

Tab G

Ethnic and Other Minorities

IP Event Lesson Plan

1. Topic:

Ethnic and other minorities

2. Suggested activities:

- A. National association for the advancement of colored people (NAACP)
- B. American civil liberties union (ACLU)
- C. National observances for ethnic/minority groups (e.g., martin Luther king day, black history month, etc.)
- D. Ethnic street festivals
- E. Minority political organizations
- F. Women's clubs
- G. Chinatown/little Italy/Indian reservations/etc.
- H. Gospel performances at black churches
- I. Ethnic cultural museums/centers

3. Student requirements:

- A. Attire (civilian clothes/uniform)
- B. Event information sheet
- C. Camera and film
- D. Money for emergency phone call or souvenirs

4. Escort requirements:

- A. Advance ticket purchases if necessary
- B. Ensure adequate funds are available
- C. Event information sheets for each international student
- D. Ensure necessary briefing information is available
- E. Brief (pre & post) international students about event(s)
- F. Ensure escorts are familiar with event objectives to guarantee all points are adequately covered

G. Confirm/arrange transportation requirements

H. Event evaluation sheets are completed by each student

I. Discuss event with point of contact at event location prior to activity date and ensure escort carries point of contact's name and phone number

J. Ensure point of contact at event location is provided with the objectives to be covered prior to Arrival of students

5. Introduce student to following objective(s) (under the universal declaration of human rights):

A. **Article 1:** all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

B. **Article 2:** everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

C. **Article 4:** no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

D. **Article 7:** all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.

E. **Article 12:** no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

F. **Article 16:** men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

G. **Article 18:** everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

6. **IP area(s) of emphasis:**

A. Internationally recognized human rights as outlined in the universal declaration of human rights.

B. The roles and interrelationships of a culturally, ethnically, economically, and socially diverse population in a democratic society.

7. **Other learning objective(s) or teaching point(s):**

Note: definition: (webster's ii new riverside university Dictionary) -- racial, religious, political, national Or other groups thought to be different from the Larger groups of which they are a part.

A. Immigration and naturalization service constraints and problem areas

B. Biases that still exist today among certain groups of people

C. Affirmative action programs

D. Quota hiring practices

E. Changing roles in the workplace for women

F. Indian reservations administration policies and governmental regulatory considerations (e.g., own schools, reservations do not have to comply with laws -- gambling allowed on reservations, economic aid packages, etc.

IP Event Information Sheet

Ethnic and Other Minorities

It is almost trite to say that we are a nation of immigrants. The first settlers were chiefly British in origin and Protestant in religion. There was, however, a sizeable catholic minority, particularly in the Maryland colony. During the 18th century, immigration from the British isles was augmented by a great influx from western Germany, such as the "Pennsylvania Dutch." The great waves of immigration of the 19th century brought large numbers of Irish, Germans, Italians, poles, Scandinavians, Russians, other Europeans, and also some Orientals. Earlier the traffic in slaves had peopled the country with many blacks from Africa and their descendants. Although immigration has slowed considerably since the 1920s (with a few exceptions to accommodate refugees from nazi and communist oppression), there are still newcomers to our shores.

These immigrants and their descendants have historically comprised the major minority groups in the nation, such status being derived from their religion, race, or national origin. The question of

"minority rights" has been largely one of extending the full rights of American citizens to such groups.

These groups found it easier to make a place for themselves in American society. The Irish were different in religion from the majority of Americans, but they spoke the same language; many of the Germans and Scandinavians belonged to the Protestant majority. Furthermore, the relative ease of obtaining land in the west and the great need for labor by our developing industrial system provided avenues for economic and social betterment. The "know-nothing" movement of the 1840s and 1850s attests to the fact that hostility and discrimination were not absent, but on the whole, those immigrants were fairly well established as citizens with full rights by the end of the 19th century.

Those who came between 1880 and 1910 differed more markedly from the dominant Anglo-Saxon Protestant majority in religion and culture, and for them assimilation has proved more difficult. However, in the great "melting pot" of the city, as well as on the land, most of these groups have been successfully integrated into American life.

Since 1945 the U.S. has continued to be a haven for oppressed people. After the second world war, there was an influx of people from the eastern European countries which came under the communist sphere of influence. These generally were assimilated into society in areas where earlier immigrants from these same countries were located. With the Cuban crisis, the Vietnam war and now the refugees from the Caribbean islands, the U.S. is experiencing different problems:

(1) members of the early exodus from Cuba were generally educated and localized in southern Florida but became a part of the U.S. society, whereas the latest group of "immigrants" pose different problems. It is just coming to light that castor cleaned out a large number of criminals and transferred this problem to the U.S.;

(2) the Vietnamese refugees have posed unique problems because by color and language they are readily identified and have become a target of interest. Because of their ability and drive, they have successfully entered the U.S. work force and in competition with others have caused friction which occasionally gets nationwide press coverage. They are much more of a target of expression of concern than were the European refugees who blended in with society.

Another large minority is the people of Hispanic ancestry (or Spanish speaking), predominantly from Mexico and Puerto Rico. This group can be divided into two major subgroups -- the urban-oriented, predominantly in the large eastern cities and the migrant worker of the western states.

