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INTERIM REPORT OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Pursuant to its statutory duty to submit reports to the President and to Congress at such times as either the Commission or the President shall deem desirable, the United States Commission on Civil Rights submits the following special report with respect to the status of equal protection of the laws in the State of Mississippi:

Since October 1962, the open and flagrant violation of constitutional guarantees in Mississippi has precipitated serious conflict which, on several occasions, has reached the point of crisis. The United States Commission on Civil Rights has become increasingly alarmed at this defiance of the Constitution. Each week brings fresh evidence of the danger of a complete breakdown of law and order.

Citizens of the United States have been shot, set upon by vicious dogs, beaten and otherwise terrorized because they sought to vote. Since October, students have been fired upon, ministers have been assaulted and the home of the Vice Chairman of the State Advisory Committee to this Commission has been bombed. Another member and his wife were jailed on trumped up charges after their home had been defiled. Even children, at the brink of starvation, have been deprived of assistance by the callous and discriminatory acts of Mississippi officials administering Federal funds.

All this affronts the conscience of the Nation.

The Commission is fully aware that the Administration has followed developments in Mississippi closely, that it has taken strong and vigorous action in assuring that violators of Federal law are prosecuted, and

that court orders are enforced. Despite the diligent and aggressive handling of each case as it has arisen, the Nation must be concerned that the pattern of unlawful activity shows no sign of abating. Moreover, nine years after the Supreme Court unanimously decided that segregation in public elementary and secondary schools violates the equal protection clause of the Constitution, Mississippi has taken no step to comply with the law of the land.

Since its organization, the Commission has been deeply concerned with developments in Mississippi. Its hearing scheduled for October 1962 in that State was first postponed at the request of the Attorney General of the United States, and finally cancelled. On March 26, the Attorney General, after referring to the Barnett case, stated that:

While this case is pending, I continue to hold the view that a public hearing in Mississippi by the Civil Rights Commission would not be appropriate. In the meantime, I hope that the work of the Commission staff can continue as in the past on the question of the operation of federal programs in Mississippi as elsewhere.

Since October the Commission has received more than 100 complaints from Mississippi alleging denials of constitutional rights. Investigation of these complaints, reports of our State Advisory Committee and other evidence confirm the conclusion of the Commission that prompt and firm action is now required. The Commission has concluded unanimously that only further steps by the Federal Government can arrest the subversion of the Constitution in Mississippi.

The Commission notes the action taken by the President of the United States in employing the force necessary to assure compliance with the court decrees in the University of Mississippi case. It

is mindful of the unequivocal public statements of the President expressing his belief that discriminatory practices are morally wrong. The Commission, nevertheless, believes that the President should, consistent with his Constitutional and statutory authority, employ to the fullest the legal and moral powers of his office to the end that American citizenship will not continue to be degraded in Mississippi. We urgently request that:

(1) the President formally reiterate his concern over the Mississippi situation by requesting all persons in that State to join in protecting the rights of United States citizens, and, in accordance with his duty to take care that the laws be faithfully executed, by directing them to comply with the Constitution and laws of the United States;

(2) the President continue and strengthen his Administration's efforts to suppress existing lawlessness and provide Federal protection to citizens in the exercise of their basic constitutional rights; and

(3) the Congress and the President consider seriously whether legislation is appropriate and desirable to assure that Federal funds contributed by citizens of all States not be made available to any State which continues to refuse to abide by the Constitution and laws of the United States; and, further, that the President explore the legal authority he possesses as Chief Executive to withhold Federal funds from the State of Mississippi, until the State of Mississippi demonstrates its compliance with the Constitution and laws of the United States.

The people of Mississippi and of the other States should know that according to information available to the Commission in Fiscal Year 1962, the Federal Government received from all sources in Mississippi \$270 million. During the same period, payments from the Federal Government to the State, counties, municipalities and individuals exceeded \$650 million for grant-in-aid programs, United States Corps of Engineers construction contracts, military prime contracts, and direct civilian and military payrolls. Examples of additional Federal programs benefitting Mississippi include Area Redevelopment loans and grants, Small Business loans, Accelerated Public Works projects, and Federal Aviation Agency grants.

Massive assistance to the economy of Mississippi has continued past the time when the State placed itself in direct defiance of the Constitution and Federal court orders. For example, the National Aeronautics and Space Agency is proceeding with plans to build a \$400 million moon rocket engine test center in Pearl River and Hancock Counties, Mississippi.

Taking into account the need to comply with statutory requirements which limit the discretion of the Executive Branch, and recognizing that the location of large Federal installations must reflect national needs, the Commission believes there is an overriding constitutional obligation to make certain that Federal funds are expended in a manner which will benefit all citizens without distinction. The Federal Aviation Agency failed to take cognizance of such an obligation when it granted \$2,130,000 for the construction of a jet airport to serve Jackson, Mississippi, without questioning the airport's plan to build separate eating and restroom facilities.

