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Civil Rights Bill H.R. 7152

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I have asked Congressman William N. McCulloch, Representative to Congress, 4th District, Ohio, to prepare a summary of the Civil Rights Bill, H. R. 7152.

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Here is what the House passed Civil Rights Bill, now pending before the Senate, does and does not do.

** EDUCATION **

The Bill does not permit the Federal Government to transfer students among schools to create "racial balancing".

The Bill does not permit the Federal Government to dictate to schools or teachers as to what they must teach.

The Bill does not permit the Federal Government to force religious schools to hire teachers they do not want.

The Bill does not permit the Federal Government to interfere with the course content or day-to-day operations of public or private schools.

The Bill does not permit the Federal Government to interfere with the job or seniority rights of school teachers.

The Bill does authorize the Attorney General to bring civil suits to desegregate public schools where individuals citizens are too poor or are afraid to bring their own suits.

Only at and after the request of a school board, the Bill would authorize the Commissioner of Education to furnish limited technical and financial assistance to those public schools which need assistance in desegregating.

** HOUSING **

The Bill does not permit the Federal Government to tell any home or apartment owner or real estate operator to whom he must sell, rent, lease, or otherwise use his real estate.

** BANK LOANS **

The Bill does not permit the Federal Government to tell a bank, savings and loan company or other such financial institution to whom it may or may not make a loan.
EMPLOYMENT AND UNIONS

The Bill does not permit the Federal Government to interfere with the day-to-day operations of a business or labor organization.

The Bill does not permit the Federal Government to require an employer or union to hire or accept for membership a quota of employees from any particular minority group.

The Bill does not permit the Federal Government to destroy the job seniority rights of either union or non-union employees.

The Bill does authorize a bi-partisan commission to investigate charges that an employer has refused to hire or that a union has refused to accept for membership an individual solely because of his race, sex, color, religion or national origin. If the Commission cannot dispose of the charge through the voluntary cooperation of the employer or union, the Commission must either drop the charge or bring a civil suit in a United States district court. In court the Commission must prove its charge by a preponderance of the evidence.

This authority is weaker than that granted to 25 State Commissions under State law. And, where a State Commission is doing its job, the Federal Commission may not interfere.

FARMERS

The Bill does not permit the Federal Government to interfere with a farmer's operation of his farm.

The Bill does not permit the Federal Government to impose minority quotas upon a farmer's farmhands or tenants.

The Bill does not permit the Federal Government to interfere with membership in farm organizations.

The Bill only requires that a farmer, having 25 or more employees, may not refuse to hire an employee solely because of the color of his skin or his religion.

SOCIAL SECURITY AND VETERANS BENEFITS

The Bill does not permit the Federal Government to deny or interfere with an individual's right to receive social security or veteran's benefits.

VOTING

The Bill neither authorizes nor permits the Federal Government to interfere in a State's right to fix voter qualifications.

The Bill does not permit the Federal Government to practice "judge shopping", or otherwise interfere with the local Federal judiciary.
STATEMENT BY SENATOR MIKE MANSFIELD

A BRIEF ANALYSIS OF H.R. 7152 AND MONTANA LAW

TITLE I -- VOTING

No discrimination practiced in any election in Montana.
No literacy test required. Election judges allowed to assist illiterates in certain specified cases.

(Title I would have no effect in Montana)

TITLE II -- PUBLIC ACCOMMODATIONS

Section 64-211 -- Revised Montana Code 1947 -- DISCRIMINATION ON GROUNDS OF RACE, COLOR, OR CREED IN PLACES OF PUBLIC ACCOMMODATION OR AMUSEMENT PROHIBITED. No person, partnership, corporation, association or organization owning or managing any place of public accommodation or amusement shall discriminate against any person or group of persons solely on the ground of race, color or creed.

