

RG 453

SD/White House Conference "To Fulfill These Rights," 6/1-2/66

AUG 19 1966

Mr. G. W. Foster, Jr.  
Professor of Law  
The University of Wisconsin  
Law School  
Madison, Wisconsin 53706

Dear Bill:

Thank you for sending me your paper comparing White House Conference proposals on education with current Wisconsin practices. I am sorry not to have replied earlier, but we have been heavily engaged in a number of projects including our own study of racial isolation in the schools.

I think your paper has some excellent suggestions for resolving the problems of quality education and school segregation. I was particularly interested in the material concerning the distribution of school resources in Wisconsin. It seems to me also that your paper has the additional value of relating the matters considered at the White House Conference directly to the State and local level where these matters must be dealt with. I would hope that in other States, where the problems are perhaps even more severe than in Wisconsin, similar efforts will be made.

Sincerely yours,

(SIGNED) WILLIAM L. TAYLOR

William L. Taylor

cc: Official File  
SD ✓  
CMHolman  
MESloane

MESloane/lb 8-17-66



THE UNIVERSITY OF WISCONSIN

LAW SCHOOL

MADISON, WISCONSIN 53706

July 19, 1966

Mr. William Taylor, Staff Director  
U. S. Commission on Civil Rights  
Washington, D. C.

Dear Bill:

Some of us who attended the White House Conference from Wisconsin got together recently and decided we would prepare short papers which compare current Wisconsin practices with the recommendations made to the conference. A preliminary draft of my attempt to do this for the education recommendations is enclosed.

At our first meeting we found it impossible to reach agreement among the conferees to recommend everything recommended to the conference. The best we could do was to agree to report to the state what the conference recommendations were. It is my hope that we can release the education summary for Sunday newspapers July 31. If you have any bright ideas which you believe should be included in the report or see things you would suggest I omit, please let me know. And if you have any further notions for what we in Wisconsin may do to further action at a state level, I expect to hear from you.

Good luck with your long, hot summer.

Faithfully,

*Bill*

G. W. Foster, Jr.  
Professor of Law

GWf:glh

Enclosure

Civil Rights and Education:

WHITE HOUSE CONFERENCE PROPOSALS WOULD ALTER MANY WISCONSIN PRACTICES

A Summary Comparison of Conference Recommendations  
and Current Wisconsin Practices

July 18, 1966

G. W. Foster, Jr.  
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Madison, Wisconsin 53706

Confidential: This draft is submitted privately to a limited number of persons. It is preliminary and citations or quotations from it may not be made in any public address or writing.

Civil Rights and Education:

WHITE HOUSE CONFERENCE PROPOSALS WOULD ALTER MANY WISCONSIN PRACTICES

Sweeping civil rights recommendations were made to the White House Conference "To Fulfill These Rights," held at Washington June 1-2 of this year. For education alone there were 23 tightly packed pages of recommendations, many of which would call for major changes in Wisconsin. The following analysis, prepared by Professor G. W. Foster, Jr., Law Professor at the University of Wisconsin and a consultant to the Conference, compares current Wisconsin education practices with those recommendations that would require change.

Introduction

The education recommendations made to the White House Conference "To Fulfill These Rights" set three broad goals:

1. To guarantee to every child equal access to the best kind of school that our society knows how to provide him;
2. To redress racial imbalances in our schools and cities by deliberate "color-conscious" action; and
3. To strengthen the educational content and techniques of our schools, from pre-school through higher education.

One new and major theme ran through the recommendations: The Conference goals can be attained only through programs which cut across lines that now separate school districts, municipalities, even states. Existing local governmental units with their independent revenue powers, separate tax bases and, often, homogeneous social and racial composition, today reinforce patterns of social stratification and racial segregation.

To eliminate stratification by class or race and to achieve educational quality for all, the report introduces the concept of "workable programs" designed to attack these problems simultaneously. Whether such "workable programs" require consolidation into single metropolitan school districts in urban areas (and

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multi-county districts in rural ones) or could be achieved cooperatively among existing school systems was not spelled out in the recommendations. But the recommendations did make it clear that existing school systems - and communities - could no longer remain indifferent to educational and racial problems of adjoining areas if Conference goals were to be reached. And to assist both in planning and carrying out the "workable programs," major Federal aids were recommended.

Little further will be said here concerning recommendations to the Federal government beyond noting that, so far as Wisconsin is concerned, a role of Federal cooperation rather than coercion is recommended. Emphasis in the recommendations is upon having Federal aid take the form of helping those at state and local levels who tackle seriously the problems with which the Conference was concerned. And many of the problems which concerned the Conference were problems for Wisconsin as well.

#### Goal 1: The Best Kind of School for Every Child

The report to the Conference observed that

The educational opportunity provided for children in America today is grossly unequal. Too many children are locked into inferior school systems by poverty and prejudice; they have no choice but a bad one and the number of them that reject it should not surprise us. . . Our rural schools are of uneconomic size and have too few local resources to develop imaginative teaching or adequate plant and equipment. Our central cities steadily lose to the suburbs those who gain in education and wealth, so that both financial and policy support for city schools is left to those least able to pay for it.

So far as these problems raise financial considerations, "workable programs" from Wisconsin would have to take account of three recommendations made to the Conference:

##### 1. Existing distribution of resources available for education

Existing Wisconsin laws provide for some redistribution of the state's wealth to equalize educational expenditures but the results fall far short of producing equality of opportunity. For the 1965-1966 school year, net operating costs in Wisconsin ranged from an estimated \$332 per pupil in the public schools at Tomah

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to \$808 in Kohler; the corresponding figures for Milwaukee were \$428 and for Madison, \$458. Educational quality is of course not precisely proportional to the money spent on it. And it is manifestly more expensive to provide the same educational opportunity for a child who is handicapped either physically or culturally than for a healthy one coming out of a normal middle class environment. But the broad disparities in per pupil expenditures suggest that Wisconsin has far to go before equality of educational opportunity is a fact in the state.

Mayor Henry Maier of Milwaukee has for some time insisted that suburban areas should share in financing the city's educational costs. Governor Knowles has also acknowledged the desirability of taking a look at the matter and the Wisconsin Legislative Council is currently studying it. As this is written, however, it is unclear whether the study will merely make recommendations affecting the tax incidence of the present structure or will face the larger question of eliminating the existing inequalities in funds available for education of Wisconsin children.

2. Consolidation and re-districting uneconomical school districts

In spring 1966 some 562 school districts existed in Wisconsin, 167 of which operated schools at the elementary level only. And a trend toward consolidation continues. Yet even allowing for considerable difference of opinion on the minimum allowable size for a school district, not much can be expected of a Wisconsin elementary district serving only 9 pupils and it is difficult to believe a district serving only 71 high school pupils is an effective economic unit for supplying adequate library resources or the range of courses and laboratory facilities needed at secondary levels.

3. An expenditure of \$1,000 per pupil annually as a national goal

Recommendations to the Conference noted that the present national average public expenditure per pupil is \$533. (The average for Wisconsin is somewhat below this figure.) The recommendations went on to fix the figure of \$1,000 per child as a "reasonable goal." Averages well above that \$1,000 amount are not

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infrequent in well-to-do suburban communities; the average at Scarsdale, New York, for example, is reported at \$1,211. Because of the uneven geographic distribution of the nation's economic resources, some sort of Federal redistribution appears essential to achieve the \$1,000 figure in national terms; Mississippi simply lacks the wealth of California or New York. Numerous federal programs - among them funds provided by the Elementary and Secondary Education Act of 1965 - distribute aids under formulas that in some measure compensate for the spotty character of the country's wealth. But the proposal for an average national expenditure of \$1,000 per pupil calls for fundamental changes in the existing base of financial support for public education at the state level and, almost certainly, at the national level as well.

In short, to meet the financial characteristics of the "workable programs" recommended to the Conference, Wisconsin would have to do a major job of equalizing the funds available for educating its children, eliminate a large number of uneconomic school districts, and very substantially expand the level of per pupil expenditures (with Federal aid probably essential to meet the increased expenditures).

Goal II: Redress of Racial Imbalances by "Color-Conscious" Action

The report recommended a proclamation of a national policy to reduce racial concentrations in the schools by affirmative "color-conscious" actions which, where necessary, reach across existing school district, municipal and even state lines. Major Federal aids were also recommended for planning and implementation of plans to redress racial imbalances as part of the "workable program" concept.

The report noted that "experience has shown that 'color-blindness' will not bring us to a 'color-blind' society"; instead "'color-blindness' has served as a shield for racial discrimination and a cover for the preservation of the segregated status quo." And as specific suggestions for reducing racial concentration, the report suggested mechanisms such as "rezoning, clustering, pairing or merging

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schools; exchanging students or entering into cooperative arrangements with other parts of the metropolitan area; enlarging districts and experimenting with transportation patterns; building new schools or educational parks in strategic locations."

At national levels, these recommendations are new. They rest, however, on proven experience at state and local levels. Most of them have been introduced by communities in New Jersey and New York, often under the active prodding of the state departments of education. Similar prodding from a state level in Michigan has been promised recently in a joint statement issued by the Michigan State Board of Education and the Michigan Civil Rights Commission. California, Illinois and Massachusetts have likewise announced state-wide policies requiring affirmative, color-conscious action to reduce racial concentrations. And similar local policies have been adopted in numerous communities outside these states.

In contrast, racial concentration in Wisconsin schools has thus far produced only study, recrimination and inaction. In April 1966 former State Superintendent of Education Angus B. Rothwell issued a departmental statement on de facto segregation adopting the Delphic view that "lack of opportunities for some form of integration is harmful to the white community as well as it is to the colored community," but concluding that "we support the continuance of the neighborhood school as the basis for our educational system, [recognizing] that compensatory avenues of action may be needed to overcome problems in some neighborhood school areas." His successor, State Superintendent William C. Kahl, has subsequently stressed the serious nature of the racial concentration problem but has not yet suggested any specifics for state action.

At a community level most of the debate has centered on segregation in the Milwaukee schools. Until now, a dominant majority on the Milwaukee School Board has adhered to a policy of "color-blindness" under which it has supported some real efforts to improve the quality of largely Negro schools but declined to make

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any direct move toward relieving racial concentrations in the city's schools.

Nor are larger communities the only ones in the state with problems of racial concentration. In numerous sections of the state there are no Negroes - or almost no Negroes - and until rather recently signs warned Negroes to leave the community before sundown. And when the old signs went down, no new ones went up in their place to announce any welcome.

In short we have no commitment either at a state or local level in Wisconsin at present to take affirmative, color-conscious actions to reduce racial concentrations in our schools. As yet the problems have not reached such a proportion that they become all but impossible to solve. But time is running out. And the recommendations to the White House Conference suggest effective steps which could be - but are not being - taken.

Goal III: Strengthening Educational Content and Techniques in our Schools

Most of the recommendations to the Conference that touched on improving the educational content and techniques in our schools were hardy perennials, general in character: School boards (and communities at large) should be more sensitive to modern educational needs; school organization should be more "flexible"; rural (also vocational) schools require more attention.

As to these recommendations, some Wisconsin communities could give good account of themselves - others could not. Milwaukee, for example, has in recent years spawned an impressive looking list of programs designed to provide special compensatory training to children who suffer social and economic handicaps.

To at least two more specific recommendations, however, Wisconsin could well give heed:

1. Needed: a huge new supply of teachers specially prepared to work with children not of the middle class

Existing schools of education - within and without Wisconsin - concentrate on preparing teachers for service in white, middle class schools. Such teachers are simply not equipped to face the special problems of communication, attitude and

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expectation among children from totally different social and economic levels. The result is often one of frustration to both teacher and pupil, with the teacher understandably seeking a transfer to a middle class school as soon as it can be had. Some help can be provided through in-service training programs but even these have only limited value and have not been widely installed. What is obviously required is a major alteration of teacher training for significant numbers of prospective teachers.

2. Specialized teaching materials for handicapped children

From the Look! Look! See! See! readers at first grade levels through the end of secondary education, the typical teaching materials are cast in the form of a world which is middle class (and white). Minority group children or those from lower income levels generally fail to find any familiar faces or symbols. In recent time, the need for materials with which pupils can identify has produced some new teaching materials designed both to help children lift themselves to middle class skills and to aid middle class children in obtaining better understanding of minority groups and others outside the middle class. Wisconsin can probably gain by exploring these directions farther than it has to date.

In Summary

The recommendations to the White House Conference would - if made a reality - produce significant changes in Wisconsin. As such they reflect views not yet widely adopted. They are, however, views held by some of the most knowledgeable people in the civil rights area and almost certainly the problems to which the recommendations are addressed will continue to press upon the nation for solution. Whether these particular recommendations, or others, will lead to ultimately viable solutions, only time will tell. What is evident, though, is that some of these problems remain unsolved in Wisconsin and the entire state will gain by constructive discussion which produces solutions.

PLANNING SESSION  
FOR  
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

VOTING AND CITIZENSHIP PARTICIPATION

December 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman  
Berl Bernhard  
Harold Fleming

Following is a preliminary report on proposals by the panel on Voting and Citizenship Participation of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the directors of the committee for the panel, Mr. Wiley Branton, Special Assistant to the Attorney General, Department of Justice, and Mr. Sterling Tucker, Director of the Washington Urban League. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

## VOTING AND CITIZENSHIP PARTICIPATION - PRELIMINARY REPORT

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The Panel on Voting and Citizenship Participation was attended by approximately 37 invitees, about half of whom were from the South. The participants met together in all of the sessions except for the Thursday morning session when the group split into North and South panels.

Most of the ideas or proposals by the group were based on those in the agenda paper. Many of the members were, however, concerned with the nature of the Negro power base in this country, and how political power should be developed. Implicit throughout the discussion was the panelists' belief that the mass of Negroes is isolated from the mainstream of political life. Assuming that the registration of voters is based on the premise that political power will redress wrongs, how will the vote lead to effective power on social and economic issues? Some felt that absorbing the Negro minority into the general electorate would negate any ability to act on issues of concern to the Negro masses, and that the only solution is maintenance of separate Negro entities and voting blocs. No solutions or consensus arose from these discussions, but it was very much on the minds of the panelists as they considered the more specific proposals for achieving and utilizing the right to vote, as follows:

### I. UNIFORM REGISTRATION AND VOTING LAWS

#### A. National Standards

High on the Panel's list of priorities was the need for a constitutional amendment to set up uniform registration and voting laws. This was considered necessary not only to insure maximum enfranchisement in the South, but also to encourage full citizen participation in the North.

Some of the panel wanted to establish the minimum national voting age at 18. Others wanted to eliminate residency and literacy requirements and to establish voter registration by mail.

The status of the present litigation seeking to remove the requirement of poll tax payment as a prerequisite for voting was explained by a Justice Department official. Participants suggested that plans be made for the submission of a constitutional amendment to outlaw the poll tax in the event the present litigation is unsuccessful. Until the matter is adjudicated, the continued payment of poll taxes should be encouraged.

B. Universal and Permanent Registration

The majority of the panel supported universal and permanent registration. It was suggested that this could be accomplished by utilizing computers and the data already collected for social security and income tax records. One panelist suggested that the Federal Government could issue registration cards for voting at the same time it issued social security cards.

C. Ending Registration System

Some of the panelists wanted to eliminate the registration process.

D. Federal Control of Voting

It was suggested that there be a Federal study on the mechanics of the voting process. It was felt that the present system left the control of the voting apparatus and selection of election officials in the hands of the major parties. It was felt that such a system did not always insure the secret ballot, encouraged election fraud, and was not equipped to handle the increasing numbers of voters.

It was felt that election fraud, whether on the national or local level, should be made a Federal crime.

Some of the panelists supported a nation-wide system of voting while others suggested that Federal grants or matching funds be given to states in order to enable them to standardize their voting procedures and purchase computers and other equipment.

II. THE VOTING RIGHTS ACT OF 1965

A. Responsibility of the Government

It was felt that the government must adopt a firm and aggressive attitude in encouraging citizens to register and vote. It should assume the responsibility for getting people registered in those areas where the Negroes have been intimidated.

The President should use the full force of his office to launch a campaign for full citizenship. He should issue an executive order requiring all Federal agencies to cooperate in an effort to get people registered and make all Federal facilities available to assist in the effort.

B. Protection for Voters

In view of the pressures put on the Southern Negro who tries to register or vote, the Government has a strong obligation to insure that such persons are afforded full protection from physical violence and economic reprisal.

The Government must take swift action in prosecuting persons who deny others the right to vote. Statutes such as 19 USC 242 and 243, and the \$500 fine for infringement of voting rights, must be enforced.

Federal marshals should be assigned to registration or voting sites where there is a question of intimidation.

C. Use of Federal Registrars

Many of the panelists felt that the Government must recognize that broad-scale voluntary compliance with the Voting Act is not going to come about in the South. The Government should take immediate steps to increase the number of Federal registrars and to put them in all areas covered by the Act.

Similarly, the panelists felt that the present system, which requires that the individual collect evidence of refusal to register, places a heavy burden on the individual. They also felt that the Government was not prompt enough in providing registrars once complaints had been made; and that such delays meant a diminishment in the numbers of Negroes willing to try to register again.

The Justice Department has a responsibility not only to place Federal registrars but also to see that civil rights and local groups were given advance notice of the appointment in given areas.

The Justice Department must take an active role in promoting registration with registrars through an imaginative and active program of advertisement. It was suggested that all agencies of the Department of Agriculture, and other departments which are active in disseminating information in the South, could be used as outlets for disseminating information on voting registration. Another panelist thought that the information should be given out in public schools so that children could take it home to their parents.

It is imperative that the registrar offices be more accessible to the community. It was urged that their hours be changed to make them available in the evening and on weekends.

Federal registrars should be more mobile. Every tax-supported facility in the community -- schools, firehouses, libraries and post offices, etc. -- should be opened for registration. Police stations and courthouses should not be used in the South because of their negative connotations for the Negro community.

Federal registrars should use mobile units and operate on regular schedules that would be announced well in advance.

The Justice Department should investigate the possibility of using "deputy registrars," as in California. Such "deputy registrars" could canvass neighborhoods for potential registrants and would be authorized to register on the spot. The Department should also consider using postmasters as registrars.

D. Financial Impediments to Registration

Registration drives are costly; Federal funds should be made available to assist in voter registration drives. Grants by private foundations and individual contributors should be encouraged to support registration efforts. Some of the participants felt that the Federal Government should take over the full responsibility and cost of voter registration.

E. Federal Enforcement

Larger appropriations and, if needed, new legislation, should be provided in order to give the Department of Justice the powers it needs to enforce the Act.

III. INCENTIVES FOR INCREASED VOTER REGISTRATION AND CITIZEN PARTICIPATION

While there was substantial agreement on the need for Federal action in establishing a uniform registration and voting system and to enforce the 1965 Voting Act, the panel was divided on the role the Federal Government could, should, and would be able to play in providing political education and motivation for the Negro.

A. The Hatch Act

One area in which Federal action was deemed necessary was in providing clarification and possible amendment of the Hatch Act. Many of the potential leaders in the Negro community are Federal employees and it was felt that the Hatch Act restricted their participation in political activities.

The Government should make it possible for them to exercise their full leadership potential. It should also conduct a public relations campaign to explain what the Hatch Act now permits or prohibits. It was felt that many state and local government employees, including school teachers, fear the loss of their jobs if they get "involved in politics" under the mistaken belief that they are also covered by the Federal law.

B. Mandatory Registration

There was some discussion of whether it should be mandatory for all citizens to register and vote, but there was no consensus on this.

C. Election Day

There were a number of suggestions that Election Day be made a national holiday. Other panelists wanted to hold elections over a two-day period or on Sundays.

It was also suggested that voting booths be set up in all businesses which employ more than 100 persons.

D. Political Education

There were a number of suggestions for nation-wide programs for educating the Negro in his rights, opportunities and powers in the political system. These included suggestions for the establishment of a national Citizenship House to assimilate information and train indigenous leaders, compulsory courses in high school on voter registration, neighborhood centers for citizenship education, and political education and crash programs to eliminate illiteracy.

It was felt that assistance in the form of grants to encourage more political education should be provided. Many panelists felt that the poverty program had both the funds and the authority to establish such programs; others felt that it was unrealistic to expect the Office of Economic Opportunity to conduct nonpartisan training.

E. Political Parties

There was a strong feeling that the major political parties were not sufficiently responsive to the Negro or his needs. It was felt that more Negroes should be in national policy-making positions.

Most of the panelists felt that civil rights groups should put pressure on these parties to force them to consider issues such as housing, employment and income which affect the Negro. Equal pressure should be applied to see that more Negroes are appointed on the local level and that local organizations are more active in registering minorities.

It was felt that Negro groups should organize on the precinct level and be active in county and district meetings.

If it is assumed that party organization is a legitimate function of democratic society such organization must be maintained at public expense if there is to be meaningful competition. Government, both Federal and local, must assume some of the financial burdens of running for office. It was suggested that free broadcast time be provided all candidates, as well as free mailing service. Another participant advocated that political contributions be made tax exempt.

F. Neighborhood Organizations

It was suggested repeatedly that there is a need for stronger neighborhood organizations, perhaps supported by federal funds, to gain power for Negro citizens to enable them to solve their problems; questions were raised as to whether it is naive to assume that the Federal Government would make funds available to Negro-led organizations whose aim is the achievement of political power.

IV. PROPOSALS OF INTERIM IMPORTANCE BEFORE THE SPRING CONFERENCE

- A. There was general agreement that the Federal Government should immediately adopt a more aggressive attitude in encouraging citizens to register and vote.
- B. A presidential executive order could create a Commission on Registration and Voting to coordinate the Government's involvement in registration.
- C. The Attorney General should consider the certification of more counties for Federal examiners and there should be neighborhood and mobile examiners in those areas which are heavily populated by Negroes.

PLANNING SESSION  
FOR  
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1800 G Street, N. W.  
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HEALTH AND WELFARE

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman  
Berl Bernhard  
Harold Fleming

Following is a preliminary report on proposals by the panel on Health and Welfare of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Mr. Lisle C. Carter, Assistant Director for Interagency Relations, Office of Economic Opportunity. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

The sessions of the panel on Health and Welfare were chaired by Whitney Young, Executive Director of the National Urban League on the first day, and by James S. Dumpson, Professor, School of Social Work, Hunter College, on the second day.

At the outset the panel discussed the agenda which had been submitted to the participants. The agenda was accepted, with the understanding

that greater emphasis would be given to discrimination in the provision of services and the implementation of Title VI.

The following were among the major problems identified as affecting Negro Americans in the areas of health and welfare, and the proposals for solution.

a. The total lack of availability of such services in some places, particularly in the rural South. Related to this the failure of state and local governments to take advantage of existing Federal programs.

b. Discrimination in the provision of services, where they are available, which often results in deprivation of the services or in indignity in their receipt.

c. Regardless of discrimination, the lack of accessibility and the manner in which services were provided that often impeded their utilization. These impediments include:

1. The conditions under which services are provided -- location, adequacy of facilities, and quality and attitude of personnel.

2. The public attitudes towards persons who use public health and welfare services that regard such users as less worthy and therefore worthy of less.

d. Lack of information on the part of civil rights groups, consumer groups and potential beneficiaries concerning health and welfare programs or services, and their rights with respect to such programs or services.

e. The powerlessness, or sense of powerlessness, of recipients, actual or potential, to do anything about the above problems, which leads to an increased sense of dependency.

#### PROPOSALS

The general proposals and the minority views expressed below include both immediate steps and longer range efforts which may be of substantial value in solving these problems. These proposals or views are by no means always complementary, but represent the suggestions made during the discussion sessions.

Recommendations emanating from the panel's deliberations are divided into three major categories:

#### I. General Proposals Reflecting the Consensus of the Group

II. Proposals or Points of View Expressed by One or Several  
Individuals in the Group

III. Proposals of Interim Importance for Implementation Before  
the Spring Conference

Those general proposals on which there was a consensus, and which are also of interim importance, are noted under both categories I and III.

Planning and design of the Spring Conference will be covered in a subsequent report.

I. GENERAL PROPOSALS REFLECTING THE CONSENSUS OF THE HEALTH AND WELFARE GROUP

A. The Federal Government should establish standards for the quality, availability, accessibility and acceptability of health and welfare services. Where these standards are not met, the Federal Government should be empowered and enabled to contract for the direct provision of such services.

B. Sufficient funds should be appropriated for the Department of Health, Education and Welfare to fully implement the prohibition against discrimination contained in Title VI of the Civil Rights Act of 1964. The panel felt that insufficient funds were devoted to administering Title VI.

C. Fundamental changes are required in the organization and delivery of both health and welfare services, to assure that the high quality of services that the nation's scientific and economic development has made possible will benefit all Americans.

