

CASE STUDY ON THE CIVIL RIGHTS BILL

Why was a Civil Rights Bill proposed in 1963?
What forces will contribute to its passage?

A. No civil rights legislation was part of President Kennedy's program for the 1963 Congressional session. Yet by June it was called top priority. This was obviously related to the demonstrations in Greenwood, Birmingham, etc. President Kennedy expressed two basic themes in explaining the need for his proposed bill:

1. the moral necessity of solving the problem of civil rights--of giving everyone an equal chance;
2. the necessity of granting Negroes their rights through law so that they would not have to continue to resort to the streets.

A third reason, this one unexpressed, may have been political: much criticism of the federal government grew out of the movement. It was directed primarily at the executive branch (e.g. that the F.B.I. should be more active in civil rights, that federal marshals should protect demonstrators and civil rights workers, that the President should openly commit himself, etc.). This put the President in a difficult situation: if he granted the demands of civil rights leaders, he would be accused of "going too fast on civil rights" (by other forces). This is a charge that seems to swing weight with white masses. (At this point it might be valuable to examine the Lou Harris poll of whites, the results of which were published in Newsweek in August or September of 1963. It is quite a revealing article and would be worth the cost of obtaining.) On the other hand, if the President did nothing, he would risk losing the Negro vote which gave him his office (documentation of this political fact, and another piece of interesting and valuable reading is found in chapters on the Negro vote in White's Making of a President, 1960). How could he please both factions? Reducing it to simple terms, he "passed the buck" to Congress, by proposing a civil rights bill. This way he could appear to Negroes a champion of new measures--but conservatives could not place all the blame on him; after all, it would be Congress, not he that made the bill into law. Some debate can follow by the students as to whether this gambit succeeded or not. Also, there might be discussion on how civil rights forces can prevent President Johnson from resting on the laurel of "having got the civil rights bill through Congress." How can we once again put the burden for acting on the executive?

B. If we call part "A" above a surface analysis of why the Bill was proposed, it should be interesting to look below the surface and try to answer the questions of why it suddenly became dangerous to have Negroes in the streets, why it became time to have a moral treatment of civil rights, and why it became politically desirable to take action in the field. Students should be encouraged to discuss the problem, with the following guidelines:

1. Demonstrations. What causes massive street demonstrations? What was the role of civil rights organizations? of "outside agitators"? Was it a build-up process that took years? How are they affected by the reaction of the local police?

2. Negro writers, especially Baldwin. Excerpts (or all) of The Fire Next Time might be read and the students asked to analyze its effect on Negro readers and on white readers. What was (is) the importance of his writing? If time is available, they might take a comparative look at some of the writings of DuBois. If they compare favorably with Baldwin's, why did they not produce a revolution? Or is a revolution something that takes fifty years to produce, and is DuBois as much responsible as Baldwin for it?
3. American foreign relations. Are they a factor in civil rights bill passage? How? Would there be a civil rights bill if there was no communist "threat"?
4. The African revolution. What is the relationship between the African revolution and the American Negro's?

Students can be encouraged to discuss their own feelings about African independence. Does it contribute to their feelings about their position here?

The effect of African independence on U. S. foreign policy and through that channel on the civil rights bill should be explored. How many U.N. votes do African nations have? What is the United States' interest in keeping Africa from "Going Communist"?

Out of this discussion (B, 1, 2, 3 above) should come some awareness in the students' minds as to the complexity of the question of what makes historic events happen. This might even be a question worth pursuing in class. How would the Negro revolution have fared during the depression? If colonialism was not in retreat? If there were not a USSR? Or are these things irrelevant? Can a determined people put across a valid idea at any time in history? Or must an idea wait until its time has come?

C. 1. By now the student should have some idea of the forces that helped create the Bill. A separate question is what forces can be exerted and have been exerted to insure its passage, and what lessons can be learned from the success or failure of the various techniques.