One minority which is generally glossed over but which has been the target of much discrimination and violations is the American Indians. Granted they have received "protection" under a separate body of laws, but they have generally been treated as the vanquished by the conquerors and it has only been in recent years that they have spoken up to receive equal treatment under the laws.

Women, although not a minority numerically, have historically been relegated to a secondary position in our society. This is not to say that they have not been influential, but, as the right to vote issue shows, and as can be further demonstrated by their treatment in the work force by salary and position discrimination, they have not received de facto equal treatment. In efforts to overcome this discrimination, major steps have been taken during the 1970s through the "women's liberation movement" and assorted women's rights groups -- to include a proposed Constitutional Amendment guaranteeing women's rights.

The largest single minority is the blacks (or African-Americans). It would be trite to repeat the whole litany of our history, but we should understand that the history of slavery in the U.S. resulted in the total disenfranchisement of a group of people. We have to face up to the fact that it did happen, for reasons which may have been accepted at the time, but it spawned many of the problems which we are still experiencing. Legally, slavery ended with the end of the civil war, but the legacy of discrimination in civil rights, education, economics, housing and almost every aspect of our society is still with us today.

The most spectacular change in our society in recent times has been in the status of the black. It has taken a full century to overcome the scars of the civil war and the slave system that it abolished in law but is now in social custom. Not until they began to demand their rights like other Americans did the rest of the country pay much attention to their unequal position. They became the leading edge in the fight for civil rights which has improved the lot of all minorities. Until the last two decades, blacks benefitted little from the growing integration of minority groups into American life. Their "visibility" is an important reason for this. White immigrants, once they acquired American cultural traits, easily merged with the majority. Blacks could not do this. Until recently, they were concentrated in an area where doctrines of white supremacy dominated the thinking and attitudes of a large segment of the population. In such areas both law and custom contributed to discrimination in the treatment of blacks. The very significant supreme court decision on May 17, 1954, in the case of brown versus board of education reversed the whole approach to discriminatory practice against black citizens. In this decision, the court ruled against its earlier decision of 1896 in plessy versus Ferguson. In that earlier decision, the supreme court upheld the "separate but equal" practice in public conveyances and by implication in education and elsewhere. In the May 1954 decision, the supreme court declared the "separate but equal" practice illegal in education and cleared the way for much of what has followed in the struggle of minority groups for the full rights of citizenship. Through pressure by the federal government on firms holding government contracts, thousands of black workers have been employed in manufacturing plants. Restrictions on where blacks may dine and where they may stay overnight in hotels and motels have disappeared, as have restrictions of where they may live in northern cities. Most of these changes have been more rapid than changes in the pattern of school segregation, and they have taken place both in the north and south. The most significant changes have been in the elimination of de facto segregation resulting from residential segregation through forced busing between school districts to achieve some degree of racial balance. Though not on a grand scale the status of economic and educational improvements has allowed blacks to break out of the "ghetto" and provide incentive for others to follow.

In all of this discussion of minorities and civil rights, it is important to emphasize this point: all of the Constitutional guarantees of civil rights and all of the laws and court decisions designed to implement and protect them apply to all citizens, be they members of minorities or of the majority. The present problem arises from the fact that the majority will not extend all of these rights to certain minorities for one reason or another. Current unrest and agitation are the result of a self-conscious quest by one of these minorities -- the blacks -- to obtain equal rights with the majority. They are no longer content with "second-class citizenship." It is worth noting that while many recent laws and decisions were triggered by the blacks' struggle for equal rights, many of the gains made apply to everyone, members of minorities and of the majority alike. For in a sense, everyone may at some time be a member of a minority (for example, when he breaks the law). Hence laws and

Court decisions which strengthen and clarify defendants' rights, due process, freedom of conscience, and the like benefit the entire citizen body.

A complete picture of American citizens of minority groups cannot be gained by a recital of the prejudices and problems alone. Both their spiritual and material contributions to the realization of the American ideals must be taken into account to round out the story. In their struggles for the full rights and responsibilities of citizenship, America's minority groups have clung tenaciously to

the American ideals as expressed in our Constitution, in our laws, and in numerous official documents throughout our history. The ideals of any nation are not easily realized or accomplished, no matter how many the public pronouncements or the supporting laws. But the struggles of the United States minority groups for full citizenship serve to keep ever before a sensitive America those ideals which are so deeply ingrained in the warp and woof of the nation's cultural fabric. This represents an intangible but nonetheless real contribution to the spiritual growth of the nation.

Of all the minority groups, the United States citizen of black ancestry is clearly the most numerous, the most visually distinctive, and the most obvious victim of prejudicial and discriminatory practices. By the same token, the black citizen has been and is today the most vocal and aggressive in the quest for unqualified citizenship status. For these reasons, reference is made here to the contributions of the United States citizen of black ancestry only, with the full realization that a similar recital could be given about any of the smaller, but perhaps less representative, American minority groups.

