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CIVIL RIGHTS COMMISSION

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

JUNE 16, 1972

Printed for the use of the Committee on the Judiciary



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CONTENTS

OPENING STATEMENT

	Page.
Ervin, Hon. Sam J., Jr., a U.S. Senator from the State of North Carolina, chairman, Subcommittee on Constitutional Rights.....	1, 8

TESTIMONY

Hesburgh, Rev. Theodore M., C.S.C., Chairman, U.S. Commission on Civil Rights; accompanied by Mrs. Frankie M. Freeman, Commissioner, Robert Rankin, Commissioner, John Powell, General Counsel, and John A. Briggs, Acting Staff Director.....	10
Shriver, Lucille H., director, Business and Professional Women's Clubs of the United States; accompanied by Mrs. Judy Wiebe, Legislation Director	30

STATEMENTS SUBMITTED FOR THE RECORD

American Civil Liberties Union, Washington, D.C. Office, Hope Eastman, acting director.....	34
Boggs, Hon. J. Caleb, a U.S. Senator from the State of Delaware.....	36
Hart, Hon. Philip A., a U.S. Senator from the State of Michigan.....	28
League of Women Voters of the United States.....	37
Scott, Hon. Hugh, a U.S. Senator from the State of Pennsylvania.....	38
Women's Equity Action League, Norma Raffel, president.....	38

PROPOSED LEGISLATION

S. 3121, a bill to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; introduced by Senator Philip A. Hart, 92d Congress, second session.....	2
H.R. 12652, an act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; 92d Congress, second session.....	5

SUPPLEMENTAL MATERIAL

Subcommittee on Constitutional Rights, Judiciary Committee, U.S. Senate, questionnaire to the Commission on Civil Rights, March 13, 1972.....	40
Commission on Civil Rights, Jonathan W. Fleming, Special Assistant to the Staff Director, response to subcommittee inquiry, letter of May 23, 1972; with attachments.....	40
Estimated expenditure for specific minorities, June 22, 1972.....	24
Duluth Business and Professional Women's Club, Margaret A. Normandy, chairman, letter of June 12, 1972.....	55
Interstate Association of Commissions on the Status of Women, Joy R. Simonson, president, letter of June 27, 1972.....	55
Leadership Conference on Civil Rights, Roy Wilkens, chairman, letter of June 14, 1972.....	56
Pennsylvania Commission on the Status of Women, Arline Lotman, executive director, letter of June 15, 1972.....	56

CIVIL RIGHTS COMMISSION

FRIDAY, JUNE 16, 1972

U.S. SENATE,
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:55 a.m., in room 2228, New Senate Office Building, Senator Sam J. Ervin, Jr., chairman, presiding.

Present: Senator Ervin.

Also present: Lawrence M. Baskir, chief counsel and staff director, and Britt Snider, counsel.

Senator ERVIN. We will now take up the hearings on S. 3121 and H.R. 12652.

At this time, the Subcommittee on Constitutional Rights will begin its consideration of two almost identical bills, S. 3121 and H.R. 12652, which extend the life of the Civil Rights Commission for 5 years, expand its jurisdiction to include matters of sex discrimination, and provide for its authorization. The bills differ only in that S. 3121 contains an open-ended authorization provision which would effectively eliminate any opportunity for legislative oversight, while H.R. 12652 provides an exceedingly generous \$6.5 million for the Commission in fiscal year 1973 and \$8.5 million in fiscal year 1974 and the succeeding 3 fiscal years.

The text of the bills will be printed in the hearing record.

(S. 3121 and H.R. 12652 follows:)

92^D CONGRESS
2^D SESSION

S. 3121

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1972

Mr. HART (for himself, Mr. BAYH, Mr. BOGGS, Mr. COOK, Mr. DOMINICK, Mr. GRIFFIN, Mr. HARRIS, Mr. HRUSKA, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MATILAS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mr. STAFFORD, Mr. STEVENS, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SEC. 2. Section 102 (j) of the Civil Rights Act of 1957
4 (42 U.S.C. 1975a (j) ; 71 Stat. 634), as amended, is further
5 amended by striking therefrom the first and second sentences
6 and substituting therefor the following: "A witness attending
7 any session of the Commission shall be paid the same fees

1 and mileage that are paid witnesses in the courts of the
2 United States.”

3 SEC. 3. Section 103 (a) of the Civil Rights Act of 1957
4 (42 U.S.C. 1975b (a) ; 71 Stat. 635) , as amended, is further
5 amended by striking therefrom “the sum of \$100 per day
6 for each day spent in the work of the Commission,” and
7 substituting therefor “a sum equivalent to the compensation
8 paid at level IV of the Federal Executive Salary Schedule,
9 pursuant to section 5315 of title 5, United States Code, pro-
10 rated on a daily basis for each day spent in the work of the
11 Commission.”

12 SEC. 4. Paragraph (1) of subsection (a) of section 104
13 of the Civil Rights Act of 1957 (42 U.S.C. 1975c (a) ; 71
14 Stat. 635) , as amended, is further amended by inserting im-
15 mediately after “religion.” the following: “sex,” and para-
16 graphs (2) , (3) , and (4) of subsection (a) of such section
17 104 are each amended by inserting immediately after “reli-
18 gion.” the following: “sex”.

19 SEC. 5. Section 104 (b) of the Civil Rights Act of 1957
20 (42 U.S.C. 1975c (b) ; 71 Stat. 635) , as amended, is further
21 amended by striking therefrom “January 31, 1973” and sub-
22 stituting therefor “the last day of fiscal year 1978.”

23 SEC. 6. Section 105 of the Civil Rights Act of 1957 (42
24 U.S.C. 1975d; 71 Stat. 636) , as amended, is further
25 amended as follows:

1 In section 105 (a) by striking out in the last sentence
2 thereof “as authorized by section 15 of the Act of August 2,
3 1946 (60 Stat. 810; 5 U.S.C. 55a) , but at rates for individ-
4 uals not in excess of \$100 per diem,” and substituting there-
5 for “as authorized by section 3109 of title 5, United States
6 Code, but at rates for individuals not in excess of the daily
7 equivalent paid for positions at the maximum rate for GS-15
8 of the General Schedule under section 5332 of title 5, United
9 States Code”.

10 SEC. 7. Section 106 of the Civil Rights Act of 1957 (42
11 U.S.C. 1975e; 71 Stat. 636) , as amended, is further
12 amended to read as follows:

13 “SEC. 106. There are hereby authorized to be appropri-
14 ated, such sums as are necessary to carry out the provisions of
15 this Act.”

92^D CONGRESS
2^D SESSION

H. R. 12652

IN THE SENATE OF THE UNITED STATES

MAY 2, 1972

Read twice and referred to the Committee on the Judiciary

AN ACT

To extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That section 102 (j) of the Civil Rights Act of 1957 (42
 4 U.S.C. 1975a (j) ; 71 Stat. 635), as amended, is further
 5 amended by striking therefrom the first and second sentences
 6 and substituting therefor the following: "A witness attending
 7 any session of the Commission shall be paid the same fees
 8 and mileage" that are paid witnesses in the courts of the
 9 United States."

II

1 SEC. 2. Section 103 (a) of the Civil Rights Act of 1957
2 (42 U.S.C. 1975b (a) ; 71 Stat. 635), as amended, is fur-
3 ther amended by striking therefrom “the sum of \$100 per
4 day for each day spent in the work of the Commission,” and
5 substituting therefor “a sum equivalent to the compensation
6 paid at level IV of the Federal Executive Salary Schedule,
7 pursuant to section 5315 of title 5, United States Code, pro-
8 rated on a daily basis for each day spent in the work of the
9 Commission,”.

10 SEC. 3. Paragraph (1) of subsection (a) of section 104
11 of the Civil Rights Act of 1957 (42 U.S.C. 1975c (a) ; 71
12 Stat. 635), as amended, is further amended by inserting
13 immediately after “religion,” the following: “sex,” and
14 paragraphs (2), (3), and (4) of subsection (a) of such
15 section 104 are each amended by inserting immediately after
16 “religion” the following: “, sex”.

17 SEC. 4. Section 104 (b) of the Civil Rights Act of 1957
18 (42 U.S.C. 1975c (b) ; 71 Stat. 635), as amended, is fur-
19 ther amended by striking therefrom “January 31, 1973” and
20 substituting therefor “the last day of fiscal year 1978”.

21 SEC. 5. Section 105 of the Civil Rights Act of 1957
22 (42 U.S.C. 1975d; 71 Stat. 636), as amended, is further
23 amended as follows:

24 In section 105 (a) by striking out in the last sentence
25 thereof “as authorized by section 15 of the Act of August 2,

1 1946 (60 Stat. 810; 5 U.S.C. 55a), but at rates for indi-
2 viduals not in excess of \$100 per diem," and substituting
3 therefor "as authorized by section 3109 of title 5, United
4 States Code, but at rates for individuals not in excess of the
5 daily equivalent paid for positions at the maximum rate for
6 GS-15 of the General Schedule under section 5332 of title
7 5, United States Code".

8 SEC. 6. Section 106 of the Civil Rights Act of 1957
9 (42 U.S.C. 1975e; 71 Stat. 636), as amended, is further
10 amended to read as follows:

11 "SEC. 106. For the purposes of carrying out this Act,
12 there is authorized to be appropriated for the fiscal year
13 ending June 30, 1973, the sum of \$6,500,000, and for each
14 fiscal year thereafter through June 30, 1978, the sum of
15 \$8,500,000."