The basic question, I think should be gotten at this point, involves demonstrations, which played a major role in influencing debate. (Note: few demonstrations can be recalled which have as their ostensible and immediate object the influencing of Congressional action. Yet every racial demonstration, whatever its immediate purpose, has this effect. The students should understand this and should understand why this is so.) The question is: what are the effects of "unruly," "irresponsible" or "ill-conceived" demonstrations? And, when does a demonstration become "irresponsible"? This question is worth considering not only because of its relevancy to the civil rights bill but because of its general relevance to the tactical planning involved in the movement.

The problem came into the open after the CORE proposal to create an enormous traffic jam in New York on the opening of the World's Fair by deliberately allowing their cars to run out of gas while on crowded thoroughfares. This plan was severely

condemned, even by Movement leaders. But what is important in the present context is that two liberal Senators, perhaps the strongest supporters of the Bill in the Senate, Humphrey (D-Minn.) and Kuchel (R-Calif.) issued a joint statement warning that such actions could imperil the passage of the bill. According to the New York Times (April 15) the Senators said:

The right of petition is a basic right in America, but it is also basic to our system of government that there must be respect for the law.

No one can condone violation of law. The main reason we are advocating the civil rights bill is because too many states and too many individuals are defying the law of our Constitution and are denying Constitutional rights to our fellow citizens.

They added that civil rights advocates could help their cause best if they conducted "their peaceful crusade with the same good manners, forbearance and devotion so abundantly displayed in the March on Washington."

Violence is the very antithesis of law and order. Illegal disturbances, demonstrations which lead to violence or to injury, strike grievous blows at the cause of decent civil rights legislation.

Unruly demonstrations bring hardship and unnecessary inconvenience to others.

And even though the participants have "long suffered indignities, they are not helping the cause of civil rights. Indeed, they are hurting our efforts in Congress to pass an effective civil rights bill."

Some questions the students could discuss with reference to this problem are: Do the Senators really think the demonstrations will hurt the passage of the bill, or are they using this as a threat to discourage tactics of which they are fearful? If they do really think so, how do they think this adverse affect will come about? Do they believe that the white majority will be alienated against the Negro? How can the white majority affect the Bill? If this alienation can defeat the Bill, does this mean that it could also defeat the movement? The question that underlies these is one that is central to movement strategy, i.e., does the movement need the sympathy of the majority of white America to succeed best, or can it succeed best by forcing America to accept its demands even though the majority is alienated by the tactics of force?

Perhaps the "unruliest" of all demonstrations was the rioting in Jacksonville, Florida. See article on that riot in Newsweek magazine (April 6, 1964). Does the article indicate that the riots hampered or helped the Bill's passage, in the opinion of the author? It seems to me that the author feels such outbreaks should spur the relief sought, yet riots must certainly alienate the white masses. It is clearly possible that some gains can be made through alienating tactics. But can or should they be used exclusively?

C. 2. Another method that is frequently used by the movement to affect legislation is letter-writing. As Congressmen and Senators are supposed to represent their constituents, they are theoretically influenced by the desires expressed by those people. In a practical sense, the influence of the letter obviously stems from the fact that each letter may represent one or more votes. One of the consequences of the disfranchisement of Mississippi Negroes is that their letters to their own Congressmen do not have the force of communication from a voter. Their letters to Congressmen from other states may have some effect. A letter to an undecided Senator might have the effect of convincing him personally that the Bill is needed. Or if he was already so convinced but was afraid to vote for the Bill because he thought his constituents opposed it, he might use such letters to convince them that they were mistaken about the Bill. A possible writing exercise would be letters to uncommitted Senators (if the Bill is not passed by this time).

C. 3. Lobbying, Pressure groups, etc.

Lobbying is a technique of influencing legislation which has been used to affect the civil rights bill, but not to a great extent. I do not think that either the pro or anti-Bill forces have actually hired lobbyists to work for them. (All lobbyists who are salaried are required by law to register with the federal government and to record the name of the concern or group which is paying them.) However, some informal, non-professional lobbying has likely been done by both sides. Bill Higgs, for example, a lawyer who is not currently employed, maintains an office in Washington, D. C. and frequently meets with Congressmen in attempts to influence their votes. The methods of lobbyists are surprisingly varied: Higgs once had a party for several Congressmen to which he also invited Bob Dylan--and asked Dylan to sing his pro-civil rights songs. Representatives of the Citizens' Councils or their sympathizers have also been similarly at work on uncommitted Congressmen.