The full and unbiased history of citizens of black ancestry in America is yet to be written, perhaps at a much later time in a quite different social climate. It has been a common practice of American history textbooks to recite the problems and the prejudices with regard to the black citizen and let it go at that. Within recent editions, sincere attempts have been and are being made to integrate within the fabric of American history certain "in depth" material on American minorities.

This new trend is in complete accord with similar trends in other areas (i.e., radio, television, newspapers, magazines, and other forms of public communication) to give fuller objective treatment to America's minorities.

Throughout the history of America, black citizens, both individually and as a group, have made significant contributions for the enlargement and enrichment of American life. In the fields of literature, drama, and music, their contributions have been evident since the early days of United States history. The rhythm, scale, and form of black music are inextricably a part of the typically American musical patterns known and copied around the world. Black folklore and folk tales are a significant part of the American literary and dramatic heritage. As individuals, citizens of black ancestry have made noteworthy contributions in science, education, technology, medicine, politics, economics, and business. Their individual contributions continue to expand in number as they move steadily toward the goal of unqualified citizenship in the United States.

This brief recital of the positive role of America's largest racial minority is indicative, not exhaustive. What is true about citizens of the black minority is equally true about other minority groups in America. They have made significant contributions in the wide expanse of the endeavors of mankind. This adds up to social, economic, political, and scientific accomplishments by minorities, in spite of the problems and prejudices so frequently recited when dealing with this aspect of American life.

Civil Rights and the National Government

The national government has certain powers delegated to it by the Constitution, many of which touch upon the area of civil rights. In addition, there are many limitations upon the national government in respect to civil rights. Some guarantees of rights are in the main body of the original Constitution; others were added by way of Amendment, particularly in the form of the Bill of Rights, which was ratified by the states in 1791. Many of the original powers vested in the national government by the Constitution have been utilized for legislative purposes in the civil rights field. The public accommodations section of the civil rights act of 1964 is based upon the commerce power, Article 1, section 8.

The Civil War Amendments and Their Implication

Additional powers of legislation were vested in Congress by the three civil war Amendments:

The 13th Amendment.

In implementing this Amendment, Congress adopted statutes, in the years 1866 and 1867, respectively, to prevent anyone from kidnaping or carrying away any person with the intention of placing him in slavery or involuntary servitude, to punish anyone doing so, and to prohibit the system of peonage. The practice of peonage consists in holding a person in compulsory servitude to work off a debt. The only sort of involuntary servitude permitted by the 13th Amendment is that which is imposed "as a punishment for crime whereof the party shall have been duly convicted." Holding a person in compulsory servitude to work off a debt is a serious federal offense, conviction for which leads to the imposition of severe penalties.

The 14th Amendment.

Implementation of the first section of this Amendment by "appropriate legislation" has presented a more complex problem. In the first cases to reach it during the reconstruction period, the U.S. supreme court took a strict view of the scope of federal legislative power to enforce this Amendment. Since the Amendment declares that "no state" shall deny due process or equal protection, the court took the position that the only legislation which Congress is authorized to enact under this heading is aimed at state action and not at the wrongful acts of private individuals. That is why the court ruled that Congress has the Constitutional authority to punish a local sheriff who has had a hand in killing or otherwise mistreating someone in his custody. The sheriff is a state official exercising the power of the state by virtue of state law. His act is a state act, and it is within the scope of the legislative power of the national government under the 14th Amendment. But an anti-lynching law which made it a federal crime for private individuals to conspire to take some person's life was held Unconstitutional, since murder as such is a state offense and cannot be made a federal offence under this Amendment.

The 15th Amendment.

This forbids discrimination by the United States or any state in reference to voting on grounds of race or color. Between 1866 and 1975 Congress enacted five statutes under its power to enforce the 14th and 15th Amendments through "appropriate legislation." These five statutes, taken together, amounted to a great code of statutory law on the subject of protecting the basic rights of the newly-emancipated black, including the right to enjoy the use of property on a plane of equality, and right to the full and equal protection of all state laws, the right to vote, the right to be free from unlawful violence, the right to equal treatment in all places of public accommodation, the right to serve on juries, and other fundamental rights of American citizenship.

Other Civil Rights Amendments

The 19th Amendment.

This provides the right to vote to all eligible women citizens of the United States.

The 24th Amendment.

This eliminated one of the last barriers of the right to vote. As a vehicle to preclude blacks from voting, the southern states, primarily, passed legislation that allowed for collection of a poll tax or to deny the right to vote because of unpaid taxes. This, though designed and targeted to the blacks, also affected other minorities and poor people in general.

The 26th Amendment.

This lowered the legal age for voting from 21 to 18. Up until 1971 young people of America were called upon time and time again to serve in the defense of the nation without having the right to decide who would be the decision makers.

By the end of the century, Congress had repealed much of this legislation and especially the elaborate provisions which had been made to protect and secure the black's right to vote. This

Action no doubt reflected the growing voice of the south in Congress as the last restraints of reconstruction were swept away.