D. The Spring Conference agenda should include a discussion of the several aspects of family planning services including:

1. The problem of variations in access to family planning services by different economic and racial groups, and the implications of such variations.

2. Freedom from coercion. These services should be used only by choice of the client, and dispensed with respect for all clients' religious and personal beliefs. They should not become prerequisite to receipt of other services.

E. In order to make health and welfare services effective and responsive to the needs of the persons being served, the recipients of service must be actively involved in decision-making with respect to the nature, location and other circumstances under which services are rendered.

F. The Federal Government should provide a forum in which recipients of service or potential recipients of service, and their representatives, are brought together with those who are responsible for the provision of services, particularly under public auspices, and particularly in the South -- so that responsible public officials, at all levels, will be made more aware of the needs, desires, and demands of the recipients of service, and that continuing communication may be established.

G. To reduce unemployment and attendant dependency upon cash benefits, government at all levels, and private agencies of all kinds should take immediate action to support and facilitate the recruitment, training, and employment of nonprofessionals in large numbers. Trained nonprofessionals should be utilized extensively in health, welfare, education, and other services, both in order to provide more effective and appropriate service, and to permit the more effective utilization of scarce professional manpower.

H. There should be a universal adult literacy program which is available as a right to all who wish to avail themselves of it.

I. Fundamental changes are needed in public policy to provide all persons with a decent level of income, in circumstances which maintain the full dignity of the recipient. Immediate improvements can be made in public assistance programs to assure that they operate in all states at a uniform minimum level of decency.

II. PROPOSALS OR POINTS OF VIEW EXPRESSED BY ONE OR SEVERAL INDIVIDUALS IN THE GROUP

Availability of Services

A. The Conference should give considerable attention to the arguments pro and con about a federally-operated program of health and welfare services.

Arguments pro:

1. Uniformity of standards
2. Higher quality of service
3. Safeguard for minority rights particularly in any state where a government, unresponsive to Negro needs for services, forms a barrier to delivery of services.

4. Better administration, organizational structure, and personnel placement.
5. Greater adequacy of grants

Arguments con:

1. Deviation from existing policies of Federal-state relationships and necessity for modification of our legal philosophy.
2. Loss or diminution of local relationship to local needs and consequent difficulty of keeping programs related.
3. Resistance based upon established U.S. traditions.

B. Abolish the Federal-state grant system and advance to a regional planning system to assure access to the most recent health and welfare facilities without severe burdens on each state or community.

C. Abolish the several categories of public assistance, and the locally-determined means test and residency requirements for receiving public assistance. Establish need, as determined by a Federal eligibility scale, as the sole criteria for receipt of assistance.

D. More attention should be focused on mental health programs (particularly in the South) and the need for staffing such programs with adequately trained personnel.

Discrimination in Provision of Services

A. Since the provisions of Title VI of the Civil Rights Act of 1964 cover more than 190 programs administered by 21 Federal departments and agencies which in fiscal 1966 will distribute over \$18 billion in Federal benefits, Federal funds should also be appropriated for full implementation and enforcement of Title VI. There should be a study in depth of personnel requirements for adequate staffing of all Federal installations having responsibilities under Title VI. To facilitate Federal monitoring of involved programs, the administrative structure should include specially trained personnel and an improved mechanism for detection of non-compliance. Existing personnel resources should be supplemented by additional and better-trained staff for investigation of complaints and local hearings.

B. The U.S. Public Health Service should establish a unit with a surveillance function to give special attention to providing presently available and new health services to minority groups, particularly from the standpoint of quality and accessibility of services. There is a pressing need for integration of the boards and staffs of all public and private agencies.

C. The U.S. Public Health Service and other agencies in the Department of Health, Education and Welfare should integrate their staffs, from top to bottom now; for it is these agencies that serve as the model for local agencies handling programs administered by that Department.

D. The Federal Government should establish centers to facilitate the adjustment of migrant Negroes and immigrants. White immigrants are already provided some services of this kind, migrant Negroes are not.

E. A Federal land and farm equipment grant program should be established for all southerners who are forced out of their homes and jobs in reprisal for their participation in civil rights activities. Such a measure would allow those who wish to remain in the South and would minimize migration to urban areas by persons best equipped to earn a living in rural areas.

F. Civil rights and other local groups should compile documentation of infringements of Title VI, and of other legal rights accruing to beneficiaries of public programs.

G. Civil rights and other local groups must be fully and accurately informed of the instances in which evidence of non-compliance may be submitted directly to the Federal Government for federal action for non-compliance rather than having to go through the individual appeal process.

H. Special attention should be given to the problem of obtaining hospital staff appointments for Negro physicians--by government at all levels, medical groups, hospital associations and other related organizations.

I. There should be a special effort to recruit young Negroes for health and para-medical occupations. There should be special programs to help Negro college graduates qualify for graduate training in health and para-medical occupations.

#### Accessibility of Services

A. In order to project the poor into the mainstream of American medicine, medical services should be organized to meet the health needs of all people

and to be used by all people--those who are able to pay for services would be charged accordingly.

B. Neighborhood cooperatives should be developed by community residents to whom experts would be accountable for their technical assistance.

C. Each community must have a top-level social policy of provision of services on a coordinated basis.

D. Health services should be neighborhood-based, and staffed with well-trained and well-salaried personnel who are able to communicate with the patients.

E. Explore the possibility of use of VISTA volunteers in medical and para-medical capacities for health programs in urban ghettos and in the South generally.

#### Dissemination of Information

A. There must be devised and implemented an efficient system of informing citizens of their rights to health and welfare services under existing legislation. This system must be designed not only to give pertinent data relating to the nature of programs but also to give explicit instructions relating to program participation, either individual or otherwise. This may be accomplished by campaigns conducted through the communications media or information programs conducted by community agencies.

B. There must be an information mechanism which serves the specific purpose of advertising to the citizen the various recourses available to him for infringement of his rights as a beneficiary of a public program.

#### Means to Decrease Dependency

A. There should be some consideration of the degree to which non-professionals can be of assistance to professionals in various occupational areas, and whether non-professionals should be trained as specialists or generalists.

B. The agenda should include consideration of the "expeditor role" which has significant value in many categories of the Health and Welfare Planning Session deliberations:

1. Making the poor aware of available benefits.
2. Assisting the poor to avail themselves of services.
3. Grievance procedures for correction of abuses.

As much as possible, expeditors, those who are actually in the neighborhoods with the persons most in need of services, should be incorporated into the governmental personnel structure. Since this measure alone cannot accomplish the job completely, this new breed of worker should also be used by private groups.

C. Colleges should be used as training facilities for non-professional personnel.

D. Basic education is preliminary to the exercise and enjoyment of any civil rights. In our present society one must know how to read. If the Conference were to accomplish nothing else but to launch an effective national campaign to eliminate illiteracy, it shall then have achieved a great goal.

E. Voluntary organizations should be encouraged to sponsor (i.e., provide legal services either from within or outside its ranks) violation cases through the entire appeal process--from the filing of complaints through court actions--and to file briefs as amicus curiae in pending cases with regard to violation of rights in the provision of health and welfare services.

F. Legal representation in civil cases should become a "right," just as it is in criminal cases as established by Gideon v. Wainright.

G. Some system of proportional representation for election to state and local legislative bodies is needed to offer opportunity for minority ethnic and economic groups to have a voice in government.

H. Welfare programs and services should be organized and administered with a recognizable focus on rehabilitation and/or developing the ability of the Negro to break dependency upon welfare where this is a realistic goal for the particular recipient of services.

I. The neighborhood service center should be viewed as the focal point for consumer "participation and representation."

J. It is recommended that a brief be prepared in analysis of a Federally-guaranteed minimum income policy that is directed toward reducing the causes of poverty. This brief should include specification of the chief features to be incorporated in a program to implement the policy, such as:

1. A universal guaranteed minimum income incorporated as the middle level in a three deck system, that is, between the contributing social insurance system and the public assistance program. This would have the following advantages:

a. It would permit the contributory social insurance system to be developed explicitly as a conservator of middle-income levels of living.

b. It would free enormous amounts of financial and manpower resources in state welfare departments to develop statewide networks of services to families and children.

K. A provision for state and local welfare departments to continue to provide financial assistance to persons in need because of emergency situations such as fires, floods, and other acts of nature, because of personal emergencies and also because of their inability to handle their funds.

L. Every means should be used to reduce the number of persons dependent, on the basis of "need," upon such assistance as free health and social service programs. This may be accomplished by extension of social insurance coverage and expansion of public works or public employment programs.

M. The provision of welfare services and cash assistance should be administratively separate services.

#### Other Proposals Not Specifically Related to Health and Welfare

A. Perhaps the most basic consideration in "Fulfilling These Rights" is the need of a constitutional convention to consider such items as:

1. Reorganization of the states.
2. Representation in the Congress.
3. Review of some aspects of the executive and judicial branches of our government.

B. The Conference should be a Federal program to stimulate the moral consciousness, to encourage a change in attitudes of white America; a crash program to stimulate and exert a positive influence on the thinking of the white majority as to their responsibility in becoming aware of the existence of, and the plight of, the Negro and other minority groups in the United States. For all too long, the Negro does not exist in the consciousness of white America. The Negro has been so completely and so generally excluded from the mainstream of ordinary life that until the "sit-ins" and the protest groups, the average American never gave a second thought to the fact that the Negro exists as a person; thus, the wholesale denial. It is therefore just as important to make the Negro more aware of his rights, as it is necessary to approach white America to acquaint them with their responsibility and arouse their consciousness. That must be done in order to make real the proposals and the gains which have been provided through the 1964 Civil Rights Act!

III. PROPOSALS OF INTERIM IMPORTANCE FOR IMPLEMENTATION BEFORE THE  
SPRING CONFERENCE

Discrimination in Provision of Services

A. Sufficient funds should be appropriated to the Department of Health, Education and Welfare to fully implement the prohibition against discrimination contained in Title VI of the Civil Rights Act of 1964.

B. The Federal Government should provide a forum in which recipients of service or potential recipients of service, and their representatives, are brought together with those who are responsible for the provision of services, particularly under public auspices, and particularly in the South--so that responsible public officials, at all levels, will be made more aware of the needs, desires, and demands of the recipients of service, and that continuing communication may be established.

C. Federal officials should continually communicate more closely with indigenous people on the firing line in the South, those people who know first-hand of the intimidation of welfare recipients and other program beneficiaries.

Other Proposals Not Specifically Related to Health and Welfare

In order to commit and involve the citizenry of all levels in all communities across the nation, to involve those critics who were not invited to the Planning Session, to provide psychological outlets for ventilation of relevant problems, and to generally support the President and the Conference, the Spring Meeting should be made a public forum on civil rights by the President inviting all--via nationwide broadcast--to submit ideas for "Next Steps."

PLANNING SESSION  
FOR  
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

HOUSING AND THE NEIGHBORHOOD

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman  
Berl Bernhard  
Harold Fleming

Following is a preliminary report on proposals by the panel on Housing and the Neighborhood of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Mr. George Schermer, Human Relations Consultant. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

## HOUSING AND THE NEIGHBORHOOD - PRELIMINARY REPORT

- 2 -

The Panel on Housing and the Neighborhood established a high degree of unanimity from the very beginning on:

- I. Definition of the problem
- II. General goals and principles
- III. The definition of action proposals

The differences within the group were those of relative emphasis. Those who might be identified as closest to the civil rights action groups were more emphatic about specific actions now, with relatively short-term objectives. Those who might be identified as planners and scholars were more concerned about longer-range goals and a comprehensive strategy. However, there was surprisingly little polarization within the work group. Such exchanges as this characterized the differences: "I agree that what you propose is important but we want to see some evidence of action first." or, "Yes, an extension of the executive order is important, but let's not assume that it is going to solve very much--this problem is so tremendous that we must stretch our imagination and think about what must be done about a population that will be doubled in another generation."

### I. Definition of the Problem

#### A. Areas of substantial agreement

1. In terms of purely physical dimensions and growth the problem is substantially urban.
2. A rural problem was recognized. Lack of time prevented the work group from exploring it, however, to the expressed regret of the group.
3. Patterns of residential segregation by race in urban areas are expanding rapidly and becoming more and more solidified.
4. The physical condition of housing may be improving in absolute terms, but the gap between white and non-white is widening.
5. Practices of discrimination in the sale, rental and financing of housing are general throughout the nation. They are only a little less overt in states having fair housing laws. The fair housing laws go no farther than prohibiting the refusal of sales and rentals. They impose no obligation to plan for or to engage in affirmative marketing of houses to Negroes. The absence of such a requirement fosters continued practices of exclusion.
6. Overt practices of discrimination may be less significant as causes of segregation than the entire system by which housing is produced. The private housing industry is geared to meeting the demand of the "easy to serve"--the more affluent half of the white population. This leads to

constant draining off of that part of society into affluent, white ghettos. The housing of the balance of society is left to chance, unregulated pressures, and manipulations of the market. The massive racial ghettos characteristic of the major metropolitan areas with all the problems inherent in them is one result. This stratification by economic and social class as well as by race, aggravated further by the multiplicity of governmental jurisdictions in the major metropolitan areas, leads to polarization of local interests related to social class and race.

7. Simple requirements for equal opportunity in housing are not likely to be effective. Programs designed and geared to restructure the entire pattern of urban society will be required if the ghetto pattern is to be changed.

8. Discrimination and segregation in housing both result from and cause many other conditions such as poor education and training, limited job opportunities, racial stereotypes, poverty, accelerated depreciation of property, municipal and institutional neglect and abandonment. Such problems do not respond to simple panaceas. The sickness that causes the ghetto permeates the whole of society--the whole of the metropolitan area. The treatment must be founded upon a comprehensive diagnosis and must itself be comprehensive and adequate to the total situation.

9. Government, federal, state, and local, has thus far failed in combating discrimination in housing, in promoting racial desegregation, and in serving the housing needs of low and moderate income groups.

Federal housing programs still function to foster de facto segregation, and the agencies are failing to use their influence and power to foster desegregation. The executive order is too narrow in its application and is not being effectively administered. The housing agencies have done practically nothing to implement Title VI as it applies to public housing, urban renewal and community facilities.

While some states have adopted fair housing laws, the laws are not being vigorously administered. The state governments are doing nothing about the discrimination and restrictive policies and practices of suburban governmental jurisdictions. Local public agencies are forced to accept discrimination and segregation in order to function at all.

10. Neglect of transitional and Negro areas - one member stated emphatically that a major cause of flight of whites and the general decline of areas occupied by Negroes was the studied neglect of such areas by municipal governments, school authorities, banks, insurance companies, businesses and the like. There was no disagreement with this view.

11. Housing and residential segregation have been "back burner" issues. Civil rights groups have focused upon public accommodations, voting, police, education, and jobs. There is some concern about conditions within the slums. Equal opportunity in housing has received only "lip service." Government has taken its cues from the civil rights movement. It responds to pressures. It has not acted to prevent the growing crisis of the slums and ghettos.

B. Points of view expressed by individuals or small numbers of people

As stated in the introductory comments there was a high degree of unanimity and an absence of what might be termed a "minority" view. However, there were differences as to emphasis and degree as follows:

1. While there was general agreement concerning the complexity of the situation as cited above, the fear was expressed repeatedly that in dealing with the broad social and economic problems the brutal fact of discrimination would be underplayed, and lost. It would be inaccurate to say that this represented either a "majority" or "minority." Rather, the group recognized both aspects of the problem.

2. Closely related was the problem of doing something about the ghetto versus the problem of implementing desegregation and fostering racially inclusive neighborhoods in suburban areas.

3. A third difference centered around the value of existing governmental programs. While everyone agreed that existing programs are not effective and much more is required, there was a tendency among some to condemn public housing, urban renewal, etc. as useless or harmful. This was definitely a minority viewpoint. The majority expressed strong dissatisfaction with performance but believed the programs to be potentially useful tools.

4. A fourth area of disagreement grew out of the "back burner" issue. Some of the civil rights leadership argued that the NAACP, Urban League, CORE, and the civil rights arm within organized labor had indeed been concerned about the housing industry, but government had been unresponsive. It is not fair, they maintained, to place the entire burden for effective action upon the civil rights movement.

5. Rural housing - one member of the group felt strongly about the failure to devote a part of agenda to this problem and all agreed it was a serious oversight.

II. Goals

The work group was careful to distinguish between ultimate goals and proposals for action programs.

A. There was substantial agreement on the following:

1. An absolutely open, discrimination-free housing market. Every house offered for sale or rent, all financing programs, and all community facilities must be open, without a trace of racial distinction.

2. New types of communities inclusive of the total range of socioeconomic class and racial groups are needed--rather than the over simplified concept of open occupancy in economically stratified areas. Such communities should be planned to provide economic opportunities for a wide range of skills and community facilities to serve the needs of a full cross-section of the population.

3. All levels and instruments of government, the private institutions, and citizen organizations must become affirmatively involved in planning for and committing their influence, power, and resources to the building of the new communities and neighborhoods. Piecemeal measures, such as fair housing laws, low and moderate income housing programs, urban renewal, each functioning separately are not likely to produce the results intended. Therefore, while all these programs are useful tools there needs to be a comprehensive design.

4. The long range goal is to close the gaps of opportunity between white and Negro and between the upper and lower income groups. This means that planning for housing and neighborhoods must go hand-in-hand with planning for education, job opportunity, etc.

#### B. Immediate Goals

There was agreement that the above goals would not meet the immediate challenge of the slum-ghetto. The immediate goals for such areas must be:

1. Crash programs to provide training and job opportunity.
2. Immediate elimination of the worst abuses in the operation of slum area housing.
3. Increased welfare allowances and/or rent supplements.
4. A strong leadership posture from the heads of government, federal, state, and local, directed toward relieving slum conditions.

#### C. "Minority" Viewpoint

There was really no significant difference in view as to goals. However, it would be inaccurate to say that all were equally enthusiastic about the development of new style communities. To several people this was "pie in the sky" talk. They wanted to talk about ending discrimination now, and improving slum conditions now. Therefore, references to "planning" and "new towns" drew some negative response. Those that adhered to this viewpoint really did not enunciate separate goals. They were simply anxious to get on with specific proposals which are outlined in the next section.

### III. Proposals for Action - Program Recommendations

#### A. Proposals on which there was substantial agreement

While the work group did not have time to establish priorities, the intensity of concern and the degree of unanimity could be interpreted as indicators of priority. This does not mean that the group believed that number one would necessarily produce greater results than number two. Among the factors reflected in the order of the items listed below are: (a) the degree of moral indignation felt on some subjects,

(b) the prospect that immediate executive action might be expected soon while long, hard political campaigns might be necessary for others, and (c) some issues are better understood by the public than others. Items 1 (a through f), 2, 3, and 4 below were especially singled out for immediate action by the Administration or as soon as Congress reconvenes. Considerable urgency, impatience and a demand for immediate action was indicated with reference to all the items except those involving long-range planning. There was also strong feeling that positive programs to alleviate conditions in the big city ghettos as indicated in II B above was imperative.

1. Executive leadership--the kind that has been effective on the employment, voting and public accommodations issues--should be applied to housing.

The leadership can be exercised in several ways:

a. An extension of the executive order to cover all direct and indirect forms of assistance. (The group was not impressed by reports that the Attorney General had questioned the legal foundation for an extended order.)

b. As an alternative to extending the existing order, issuance of a new executive order to cover every single element of the housing supply which receives, or will receive, any form of federal assistance, direct or indirect.

c. A White House Conference for the housing industry per se called as a specific challenge to the industry.

d. Something less formalized but more direct than a White House Conference, such as a series of meetings with the leaders of the industry, in the manner that employers have been challenged.

e. A directive from the President to the administrators of the housing agencies that all housing programs are to be used as instruments for promoting genuine, equal opportunity and racial desegregation rather than the "neutral" posture and role which now prevails.

f. An executive order requiring that any form of federal assistance to localities be conditioned upon participation in a regional "workable program," of which racial desegregation is one element.

2. Full implementation of the provisions of Title VI as they apply to public housing, urban renewal developments and community facilities. The new Department of Housing and Urban Development should issue regulations and guide lines, as has been done by the Department of Health, Education and Welfare. Local authorities should be informed that failure to act will result in direct federal administration of local programs.

3. Federal agencies responsible for administering the provisions of Executive Order 11063 and Title VI should require far more than prohibitions against refusal to sell or rent homes to Negroes. Affirmative marketing of homes to Negroes should be required as a demonstration of good faith.

4. The rent supplement program provided for in the housing act of 1965 should not only be funded at the next session of Congress but should be broadened to cover moderate-income, as well as low-income, groups. Rent supplements to serve the income group above the eligibility levels for public housing could become one of the most important single tools for assisting moderate-income Negro families in finding their way out of the slums and into racially inclusive neighborhoods.

5. A realistic plan for racial desegregation actively implemented should be a requirement of all workable programs for urban renewal.

6. No further large public housing projects should be authorized. Public housing should be retained and used as one element of a comprehensive program for rebuilding and desegregating the cities. Public housing authorities should not be permitted to proceed independently to build more and more publicly subsidized ghettos. Small projects widely dispersed throughout the city and suburban areas and the purchase or lease of existing dwellings for rental to low-income families as part of a general plan are examples of how public housing could be used creatively.

7. Programs for moderate-income housing such as 221 (d) (3) and 213 should receive far greater encouragement than they have to date. The budgetary controls over the amount of 221 housing to be authorized should be relaxed. Interest rates for 221 housing development should be reduced to lower levels, perhaps to zero.

8. A federal equal housing opportunity law covering all housing should be pressed. However, this long-range objective should not be a substitute for an immediate executive order.

9. A recurrent issue that arose in connection with several other matters was the network of barriers to land that discourage and prevent entrepreneurs, public authorities and non-profit sponsors from developing low and moderate-income housing in suburban areas. Among the barriers most frequently mentioned were: (a) the use of zoning and other powers by suburban governments to prevent unwanted development, (b) opposition from hostile neighbors, (c) pre-emption of desirable land for future development, and (d) land cost.

The group was unanimous in its agreement that the barriers had to be breached. A number of proposals for solution were advanced. All received favorable response, but there was little critical evaluation concerning their potential practicality.

Among the proposals were the following:

a. The Federal Government should create and empower an agency within the D. H. U. D. to directly purchase and reserve land in metropolitan areas throughout the nation for low and moderate income development.

b. The Federal Government should supply loans and grants to metropolitan authority empowered by the respective states to perform the same function.

c. A nationally chartered and federally financed corporation should be created to serve this purpose.

d. Federal loans and grants should be made available to state-chartered corporations.

e. State enabling laws should be amended to authorize local housing and urban renewal authorities to operate on a metropolitan-wide basis.

f. A combined arrangement should be devised under which localities would have the choice of developing their own means for reserving land or accepting direct federal action.

g. State governments should assume the responsibility of regulating the control of land for the general welfare - removing such control from local government jurisdiction.

10. Housing laws should be pressed for adoption in all states.

Existing state laws need to be broadened to cover all housing and greatly strengthened in their enforcement procedures, particularly injunctive proceedings to withhold contested units from the market while complaints are processed. Enforcement agencies require adequate appropriations and more positive support from the state administrations.

11. Popular referenda to defeat or rescind state fair housing laws are a very serious threat and every effort should be made to defeat them.

12. Totally new programs on a scale never before thought of, for encouraging development of new towns and rebuilding our cities to meet the needs of the expanding population, to rid our cities of slums and blight, to offer something far more interesting, challenging and creative than the sterility of suburban sprawl, should be designed. The group did not have time to go into details. It was evident that nearly all felt that existing concepts and programs are not adequate. Over and over again the discussion returned to the importance of comprehensive planning for the entire metropolitan region, the need for discrete communities smaller in size than megalopolis, larger than the typical one-class suburban town, fully inclusive of a total cross-section of the population, adequately supplied with community facilities.

The group recognized that such a program, nationwide, would require the investment of billions of dollars. Such an investment, said the group, would be less expensive than maintaining and extending the present pattern of slums and suburban sprawl.

13. The Federal Government must set the standard. Billions of dollars in federal aids go to the assistance of localities now. More federal billions for water supply, waste disposal, air purification, highways and transportation appear inevitable. If this government does not make such aids conditional upon planning for the local welfare, including the removal of discrimination and segregation in housing the government will, in fact, be underwriting discrimination.

14. Emphasis upon federal action should not becloud the responsibility of state and local government. State governments in particular should accept responsibility for regulating the behavior and activity of local jurisdictions, especially suburban ones which function extensively to exclude both Negroes and less affluent whites. Central cities probably can no longer cope with the burdens of race and poverty unless state and federal governments force all the constituent units of a metropolitan area to cooperate in meeting the needs of the total population.