The question of the propriety of lobbying has long been debated--the students should be made aware of the issues involved. The argument on one side is that lobbying is frequently the tool of interest groups with limited popular support but a great deal of money (e.g., the oil industry) who are able to influence legislation with theater tickets, dinners, or campaign contributions. The counter argument is that lobbyists are necessary as a means whereby large groups can easily make their desires known to the Congress. All the members of the NAACP could not come to Washington to speak to the legislators but by maintaining a representative there they can achieve a similar result. The same might be said of the oil industry.

Related to lobbying are "pressure groups": groups with a special interest in some legislation who seek to exercise pressure to get it passed or defeated. They might use letter-writing campaigns or picketing which we have already discussed, or they might seek to generate more widespread support for their views. This has been done by both sides of the civil rights controversy (each of which might be seen as a pressure group, to which most white Americans don't "belong" even though their sympathies might be with one or the other. To some extent each side battles for

these sympathizers). Anti-civil rights forces have spent a great deal of money in Northern states on advertising and mailing campaigns to attempt to rouse antipathy for the bill. Their principal means of publicizing their arguments and of attempting to demonstrate their support has been Governor Wallace's campaign in the various Democratic presidential primaries. His campaign has been financed largely Citizens' Council money in Mississippi. The Council is supported in part by funds from the Sovereignty Commission. Thus, taxes paid by Mississippi Negroes have helped pay for the Wallace campaign. Students might want to discuss the Wallace campaign and its ramifications: what is the significance of his obtaining one fourth of the votes in two Democratic primaries and over forty percent in another? Has it helped or hurt the anti-civil rights pressure groups?

II. The Civil Rights Bill in Congress.

Rather than attempt to lay out all the facets of Congressional procedural in fighting used on the bill, I would recommend that each Freedom School be supplied with one copy of A Bill Becomes a Law, Daniel M. Berman, Macmillan Co., N. Y., 1962.

This book traces the progress of the 1960 Civil Rights Act through Congress and explains all of the procedural problems it encountered. These were by and large the same as those encountered by the present act. If the teacher of the course reads the book he can select the points he believes to be salient and should teach those to the class. If he feels it desirable to prepare some written material for the class, this can be done by mimeographing. I would suggest at least some lists of definitions of important terms, e.g. filibuster, Rules Committee, Seniority System.

The instructor should strive to get the students to understand the mechanics of American democracy. They should attempt to understand the paradox of procedures which are designed to defeat "majority rule" and yet were intended to contribute to the democratization of our society. The Supreme Court is one such device, the filibuster is another. Each protect minority rights but one has come to be more of a democratizing force than the other. Problems like this should be explored.

III. The Civil Rights Bill Itself

A. The proposed method of teaching the contents of the Bill is first, to present the problem areas that the bill covers (e.g. voting) and have the students analyze or break down the problem area. Second, to inform the students of existing laws that purport to deal with the problem. Third, to examine the provisions of the present bill with a view toward deciding how it meets or fails to meet the problem. The students should then attempt to discover those problems with which the Bill does not deal at all.

Finally, there should be an attempt to make a general appraisal of the Bill, based on the previous discussions

B. Title I of the Bill seeks to "enforce the constitutional right to vote." Obviously, this right is not being enforced now in Mississippi. Why?

1. The most important reason is that the governing class of Mississippi has decided that it should not be enforced. Their reasons for so deciding are obvious but they might nevertheless be a subject for discussion by the students.

Students and teachers should have a clear understanding of what the requirements for registering are, and how they are unfairly applied.

Some idea of the magnitude of the problem is presented in the following statistics (from SRC).