Passed the House of Representatives May 1, 1972.

Attest:

W. PAT JENNINGS,
Clerk.

Senator ERVIN. In 1957, over my opposition, the Civil Rights Commission came into being. Its objectives were to assess the laws and policies of the Federal Government in regard to denials of equal protection under the law, to report its findings and recommendations to the President within 2 years, and then disappear. It is now 1972, that particular report has never been made, and the Commission is here again asking for large sums of public money and yet another extension.

Congress has extended the life of the Commission five times since its inception in 1957. Its permanent staff has grown from 87 in 1959 to 176 in 1972. An additional 40 permanent positions have been requested for fiscal year 1973, and no one knows how many employees it will have by 1978. Amounts appropriated for the work of the Commission have swelled from an original appropriation of \$777,000 in 1959 to almost \$4 million in fiscal year 1972. It is interesting to observe that when the Commission was subject to 1- or 2-year extensions, as they were prior to 1964, increases in appropriations and staff were kept under control. But, as the extensions have become longer, the appropriations and staff have risen in dramatic proportion. The whole experience illustrates the proposition that the longer an agency stays in existence, and the further it gets from congressional review, the more deeply entrenched it becomes and the more extravagant with money. There is nothing more permanent than a temporary Government agency.

We are now being asked to extend the Commission for another 5 years which, if done, means that an agency whose demise was expected by 1959 will live to be over 20 years old and presumably even longer.

I do not say that there is no problem with constitutional rights or that it is no longer necessary to insure that such rights receive the safeguards of the law. On the contrary, there will always be such a need. I am saying that this should not necessitate the indefinite existence of the Commission at even greater sums of money.

I objected to the establishment of the Civil Rights Commission in 1957 and I object to its extension now because it duplicates the activities of other Government agencies charged with investigating and enforcing civil rights statutes and Executive orders dealing with discrimination under the law. The Commission itself has no power to resolve complaints it receives. It must refer them to appropriate agencies for enforcement. The Commission can only conduct studies and make recommendations.

Given the limited nature of what the Commission can do and the modest nature of its contributions, it is with some skepticism that I view the proposal to extend further the ambit of the Commission's jurisdiction to a special area of equal protection—that of sex discrimination.

Here, in particular, there already exists a considerable bureaucratic framework to investigate and put an end to governmental and private practices which discriminate on the basis of sex. The Equal Employment Opportunity Commission is charged under Title VII of the 1964 Civil Rights Act with enforcing the prohibitions against sex discrimination by employers, labor unions, employment agencies, and apprentice programs. The Civil Service Commission enforces Executive Order 11246 which prohibits sex discrimination in Federal employment. The Labor Department enforces the same order with regard to

Government contracts, and enforces the provisions of the Equal Pay Act of 1963. It also has a Women's Bureau which collects information concerning the economic and educational status of women. HEW, HUD, and the Office of Education are also involved with investigating sex discrimination in the governmental programs they administer. And, of course, the Justice Department is charged with bringing suit to enforce the laws which these agencies are implementing.

Finally, if the equal rights amendment to the Constitution is ratified by the States, any person in America may go into court to challenge sexually discriminating laws or practices as a violation of his or her constitutional rights.

But we are told we need still more. We are told that we need to expand the jurisdiction of the Civil Rights Commission to make more studies, more reports, and more recommendations on the question of sex discrimination.

I wonder myself if the Commission's present jurisdiction to investigate denials of equal protection to members of racial, ethnic, and religious minorities is not broad enough to include discriminatory practices against minority women. The Commission says it has already done some work in this area. If so, how much will be added by this new grant of jurisdiction? In light of the mammoth costs projected by the Commission, and the work the Commission says it has yet to do in the areas of its present jurisdiction, perhaps there is a danger that these new responsibilities it seeks will seriously interfere with its performance of existing ones. When I consider the continuing plight of American Indians, which the Commission has just recently begun to notice, I find it hard to believe that more than 25 percent of its funds must be directed to problems of non-minority women.

In fiscal year 1972, appropriations for the Commission totalled \$3,770,000. Out of this, the Commission investigated denials of the rights of black Americans, Puerto Ricans, Chicanos, American Indians, and presumably other ethnic and religious minorities. It now asks for \$1 million in fiscal year 1973 and \$2.25 million for fiscal years 1974-78 to be spent solely on sex discrimination. Based on what is spent protecting the rights of other minority groups, these figures are either grossly inflated or clearly disproportionate.

Looking at the total authorizations called for in H.R. 12652, the figure of \$6.5 million for fiscal year 1973 is a 62 percent increase over the ceiling established for fiscal year 1972. The \$8.5 million called for in the succeeding 4 fiscal years represents an increase of 112 percent over fiscal year 1972. All told, the cost of the Civil Rights Commission for fiscal years 1973-78 would be, by the Commission's own estimates, \$40.5 million. It is rather startling that the total amount of appropriations for the Commission to date, from its creation in 1957 to the present, has been a little over \$27 million. Thus, the Commission is asking the Congress to authorize \$13 million more over the next 5 years than what has been spent for the work of the Commission for the last 15.

This vast, uncalled-for expenditure strikes me as the most objectionable provision of H.R. 12652. It cannot be justified by the inclusion of sex discrimination in the Commission's jurisdiction by any stretch of the imagination. On the contrary, the monetary limits within which the Commission has worked in the past indicate the extravagant na-

ture of the estimate. Even without the inclusion of sex discrimination and the costs of H.R. 12652, the Commission is seeking an increase of over \$800,000 for its work in fiscal year 1973—itsself a substantial increase over its appropriation of \$3,770,000 in fiscal year 1972.

All this comes at a time, I might add, when the Federal budget deficit has reached \$39 billion and predictions are that it will continue to worsen. To be sure, some increase in costs might be expected, but quantum leaps having as little justification as this one are both unwise and inconsistent with the "belt-tightening" in evidence in other Federal agencies.

I do not feel that the open-ended authorization found in S. 3121 is any solution to the problem either. The Commission, in the first 10 years of its existence, operated under such a provision and the result was a mushrooming program accompanied by mushrooming costs. Given the apparent bent of the Commission now, I fear we may experience the same mushrooming effect in greater proportions with even less justification if the matter of appropriations were left between the Commission and the Office of Management and Budget.

If the Commission is to remain with us, it is my feeling that the Congress should limit its appropriations to an amount reasonably calculated to allow the Commission to perform the functions for which it was established. We have only the past and a little commonsense to rely on. And it seems to me that the authorizations asked for in H.R. 12652 fail on both counts.

It is a matter I hope the subcommittee and our witnesses will devote some time to today.

Will counsel call the first witness?

Mr. BASKIR. Mr. Chairman, our first witness this morning is Rev. Theodore M. Hesburgh, Chairman, Civil Rights Commission.

He is accompanied by Mrs. Frankie Freeman, also a member of the Civil Rights Commission.

Senator ERVIN. And Mr. Rankin.

Mr. POWELL. And John Powell, General Counsel of the Commission.

Senator ERVIN. I welcome you all to the subcommittee, and we will be glad to hear you in any order which you care to present your views.

STATEMENT OF REV. THEODORE M. HESBURGH, C.S.C., CHAIRMAN, CIVIL RIGHTS COMMISSION, ACCOMPANIED BY MRS. FRANKIE M. FREEMAN, COMMISSIONER; ROBERT RANKIN, COMMISSIONER; JOHN POWELL, GENERAL COUNSEL; AND JOHN A. BUGGS, ACTING STAFF DIRECTOR, CIVIL RIGHTS COMMISSION

Reverend HESBURGH. Senator Ervin, Mr. Chairman, and members of the committee and Subcommittee on Constitutional Rights, I am Theodore M. Hesburgh, Chairman of the U.S. Commission on Civil Rights. I wish to thank you for this opportunity to testify on S. 3121 and H.R. 12652, legislation to extend the life of the Commission on Civil Rights, expand its jurisdiction to include sex discrimination and to authorize appropriations for the Commission. With me today are my fellow Commissioners, Mrs. Frankie M. Freeman, of St. Louis, and Robert Rankin, professor emeritus of political science, Duke University.

We also have our acting staff director, Mr. John Buggs, and our General Counsel, Mr. John Powell.

I share with Dr. Rankin the privilege of having served on the Commission under four Presidents. This results, in part, from the recognition of Congress and of every President since 1957 that the critical domestic problems of civil rights require approaches above political partisanship. Above all, Congress recognized in enacting Title I of the Civil Rights Act of 1957 that the monitor of federal civil rights policy should neither be a creature of the executive nor of the legislative branch, but should be equally responsible to both. Therefore, we report to both the executive and legislative branches and we are nonpartisan.

Since the establishment of the Commission in 1957 we have seen a proliferation of study commissions of various kinds—each responsible for reporting on some issue of national importance. We share some of the traits of such commissions. We, like they, were created as a substitute response to critical domestic problems. We enforce no laws. We cannot redress individual grievances, no matter how serious. Our power, in short, is extremely limited.

Although the Commission on Civil Rights is similar to other study groups in many ways, we are unique in other ways.

First, the Commission on Civil Rights, as I have mentioned, reports to both the executive and legislative branches. Most study commissions report only to the President.