15. State and local governments and school authorities must be far more responsive to the needs of declining and racially transitional areas to fight blight and decay by improving services and facilities.

16. The housing industry (builders, lenders, brokers) needs to face up to and accept its responsibility. There needs to be a dialogue in depth between the operations of the industry and the civic, religious and civil rights groups.

17. Civil rights groups and their allies need to give more attention to the total area of housing, planning and urban development. Much more needs to be done to enlist the support of more people, white and non-white. The Federal Government should supply technical assistance to the citizens' fair housing councils.

18. A few participants strongly advocated the proposition that Title VI could be interpreted to require that fair housing laws could be required as conditions to highway and other community facilities aids to states.

19. Some indicated reservations about "new town" concepts and regional planning as unrealistic and impractical.

20. A few wanted to take drastic measures to dispose of or reform public housing--suggesting that it be sold to non-profit corporations to be operated under 221 (d) (3) financing and the rent supplements program.

21. An alternative to rent supplements in the form of income supplements was suggested.

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THE COMMUNITY: INSTITUTIONS AND SOCIAL ACTION

December 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman  
Berl Bernhard  
Harold Fleming

Following is a preliminary report on proposals by the panel on The Community: Institutions and Social Action of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. David Danzig of Columbia University. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report

THE COMMUNITY: INSTITUTIONS AND SOCIAL ACTION  
PRELIMINARY REPORT

The session on community was designed to focus upon problems in the context of community action. Because of this wide focus, the participants discussed the full range of Negro problems. Their observations and recommendations frequently dealt with problems of employment, segregation, or housing, as well as community action as such. There was a wide variety of opinion about the obstacles to the development of community action, as indicated in the following quotes from the discussion.

Definitions of Problem

The Social Environment: "...our real concern has to do with recognition that we live in a dual society. A dual housing market, the dual labor market, the dual school system, and even duality before the law--this entire system of duality is what has kept the Negro subjugated...."

Government Support of Discrimination: "....Our problems are mostly in government. We have certain agencies in government that deliberately, systematically, discriminate against various ethnic groups. Members of our organization cannot get a job in certain government agencies...."

"....You may describe ineffective community organizations, but you have to start with the Federal Government itself, which perpetuates poverty in many instances....it does by reinforcing poverty, breaking down the family through the way it grants funds to agencies...."

"....two-thirds of the industries in Chicago do not hire any non-whites, and with all those defense contracts going in there, this is perpetuating poverty. Because the Federal Government, with \$100 billion a year, shores up the economy, and then when they shore it up on the basis of inequality, they are perpetuating poverty...."

"....The whole welfare system, you know, many of its practices, outside of its policies, are directed towards making and perpetuating poverty...."

How Effective are Local Organizations: "....how can we, the poor, get our already existing organizations recognized by the white and Negro power structure...."

"....most such organizations are much less effective than they are alleged to be, have smaller memberships; they accomplish fewer things; and the goals of community organization are greatly beyond the capacities of community organizations in low-income areas...

....I would like to see this conference give its full support to a change in our public policy on the posture of government to the effect that we recognize the necessity of government giving support to community action programs, social action programs, by providing consultative, professional, adequate resources which will aid the development of local community organizations...."

Neighborhood vs Group as a Basis of Social Organization: ....if we make the compass so big that we use the language 'the poor' alone, then we may lose the sharp focus that we would have by using the word 'Negro'.

....Should the Federal Government, for instance, fund a social agency to do something [for] the poor, a church to do something for the poor, or a unit of government to apply some kind of sop, or should it fund a unit of the population, a geographical unit....

....How far, for example, should we go in encouraging and stimulating purely racial organizations and institutions in the Negro community, regarding them not as ultimate goals, perhaps, but as interim mechanisms whereby you develop the sense of community, the sense of strength, the sense of power, and the actual fact of power.

Should Negroes get together as Negroes, for example, and develop purely Negro institutions as a stepping stone to achieving the respect and the power which alone, in my judgment, can lead to their creative activity and creative movement across a broad range....

....Who is the neighborhood? And should the neighborhood in Harlem be Harlem Negroes organized as Negroes, with Negro banks, with Negro trade unions perhaps, with any number of a range of all-Negro institutions drawing upon the sense of racial identity as one of its major sources of strength....?

Will OEO Community Action Programs Develop Political and Economic Power in Local Groups: "...policies like the 'maximum feasible participation' of the poor are absolutely meaningless, in terms of the practice of the Office of Economic Opportunity....

....I am at least in part convinced that the Poverty Program, far from securing the involvement of the poor in any meaningful way, will impede their organization; for one thing, the Poverty Program is going to consist largely of the expansion of professional bureaucracies of various sorts. These youth unemployment programs, Head Start programs, are essentially professional programs. They are huge, bureaucratically-organized, professionally-dominated programs, no matter who sits on the council or board that makes general policy for them. In view of the fact that they are likely to exert their influence in ways to secure from their clientele not militant action but relative docility, so as not to disrupt the flow of resources to their professional, bureaucratic operations....

....I don't think that OEO directly, unless it established either through its office of inspection or something -- that you have to have some kind of separate government arm, rather like the NLRB, which has the responsibility solely of policing this relationship which the community can turn to and ask for assistance when it feels that a local government agency is not giving it adequate recognition....

....if a Community Action Program can negotiate with the Board of Education to carry out a "Head Start" Program, why can it not negotiate with a group in Syracuse, New York, to carry out some other kind of program? If it can negotiate with some family agency to carry on a program dealing with family problems, why can't it not negotiate in South Los Angeles with a group that really represents that neighborhood?....

#### RECOMMENDATIONS

(The panel's recommendations represent the majority opinion that the White House conference did not present the proper forum for discussion of the specifics of strategy and tactics by various local groups. The recommendations assume a certain level of community action, and go beyond that to discuss the relationship between community action and government at all levels.)

I. RECOMMENDATIONS WHICH HAD SUBSTANTIAL SUPPORT

The following appeared to have the support of most of the panel members. There was general agreement that organization was necessary to building Negro power in the community-- and that power was essential to improving the Negro position in society.

Panel members felt that on the whole current use of federal funds leads to the strengthening of established bureaucracies on the state and city levels, and that neighborhood groups derive little amount of resources or political influence from them. The power position of low-income groups, particularly Negro communities, is not being significantly altered by these federal programs. It was recommended that the Federal Government should:

1. Discard policies which weaken and discriminate against low-income minority communities; and provide jobs and careers which recognize the abilities of the people of such areas, and
2. Support the development of autonomous, democratic, powerful, mass organizations of minority low-income communities by:
  - a. legislation which makes it practicable for such organizations to become bargaining agents with the institutions controlled from outside the Negro community;
  - b. training of organizers to create and lead such organizations;
  - c. allowing such organizations to secure funds directly from the Federal Government and other sources to operate their own programs.
3. New ways of funneling federal resources into communities should be found that will by-pass the "establishments" which siphon off such resources to the advantage of their own institutions:
  - a. Federal grants and subsidies might be given directly to community organizations;
  - b. The principle of "maximum feasible participation" could also be extended to agencies such as Job Corps, and others;
  - c. New corporate structures such as consumer corporates, credit bureaus, and other might be experimented

with, utilizing direct federal subsidies.

4. The Federal Government should assume responsibility for seeing that the rights of existing local indigenous groups are recognized. City-wide, regional and state organizations should be required to be more responsive to the demands of indigenous local organizations and institutions. In general, the channels through which federal funds flow to communities from regional and state agencies should be re-examined to see whether these moneys are dispersed in such a fashion as to undermine and weaken indigenous groups.

II. RECOMMENDATIONS BY ONE OR MORE PANELISTS

A. FEDERAL GOVERNMENT AND LOCAL GROUPS

1. The Government should adopt as a matter of policy, as it has with trade unions, the encouragement of the development of community action groups, which can autonomously negotiate and conduct programs.

2. All people working with the Job Corps, Neighborhood Youth Corps, social work, recreation, etc., should work through, under, or with already established local community groups in the effected communities.

B. FEDERAL SPONSORSHIP OF COMMUNITY DEVELOPMENT PROJECTS AMONG NEGROES - THE RURAL SOUTH

The Federal Government should:

1. Buy up large allotments of land in the South and make that land available at a charitable rate to "No-income" and low-income people who are trying to escape from indentured existences as sharecroppers and plantation workers in a politically and economically hostile environment.

2. The Federal Government would underwrite or finance "community neighborhood corporations" among "no-income" and low-income southern rural Negroes as they attempt to acquire land, build homes, establish businesses and community services and escape their traditionally indentured lives. Capital investments in businesses and institutions owned and run by these communities is one suggested method of assistance.

C. THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. The Department should concern itself not only with housing, but also with social planning in a much broader sense in communities.

2. National housing policy should encompass programs of regional planning covering both city and suburb, and also "New Towns" program.

D. THE COMMUNITY RELATIONS SERVICE

The Community Relations Service should be enlarged and strengthened. The Community Relations Service has demonstrated effectiveness in fostering organization in the Negro community, and this should be continued and encouraged.

E. ESTABLISHMENT OF NEW CABINET-LEVEL DEPARTMENT

There should be established a Department of Decolonization at the cabinet level. This department should oversee Federal policies which will transfer the resources of the black ghettos of the United States into the hands of the local people.

F. STATE OF "NATIONAL DISASTER" IN NEGRO COMMUNITY

1. The Negro community, because of its political and economic status, should be declared a "national disaster area," and the Federal Government should provide massive aid, working in cooperation with existing and/or emerging indigenous organizations.

2. Considering the disastrous state of unemployment among Negro males and the conditions of substandard housing in Negro ghetto areas (and in southern rural Negro communities) massive programs for the construction and rehabilitation of housing should be begun, providing employment, the development of marketable skills, needed income and more and better housing for Negroes.

G. NEW MINIMUM WAGE LAW

A higher minimum wage should be sought, as the current rate of \$1.25 per hour provides less than the recognized minimum subsistence income of \$3000 annually.

H. GOVERNMENT POLICIES TO END DISCRIMINATION

The Government should enlarge its machinery and resources for limiting discrimination in all types of businesses which furnish services and which would not normally fall within the range of its contract compliance program.

I. BANKING OF FEDERAL FUNDS TO HELP THE POOR

Federal funds, especially OEO funds to local CAPs, should not be placed in banks which discriminate against Negroes or which do not offer employment and training opportunities to the poor.

J. LONG-RANGE FEDERAL PLANNING

The various massive programs suggested here are important, but they are only transitional proposals as we move out of an economy of scarcity into an economy of abundance. Therefore, after massive programs are scheduled to close present gaps, the Federal Government has to encourage a new kind of cultural, educational, political practice program, in which people who will be freed from the tyranny of burdensome work, who will have a lot more leisure, should be encouraged to minister to each other.

Federal policy should reach the point where the Government can guarantee a family income to all of the people and present welfare policies will be unnecessary.

RESOLUTION OF THE PANEL ON THE ADMINISTRATION OF JUSTICE

The Panel on the Administration of Justice believes and affirms that certain of the issues referred to us are of such paramount and immediate importance that action must be taken upon them at once without waiting for the spring Conference. These matters involve the very lives and safety of Negroes and civil rights workers in the Deep South. In most urgent terms, we recommend, on behalf of our panel the following:

(1) We ask the President of the United States immediately to implement the following recommendation of the U. S. Commission on Civil Rights:

"The Commission recommends that the President direct that Federal law enforcement officers be stationed at the scene of likely violence, that increased numbers of Federal officials be assigned to communities where violence has occurred, that more extensive investigation and surveillance activities be undertaken by these officials, and that Federal law enforcement officers be authorized to make on-the-scene arrests for violations of Federal law."

The immediate implementation of this recommendation is essential to the lives and safety of Negroes and civil rights workers.

(2) We urge the President to direct the Department of Justice to put its full resources into the enforcement of all existing laws, criminal and civil, which protect the safety of Negroes and civil rights workers, including espe-

Resolution of the Panel on the Administration of Justice 2

cially 18 U.S.C. 242 and 243 and Title III of the 1964 Civil Rights Act. Resources should be reassigned from other activities of the Department in order to make civil rights enforcement the number one priority of the Department.

(3) As a Panel on the Administration of Justice, we have deemed it our duty to survey the entire legal process and its enforcement in the civil rights area. Having done this, we urge the President to direct an immediate speed-up in the lagging enforcement of the 1964 and 1965 civil rights laws. We especially urge that the Attorney General be directed to send voting registrars into every county where discrimination continues to exist and the Secretary of Health, Education and Welfare to make desegregation of schools a reality through vigorous enforcement of Title VI.

(4) Finally, we ask the Administration to give full support to a federal statute to protect the physical security of all Americans and to replace segregated justice with a true system of justice throughout the land. We commend the President for his proposal on the reform of the jury system and support it as a part of such a statute. But we assert our belief that legislation on jury reform alone is not enough.

(5) We also believe it of the utmost importance, and we urgently recommend, that in the period following this conference and preceding the spring conference, the President invest in the work of examining the proposals and concerns aired at

Resolution of the Panel on the Administration of Justice 3

this conference, and of formulating a program of responsive executive and legislative action, sufficient resources at the White House level to assure that the ends of this Planning Session "To Fulfill These Rights" will, in fact, be achieved.

PLANNING SESSION  
FOR  
THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

JOBS, JOB TRAINING, AND ECONOMIC SECURITY - PRELIMINARY REPORT

December 3, 1965

MEMORANDUM TO LEE C. WHITE

From: Carl Holman  
Berl Bernhard  
Harold Fleming

Following is a preliminary report on proposals by the panel on Jobs, Job Training, and Economic Security of the Planning Session for the White House Conference "To Fulfill These Rights." It is based on a report by the director of the committee for the panel, Dr. Vivian W. Henderson, President of Clark College. A final report, based on a thorough study of the transcripts of the two days of meetings, will be submitted to the President by the end of the year. However, because of the seriousness of the problems which the Planning Session discussed, and the sense of urgency of the conferees, we are bringing these preliminary findings to your attention now. They are not all-inclusive; only after a more intensive study of the transcripts can we guarantee that every single suggestion made during the course of the two days comes to the President's attention. Such a study is now underway, and will be embodied in our final report.

JOBS, JOB TRAINING, AND ECONOMIC SECURITY - PRELIMINARY REPORT

- 2 -

This report is in two parts. First is a summary statement of consensus on a comprehensive approach to Negro worker problems. The second part sets forth specific approaches to components of the problem; all of these specific suggestions were strongly supported by the majority of the panelists.

I

General agreement was reached that job problems encountered by Negroes are beyond the point that continued piecemeal approaches will be effective in alleviating them. While a full employment economy is essential to furthering job opportunities, even a full employment economy -- i.e., 3 percent unemployment -- will have, at best, very limited effect on the unemployed and underemployed Negro workers.

To reach the large numbers of Negroes who need jobs and job training, politics and programs beyond those directed toward achievement of full employment, as well as beyond present training and retraining programs, are needed.

A comprehensive program directed to specific targets in urban centers, the Negro ghettos, and rural areas where the Negro population is heavily concentrated, is needed. It cannot be assumed that aggregate programs will reach the masses of Negroes who need to benefit from such programs. Several concepts and names were given to the comprehensive approach: the development of a "freedom budget"; "a national economic development budget for equal rights"; "a job budget," "a capital and manpower budget." Regardless of nomenclature, there was general consensus that a structured program to reach in a highly systematic fashion the unreached masses of Negroes with new opportunities for jobs and training is essential to the mission of "fulfilling these rights."

1. To this end the panel called for a large-scale structuring of employment opportunities, and simultaneously a large-scale structuring of job training for Negro workers.

2. The panel strongly suggested the implementation of public programs to create jobs to absorb Negro workers utilizing present skills while affording opportunity for the development of new skills. The thrust of discussion on this point was that social and human needs presently existing in this society can be converted into jobs and thereby create new opportunities for jobs and job training for Negro workers. In attacking the problem social as well as physical reforms can be achieved. Occupations can be upgraded, re-defined and re-engineered.

a) Specific goals and targets should be established and aimed at the areas in which the bulk of unemployed and underemployed Negro workers are concentrated -- the 70-odd cities where urban Negroes are concentrated and specific rural areas in the 5 or 6 Southern states where Negro rural populations are concentrated.

b) A time-table should be developed. Mr. Randolph suggested 10 years. It should involve no more than 10 years. Goals with supporting policies and programs should be set. Accomplishments should be measurable and identified according to census tracts, neighborhoods and specific areas.

c) Data on Negro unemployment and underemployment must be systematically related directly to blocks, census tracts, neighborhoods and to sub-groups of the Negro working age population. Skill inventories must be developed and related to programs to structure new opportunities. This is necessary in order for targets and goals to be established.

d) Targets, goals and plans should include private businesses:

1) Private efforts should be directed toward fuller use of Negro workers at their present skill levels while implementing training programs and plant and business location schemes to reach Negroes in target areas.

2) Gains from increases in productivity should be re-invested in structured job expansion programs and structured job training programs.

3) Incentives for private business to encourage fuller use and development of Negro manpower should be developed. Direct subsidies to create jobs for Negroes, and tax policy, can be effective in this respect. Many jobs could be re-tailored for effective absorption of Negro workers at present skill levels.

e) Government contracts with private business should play a large role in the development of targets and goals, and the implementation of job expansion programs and job training programs for Negro workers.

## II

### Job Expansion

1. The panel concluded that in order to reduce Negro unemployment and underemployment to a socially tolerable level, the total number

of jobs in our economy will have to be expanded, and that in order to accomplish such an expansion, federal action will be required.

2. This consensus was reached because of the following developments which will militate against a reduction of Negro unemployment and underemployment to a tolerable level without government intervention:

a) The inflationary pressures likely to arise if reliance is placed on financial and monetary policies alone to drive the unemployment rate below 4 percent.

b) The continuing rapid rate of technological change with its consequent diminution in the number of unskilled and semi-skilled jobs, the usual portals of entry for many non-college trained youth.

c) The differentially high rate of unemployment among Negroes, particularly for Negro youth and the heavy influx of Negro youth into the labor force which can be expected in the years immediately ahead.

3. The tightening of the labor market by direct employment expansion was considered a necessary prerequisite for many of the recommendations that follow. Full employment for whites and Negroes -- including the substantial elimination of underemployment -- was held to be the primary target of governmental effort.

4. To accomplish this end: since there are a great many unfilled human and social needs -- including, as Mr. Randolph stressed, the desirability of destroying the ghettos in our cities -- government should establish priority goals and put idle labor to work.

5. Reference was made to the desirability of the U. S. Government's developing a capital and manpower budget, with sufficient forward planning to facilitate the full utilization of the human resources potential in socially useful employment.

6. In this, as in other governmental programs outlined below, it is essential that special care be taken to assure that those who need jobs are the ones who receive them.

#### Income

7. Secondary only to the need for an adequate total number of jobs is the necessity of assuring that all citizens engaged in useful work earn a livelihood that will enable them to keep themselves and their dependents at least above the poverty level. To this end, it was recommended that:

a) Millions of workers in agriculture and non-agricultural blue-collar employment now excluded from coverage under the Fair Labor Standards Act be brought under coverage forthwith.

b) The minimum wage be raised in a series of steps, but as rapidly as possible, until the minimum hourly wage becomes \$2.

c) The legislation governing trade unions be amended to facilitate their organizing the unorganized.

d) The exclusion of employees of government and nonprofit institutions from minimum wage protection and from the right to unionize be removed.

#### Elimination of Discrimination

8. In addition to increasing the total number of jobs it is essential that the opportunities of Negroes to share in the jobs that are available be widened through the following actions:

a) More effective enforcement of legislative and administrative regulations currently in force by the provision of adequate budgets and personnel for the appropriate agencies.

1) The present thrust of Title VII of the 1964 Civil Rights Act is largely oriented toward individual complaints. An attack through public policy and legislation upon patterns of racial discrimination in employment was suggested.

2) Voluntary compliance and efforts are accomplishing very little insofar as the masses of Negroes are concerned. Tokenism involving the Negro elite is insufficient. Sanctions need to be strengthened.

b) Amendment of Title VII of the Civil Rights Act to enable the Commission to issue cease and desist orders, and to take more initiating and affirmative action rather than to be largely confined to acting on complaints.

c) Assessment of whether under Executive Order 11114, covering non-discrimination in public construction, contractors' agreements with the government not to discriminate should have priority over contractors' collective bargaining agreements with labor.

d) Title VI of the 1964 Civil Rights Act is insufficient to deal with employment discrimination in local and state governments. An attack upon racial discrimination in employment in local and state governments through Federal policy is needed.

e) Closer coordination of federal agencies engaged in the various aspects of civil rights.

f) The establishment of performance criteria so that the extent of compliance can be measured and tokenism avoided.

#### Private Efforts

9. In addition to the foregoing recommendations aimed at strengthening the Federal Government machinery, it is highly desirable that non-governmental efforts also be strengthened so that discriminatory practices in employment can be reduced and eliminated as quickly as possible. Among the steps to be taken by non-governmental groups are:

a) Strong commitments by employer groups and individual employers to encourage them to take a wide range of affirmative action, such as the realistic adjustment of testing and hiring standards; special efforts to upgrade employees with limited skills and background; re-engineering of jobs, including the breakdown of complex jobs to facilitate the hiring of workers with limited skills, etc.

b) Continuing efforts on the part of trade union organizations to remove barriers to apprenticeships, employment, upgrading of members of minority groups.

c) Action by community leaders to establish, strengthen and make more effective local and state equal employment opportunity councils.

d) Adoption and expansion by nonprofit organizations of equal employment opportunity practices in all of their economic activities.

10. It is essential that the community understands the relation between the reduction and elimination of discrimination in employment and in housing and education. In this connection we must consider the multiple ways in which intra- and interurban transportation can be strengthened to assure that minority workers have easier access, through reasonable transportation charges, to jobs.

#### Education and Training

11. With respect to education and training the following steps should be taken while major efforts are made to speed desegregation:

a) To improve the quality of schools in de facto segregated areas.

b) To assure access of minority group members to the full range of all publicly supported facilities.

c) To rapidly expand the number and quality of junior or community colleges which should provide a wide range of courses, including those to assist members of minority groups to improve their occupational mobility.

12. To encourage management and labor through the use of new incentives, including possibly the use of tax credits, to broaden and deepen in-plant and plant-associated education and training.

The Federal Government should give special consideration to making use of its contracting power to insure improved training opportunities.

13. With respect to current federal training programs, particularly the Manpower Development and Training Act, the following is recommended:

- a) A large-scale expansion of MDTA and a conscious effort to bring Negroes in large numbers into such programs.
- b) To disseminate information about the availability of training opportunities so that those most in need of these opportunities can learn about them.
- c) To place additional stress on on-the-job training, thereby linking training more closely with employment.
- d) Many programs rely in the first instance on local initiative, and it is to the advantage of certain local leaders to prevent low-wage employees in their community from securing training. The Federal Government must be alert to the necessity of filling the gaps by establishing programs on its own initiative.

#### U. S. Employment Service

14. Significant gains for minority group members in training and employment depend on a major strengthening of the U. S. Employment Service. To this end it is recommended that:

- a) Early action be taken to establish a much higher degree of federal leadership of the Employment Service, including the setting of national standards as a second-best answer to the federalization of the system.
- b) The system be upgraded through better staffing, training, etc.
- c) The Federal Government act more aggressively to assure that the Service acts in a non-discriminatory manner.
- d) The scale and scope of the Service be broadened to assure that all people, including minority groups in rural areas, have access to it.
- e) These recommendations can be facilitated by placing personnel under state merit systems, by re-allocating federal funds in order to make special efforts to help minority group members, and by placing additional funds at the disposal of employment officers so that they can help defray the transportation costs of workers in search of jobs in other cities.

#### Unemployment Insurance

15. With respect to unemployment insurance, the Panel emphasized the importance of extending coverage, but it also advocated the establishment of a higher average minimum payment as well as federal action aimed at preventing employers with seasonal workers from following hiring and firing patterns which deprive their workers of much needed benefits.

#### Entrepreneurship

16. With regard to encouraging more Negroes to become entrepreneurs, the Panel took the following positions:

a) An enlarged Negro entrepreneur group is desirable because, among other reasons, its disproportionately small participation in such an important occupation in our economy helps perpetuate its tangential relation to the economy.

b) To open up opportunities for increased participation on a significant scale would require substantial federal financial assistance in the form of loans, guarantees, etc., as well as technical assistance. On the latter score, private and nonprofit organizations also have a significant contribution to make.

c) It would be particularly desirable for large and small franchise companies and others operating on an agency basis to intensify their efforts to find suitable Negro personnel to staff their outlets.

d) As far as possible, Negro businesses and businessmen should be helped to locate not only in the heart of the ghetto but on the periphery or outside so that Negro businessmen can more speedily be integrated into the mainstream of American commerce.

e) It is not necessary to think of Negro entrepreneurship as an exclusively Negro activity; joint ventures involving Negroes and whites should be encouraged.