State	New Voters as of 12/31/63	Total Voting Age Population	White Voting Age Population	Non White Voting Age Population
Alabama	13,487	1,834,378	1,353,058	481,320
Arkansas	8,756	1,043,269	850,643	192,626
Florida	37,111	3,087,699	2,617,438	470,261
Georgia*	46,347	2,409,972	1,797,062	612,910
Louisiana	5,899	1,803,805	1,289,216	514,589
Mississippi	3,228	1,107,522	748,266	422,646
N. Carolina	23,323	2,556,884	2,005,955	550,929
S. Carolina	20,727	1,266,251	895,147	371,104
Tennessee	34,243	2,092,891	1,779,018	313,873
Texas	120,590	5,534,277	4,884,765	649,512
Virginia	13,877	2,312,887	1,876,167	436,720
Total	327,588	25,112,835	20,096,735	5,016,100

State	Total Registration	White Registration	Non White Registration
Alabama	1,015,000	925,000	90,000
Arkansas	633,655	553,655	80,000
Florida	1,899,433	1,686,215	213,128
Georgia*	1,405,000	1,183,181	221,919
Louisiana	1,193,775	1,031,691	162,084
Mississippi	553,000	525,000	28,000
N. Carolina	2,090,270	1,856,497	233,733
S. Carolina	814,628	703,000	111,628
Tennessee	1,500,000	1,297,026	202,974
Texas	2,020,193	1,720,183	300,000
Virginia	1,032,104	923,792	108,312
Total	14,157,058	12,405,240	1,751,818

State	Percent Non White of Total Registration	Percent Non White Registered of Non White Voting Age Population
Alabama	8.8	18.7
Arkansas	12.6	41.5
Florida	11.2	45.3
Georgia*	15.7	36.2
Louisiana	13.5	31.4
Mississippi	5.0	6.6
North Carolina	11.1	42.4
S. Carolina	13.7	30.0
Tennessee	13.5	64.6
Texas	14.8	46.1
Virginia	10.4	24.8
Total	11.8	35.2

*Voting age is 18.

The second reason voting rights are not exercised is intimidation, both private and official. Students certainly will not need to be "taught" about but they might want to express their feelings about various kinds of intimidation including the subtler forms: e.g. presence of police at court house, or the use of cameras by police. Those that have personally experienced various kinds of intimidation should be encouraged to relate their experience to the class and explain how they coped with them. Also, they might discuss how they would cope with the fears that potential voters have; fears of arrest, fears of firing, fears of violence.

Because of the complete racism of the Mississippi courts, Negroes must go to federal courts if they wish to have their rights judicially enforced. This route has also proven unsatisfactory, however. The primary reasons for this are first, the delay which seems to be inherent in the American court system and second, federal judges sitting in Mississippi's two districts, Judge Mize and Judge Cox, are extreme defenders of the system and have not hesitated to use their position to advance their cause. The two factors, delay and prejudiced judges intertwine.

For example, if a case related to Negro voting is brought before one of these judges, it is taken for granted that he will rule against the Negro. But he goes one step further--he will delay the trial and then delay announcing his decision. Perhaps a year may go by from the time the suit is filed to the time it is decided. Then an appeal must be taken to the Circuit Court of Appeals. (Note: The student would be benefited by at least a loose understanding of the courts systems of the United States. He should know that the state and federal court structures are separate but that decisions of state Supreme Courts can be reviewed by the United States Supreme Court if a Constitutional question is involved. He should also know that there are three levels in Federal Court system, and that cases start in the District Courts, can be appealed to the Circuit Court of Appeals and then finally to the United States Supreme Court.) Here again it is possible to encounter segregationist judges with the consequence of more delay and the necessity of appealing to the Supreme Court. Although justice is almost certain in that court, its docket is very crowded and it is likely that another year will elapse before the final decision is made there.

Altogether, anywhere from two to four years may be involved in a suit to enforce voting rights. For example, the suit against Theron Lynd, the registrar of Forrest County (Hattiesburg) has been pending since 1961. It is only now being enforced.

So the third reason for the failure of voting rights can be considered delay in the federal courts.

2. The basic law existing in the area of voting is the Fifteenth Amendment. Supreme Court interpretations of this amendment have ruled that blatant and subtle forms of voter discrimination are unconstitutional. All of Mississippi's voting laws are currently under attack as being unconstitutional in a suit filed by the Justice Department. It is likely that the suit will eventually result in the elimination of most of these laws by mandate of the Supreme Court. However, the case is currently

mired at the Federal District Court level where the state is attempting to delay it. It will be two years before anything significant develops from it.