A second unique feature of the Commission on Civil Rights is the broadness of its mandate. Other study commissions have tended to have specific, often narrow mandates. The mandate of the Commission on Civil Rights, however, extends to the limits of the equal protection clause of the Constitution with respect to invidious distinctions based on race, color, religion or national origin. This gives the Commission considerable latitude for moving into problem areas that need exploring. Moreover, the Commission does not have to wait for a specific request in order to move, although such requests always are welcome. The Commission can, and does, schedule its activities on the basis of its experience and its knowledge of what most urgently needs attention in the field of civil rights.

A third unique feature of the Commission on Civil Rights is its continuing existence. This continuity has enabled the Commission to follow up on its findings and recommendations—a highly important function about which I shall say more.

Instead of going out of existence after publishing one report, as do many advisory and study commissions, the Commission on Civil Rights continues to operate. The Commission has been extended five times by Congress. This continuity of existence has enabled the Commission to produce a steady stream of reports and other activities directed toward the myriad civil rights problems facing the Nation. We are able to persist in seeking implementation of our recommendations. For example, we first recommended an equal employment opportunity commission with enforcement powers in 1961. Since that time we reiterated our basic recommendations, published supporting studies and focused critical attention on the Federal Government's performance in the equal employment field. This year, 11 years after our initial report on employment, legislation granting enforcement powers directly to the Equal Employment Opportunity Commission was passed.

The Commission on Civil Rights is unique among study commissions in having the active assistance of State advisory committees, which Congress authorized to be established by the Commission in each State and the District of Columbia. Our State committees have been the eyes and ears of the Commission away from Washington. Their reports have been valuable sources of information to the Commission and have had substantial effect on civil rights issues at the State and local level. We see our State committees as a vital link in developing and strengthening civil rights in the communities, on the streets, in towns and cities, and in State capitals across the land.

Our continuing existence over a period approaching 15 years has given us considerable background and expertise in the field of civil rights. And, as I have suggested, it has enabled us to go beyond making recommendations into the highly important matter of following up on recommendations to see how well they are carried out. As more laws have been enacted, our primary focus has shifted from the need for more legislation to the question of effective implementation. Our views, criticisms, and suggestions have been solicited by this subcommittee and by other committees of Congress, by the Executive, and by those agencies of Government charged with civil rights enforcement responsibilities.

Furthermore, civil rights are no longer regional issues. They truly are nationwide. The day of the sectional approach to solving civil rights problems rapidly is coming to a close. The Commission on Civil Rights has often expressed dismay over Federal approaches to civil rights which tend to limit enforcement of civil rights principally to one region or tend to give the appearance of ignoring the existence of extremely serious civil rights problems nationwide. I might point out that our 1966 "Report on Racial Isolation in the Public Schools" received a cool reception in large part because we suggested that school segregation was not solely a Southern problem but existed in every city in our land.

These shifts in emphasis to monitoring enforcement of civil rights and to treating civil rights as a national, not a regional problem, have required a commensurate expansion of staff and intensity of effort. A voting rights study conducted in five or six States is less expensive than a housing segregation study across the Nation. A study of the extent of segregated schools in the South in 1966-67 was more simple and far less expensive than a study of the educational problems of Mexican-American students or of racial isolation in the public schools nationwide. When the Commission appraised the Federal civil rights performance in 1961 only the Department of Justice and an extremely limited contract compliance operation were involved. Two years ago we undertook to assess the entire State of Federal civil rights enforcement. We reviewed over 40 departments and agencies. Our study, "The Federal Civil Rights Enforcement Effort" issued in 1970 was one of the largest and most impressive in our history. We have issued two followup reports to that study and plan others. Under the persistent prodding of our monitoring program, a number of Federal agencies, including the Office of Management and Budget have made important and significant improvements in their civil rights enforcement efforts.

Against that backdrop, Mr. Chairman, let me outline briefly some other recent activities of the Commission.

The most complete set of educational data ever collected about any American minority other than blacks is being compiled by the Commission in a study of education for Mexican Americans. Three reports already have been issued as a result of this study and three others are planned.

In recent years the Commission has been giving increasing attention to the long-neglected problems of American Indians, Puerto Ricans, and other minorities. We are opening new field offices in the Midwest—if Denver can be considered Midwest—where many American Indians reside, and issuing new publications for the purpose of dealing with the civil rights problems of that group.

I know of your special interest and concern about the problems of American Indians. The Indian bill of rights authored by you and originally reported from this Subcommittee on Constitutional Rights is a landmark contribution in this area. As you know, our clearing-house publication, the "American Indian Civil Rights Handbook," is an explanation of that act. We have been surprised to find it in extremely heavy demand from American Indians and their organizations. A simplified version for those of poor literacy is being prepared. In addition, we are exploring other means of disseminating the valuable information it contains to American Indians through the audio devices, such as tape cassettes, for replay in tribal meetings and community centers and other gatherings.

Now, I would like to review briefly for you some other aspects of our activities in this field.

In fiscal years 1969-70, the Commission conducted preliminary research and investigations to gain an understanding of the problems facing American Indians living both on and off reservations, to establish contact with the Indian community, and to learn directly from Indians what problems merit the attention of the Commission. Field trips were made by the Commission staff members to the State of Washington, to northern and southern California, to the Navajo reservation in Arizona and New Mexico, and to Sioux reservations in North and South Dakota. Commission staff members interviewed a number of people, Indian and non-Indian, in Washington, D.C., who are knowledgeable about Indian affairs and problems.

As I mentioned, the Commission issued the "American Indian Civil Rights Handbook." Other publications to be issued are handbooks on :

First, Federal Programs ;

Second, the Federal Administrative Apparatus as it Pertains to Indians ; and

Third, Social Services.

The Indian project will continue to gather information pertaining to the equal protection of the law as it relates to Indians throughout field investigations, State advisory committee meetings, and at least one Commission hearing. This project is projected to continue into mid-fiscal year 1974.

We also have underway the most comprehensive examination yet undertaken by a Federal agency of Puerto Rican problems.

During the last 2½ years the Commission has been studying the problem of equal access to suburban housing and jobs for blacks and other minorities who are confined by tradition and practice to the inner city ghettos and barrios. We have held hearings in St. Louis, Bal-

timore, and Washington on the growing racial and ethnic polarization occurring in our urban areas. This polarization exacerbates many civil rights issues and will be the source of wider and more tragic divisions unless major efforts are undertaken to guarantee that the new opportunities and amenities in the growing fringe areas of our metropolitan centers are open to all. The Commission's work in this all-important field is by no means completed. We are producing studies to document the problems and to support major legislative recommendations.

As members of this subcommittee know, the Commission does more than produce reports and studies. I already have described the value of our State committees. In the last 2½ years we have made major strides in activating committees in every State and in integrating their work more closely with that of the agency staff in Washington. For example, our study of administration of justice in prisons, now underway, will be based in part upon reports from at least 12 State committees which have agreed to undertake work in that area. To support the activities of our State committees we have established field staff based on six cities: New York, Chicago, Atlanta, Los Angeles, San Antonio, and Washington. A seventh office was opened this month in Denver and we will be opening an eighth office in Kansas City in the coming fiscal year—if the Commission's life is extended.

An important part of the Commission's program is its clearinghouse function given to it in 1964. Under our clearinghouse program the Commission has prepared and published information on civil rights in a variety of forms for dissemination. We are continuing to develop publications on civil rights designed to be easily understood by the layman.

These, in outline form, are our major undertakings at present. Virtually all are long-range projects involving considerable data collection, factfinding, analysis, and, after the reports have been published, extensive followup.

Since the 1957 Civil Rights Act, the Nation has made its greatest strides forward for minorities in America since emancipation. We have seen a major revolution in civil rights. We have come a long way in a short span. Yet we have much, much farther to go.

We still have segregation in America. Minority group Americans still are denied equal opportunity in virtually every facet of life. We are moving ahead, but the pace is inadequate. The steps we have taken in less than a decade—historic as they have been—are only beginning steps.

That brings us, Mr. Chairman, to the necessity for S. 3121 and H.R. 12652.

Despite the fact that the Commission has very limited powers and a modest staff, it has made contributions during the past 14 years that are undeniably significant. Yet much more remains to be done.

Perhaps there were those who voted to create the Commission in 1957 who felt that a few years of operation would be sufficient; that after a short time, the Commission would be able to declare the Nation's gigantic race problems solved and shut up shop. Nothing would please us more than to be able to say to you today that a Commission on Civil Rights is no longer necessary. We need only to read our daily newspapers and watch our television sets to know that such a declaration in this day and time is out of the question.

The legislation before you would extend the life of the Commission 5½ years. Instead of going out of business next January, the Commission would continue functioning until the end of fiscal 1978.

An important provision of H.R. 12652 would take the Commission into an urgent new field and illustrate the point that civil rights is never a fixed and static subject. The new provision is contained in section 3, which would give the Commission jurisdiction over sex discrimination, in addition to our present jurisdiction over discrimination on account of race, color, religion, and national origin.

As the subcommittee knows, sex discrimination is a developing issue which is getting increasing attention across the Nation. A rather limited amount of dependable material is available, outside the fields of employment and education, on the various forms that sex discrimination can take and how it can deprive American women of full and useful lives. There is a great need for systematic and objective documentation of basic facts about sex discrimination, just as there was an immediate need for objective factfinding in the field of race relations when the Commission was established 15 years ago. I am hopeful that the Commission will be able to move forward and meet the need for objective studies of sex discrimination as soon as possible. It is our intention that this additional responsibility would not divert attention from the work we are doing to study and report other types of discrimination.