#### Rural Negroes

17. Despite the heavy migration of Negroes from the rural areas of the South it was noted that:

a) Many are still living in these areas, and a high proportion remain in conditions of poverty or abject poverty.

b) The plight of these people has been increased by the many policies pursued by the Federal Government to assist agriculture without giving due consideration for the special needs and difficulties of sharecroppers, tenant farmers, and small farm owners.

c) There are a great many ways in which federal policy could and should be reshaped to give the Negro farm family a better chance of surviving on the land if it desires to remain there, and to help others to a better opportunity to shift to the city if that is their preference or becomes their only alternative.

d) While many white farm families have been able to raise their income substantially by securing additional employment in the new manufacturing plants locating in rural areas in the South, the continuing discrimination against Negroes in industrial employment have kept them at or below poverty levels.

e) In addition to moving aggressively to eliminate discrimination in the rural South, the Federal Government should explore whether it can stimulate employment of Negroes who live on rural, Southern farms so that more of them can continue to live where they are rather than flooding the cities which are ill prepared to receive them.

f) However, since many will continue to move to the cities, it is essential that more efforts be made by governmental and non-governmental agencies to provide a range of services which will speed their integration into the urban economy. Among the most important steps is to assure that they have an opportunity to acquire basic literacy and marketable skill.

18. While the problem of the full absorption of the Negro into American life has assumed national proportions, there remain important regional aspects to the problem:

a) Half of the Negro population continues to live in the South, where discrimination continues to be most intense.

b) The South continues to be an area characterized by an unskilled labor surplus which intensifies the difficulties that Negroes face in being absorbed into the economy.

c) Negro farm laborers in the South are in the most deprived sector of the entire American population.

d) Because of these regional aspects, the fashioning of constructive programs must always be tested against the needs of Negroes living in rural areas, small Southern communities, or large urban centers in the South, as well as those in the large ghettos of Northern and Western cities.

#### Representation Data

19. Because of the increasingly important role that government policy plays in determining the economic status of the Negro minority and because of the long-term exclusion of the Negro from most decision-making apparatus, it is important that every effort be made to secure Negro representation on all programs involving access to jobs, income, or other types of assistance.

20. In order to keep a closer check on results, consideration should be given by the civil rights organizations to their long-term position against the collection of data by race. It may well be that the risks of collecting such data today are less serious than the costs of not having such data available.

21. Further, it is essential that the Government establish sound bases for data collection to assess the extent to which the Negro minority is benefiting from federal programs, and to make such information available.

#### Taxes

22. Since many of the actions advocated above involve large expenditures of federal funds, it is important in the drafting of such legislation that special care be taken not to rely on taxes that have a regressive quality. Otherwise, workers just above the poverty line will be paying for many of the programs established for those just below the poverty line.

#### Goals

23. The inherently complex nature of the recommendations outlined above which are aimed at providing an adequate number of satisfactory jobs for all Americans, including Negro Americans, makes it essential that targets be set against which to measure progress. The urgency of the situation is such that much must be accomplished in the immediate future position, and more shortly thereafter. The American economy and democracy will forfeit security and progress if a substantial proportion of Negroes remain unemployed or underemployed.

AUGUST 25, 1966

Office of the White House Press Secretary

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THE WHITE HOUSE

WHITE HOUSE CONFERENCE TO  
FULFILL THESE RIGHTS  
CABINET MEETING, AUGUST 25,  
1966

The President today received the final report of the White House Conference "To Fulfill These Rights".

The report was presented to the President by the Honorary Chairman of the Conference, Mr. A. Phillip Randolph, international President of the Brotherhood of Sleeping Car Porters, and the Chairman of the Conference, Ben W. Heineman, Chairman of the Chicago and North Western Railway Co. The report was presented to the President at today's Cabinet Meeting.

The report includes the recommendations of the 29-member Council to the White House Conference and a summary of discussions which took place during the two-day conference held in Washington June 1 and 2. Also included are the resolutions passed by any one of the twelve panels at the conclusion of the Conference. The report's recommendations deal with economic security, education, housing, and the administration of justice.

Receiving the report, the President expressed his gratification, and that of the Nation for the work done by Mr. Randolph, Mr. Heineman, the Council and the 2,500 conferees who assembled in Washington June 1 and 2.

He also announced his appointment of senior officials in those Cabinet Departments whose work is particularly affected by the recommendations of the Conference. These are the Departments of Justice, HUD, HEW, Labor, Commerce, the Bureau of the Budget and the Office of Economic Opportunity.

The senior officials are a) to examine the recommendations in the report that bear on the work of their Department, b) to make an interim report to the President within 30 days for possible utility of the recommendations for departmental action or legislation, c) to reply to the report's criticisms of present programs, d) to describe the efforts their Departments will make to keep the report under consideration in the future, e) to examine the full 5,000 page verbatim transcript of the conference for recommendations or suggestions made by the conferees.

Those senior departmental officers will form a committee, to be chaired by Harry C. McPherson, Jr., Special Counsel to the President, and Clifford Alexander, Deputy Special Counsel to the President. The committee will meet regularly at the White House, to examine ways by which specific programs can be made more effective in securing civil rights and relieving conditions of poverty.

The President also instructed Governor Farris Bryant to see that copies of the report of the Conference were forwarded to every Governor. The President asked the Vice President to convey copies of the report to Mayors in over 500 cities in the United States.

MORE

(OVER)

The President informed Mr. Heineman and Mr. Randolph that the report would be sent to Mr. George Meany, President of the AFL-CIO, and Mr. Beverley Murphy, President of Campbell Soups and head of the Business Council.

The President said: "It is important that the recommendations of the Council and the Conference receive serious attention by local, State and Federal government officials. And much more than official action is involved here. Many of the recommendations in this report deal with the role of the private sector in fulfilling the rights of Negro Americans. Organized labor, the business community, foundations, religious, educational and civic organizations have a vital role to play in that crucial effort.

"The recommendations of this Conference should be studied and discussed by every thoughtful and responsible American, and wherever practicable they should be implemented without delay.

"There may be recommendations on which it is not possible to secure agreement among men of good will. That is to be expected with a subject of this gravity and complexity. But the report gives us an agenda for debate and action for years to come. Thus it more than justifies the months of painstaking effort that went into its preparation."

Members of the Inter-Departmental Committee

Department of Health, Education and Welfare	Lisle C. Carter, Jr.	Assistant Secretary for Individual and Family Service
Department of Housing and Urban Development	H. Ralph Taylor	Assistant Secretary for Demonstrations and Inter- governmental Relations
Department of Labor	Stanley Ruttenberg	Assistant Secretary for Manpower and Manpower Administrator
Bureau of the Budget	William D. Carey	Assistant Director
Department of Justice	John Doar	Assistant Attorney General Civil Rights Division
	Roger W. Wilkins	Director, Community Relations Service
Office of Economic Opportunity	Bertrand M. Harding	Deputy Director
Department of Commerce	LeRoy Collins	Under Secretary of Commerce

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THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

AUG 11 1966

*File  
Take out*

Honorable William L. Taylor  
Staff Director  
United States Commission on  
Civil Rights  
801 Nineteenth Street, N. W.  
Washington, D. C. 20425

Dear Bill:

I had expected to write this in transmitting the Conference report, but as you know, it is not yet available. Please accept, officially and personally, "thanks" for your invaluable assistance and support throughout the Conference and its preparation. Your responsiveness to the many short notice demands made of you and your staff is deeply appreciated. Further, I am sure that it was a considerable sacrifice for you, and a loss to your agency, to permit Carl Holman to work with us during this period. There is no doubt that Carl's contribution was essential to the success of the Conference.

Inasmuch as this expression of real gratitude, however appropriate, can hardly be adequate, I hope there is rewarding satisfaction in that the Conference was a great success and will contribute to the national goals to which we both so fully subscribe.

Sincerely yours,



Edward G. Sylvester, Jr.  
Vice Chairman

THE WHITE HOUSE CONFERENCE  
"TO FULFILL THESE RIGHTS

FIRST REPORT  
TASK FORCE ON EDUCATION

COUNCIL MEETING  
March 26, 1966

## FIRST REPORT OF THE TASK FORCE ON EDUCATION

MARCH 25, 1966

### I. INTRODUCTION

The Task Force on Education, in response to the request of the Planning Session, presents the following statement of the purpose of education in America.

Public education in a free society is properly concerned primarily with the individual, with his intellectual development, the cultivation of his skills, his vocational and professional preparation, the nurturing of his artistic sensitivities and creativity, the discipline of his moral will, his achievement of a genuine sense of personal worth and meaning in existence, and his commitment to high purpose.

But the individual does not live in isolation from society, and while the school ministers to his well-being it must contribute thereby to the strength and integrity of the social order -- the neighborhood, the city, the state, and the nation. The effect of the schools upon his attitudes and actions, the state of his knowledge, his rational capacities, and the level of his skills, it inevitably determines to a major degree the character of society, its political integrity, its economic stability and prosperity, its solidarity of purpose, and its general moral strength.

The school is among the major social institutions which determine the quality and character of the culture of the nation and of the community. Upon the school, to a considerable extent, depends the character of the world in which the present generation must live and into which future generations will be born. What goes on in the schoolroom and laboratory profoundly affects the whole quality of personal and social life, the things men live by, the values they cherish, and the ends they seek. It can make the difference between a life that is full and meaningful and one that is empty and meaningless.

It is inevitable, therefore, that decisions importantly affecting the character and quality of the schools, whether in matters of instruction, personnel, administration, or social behavior and relationships, must make a difference not only in the lives of the individual students but, also, in those sure but subtle ways by which influences permeate the social structure, in the whole life of the society and in its culture. The purpose of our schools is nothing less than the achievement of free persons in a free society.

The fact is that the present time schools in America are not fulfilling this purpose. Our schools, on the contrary, are stratified in quality, divided in objectives, and contribute to producing a class- and race-stratified society. It is incontrovertible that we have different qualities of education and we therefore provide widely varying levels of opportunities through schooling for the suburban child, the city child, the Negro and the white child in the inner city, and the rural child. There is great need to equalize the opportunities for all our children to the extent that education can provide them with basic skills, saleable skills, and civic and social skills. This would provide them with the basic equipment to be free persons in a free society.

But as the President reminded us at Howard University last June "Freedom is not enough.... it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

"This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity.... not just equality as a right and a theory, but equality as a fact and equality as a result.

"For the task is to give twenty million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities -- physical, mental and spiritual, and to pursue their individual happiness.

"To this end equal opportunity is essential, but not enough ... Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family you live with, and the neighborhood you live in, by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man."

In the observations and recommendations of the Task Force which follow, the President's words are heeded and the recommendations presented are not restricted to the schools alone but apply, also, to other elements of our society in the context of which the schools operate.

## II. THE BASIC PROBLEM

The Task Force on Education accepts this statement of the problem by the Planning Session in its preliminary report of December 1965:

"As de jure barriers have been breached by the courts, de facto barriers, no less rigid for their foundation in custom rather than law, have become even more formidable.

1. Today the overwhelming majority of American school children--more than 90 per cent--are educated in segregated schools.
2. The evidence is that American education continues to be organized along racial and class lines and that nothing significant has happened in the last eleven years to change this fundamental fact.
3. .....segregated education is, by definition, inferior education for both Negroes and whites."

## III. THE OBSTACLE OF ATTITUDE

The major obstacle to the reorganization of American education to solve these problems is to be found in the fact that sizeable elements of the American public, of their representatives in legislatures and administration, of school administrators and teachers, remain indifferent or hostile to the national policy of educational and racial equality, especially of the inner-city and rural child. These hostile attitudes are manifest in the organized opposition of such groups as the White Citizens Councils, many parent or tax payer groups, neighborhood associations, and many school boards. Moreover, there is ample evidence of the hostility, apathy, incompetence or impotence of many educational administrators.

A similar indifference and sometimes hostility characterize also the attitudes within the colleges and universities in which our teachers and school administrators are educated. Moreover there is a comparative absence of evidence of state and local leadership to match national leadership in striving for equality. Finally, there is an obvious search in both the North and the South for minimal means to satisfy the requirements of the Federal government to procure Federal funds for schools. These facts conclusively indicate the wide-spread intent to resist the law of the land, a resistance that law alone cannot combat.

By reason of these considerations the Task Force on Education offers the following for consideration of the Council in making its recommendations to the Conference:

1. There is need for a strong call by the President, by Governors of the States, by mayors and chief executives of cities, and by other relevant state and local officials, for concrete evidence of leadership in behalf of the national policy "of equality as a fact and equality as a result."
2. There is need for a program of "corrective" education, designed with special reference to racial, ethnic and cultural stereotypes which reflect the distorted cultural images so commonly held by members of one racial or ethnic group toward other groups. We must confront this need and make a direct attack on such stereotypes and use every possible means to correct the twisted images of minority groups.
3. Equalization of educational opportunity requires many kinds of changes in conventional attitudes, programs and institutional arrangements, the encouragement and support of which demand affirmative policies and actions at both state and local levels. Federal agencies having administrative responsibilities for educational programs receiving Federal support should seek, devise and encourage innovative practices by State Departments of Education, designed to induce or accelerate such changes on a statewide basis.
4. There is need for an explicit program in institutions of teacher education - both pre-service and in-service education - for the creation of positive attitudes among teachers and all school personnel consistent with national policies of equality and the development of a sense of commitment to this policy.
5. There is specific need to introduce into the training of teachers an awareness and understanding of the differences in children not of the middle class, of the special problems of communication in seeking to reach these children - elements which today are not generally part of either the personal experience of the teacher himself or of the training he receives in the colleges or universities which prepare him for his profession.

#### IV. DEFAULT OF STATE RESPONSIBILITY

It is not a coincidence that the Negro Revolt was addressed to the Federal government rather than to the respective states. The Federal government was called upon to intervene in the field of civil rights and public education - as in other fields - because state governments defaulted in accepting responsibility for fulfilling their obligations. It is not hard to understand the reasons for this default. State legislatures have refused to reapportion during the course of this century so that in 1960, although there were 39 states in which urban populations constituted a majority of the people, in not a single state did the urban population control the state legislature. Nor was the urban population adequately represented in the Congress of the United States.

It is a fact that the callous disregard of urban needs by rural dominated state legislatures forced municipalities to call for relief from the Federal government, a call that was not ignored. Moreover, the traditional and outmoded attitudes of the rural-dominated legislature resulted in inadequate provision for the needs of the rural people themselves. In similar fashion, state legislatures especially in the South in which Negro citizens had little, if any, voice were callous in their response, not only to the needs of the Negro population but, even, in the protection of their civil rights.

It is an ironic fact that the Negro Revolt, bred in the desperate plight of the Negro community, including the segregated and inferior quality of education available to Negro children, disclosed the inadequacies of public school education in general-- for the white as well as for the Negro child. In seeking redress for his grievances by the Federal government the Negro American had yet another reason for looking in that direction for help. A century earlier Constitutional commitments to Negro equality had been made, holding forth promises that remained unfulfilled.

The states are still in default of their obligations to contribute towards an adequate and equal educational opportunity for all. Not only have state governments failed to take initiative in working towards improvement of local education but they have, also, by restricting legal authority and sources of revenue, prevented municipalities which desired to do so from dealing with their educational problems.

States have failed to meet their educational responsibilities in other ways as well. They have failed to allocate adequate resources to state departments of education; they have failed to redefine school districts as rapid population and social changes have created new needs; they have failed to redefine frameworks for the structure and functions of local boards of education to meet current requirements. Furthermore, state governments have failed to operate in other areas which vitally affect the ability of the schools adequately to perform their functions. More specifically, the states have lagged in efforts to bring about open occupancy in housing -- a failure which contributes materially to de facto school segregation. They have failed to adequately legislate or implement fair employment practices or even to open state employment on an equitable basis to members of minority groups -- failure that contributes to the continuation and problems of the ghetto and erects a solid barrier to the Negro's entrance to the middle class. The Southern states have failed to provide legal and actual opportunity for Negro citizens to exercise their right of franchise -- a failure which prevented the Negro from helping himself.

By reason of these considerations the Task Force offers the following for consideration of the Council in making its recommendations to the Conference:

6. There is urgent need within the states to develop a state-wide "equalization formula", designed to equalize the quality and availability of educational opportunity, as between densely populated urban areas of the state and those with lesser population density, - such formula to take account of local ability to meet the cost of education and of determined educational needs. In this connection, reconsideration should be given to increased "home rule", and revision of financial codes to the end that municipalities may be better equipped to deal with their education problems. For such areas within the state that decline or are unable to provide adequate and equal education, the state must assume affirmative responsibility for the necessary corrective action.
7. There is a need for re-examination of present provisions dealing with the structure and function of local boards of education, their powers, obligations, and interrelationships with the administrators of the school.

8. There is need for the states to assume more positive responsibility in assuring an adequate supply of well trained teachers and other professional personnel to staff the schools, as well as exerting leadership in redesigning and implementing programs of teacher education in line with the new demands imposed on education by the social, cultural and economic changes taking place in our society.
9. There is a need for states to obtain higher-level educational personnel in state departments of education than present provisions make possible.
10. There is need for all states to follow those beginning efforts in such states as California, Massachusetts, New Jersey and New York where publicly declared commitments exist to eliminate racial imbalance in the schools and to bring about equal educational opportunities.
11. There is need for states to take the initiative in removing other obstacles which prevent equal and adequate education such as segregated housing, discriminatory employment practices within the state service itself as well as in the state economy, and barriers to the exercise of the franchise.

#### V. DEFAULT OF LOCAL RESPONSIBILITY

The combination of rapid population growth and increased population concentration in cities and metropolitan areas, on which there were superimposed the post war baby boom, has greatly strained the resources of local educational systems. In addition to the necessity to expand the elementary school system to absorb a fifty per cent increase in school enrollment during the 1950's and a similar increase in enrollment in secondary schools, many cities have also been faced with the task of adapting the educational system to meet the need of in-migrants from rural areas largely the South, both white and Negro -- inadequately prepared for metropolitanism as a way of life.

The challenge presented by tremendous enrollment on the one hand, and the needs of the newcomers to urban and metropolitan areas on the other, has not been met. Local school systems have to some extent met the challenge of increased enrollment

but there is no evidence, as yet, that any large city school system has met the challenge represented by the needs of the Negro population.

The tremendous concentration of the American population in urban centers has overridden municipal boundaries. It is no wonder that during the first six decades of this century, when national population increased about two-fold, urban population increased almost four-fold, metropolitan population (in cities of 50,000 or more and county or countries in which such cities are located) increased more than four-fold, and large metropolitan area population (those with a million or more persons) increased five-fold. Between 1950 and 1960 metropolitan areas absorbed about 85 per cent, and the twenty-four largest metropolitan areas absorbed about 60 per cent of total national population growth.

The large scale migration of Negroes from the rural South to urban and metropolitan areas in the North did not begin until World War I. As recently as 1910, 89 per cent of Negro Americans lived in the South, and 73 per cent lived in rural areas, that is on farms and in places having fewer than 2500 people. By 1960, 40 per cent lived in the North (46 per cent in 1964) and 73 per cent lived in urban places, making the Negro population more highly urbanized than the white. The Negro population shifted not only to urban centers but particularly to large metropolitan areas. By 1960, 51 per cent of all Negroes lived in the central cities of our metropolitan areas, and 38 per cent lived in the 24 metropolitan areas with a million or more persons.

With the increased metropolitanization of the United States, definite patterns of population distribution emerged. In our free competitive system more affluent families tended to move away from the center of the city to newer housing and more desirable residential locations, while the poorer newcomer populations found their point of entry to the metropolitan area led to the inner, older and generally blighted sections of the core city. As the city boundaries were reached populations spilled into surrounding areas creating suburbia as we know it today.

The Negro as the newest newcomer to our metropolitan areas is heavily concentrated in the inner city.

Although the metropolitan area constitutes a single economic and population unit, it is made up of hundreds and in some cases over a thousand separate governmental units, including school districts, with separate tax and to spend. Given the distribution of population in the metropolitan area described above and the political fragmentation of the area, there is little correspondence with the area's needs for public services, including education, and the ability to pay for them.

The educational system in the United States is essentially a local system. The tremendous changes which have occurred in local areas in population size and composition have created problems of unprecedented magnitude which local areas by reason of the default of the states, as discussed above, have not been able to meet even when they have desired to do so. Furthermore, hostile attitudes of the type discussed above have, on the whole, led most local school systems to retain the status quo or to make minimum efforts towards implementation of the national policy for adequate and equal educational opportunity. But even in those communities which made some efforts to correct racial imbalances that resulted in schools from housing segregation, solutions have been hard to come by. Commonly, the boundaries separating white and Negro neighborhoods tend to be unstable, making it difficult to re-zone schools in ways which reduce racial imbalance for any appreciable time. Again, efforts to pair school attendance zones to reduce imbalance tend also to produce only short-run solutions. A few communities have made serious efforts to create attendance areas so large that significant rebalancing occurs, notably through plans for large educational parks.

The short answer is, however, that many of the larger core cities in the country have school populations which today are more Negro than white; they are rapidly running out of white pupils with whom to integrate the Negro children. And the only realistic solutions posed thus far for reducing racial imbalance call for major re-distribution of pupils (and their families) through the entire metropolitan area or, at least, providing ways for placing children from the core cities in classrooms of the satellite communities around the core city, as is being done experimentally in several New York State communities today.

In light of the above considerations the Task Force on Education offers the following for the consideration of the Council in making recommendations to the Conference:

12. It is urged that all communities affirm and make commitments to the policy of eliminating racial imbalance in their schools. To achieve these objectives, mechanisms such as the following may be utilized: Education parks, "clusters of schools", pairing of schools, proper location of school sites and proper delineation of enrollment areas.
13. It is imperative that existing school districts be enlarged in order that existing imbalances of white and Negro children residing within the district will be reduced and, to this end, it is recommended that priority be given to the development of the metropolitan area school district.
14. There is a need for a total reorganization of school systems in terms of goals, curriculum, methods, building construction and location of facilities (such as educational parks), fiscal arrangements and support, quality of materials, facilities and textbooks; training and selection of administrative and teaching personnel to the end of the achievement of more efficient education for all children and the elimination of racially segregated schools.
15. There is a need for reorganization of school boards in such ways as will more accurately reflect the various groups within the community and will reflect a positive orientation towards efforts to achieve truly non-segregated quality schools. The educational profession, in particular, as well as informed and concerned citizens must take the initiative in bringing this about.
16. There is a need in all school districts to have the range, variety, quality and allocation of learning resources through the various schools within the district reflect the unique need of that school's population.

17. There is need to break down the existent "four walls" school policy to recognize that education is an essential element in efforts to achieve better living conditions and to maintain individual and national standards. Basically, it must be recognized that the primary object of education is not to be confined to the schools alone but, on the contrary, require the concerted and cooperative effort of other public agencies, of the church, civic, fraternal, and other social organizations and, indeed, of the citizenry as a whole.

#### VI. FAILURE TO IMPLEMENT THE LAW WE HAVE

In response to mounting pressures on the Federal government for action to secure long promised but unfulfilled rights for all its citizens, including equalization of opportunity for quality education, the Congress has enacted laws designed better to accomplish these ends. The intervention of massive Federal programs in the field of education has placed upon various administrative agencies, notably the United States Office of Education, responsibilities whose magnitude and intensity have made demands for which past experience, agency structure and numbers of available personnel were seriously inadequate.

It has been a major miracle that, under such pressures, the Federal agencies have been able to administer the new programs called for by new legislation so well as they have. It is no reflection on the dedication and skill of those in these agencies when the Task Force points out some of the weaknesses in the administration and implementation of these programs as they have been revealed.

It is a truism to observe that, in the long run, the effectiveness of law in achieving its declared purposes depends no less on its skillful and imaginative administration than it does on the skill with which the law itself was drafted.

In this section of its report, the Task Force presents for consideration by the Council a number of recommendations, which, if adopted, it is believed would greatly improve the administration of existing legislation.

