Civil Rights Bill Does Not Require Open Occupancy

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CIVIL RIGHTS BILL DOES NOT REQUIRE OPEN OCCUPANCY

By CAROL HEBOLD

The highly controversial Civil Rights Bill, a complex piece of legislation currently before the Senate, seems to be the object of some public misunderstanding. Clarified in the Congressional Record, the bill, as passed by the House of Representatives, does not require, reward or encourage "open occupancy" in private housing, the transfer of students away from their neighborhood schools to create racial balance, or the imposition of racial quotas or preferences in either private or public employment of individuals. Nor does the bill provide for primary, criminal penalties, but it authorizes the Federal courts to issue civil orders preventing acts of discrimination which violate the bill.

Title I, which concerns voting, establishes procedural safeguards which preclude the denial of the right to vote on racial grounds: a State must maintain uniform standards, practices, and/or procedures to citizens seeking to vote; a State may not reject a voter applicant who commits an error on a voter application form which error is immaterial to the voter's qualification to vote; a State must employ a written literacy test, where such a test is given, since in some States the use of oral tests has become a convenient subterfuge for promoting racial discrimination; and the presumption is established that an individual is literate to vote if he has completed the sixth grade of school.

Title II forbids discrimination in certain categories of public accommodation—places of lodging (except proprietor-occupied lodging houses having 5 rooms or less), eating establishments, places of entertainment, and gasoline stations. In addition, other businesses physically located within one of the above categories must hold themselves up to entire public patronage. A barber shop located within a hotel is a fair example since in most situations the business of the barber shop depends on the guests of the hotel.

The constitutional support for the public accommodation title rests upon the commerce clause and the 14th Amendment. The commerce clause provides that businesses such as a motel or hotel which provide for transient patrons as well as state residents cannot practice discrimination. Restaurants, hotels, and gasoline stations regularly serve travelers or utilize goods in major part that travel in interstate commerce. Theaters and other places of entertainment regularly present films or performers that move in interstate commerce. Economically, it has been noted that widespread segregation of public accommodation in the South has curtailed interstate travel and the normal expansion of interstate trade.

Title III authorizes the Attorney General to institute civil actions to desegregate public facilities such as parks and playgrounds.

The Constitution prohibits governmental owned, operated, or managed facilities to be segregated by reason of race or color. Title III also permits the Attorney General to intervene in civil cases instituted by private citizens who claim that they are being denied the equal protection of the law, guaranteed by the Constitution.

Under normal circumstances it is the responsibility of the state or local government to guarantee an individual equal protection of the law, but since in some localities the very issue is that of the state or local government's denial of civil rights, the Federal Government must undertake this duty.

Title IV of the Civil Rights Bill provides that the Attorney General may institute civil action to desegregate public schools or colleges. Also the Commission of Education is authorized to bring suit to enforce education laws. Title IV also authorizes the Attorney General to undertake action to enforce the provisions of Title V.

Title V permits the Attorney General to bring suit to enforce the provisions of Title VI which establishes a Civil Rights Commission. Title VI authorizes the Attorney General to institute action against any public accommodations which are discriminatory, and authorizes it to look into the practices of vote fraud, as well as denial of voter rights because of race.

Under Title VI of the Civil Rights Bill, the Federal Government is given authority to order the transfer of students away from their neighborhood schools to create racial balance, or the imposition of racial quotas or preferences in either public or private employment of individuals. Nor does the bill provide for primary, criminal penalties, but it authorizes the Federal courts to issue civil orders preventing acts of discrimination which violate the bill.

Title VI of the Civil Rights Bill also permits the Attorney General to institute civil actions to desegregate public facilities such as parks and playgrounds.

Title VII authorizes the Attorney General to institute civil actions to desegregate public facilities such as parks and playgrounds.

Title VIII commands the Federal Government to preserve the integrity of the Civil Rights Bill by exercising all of the powers granted to it by the bill. Title VIII also provides that if the Civil Rights Commission finds that a State or local government is in violation of the provisions of the bill, it may bring suit in Federal District Court to enjoin the State or local government from engaging in any discriminatory act.

Title IX of the Civil Rights Bill authorizes the Federal Government to establish a Civil Rights Commission to investigate and report on the conditions of race discrimination in public accommodations, and to make recommendations for the elimination of discrimination.

Title X establishes a Community Relations Service to assist local communities in resolving disputes and disagreements relating to racial discrimination.

Title XI authorizes the Federal Government to appropriate the funds necessary to carry out the provisions of the act. This title also provides that the Civil Rights Bill shall not interfere with or nullify State or local civil rights laws.