There are several other sections of H.R. 12652 which I will mention only briefly. These conform the Commission's statute with those of other agencies in certain respects.

Section 1 would permit payment of witnesses at Commission hearings at the same rate paid by Federal courts.

Section 2 would increase the compensation for Commissioners from \$100 a day to the equivalent of the pay for Federal employees at Executive Level IV.

Section 5 would allow the Commission to pay consultants at the maximum GS-15 level, instead of \$100 a day, bringing our pay for consultants in line with the scale paid by many other Federal agencies.

Finally, H.R. 12652, as amended by the House of Representatives, authorizes appropriations for the Commission in the amount of \$6,500,000 for fiscal year 1973 and \$8,500,000 for fiscal year 1974 and each fiscal year thereafter.

The authorization for appropriations for fiscal year 1973 in the amount of \$6,500,000 will enable the Commission on Civil Rights to obtain the full appropriation of \$4,821,000 as requested by the President and passed the House. This appropriation also has been approved by the Senate Subcommittee on Appropriations for the Departments of State, Commerce, and Justice, the judiciary and related agencies. The authorization figure also will allow the Commission to request a supplemental appropriation of \$1 million to carry out its proposed sex discrimination program and will allow a request for an additional \$500,000 to implement an effective Asian American studies program and for conducting investigations and studies of civil rights emergencies. We have been informed that the Office of Management and Budget has no objection to an authorization in the amount of \$6,500,000 for fiscal year 1973.

The increased appropriation for fiscal year 1974 will enable the Commission to reach its midpoint program goals without encountering delays due to lack of sufficient resources with which to carry out all of our commitments. The major requirements of our increased request for fiscal year 1974 are for meeting anticipated demands on Commission resources for an adequate and substantial sex discrimination program without taking away resources for our program in the areas of discrimination on account of race, color, religion, and national origin, for completion of expansion of our field staff and for other major program needs, including improved research capabilities.

For 10 years the Commission operated with a general authorization for appropriations. During the last 5 years, we have had authorizations ranging from \$2,650,000 upward to our present \$4 million. Although this is a \$1,350,000 increase, it represents, for the most part, mandatory salary increases and other cost increases necessary to keep the basic operation of the Commission going at the same level as when we were extended in 1967 and enabled a modest expansion over a period of 4 years. Our personnel strength authorized for fiscal 1968 was 153; our authorized strength for fiscal 1972 is 176. Out of this increase the Commission has established four additional field offices and increased slightly the strength of its Washington staff. As the only agency in the Federal Government engaged in research in the complicated field of civil rights the commissioners feel that such an expansion has not been commensurate with the enormity of the problems we face and for which we seek solution.

A principal advantage of a significant increase in authorization for appropriations for the Commission will be the flexibility afforded us in planning and responded to major events in civil rights. Because of our limited resources the Commission has not always been able to undertake significant work in response to legitimate requests from Members of Congress, the public and civil rights groups to study major civil rights issues of immediate national concern. The hardest decision we each face as a commissioner is to vote not to respond to such requests because of our inability to undertake extensive new projects without destroying our ongoing program.

I would like to suggest that if the Commission on Civil Rights were afforded an authorization which gave it the capacity to seek funds for such projects, an important missing link in our overall strength would be supplied. The commissioners feel the need to respond to major civil rights developments in a timely manner. As things now stand, a timely response to major new developments often is impossible.

I should note that S. 3121 and H.R. 12652 are part of the President's legislative program for 1972. You will recall that the President mentioned the Commission twice in his State of the Union message last January—once in calling for a 5-year extension of the Commission and again in recommending that the Commission's jurisdiction be expanded to include sex discrimination.

Much of the Commission's most important work—including the enforcement study, the suburban access program, the Mexican-American project, our housing studies, and our study of political participation—has come during the last 5 years. These endeavors would not have been possible unless we had 5 years in which to work. If Congress decides to extend the Commission for a similar term this year, we will be able to

continue the solid, painstaking efforts which have gone into the Commission's previous undertakings.

We have much unfinished business. Last summer members of the Commission met with our executive staff for a 3-day retreat. A large part of our discussions were devoted to identifying the unfinished civil rights agenda. We got rather specific and drew up a long list of things to be done. I will not burden you with reciting it, Mr. Chairman, but I would like your permission to submit it for the record.

Senator ERVIN. We will be glad to have that statement, and let the record show it will be printed in the body of the record immediately after Father Hesburgh's statement.

(The document referred to, entitled "Unfinished Commission Business," follows:)

UNFINISHED COMMISSION BUSINESS

(Denver Program Planning Meeting, August 27-29, 1971)

Voting

1. Appraisal of the effectiveness of the Voting Rights Act as amended, especially Section 5.
2. Assurance of equitable reapportionment for minority groups, such as the Mexican Americans in California, so that they will be able to elect their fair share of State legislators and Congressmen.
3. Analysis of the process and effectiveness of minority group participation in voting in those States where there are no roadblocks to participation.
4. Overall participation of minority group members in the political process, including political parties and party conventions.
5. Vote fraud is within the Commission's jurisdiction but has been neglected due to lack of funding.

Education

1. Completion of the Mexican American Education Study and dissemination of its findings.
2. Examination of the unitary school system and how it is in fact operating.
3. School testing and placement procedures and their effect on over-representation of minority group children in educable mentally retarded classes.
4. Racial imbalance in the public schools.
5. The power structure of school boards and how minorities can get into decision-making positions.
6. Scrutinize teacher training systems of the country, and the training systems for school administrators, to identify the extent to which they prepare participants for integration.
7. Examination of the impact of Federal funding at the college level.

Housing

1. Suburban land-use control.
2. Equal access to home financing.
3. The whole issue of suburban access.
4. Possibility of offering incentives to encourage integration of housing.
5. Continual monitoring of HUD housing programs.

Employment

1. A study of union discrimination, including analysis of Philadelphia-type plans.
2. Enforcing anti-discrimination laws, including providing cease-and-desist powers to the Equal Employment Opportunity Commission.
3. Minority economic development, including franchising and other types of entrepreneurship.
4. Displacement of agricultural workers by mechanization.
5. Large-scale unemployment among teenage minority youth.
6. Problems of migrant workers.
7. Examination of job training and upward mobility programs to see how well people are trained and what kind of jobs they get after training.

Administration of Justice

1. Police-community relations.
2. Civil rights of prison inmates.
3. The way Spanish surnamed persons not fluent in English are affected by the probation and court system.
4. The role of the Department of Justice in civil rights enforcement activities.
5. The juvenile justice system and how it functions vis-a-vis minority group youth.
6. Disparate treatment afforded minority people by the bail system, parole system, probation system, and the court system.
7. Disparate treatment and punishment of people of lower income levels.
8. Military justice.

Reverend HESBURGH. Thank you, Mr. Chairman.

We face civil rights problems today different from those which existed in 1957, when the Commission was created, but every bit as compelling.

We understand civil rights problems today differently than in 1957, when the Commission was created. Today it is widely understood that civil rights are concerns which affect not only the South but every region of the country. Discrimination against citizens because of their race, color, religion, national origin, and sex takes place everywhere in the Nation. Because discrimination can be less than blatant, more subtle and sophisticated, it is no less destructive to majority and minority Americans alike, and no less dangerous to the Nation. It was relatively easy to identify the discrimination which barred black people from the ballot boxes; it is difficult and demanding to trace the hiring practices and screening techniques which bar minority Americans from jobs, schooling, and housing. Devising solutions and remedies which will achieve results while balancing conflicting demands of individuals and of groups is an exacting task which requires knowledge of facts and persistent attention to detail. The Commission has played its part in this national endeavor, and, if extended by Congress, will continue to do so.

Thank you very much, Mr. Chairman.

Senator ERVIN. Thank you, Father Hesburgh.

I would correct one error in your statement, and that is this: You stated that Congress had given enforcement powers to EEOC. An effort was made to do that, but the House passed the bill continuing the program by which these could be enforced in the courts only. The Senate committee reported the bill to give them self-enforcement powers, and the Senate amended the bill. So, both bills now provide for substantial enforcement through the courts.

Reverend HESBURGH. That is correct, through the courts.

Senator ERVIN. It has expanded to some extent the definition of those who can make application. So, your statement is not entirely erroneous. It is partially correct and partially incorrect.

Reverend HESBURGH. Thank you for that distinction which clarifies the statement.

Senator ERVIN. I am. I might frankly say, opposed to giving enforcement powers to the EEOC, because then the Commission is set up under a law which gives it power to investigate complaints, to make complaints, then to prosecute complaints, and then to act as the judge to pass on its own complaint. If that is not a denial of due process of law, I do not think that any human mind is sufficiently gifted to know what a denial of due process of law is.

Does counsel have any questions?

Mr. BASKIR. Father Hesburgh, is the Commission's jurisdiction co-extensive with the 14th amendment equal protection clause, or do you have less jurisdiction than that particular clause would encompass?

Reverend HESBURGH. I would think it is reasonably coextensive. But on the other hand, I think we have that qualifying phrase of race, color, religion, and national origin spelled out very carefully for us in the Commission statute. At times, we get complaints that I feel might be complaints under the 14th amendment, but they are beyond our legislative mandate.