There is also some federal statutory law on the question of voting. The 1957 Civil Rights Act gave the Attorney General the power to sue to enforce non-discrimination in voting. The 1960 Act provided that where such suit was brought, and where illegal discrimination had occurred, and where the court found that the discrimination was part of a "pattern or practise" then anyone in the affected area (usually a county) who was a member of the group being discriminated against could apply to the court to be declared eligible to vote. The court, upon determining that such person was qualified to vote under the state law and that he had been denied the right to vote, could order the registrar to permit him to vote. Failure to comply with the order would be contempt of court.

The Justice Department believes that the latter type of suit, as provided by the 1960 Act is the most effective weapon it has for dealing with voting discrimination. (John Dvar so informed me.) The suit in Forrest County is an example of this type.

Statutory law also exists on the question of intimidation. Sections 241 and 242 of the United States Criminal Code date back to the earliest civil rights legislation, passed just after the Civil War. Sec. 241 provides a ten year prison sentence for any persons who conspire to injure or intimidate any person who is exercising a right secured by the Constitution. Under this law any two policemen who agreed to arrest someone for a lawful act (peaceful picketing) might be arrested and tried. Or two citizens who agreed to attack a voter registration worker might similarly be arrested.

Sec. 242 provides a one year jail sentence, for any person who, acting "under color of law" (i.e. as public official of some kind) deprives any citizen of a constitutional right. An example of a violation of this law occurred when the police of Winona beat Mrs. Hamer, Annell Ponder and Euvester Simpson for integrating the bus station. The police were tried but acquitted.

Although these laws are theoretically very powerful they have not worked out well. The Justice Department has brought very few prosecutions. They feel that the impossibility of getting convictions from Mississippi and Alabama juries makes it a waste of effort to bring these trials. Unless this problem is overcome these laws will continue to be useful only in theory.

3. The Provisions of the Bill.

Four new rules are laid out by the Bill with regard to the standards of voting in Federal elections.

1. No standards shall be applied in determining whether a person is eligible to vote which are different than those applied to other persons in the same county who have been found eligible to vote. Thus, if white persons are registered without being given a literacy test, no such test can be given to Negroes.

The probable effect of this rule will be a more stringent enforcement of existing laws against whites.

2. The right to vote may not be denied to any individual because he makes an "error or omission" on any test relating to voting. This law is designed to end the practise of some registrars who fail Negroes on the voting test because they put down an incorrect date, or misspell a word although they are nevertheless qualified. "Errors" here means a minor or inconsequential error.

3. If a literacy test is used the state must, upon the request of the individual, supply him with a copy of the test and his answers.

This rule is not very important since such records were made available to the Attorney General by the 1960 Civil Rights Act, and since it is the Attorney General who brings most voting suits. (Such records are primarily useful in bringing suits.)

4. If a literacy test is used (literacy test includes any test of the ability to read, write, understand or interpret) there is a "rebuttable presumption" that any person who has completed a sixth grade education in a state accredited school is sufficiently literate to vote in any Federal election. "Rebuttable presumption" means that the person must be considered eligible to vote unless the state can show that he is not literate. In other words, it changes the "burden of proof": the individual need not prove that he is literate (as he must at present) but the state must prove that he is illiterate.

This may have a substantial effect on the voting tests in Mississippi for Federal courts may well decide that the mere fact an individual cannot correctly interpret a section of the Mississippi Constitution does not prove he is illiterate. Therefore the constitutional interpretation test will lose its usefulness as a means of keeping Negroes from voting in Federal elections.

The hitch to this rule is that there are a number of Negro elementary schools in Mississippi which are unaccredited. People who attended these schools are not protected by the presumption.

There are two general weaknesses which pervade the sections on voting. First and most important: they deal only with Federal elections. Thus, Mississippi Negroes will be in no different a situation than they are today with regard to the right to vote in state elections.

Second, all of the new rules are of course dependent on enforcement in the courts. Like most new legislation these rules are open to various interpretations and are therefore particularly susceptible to delaying tactics in the courts.