Some very important parts of this legislation were declared Unconstitutional. The most notable decision was taken in the civil right cases (109 U.S. 3) in 1883. These dealt with the first two sections of the civil rights act of 1875, the last of the reconstruction acts. These sections made it a federal offense for the owners of theaters, inns, public carriers, and other places of public accommodation to discriminate against blacks. The accommodations in question were owned by private individuals, not by the state governments. On this ground the supreme court held these sections of the statute to be Unconstitutional, pointing out that the only action inhibited by the 14th Amendment is action by a state and not by private individuals.

While the supreme court still holds to this interpretation, its thrust has been greatly extended over the years because the court has taken a broad view of what constitutes state action. When a state legislature enacts a statute, that is state action and comes within the scope of the limitations imposed by the 14th Amendment. There is also a state action if something is done by a state governor or other state officials, by a state administrative board or commission, or by a state court. There is state action when a police officer, such as a county sheriff violates state law since his office is created and defined by state law.

Since the civil rights act of 1964 (described below) was sustained by the supreme court over Constitutional objections, it is important to note it is based squarely on the commerce clause. Under the commerce power, as under the other powers vested directly in Congress outside the 14th and 15th Amendments, Congress May enforce its statutes directly upon the private individual. It is only in implementing these two Amendments that Congress is limited to the prohibition of state action.

It is a federal crime for two or more people to conspire together to injure, oppress, or deny any individual the free exercise or enjoyment of any right secured to him by the Constitution and statutes of the national government. This law is perfectly Constitutional; its thrust being limited since it cannot include rights arising under the 14th Amendment. It extends only to rights arising under other parts of the Constitution (e.g., the commerce clause).

It is also a federal crime for any person "under color of law" willfully to deny any person any federal right. This statute applies to anyone acting under state authority and extends to the protection of any 14th Amendment right, as well as any other right created by the U.S.

Constitution and laws. Quite a few local police officials have been prosecuted in the federal courts under this statute including four police officers in Los Angeles' Rodney King case in 1993.

The supreme court responded over the years with increasing vigor in decisions which put flesh on the bare bones of section 1 of the 14th Amendment. In 1915 it outlawed the disenfranchisement of blacks by use of the so-called "grandfather" clauses. These amounted to a system of permanent registration of white voters to the exclusion of blacks. Later, it declared invalid white primary laws which excluded blacks from party primaries. Local ordinances which excluded them from so-called white neighborhoods were held Unconstitutional in a series of decisions dating from 1917. The black's right to a fair trial in state courts and his right to be tried in courts which utilized juries from which they were not systematically and arbitrarily excluded were repeatedly vindicated. The court also made many decisions frowning upon discrimination in the field of labor relations. Segregation in

Interstate buses was held invalid in a series of cases, notably the Virginia bus case of 1946.

The war against discrimination was eventually fought on the educational front. In a remarkable series of cases beginning in 1938 the court outlawed racial segregation in higher education. The climax was reached in the spring of 1954, when in Brown versus Board of Education the court ruled, by unanimous vote, that the "separate but equal" formulation of 1896 (Plessy v. Ferguson) was unacceptable and that racial segregation in the public schools violated the equal protection clause of the 14th Amendment.

Toward the end of the period 1875-1957, considerable activity in the civil rights field developed in the executive branch of the federal government. President Roosevelt took steps to discourage racial discrimination in the area of employment during the second world war.

President Truman stepped up the pace during his years in the white house. He appointed a strong committee on civil rights which published a report in 1947 calling for greatly increased activity on the part of the national government. It recommended also an immediate end to discrimination in Washington. This report, entitled to secure these rights, quickly assumed the stature of an important landmark in the literature on the subject. In 1948 the president issued an important executive order providing for equal opportunity in the armed forces. As a result, all services desegregated their units, and the utilization of black personnel was increased and broadened. Still another executive order in 1948 provided for fair employment practices throughout the federal establishment. In 1951 president Truman created a committee on government contract compliance to oversee the manner in which contractors with the federal government met their contractual pledges not to discriminate in employment. A similar committee was created by president Eisenhower in 1955 and still another by president Kennedy. Present day equal employment opportunity legislation seeks to ban government contracts to anyone who discriminates against any minority.

The Eisenhower administration proceeded on the theory that the key to the problem of civil rights for blacks was in the right to vote. The president reasoned that the right to vote, if fully available to blacks, could be utilized by them to protect their own rights. Under the leadership of the white house, in 1957 Congress finally responded with the enactment of the first federal civil rights act since 1875.

This law established a temporary commission on civil rights for a trial two-year period, consisting of six members, supported by a staff, and authorized to investigate and report on the denial of civil rights, particularly in respect to the right to vote and the right to the equal protection of the laws. The life of the commission has been extended since then and it is still functioning, although it cannot yet be described as a permanent federal commission. The commission is empowered to

investigate, to hold hearings, to subpoena witnesses, to issue reports, and to recommend legislation to Congress.

In addition, the act raised the civil rights section of the department of justice to the status of a full division, headed by an additional assistant attorney general. The act strengthened the protection the national government seeks to extend to all citizens in the field of voting by safeguarding the right to participate in local as well as federal elections without racial discrimination. The attorney general of the United States is authorized to bring suits in the federal courts to enjoin violation of voting rights, removing the burden and risks of

Litigation from the shoulders of the individual black citizen. Violation of court orders which result from these proceedings is subject to punishment for contempt of court.