Would that be correct, Mr. Powell?

Mr. POWELL. Yes.

Reverend HESBURGH. I always check with the lawyer, as I am not a lawyer myself.

Senator ERVIN. Please excuse me, but I have to go over to the Senate floor for a vote. However, it will be all right for counsel to continue his questions in my absence, and I will be back as speedily as possible.

Mr. BASKIR. Would you say a complaint of discrimination based solely on sex would not fall within your jurisdiction now without the extension of jurisdiction you ask for?

Reverend HESBURGH. Yes, I would say that. We have had actually a number of sex discrimination complaints from women's organizations mostly and woman's lib, and that sort of thing. We have said that we simply cannot take them on because of our statutory restriction of race, color, religion, and national origin.

Mr. BASKIR. Do you now do any work with respect to discrimination involving sex if it is in relationship also to, let us say, racial or ethnic or religious minorities?

Reverend HESBURGH. We have not specifically done that, although we have a commissioner who is a woman who says that she has been discriminated against doubly both by being a woman and by being black. She keeps our nose to the grindstone whenever something touching on that would come up.

I cannot remember specifically taking up problems of this sort.

Mrs. FREEMAN. May I speak to this?

Mr. BASKIR. Certainly.

Mrs. FREEMAN. In the 8 years I have been on the Commission, where we have held hearings and made studies involving discrimination and imbalances in the local administration of justice and discrimination in the welfare programs, some of our witnesses were women. We were, of course, afforded an opportunity by their testimony to make some determinations about the unequal treatment of women. In terms of minority women as such, we do not have jurisdiction over them in their status as women. But in terms of national origin and race, of course, we do include women in these studies.

Mr. BASKIR. Do you feel that the Commission has the jurisdiction now to do studies which would include both sex and minority in the sense that you could engage in studies of minority women in various aspects without the extensive jurisdiction?

Mrs. FREEMAN. No, we absolutely need the enactment of this legislation to include the whole area of sex discrimination. First of all, our present jurisdiction is so limited. It is true that minority women are at the bottom of the bill, however, in terms of employment, in terms of credit practices, and in terms of State laws which discriminate against women. This Commission does not have the power to make any studies

on the basis of that. And we believe that we should have the jurisdiction expanded to include discrimination on the basis of sex for that reason.

Mr. BASKIR. I can understand that. I was just wondering, as it stands now, whether the Commission has done anything, or feels it could do anything, with respect to minority women—assuming the question of the expansion of jurisdiction aside. Do you feel that your jurisdiction now would enable you to do studies with respect to minority sex discrimination without an extension?

Reverend HESBURGH. Perhaps that is for the General Counsel to answer.

Mr. POWELL. Certainly, we have the jurisdiction based on race, color, religion, and national origin, and we would look at the other problem of minority women as women of racial minorities, but we could not look at the broader question.

Mr. BASKIR. I understand.

Has the Commission done anything, any studies except those which you have suggested, with particular attention to minority women?

Reverend HESBURGH. No, we have not; although I would say that at every single hearing we have had testimony from minority women, and that has been part of our total testimony.

Mr. BASKIR. Can we assume that the money in the estimates submitted to us, the \$1 million, roughly, for 1973 and the \$2.25 million for the succeeding years is tied to the expanded jurisdiction that you do not have, that is to say, sex discrimination—not tied to the problems of minorities of an ethnic or religious or racial nature?

Reverend HESBURGH. No. This would be for the total of the problems based on sex, including minority problems based on sex.

Mr. BASKIR. In other words, if you do not get this extension you will not have any program, or money, with respect to minority women or nonminority women?

Reverend HESBURGH. That is correct.

Mr. BASKIR. My understanding then is that the appropriation request you have submitted does not include any programs with specific attention to women in any respect?

Reverend HESBURGH. That is correct.

Mr. BASKIR. Is that right? Does the Commission have any estimate of the additional staff that would be required in 1973 or succeeding years?

Reverend HESBURGH. Yes.

Mr. BASKIR. If you get the additional sex discrimination jurisdiction?

Reverend HESBURGH. I would ask Mr. Buggs to speak to that.

Mr. BUGGS. Yes. We have tried to cost this out in terms of additional number of people, that would be required to add that responsibility to the Commission's program both in the Washington office and in the eight, seven or eight, regional offices. We come up with the figure of somewhere between 70 and 80 staff people.

Mr. BASKIR. That would be for 1973 or what?

Mr. BUGGS. No, for after the 2-year period.

Mr. BASKIR. For fiscal year 1974 and beyond?

Mr. BUGGS. That is right.

Mr. BASKIR. This is in addition to the figures you submitted to us with respect to the other increases without sex discrimination of some 40 I think it was——

Mr. BUGGS. That is right. That 40 did not include any consideration of sex.

Mr. BASKIR. This is over the figures that you have already submitted to us?

Mr. BUGGS. That is correct.

Mr. BASKIR. The figure of \$2.25 million that you have budgeted out for sex discrimination, the additional jurisdiction with respect to such discrimination comes to, roughly, 25 percent of the \$8.5 million. Do you feel that this 25 percent of the total accurately reflects your estimate of the social problems or the civil rights problems of sex discrimination as opposed to the various other kinds you are also dealing with?

Reverend HESBURGH. I think so, because you are talking about a big segment of the population. Women constitute more than 50 percent of the population while all the other minorities, including the Indians, are less than 100 million people. When you speak of women it is more than 100 million people. Clearly a large number of people are involved, and when they are, the problem proliferates, you cannot underestimate the great deal of urgency on these problems today and the great many private organizations pushing us to do something about them.

Mr. BASKIR. I recognize that there may be only a million or 100,000 American Indians, but perhaps their problems, although small in terms of number, might be greater than the problems of 100 million women who might be a majority.

Reverend HESBURGH. That is correct. I think the women are in a position to put more pressure on us, let me put it that way. We have to respond to some extent to the problems as perceived by American citizens generally. And I think all of you gentlemen will agree that 100 million women in this country can create a great deal of pressure if they put their minds to it.

Mr. BASKIR. I think we have some familiarity with that kind of pressure.

Reverend HESBURGH. And I should reiterate that we are going to spend \$300,000 on American Indian problems next year.

Mr. BASKIR. And you would say that the \$2.25 million is a reflection of not only the number of women but also the earnestness with which they push their cause?

Reverend HESBURGH. Yes, I think so.

Mr. BASKIR. In addition to, perhaps, the difficulties that they face?

Reverend HESBURGH. That is right. It is a very honest reflection on our part since we have never done this before. We can only extrapolate from the past experiences of other groups that this is a very large group that is developing a great head of steam, and we are going to hear a lot from them. We know that we will the moment we are granted jurisdiction over sex discrimination.

Mr. BASKIR. It may be that the quiet minorities who do not have as much political pressure behind them, or do not have as much voice might be more in need of your assistance than the ones that are vocal and politically powerful. It may be that the Asian Americans or the Mexican Americans or the American Indians or the Slovak Americans who are not politically powerful might need more money than women

who are politically powerful. They might need more than the \$2.25 million.

Reverend HESBURGH. What we are finding now is that we are really responding more to all of these groups. I think when I began with this Commission—and I go back to the first day—we had to begin with the problems of blacks because that was the largest minority we had and the most obvious, and their problems were the most obvious.

From that time, we moved into our second series of five reports in 1961 and took up the American Indians problem, tentatively in volume V of that issue.

Then, we got to the Mexican Americans. Then we got to the Puerto Ricans. And now we are getting to the Asian Americans in the next year, because they are beginning to insist that we focus on their difficulties. I have probably received 30 or 40 letters in the last month from Asian-American organizations and individuals saying: "When are you going to get around to us?"

So, we have a program to study that problem during the next year.

We think that once we have a baseline study, then we have somewhere to go. But our problem is that in all of these areas there just is no dependable baseline study to begin with. We are, in a sense, the only research and development effort in the area of civil rights. There are many activist groups, but we do most of the R. & D., and many of the court decisions depend on us for basic factual information.

Mr. BASKIR. From Mr. Buggs' estimate as to the number of additional personnel, it appears that the personnel which you will need to cover this new jurisdiction is also a significant fraction of the total, just as the money is.

I believe you have estimated 216 employees for 1973 without sex discrimination jurisdiction, and, perhaps, with an additional 20 after that without sex discrimination.

Mr. BUGGS. Yes.

Mr. BASKIR. Would you estimate roughly, 230 or 240?

Mr. BUGGS. Two hundred and sixteen.

Mr. BASKIR. Plus another 26?

Mr. BUGGS. No. No. We have 176 now. For next year, we will be asking for 40, a total of 216.

Mr. BASKIR. So, you will have 216 without the additional personnel needed for sex discrimination, and your estimate for that original jurisdiction is some 80 new positions which is better than a third of your total personnel. So, as your money is about 25 percent of your total, it will turn out that your personnel is going to increase by a third with respect to this one new area?

Mr. BUGGS. Could I indicate how that works out?

If you look at what we are planning to do in terms of studies, I think you have to recognize a couple of things.

Our Mexican American study project involves only the Southwestern States, where there was a relatively small population of $4\frac{1}{2}$ or 5 million people. That project came to \$324,000 and involved some 25 staff people, many of whom are still working on it.

Now, if we go into the field of discrimination with respect to sex, it will not be limited as has been true in connection with practically all earlier Commission studies to a particular segment of the Nation.

