

THE ADMINISTRATION AND CIVIL RIGHTS LEGISLATION

President Eisenhower, in his 1957 State of the Union Message reemphasized that we in this nation have much reason to be gratified at the progress our people are making in mutual understanding.

He reiterated that we are steadily moving closer to the goal of fair and equal treatment of all citizens without regard to race or color. The President observed, however, that "unhappily, much remains to be done." As a substantial step toward achieving this goal he urged passage of the following:

- I. Creation of a bipartisan commission to investigate asserted violations of law in the field of civil rights, especially involving the right to vote, and to make recommendations;
- II. Creation of a civil rights division in the Department of Justice in charge of a Presidentially appointed Assistant Attorney General;
- III. Enactment by the Congress of new laws to aid in the enforcement of voting rights;
- IV. Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil rights cases.



I. CIVIL RIGHTS COMMISSIONS - In recommending originally in 1956 the creation of a bipartisan civil rights commission, President Eisenhower said: "It is disturbing that in some localities allegations persist that Negro citizens are being deprived of their right to vote and are likewise being subjected to unwarranted economic pressures. I recommend that the substance of these charges be thoroughly examined by a bipartisan commission created by the Congress."

Above and beyond the need for improving the legal remedies for dealing with specific civil rights violations is the need for greater knowledge and understanding of all of the complex problems involved. The bipartisan Executive Commission would be a temporary body designed to obtain information and not a continuing agency.

II. CIVIL RIGHTS DIVISION IN THE DEPARTMENT OF JUSTICE - At present the Civil Rights Section of the Department of Justice is one of a number of sections located within the Criminal Division. The protection of civil rights guaranteed by the Constitution is a governmental responsibility of first importance. More emphasis should be on civil law remedies, and the civil rights enforcement activities of the Department of Justice should not, therefore, be confined to the Criminal Division.

III. AMENDMENTS TO GIVE GREATER PROTECTION TO THE RIGHT TO VOTE AND TO PROVIDE CIVIL REMEDIES IN THE DEPARTMENT OF JUSTICE FOR THEIR ENFORCEMENT - The right to vote is the one right, perhaps more than any other, upon which all other constitutional rights depend for their effective protection.

The major defect has been the failure of Congress thus far to specifically authorize the Attorney General to invoke civil powers and remedies to supplement the existing authority for Federal criminal prosecution. Criminal prosecutions of course cannot be instituted until after the harm actually has been done. Yet no amount of criminal punishment can rectify the harm which the national interest suffers when citizens are illegally kept from the polls. What is needed is to lodge power in the Department of Justice to proceed in civil suits in which the problem can often be solved in advance of the election.

The proposed legislation would: (1) Prevent anyone from threatening, intimidating, or coercing an individual in the exercise of his right to vote in any election for federal office. (2) Authorize the Attorney General to bring injunction or other civil proceedings on behalf of the United States or an aggrieved person. (3) Eliminate the requirement that all state administrative and judicial remedies must be exhausted before access can be had to the federal court.

IV. AMENDMENT OF OTHER CIVIL RIGHTS LAWS TO INCLUDE THE ADDITION OF CIVIL REMEDIES FOR THEIR ENFORCEMENT - In attempting to achieve the constitutional goal of the observance of the civil rights, the Administration feels that it has been a mistake for the Congress to have relied so heavily upon the criminal law and to have made so little use of the more flexible and often more effective processes of the civil courts. Just as in the voting field (III above) the Attorney General can now prosecute after violations of the civil rights laws have occurred. However, he cannot seek preventive relief in the courts when violations are threatened or persistently repeated.

Congress could authorize the Attorney General to seek civil remedies in the civil courts for the enforcement of civil rights by a simple amendment. Existing statute authorizes civil suits by private persons who are injured by acts done in furtherance of a conspiracy to do any of the following things: (1) To prevent officers from performing their duties; (2) to obstruct justice; (3) to deprive persons of their rights to the equal protection of the laws and equal privileges under the laws.

A subsection could be added to that statute to give authority to the Attorney General to institute a civil action for redress or preventive relief whenever any persons have engaged or are about to engage in acts which would give rise to a cause of action under the present provisions of the law. Such an amendment would provide a procedure for enforcement of civil rights which would be simpler and more effective than the criminal sanctions which are the only remedy now available.