The civil rights act of 1960 was a continuation of the 1957 act, especially with reference to securing the right to vote against local interference or denial. It provided that if the attorney general decides, in a vote denial case, that there is a "pattern or practice" of denial of the right to vote on account of race, he may petition the court to appoint voting registrars. They may be authorized to proceed with the registration of qualified voters, without regard to the normal local registration officials and procedures. The new provision was a complicated one and, as it turned out, has rarely been used. For this reason president Johnson proposed to Congress early in 1965 the transfer of the voter registration function from the courts to administrative officials of the national government. The 1960 act made it a new federal crime for anyone to interfere by threats or force with any order of a federal court. It brought certain forms of terrorism by bombing within the federal criminal code.

There were no further legislative enactments during the short Kennedy administration, although president Kennedy created a new equal opportunity committee. In 1962, he issued a far-reaching executive order which prohibited discrimination in federally-assisted housing. A most important legislative step was taken when Congress passed the civil rights act of 1964. It consists of eleven major sections or titles:

Title 1

designed to provide for more effective enforcement of the right to vote in federal elections without regard to race or color. The procedure by which voting rights may be decided was speeded up. The act requires that the same standards be applied to all individuals seeking to register, that the right to vote cannot be denied because of some minor mistake or omission, that if literacy tests are given they must be in writing, and that a sixth grade education creates a presumption of literacy.

Title 2

forbids discrimination in places of public accommodation, such as hotels, motels, restaurants, lunch counters, movie houses, theaters, and gasoline stations. This title rests on the commerce clause, except insofar as discrimination is based on state and local legislation, in which case there is state action within the meaning of the 14th Amendment. The supreme court upheld the Constitutionality of this title in the Heart of Atlanta Motel case, decided by a unanimous vote on December 14, 1964. The opinion of the court is well within established Constitutional law precedents dealing with the commerce power of the national government.

Title 3

authorizes the U.S. attorney general to bring a civil suit to compel desegregation of any publicly owned or operated facility on receipt of a written, certified complaint of discrimination. Among the facilities covered by this title are state or municipally owned or operated parks, libraries, and hospitals.

Title 4

authorizes the U.S. department of education to conduct a national survey to determine the availability of equal education opportunity and, on request, to provide technical assistance to help states and local subdivisions or school districts carry out school desegregation plans. It authorizes the office of education to arrange training institutes to prepare teachers and other school personnel to deal with desegregation problems, and to make grants enabling school boards to employ specialists for in-service training programs. The attorney general is authorized to file civil suits compelling desegregation of public schools, including public colleges.

Title 5

extends the life of the U.S. commission on civil rights for 4 more years and gives it added authority to serve as a national clearinghouse for civil rights information and to investigate allegation of vote fraud.

Title 6

is an extremely important section of the bill, for it holds out the promise of great impact upon certain sections of the country. Under this title every federal agency which provides financial assistance through grants, loans, or contracts is required to eliminate discrimination on the grounds of race, color, sex, religion or national origin in these programs. For example, this title applies to hospitals constructed with federal funds, schools at all levels of education which were constructed or are maintained or operated with federal funds, state employment services financed by federal funds, schools for the deaf and blind or colleges or universities receiving federal money, and construction contractors who get funds under federal public works programs.

Title 7

establishes a federal right to equal opportunity in employment in any part of interstate commerce or in any activity affecting such commerce. It creates an equal employment opportunity commission to assist in implementing this right. Employers, trade unions, and employment agencies are required to treat all persons without regard to their race, color, religion, sex, or national origin. This treatment applies to all phases of employment, such as hiring, promotion, firing, apprenticeship, job assignment, and training programs. Enforcement of this title was postponed for 1 year, and during the second year applied only to employers of 100 or more employees. The number fell to 75 the third year, 50 the fourth year, and 25 thereafter. Not covered by this title are public employers, bona fide private clubs, and educational and religious institutions.

Title 8

requires the secretary of commerce, in whose department the bureau of the census is located, to make a survey of the number of persons who are of voting

age and to determine the number of people who have been allowed to register and to vote in the various parts of the country.

Title 9

authorizes the attorney general to intervene in any federal court action in which relief is sought from the denial of the equal protection of the laws on account of race, color, religion, or national origin. If a federal court declines to accept a civil rights case and sends it back to a state court, this action is now made subject to review on appeal to a higher court.

Title 10

creates in the department of commerce a new community relations service designed to assist persons or communities needing help with civil rights problems where discriminatory practices impair Constitutional rights or affect interstate commerce. The service is authorized to cooperate with both public and private agencies and to seek the voluntary settlement of public accommodation complaints referred to it by a federal court. It is essentially a national conciliation service in the civil rights field.

Title 11

provides a few miscellaneous provisions, notably a clause which gives a right to jury trial in criminal contempt cases arising under all sections of the act except title 1, under certain circumstances.