Section 94-35-104 -- Revised Montana Code 1947 -- INNKEEPERS AND CARRIERS REFUSING TO RECEIVE GUESTS. Every person, and every agent or officer of any corporation carrying on business as an innkeeper, or as a common carrier of passengers, who refuses, without just cause or excuse, to receive and entertain any guest, or to receive or entertain any passenger, is guilty of a misdemeanor.

(Title II, therefore, would not apply to Montana as Montana law has precedence.)
TITLE III -- PUBLIC FACILITIES

No applicable legislation in Montana, however, there is no such discrimination practiced in the State.

(Title III, therefore, would have no effect in Montana.)

TITLE IV -- EDUCATION

No applicable legislation in Montana, however, there is no such discrimination practiced in the State.

(Title IV, therefore, would have no effect in Montana.)

TITLE V -- CIVIL RIGHTS COMMISSION

No applicable legislation.

TITLE VI -- FEDERALLY ASSISTED PROGRAMS

No applicable legislation in Montana, however, there is no such discrimination practiced in the State.

(Title VI, therefore, would have no effect in Montana.)

Montana law does provide that State contracts for public works shall be awarded only to a "responsible bidder".

TITLE VII -- FAIR EMPLOYMENT

No applicable legislation in Montana.

TITLE IX -- APPEAL PROCEDURE

Not applicable.

TITLE X -- COMMUNITY RELATIONS SERVICE

No applicable legislation in Montana.

TITLE XI -- MISCELLANEOUS
The Bill does provide limited procedural safeguards to assure that citizens are not denied the right to vote because of their race, color, religion, or national origin.

HOTELS AND RESTAURANTS

The Bill does not permit the Federal Government to tell general retail establishments, bars, private clubs, country clubs or service establishments whom they must serve.

The Bill does not permit the Federal Government to interfere with or destroy the private property rights of individual businessmen.

The Bill does not permit the Federal Government to tell a lawyer, doctor, banker or other professional man whom he must serve.

The Bill does not permit the Federal Government to tell a barber-shop or beauty-shop owner whom he must serve, except that such establishment, if located in a hotel, must serve all patrons of that hotel.

All the Bill does is to require that the owners of places of lodging (having 5 or more rooms for rent), eating establishments, gasoline stations, and places of entertainment are to serve all customers who are well-behaved and who are able to pay.

This requirement is weaker than the public accommodation laws of 32 States. And, where these States properly enforce their laws, there is no reason for the Federal Government to interfere.

RIGHT TO JURY TRIAL

The Civil Rights Bill contains no primary criminal penalties. Only civil actions are authorized, to prevent an individual from continuing to violate provisions of the bill. Historically and according to the Constitution, jury trials are not authorized in these types of cases. The laws of the 50 States are the same in this regard.

FREEDOM OF THE PRESS AND FREEDOM OF SPEECH

The Bill does not permit the Federal Government in any way to interfere with freedom of the press and freedom of speech.

GRANT OF DICTATORIAL POWERS TO FEDERAL GOVERNMENT

A majority of the States have enacted legislation which is as strong or stronger than the major provisions of the Civil Rights Bill. Nothing in the Bill interferes with the effective enforcement of these State laws. And, where these laws are being effectively enforced, there is no reason for the Federal Government to interfere in State's Rights.
In each title of the Bill, effective administrative and judicial safeguards are provided. Federal officials are granted no final authority to withhold Federal financial assistance or impose penalties upon citizens. Every citizen is guaranteed his day in court with all the judicial safeguards that the Bill of Rights guarantees.

STATE CIVIL RIGHTS LAWS

A majority of States have strong civil rights legislation which is effectively enforced. The Federal Civil Rights Bill specifically provides that the Federal law will in no way interfere with the right of those States to continue enforcing their laws. And, where the States do so, the Federal Government will have no cause to enforce the Federal Civil Rights Law in those States. Thus, for the Americans who do not discriminate against their fellow citizens, the Federal Civil Rights Bill will have no effect on their daily lives.