18. It is imperative that the policy embodied in Title VI of the Civil Rights Act of 1964 be given a reasonable opportunity to achieve the purpose for which Congress intended. As this applies to education, it was the Congressional purpose to remove school segregation suits from the courts where they have been pending for more than a decade. In accomplishing this, Congress intended to curtail the power of the Federal purse in such a way that Federal funds would be withheld from school districts which failed to take effective steps to eliminate what remained of the dual school system long traditional in the South. Unfortunately, however, the newest guidelines issued by the U. S. Commissioner of Education and earlier statements of the Attorney General suggest that the anti-discrimination policy of Title VI will be enforced chiefly through litigation rather than through the fund-withholding device intended by the Congress.
19. Provision should be made for broad, continuous and effective collection, collation, recording, retrieval and interchange of data relevant to the administration of educational programs receiving Federal support, both within agencies and between agencies and personnel at all levels of operation.
20. There is need for clear, positive administrative criteria or guidelines designed to encourage, assist and support local and state educational authorities in establishing and maintaining policies and practices intended to achieve "managed school integration", - criteria which may require the establishment of "quota ratios."
21. There is need to develop new local mechanisms, advisory to the United States Office of Education, charged with responsibility for participating in the planning, formulation of recommendations and evaluation of programs receiving Federal support. These mechanisms should be developed on a metropolitan area basis and neither their composition nor their activities should be subject to the control of existing local "power structures", either public or private.

22. The general responsibility for the administration of educational programs receiving Federal support should be shared by the Federal, state and local governments. It is necessary to develop, maintain and improve programs designed to free children from the negative influences resulting from disadvantaged economic environments, in order to increase the level and widen the range of opportunity to learn. (Such efforts are most commonly described as "compensatory education," "enrichment programs," "saturation programs," and others.)
23. There is need to devise and establish new, different and more appropriate guidelines for assessment of individual pupil progress toward personal achievement of a basic skills, b "saleable" skills and, c social and civic skills. Such guidelines are needed and should be used as part of a criteria for grant making and evaluation.
24. Equalization of educational opportunity requires many kinds of changes in conventional attitudes, programs and institutional arrangements, the encouragement and support of which (as has been previously stated) demands affirmative policies and actions at state levels. Federal agencies having administrative responsibilities for educational programs receiving Federal support should seek, devise and encourage innovative practices by State Departments of Education designed to induce or accelerate such changes on a statewide basis.

#### VII. FAILURE TO HAVE THE LAWS WE NEED

The mobility of the American people reflected in the population data described earlier in the context of metropolitan problems and the uneven geographic distribution of national wealth combine to nationalize many of the problems that must be solved to make equal educational opportunity a reality in fact. In practical terms it is not realistic to assume that the traditional community tax base so heavily relied upon to finance elementary and secondary education can bear the burdens imposed by the very special kinds of problems generated by concentrations of newcomers possessed of limited skills and minimal financial resources. Nor is it realistic either to expect the states

into which the newcomers pour to welcome the financial burden resulting from the failures of sister states to provide adequate opportunities in the rural areas from whence the newcomers came.

The Elementary and Secondary Education Act of 1965 reflects Congressional recognition of the pervasive national character of problems connected with equal educational opportunity. So also is the War on Poverty a recognition of national responsibility for providing support to community and state level programs and furnishing Federal inducements for action at state and local levels.

In Title VI of the Civil Rights Act of 1964 we have a declaration of Congressional policy against the kind of racial discrimination traditionally practiced in the dual school systems of the South. But Congress has carefully avoided any commitment to affirmative steps to eliminate racial imbalances that cannot be traced to official action of public school authorities. Yet some states - and still more cities - are today demonstrating efforts to eliminate segregation and otherwise create conditions intended to lead to equality in fact.

Many of these corrective actions are frankly color conscious, a seeming anomaly for a nation committed ultimately to the establishment of a color-blind society. Pragmatically we have learned, however, that existing racial discriminations and disadvantages can be made to yield only by actions which are color-conscious. And indeed in many contexts today a claim of color-blindness is simply a shield raised by those who would preserve the segregated status quo.

The question is not whether to use distinctions based on race. Rather the test is how such distinctions are intended and used. We have a long and wholly justifiable suspicion of all racial distinctions and anyone who would purport to make use of them must be prepared to justify his purpose in terms of available alternatives and ultimate objectives. But given existing problems and present knowledge, overtly racial stratagems may be indispensable short-run tools, simply because no better alternatives yet exist for eradicating barriers to a color-blind society.

It is time now for such a commitment from Congress, for in countless ways national support is needed for color-conscious activities which are essential if we are to reach our ultimate objective of a nation in which equality is a fact.

25. There is need for Congress to declare a clear, affirmative public policy which recognizes the appropriateness of taking racial considerations into account where this is necessary to eradicate the effects of past or present invidious results of racial actions.
26. There is need for legislative affirmation and specific allocation of Federal funds to encourage and support the planning and organization of programs for "model demonstration metropolitan school districts" designed to eliminate the racial imbalance in schools and to improve the quality of education.
27. At the Federal level, as well as within the respective states, there is an urgent need of a nationally applicable "equalization formula" designed to equalize the quality and availability of educational opportunity, as between the several states, such formula to take account of the state ability to meet the cost of education and of urgent educational needs.
28. Any additional Federal legislation that would make funds available to the schools should require that a "workable program" be submitted in advance, including elements such as the following: a declaration of commitment to achieve and maintain integrated quality education; provision for a focal point in the school system for overseeing and administering integration; explicit statement of mechanisms to be applied for achieving integration; explicit indication of policies followed in site selection and delineation of school enrollment area; explicit listing of elements of the saturation program; explicit indication of auxiliary services such as counseling, social work, mental health, etc. and supplementary services such as school lunches; indication of provisions for community participation and cooperative intergroup relations; a report on the status of open occupancy and fair employment practices; a report on periodic statistics relating to the educational system and relevant to the achievement of integrated, quality education and equal educational opportunity; evidence of compliance with requests of Office of Education for reports and statistics.

VIII. CONCLUDING OBSERVATION

In this first report, efforts have been made to incorporate the programmatic recommendations of the Planning Session, as well as the ideas pooled in the one-day meeting of the entire Task Force. This report is regarded as a first draft prepared by a staff member. It has not yet been seen nor approved by the Task Force.

For the Task Force on Education

Philip M. Hauser  
Director

Lester W. Nelson  
Secretary

G. W. Foster, Jr.

*W. H. Conference*

COUNCIL MEETING

THE WHITE HOUSE CONFERENCE

"TO FULFILL THESE RIGHTS"

CONFERENCE STRUCTURE

March 26, 1966

THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

MEMORANDUM

March 26, 1966

To: The Council

From: Berl I. Bernhard, Special Counsel  
and  
Ronald B. Natalie, Consultant

Subject: Conference Structure

The agenda for the Conference is based on the following assumptions:

First: Approximately 2,400 delegates are to be invited, even after and under significant external pressures.

Second: Council position papers are to be submitted to Conference delegates. Supplemented by suggestions made during the Conference, they will form the ultimate basis of a report to the President.

Third: Delegates should be exposed to the full range of problems covered by the Conference and not pigeon-holed into an exclusive substantive area.

Fourth: The purpose of the Conference is not the generation of new ideas, but rather the implementation of those well analyzed ideas raised by the Planning Session and refined by the Council and Conference staff.

Fifth: No votes are to be taken either in committee or in plenary session. The reactions of the participants in the committee sessions will be recorded and summarized by the Council and staff as part of the follow-up process at the end of the Conference.

Proposed Format:

Tuesday, May 31, 1966

6:30 p.m. Reception, Sheraton-Park Hotel.<sup>1/</sup>  
The purpose of having the reception is to facilitate registration in advance of the actual opening of the Conference and to assure that delegates will arrive and be ready to work by June 1.

Wednesday, June 1

Breakfast No formal program.

9:00-9:15 a.m. Honorary Chairman, A. Philip Randolph welcomes delegates; introduces Chairman Ben Heineman who introduces Vice-President.

9:15-10:00 a.m. Remarks of Vice-President.

10:00-10:30 a.m. Vice-Chairman, Edward Sylvester or Vice-Chairman Walter Fauntroy informs delegates of the specific purposes and procedures to be followed during the Conference.

10:30-10:45 a.m. Delegates go to assigned committee meeting rooms in Sheraton Park and Shoreham Hotels.

10:45-12:15 p.m. Working sessions in committee rooms at Sheraton-Park and Shoreham Hotels.<sup>2/</sup>

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<sup>1/</sup> The suggestion that the reception be held at the State Department rather than the Hotel was rejected to avoid transporting delegates to the State Department. Moreover, registration booths can be set up at the site of the reception to avoid needless details in registering on the morning of the first plenary session.

<sup>2/</sup> It is anticipated that approximately 200 delegates will be assigned to each committee room and there will be 12 working committees.

Wednesday, June 1

- 12:30-1:30 p.m. Luncheon. No formal ceremonies. Delegates will eat at the hotels where their committees are meeting.
- 1:45-5:30 p.m. Delegates will be in working session.
- 7:30-10:00 p.m. Official dinner. Recommended speaker, Honorable W. Willard Wirtz, Secretary of Labor. Speaker to be introduced by a business member of the Council.

Thursday, June 2

- 9:00-12:45 p.m. Delegates in working session.
- 12:45-2:15 p.m. Luncheon. No formal ceremonies. Delegates will eat at the hotels where their committees are meeting.
- 2:30-4:00 p.m. Closing plenary session.<sup>3/</sup> Honorary Chairman A. Philip Randolph introduces the Chairman Ben W. Heineman (he introduces Council prior to arrival of the President).<sup>4/</sup> The President speaks.

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<sup>3/</sup> If there is to be a head table for this closing session, it is suggested that the Council constitute the head table.

<sup>4/</sup> It is hoped that the President will address himself to the follow-up of the Conference, perhaps making recommendations as to a continuing structure to assure actual implementation. This might take the form of regional councils or meetings--or the President might wish to set up task forces to carry out implementations in specific fields. A crucial decision must be made as to whether the implementation should be undertaken exclusively by the private sector, or whether the private sector should cooperate under the broad direction of a structure recommended or constituted by the President. Realistically, the President may not desire to address himself to the details of a mechanism to carry forward the decisions of the Council and Conference. He may choose to limit his directions by asking Mr. Heineman and Council to carry forward with the goal of "fulfilling these rights." In that event, Mr. Heineman should be prepared to discuss with the Conference the various methods of assuring a continuing effort.

### Rationale

All delegates should be exposed to the same substantive problems; every effort should be made to avoid assigning a delegate to particular subject areas only. The Conference is to be distinguished from the Planning Session, where the effort was aimed at generating new ideas from the most knowledgeable resource people in specific subject areas. The accepted purpose of the major Conference itself is rather to bring together those who have the capacity to achieve certain goals previously determined and analyzed by the Council and staff. Hence, the delegates should consider and discuss the implementation of the totality of the proposals.

Assuming 2,400 delegates, it would be feasible to break them into 12 groups of 200 each. Each group or committee will consider the agenda presented by an expert panel in each area. This will require organizing four expert panels in the selected subject areas. Assuming four major areas, this will make it possible to cover all of them and allow relief to the expert panels and their staff aides. The details of a hypothetical breakdown are found in Appendix I entitled "Example of Format."

It is important that each committee of approximately 200 be truly representative, i.e., contain all categories of invitees and reflect appropriate geographic distribution.

The selected panel of experts will open every committee session by summarizing the position papers arrived at by the Council and by soliciting suggestions as to various alternative methods of attaining specified goals.

Each panel session is expected to run approximately 1 hour and 45 minutes. Since position papers are to be distributed either prior to the arrival of delegates or at the time of registration, the discussion should go beyond the position paper to relevant to the specific techniques of implementation. Approximately 45 minutes should be allocated to an explanation of the Council position and the remaining hour to suggestions from the Committee.

A recorder should be designated to record whatever consensus is reached. He would later be expected to work with the Council and staff to assure that all relevant ideas be considered in the final presentation of a report to the President. The sessions should be either transcribed through stenotype or a tape recorder. In addition to the recorder a moderator of each committee should be selected whose function it will be to moderate discussions between the panel and the delegates. The moderator and the recorder will be selected by the Council upon recommendation of the staff.

APPENDIX  
I

APPENDIX I

EXAMPLE OF FORMAT

Panels of expert personnel will be constituted to present and explain Council position papers. The areas indicated are illustrative only.

<u>Housing (H)</u>	<u>Economic Security (ES)</u>	<u>Education (E)</u>	<u>Health/Administration of Justice (H/AJ)</u>
Panel H-1	Panel ES-1	Panel E-1	Panel H/Aj-1
Panel H-2	Panel ES-2	Panel E-2	Panel H/AJ-2
Panel H-3	Panel ES-3	Panel E-3	Panel H/AJ-3
Panel H-4	Panel ES-4	Panel E-4	Panel H/AJ-4

Since 12 committees are contemplated there need only be 3 panels for each of the 4 topics. The extra panel will allow relief personnel. It will also enable, where desirable, use of a panelist with expertise in more than one area on different panels.

The Committee set up and the order of topics will be as follows:

Order of Topics to be Presented for Discussion  
in Each Committee

<u>SHOREHAM</u>		<u>SHERATON-PARK</u>	
Committee I Housing Education Economic Security Health/Administration of Justice	Committee IV Health/Admin. of Justice Economic Security Education Housing	Committee VII Health/Admin. of Justice Economic Security Housing Education	Committee X Education Housing Health/Admin of Justice Economic Sec.
Committee II Education Housing Health/Administration of Justice Economic Security	Committee V Education Housing Economic Security Health/Admin. of Justice	Committee VIII Economic Security Health/Admin. of Justice Education Housing	Committee XI Economic Sec. Health/Admin. of Justice Housing Education
Committee III Economic Security Health/Administration of Justice Housing Education	Committee VI Housing Economic Security Health/Admin. of Justice Economic Security	Committee IX Housing Education Economic Security Health/Admin. of Justice	Committee XII Health/Admin. of Justice Economic Sec. Education Housing

The panel of experts will shift from Committee to Committee in the following manner. This contemplates each panel remaining in the same hotel throughout the day.

PANEL ASSIGNMENTS

<u>Panel</u>	<u>June 1</u>		<u>June 2</u>	
H-1	I	II	O P E N	
H-2	IX	X	XI	XII
H-3	VI	V	VII	VIII
H-4	O P E N		III	IV
ES-1	III	IV	O P E N	
ES-2	XI	XII	IX	X
ES-3	VIII	VII	V	VI
ES-4	O P E N		I	II
E-1	V	VI	O P E N	
E-2	II	I	XII	XI
E-3	X	IX	VIII	VII
E-4	O P E N		IV	III
H/AJ-1	VII	VIII	O P E N	
H/AJ-2	IV	III	X	IX
H/AJ-3	XII	XI	VI	V
H/AJ-4	O P E N		II	I

The schedule will work out as follows:

June 1

9:00-10:30	10:45-12:15	12:30-1:30	1:45-3:30	3:45-5:30	7:30-10:00
	ORGANIZATION		PANEL DISCUSSIONS		
PLENARY SESSION	<u>Shoreham:</u> Committee I	LUNCH SHOREHAM	Panel H-1	Panel E-2	OFFICIAL DINNER  SHERATON PARK
	Committee II		Panel E-2	Panel H-1	
	Committee III		Panel ES-1	Panel H/AI-2	
	Committee IV		Panel H/AI-2	Panel ES-1	
	Committee V		Panel E-1	Panel H-3	
	Committee VI		Panel H-3	Panel E-1	
SHERATON PARK	<u>Sheraton-Park:</u> Committee VII	LUNCH SHERATON- PARK	Panel H/AI-1	Panel ES-3	
	Committee VIII		Panel ES-3	Panel H/AI-1	
	Committee IX		Panel H-2	Panel E-3	
	Committee X		Panel E-3	Panel H-2	
	Committee XI		Panel ES-2	Panel H/AI-3	
	Committee XII		Panel H/AI-3	Panel ES-2	

June 2

9:00-10:45	11:00-12:45	12:45-2:15	2:30-4:00
PANEL DISCUSSIONS		LUNCH	PLENARY SESSION  SHERATON- PARK HOTEL
Panel ES-4	Panel H/AJ-4		
Panel H/AJ-4	Panel ES-4		
Panel H-4	Panel E-4		
Panel E-4	Panel H-4		
Panel ES-3	Panel H/AJ-3		
Panel H/AJ-3	Panel ES-3		
		DELEGATES FREE	
Panel H-3	Panel E-3		
Panel E-3	Panel H-3		
Panel ES-2	Panel H/AJ-2		
Panel H/AJ-2	Panel ES-2		
Panel H-2	Panel E-2		
Panel E-2	Panel H-2		

File  
✓

THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

March 23, 1966

Mr. William Taylor  
Staff Director  
U.S. Commission on Civil Rights  
1701 Pennsylvania Avenue, NW.  
Washington, D.C.

Dear Bill:

The Council of the White House Conference "To Fulfill These Rights" will discuss education proposals on Saturday, March 26, 1966 - 10:30 a.m. in the Indian Treaty Room, Executive Office Building.

Inasmuch as the Commission is preparing a related study, I would hope that it would be mutually beneficial for you to attend this meeting and discuss this matter with the Council.

Please advise if I may be of any assistance prior to the meeting.

We look forward to seeing you.

Sincerely yours,



Edward C. Sylvester, Jr.  
Vice-Chairman

WHITE HOUSE CONFERENCE



"TO FULFILL THESE RIGHTS"

**PROGRAM**

JUNE 1-2, 1966  
WASHINGTON, D C

*It is the glorious opportunity of this generation to end the one huge wrong of the American Nation and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for freedom.*

—From Remarks of the President at  
Howard University, June 4, 1965

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Chairman: Ben W. Heineman

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Shirley Foster	Jean R. Oliver	Melvin S. Yates
	Harriet K. Purvis	

## PROGRAM

### Tuesday, May 31

- 10:00 a.m.-7:00 p.m. **REGISTRATION**  
Concourse of States, Sheraton-Park Hotel
- 6:30 p.m.-8:00 p.m. **RECEPTION—Informal**  
Sheraton Hall, Sheraton-Park Hotel

### Wednesday, June 1

- 7:30 a.m. **REGISTRATION**  
Concourse of States, Sheraton-Park Hotel
- 9:00 a.m.-10:15 a.m. **OPENING MEETING**  
Sheraton Hall, Sheraton-Park Hotel
- Welcome:** A. Philip Randolph  
Honorary Chairman
- Introduction:** Ben W. Heineman  
Chairman
- Address:** The Vice President
- Conference**  
**Procedures:** Edward C. Sylvester, Jr.  
Vice Chairman
- \*10:45 a.m.-12:00 Noon **WORK SESSION**
- 12:15 p.m.-1:15 p.m. **LUNCH**  
(No formal ceremonies)

### Wednesday, June 1 (cont'd)

- \* 1:45 p.m.-3:00 p.m. **WORK SESSION**
- \* 3:30 p.m.-6:30 p.m. **WORK SESSION**
- 8:00 p.m. **DINNER MEETING**  
Sheraton Hall, Sheraton-Park Hotel
- Address:** Honorable Thurgood Marshall  
Solicitor General  
of the United States

### Thursday, June 2

- \* 9:00 a.m.-12:00 Noon **WORK SESSION**
- 12:00 Noon-1:00 p.m. **LUNCH**  
(No formal ceremonies)
- \* 2:00 p.m.-5:00 p.m. **WORK SESSION**
- 7:30 p.m. **FINAL DINNER MEETING**  
Sheraton Hall, Sheraton-Park Hotel

\*See pages 6, 7, 8 and 9 for subjects to be discussed at each work session.

**SCHEDULE OF SUBJECTS  
AT THE  
SHERATON-PARK HOTEL**

**COMMITTEE**

	<b>I DELAWARE SUITE</b>	<b>II VIRGINIA SUITE</b>	<b>III MARYLAND SUITE</b>
<b>June 1</b>			
10:45-12:00 p.m.	Housing	Education	Economic Security & Welfare
1:45- 3:15 p.m.			
3:30- 6:30 p.m.	Education	Housing	Administra- tion of Jus- tice & Other
<b>June 2</b>			
9:00-12:00 Noon	Economic Security & Welfare	Administra- tion of Jus- tice & Other	Housing
2:00- 5:00 p.m.	Administra- tion of Jus- tice & Other	Economic Security & Welfare	Education

**SCHEDULE OF SUBJECTS  
AT THE  
SHERATON-PARK HOTEL**

**COMMITTEE**

	<b>IV CONTINEN- TAL ROOM</b>	<b>V SOUTH COTILLION ROOM</b>	<b>VI NORTH COTILLION ROOM</b>
<b>June 1</b>			
10:45-12:00 p.m.	Administra- tion of Jus- tice & Other	Education	Housing
1:45- 3:15 p.m.			
3:30- 6:30 p.m.	Economic Security & Welfare	Housing	Education
<b>June 2</b>			
9:00-12:00 Noon	Education	Economic Security & Welfare	Administra- tion of Jus- tice & Other
2:00- 5:00 p.m.		Administra- tion of Jus- tice & Other	Economic Security & Welfare

**SCHEDULE OF SUBJECTS  
AT THE  
SHOREHAM HOTEL**

**COMMITTEE**

	<b>VII AMBASSA- DOR ROOM</b>	<b>VIII EMPIRE ROOM</b>	<b>IX THE FORUM</b>
<b>June 1</b>			
10:45-12:00 p.m.	Administra- tion of Jus- tice & Other	Economic Security & Welfare	Housing
1:45- 3:15 p.m.			
3:30- 6:30 p.m.	Economic Security & Welfare	Administra- tion of Jus- tice & Other	Education
<b>June 2</b>			
9:00-12:00 Noon	Housing	Education	Economic Security & Welfare
2:00- 5:00 p.m.	Education	Housing	Administra- tion of Jus- tice & Other

**SCHEDULE OF SUBJECTS  
AT THE  
SHOREHAM HOTEL**

**COMMITTEE**

	<b>X BLUE ROOM</b>	<b>XI PALLADIAN ROOM</b>	<b>XII TUDOR ROOM</b>
<b>June 1</b>			
10:45-12:00 p.m.	Education	Economic Security & Welfare	Administra- tion of Jus- tice & Other
1:45- 3:15 p.m.			
3:30- 6:30 p.m.	Housing	Administra- tion of Jus- tice & Other	Economic Security & Welfare
<b>June 2</b>			
9:00-12:00 Noon	Administra- tion of Jus- tice & Other	Housing	Education
2:00- 5:00 p.m.	Economic Security & Welfare	Education	Housing

CIVIL RIGHTS RESPONSIBILITIES OF THE FEDERAL GOVERNMENT

A Brief Summary

White House Conference  
"To Fulfill These Rights"  
June 1-2, 1966  
Washington, D.C.

CIVIL RIGHTS RESPONSIBILITIES OF THE FEDERAL GOVERNMENT

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## Civil Rights Responsibilities of the Federal Government

### I. Major Civil Rights Agencies

#### A. Civil Rights Division, U.S. Department of Justice.

Washington, D.C. 20530

Has ultimate responsibility for enforcing rights guaranteed by Federal law, in a broad range of areas, including denial of rights to citizens by State or local officials or private individuals; intimidation of and discrimination against voters; obstruction of justice; peonage and slavery. The Department represents other Federal agencies in civil rights lawsuits.

The 1964 Civil Rights Act further authorized the Attorney General to initiate lawsuits to:

- eliminate patterns or practices of employment discrimination at the request of the Equal Employment Opportunity Commission (see below) or on his own initiative;
- eliminate a pattern or practice of resistance to desegregation of public accommodations, to compel desegregation of public facilities and public schools, including public colleges.
- intervene in private lawsuits alleging denial of equal protection of the laws, such as discrimination in public education, public accommodations, employment or jury trials.

In September 1965, Presidential Executive Order No. 11247 designated the Justice Department as coordinator for all Federal civil rights efforts under Title VI of the 1964 Civil Rights Act, which prohibits

discrimination in programs which receive Federal financial assistance. In December 1965, the Justice Department issued Guidelines to 21 Federal agencies administering assistance programs, designed to achieve consistent enforcement of Title VI.

B. U.S. Commission on Civil Rights. (USCCR)  
Washington, D.C. 20425

Established by the Civil Rights Act of 1957. Investigates denials of the right to vote and allegations of vote fraud, studies legal developments and appraises Federal policies and programs relating to equal protection of the laws in such areas as education, housing, employment, the administration of justice, use of public facilities and transportation. Makes recommendations to the President and Congress.

Authorized by the 1964 Civil Rights Act to serve as a national clearinghouse for civil rights information.

The Commission operates with the assistance of 51 State Advisory Committees which provide information on civil rights developments in their States.

C. Community Relations Service, U.S. Department of Justice.  
(CRS) Washington, D.C. 20230

Established by the Civil Rights Act of 1964\* to

assist communities in resolving disputes arising from discriminatory practices which impair rights guaranteed by Federal law or which affect interstate commerce.

Aids communities in developing plans to improve racial relations and understanding, through conferences, publications and technical assistance.

Conciliates complaints referred by Federal courts in lawsuits to desegregate public accommodations.