There are provisions in the Bill that deal with the problem of delay in the courts but only in the area of voting. The Bill provides that in all voting cases the Attorney General may request that a three judge court be appointed to hear the case (as opposed to a single judge hearing it). The three judges will be appointed

by the Chief Judge of the Circuit in which the circuit is located. The Chief Judge of the Fifth Circuit, in which Mississippi is located, is Judge Tuttle. Since Judge Tuttle is pro-civil rights it is likely that the three judges he will appoint will be likewise. This will be a significant improvement over the judges (either Mize or Cox) who would sit if it were not for this provision. Under the new law it will be possible to get justice on the first judicial level. If the need for appeal to higher courts is eliminated, justice will obviously come more swiftly.

The Bill also provides that after the three judges are designated they shall hear the case at the "earliest practicable date" and shall cause the case to "be in every way expedited."

Appeals from this three judge court go directly to the Supreme Court.

C. Public Accommodations

1. Segregation in places of public accommodation is complete in Mississippi. Again, three factors can be delineated.

First, the owners of restaurants, etc., refuse to serve Negroes. The reasons articulated are generally either that the store owner personally objects, or that he is afraid his customers will object. Which of these can be more easily affected by law?

The class should certainly discuss the question of whether property owners should be able to discriminate. Should a private home owner? A boarding house owner? A stadium owner?

What rights in short, do we want to attach to property ownership? Students should see this question not only as a racist argument but also as a legitimate problem.

Second, state laws, though unconstitutional, are still on the books which require segregation. These are not generally enforced, per se, but the state does play a role by arresting sit-ins for breach of peace or trespass. Arrests have even occurred at some churches where police were not summoned and were not asked to make arrests. This would indicate that the state has some interest in maintaining segregation. Although the subject is a course in itself, the class may wish to spend some time on what that interest is.

Third, the threat of violence or other coercion at the hands of local whites plays here, just as in voting, an important role.

2. Before looking at the Bill we should take a look at the existing law in the area. The Supreme Court has held that no state can enforce any laws of segregation. It has also held that no agency controlled or supported by a state can be segregated. In the area of private discrimination the law is less clear. The Court has gone so far as to say that a state which has segregation laws on the books cannot arrest someone who refuses to leave a segregated place, even if the owner has asked him to leave and even if the arrest is made under a valid trespass law. Under

this rule no one can at present be validly arrested for sitting in in Mississippi.

No laws, either legislatively or judicially made, apply to a property owner's personal rules of segregation. But an interesting query arises--of what value is the property owner's right to discriminate if the police cannot back it up with an arrest of the trespasser?

With regard to laws relating to violence and intimidation the situation is the same as voting. Secs. 241 and 242 are at issue.

3. Provisions of the Bill (as passed by the House of Representatives). The bill (in section 201) outlaws discrimination in hotels, restaurants, gas stations, theaters, etc., whether the segregation is a result of the desire of the property owner or of state law.

Enforcement of the law must be accomplished by suing for an injunction in the Federal District Court. The suit may be brought by an individual or by the Attorney General.

How effective will the law be in Mississippi?

The Bill also attacks the problem of intimidation: Sec. 203 outlaws intimidating, threatening or punishing anyone for asserting rights to desegregation. Again, the remedy is for the threatened person or for the Attorney General to sue for injunction.

So that a man whose house is about to be bombed has a choice of calling either Jess Brown or Robert Kennedy each of whom has the right to seek an injunction against the burning from Judge Cox.

D. School Segregation

Although obviously illegal, school segregation obviously continues in Mississippi. This is so because of the necessity of seeking federal court orders relating to each and every school district. This requires many lawyers, many brave plaintiffs, and long years in the court system.

Present law in the area is all the result of Supreme Court decisions, beginning with Brown v. Board of Education, the latest of which declares that the time for "deliberate speed" is over; that schools must desegregate now. In this area we have all the law we need. The problem is getting it enforced.

The Bill attempts to solve this problem by allowing the Attorney General to bring the suit on behalf of the student or parent, if that person cannot afford to do so, or cannot get legal representation, or has reason to fear retaliation. This could meet part of the problem in Mississippi, but it does not end the delay in the courts, and it is not really going to eliminate intimidation because the identity of the persons involved must eventually become known in any event.