This civil rights act is the most comprehensive statute Congress has ever adopted in this field. It is a major effort to use federal power to secure for all American citizens, whatever their race, color, or sex, the equal protection of the laws and equal rights privileges, and opportunities, particularly access to places of public accommodation, educational institutions, and employment. Title 2 on public accommodations has been tested in the supreme court and declared Constitutional, and in all probability the other titles, some of which are already in the lower courts, will be tested and sustained. The impact of title 6 has been very great in many parts of the south. The voting sections of title 1, however, have turned out to be inadequate. The voting rights act of 1965 strengthened the civil rights act of 1964.

Titles 1 and 8 of the civil rights act of 1964 deal with voting in a general way and primarily at the federal level of government. The voting act of 1965 is designed to strengthen titles 1 and 8 of the civil rights act of 1964 by extending legislative action to include state and local, as well as federal, voting rights, and to close any loopholes left by the 1964 civil rights act.

It is a basic purpose of the voting rights act of 1965 to guarantee by legislative action that no qualified United States citizen will be denied the citizenship duty to cast his ballot for the political candidate of his choice. To accomplish this, the voting rights act establishes qualifications which can be met by any normal, competent citizen without regard to class, creed, condition, or color. President Johnson called the voting rights act of 1965 ".a triumph for freedom as huge as any victory won on any battlefield."

The salient provisions of the voting rights act of 1965 are discussed briefly below.

Section 2

this section prohibits any qualification for voting based on race or color. It states in its entirety, "no voting qualification or prerequisite to voting, or standard practice, or procedure shall be imposed or applied by any state or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

Section 3

whenever the attorney general institutes proceedings to enforce the guarantees of the 15th Amendment to the Constitution, this section stipulates as one of its provisions that the court shall authorize the appointment of federal examiners by the U.S. civil service commission to serve for such time as May be required for enforcement of the 15th Amendment.

This section also establishes penalties for violations of the act.

Section 4

this section specifies, among other provisions that, ".to secure the rights under the fourteenth Amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the states from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language." This provision clearly relates to Puerto Ricans and others educated under the American flag. The section stipulates further that "no person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any state or territory, the district of columbia, or the commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any federal, state, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in states in which state law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education to a public school in, or a private school accredited by, any state or territory, the district of columbia, or the commonwealth of Puerto Rico in which the predominant classroom language was other than English."

Sections 5 through 9

these sections provide the legal machinery by which the attorney general's office and the federal court systems will enforce compliance with the basic provisions of the act, i.e., that no citizen shall have his right to vote denied or abridged because of race or color or by the use of test or other devices not sanctioned by the courts, as required.

Section 10

this section authorizes and directs the attorney general to take action against the enforcement of any requirement to pay a poll tax as a precondition to voting. The section reads in part, "(a) the Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable

relationship to any legitimate state interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the Constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting." This section states further that, ".the attorney general is authorized and directed to institute forthwith in the name of the United States such actions, including actions against states or political subdivisions, for declaratory judgement or injunctive relief against the enforcement of any requirement of the payment of a poll as a precondition to voting, or substitute therefore enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section."

Sections 11 through 19

these remaining sections of the act (there are 19 sections in all) provide for the procedural implementation and enforcement of the basic purposes of the act; give references to related federal statutes; and authorize the appropriation of such sums as are necessary to carry out the provisions of the act.

This act became law in August, 1965, and enforcement began at once in two phases. First, literacy tests as a prerequisite to voting were suspended in seven states. The bureau of the census certified Mississippi, Louisiana, Alabama, Georgia, Virginia, south Carolina, Alaska, 26 counties of north Carolina, and one county of Arizona as areas that had voter qualifications tests which impeded registration and where 50 percent or more of the voting age population failed to register or vote in 1964. Second, the justice department, acting under provisions of section 10 of the act, filed suit challenging the Mississippi poll tax as being in violation of the 15th Amendment of the Constitution. Under the provisions of section 3, federal voting examiners, all employees of the U.S. civil service commission, moved into counties in the deep south designated by the justice department and began to register eligible voters.

Civil Rights and the States

The great amount of public attention given to federal legislation has had the effect of minimizing the role of the state and local governments in protecting and promoting civil rights. Actually, the impact of the civil rights act of 1964 will by no means be national in character, since many states already have statutory and administrative standards equal to or superior to those adopted by the national government. Many states have human rights or equal opportunity commissions, or commissions with other titles, and such bodies exist also in many cities. There are many state laws dealing with equal access to places of public accommodation, to schools, to employment, and to public amenities. Most criminal trials are conducted in state, not federal, courts, and thus the administration of justice and the special problem of doing justice for the poor fall largely within the scope of state government.

In actual fact, the day-to-day problems of civil rights are handled, for the most part, in the states by state institutions under state law. The intervention of the federal government is largely designed to set minimum national standards below which no state should be permitted to fall. Since many states already have high standards of performance of their own, the weight of the new federal statutes there is likely to be very light indeed. But in some parts of the country, and especially where the race problem is most acute, the federal presence is much more significant. In short, as in almost all branches of American public policy, both the states and the national government have a role to play defining and safeguarding the basic rights of man. Here as in so

many other aspects of American government there is need for a large measure of cooperative federalism. Where

Extremely difficult problems are encountered, the joint efforts of all the governments are often needed in order to accomplish desired results.