We have 50 States, and, in order to collect statistics and to do research and to write reports, I sometimes think that the suggestion of \$1 million for the first year and \$2.25 million for each succeeding year is an underestimate of what it will actually take.

One of our responsibilities would be, as you know, that of exercising a clearinghouse function in connection with sex discrimination, just as it is now our responsibility with problems of race. We have been checking around to see what it costs simply to collect the kind of data that has already been developed with respect to the problems of women and to have that data available and retrievable for individuals and organizations doing research into this problem, and for our own use.

We talked to people at the Smithsonian Institution who bank data concerning their area of responsibility. It costs that institution \$2 million a year just for banking and retrieving data.

I talked to one of the persons at the Department of Labor who is responsible for developing and retrieving data on problems of employment generally for the whole country. He frightened me to death. He said it would take \$4 million the first year. Well, we do not intend to spend any of that kind of money. But if we are going to create even a moderate capacity for discharging the clearinghouse function, I am just not sure that we can do it within the \$2.25 million.

Reverend HESBURGH. I think Mrs. Freeman wanted to add something.

Mrs. FREEMAN. Yes. I am glad that Mr. Buggs made that point, because I always felt that \$1 million was not enough. If we are going to start something that is really very new, and examine the laws of the various States with respect to domicile and property rights, why, this is a study that requires a lot of money. We are going to examine women in the job markets, women in correctional institutions, educational training, education in elementary and secondary schools, and women's role in television. The kind of work that needs to be done, really, will cost much more than the Commission is asking for in this bill.

So, as has already been said, all of these studies that we are contemplating include women, all women, white, black, brown—all women. You cannot compare them with any of the special studies on Mexican Americans or Puerto Ricans or Indians.

Mr. BASKIR. Do you feel that the problems of women in general may break down into different subproblems—that black or Mexican women may have more or different kinds of problems than women in general? Would you have to have some special focus?

Mrs. FREEMAN. This will be true. And we will study the problems of discrimination as we have found them. We know there is discrimination against black women but we also know, although it has not been documented, that there is discrimination against all women. Even in the Federal Government less than 2 percent of the persons in the higher grade levels—above level 16—are women. I think it is 1.04 percent. That is the Federal Government.

Mr. BASKIR. The problem may be different, however, for black women as opposed to all women, or black women as opposed to white, Anglo-Saxon American women.

Mrs. FREEMAN. We want to examine it in all aspects.

Mr. BASKIR. But where your studies do not take that into cognizance, you may have some problems in achieving a meaningful result. If you just consider the problems with respect to women in general as opposed to women of various groups, subgroups, or however you classify them.

Mrs. FREEMAN. Well, we do not really know. I do not think that we can anticipate all of the answers. We know that the problem is very real.

Reverend HESBURGH. I should add, Mr. Baskir, that Dr. Rankin at the end of the table says that we did not ask for this problem, that it was foisted on us.

Mr. RANKIN. This problem was thrust upon us by the President, by Congress and by other women.

Mr. BASKIR. Well, I am concerned as to the relationship of this new jurisdiction to your existing jurisdiction on the problems that Dr. Hesburgh mentioned which are still so pressing. I wonder, in preface to my next question, do you have breakdowns of your costs with respect to the various groups you have studied? I know that—

Reverend HESBURGH. Yes, we do, in a general sort of way. For example, I can say that we plan to allocate about \$300,000 next year to the study of American Indians.

Now, that is a study effort for next year. We think we are getting to a point where we can break up and have subcommittees of the Commission at hearings, two commissioners in Nevada and two in North Carolina, and two in Arizona. And we are going to spread ourselves over the next year to try to get, again, this basic line study of American Indians. For a study like that we think it will cost about \$300,000.

I think probably one breakout would be a study of Mexican Americans, and we certainly can break out the study of the Puerto Ricans to give you an idea of what it costs, and, then, the Asian American study next year.

Mr. BASKIR. Do you think you could submit a breakdown to the subcommittee?

Mr. BUGGS. I can tell you right now.

Mr. BASKIR. It might be better if you would just submit the last couple of years broken down with respect to the various groups whose problems you have studied. I notice you have done it with respect to women fairly specifically, but I have never seen that kind of an estimate done for any of the other groups that have come under your jurisdiction.

Reverend HESBURGH. We can do that.

(The following expenditure estimates have been supplied by the Commission on Civil Rights:)

COMMISSION ON CIVIL RIGHTS EXPENDITURES ON PROGRAMS DEALING WITH
MINORITY GROUPS OTHER THAN BLACKS

The Commission on Civil Rights examines issues of concern to all minority groups in each study or project undertaken as a rule. Minority entities, however, often have specialized problems, unique to their group and not shared generally by other citizens. These problems have been given special attention by the Commission on Civil Rights. The following is a listing of such projects and their cost undertaken in the last three fiscal years.

Project	Fiscal years—			Total
	1970	1971	1972	
Mexican-American administration of justice.....	34,690	12,926		47,616
Mexican-American education.....	211,799	324,857	227,096	763,752
Other Mexican-American projects (including State advisory committee activities).....	20,000	30,000	35,000	85,000
American Indians.....	30,098	61,492	113,298	204,888
Puerto Rican project.....	10,650	69,857	187,014	267,521

Mr. BASKIR. Do you plan any special organization within the Commission for sex discrimination cases such as a woman's bureau, for instance, or some other kind of division or structure within the Commission to handle this problem?

Reverend HESBURGH. We have really resisted this, because we think we have common problems. We would like to feel that this problem could be taken up in the normal course of events. We may have to get some kind of an advisory committee, or something to the Commission, to give us special insights in this end of the field, but we do not expect a special division.

Mr. BASKIR. And I gather you do not feel that although the increase of staff is going to be a third of your present personnel level, that the increase of money is going to be 25 percent. And you expect increased pressure from women's organizations, the new jurisdiction will dilute or injure the other programs that you are still concerned with. Is that correct?

Reverend HESBURGH. No. We have budgeted our normal programs in the normal way, and we have looked at this as an add-on. In other words, we say if we get the additional responsibility we ought to get the additional support to carry it out.

Mr. BASKIR. I call your attention to the estimate that was given with respect to the use of the money, the \$1 million and the \$2.25 million. You listed something like seven areas where the money will be used. Except for the last one, the new studies on sex discrimination—most, if not all, of the other six areas seem to represent increases in your general structure and your general cost.

For instance, an expansion of State advisory committees, additional public liaison, additional access to data sources, expansion of your program evaluation section. These are all general expansions of your bureaucratic structure, and the only new thing outside of doing more or having more people to do it will be your new studies?

Reverend HESBURGH. No, that is not correct, really, because we are getting much more deeply into the American Indian studies next year.

We are completing three of our publications on Mexican-American studies.

We are winding up some studies initiated this year for the first time on the Puerto Ricans.

We have to get into the Asian-American projects next year for the first time.

Some problems do get pretty well cleaned up. For example, in the early years we spent an enormous amount of money—proportionally, of our budget, never having any enormous amount of money, but we spent an enormous proportion of our budget on voting studies. We

do very little in that area anymore. We had a lot of studies on public accommodations problems, and we have practically none of that anymore. We had a lot of programs on desegregation on the early days, and now the problems have taken on a new slant and nationwide focus.

So, there is a continual growth in problems as they are specified. We find today that many of the ethnic minorities are conscious of problems they did not seem to be conscious of before. I suppose that is normal. When they see some group getting attention, then they want a little attention, too. We are really at the beck and call of all of the American people and all subdivisions, if you will.

Mr. BASKIR. My question was more with respect not to the general increase in funds that you were requesting but the additional million and \$2.25 million with respect to your added jurisdiction on problems of sex discrimination. Most of the money, from what we have gathered from your responses to the subcommittee, is to be for expansion of your existing structure. In essence, there is only one of those seven items which seems to be new work and new studies. You want more people to handle complaints, more people to revise existing publications, et cetera, but all of this money, again, is to increase the general structure of the Commission. There is only one area, that of new studies, where you are doing new work.

Reverend HESBURGH. Well, it is the studies that are eating up the money.

Mr. POWELL. We, of course, intend to keep implementing our present jurisdiction and conduct additional studies. We would require some additions in staff and some expansion to some modest extent to what we presently have, if we assume this new jurisdiction.

Mr. BUGGS. Perhaps, I could explain it another way.

There are two ways the Commission keeps books, so to speak. It keeps books in terms of costs of studies which would, in this case, add up to a million dollars, and it keeps books in terms of cost for personnel and other kinds of expenses.

Now, for example, when we say that last year we spent \$324,000 on the Mexican-American study, a large part of that was personnel, personnel that we have got. Some of it was in transportation, some in telephone calls, some in circulation of schedules to school districts in Texas, Arizona, and New Mexico. But a large part of it is also staff. All of the Commission studies are done by staff. A few contracts are let, but not very many. So that when we say \$300,000 for a study, that does not mean that we contract that study and give somebody \$300,000. That means that that is the amount of time, staff time, that goes into that study, plus other expenses connected with it.

Mr. BASKIR. Now, I think I understand it better.

There are some other points in the bill outside the question of jurisdiction and the financial authorization with respect to witness fees and per diem, and the like. Am I correct in understanding that these figures, as requested, would bring the Commission up to a comparable level with other agencies?

Reverend HESBURGH. That is correct.