The Bill also provides for rendering technical assistance to the school for the accomplishment of desegregation. Further it provides for short term training institutes for teachers who must deal with integration problems.

E. Employment

In increasing order of subtlety the means that have been used to prevent fair employment are: discriminatory hiring; discriminatory membership in labor unions; equal hiring but discrimination in promotion; hiring and promotion on an honest merit basis, but merit which necessarily relates to educational opportunities.

State legislation attempting to deal with these problems exists in many Northern states. Usually these laws make it illegal to hire discriminatorily and provide for enforcement by a state Commission which has the power to seek injunctions in the state courts.

Federal law in this area is nonexistent. President Kennedy had, by executive order, established a Fair Employment Commission (of which Lyndon Johnson was the head) whose duty it is to attempt to persuade large corporations and unions to adopt fair labor standards.

The seriousness of the job problem is emphasized by the following report from the Labor Department:

Unemployment

Men in Labor Market (25-64 years old)
Unable to find jobs

	<u>1948</u>	<u>1963</u>
White	22 per 1000	33 per 1000
Negro	37 per 1000	75 per 1000

So that the economic gap between Negroes and Whites has widened in the post-war years.

On advancement opportunities the Labor Department reported that among college graduates, 21% of whites ended up as owners or managers of businesses. For Negroes the figure was 7%. Among whites 00.4% of college graduates ended up as unskilled laborers. For Negroes the figure was over 2%.

The Bill undertakes to reach the employment problem in two different ways.

First, Title VI provides that there can be no discrimination of any kind in any program receiving federal financial assistance. Compliance may be secured by termination of the assistance. This would cover employment as well as other activities.

Second, Title VII makes it illegal for any employer, labor union or employment agency to discriminate in any way with regard to employment and work conditions. The enforcement of the Bill is left to an Equal Employment Opportunity Commission which is created by the act. When a complaint is filed with the Commission it must investigate and must attempt to solve the problem by "conciliation and persuasion." If that method fails the Commission must file suit to end the discrimination in a Federal District Court. The court is given the power to force the employer to hire the complainant and to make up back pay if appropriate.

To aid the Commission the Bill provides that all employers and labor unions must keep records of persons hired, lists of applicants, etc., and must report on them as the Commission directs.

The act does not affect all employers or labor unions: during the first year after passage only those with more than 100 employees or members are affected; during the second year only those with fifty or more; from then on, only those with twenty-five or more are covered.

The principal weakness of this section of the Bill will be the necessity of going to court in each and every case where a discriminatory act is alleged against a different employer or union. The possibilities for delay and evasion are boundless. In this light it should be voted that by its own terms, this Title of the Bill does not go into effect until one year after the date of its enactment.

F. Other Provisions.

Two other provisions are included in the Bill but are of lesser importance.

1. Title III allows the Attorney General to bring suit to desegregate state owned or operated facilities of any type. Such segregation has long been illegal, but at present only a private party can sue to enjoin it. The Attorney General will be permitted to sue only when the complainant is unable to do so because of finances or fear of intimidation.

2. Title X establishes a Community Relations Service, a commission whose duty shall be to assist communities and persons in resolving disputes relating to discrimination. The Service may offer its services in cases where "peaceful relations among the citizens of the community involved are threatened" or in other cases where the services are requested.

(Other provisions exist but they are either too legally technical or too inconsequential to be included in a course of this type.)

G. Summary

Though the type and method is up to the class and teacher, some effort should be made to summarize the Bill and the class's feelings about it.

LESSON PLANS FOR THE UNIT ON MISSISSIPPI POLITICS

INTRODUCTION

The lesson plans are organized to be a combination of lecture and discussion, with a great deal of freedom given students to discuss his own ideas and pursue topics of interest to the class. For instance the sections dealing with party organization and historical aspects of the one-party system might be presented in lecture form with discussion afterward. Then hopefully, this factual material will be brought into the discussion in other places. Each of the lectures will be organized around one or more concepts that the student should be presented with through the material. Case studies, visual materials and in some cases field trips may be used to illustrate points discussed.