Civil Rights and The Public

The pace of American life is swift. Technological advancements in the past few decades have greatly altered significant areas of our economic life. Concomitant changes in social institutions and attitudes, however, come about more slowly, since people are less inclined to accept innovations in these areas than in the material aspects of life. There has been a marked change in public attitudes and practices in the field of human relations since world war ii and especially since the supreme court school desegregation decisions of 1954. The north, as well as the south, is deeply involved in these changes, which May be summarized under the following summaries:

Factors influencing change was the "revolution of rising expectations" among underprivileged people throughout the world has affected minorities in this country. Just as the European colonial powers have had to come to terms with their colonies' demands for independence, so has the American white majority developed a more mature attitude toward the need for meeting the just demands of our own "underprivileged" citizens. Many Americans today regard civil rights as a test of our national principles and are becoming increasingly committed to seeking a just solution to this problem.

In addition to the above intangible reasons which have their source in the minds and hearts of men, there are some practical reasons for the changing climate of opinion. One is the political power of the minority vote, particularly in highly urbanized areas. Another is the economic purchasing power of minorities, a factor which revealed its potential strength in the Montgomery bus boycott of 1955-1956. Still another is the desire of many southern communities to attract northern capital and enterprise to aid their industrialization. To do this they need a peaceful atmosphere, good schools, and other qualities attractive to business and its employees. Thus, there are important forces at work in both the north and the south to solve problems of race relations in a fair and peaceful way.

Under the impact of the mentioned forces, a large proportion of the white population has come to accept minority demands. This acceptance is expressed through laws and court decisions at the local, state, and national levels and through the actions of private individuals.

The right to vote is accorded all citizens. The passage of the federal voting rights bill reveals the consensus on this issue at the Congressional level.

The right to desegregated education is generally accepted in the north, but here de facto segregation, resulting from the fact that minorities live largely in highly concentrated areas within a city, complicates the picture. Until such cities have complete residential desegregation, they are unlikely to find a fully satisfactory solution to this problem.

The right to equal job opportunities is also accepted. Most civil service jobs are open on an equal competitive basis to all qualified citizens, as are all federal jobs. In addition, most private employers pride themselves on being "equal opportunity employers," a practice which has spread under the prodding of governmental "rights" commissions at all levels and the activities of minorities themselves in this field.

The growing moral conviction among Americans that civil rights are for all people, not just for the majority, is increasingly revealed in both the teachings and the actions of organized religious

groups. Ministers of all faiths continue to preach sermons denouncing discrimination as a moral wrong, and many have actively participated in civil rights demonstrations. With them were many of their flock, lending something of the atmosphere of a crusade to some of the demonstrations. Many southern churches have quietly and peacefully integrated, while many of the great national religious conferences composed of both northern and southern members have taken a strong stand against discrimination. Action on the religious front May be expected to increase, and the results May well be one of the great accomplishments of our time.

Throughout the country there is greater readiness of the mass communications media to discuss civil rights on an objective basis, and some of them do this very well. Several outstanding southern newspapers have helped to stimulate and organize "moderates" for constructive local action to solve local human relations problems. National television programs have provided enlightening documentaries which undoubtedly have some impact on public attitudes. Instant reporting by radio and television of racial "incidents" probably stirs up heated feelings, but it also helps to acquaint the public with the nature and magnitude of the civil rights problem. The knowledge of certain exposure May also act as a brake upon those bent on violence. Civil rights problems are no longer being swept under the rug or dismissed as merely regional matters. They are being faced up to by responsible elements of these communications media. This in itself is a healthful sign that we are gaining maturity in handling such problems.

Growing Militancy of Minorities and Their Leadership

As was mentioned above, the revolution of rising expectations that swept over much of the world after 1945 also affected the United States. The world movement toward independence of colonial peoples and toward greater human rights for all was reflected in the growing insistence of American blacks on first-class citizenship. The younger generation particularly has become increasingly impatient with the slow pace of progress. It leans toward a more "activist" policy in contrast to the slower educational and legalistic policies followed by the old, established organizations and their leaders. New organizations and new leaders have come to the fore as discussed below.

For the thousands who served in World War II, new sights and experiences created growing dissatisfaction with their old way of life. For them, even more perhaps than for white ex-servicemen, the question of "how are you going to keep them down on the farm after they've seen patee" was a serious one. Others who joined in the great movement from the country to the city that occurred in all parts of the nation were stimulated by the new opportunities of city life. But they were also depressed by the realization that such opportunities are more limited for minorities than for whites.

The influence of the mass media, especially television, is standardizing public taste and expectations. This influence is exerted on minorities as well as whites. Constant exposure to the higher standard of living of the white middle and upper classes, so dramatically depicted both in programs and commercials, has undoubtedly made the minority more conscious of what he lacks and what he would like to have.

The new vigor among minorities and the growing concern about civil rights problems have resulted in important changes in minority organizations and leadership.

