

T H E C I V I L R I G H T S

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A C o m p a r a t i v e A n a l y s i s O f T h r e e
V e r s i o n s O f T h e C i v i l R i g h t s
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Three versions of an omnibus Civil Rights Bill have come before the U. S. Congress thus far in 1963: The Administration Bill proposed by the President in his message of June 19, 1963; the amended version reported by the House Judiciary Subcommittee, October 2, 1963, and the "compromise" bill approved by the full House Judiciary Committee, October 29, 1963.

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The following material was prepared by the Leadership Conference on Civil Rights to serve as a ready reference in comparing the significant similarities and differences in the major provisions of the three versions.

L E A D E R S H I P
C O N F E R E N C E
O N
C I V I L R I G H T S

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ADMINISTRATION BILL

HOUSE JUDICIARY SUBCOMMITTEE BILL

HOUSE JUDICIARY COMMITTEE BILL
("COMPROMISE" BILL)VOTING

Prohibition of different standards for Negroes and whites in Federal elections.

Same, applied to ALL elections.

Same, applied to Federal elections only.

Prohibition of denial of vote in Federal elections because of immaterial error in records.

Same, applied to ALL elections.

Same, applied to Federal elections only.

Requirement that any literacy test to qualify to vote in a Federal election be in writing and copy of answers supplied to applicant on request.

Same, applied to ALL elections, with exception for those who request oral test under state law.

Same, applied to Federal elections with exception similar to subcommittee bill.

Create a presumption of literacy in any proceeding under 1957 Civil Rights Act that a 6th grade education qualifies a person as literate with respect to Federal elections.

Same, applied to ALL elections.

Same, limited to Federal elections.

Authorize courts to appoint temporary voting referees where Attorney General certifies less than 15% of a racial group votes in a political sub-division.

SAME

Substitute Provision: Three Judge Court appointed upon request of Attorney General in cases filed by him under 1957 Civil Rights Act. Appeal will be to the U.S. Supreme Court.

Voting cases filed by the Attorney General under 1957 Civil Rights Act to be expedited.

SAME

SAME

PUBLIC ACCOMMODATIONSCoverage:

Any hotel, motel or other public place providing lodging to transient guests.

Any motion picture house, theater, sports arena, stadium, exhibition hall, or other public place of amusement presenting shows that move in interstate commerce.

Any retail shop, department store, market, drug store, gasoline station, or other public place that keeps goods for sale; any restaurant, lunchroom, lunch counter, soda fountain, or other public place selling food, and any other establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, rent or hire, if

1-goods, etc., are provided to a substantial degree to interstate travellers,

2-a substantial portion of any goods held out to public has travelled in interstate commerce,

3-activities of establishment substantially affect interstate commerce, or,

4-it is integral part of establishment otherwise covered.

Same, with exception of owner-occupied establishment renting not more than five rooms.

SAME

Same, plus any business providing accommodations, amusements, food, goods or services to the public, if it
1-operates pursuant to state or local authorization, permission, or license, or
2-segregation is compelled, encouraged or sanctioned by state.

Same as Subcommittee Bill.

SAME

All places underlined in Administration bill column are deleted. Coverage limited to eating establishments and gasoline station that offer services to interstate travellers or a substantial portion of whose good offered for sale moves in interstate commerce, and in establishments located within the physical premises of, or containing a covered establishment, which holds itself out as serving patron of the covered establishment.

This last category seems to cover places such as stores with eating facilities within the building and specialty shops within hotels.

Declares all persons to be free from state enforced discrimination in any "establishment or place."
(Supreme Court has already established this principle by its decisions.)

ADMINISTRATION BILL

HOUSE JUDICIARY SUBCOMMITTEE BILL

HOUSE JUDICIARY COMMITTEE BILL
("COMPROMISE" BILL)

Enforcement:

1-Civil preventive civil action by aggrieved person.

SAME

SAME

2-Civil preventive action by Attorney General upon written complaint and findings that party is unable to proceed and purposes of bill would be materially furthered.

Same, except complaint must be under oath.

2-Civil action by Attorney General on finding purposes of bill would be materially furthered.

Person aggrieved allowed attorney's fees if successful.

Court may allow prevailing party (except U.S.) attorney's fees. U.S. liable for costs.

SAME as subcommittee bill.

Attorney General before initiating suit, to refer complaint to state or local officials where law prohibits action complained of. Also refer to Community Relations Service.

SAME

Attorney General shall refer complaint to state or local authorities and may utilize services of state, local or Federal agency for voluntary solution.

Courts shall exercise jurisdiction without necessity of exhaustion of Administrative remedies.

SAME

SAME

Jury trial provision of 1957 Civil Rights Act made applicable to contempt proceedings under this title.

CIVIL RIGHTS PROTECTION

No Provision

Attorney General authorized to protect by civil preventive action all constitutional and civil rights against adverse state action.