Mr. BASKIR. And that you are somewhat lower than they are and this would just bring you up to normal?

Reverend HESBURGH. That is right. These are rather inconsequential in their total effect—\$2,000, really.

Mr. BASKIR. There is another point to be discussed. Although I am not sure it is in the bill, and that is with respect to requiring responses from other Government agencies when you make a request for information or material.

I wonder if you could explain some of that?

Reverend HESBURGH. I do not think that is in the bill now as it is presently written. That was one of our suggestions, that that provision might help us get more prompt answers.

Sometimes we write letters to other Government agencies and wait 6 months, and then we write another letter and wait another 3 months, and, gradually, we end up calling on the telephone and doing other things. We felt that by having that provision in this bill might help speed up our responses. It was apparently not judged important enough to put in.

Mr. BASKIR. It may not have been judged of any use, because the Congress has similar difficulties, and we have even worse experiences in terms of time than you all do.

I noticed, in your prepared statement, you mentioned the lack of information with respect to problems of sex discrimination, with the exception of the areas of education and employment. Except for those two areas, there is a dearth of information. Is that correct?

Reverend HESBURGH. That is right.

Mr. BASKIR. The list of the possible studies on the problems of sex discrimination you have submitted to the subcommittee seems to be very heavily weighted in just those two areas: education and economic status. Of those things that you suggested to us, about half of them are on the very areas where, apparently, you do not think there is that lack of information. It is also my understanding that other agencies in the Government, like the Labor Department, do work in that area. I wondered if there is not going to be a lot of duplication?

Reverend HESBURGH. We try to avoid this like the plague because, believe me, our budget is such that we have to husband it. Before we start collecting information we try to see what all of the information is that has been collected. So, to a great extent we have been able to correlate information from many areas, and also to give a precise slant with regard to civil rights implications of the information.

Mr. BUGGS. This is not a collection. What we propose is not what the Women's Bureau or the Department of Labor does. They collect statistics and print statistics. There is no analysis, there is no research to determine why the statistics as they are collected are as they are. Our responsibility is to do research and go behind the raw figures and numbers and make recommendations based upon an indepth analysis of what the problems are and why those situations exist.

That is not done in any area of civil rights or by any organization operating within civil rights except this Commission.

Mr. BASKIR. Did you have anything to add?

Mrs. FREEMAN. No. Mr. Buggs has said what I was going to say.

Mr. BASKIR. I have no more questions.

Senator ERVIN. Dr. Rankin, do you have any statement you would like to make?

Mr. RANKIN. No, nothing in addition to what has been said. I think you understand my position pretty well. We have talked it over previously.

Reverend HESBURGH. Mr. Chairman, may I take this opportunity of thanking you for your interest and your kindness to this Commission over a long period of years.

Senator ERVIN. Thank you. I have tried to expedite this as much as possible so that the Senate can act on it.

Reverend HESBURGH. We appreciate that very much.

Mr. RANKIN. We also appreciate how much you have done in the field of civil rights, Senator Ervin.

Senator ERVIN. Well, thank you very much. Thank you all very much for your appearance.

Reverend HESBURGH. Thank you, sir.

Senator ERVIN. Let the record show that Senator Hart, who sponsored S. 3121, has prepared a statement which he asked me to put in the record this morning.

(The prepared statement referred to follows:)

STATEMENT OF SENATOR PHILIP A. HART

Mr. Chairman, the U.S. Commission on Civil Rights was created one year before I was elected to the Senate. During my years in the Senate, I have found the Commission to be one of the most valuable and energetic of all Federal agencies.

Time and again, the Commission has demonstrated that it is an essential arm of the Government. Commission hearings, investigations, fact-finding, and recommendations have paved the way for numerous laws and regulations pointing toward a better life for American minorities. Each of these advances has added to the Nation's strength and well-being, and has renewed its hope. The Nation is better off for the work of the Commission, and all of us—whether part of a minority group or part of the white majority—have benefitted.

There may have been some who felt in 1957, when the Commission was established, that a few years of life for the Commission on Civil Rights would be sufficient. Unfortunately, that has not proved to be the case. Despite the advances that have been made since 1957, much remains to be done. I believe that every member of the Subcommittee will agree that equality of opportunity is a long way from reality for America's minorities—the Indians, the Spanish speaking, and the Asian Americans, as well as our 23 million blacks.

So the gains must be solidified and the advances must continue. The various civil rights laws must be fully implemented and, where necessary, improved. Some Federal forum, supported by expert and experienced staff, must be kept available for examining the daily acts of discrimination which continue to trouble and divide our society.

The importance of the Commission on Civil Rights in filling such a role can be demonstrated by the Voting Rights Act and the extension of that Act in 1970. The first and foremost task facing the Commission on Civil Rights when it was created in 1957 was the investigation of denials of the ballot to thousands of black citizens. The Commission conducted an extensive study of those denials and made recommendations which led up to the Voting Rights Act of 1965.

Soon after that historic act was adopted, the Commission launched thorough studies of the implementation of the act and the voting problems that persisted even in the face of the act. A major study was completed in 1968, and in the following year the Commission was able to supply much of the information that furnished the basis for extending the act.

From the beginning, the Commission has been concerned about discrimination in the North, East, and West as well as in the South. In its first report, issued in 1959, the Commission stated that its study of housing had "demonstrated that civil rights is truly a nationwide problem."

Moreover the 1959 report recognized that minorities other than blacks are victims of discrimination in America. In recent years, the Commission has been devoting an increasing amount of attention to denials of equal opportunity to those other minorities—our first Americans, the Indians; the Mexican Amer-

icans, who live primarily in the Southwest; and the Puerto Ricans, who live primarily in the cities of the Northeast and Midwest.

So the Commission on Civil Rights is truly a national commission, both in its membership and in its interests and work. The Commission has three important attributes which I would like to mention specifically: its bi-partisan nature, its independence, and the continuity of its programs.

The law creating the Commission wisely prevents the President from appointing a majority of its membership from a single political party. Thus the Commission is not the handmaiden of any political party, whether in or out of office. This factor has a great deal to do with the objectivity for which the Commission's reports and findings are justly noted.

Moreover, the Commission reports to Congress as well as to the White House. Each house of Congress receives the Commission's reports and findings just as soon as the White House does. The Commission therefore is not under the direction of either branch, but is responsible to both. This independence contributes enormously to the integrity and worth of the Commission's reports and recommendations.

A third important characteristic of the Commission is the fact that it has remained in existence, rather than making a few reports and disappearing. This continuing operation has enabled the Commission to monitor the implementation of its recommendations, disclosing deficiencies and inaction wherever found. This followup function has been a major Commission activity of recent years.

Although the Commission speaks with a strong, clear voice, it is relatively powerless. The Commission exercises no enforcement authority. It cannot prosecute anyone or cut off funds. It cannot file suits or remove officeholders. Its power is limited, by and large, to its power of persuasion. Nearly two-thirds of its formal recommendations have been adopted in some form.

I feel very strongly that the time has come to expand the Commission's jurisdiction to include sex discrimination. I am pleased that the President made that recommendation, along with a recommendation that the Commission be extended for five years, in his State of the Union Message last January. The Commission has the sort of expertise needed to deal with the problems of sex discrimination and to make well-documented findings and recommendations, just as it has done with respect to racial and ethnic discrimination. The Nation will be well served by giving this additional important assignment to the Commission.

In concluding, I would like to point out that S. 3121, which I have the honor of co-sponsoring with the distinguished minority leader, Senator Scott, calls for an open-ended authorization—that is, an authorization without ceiling. We felt that this provision was in order—especially since the Commission would be given jurisdiction over sex discrimination in the same bill.

However, the companion measure, H.R. 12652, was amended in House committee to raise the present authorization ceiling to \$6.5 million for fiscal year 1973 and \$8.5 million for fiscal year 1974. While I still think that an open-ended authorization would be best to insulate the Commission from efforts to intimidate its independent research and would permit ample appropriations as needed, I am prepared to support specific ceilings, provided they are high enough to assure adequate funding authority. In this context, the House figures seem reasonable to meet the expected growth of the Commission's vital activities in the next five years.

For 15 years, the Commission has performed the invaluable task of constantly reminding the Nation of the distressing gap between the promise of equal opportunity and the reality of inequality. We need the Commission's honesty, forthrightness, and perception, and we will continue to need it so long as widespread discrimination is an unhappy fact of American life.

Mr. BASKIR. Mr. Chairman, our final witness this morning is Mrs. Lucille H. Shriver, director, Business and Professional Women's Clubs of the United States.

Senator ERVIN. We are glad to welcome you to the committee, and I would suggest you, for the purpose of the record, introduce the lady who accompanies you.

**STATEMENT OF LUCILLE H. SHRIVER, DIRECTOR, THE NATIONAL
FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS
OF THE UNITED STATES; ACCOMPANIED BY MRS. JUDY WIEBE,
LEGISLATION DIRECTOR**

Mrs. SHRIVER. I sure will. I am Lucille Shriver, Director, Business and Professional Women's Clubs, and with me is Judy Wiebe, our legislation director.

Senator ERVIN. You may proceed.

Mrs. SHRIVER. Mr. Chairman, as federation director of the National Federation of Business and Professional Women's Clubs, Inc., I am honored and pleased to have the privilege of appearing before this subcommittee today to testify on legislation which would extend the life of the Civil Rights Commission and expand its jurisdiction to include discrimination on the basis of sex.