\*(Originally established in the Department of Commerce; transferred by the President to the Justice Department on April 22, 1966, after approval by Congress.)

D. Equal Employment Opportunity Commission. (EEOC)

Washington, D.C. 20506

Established by Title VII of the 1964 Civil Rights Act, which prohibits employment discrimination on the basis of race, color, religion, sex or national origin by private employers, unions and employment agencies.

Investigates complaints of discrimination; seeks to conciliate and resolve disputes involving discrimination by employers, unions and employment agencies.

The Commission may initiate as well as receive complaints. It conducts technical studies of employment. It may make its assistance available to all persons subject to Title VII, including employers and unions whose employees or members refuse to cooperate in

carrying out its nondiscrimination requirements.

The Commission has no enforcement authority. If conciliation efforts fail, a complainant may take his complaint to U.S. District Court. Where the Commission finds that a pattern or practice of discrimination exists it may refer matters to the Justice Department for legal action.

The Commission promotes programs of voluntary compliance by employers, unions and community organizations.

E. Office of Federal Contract Compliance, U.S. Department of Labor. (OFCC) Washington, D.C. 20506

Responsible for policies, leadership and coordination of the Federal government's program to achieve equal opportunity in employment by Government contractors, subcontractors and on Federally assisted construction programs.\*

Reviews compliance programs of all government contracting agencies. Receives and settles complaints of discrimination of employees or prospective employees of Government contractors.

Coordinates compliance program with programs of EEOC and the Department of Justice under Title VII of the 1964 Civil Rights Act.

Provides administrative support for "Plans for Progress" (a voluntary equal employment program carried on mostly by private industry).

\*(This function, formerly performed by the President's Committee on Equal Employment Opportunity, was transferred to the Department of Labor by Executive Order 11246, September, 1965.)

F. U.S. Civil Service Commission. Washington, D.C. 20415

Supervises, provides leadership and guidance for all Federal agencies in carrying out an equal employment opportunity program in Federal employment.\*

Reviews agencies' practices, develops training and counseling programs to encourage improvement of employees' skills. By request of the Justice Department, conducts training programs for compliance officers of the 21 Federal agencies which have Title VI enforcement responsibilities to eliminate discrimination in Federally-assisted programs.

\*(This function, formerly performed by the President's Committee on Equal Employment Opportunity, was transferred to the Civil Service Commission by Executive Order 11246, in September, 1965.)

G. President's Committee on Equal Opportunity in Housing.

(PCEOH) Washington, D.C.

Established in 1962 by Executive Order 11063, prohibiting discrimination in Federally-assisted housing.

Composed of the heads of Federal agencies which provide assistance to housing or supervise home-financing institutions, and civic leaders appointed by the President.

Authorized to recommend policies and procedures to implement the Order, to coordinate activities of Federal departments and agencies to carry out the Order, and to conduct educational programs to foster public acceptance of the Federal policy of equal opportunity in housing. The Committee reports to the President on action and results. It has no enforcement authority.

II. Federal Agencies with Major Civil Rights Responsibilities

H. Department of Commerce. (Office of Equal Opportunity)  
Washington, D.C. 20230

Under Title VI of the 1964 Civil Rights Act, responsible for assuring equal opportunity in economic development programs, state technical services, maritime grants and subsidies, etc., with special emphasis on equal employment opportunity in jobs created by grants and loans made by the Economic Development Administration (EDA) for public works, business loans and local economic planning to stimulate economic development.

The Bureau of Public Roads is also responsible for enforcing the equal employment opportunity provisions of the Executive Order in connection with thousands of road contractors in the highway building program.

Conducts a special "affirmative" program to promote equal opportunity through its regular contacts with the business community. Special programs encourage greater participation of Negroes and other minority groups in activities sponsored by the Commerce Department, and provide services to help Negro businessmen improve skills. Another program has encouraged large corporations to seek out Negro businessmen as local franchisors.

I. Department of Defense. (DOD) Washington, D.C. 20301

As the major contracting Federal agency, carries on a comprehensive compliance program to assure nondiscrimination and promote "affirmative action" for equal opportunity in employment by government contractors and subcontractors, subject to general coordination of OFCC (see above).

Military commanders are responsible for conducting equal opportunity programs within the services, and---with the assistance of base community relations

committees---for conducting programs designed to secure equal treatment for military personnel and their families in such off-base facilities as public schools, housing and public accommodations.

J. Department of Health, Education and Welfare. (HEW)  
Washington, D.C. 20201

Office of the Secretary: Office for Civil Rights

Advises the Secretary on all matters concerning equal opportunity and Title VI. Responsible for the formulation of Department policy on all civil rights matters. Provides leadership and coordinates work of Department's agencies.

I. Office of Education, Equal Educational Opportunities Program (EEOP).

Under Title IV of the 1964 Civil Rights Act,  
directed to:

- conduct a national survey to determine availability of equal educational opportunity;
- provide technical assistance upon request, to help states, political subdivisions or school districts carry out school desegregation plans;
- arrange training institutes to prepare teachers and other school personnel to deal with desegregation problems;
- make grants enabling school boards to employ specialists for in-service training programs.

Under Title VI of the 1964 Act, responsible for assuring non-discrimination in all Federal aid-to-education programs, including aid to elementary and secondary schools, colleges, universities and libraries. (Designated by the Attorney General to coordinate Title VI enforcement in Federal aid to colleges, universities, elementary and secondary schools, on behalf of other Federal agencies.)

2. Public Health Service, Office of Equal Health Opportunity (OEHO).

Responsible for enforcing nondiscrimination under Title VI in all Federally-aided hospitals and other health facilities. (Designated by the Attorney General to coordinate Title VI enforcement in these institutions on behalf of other Federal agencies.)

3. Welfare Administration. Responsible for enforcing nondiscrimination requirements of Title VI in Federally-aided State and local welfare programs, and in work-training programs for the unemployed, under the Anti-Poverty Program.
4. Office of Vocational Rehabilitation. Responsible for enforcing nondiscrimination requirements of Title VI in Federally-aided programs for vocational rehabilitation.

5. Social Security Administration. Responsible for securing compliance of insurance companies and other contractors under the Medicare program with equal employment policy required for Government contractors.

K. Department of Housing and Urban Development. (HUD)  
Washington, D.C. 20410

Responsible for enforcement of Executive Order 11063 (see above) and other Federal laws which require non-discrimination in the sale and rental of Federal and Federally-assisted housing, FHA-insured homes and community facilities.

Responsible for enforcement of Title VI of the 1964 Civil Rights Act as it applies to Federal financial assistance through grants, loans or contracts to housing and urban programs.

Responsible for insuring nondiscrimination in employment in Federal and Federally-assisted housing construction projects, subject to general coordination of OFCC. (See above).

L. Department of Labor, Manpower Administration  
Washington, D.C. 20210

Under Title VI of the 1964 Civil Rights Act, responsible for equal employment opportunity in

manpower programs involving federal assistance. These include:

- State and Federal employment service and employment insurance programs, administered by the Bureau of Employment Security (BES)
- Manpower development and training programs administered by Office of Manpower Policy, Evaluation, and Research (OMPER)
- Apprenticeship Training programs, administered by Bureau of Apprenticeship and Training (BAT)
- Work-training programs under the anti-poverty program administered by Neighborhood Youth Corps (NYC)

M. Office of Economic Opportunity. (OEO)

Washington, D.C. 20506

Administers anti-poverty program under Economic Opportunity Act of 1964. Because more than half of all Negro and Spanish-speaking families are living in poverty, all the programs of this agency have significant civil rights implications.

The Act also requires that poor people served by community action programs must participate in their planning and administration.

- Office of the Special Assistant for Civil Rights

Responsible for assuring compliance with Title VI of the Civil Rights Act and the "maximum feasible participation" requirement of the Economic Opportunity Act. Administers all equal employment policies for

the agency, processes complaints, conducts compliance reviews under Title VI and Executive Order 11246.

Major programs operated by OEO include:

- Community Action Program (CAP). Provides funds for approved programs administered by community agencies which include representatives of the poor. Programs may provide such services as: remedial reading, literacy instruction, job training, employment counseling, homemaker, health and legal services. Also administers programs for the aged, for housing, sanitation and education needs of migrant workers, and for motivating high-school students toward further education.
- Head Start. Provides funds for pre-school programs to improve physical, social and educational abilities of children, and develop social services for their families.
- Job Corps. Provides residential centers, basic education and work-training experience in public and private sectors for unemployed young men and women. Assists them to find jobs after training is completed.
- Volunteers in Service to America (VISTA). Trains volunteers and assigns them to work in anti-poverty programs.

Anti-poverty programs operated by other Federal agencies include:

- Neighborhood Youth Corps, U.S. Department of Labor (see above)
- Work-Study program, providing part-time jobs for college students, and Adult Basic Education, U.S. Office of Education, HEW.
- Work-Experience, providing experience and training for unemployed and other needy persons, Bureau of Family Services, Welfare Administration, HEW.
- Rural Loans, providing loans and management assistance to low-income families in rural areas. Farmers Home Administration, U.S. Department of Agriculture.
- Small Business Loans, providing low-cost loans up to \$15,000 and management counseling. Small Business Administration (see below)

N. Small Business Administration. (SBA)  
Washington, D.C. 20416

Administers small business loan program financed by Economic Opportunity Act, through local Small Business Development Centers, which provide low-interest, long-term loans with minimal collateral and management assistance and counseling to small businessmen.

Has placed program emphasis on encouragement of small business enterprise among minority groups.

III. Other Agencies Providing Federal Assistance

Under Title VI of the 1964 Civil Rights Act, all Federal agencies are responsible for prohibiting discrimination in programs to which they give financial assistance.

Twenty-one Federal agencies have responsibilities under this Title. In addition to those already listed, agency programs involving substantial financial aid include:

O. Department of Agriculture. Washington, D.C. 20250

Provides funds for State Extension Services, rural electrification, conservation and other agricultural programs.

P. Federal Aviation Agency. (FAA) Washington, D.C.

Provides financial aid for construction and maintenance of airport terminal facilities.

Q. General Services Administration. (GSA) Washington, D.C.

Responsible for disposal of surplus Federal properties. Also responsible for equal employment compliance by contractors working on Government buildings and facilities.

Other Federal agencies which provide Federal funds are: Department of Interior, Department of State, Treasury Department, Agency for International Development,

Atomic Energy Commission, Civil Aeronautics Board (CAB),  
National Aeronautics and Space Administration (NASA),  
National Science Foundation (NSF), Office of Emergency  
Planning (OEP), Tennessee Valley Administration (TVA),  
and Veterans Administration (VA).

APPENDIX

Federal Agencies with Major Civil Rights Responsibilities  
in Areas to be Discussed at White House Conference

I Economic Security and Welfare

Employment. Equal employment policies of the Federal Government cover private employers, unions and employment agencies in industries affecting interstate commerce, Federal contractors and subcontractors, Federal employment, employment in state and local agencies which administer Federal programs, and recipients of Federal funds under programs which have a primary purpose of providing employment. Agencies administering these policies include:

- A. Private Employment: -The Equal Employment Opportunity Commission (see page 3)  
-Department of Justice (see page 1)  
-National Labor Relations Board (NLRB) can act against discrimination by employers and unions in interstate commerce.

B Employment by Federal Contractors and Subcontractors

Office of Federal Contract Compliance, U.S. Department of Labor (see page 4) supervises contract compliance programs of Federal agencies. (Major Federal contracting agencies include Department of Defense, Department of Health, Education and Welfare (HEW), General Services Administration (GSA), Department of Housing and Urban Development (HUD).

C. Employment on Federally-Assisted Programs which have Primary Purpose of Providing Employment

Manpower Administration, U.S. Department of Labor (see page 10), Economic Development Administration, U.S. Department of Commerce (see page 6), Office of Education, U.S. Department of Health, Education and Welfare administers vocational education and on-the-job training programs.

D. Public Employment

- a) Federal. Civil Service Commission supervises equal employment program conducted by all Federal Agencies (see page 5).
- b) State and Local. Public agencies administering certain Federal programs are subject to Federal merit standards which prohibit racial and religious discrimination. The Departments of Defense, Labor, and Health, Education and Welfare require such a prohibition in employment in state and local civil defense agencies, state employment offices, aging, health and welfare agencies.

Welfare. Welfare Administration, Department of Health, Education and Welfare administers nondiscrimination requirements (see page 9).

II Housing

-Department of Housing and Urban Development has primary responsibility for assuring equal housing opportunity (see page 10).

-President's Committee on Equal Opportunity in Housing provides advice, recommendations, and coordination. (see page 5). (Federal agencies represented on this Committee, which are involved in housing or supervision of home-financing institutions are: Defense Department, Treasury Department, Department of Justice, Department of Agriculture, Veterans Administration, Federal Home Loan Bank Board, and Department of Housing and Urban Development.)

-Civil Service Commission, as part of its responsibility for promoting equal employment opportunity, has urged Personnel Directors of Federal agencies to work actively for open housing opportunity for employees in national and regional offices.

-Department of Defense has directed base military commanders to use base community-relations committees and all available community resources to help military personnel secure equal treatment in off-base housing.

III Education

-The Office of Education, Department of Health, Education and Welfare has primary responsibility for equal educational opportunity programs (see page 8).

-The Justice Department, has responsibility for enforcement of the law relating to equal educational opportunity (see page 1).

-The Office of Economic Opportunity provides funds for certain educational programs (see page 11).

-The Department of Defense, Department of Housing and Urban Development, Atomic Energy Commission, National Science Foundation, National Aeronautics and Space Administration, Department of Agriculture and Department of Interior are required to assure non-discrimination in college and university programs for which they provide financial assistance, under overall coordination of the Office of Education (see page 8).

IV Administration of Justice

-The Department of Justice is the major Federal agency responsible for protection of individual rights under the Constitution and civil rights laws (see page 1).

-The Office of Economic Opportunity has funded projects to develop better police-community relations, and to provide better legal services for the poor.

-The Office of Juvenile Delinquency in the Department of Health, Education and Welfare has also conducted projects in police-community relations.

*Answer - ?*

THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

May 17, 1966

Dear Mr. Taylor:

You should have received by now an invitation from the President to participate in the White House Conference "To Fulfill These Rights", to be held Wednesday and Thursday, June 1 and 2, at the Sheraton-Park Hotel, Washington, D. C.

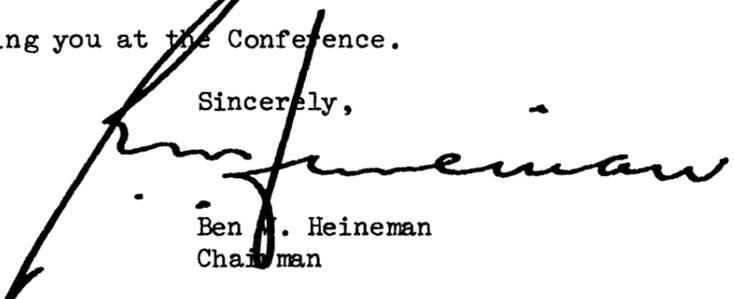
The President first proposed the Conference in June 1965 in his speech at Howard University. He announced that he would call the Conference "to help the American Negro fulfill the rights which, after the long time of injustice, he is finally about to secure." The President closed his speech with the prediction that "Together...we can light the candle of understanding in the heart of all America. And, once lit, it will never again go out."

The Conference will bring together a cross section of our society to consider action proposals.

Enclosed, for your convenience, is information regarding the location of the headquarters of the Conference, hotel accommodations, meals and registration. All hotel reservations for participants in the Conference will be arranged by the Conference staff. Please complete and promptly return to this office the enclosed self-addressed hotel reservation card.

I look forward to seeing you at the Conference.

Sincerely,

  
Ben J. Heineman  
Chairman

Honorable William L. Taylor  
Staff Director  
U. S. Civil Rights Commission  
Washington, D. C.

DRAFT REPORTS TO THE WHITE HOUSE CONFERENCE

RECOMMENDATIONS

The following recommendations contained in the Draft Reports to the White House Conference will require follow-up action on the community or local level, but will not require further state or federal legislation. (Those recommendations not relying on community follow-up have not been included here.)

I. ECONOMIC SECURITY AND WELFARE RECOMMENDATIONS

1. Development of a Comprehensive Human Resource Plan - This plan has two objectives -- the collection and analysis of data on characteristics of Negro workers as to employment, unemployment, training and opportunities and the provision of information through public and private channels for translation into programs to structure training and job opportunities for Negroes. Substantial responsibility for the collection of information necessary to this program will be placed at the local level. For example, businesses will have to make known occupation and job requirements. Church groups, labor unions and other community groups would also be included in this project. The plan would concentrate on the 70 cities in which most urban Negroes live and the 5 or 6 southern states in which most rural Negroes live. Data would be collected on a neighborhood basis. Human Resource Centers would be established in several cities to provide intensive, individualized counseling.

2. Metropolitan Job Councils - The initiative in establishing these councils should be taken by local businesses. They would operate to initiate, develop and carry out the Comprehensive Human Resource Plan previously discussed.

3. Rural Jobs Task Force - This task force would include representatives from private groups, state and local governments and federal officials. The focus of this task force's efforts would be to provide jobs and economic assistance for rural Negroes and to facilitate the economic and social adjustment of rural families moving to urban areas.

4. Affirmative Actions by Private Employers and Government to Provide More and Better Jobs - This recommendation calls for a series of affirmative actions by private employers to overcome "traditions of discrimination." Employers should, for example, communicate to Negroes in a positive manner that "barriers of exclusion" have been removed. Top management should become personally involved; business should be withheld from supplies and contractors who engage in discrimination.

Churches, educational institutions and health and welfare groups should undertake similar programs. These institutions should participate in a "Project Equality" program which would cover employment practices within institutions as well as practices of suppliers and contractors. A pledge of nondiscrimination would be required from all suppliers and contractors.

5. Expand and Strengthen Supportive Services To Facilitate Movement of

Negroes Into Jobs - Included in this recommendation is the suggestion that local and state governments evaluate and modify local transportation systems so as to improve the access of Negroes to available jobs and the suggestion that new business be located in areas accessible to places where Negroes live rather than in the suburbs. In rural surplus labor areas, centers should be established by local groups which would help potential migrants to the city.

6. Expand Youth Job Programs: Develop and Implement Counseling Programs

for Negro Youth - Year round youth job placement programs must be developed and counseling services must be improved, particularly in vocational areas.

## II. EDUCATION

The recommendations made in this paper require massive expenditures of federal money and call for action on all levels - no recommendation is purely local in nature. The paper is concerned with three major areas (1) equalizing the allocation of financial and human resources so that all schools provide for all children what is now provided for a "fortunate few;" and (2) the concentrations of population on the basis of race must be confronted; and (3) education for persons of all ages must be redesigned to provide quality for all.

1. Reduction of Racial Concentration - At the local level, communities will be required to respond to a "workable program" requirement on which the granting of federal funds will rest. They will also be urged to study and devise mechanisms which will reduce racial imbalance under an amended Title IV program allowing grants for this purpose. Planning must include interdependent school districts and private and church supported schools. Demonstration centers experimenting in increasing the quality of education and reducing racial concentration should be organized. These centers would be responsible to independent metropolitan boards of directors, representative of all the community and coordinated with a university.

2. Quality Education for All - Schools must involve a broad range of community organizations in planning in order to reflect the needs and resources of the community in school programs. School boards must more accurately reflect various groups within the community and the educational professions, as well as individuals and organizations, should take the initiative in bringing this about. Citizens and school boards should give consideration to a major reorganization of the school system in terms of goals, curriculum, methods etc.

Special attention should be given to rural schools, vocational education and use of new learning materials. (for example, textbooks and other materials which would show the contributions of minority groups to American life). In the area of higher education, two years of post-secondary education should be made available at public expense for all high school graduates. There should be extensive changes in methods of teacher recruitment, (teachers should not all be middle class), training and clinical experience (this should be provided in urban and rural schools of all types).

### III. HOUSING

1. Freedom of Choice -- the Open Market - The National Association of Real Estate Boards, the National Home Builders Association, banking, savings and loan and trade associations should publish policy statements advocating equal opportunity in housing guaranteed by law and should undertake internal education programs.

Officials of trade associations are urged to enter into "intensive dialog" with leaders of civil rights, fair housing, community action and other groups-- this dialog, for the purpose of developing and conducting effective fair housing programs, should be carried on at state, metropolitan and neighborhood level<sup>s</sup>.

The real estate and home finance field should recruit and employ Negro and other minority men and women. NAREB and state and local boards are urged to admit licensed real estate brokers of all races to membership.

Fair housing councils, or their equivalent should be organized in every urban area and should actively "test" the market. These councils should be privately organized and managed. Housing information centers sponsored by local groups should be established in each urban area. Financing of these centers should come from government sources.

2. Housing Supply for Low and Moderate Income Families - This recommendation urges that on the local level, civic, fraternal, religious organizations and groups of individuals be urged to organize nonprofit corporations and cooperatives for the purpose of raising capital, and serving as developers, owners and operators of housing developments for moderate and low incomes families.

The adoption of a housing industry program, patterned after the Plans For Progress program in the employment area, is also suggested.

3. Revitalizing and integrating the Ghetto - This requires local effort to, wherever possible, rebuild the old neighborhood through techniques such as rehabilitation of old properties while changing the character of the area so that no longer will it be identified as a slum. The Demonstration Cities program is seen as the broad and comprehensive approach necessary at the local level; this program will require citizen participation. This recommendation also calls upon suburban communities to accept a "mix" of lower income families, white and nonwhite if the present ghettos are to become "decent" communities. Responsibility for preparing for change also rests with <sup>the</sup> civil rights movement and with the leadership within the ghetto.

Representatives of the lending institutions, associations of appraisers, and insurance companies in each metropolitan area should set up inter-association committees to consider the assertion that predominantly Negro or changing neighborhoods are forced into decline by the bias of appraisers and the refusal or reluctance of banks to finance loans and of insurance companies to insure properties.

#### ADMINISTRATION OF JUSTICE

In the area of administration of justice, action is called for by communities or groups of individuals in the following areas:

1. Law schools and bar associations (including the American Bar Association) should take steps to assure representation by local counsel of Negroes and civil rights workers.

2. States and localities should undertake a positive campaign to recruit and hire qualified minority group personnel for the State Highway Patrol and other State Law Enforcement bodies. This and other affirmative steps such as establishment of minimum state standards for all police officers would be a pre-condition for Federal aid. Federal assistance would also be conditioned upon steps taken by localities to improve police-community relations, for example, upgrading of police organization, equipment and facilities, establishment of an adequate complaint procedure, undertaking an educational program to define the role of the police department in the community and establishment of a Community Relations Unit within the police department.

3. Private groups and community organizations must be made aware of their responsibility for improving law enforcement. This paper recommends that every community have a broad based private police-community relations organization which will work with both sides. Community organizations should also support higher salary scales and improved training so that highly qualified individuals will seek law enforcement as a profession.

ADMINISTRATION OF JUSTICE

5/4/66 1966  
White House  
W. France

Introduction

The purpose of this paper is to set down briefly major recommendations for positive action to assure equal justice in the administration of the law in the United States. The recommendations fall into three categories:

1. Protection of Negroes and civil rights workers from intimidation in connection with the exercise of their rights.

Here the concern is to develop effective legislative<sup>ve</sup> and executive measures to combat the deplorable condition, found in parts of the deep South, which allows American citizens to be murdered, beaten, and subjected to other forms of intimidation because they have exercised constitutional or other Federal rights or aided others in the exercise of such rights, or in order to discourage the assertion of such rights. The murders of the three civil rights workers in Neshoba County, Mississippi, of Lemuel Penn and Viola Liuzzo on the highways of Georgia and Alabama, of Reverend Reeb in Selma, Alabama, and of Jonathan Daniels in Haynesville, Alabama, are among the most notorious examples. Twenty-six Negro and white civil rights workers were murdered between the 1960 sit-in demonstrations and the spring of 1965. In addition to these murders, there have been numerous shootings, beatings, bombings, and church burnings. In Mississippi alone, for example, there were 150 incidents of serious racial violence reported from 1961 to the middle of 1964.

The problem is magnified by the fact that the assailants are rarely brought to justice. The United States Commission on Civil Rights investigated racial violence in several Mississippi counties. Two of these counties were Adams and Madison. In its 1965 Law Enforcement Report, the Commission found that:

From September 1963 to September 1964, in Adams County and the surrounding area, four Negroes were whipped and a white civil rights worker assaulted; one Negro was shot and seriously injured, and at least one Negro was murdered. There were also cross-burnings on several occasions and arson attempts on two Negro homes, as well as destruction by fire of four Negro churches and a Negro cafe. A climax was reached on the night of September 26, 1964, when the homes of the mayor of Natchez and a prominent Negro contractor were bombed. Law enforcement authorities failed to solve any of these cases.