Deleted

Attorney General authorized to intervene in any private action to protect constitutional and civil rights against adverse state action.

Attorney General authorized to intervene in private action to prevent denial of equal protection of law on account of race, color, religion or national origin.

ADMINISTRATION BILL

HOUSE JUDICIARY SUBCOMMITTEE BILL

HOUSE JUDICIARY COMMITTEE BILL
("COMPROMISE" BILL)EDUCATION AND PUBLIC FACILITIES

Educational survey on lack of opportunity due to race, color, religion or national origin.

SAME

SAME

Technical assistance to school boards, etc., and training institute for teachers to assist in desegregation or correction of racial imbalance.

Same, except reference to racial imbalance is deleted.

Same as Subcommittee Bill.

Grants available to school boards to assist in problems of desegregation and racial imbalance.

Same, except reference to racial imbalance is deleted.

Same as Subcommittee Bill.

Loans to school boards where funds withheld because of desegregation.

Deleted

Deleted

Attorney General authorized to initiate or intervene in school desegregation cases if parties are unable to pursue legal remedy.

SAME

SAME

No provision for public facilities other than schools.

Attorney General authorized to institute or intervene in cases involving denial of rights to full use of any facility owned, operated, managed, controlled, or supported by public authority, where parties are unable to pursue legal remedy.

Similar to Subcommittee Bill, with deletion of "controlled or supported."

COMMUNITY RELATIONS SERVICE

Independent agency established to assist in voluntary solution of community problems arising out of discrimination.

Agency placed in Commerce Department, personnel limited to six persons.

Deleted

CIVIL RIGHTS COMMISSION

Life of Commission extended four years.

Authorized to serve as national civil rights clearing house and render technical assistance to governments, communities, industries, etc.

Declaration that no law providing Federal assistance by grant, contract, loan, insurance, guaranty, or otherwise, shall require such assistance to be furnished in circumstances in which persons are discriminated against because of race, color, religion or national origin.

Authorization to President to prescribe contract terms to assure non-discrimination in assisted programs.

Establishment of Commission on Equal Employment Opportunity with statutory base to administer program similar to existing program under President's Committee on Equal Employment Opportunity.

Commission made permanent.

SAME

FEDERAL AID

Declaration that all persons shall have right to participate free from discrimination in all programs and activities receiving Federal Financial aid.

Direction to each Federal agency giving financial aid by "grant, contract, loan, insurance, or otherwise" to enforce non-discrimination by 1-lawsuits, 2-denial of assistance, or 3-other means authorized by law.

Judicial review of agency action taken under this title is provided.

EMPLOYMENT

Establishment of Equal Employment Opportunity Commission, composed of Board and Office of Administrator.

Commission made permanent.

Authority to provide technical assistance deleted. Authority granted to investigate vote fraud cases.

Same as Subcommittee Bill.

Deletes Subcommittee reference to "insurance, guaranty, or otherwise. Deletes reference to enforcement by lawsuits.

SAME

Establishment of Equal Employment Opportunity Commission.

ADMINISTRATION BILL

HOUSE JUDICIARY SUBCOMMITTEE BILL

HOUSE JUDICIARY COMMITTEE BILL
("COMPROMISE" BILL)

Coverage limited to employment under Federal contract and Federal employment.

Prohibition of discrimination by most employers of 25 or more employees (100 for first, 50 for second year) and most unions of 25 or more members (100 for first, 50 for second year) and by employment agencies (including state employment agencies assisted by U.S.E.S.) supplying employers covered under bill.

Administrator authorized to initiate and receive charges, make investigations, file complaints before Board.

Board authorized to conduct hearings, make findings, issue cease and desist orders, enforceable by Court of Appeals orders.

Board's findings appealable to Federal Courts of Appeals. Findings of fact by Board conclusive if supported by evidence of record.

If Administrator fails to issue complaint, aggrieved party would petition District Court to require him to do so.

Administrator given subpoena power in investigations.

President authorized to act to provide non-discrimination in Federal employment.

SAME

Commission authorized to initiate or receive charges, conduct investigations, seek voluntary solutions.

In event of failure to secure voluntary solution, Commission authorized to file civil action for enforcement in Federal District Court.

Trial of case in Federal District Court. Court makes own findings de novo and can appoint master to make findings.

If Commission fails to file suit, aggrieved party may do so, with permission of one member of Commission.

Commission given subpoena power.

Same as Subcommittee Bill.

VOTING CENSUS

No Provision

Prompt census directed of voting statistics by race, color, national origin. Similar information to be included in next decennial census.

Prompt census in geographical areas recommended by Commission on Civil Rights. Information on voting to be included in next decennial census.

REMOVAL OF CIVIL RIGHTS CASES

No Provision

Where a civil rights defendant in a state court removes the case to the Federal District Court, this title provides a right of appeal to the Federal Court of Appeals from any decision of the Federal District judge remanding the case to the state courts.

Same as Subcommittee Bill.