

# CIVIL RIGHTS DIGEST

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## *A SUMMARY OF THE CIVIL RIGHTS ACT OF 1964*

This summary of the 1964 Civil Rights Act was prepared in response to questions about the Act which have come to the Commission from citizens in every section of the country. It is designed to provide a clearer understanding of the major provisions of the new statute.

Some of the questions raised about any new law cannot be fully answered until the policies and programs necessary for carrying out the law have been developed by the appropriate Government agencies. Other questions will be further clarified as the courts deal with cases brought under the law.

This summary was prepared by the staff of the Commission and is available for distribution as a service under the national clearinghouse function assigned the Commission by the new Civil Rights Act.

### Title I

#### **VOTING**

The purpose of this section is to provide more effective enforcement of the right to vote in Federal elections (for President, Vice President, presidential electors or members of Congress) without regard to race or color. It also speeds up the procedure by which voting rights suits may be decided.

##### The Act:

- a. requires that the same standards be applied to all individuals seeking to register and vote;
- b. forbids denial of the right to vote because of some minor mistake or omission;
- c. requires that only literacy tests that are written may be used as a qualification for voting; and that the tests and answers be available on request;
- d. establishes that in voting rights law suits the court

must presume that anyone who completed the sixth grade is literate, unless the State can prove otherwise;

In any voting suit brought by the Government charging that there is a "pattern or practice" of voting discrimination, either the Attorney General or the defendant may ask that a three-judge Federal court be appointed to hear the case. Appeals from the decisions of such a court may be taken directly to the Supreme Court.

### Title II

#### **PUBLIC ACCOMMODATIONS**

Discrimination on the basis of race, color, religion or national origin is specifically forbidden in the following places of public accommodation:

- a. hotels and motels, restaurants, lunch counters, movie houses, gasoline stations, theaters and stadiums;

d. make grants enabling school boards to employ specialists for in-service training programs.

In addition, the Attorney General is authorized to file civil suits seeking to compel desegregation of public schools, including public colleges.

Before filing such a suit the Attorney General must have received a signed complaint from a pupil or parent and must have determined that the complainant, according to standards set forth in the Act, is unable to bring the action. The Attorney General is also required to notify the school board and give it a reasonable period of time to correct the alleged condition before filing suit.

## Title V

### COMMISSION ON CIVIL RIGHTS

The life of the U.S. Commission on Civil Rights is extended until January 31, 1968. Since 1957 the Commission's functions have included investigating denials of the right to vote, studying legal developments and appraising Federal policies relating to equal protection of the laws, and making recommendations for corrective action to the President and the Congress.

Title V gives the Commission added authority to:

- a. serve as a national clearinghouse for civil rights information;
- b. investigate allegations of vote fraud.

Commission hearing procedures are amended to further protect the rights of individuals who may be affected by Commission proceedings.

As a national clearinghouse, the Commission will provide civil rights information in such areas as voting, housing, education, employment and the use of public facilities to Federal, State and local government agencies and officials, organizations and businesses, and the general public.

## Title VI

### FEDERALLY ASSISTED PROGRAMS

Under this title every Federal agency which provides financial assistance through grants, loans or contracts is required to eliminate discrimination on the grounds of race, color or national origin in these programs.

For example, this title would require the following:

- a. hospitals constructed with Federal funds would have to serve all patients without regard to race, color or national origin;
- b. elementary and secondary schools constructed, maintained and operated with Federal funds would have to admit children without regard to race, color or national origin;
- c. State employment services financed by Federal funds would have to refer qualified job applicants for employment without discrimination;
- d. schools for the deaf and the blind operated with Federal funds would have to serve the deaf and blind of any color;
- e. colleges and universities receiving funds for their general operation or for the construction of special facilities, such as research centers, would have to admit students without discrimination;
- f. construction contractors receiving funds under Federal public works programs would have to hire employees without discrimination.

Action by a Federal agency to carry out the requirements of this title may include the terminating of programs where discrimination is taking place or refusal to grant assistance to such a program.

Each agency is required to publish rules or regulations to carry out the purposes of the title. These rules and regulations are subject to the approval of the President.