The results in Madison County were similar:

Civil rights workers have been active in Canton, the county seat, since 1962. The violence which occurred in 1964 was primarily directed at them, at their headquarters, the "Freedom House," and at local churches. In Madison County from June 1963 to September 1964, five Negroes were wounded by gunshot and the Freedom House was bombed twice and shot at on three occasions. Three other buildings in the Negro community were bombed, and four Negro churches were destroyed by fire. There were also several assaults on Negroes and white civil rights workers. In only two cases were the persons responsible for this violence arrested and prosecuted, and in both instances the defendants pleaded no contest and received minimal fines.

The Commission found that the investigations of these incidents by the responsible law enforcement officials was perfunctory or nonexistent and that in some cases officials treated civil rights workers as suspects rather than the victims of the violence.

The threat to the personal security <sup>(and rights)</sup> of Negroes and civil rights

workers in the South warrants the immediate attention of the country and

the Congress. Interferences with the exercise or attempted exercise of

federally protected rights cannot be tolerated. There must be

adequate federal protection for those asserting federal rights.

2. Equal Justice for Negroes

The second area of concern is the need to secure equal justice for

Negroes in the South. We are not interested here <sup>in</sup> ~~in~~ abstract principles,

but <sup>in</sup> ~~in~~ ensuring that Negro citizens and civil rights workers are free to

exercise their constitutional rights free from harassment, intimidation and

discrimination by courts, court officials, unfairly selected juries and law

enforcement agents.

Justice is administered to Negroes in the South by white men, who

occupy the positions of judge, justice of the peace, prosecuting attorney,

sheriff, policeman, courtroom clerk, bailiff and juror. As Erwin N. Griswold,

Dean of the Harvard Law School and a member of the United States Commission

on Civil Rights, has written, these persons "use their authority far too

often to perpetrate a system of social control, which may represent what has

been regarded as the southern way of life, but which is wholly inconsistent

with rights established by valid Federal power as a part of "the supreme Law

of the Land". "The Negro, and his supporters, march in the streets not because

the law is not clear, but because it has not been followed. He knows from

long experience that a resort to the courts will far too often result, initially,

in delay, frustration, injustice, and denial of clearly defined rights. It is

small comfort to him that three years later he will get justice from the Supreme Court of the United States." Dean Griswold called for the dispensation of "true and real justice" by the local officials close at hand.

The Southern Regional Council has described the pervasiveness of dual justice in the South:

"In many areas of the South, dual justice is a standing abuse to all Negroes--the maid, the undertaker, the field hand, the school teacher, the minister. It exists from birth to death and the knowledge of it comes so early that a man may think he received it in his genes. It exists in the day to day brushes with "the law": the policeman on his beat, at traffic court, in civil cases. It exists in the more awesome confrontations with judges and juries in rape and murder cases. To the extent that it exists, it provokes desperation among Negroes, shakes their faith in democracy, causes them to shun the policeman and the courts as enemies."

The dual system of justice in the South is reflected not only in the discriminatory setting of bail, discriminatory verdicts, discriminatory sentencing, and discriminatory treatment by law enforcement officials, but also in segregated courtrooms and courthouse restrooms. And, more fundamentally, it is reflected in the difficulty in obtaining adequate legal representation by lawyers - officers of the courts--who fear the consequences of asserting in behalf of Negroes or civil rights workers constitutional rights repugnant to much of the white community.



*Negroes and Civil Rights Workers From Intimidation*  
 I. Protection of Individual Physical Security  
*in Connection With the Exercise of their Rights*  
 A. Support of Title V of the Administration Bill

There should be broad support of Title V of the Administration's  
Civil Rights Bill which would provide greater Federal protection of the  
individual physical security of Negroes and civil rights workers from intimidation

Commentary:

The problem of <sup>guaranteeing protection</sup> ~~individual physical security~~ for Negroes and their supporters in the Deep South <sup>who seek to exercise their federal rights</sup> was faced by post-Civil War Congresses. A series of civil rights bills aimed at this ~~specific~~ problem were enacted. However,

subsequent Congressional amendments and court decisions have largely emasculated these <sup>(civil and criminal)</sup> statutes. Today, they are weak weapons to fight racial violence <sup>and other racial intimidation</sup> where

local authorities are unwilling to do so. Three major difficulties in applying these statutes have come from court opinions which:

- a) require, <sup>in a prosecution for violation of the criminal statutes, a showing</sup> of "specific intent," amounting almost to a demand that the Federal Government prove that the assailant actually had in mind not only illegal violence, but also an intent to deprive the victim of a specific constitutional right;
- b) declare <sup>that</sup> the statutes do not apply to acts by private individuals when there is no color of state law and
- c) hold <sup>that</sup> the statutes do not provide protection for all Federal rights, but only for certain limited ones.

On March 28, 1966, as the Administration was preparing its bill to submit to Congress, the Supreme Court handed down two significant decisions, United States v. Price and United States v. Guest, which bear on these Federal civil rights statutes. The impact of these decisions is not yet certain. However, there was some clarification. First, the present civil rights statutes dealing with violence-- 18 U.S.C. 241 and 242--provide

protection for all rights included in the Federal Constitution. Thus, any future statute could provide such extensive coverage. Second, a majority of the court appears ready to rule that the Federal Government, under Section 5 of the Fourteenth Amendment, has the power to pass a statute that would penalize private persons whose actions interfere with any Fourteenth Amendment right.

With this background, the Administration has drafted Title V of its Civil Rights Bill of 1966 -- a statute imposing criminal penalties to deter and punish interference by force or threat of force with activities protected by federal law or the Constitution. The areas of protected activity are specifically enumerated in the bill. They are voting, public accommodations, public education, public services and facilities, employment, housing, jury service, use of common carriers, and participation in federally assisted programs.

Title V is designed to punish persons who injure, intimidate or interfere with persons because of their race, color, religion, or national origin while they are engaging or attempting to engage in these protected activities. The statute would also punish violence or intimidation intended to discourage persons from engaging in the protected activities, whether or not such violence or intimidation is perpetrated upon persons involved in civil rights activity.

The new law also would cover intimidation and violence directed at persons who urge or aid others to participate in the protected activity, or who engage in speech or peaceful assembly opposing the denial of the

opportunity to engage in the protected activity. The statute also would protect officials or other persons, such as voting registrars, restaurant owners and employers, who have the duty to afford the rights involved.

An important feature is a provision for graduated penalties in accordance with the seriousness of the consequences of the violation. For example, if death results, the violator may be imprisoned for life; if bodily injury short of death occurs, the violator may receive a maximum sentence of ten years and a \$10,000 fine; if no personal injury results, the violator is subject to a maximum prison term of one year and a maximum fine of \$1,000.

Sections 241 and 242 are not eliminated from the Code. Rather they are left as alternative bases for prosecution, but each is amended to make its penalty provisions roughly comparable to those outlined above.

Title V should be helpful not only in affording a much firmer basis for federal criminal prosecution of perpetrators of racial violence, but also in securing a change in the position of the Department of Justice on the issue of the authority of the F.B.I. to make on-the-scene arrests for violations of federal criminal civil rights statutes. A major obstacle to such arrests, according to the Department, is the difficulty of knowing when statutes as unspecific and as clouded by judicial interpretation as 18 U.S.C. 241 and 242 have been violated. The Administration bill would enable the F.B.I. to determine more precisely when a violation has taken place.

*Executive of Legislation*  
~~(1) Amend the Administration Bill to Assure Compensation to Victims~~  
of Racial Violence

No remedy is complete if it does not make the victim whole. The Administration bill provides more effective criminal penalties against racially motivated violence and offers the promise of juries more likely to convict the guilty. But there remains a need for more effective remedies than those now on the books for assuring compensation to those who are injured by racial violence. The lack of effective civil remedies has been documented in many studies, most notably in the 1961 Report of the Commission on Civil Rights. Legislation should be enacted to assure that victims of private racial violence will be compensated for physical injuries and personal property losses.

(1) ~~Amend the Administration Bill to give~~  
~~Legislation should be enacted giving to~~ persons who suffer  
physical injury or property loss as the result of exercising rights protected  
by the criminal provisions of Title V of the Administration Bill, or <sup>as the result of</sup> ~~furthering or aiding~~  
others to exercise such rights, a right of action in Federal court for money  
damages against the person responsible for the injury or loss.

Current Federal law (42 U.S.C. 1985(3)) is inadequate to enable persons who are injured by private persons in the course of exercising Federally protected rights to bring suits for money damages in Federal court. Section 1985(3) is applicable only to conspiracies. Also, the Supreme Court has indicated that some action under color of law (action by local governmental officials ~~or~~ <sup>or</sup> employees) is almost invariably required to give rise to a suit under the first clause of the section which is directed against conspiracies "for the purpose of depriving" a person of "the equal protection of the law, or of equal

privileges and immunities under the law." Furthermore, the second section of the provision, while directed at purely private action, is quite limited in that it provides a remedy only for conspiracies formed for "the purpose of preventing or hindering the constituted authorities of any State...from giving or securing to all persons...the equal protection of the laws." Since this statute is so limited and it is questionable whether its broadest provision reaches acts of private persons, there is need for a new statute. The Administration Bill should be amended to give persons who suffer physical injury or property loss as the result of exercising any of the specific rights protected by the criminal provisions of Title V of the Administration Bill, (as the result of wrong or aiding) or ~~causing~~ others to exercise such rights, a right of action for money damages in Federal court against those responsible for the injury or loss.

Amend  
 (3) Section 1983 of Title 42 of the United States Code should be  
~~amended~~ to provide that any county government, city government, or other local government entity that employs officers who deprive persons of rights protected by section 1983 shall be jointly liable with the officers to persons who suffer injury or loss from such officers' misconduct.

United States  
 The ~~U.S.~~ Commission on Civil Rights in a recent report found that law enforcement officers in certain communities had arrested and abused victims of racial violence, had frequently arrested civil rights workers for petty offenses or on unsubstantiated charges, had frequently interfered with the exercise of the right to assemble peacefully to make known grievances; had failed to protect civil rights demonstrators against hostile and angry crowds; and had subjected civil rights participants to intolerable jail conditions designed to inflict punishment--all in violation of the United States Constitution.

Section 1983 of Title 42 of the U.S. Code authorizes the Federal court to grant relief in money damages to any person deprived under color of law of any right, privilege, or immunity secured by the Constitution. Under this section, a person who has suffered personal injury or property loss as a result of conduct by a local law enforcement officer which is in violation of the Constitution may sue that officer in Federal court and obtain financial compensation. ~~For that injury or loss.~~ The victim of official misconduct may be stymied, however, in ~~the~~ <sup>his</sup> effort to obtain financial compensation from an individual official responsible for his loss if the official has insufficient funds to make full retribution. The Administration Bill, ~~should~~, therefore, ~~should~~ amend section 1983 to make any county government, city government, or local entity that employs officials who deprive persons of rights protected by section 1983, jointly liable with the officers to the victims of such officers' misconduct. Such legislation was recommended by the Commission on Civil Rights in 1961, 1963 and 1965. Aside from assuring the recovery of sufficient funds to compensate for the loss, the legislation would have the additional value of encouraging local governmental entities to recognize their responsibility for the misconduct of their employees.

(2) <sup>Enact</sup> ~~Legislation should be enacted~~ to enable the Federal government to indemnify victims of racial violence.

The suggested remedies in (a) and (b) require the victims of racial violence to obtain indemnity for loss through a civil action in Federal Court. Mindful, however, that Negroes may be reluctant to sue locally for fear of reprisal, <sup>we think</sup> an alternative approach is also warranted. The Administration Bill



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~~14~~ <sup>new 17</sup> Amend the Administration Bill to provide effective civil  
injunctive remedies for private persons against inter-  
ferences by other private persons with Federally protected rights.

Under section 1983 of Title 42 of the United States Code, the Federal courts are authorized to grant equitable relief (such as an injunction) to persons deprived under color of law of any right, privilege, or immunity secured by the Constitution. This statute enables individuals to obtain Federal injunctive relief in civil rights matters. It was under this statute, for example, that the private school desegregation suits were brought. Section 1983, however, is only applicable to interferences under color of law, that is, by local governmental officers or employees. *In view of the*

— Guest case, it would appear that Congress has the power to amend section 1983 to permit suits by private persons for injunctive relief against persons seeking to interfere with the exercise of the rights set forth in Title V of the Administration bill <sup>1st</sup> including the exercise of Amendment rights <sub>1</sub> designed to secure equal treatment for all citizens regardless of race, color, religion or national origin.

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B. Effective Enforcement of Civil Rights Laws Support the President's

request, in his message to Congress of April 29, 1966, for more Federal agents to increase the effective enforcement of civil rights laws.

The panel on the Administration of Justice at the Planning Session recommended that the President of the United States immediately implement a recommendation of the United States Commission on Civil Rights which called for greater Federal involvement <sup>in</sup> local law enforcement in certain southern communities where there had been or was likely to be substantial racial violence.

Since that time the Supreme Court <sup>has</sup> decided the Guest and Price cases; the Administration <sup>has</sup> submitted to Congress a civil rights bill containing new criminal provisions designed to deter and punish interferences by force or threat of force with activities protected by <sup>(the Constitution or other)</sup> Federal law ~~or the Constitution~~,

and the President, in his message of April 29, 1966, called upon Congress to "authorize an appropriation providing for another 100 F.B.I. agents and additional supporting personnel--to strengthen our capacity to deal with civil rights crimes." The President stated that "The Federal Government has its responsibilities to see that Federal rights are secured and their transgressors brought to justice", and that "we shall meet these responsibilities".

The Supreme Court decisions, Title V of the Administration bill, and the President's request, if favorably considered, should have a significant impact on law enforcement in areas where there is a tendency toward racial violence. As we have indicated previously, if Title V of the Administration bill is passed, there may be a change in the position of the Department of

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Justice with respect to the authority of the F.B.I. to make on-the-scene arrests in civil rights cases. The extent of the impact of these recent developments cannot be accurately assessed at this time. In light of these facts, we support the President's request for additional F.B.I. men. Consideration of other enforcement measures should be deferred until the effect of these developments becomes clear.

II. Equal Justice

H. (I) Support of Titles I and II of Administration Bill:

Non-discrimination in Juror Selection

(i) There should be broad support for Titles I and II of the Administration Bill which provide for non-discrimination in the selection of Federal and state jurors.

Commentary:

Title I of the Administration's Bill has, as its basic objective, the assurance that Federal grand and petit jurors be drawn from a broad cross-section of the community. There are four key features:

- a) No person or class of persons shall be denied the right to serve on grand or petit juries in Federal courts on account of race, color, religion, sex, national origin, or economic status.
- b) Voter registration rolls become the exclusive source from which names of prospective jurors must be drawn, with the exception that this need not be done where the voter rolls reflect discrimination.
- c) Detailed compulsory procedures are specified for the selection of names from the basic sources, and for each subsequent step in the selection process.
- d) A special method is provided for determining whether jury officials have followed the prescribed procedures.

It can be seen that this proposal bars what have come to be known as "blue ribbon" juries. It attempts to meet the critical objective of

drawing Federal jurors from the broadest possible cross-section of the community by overcoming the most basic problem: finding a generally available source of names that is broadly representative of the population of the judicial district by race, color, religion, sex, national origin, and economic status.

The proposal relies upon the voting rolls maintained by State officials <sup>and federal examiners</sup> on the theory that these rolls reflect a full and fair cross-section of the community in most areas, and assumes that the Voting Rights Act of 1965 will assure an early end to racial discrimination in the registration process.

Recognizing that an interim period of discrimination may exist, there is a special provision for implementing the ban on discrimination in Federal juries. Where Negroes or other groups are still not fairly represented on the voter rolls, the judicial council of the circuit (the Federal appellate court judges,) may designate other sources of names. Additionally, there is an important requirement that names be taken at random, from the voting rolls.

The bill retains substantially the qualifications prescribed by present law, i.e., a juror must be 21 years old, a citizen residing in the judicial district, free of any serious mental and physical disabilities, and not convicted of a serious crime (unless pardoned,) and able to read, write, speak and understand, English. The jury commission can only determine such qualifications on the basis of a standard juror qualification form or the returned summons.

judgments about the competence of jurors, such as intelligence and good character, are forbidden.

Once a person is found qualified, his name is placed in a "qualified juror wheel," and subsequently, if his name is drawn, assigned to participate on grand or petit jury panels.

There are provisions for assuring that selection procedures in both criminal and civil cases are followed. Non-compliance can be raised prior to the introduction of any evidence at trial. If there is some evidence of non-compliance, the challenging party is given access to the relevant records and papers of the jury commission which are otherwise confidential. If the Court finds non-compliance, it may dismiss the indictment or stay the proceedings until a proper jury is selected. Actual prejudice need not be shown by the challenger.

The bill would change significantly the present law governing exclusions and excuses from jury service, the theory being that jury duty is an obligation of citizenship. Excuses are only granted on an individual basis and then only for a six month period in cases of "unusually severe hardship."

Title II of the Administration Bill is designed to eliminate all forms of unconstitutional discrimination in the selection of juries in state courts. In contrast to Title I, which deals with Federal courts, Title II does not prescribe any specific procedure to be followed in selecting jurors. The states can continue to use any seemingly valid jury selection methods until a Federal court determines that such methods have operated in a discriminatory manner.

There are three essential provisions:

First, discrimination in state jury selection processes on account of race, color, religion, national origin, sex, or economic status is prohibited. Second, the Attorney General is authorized to enforce the prohibition on discrimination by civil injunctive proceedings against state jury officials. Third, a discovery mechanism is provided to facilitate determinations as to whether unlawful discrimination has occurred in the jury selection process.

The Attorney General is authorized to sue for preventive relief in Federal courts when he has grounds to believe that state jury officials are violating the provision against jury discrimination. This is a power similar to those he already has explicitly with respect to voting, public accommodations and employment. Also, this bill specifies certain types of relief which the Federal courts can grant in suits brought either by the Attorney General or by private individuals, such~~as~~ <sup>state</sup> as suspending procedures ~~of states~~ which are used for discrimination, and even ~~prescribing~~ prescribing objective criteria for determining qualifications,

requiring state jury officials to maintain detailed records, and appointing a special master to take over the functions of the state jury officials. These types of judicial relief are not novel and are akin to those operative in the voting area today.

There is a special discovery ~~procedure~~ procedure, which in effect assures that one can ascertain whether or not discrimination has occurred in the jury selection process. This procedure is available both to the Attorney General and to private litigants as well as to a defendant in a criminal case. It assures

that when an individual asserts that there has been discrimination, the state or local officials must furnish a written statement regarding jury selection and how the names were secured. This in turn will become evidence of whether the jury has been fairly selected and the party who complains may not only cross examine, but may present other evidence to support his charge. The Bill contains a specific provision making the destruction or concealing of official evidence a Federal crime punishable by \$1,000 fine or one year in prison or both.

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1-2-67 Amendment of Administration Bill to Remove  
Secure Equal Justice in Areas Other than Jury Trials

(1) Amend the Administration Bill to include a provision for the  
removal of civil rights cases from State to Federal trial courts  
in order to assure a fair trial.

Commentary:

As long as there is a dual system of white justice and Negro justice, Negroes cannot receive fair treatment at the hands of local courts. The Administration Bill does not contain a provision for the removal of cases from a state to a Federal trial court. The Planning Session participants considered a removal provision as one of several elements that might be included in a new civil rights bill. In those instances where other measures to secure a nondiscriminatory trial fail, removal of the case to a Federal court may be the only alternative. At the present time removal of a case from a state to a Federal court is difficult to accomplish unless it is based upon an invalid state statute. There are a number of different approaches which have been suggested to the Congress, although none are part of the Administration Bill. The Administration takes the position that it has recently participated in two cases in the Supreme Court, Rachel v. Georgia, and Peacock v. City of Greenwood which would have the impact, if decided as the Justice Department desires, of expanding removal beyond unlawful state statutes. <sup>There</sup> ~~This~~ is no assurance, however, that the Supreme Court will adopt a broad reading of the existing removal statute. The importance of removal in civil rights cases warrants <sup>therefore</sup> amendment of the Administration Bill to provide for the removal of cases from a

State to a Federal trial court in any local criminal prosecution, or civil or criminal contempt proceeding where the person prosecuted is a member of a racial group which is discriminated against in the administration of justice. Discrimination in the administration of justice would be established by proof of jury discrimination, voting discrimination affecting elections at which the prosecuting attorney or judge of the prosecuting governmental unit is elected, discrimination in any of the facilities of the administration of justice, such as the courts or the jails, or discrimination in sentencing, setting of bail or terms of release.

The Administration Bill also should be amended to provide for the removal of cases, civil or criminal, from a State court to a Federal district court where the prosecution or proceeding is maintained for an act or omission in the exercise of first amendment rights in advocating racial equality or protesting the denial of racial equality, or where the prosecution or proceeding is maintained for any act or omission protected by the Constitution or Federal laws against interferences by reason of race or color. Such a provision would enable, for example, civil rights advocates and persons attempting to exercise constitutional or other federally protected rights who are arrested by local authorities because of their civil rights participation or attempted exercise of these rights, to remove their prosecutions to a Federal forum for trial.

The foregoing removal provisions are incorporated in the Douglas bill (S. 2923) and the Kennedy-Javits bill (S.3170).

(3) Amend the Administration Bill to permit private persons to obtain injunctive relief, notwithstanding the anti-injunction statute, where State prosecutions are brought against persons for exercising 1st amendment rights directed at obtaining equal treatment for all citizens regardless of race, color, religion or national origin.

A federal statute (28 U.S.C. 2283) prevents a federal court, unless expressly authorized by Act of Congress, from enjoining state court proceedings. The Civil Rights Acts of 1957 [and 1964] have been held to authorize such injunctions where the state court proceeding is based on conduct protected by those statutes. But there is no statute which at present "specifically authorizes" an injunction against state criminal prosecutions brought against persons for exercising 1st amendment rights directed at obtaining equal treatment for all citizens regardless of race, color, religion, or national origin. In its 1965 Law Enforcement Report, the United States Commission on Civil Rights recommended that Congress amend 42 U.S.C. 1933 to create such authorization. We support this recommendation.

(3)  
~~Amend~~ Amend the Administration Bill to authorize the Attorney General to (1) initiate proceedings to obtain relief from denials of equal protection of the laws on account of race, color, religion, or national origin and (2) initiate and intervene in proceedings to protect persons exercising First Amendment rights directed at furthering rights protected by Federal civil rights legislation or rights of equal protection assured by Federal laws or the Constitution.

The Attorney General has broad authority under civil rights legislation to seek injunctive relief against discrimination in civil rights cases. This authority exists in relation to voting, public accommodations, and employment rights. His authority to obtain equitable relief with respect to public schools and public facilities will be broadened by the Administration Bill, and the Administration Bill will also extend this authority in the area of housing discrimination. In addition, it has been held that the Attorney General has the general power to sue to prevent discrimination in interstate commerce.

Under Title IX of the Civil Rights Act of 1964, the Attorney General is authorized to intervene in cases of public importance brought by private individuals seeking relief "from the denial of equal protection of the laws under the 14th amendment to the Constitution on account of race, color, religion, or national origin. . . ." Under this provision the Attorney General may not institute suit, but may only intervene in pending suits.

The Administration Bill should, therefore, be amended to provide the Attorney General with full power to seek injunctive relief in civil rights cases by authorizing him to: (1) initiate proceedings to obtain relief <sup>from</sup> ~~for~~ denials of equal protection of laws on account of race, color, religion, or national origin; and (2) initiate and intervene in proceedings to protect persons exercising First Amendment rights directed at furthering rights protected by Federal civil rights legislation or rights of equal protection assured by Federal laws or by the Constitution. Both of these amendments have been recommended by the U.S. Commission on Civil Rights, and a similar result would be obtained by <sup>amendment 1,</sup> the Douglas bill.

256  
~~256~~

(7)  
(p)

Amend Administration Bill To  
Afford More Adequate Criminal Sanctions Against  
State and Local Officials Who Deprive Citizens  
of Constitutional Rights

Section 242 of the Federal Criminal Code is the provision of federal criminal law prohibiting state and local officials from willfully depriving citizens of their constitutional rights. It is the provision now used by the federal government to prosecute law enforcement officials for police brutality, instances of which are found in the North as well as the South. As judicially construed, however, a prosecution under Section 242 requires a showing of "specific intent" by the defendant to deprive the victim of recognized constitutional rights. This requirement stems from the concern of the Supreme Court that in the absence of such a requirement the statute, which forbids the wilful deprivation of "due process" rights, would impose no ascertainable standard of guilt.