This is to be a general outline only. It is hoped that the teacher will be flexible enough to adapt the material to his own background and experience. There are excerpts from some of the bibliographical material used in preparation of the background which have been duplicated for the use of the teacher. It may be useful in providing illustrations for some of the points of discussion.

The lesson plan material is not divided into specific periods, i.e., it is topically arranged with questions and illustrative materials suggested at appropriate places. The teacher may use the plans in any way which seems best to suit the students interests. The arrangement does follow a natural train of development.

MATERIALS TO BE USED AS TEACHING AIDS

Campaign literature on Mrs. Hamer (to be passed out to all students)

Voter Registration forms --regular forms (to be passed out to all the students)

Freedom Registration forms (to be passed out to all students)

Sample Sections of the Mississippi Constitution (to be passed out to all students)

Pamphlet, "Why Vote--the ABC's of Citizenship" (to be passed out to all students) printed by S.C.L.C.

Film--"We'll Never Turn Back", on Greenwood Voter Project

Tapes of Mrs. Hamer conducting campaign and singing--obtainable from COFO office, 1017 Lynch St., Jackson, Miss.

Two sections of "Behind the Cotton Curtain" by Charles Pemsberg on the Republican party, and retaliation to the white community.

Report on the Greenwood Voter Project, printed in a larger report by The Southern Regional Council.

SNCC research staff, "Voter Registration Laws in Miss."

TOPIC: Mrs. Hamer's Campaign and the organization of Mississippi Political System.

CONCEPTS: (1) Importance of individual participation in politics and
(2) Fundamentals of political organization at local, state and national level.

PRESENTATION: Mrs. Hamer's story and the facts about her campaign

DISCUSSION: Discussion should center around why Mrs. Hamer is running. If the students have heard her speak they might discuss what her platform is and what they think of it. How does she differ from her opponent? Why is her campaign unusual?

Use Campaign lit.
on Mrs. Hamer

PRESENTATION: Process of how someone runs for office—how will Mrs. Hamer be different? Present Democratic Party Organization in state.

DISCUSSION

Play tapes of Mrs.
Hamer's speeches and
singing

PRESENTATION: Other ways that a individual can take part in politics other than voting or running for office. Present other political programs of COFO such as Freedom Registration Freedom Vote—ways of working for these programs for the students.

Pass out S.C.L.C.
Pamphlet "Why Vote"

DISCUSSION:

REVIEW:

TOPIC: COFO Programs and discrimination in voting.

CONCEPTS: (1) How discrimination works and (2) what is being done about it.

PRESENTATIONS

Voter Registration Campaigns—Freedom Days in Hattiesburg and Canton. Could use here the material on the Greenwood Project as a case study.

DISCUSSION:

Discussion should center around why Mrs. Hamer is running? If the students have heard her speak they might discuss what her platform is and what they think of it.

Film: "We'll Never Turn Back"

PRESENTATION:

Voter requirements in Mississippi—how this works to discriminate against the Negro. Specifics of how the registration form is filled out. Use here the regular and Freedom reg. forms to illustrate differences.

DISCUSSION:

Regular and Freedom
Registration Forms

PRESENTATION:

All aspects of COFO's Political Program, as a means of obtaining the vote for Negroes in Miss.

DISCUSSION:

If students have not already had experience canvassing, a field trip might be arranged in which the students and teacher would canvass for an afternoon or evening in order to use the knowledge they had gained about the registration process and also to give them a sense of participation.

If a trip is not feasible, the teacher should encourage students to participate in this way.

TOPIC: Historical Aspects of Discrimination and the Future .

CONCEPTS: (1) why discrimination exists (2) What political freedom can mean.

PRESENTATION: One party system, how it developed and why.

DISCUSSION

PRESENTATION: The effects of the one-party system. Citizens Council—untrue myths about Negroes—psychological effects on Negro and white. You could use here the excerpts from "Behind the Cotton Curtain" on Republican Party and retaliation to whites.

DISCUSSION:

PRESENTATION: How the vote can change the lives of people in Miss., what it cannot do that has to be done in other ways

DISCUSSION:

REVIEW: