

September 6, 1957

ANALYSIS OF H. R. 6127, AS PASSED BY CONGRESS

PART I

This part establishes a six member, bi-partisan Commission on Civil Rights, to be appointed by the President with the advice and consent of the Senate.

Procedural rules are established for the operation of the Commission.

The Commission is authorized:

1. To investigate written allegations under oath of deprivations of voting rights because of race, color, religion, or national origin.
2. To study and collect information on legal developments constituting a denial of equal protection of the laws.
3. To appraise the laws and policies of the Federal Government with respect to equal protection of the laws.

The Commission shall report to the President and Congress. Its final reports shall be submitted not later than two years from the date of passage of the Act. It shall cease to exist sixty days thereafter.

The Commission will have a full time staff director, appointed with the advice and consent of the Senate.

It will not be allowed to accept volunteer or uncompensated help.

The Commission will have the right to issue subpoenas for the attendance of witnesses, but such subpoenas shall not require the witness to attend a hearing outside the state where the subpoena is served.

PART II

This part provides for an additional Assistant Attorney General. Although not required by the bill, the Attorney General has promised to assign him a new Civil Rights Division.

### PART III

This repeals 42 U. S. C. 1993, which authorizes the use of military forces to enforce civil rights statutes.

Under other existing laws, however, the President has the power to use troops if necessary to enforce the laws. He is authorized to call on the U. S. Armed Forces or to Federalize the national guard if it is impractical to enforce the laws by the ordinary course of judicial proceedings (10 U. S. C. 332) or if the execution of the laws is so hindered as to deny Constitutional rights and State authorities fail or refuse to protect such rights (10 U. S. C. 333).

Because of legal technicalities in Part III, additional comment will be made on it in another report.

### PART IV

Perhaps the most dramatic illustration of why Part IV is needed comes from the State of Louisiana.

On page 33 of the printed NAACP Annual Report for 1956, this statement appears:

"The (Washington) Bureau was notified on April 22 (1956) that members of the Louisiana White Citizens Councils were engaged in a campaign to purge colored voters from the books in Monroe, La. This matter was presented to the Department of Justice on April 23. Although the Justice Department began an investigation, the purge continued and apparently had an adverse effect on municipal elections held in Monroe on May 22. Warren Olney, III, Assistant Attorney General in Charge of the Criminal Division of the Justice Department, testified on Oct. 10 before the Senate Subcommittee on Privileges and Elections that more than 3,000 voters had been taken illegally off the rolls in Ouachita Parish, where Monroe is located. On Dec. 18, the Jackson, Miss., Daily News reported that 11,000 Negro voters had been taken off the rolls in northern Louisiana."

Effective enforcement of Part IV of this bill will correct discrimination of this kind.

Under this part of the bill, the Attorney General is authorized to seek injunction to: (1) prevent the denials of the right to vote in any election because of race or color and (2) prevent intimidation or coercion interfering with the right to vote in an election involving candidates for Federal Office.

This action can be instituted without the necessity of exhausting legal or administrative remedies provided by State law.

This means that the Attorney General would not be required to go into State court or appeal through State administrative agencies, but could apply directly to a Federal court for the injunction.

Anyone charged with contempt under this part shall have counsel assigned by the court if he cannot secure counsel.

## PART V

This part regulates cases of criminal contempt arising under the provisions of the bill.

It limits the punishment in such cases, if the defendant is a natural person, to \$1,000.00 fine or six months imprisonment.

It grants the judge the right, in his discretion, to order a jury trial.

If such a case is tried without a jury and a fine in excess of \$300.00 or imprisonment in excess of forty-five days is imposed, the accused has the right to demand a new trial before a jury.

It is specifically provided that the civil contempt power of the courts shall not be affected by this bill. Accordingly, the courts can force compliance to their decrees by fines or imprisonment without the limitations provided under criminal contempt and without a jury trial.

This part also amends Federal law relating to jury selection by repealing that section of existing law which makes ineligible for jury duty anyone ineligible under State law.