The need to establish "specific intent" has been a serious barrier to Federal criminal prosecutions for civil rights violence. While Title V corrects this problem with respect to interferences with equal protection rights (e.g. public facilities, voting), the problem is not remedied with respect to denials of due process rights by law enforcement officials. The Administration bill therefore should be amended to enumerate specific due process rights, interference with which would constitute a crime. In 1961, the United States Commission on Civil Rights recommended such a statutory revision, suggesting that Congress enact a companion provision to 18 U.S.C. 242 making the penalties of that statute applicable to those who maliciously perform under color of law certain described acts, including the following:

- (1) Subjecting any person to physical injury for an  
unlawful purpose;
- (2) Subjecting any person to unnecessary force during the course  
of arrest or while the person is being held;
- (3) Subjecting any person to violence or unlawful restraints  
in the course of eliciting a confession to a crime or any  
other information;
- (4) Subjecting any person to violence or unlawful restraints  
for the purpose of obtaining anything of value;
- (5) Refusing to provide protection to any person from unlawful  
violence at the hands of private persons knowing that  
such violence was planned or was then taking place;
- (6) Aiding or assisting private persons in any way to carry  
out acts of unlawful violence.

We support this recommendation.

(1)  
(3) The Federal Government should increase the number of Federal examiners to assure that elected law enforcement officials will be more responsive to the Negro community.

Elected law enforcement officials, like elected officers generally, are only responsive to the people who elect them. Where Negroes have not participated in the electoral process or have not done so in large numbers, they frequently have suffered discriminatory treatment in the administration of justice. But when Negroes are added to the voter rolls in large numbers by examiners or registrars, the candidates become more attuned to the problems of the Negro community. In Alabama, for example, where in 1965, race bating was considered necessary to win an election, persons considered to be avowed segregationists are now overtly or covertly soliciting the Negro vote.

In administering the Voting Rights Act of 1965, the Attorney General has failed to appoint Federal examiners in many Southern counties even though large blocks of voting age Negroes are not registered. If the number of Federal examiners were increased, substantial numbers of Negroes could be added to voter rolls. More sheriffs, judges, and prosecuting attorneys would of political necessity think twice before denying equal justice to Negroes.

The Voting Rights Act of 1965 provides that the Attorney General may

assign Federal examiners if

. . . in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment. . . .

The current policy of the Department of Justice indicates that Federal examiners will only be appointed in those counties where the county registrar engages in discriminatory registration procedures or takes other action, including delays, inhibiting Negro registration. It appears, however, that the Attorney General does not appoint Federal examiners in order to overcome past practices of discrimination, including discriminatory State voting laws, the effects of which continue to discourage Negroes from registering. The appointment of an examiner is warranted in any county where such circumstances exist and where the number of Negroes of voting age who are registered is substantially below the number of Negroes of voting age residing in that county. Furthermore, the Department of Justice and other Federal agencies should undertake a program to disseminate information concerning the right to vote and the requirements of registration.

(A) ~~the President should~~ <sup>persons will be appointed</sup> announce that ~~he will appoint~~ as Federal

Judges and U.S. attorneys only <sup>persons</sup> who, by word and deed, <sup>has</sup> have indicated  
their support of the 14th amendment.

Negroes and civil rights workers involved in civil rights cases in the South have experienced acute difficulties in obtaining adequate legal representation, especially in those cases that are considered controversial. In Mississippi, for example, until very recently, there were no white lawyers in the State who ordinarily would handle a civil rights case. Furthermore, lawyers representing Negro defendants in criminal cases have been reluctant to raise such cases as exclusion of Negroes from the jury. There can be no equal justice where Negroes or their supporters cannot secure adequate legal representation or are inhibited from raising controversial issues. Many prominent lawyers in the South, as well as in the North, aspire for appointments as Federal judges and U.S. attorneys. The President should state that no person will be appointed to any such position unless he has previously shown, by word and deed, that he supports the 14th amendment. We anticipate that such a policy statement by the President will encourage lawyers in the South to provide necessary legal representation for all citizens. It should also encourage United States Attorneys to increase the number of Negroes appointed to positions as Assistant U.S. Attorney, and district court judges, hopeful of being appointed to higher judicial office, to appoint Negroes as bailiffs and courtroom clerks.

*(United States)*  
D. Effects of the American Bar Association's inadequate legal representation of 250  
Negroes and Civil Rights Workers in Controversial Cases

(5) Law schools and bar associations, including the American Bar Association, should take steps to assure zealous representation by local counsel of Negroes and civil rights workers.

The law schools and the bar associations bear a large share of the responsibility for the inability of Negroes and civil rights workers in the South to receive adequate representation in controversial cases. If the bar associations and the law schools made it clear to their students, members, and the public that lawyers have an obligation to provide a vigorous defense in all cases--regardless of whether they involve Negroes or unpopular causes, individual lawyers might be less reluctant to accept such cases. The law schools and the bar association should be urged to assume responsibility in this area.

(6) The Federal Government should establish legal aid centers to provide adequate legal representation to Negroes and civil rights workers.

In those areas of the country where Negroes and civil rights workers are not being provided adequate legal representation, the Federal Government should establish legal aid centers so that competent counsel will be available. These centers might be similar to the neighborhood legal service centers established under the poverty program and could handle both civil and criminal cases. Lawyers employed by the center would be employed on a career basis and therefore would not be subject to public pressures.

*11/ Improvement 2*  
 -III. Police-Community Relations

- A. The Federal Government Should Seek to Improve Police-Community Relations  
By Establishing Assistance Programs In The Areas of Recruitment, Testing,  
Selection, Training, Organization and Pay.

Commentary

Improvement of police-community relations should be sought through the multi-pronged efforts <sup>(S)</sup> the Federal Government, the States, local governments, and private groups. In line with a recommendation first made by the United States Commission on Civil Rights in 1961, the Federal Government now is engaged in an experimental program aimed at improving the quality of State and local police forces and other agencies of justice. The Office of Law Enforcement Assistance of the Department of Justice has the responsibility for administering this program. Its first appropriation for a partial year of operation was 7.2 million, and the President has proposed to increase this to 13.7 million for the next fiscal year. It seems doubtful that either 7.2 million or 13.7 million will be adequate to accomplish the objective, given the scope of the problem. Any such Federal program must expend greater effort and money in dealing with the urgent problems underlying the explosive state of police-community relations in many of our urban ghettos.

The Federal program should have the following objectives:

- a) to determine and establish the requisite qualifications for a police officer in an urban community;
- b) to improve techniques of recruitment, testing and screening, thereby increasing the likelihood that policemen will be selected who can perform their duties on a nondiscriminatory basis and who can be effective within the context of the myriad pressures that affect policemen in a time of social

and legal change;

- c) to alter the patterns of police organization, advancement, and pay, so that more of our superior young people are attracted to careers in the police profession.
- d) to provide scholarships or other methods by which college-level training can be provided for police officers and by which college-educated persons may be brought into police forces at levels significantly above that of patrolmen.
- e) to improve police training, both at the entry and in-service levels, in human relations and constitutional rights, as well as in techniques of effectively enforcing the law.
- f) to assist police departments in modernizing their entire organization and administration so as to take advantage of modern business methods as well as the latest findings of science in apprehending offenders;
- g) to provide grants and assistance to aid government and private organizations and individuals in achieving the goals outlined below.

B. Federal Assistance Should be Conditioned Upon Steps By States to Improve Police-Community Relations.

While the States and localities may look to the Federal Government for financial assistance and support, this will not be enough. The States and localities themselves must take action in those areas in which success will depend upon their initiative. The States should take the following steps, which should be made conditions of federal assistance:

- (i) Initiation of a Positive and Aggressive Campaign to  
Recruit and Hire Qualified Minority<sup>Group</sup> Personnel for the State  
Highway Patrol <sup>and</sup> Other State Law Enforcement Bodies.  
The Minority<sup>Group</sup> Personnel should be Fully Integrated Into  
The Law Enforcement Unit.

- (ii) Establishment of Minimum State Standards for all Police Officers, Enforced Through Uniform State Tests and Licenses.
- (iii) Provision for Periodic Training Programs in Both Skills and Attitudes for All Police Officers To Improve Their Professional Techniques of Law Enforcement.
- (iv) Provision of A Salary Supplement For Police Officers Who Are Continuing Their Education or Who Have Graduated from College.
- (v) Assistance to Localities in Developing Better Police Forces, The Assistance Should Include Guidance in Taking Advantage of Federal As Well As State Programs in This Field, E.g., It Should Help The Smaller Police Departments in Preparing Applications For Federal Funds and In Helping Its Men To Prepare To Pass State Licensing Tests.

C. Federal Assistance Also Should Be Conditioned Upon Steps By Localities To Improve Police-Community Relations.

The major burden for improving police-community relations rests on the local Governments. These governments should undertake the following steps, which also should be made conditions of Federal grants-in-aid:

(i) Upgrading Of Police Organization, Equipment and Facilities

In those instances where the equipment, organization and physical facilities of the local police department are outmoded, as is often the case, the responsible local officials should recognize that general obsolescence tends to contribute to aggravated relations between police and citizens, for it prevents the police from doing their job in an effective way. Accordingly, sufficient financial and other support should be given to efforts to improve the basic structure of the police department.

(iii) Establishment of An Adequate Complaint Procedure

There have been persistent reports of police misconduct in many ~~communities~~  
~~with substantial numbers of minority group citizens.~~  
 communities. Local officials should take action to insure that there is an

adequate procedure whereby a citizen may file a complaint of such misconduct.

At the least, this procedure should provide a basis for the belief that the complainant will be fairly and properly treated, that his complaint will be promptly heard and investigated, that disciplinary action will be taken against the offending officer in appropriate cases, and that the complainant will be informed of the disposition of this complaint. In some cases it may be necessary to establish a police-citizens advisory board to restore confidence in the complaint process.

(iv) Definition of The Role That The Police Department is Expected

To Play In The Community.

Local officials should undertake an education<sup>a/</sup> program in the community to facilitate understanding of what a police department traditionally has been expected to do and what is expected of the police department at the present time. In most urban areas the Negro community believes that the white community is using the police department as its subtle weapon to keep the Negro in his ghetto and in his place, and to perpetuate a distorted image of the amount of crime in ghetto areas. We are at the point where this unpleasant fact should surface and where the entire community, led by the officials, should

seek, by word and deed, to dispel this notion.

(iv) Establishment of A Community Relations Unit in The Police Department.

Every police department should have a community relations unit. The unit should have a budget and should be commanded by a line police officer who reports directly to the chief of police. The unit's personnel should be periodically rotated. Experience indicates that these units can be effective only where the policeman at large realizes that the individual who is commanding the community relations effort may one day in the near future be commanding the precinct in which he may serve.

D. The Federal Government should give <sup>draft</sup> deferments to all men who are employed full time as policemen, highway patrolmen, or members of other State or local law enforcement bodies.

Commentary

The police are in essence <sup>legitimate</sup> our first line of defense, critical to the operation of an ordered society. As such, they and other law enforcement officers should be given deferments <sup>as</sup> long as they honorably serve with a law enforcement agency. Such a national policy will add prestige to law enforcement work and will increase the number of applicants for police work, thereby affording law enforcement ~~agencies~~ agencies a broader pool from which to select the best qualified applicants for their forces.

E. The Federal Government should establish a National Police Cadet Training Corp.

Police departments across the country have recognized that a substantial number of young men who ordinarily would be interested in careers as policemen do not enter such work because they cannot be employed as policemen before they are 21 years old. Most of these men have <sup>been</sup> graduated from high school and are otherwise qualified for the police force. Some communities have established cadet programs to train these men until they meet the age requirement. A federal program should make available to all high school graduates between the ages of 19 and 21 who are able to meet prescribed physical and mental requirements for police work, an opportunity to undergo a comprehensive training program in all phases of such work. These men would be given courses in constitutional law, human relations, and psychology in addition to training in regular police practice and procedures while awaiting full-time employment by a police department. Cadets would then be sent to their respective hometown police departments, where they would serve in such capacities as clerks, typists, and other non-law enforcement capacities, such as automobile-ticketers. Upon attaining the age of 21, they would be employed as regular police officers. The program could be financed by the Federal, State, and local governments.

F. Private Groups Should Be Impressed With The Responsibility They Have For Improving Law Enforcement.

Commentary

Any analysis of remedies for problems of police-community relations must consider both sides of that hyphenated phrase. Although it is essential that law enforcement agencies take all of the above listed steps, true improvement in this area cannot be made without concentrated supportive efforts by private groups and community organizations. Every community should have a broad-based

private police-community relations organization and one not merely composed of representatives of minority groups on the one hand, and of business and professional people desirous of "backing the police" on the other. Rather, an integrated organization is needed to work with the police and with the community in all phases of this problem--both improving the professionalization of the police and establishing an atmosphere in which the policeman and the individual citizen can relate to one another. The particular ways in which these organizations should function in a given community will depend upon the nature of the community and the structure and personnel of the individual police force.

Business, labor, religious and other civic leaders should also promote within their community support for a sufficiently high scale of salaries and training for police officers to assure that highly qualified individuals will seek law enforcement as a profession.

May 4, 1966

MEMORANDUM FOR HONORABLE CLIFFORD ALEXANDER, DEPUTY SPECIAL COUNSEL  
TO THE PRESIDENT, THE WHITE HOUSE

SUBJECT: Followup to White House Conference

You asked for some suggestions with respect to followup to the White House Conference in time for perusal before the Council meeting this weekend. Dave Apter also asked for some ideas and has sent us a copy of a memorandum on followup which I presume is going to be presented to the Council for approval this weekend. The following observations are necessarily very hurried and I am assuming that there will be time for us to develop and elaborate upon them before any final decisions are made about how the Conference is to be followed up.

1. Substance - Except for the Administration of Justice report which we have reworked completely, we have had the opportunity to make only a brief analysis of the proposals for private action contained in the various task force reports. Thus, I would hope there will be time for us to comment on them in detail after the next Council meeting. In the meantime I would make only these general observations: The proposals which warrant attention are those which get at the tough issues which are preventing meaningful action, particularly in our cities. For example, the President's rent supplement appropriation passed the Senate by only one vote. Even so, it was enacted only with the limitation that gives suburban governments a veto power over the location of low income housing in their jurisdictions. A followup effort which would be meaningful in this area would be one conducted on a regional basis and designed to open up and explore the resistance of local government officials and community leaders in suburban areas to the location of low income housing in their areas. If we do not engage in this kind of effort, the purposes of the new kind of legislation the President is submitting may be thwarted by local resistance. These types of proposals for taking on tough issues are much more useful than suggestions that we set up new Plans for Progress operations.

2. Mechanism for Followup - It is not clear to me what is being proposed as a means for followup. As far as I can tell the operative paragraph in the after memo is the one that suggests that the Council will present proposals for a "citizen mobilization" to interested

organizations to determine if adequate support exists for a privately organized and broadly based effort in support of equality. If this is what is being proposed, I doubt very seriously that any effective effort can be mounted without some central organization and direction. Many private organizations interested in civil rights have paid lip service for years to mounting such efforts. Their troubles stem from the fact that they have difficulty cooperating with each other and difficulty achieving uniformity within their own ranks (e.g. the unions). I do not think that it is inappropriate for the Federal Government to take the lead in organizing some of these activities. Agencies such as the Commission on Civil Rights already have the responsibility for conducting informational and educational efforts in the community. Thus, it seems to me that the Federal Government should assume some responsibility for coordinating followup efforts. This would not preclude private financing or sponsorship of some operations which indeed would be essential.

I do not suggest that a decision must be made on this question right now. The President might well wish to withhold judgment until it is possible to determine whether the Conference has been effective. But at the same time it would be wrong to make the determination now that followup efforts would simply be left to private initiative. I would suspect that if this is the suggestion that is made to the Council, some of the civil rights organizations will react very negatively to it.

3. Commission Resources - It seems to me that decisions made about followup should take into account the resources of the Commission and other appropriate Federal agencies. As you know the Commission has advisory committees in each of the 50 states and the District of Columbia. They are broadly representative of the whole range of community interests. During the past year and a half, these committees, with staff assistance from the Commission, have conducted a very effective series of conferences interpreting the Civil Rights Act of 1964, Title VI, the Voting Rights Act of 1965, and the Education Desegregation Guidelines. Such conferences have been held in about 12 states and I would estimate that 10 thousand people have attended. They have brought together in the same room state and local education officials, law enforcement officials, businessmen, unions, civil rights organizations, etc. In our judgment they have played a significant part in achieving compliance with civil rights policy and law. We are now mounting similar efforts in the North, dealing with the problems of urban ghettos. In addition, you are familiar with the Commission's research operation, which is now beginning to produce material and publications which should be helpful to a wide variety

of organizations and institutions in promoting a better understanding of the broader responsibilities for achieving equal opportunity that the President spoke of in his Howard address.

I would hope that these resources would be fully employed in an overall program to followup the White House Conference.

I am attaching a memo which reflects these views in language which I think would be appropriate for presentation to the Council.

(SIGNED) WILLIAM L. TAYLOR

William L. Taylor  
Staff Director

Enclosure

cc: Mr. Edward Sylvester  
Mr. David Apter  
Mr. Aeri Bernhard

May 4, 1966

MEMORANDUM

FROM : William L. Taylor

SUBJECT: Followup to White House Conference

1. In consultation with key organizations such as the Conference of Mayors, and national business, labor, religious, civil rights, and service groups, a series of implementation meetings should be held at the regional, state, and local levels for the purpose of:

- a. Establishing and setting in motion those specific nonfederal action mechanisms recommended by the White House Conference.
- b. Further acquainting states and localities with the total program recommended by the Conference.
- c. Arriving at methods of initiating and maintaining programs to change attitudes in ways that will facilitate the implementing of Conference recommendations at the state and local levels.

Wherever possible these meetings should be initiated, funded and sponsored by nonfederal agencies or groups. Where this does not prove possible such meetings should be jointly sponsored by private groups and Federal Agencies which have demonstrated expertise in carrying out such activities. To the degree possible, steps should be taken to determine those communities which may already be prepared to adopt some of the programs or establish some of the mechanisms recommended by the Conference. This may involve some preliminary efforts of the kind which paved the way for Title II of the 1964 Civil Rights Act.

2. A small group of advertising and media experts (such as The Advertising Council) educators, publishers, and representatives of private organizations - along with any appropriate Federal representatives - should be convened for the purpose of mounting an educational program designed to further the programs recommended by the Council at the national, state and local levels.

3. Present Conference staff, plus other interested persons should confer prior to the Conference on ways and means of facilitating items 1 and 2.



STAFF DIRECTOR

UNITED STATES COMMISSION ON CIVIL RIGHTS  
WASHINGTON, D.C. 20425

May 4, 1966

MEMORANDUM FOR HONORABLE CLIFFORD ALEXANDER, DEPUTY SPECIAL COUNSEL  
TO THE PRESIDENT, THE WHITE HOUSE

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I do not suggest that a decision must be made on this question right now. The President might well wish to withhold judgment until it is possible to determine whether the Conference has been effective. But at the same time it would be wrong to make the determination now that followup efforts would simply be left to private initiative. I would suspect that if this is the suggestion that is made to the Council, some of the civil rights organizations will react very negatively to it.

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of organizations and institutions in promoting a better understanding of the broader responsibilities for achieving equal opportunity that the President spoke of in his Howard address.

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*Bill*

William L. Taylor  
Staff Director

Enclosure

cc: Mr. Edward Sylvester  
Mr. David Apter  
Mr. Berl Bernhard



STAFF DIRECTOR

UNITED STATES COMMISSION ON CIVIL RIGHTS  
WASHINGTON, D.C. 20425

May 4, 1966

MEMORANDUM

FROM : William L. Taylor

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THE WHITE HOUSE CONFERENCE "TO FULFILL THESE RIGHTS"

1800 G Street, N. W.  
Washington, D. C.  
Tel: 737-9010

May 2, 1966

MEMORANDUM

TO: Mr. William L. Taylor  
1325 Iris Street, N.W.

Carl Holman  
331 I Street, S.W.

FROM: David Apter  
Deputy to the Vice Chairman *D.A.*

Following up on my conversation with Carl this afternoon, I am enclosing a copy of my draft for the "Conclusion" of the Council's Report to the Conference.

A number of suggestions were made in our meeting with Mr. Heineman this morning on sharpening this up, plus amending or deleting certain sections (for example the paragraph which mentions the names of the Federal agencies).

Mr. Heineman felt that we should not wait until after the Conference to get the suggestions I asked for last week. ~~He~~ would very much prefer having your ideas considered by the Council, so that some or all of them can be included in the Council report.

We have to reproduce this document by Thursday. Anything you can get to me before that time would be greatly appreciated.

Enclosures

UNITED STATES GOVERNMENT  
*Memorandum*

U.S. COMMISSION ON CIVIL RIGHTS  
Washington, D.C. 20425

TO : Mr. William L. Taylor  
Staff Director

Date: December 16, 1965

FROM : Walter B. Lewis, Director  
Federal Programs Division *WBL*

In reply refer to:

SUBJECT: Notes on Work Group on Health and Welfare, White House Conference  
"To Fulfill These Rights"

I represented the Commission at the Work Group on Health and Welfare at the White House Conference "To Fulfill These Rights" on November 17 and 18. This group was alternatively chaired by Whitney Young, Executive Director, National Urban League, and James S. Dumpson, Professor, School of Social Work, Hunter College, (former Director of Public Welfare, New York City). Attached is a list of persons invited to this Work Group. Those checked were in attendance.

The general recommendations of this Work Group are set forth below. However, a general comment on the Work Group is pertinent. By and large the Work Group was composed of top-level professionals in the social welfare field. Their discussions were highly technical and often related to the needs and level of sophistication of the people for whom they purported to speak. In the main, these participants have been talking to each other for years; they have been administering inadequately nonrelated programs. The two grass root persons were obviously overawed and clearly indicated that the conference was related to things most pressing to them. It is to the credit of the participants, however, that their recommendations suggest certain changes in the format of the consistency of the Spring conference which are designed to overcome some of these criticisms.

The following general principles and proposals reflected the consensus of the group:

1. The Federal Government should establish standards for the quality, availability, accessibility, and acceptability of health and welfare services. Where these standards are not met, the Federal Government should be empowered and enabled to contract for the direct provision of such services.

2. In order to make health and welfare services effective and responsive to the needs of the persons being served, the recipients of service must be actively involved in all levels of decision-making relating to such services.

3. The Federal Government should provide a forum in which recipients of service and their representatives are brought together with those responsible for the provision thereof so that responsible public officials be made aware of the needs, desires, and demands of service recipients.

4. The panel noted with dismay that HEW has no program for affirmative action, or at best an exceedingly inadequate one, to implement Title VI of the Civil Rights Act of 1964.

5. Fundamental changes are required in the organization and delivery of both health and welfare services, to assure that quality services are available to all Americans.

6. Government at all levels and private agencies of all kinds should take immediate action to support and facilitate the recruitment, training, and employment of nonprofessionals and subprofessionals in large number in order to permit a more effective utilization of scarce professional manpower.

7. Literacy training should be available, as a right, to all adults who wish to avail themselves of it.

8. Fundamental changes are needed in public policy to provide all persons with a decent level of income in circumstances which maintain the full dignity of the recipient.

9. The Spring conference should have on its agenda a discussion of the problems of variations among different economic and racial groups in access to family planning services, and the implications in such variations for public policy.

10. In order to project the poor into the mainstream of American medicine, medical services should be organized to meet the health needs of all people and to be used by all people--those who are able to pay for services should be charged accordingly.

The following proposals were recommended for implementation before the Spring conference:

1. Federal officials should communicate more closely with indigenous people on the firing line in the South, those people who know first hand of the intimidation of welfare recipients and other program beneficiaries.

2. In order to commit and involve the citizenry of all levels in all communities across the nation, to involve those critics who were not invited to the planning session, to provide psychological outlets for ventilation of relevant problems, and to generally support the President and the conference, the Spring meeting should be made a public forum on civil rights by the President inviting all-- via nationwide broadcast--to submit ideas for next steps.

The following suggestions were made concerning the nature and design of the Spring conference:

1. The Spring conference should provide opportunity for health and welfare conferees to meet on a regional basis in order to more adequately reflect differences in regional needs such as types of services and the availability of services required by various communities, and to expedite consideration of problems which, for efficiency, should be handled separately.

2. Interim planners should consider holding separate panels on health and welfare.

3. More invitations should be extended to both Negro and white southern health personnel, including doctors and voluntary health and action groups working on southern programs, particularly the Medical Committee for Human Rights and the Tufts University Mississippi Health Program.

4. The week of the conference should be observed as National Civil Rights Week.

PLANNING SESSION FOR  
THE WHITE HOUSE CONFERENCE  
"TO FULFILL THESE RIGHTS"

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