Compliance actions are subject to the following conditions:

- a. notice must be given of alleged failure to comply and an opportunity for a hearing must be provided;
- b. in the event assistance is to be cut off, a written report must be submitted to Congress 30 days before the cut-off date;
- c. compliance action may be appealed to the courts.

Social security and veteran's benefits, and other Federal benefits distributed directly to individuals are not affected by this law.

Federal assistance in the form of insurance or guaranty—for example, FHA insured loans—are not covered by this title (however, the President's Executive Order prohibiting discrimination in Federally aided housing remains in effect).

b. any other establishment which offers its services to patrons of the covered establishment; for example,  
—a barbershop or tavern located in a hotel, or  
—a department store in which there is a restaurant:  
*so long as* the covered facilities either affect interstate commerce in their operations, or are supported in their discriminatory practices by State action.

In addition, discrimination is forbidden in any other place of public accommodation that is required to segregate by State or local laws.

If there are no State or local laws requiring segregation, the Federal law does not cover:

a. barbershops, beauty parlors and other service establishments unless they are located in a hotel and offer these services to hotel guests;

b. retail stores that do not serve food, or places of recreation (except as listed above) which do not serve food;

c. lodging houses, hotels or similar places which take temporary guests if they have fewer than six rooms for rent in a building occupied by the owner.

Places that are actually owned and operated as private clubs are exempted from coverage of this title except to the extent that they offer their facilities to patrons of a covered establishment, such as a country club that customarily allows guests of a hotel to use its golf course.

No person may intimidate, threaten or coerce anyone for the purpose of interfering with the rights created by this title.

The provisions of this title may be enforced in two ways:

1. By *individual action* in a civil suit filed by the persons discriminated against, or

2. By *Government action* in a civil suit filed by the Attorney General.

In public accommodations suits filed by individuals:

—the court hearing the suit may appoint a lawyer for the person bringing the complaint and exempt the complainant from the payment of certain costs;

—the court may permit the Attorney General to enter the case;

—if there is a State law or local ordinance that prohibits discrimination, the complaint must first be taken to the State or local authorities, allowing them 30 days to begin a proceeding before suit can be filed in a Federal court;

—once the case is in court, the court can postpone action until the State or local proceeding is completed;

—if there are no State or local anti-discrimination provisions, the court may refer the matter to the Community Relations Service (see Title X) so that it may seek to secure voluntary compliance within no more than 120 days.

The Attorney General may file a public accommodations suit when he believes there is a pattern or practice of resistance. As in Title I voting suits, he may request a three-judge court for this action.

In public accommodations suits brought either by individuals or the Attorney General, the court may issue temporary or permanent injunctions or restraining orders against those found to be violating the law. A person or persons failing to obey such court decrees may be punished by contempt proceedings under the jury trials provision of the law (see Title XI).

## Title III

### PUBLIC FACILITIES

The Attorney General is authorized to bring a civil suit to compel desegregation of any publicly-owned or operated facility whenever he receives a written complaint of discrimination. He must believe that the complaint merits action and must certify that the individual or individuals making the complaint are themselves unable to take the necessary legal action. State or municipally owned or operated parks, libraries and hospitals are among the facilities covered.

## Title IV

### PUBLIC EDUCATION

Under this title the U.S. Office of Education is authorized to:

a. conduct a national survey to determine the availability of equal educational opportunity;

b. provide technical assistance, upon request, to help States, political subdivisions or school districts carry out school desegregation plans;

c. arrange training institutes to prepare teachers and other school personnel to deal with desegregation problems;

## Title VII

### **EQUAL EMPLOYMENT OPPORTUNITY**

This title establishes a Federal right to equal opportunity in employment. It creates an Equal Employment Opportunity Commission to assist in implementing this right.

Employers, labor unions and employment agencies are required to treat all persons without regard to their race, color, religion, sex, or national origin. This treatment must be given in all phases of employment, including hiring, promotion, firing, apprenticeship and other training programs, and job assignments.

When this title goes into full effect employers will be subject to its provisions if they have 25 or more regular employees in an industry that affects interstate commerce. Generally speaking, labor unions will be subject to the Act if they either operate a hiring hall for covered employers, or if they have 25 or more members who are employed by a covered employer. Employment agencies are also included if they regularly undertake to supply employees for a covered employer.