The national association for the advancement of colored people (NAACP), organized in 1909 after a race riot in Springfield, Illinois, the previous year, has long been recognized as one of the leaders of the black rights movement. So was the urban league organized in 1910. These organizations, composed of white and black members, have generally been middle-class oriented and somewhat conservative in outlook. They engaged in educational, legal, and philanthropic work, but on the whole shunned mass demonstration tactics in favor of political agitation and the

seeking of redress through the courts. With the growing demand for faster action by many blacks, these organizations shifted some of their tactics. The NAACP quickened the pace of its legal actions and after its spectacular school desegregation victory in 1954, it has continued in the forefront of legal efforts to obtain equal rights for blacks.

Several important new organizations have also developed which reflect the wider concerns and the increasing militancy of the civil rights movement. These include the southern Christian leadership conference, formed in 1957; the Congress of racial equality (core), active since 1942; and the student non-violent coordinating committee (snack), formed in 1960, to name a few. All of these groups are associated with direct-action nonviolent policies. They have taken the lead in sit-ins, boycotts, Marches, voter registration drives, and other types of demonstrations.

The groups discussed above look forward to the day when the "American dream" will be as true for minorities as it is for the majority. In other words, they are working for the full integration of the minorities into American society as citizens on an equal basis with all other citizens. When that day comes, these organizations will no longer be needed. Not all minorities, however, share these integrationist views. Some no longer believe in, or even desire, the realization of the American dream. They have withdrawn into so-called "nationalist" organizations such as the black Muslims. Most of these groups favor total separation of the races and the development of an independent black society, separated physically, politically, culturally from the white man. So far their membership is only in the thousands, but it may be that their ideas influence in some way the thinking and attitudes of millions of minorities.

The tempo of change in social attitudes toward the minorities has quickened within recent years. This is attributable to a combination of factors. For one thing, the U.S. government has taken action. Through new laws, court rulings, and regulations, the federal government has ruled for the integration of schools and colleges throughout the nation; banned discrimination in places of public entertainment and recreation; ruled against discriminatory practices in public transportation facilities such as buses, trains, and airplanes; banned discrimination in hiring by private employers under government contract and in admission to labor unions; authorized the withholding of funds from a state, or subdivision thereof, in which discrimination is practiced; legislated in behalf of the right to vote; and set up numerous "poverty" and other programs designed to encourage and promote equality of education and of employment opportunity.

The United States minority citizen has taken stepped-up action in his own behalf. In this action he has been supported by judicial, legislative, and especially executive action at the federal level of government as noted. He was stirred by the celebration of the centennial of the emancipation proclamation (1963). He has been encouraged by his successes within recent years toward the full realization of citizenship status. He has been joined in spirit, and not infrequently in practice, by most other Americans in his quest for a more widespread practice of the basic ideals of this nation. This joining of the majority with the minority has not been out of sympathy or sentiment alone. There is a growing discontent among the majority for the continued denial of citizenship rights and responsibilities to the minorities. There is also a growing realization among all citizens of the need to come to grips with the problems of minorities if the professed American ideals are to survive in a world which is changing rapidly.

The stepped up militant action of minority citizens was planned, organized, and directed for the accomplishment of the desired ends of full citizenship status, without violence. Acts of violence which occurred have been outside of the planning or wishes of the masses of minorities or their leaders -- the black citizen has taken both legal and direct action in his own behalf. In all legal action, he has employed judicial procedures open to all United States citizens. In practically all instances he has pleaded his own cases in the courts of the land and, within recent times, he has won a majority of his cases for full citizenship recognition. In direct action, he has employed the right of the United States citizens to assemble peacefully for the redress of grievances. In his direct action, the black citizen often used a technique which has become known as the "March."

In this technique, he planned, organized, directed, and controlled a "March" to some specified units of government (national, state, or local) for the redress of his grievances. This technique was particularly useful in dramatizing the point or points at issue and, according to the leaders, it provides a means whereby discontented citizens can express their grievances without resorting to violence. A notable example of the

Employment of this technique was the "March on Washington" in the summer of 1963. An estimated 100,000 Americans of every creed, class, and profession participated in this dramatic event.

Although much progress has been made, the truth is that there remains a considerable gap between our principles and practices in the field of civil rights and human relations. Discrimination against minority groups exists in a number of ways and in varying degrees. Although few minority citizens are prevented from voting, in some areas public education is still segregated. Inequalities in employment, educational, and housing opportunities still exist throughout the country and political, economic. Social rights are still limited to a considerable number of citizens because of their race, religion, or ancestry. There is today a deep concern throughout the country about the problem of equal rights for all citizens. Constructive efforts have been made at the local, state, and national levels to face up to this problem and alleviate it insofar as possible. The spirit of compromise and consensus which undergirds our entire system of government has guided the nation toward a solution to this problem as it has for problems in the past.

The following Articles in the universal declaration of human rights apply to this topic area:

Article 1

all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs, whether it be

Independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 4

no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 7

all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any

discrimination in violation of this declaration and against any incitement to such discrimination.

Article 12

no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 16

men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.