

standards proposed by the Secretary of Labor on October 25, 1963, pursuant to 29 U.S.C. 22, concerning union apprenticeship programs. These standards require, "The selection of apprentices on the basis of qualifications alone * * * unless the selections otherwise made would themselves demonstrate that there is equality of opportunity," and *"The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted."*

It will be noted that the word "discrimination" is nowhere defined in the bill.

QUESTION:

Is it political propaganda that this bill is "moderate" or "watered down" or is it as harsh and vicious as prior proposals?

ANSWER:

We will compare in detail, title by title, the reported bill with the subcommittee proposal which was rejected as extreme and unacceptable. Before doing so, we will make a short comparison of the most radical departures in the reported bill from the earlier administration bills and the subcommittee proposal.

On February 28, 1963, the President transmitted his long-awaited civil rights message to the 88th Congress and on April 4 the chairman of this committee introduced the Civil Rights Act of 1963 as H.R. 5455 and 5456. The legislation thus recommended and introduced included only an extension of the life of the Commission on Civil Rights for 4 years, certain amendments of its duties and the unconstitutional provisions concerning voting later embodied in title I of H.R. 7152, including the temporary voting referee provision. This was the sum and total of the legislation recommended as necessary in the field of civil rights by the President. Every legal, constitutional, and public policy reason which may have existed for civil rights legislation on June 10 also existed on February 28 and April 4. Yet on June 19 President Kennedy transmitted another message to Congress on civil rights and on June 21 there was introduced H. R. 7152 as the administration bill embodying new radical and far-reaching proposals.

Later, even more radical, unconstitutional, and

vicious proposals were added in the substitute proposed by Subcommittee No. 5. As the reported bill has been widely hailed as a "moderate" and "watered down" bill, we summarize for the convenience of the House the most far-reaching provisions thereof added to either H.R. 7152 as introduced or to the subcommittee proposal.

1. The reported bill changed the words "any election" in the subcommittee proposal back to the words "any Federal election" used in the administration bill wherever they appeared in title I. However, there was inserted a definition that "the words 'Federal election' shall mean any general, special or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the senate, or Member of the House of Representatives" (sec. 101 (c)). Hence, as detailed elsewhere herein, the reported bill is thus drafted to make the provisions of title I concerning voting applicable to election of State or county officials in 46 States.

2. There was added in the reported bill in section 101(d) the unprecedented provision that, "In any proceeding instituted in any district court of the United States under this section the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case." This did not appear in any previous version of the bill.

3. There was added in the reported bill section 202 which did not appear in any previous version of the bill. This section would make unlawful "discrimination or segregation of any kind on the ground of race, color, religion, or natural origin" "at any establishment or place," if either purports to be required by any rule, order, etc., of any State or any agency or political subdivision thereof. This section is not limited to public places or facilities. As hereinafter pointed out, under the penal provisions of section 203, this amounts to an unconstitutional abridgement of freedom of speech, freedom of the press, and attempted Federal control of State and municipal judges and law enforcement officers.

4. The reported bill brings forward the language inserted in the subcommittee proposal, making it the mandatory duty of every Federal department or agency to utilize the funds provided for Federal