(Enforcement of the nondiscrimination requirements for employers and unions is postponed for one year. Employers and unions with 100 or more workers will be covered beginning July 2, 1965 and coverage will be extended each year until July 2, 1968 when employers and unions with 25 workers will be covered.)

Not covered by this title are (1) public employers, (2) bona fide private clubs, (3) educational institutions with regard to employees working in educational activities and all employment in religious educational institutions, (4) employers on or near an Indian reservation with regard to preferential treatment of Indians; and (5) religious corporations, institutions, etc., with regard to employees working in connection with religious activities.

When someone believes he has been discriminated against because of race, color, religion, sex, or national origin in any phase of job placement or employment, he may bring his complaint within 90 days to the Equal Employment Opportunity Commission or to the Attorney General.

The Commission will handle his complaint directly, unless the State or locality where the alleged discrimination occurred has fair employment laws. If so, the person complaining must allow the State or local officials no more than 120 days to resolve the matter. If there is no satisfactory conclusion within this time or if the State or locality rejects the complaint before the time is up, the complainant may then go to the Commission, which is authorized to settle valid complaints by conciliation and persuasion. Nothing said during the conciliation proceedings may be made public or used as evidence without the consent of the parties.

If the Commission fails to secure compliance within a period of no more than 60 days, the individual may take his case to a Federal court. This court may appoint an attorney and may exempt the complainant from payment of certain costs. The court, in its discretion, may allow the Attorney General to enter the case.

A worker who thinks he has been discriminated against may take his complaint directly to the Attorney General, who may bring the case before a three-judge court if he believes there is a pattern or practice of resistance to this title.

If the court in either action finds discrimination, it will order the employer, employment agency or union to take corrective action, which may include hiring or reinstating employees with or without back pay.

## Title VIII

### **VOTING STATISTICS**

The Secretary of Commerce is required to conduct a survey of persons of voting age by race, color, and national origin and to determine the extent to which such persons have registered and voted in such geographic areas as the Commission on Civil Rights recommends.

A similar survey must also be conducted on a nationwide basis in connection with the 1970 Census. No person questioned during such surveys may be compelled to disclose his race, color, religion or national origin and everyone must be advised of his right to refuse to give this information.

## Title IX

### **INTERVENTION AND REMOVAL IN CIVIL RIGHTS CASES**

The Attorney General is authorized to intervene in any Federal court action seeking relief from the denial of equal protection of the laws on account of race, color, religion or national origin. If a Federal court refuses to accept a civil rights case and sends it back to a State court, this action may be reviewed on appeal.

## Title X

### **COMMUNITY RELATIONS SERVICE**

A Community Relations Service is established in the Department of Commerce to provide assistance to persons or communities requiring help with civil rights problems where discriminatory practices impair constitutional rights or affect interstate commerce. The Service is authorized to cooperate with both public and private agencies, either on its own initiative or upon request from local officials or interested persons in situations where disputes threaten peaceful relations among the citizens of a community.

In addition, the Service is authorized to seek a voluntary settlement of public accommodation complaints which may be referred to it by a Federal Court. The Act directs that all activities of the Service in providing conciliation assistance shall be conducted in confidence and without publicity.

## Title XI

### **MISCELLANEOUS**

This title gives a right to jury trial in criminal contempt cases arising out of Titles II, III, IV, V, VI and VII. Title I retains the more limited jury trial provisions of the 1957 Civil Rights Act.

Appropriations are authorized to carry out the Act, and a separability clause provides that the rest of the Act will be unaffected if any portion is invalidated. Another section preserves existing remedies under Federal law. This title also preserves the rights of the States to legislate in the same areas covered by this Act, so long as such legislation is not inconsistent with the purposes of the Act.



### **U.S. COMMISSION ON CIVIL RIGHTS**

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The United States Commission on Civil Rights is a temporary, independent, bipartisan agency established by the Congress in 1957 to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for civil rights information;
- Investigate allegations of vote fraud; and
- Submit interim reports and a final and comprehensive report of its activities, findings, and recommendations to the President and the Congress.