.	Commissioner on Aging, Dept. of Health, Education & Welfare	Nixon	Mar. 1974- Mar. 1982

**Source: Press and Communication Division  
U.S. Commission on Civil Rights  
1/21/86**

## **Appendix C**



UNITED STATES  
COMMISSION ON  
CIVIL RIGHTS

1121 Vermont Avenue, N.W.  
Washington, D.C. 20425

April 7, 1987

Mr. Robert S. Baker  
Michigan State University  
602 East Owen Hall  
East Lansing, MI 48824

Dear Mr. Baker:

We have reviewed your Freedom of Information Act request dated July 30, 1986 wherein you request access to "letters, reports, memorandums, studies, articles, newspaper clips, photographs and other documents" pertaining to the U.S. Commission on Civil Rights from 1957 to 1964.

Your request is exceedingly broad and fails to satisfy the provisions of the FOIA, 5 U.S.C. §552(a)(3), which require disclosure only of those records which are "reasonably describe[d]." See also the Commission's implementing regulations at 45 C.F.R. §704.1(d)(1)(i)(B) which states that all FOIA requests:

...shall contain a sufficiently specific description of the record requested with respect to names, dates, and subject matter to permit such record to be identified and located...

We regret that we are unable to comply with your request without the additional specific information discussed above. Upon provision of this information, we will proceed to search our files for records within the scope of your request. I apologize for any inconvenience this delayed response may have caused you.

Sincerely,

A handwritten signature in cursive script that reads "William H. Gillers".

WILLIAM H. GILLERS  
Solicitor



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