The opportunity to testify on this measure is especially welcomed because the expansion of the Commission's authority to include the study and investigation of sex discrimination has for some years been a priority item on our federation's national legislative platform. This platform is adopted at our annual national convention by delegates representing our 175,000 members, all working women, who live in the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands.

The need for extending the life of the Civil Rights Commission is, we believe, self-evident. In the years since its creation in 1957, the Commission has played a unique role in the area of civil rights. Its studies and comprehensive reports to the President and to Congress have provided invaluable information on the civil rights problems facing our Nation.

As a result of these reports and recommendations, many important and far-reaching steps toward our goal of full equality for all Americans have been taken. Some examples of legislative actions which were based, at least in part, on the findings of the Commission include the Civil Rights Act of 1964, the Voting Rights Act of 1965, and title VIII of the Civil Rights Act of 1968.

The Civil Rights Commission has been particularly effective, in our opinion, because it is an independent agency. Its findings carry great weight precisely because the Commission is impartial and nonpartisan.

Although considerable progress has been made in the area of civil rights, much, much more needs to be done. The work of the Civil Rights Commission is by no means finished. The civil rights problems facing our country in the 1970's are diverse and complex. Because the Commission makes such an important contribution, we strongly support its extension for another term.

We are pleased to note that President Nixon, in his State of the Union address, recommended such an extension. We feel this support from the President indicates the value of the contributions made by the Commission in the past and the necessity of continuing its activities.

In addition, we are most encouraged to see that the President also recommends broadening the jurisdiction of the Commission to encompass sex-based discrimination. With this we heartily concur.

Mr. Chairman, discrimination on the basis of sex is a fact of life for the American woman. In the job market, in education, in property rights, in a hundred different ways, the American man and the American woman do not have equal legal rights.

The extent of this discrimination is not fully known. The President's Task Force on Women's Rights and Responsibilities, which recommended that the Civil Rights Commission be empowered to study sex discrimination, pointed out that the hearings and reports of the Commission "would help draw public attention to the extent to which equal protection of the laws is denied because of sex." The Task Force report said:

"Perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge of the facts and the lack of a central information bank."¹

Although more and more information appears to be available on the status of women in our country, most of it is limited to the field of employment, and even there it is not complete. What the available information does indicate, however, is that discrimination against women in the work force is both real and prevalent. For example, a comparison of the median wage or salary incomes between 1955 and 1969 of men and women who worked full time reveals not only the incomes of women are consistently less than those of men, but also that the gap has widened in recent years.

In 1955, women's median income was 63.9 percent of that earned by men. This dropped to a low of 57.8 percent in 1967. In 1969, the most recent year for which figures are available, women's median earnings of \$4,977 were only 60.5 percent of the \$8,227 received by men—not even as high as the 60.8 percent figure for 1960.

The radical difference in wages for men and women today is revealed also by the fact that only 6 percent of men full-time workers in 1969 earned less than \$3,000, while 14 percent of the women were at that pay level. And 51 percent of the women, but only 16 percent of the men, earned less than \$5,000. At the other end of the scale: only 5 percent of the women, but 35 percent of the men, had earnings of \$10,000 or more.

Equally disturbing is the fact that, with only one exception, the more education a woman has, the greater the gap in her income as compared with men who have similar education. The median income in 1969 for full-time working women with less than 8 years of elementary school was 62.5 percent that of men with the same educational background. A woman with 4 years of high school had a median income of only 58 percent that of men in the same category.

It was even worse for women with 4 years of college, for they earned \$7,396, while the men earned \$12,960—a difference of 57.1 percent. Only women with 5 years or more of college came even close, and their median income equalled only 67.2 percent that of men in their educational group.²

Not only do such facts point to economic deprivation for women, but they also reveal that women are deprived of self-fulfillment and development simply on the basis of sex. The American Society for Personnel Administration and the Bureau of National Affairs, Inc., con-

¹ A Matter of Simple Justice, The Report of the President's Task Force on Women's Rights and Responsibilities, April 1970, page 9.

² Fact Sheet on the Earnings Gap, Women's Bureau, U.S. Department of Labor, 1971.

ducted a survey indicating that women are deliberately placed in less challenging, less responsible, and less remunerative positions on the basis of sex alone.³ A woman's education, experience, and ability in the labor market do not qualify her for jobs that her sex has automatically denied her.

Education is another area in which the available information indicates widespread discrimination on the basis of sex. An independent task force report funded by the Ford Foundation found that "discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community."⁴

Senator ERVIN. I am sorry to interrupt you, however, I have to go over to the Senate floor to vote. Please continue the hearing with counsel, and I will be back as soon as possible.

Mrs. SHRIVER. This discrimination is found both in admissions and in employment. According to the 1972 "Report of the Women's Action Program," Department of Health, Education, and Welfare:

Women seeking higher education at both undergraduate and graduate levels are subject to unequal consideration and treatment by colleges and universities—in admissions, in the classrooms, in financial aid and fellowships, and in continuing education opportunities. Both the 1971 "Newman Report" on Higher Education and the extensive hearings on sex discrimination before the House Special Committee on Education, held by Congresswoman Edith Green during June 1970, confirmed these patterns. . . .

The bias against women professors and administrators in colleges and universities has denied both professional women a just opportunity for work and students a chance to observe "models" of female achievement. Few women doctorates are hired because of the male-dominated faculty recruitment system and communications network, the nepotism rule, and the lack of part-time positions. Advancement for the few women appointed is limited by lack of tenured positions for women, maternity policies, double standards for promotion, and underrepresentation of women in decision-making groups.⁵

Discrimination against women is not limited to education and employment. It pervades all areas of American life. For example, some States restrict a married woman's contractual capacity. In some instances she must have the consent of a court, or of her husband, before she can enter into an independent business; in others, she does not have the legal capacity to become a surety or a guarantor. In community property States, a working wife may have no say over how her income is spent. Only a few States permit a married woman to run for office where she lives, regardless of her husband's domicile, and in many States a married woman's jury service depends on her husband's domicile. A number of States permit women to be excused from jury service on grounds not available to men, and in at least one State women are called for jury service only if they indicate that they wish to serve.

More study is needed in all these areas, as well as in such matters as housing, the administration of justice (including correctional institutions and length of sentences), marriage, divorce, alimony, child support, taxes, and social security, among others. We believe the Civil Rights Commission is the logical agency to make these studies.

³ ASPA-BNA Survey: Employment of Women, American Society for Personnel Administration-Bureau of National Affairs (Washington, D.C.: Bureau of National Affairs, c1970).

⁴ Report on Higher Education, an independent task force report to HEW, funded by the Ford Foundation, 1971. See also Congressional Record, Feb. 15, 1971, p. S1771.

⁵ Report of the Women's Action Program, January 1972, U.S. Department of Health, Education, and Welfare, Washington, D.C., pp. 63, 66.

One reason for this is that, at present, there is no one central source of information concerning discrimination on the basis of sex. For example, the Equal Pay Act of 1963 is administered by the Wage and Hour Division of the Department of Labor. But this is a specialized area and the law, as part of the Fair Labor Standards Act, applies only to those women employees who are covered by that act.

The Equal Employment Opportunity Commission administers title VII of the Civil Rights Act of 1964. Again, the information available pertains only to employees who are covered by that act. The Office of Federal Contract Compliance also works in the area of sex discrimination, but only as it applies to Federal contractors. The Civil Service Commission is concerned with the problems of sex discrimination in the Federal Government. And the Women's Bureau of the Labor Department contributes valuable information about women, but this, too, deals primarily with sex discrimination in the work force and related areas.

Thus it can be seen that there are a number of agencies studying the problems of sex discrimination in employment. But many of these agencies also study discrimination on the basis of race, color, religion, and national origin, as does the Civil Rights Commission.

The point is that, because of its unique position of independence and impartiality, the Civil Rights Commission can explore all areas of sex discrimination, not just discrimination in employment. As it does now with race, color, religion, and national origin, the Commission can be a clearinghouse for information concerning discrimination on the basis of sex in all areas of American life. And its important and widely read reports can do much to create a climate in which all traces of discrimination can be wiped out. We strongly believe that giving the Commission the authority to study sex discrimination would go a long way toward making equality under the law for American women and men a reality.

In order to do this, of course, the Commission would need to have adequate funds. We realize that adding sex to the other subjects of discrimination it studies would place an additional burden on the Commission's resources.

Naturally, it would benefit no one if the Commission were granted the authority to study sex discrimination and did not have the money to do the job. Therefore, we hope that the Civil Rights Commission will be given the additional staff and financing necessary to carry out its important tasks.

We are greatly encouraged to see that H.R. 12652 passed the House of Representatives by such an overwhelming majority, and that its counterpart in the Senate, S. 3121, has received widespread bipartisan support. Mr. Chairman, we respectfully urge that this measure be given, in this Congress, the high priority it deserves, so that the Civil Rights Commission can make its important contributions to help erase those remaining pockets of inequality in our Nation.

Mr. BASKIR. Thank you.

Would you like to add anything?

Ms. WIEBE. No.

Mr. BASKIR. I just have one question.

You overheard the exchange I had with the members of the Commission with respect to the additional money—

Mrs. SHRIVER. We did.

Mr. BASKIR.—and additional resources. Do you feel that the additional money and personnel that the Commission has scheduled to handle this increase in jurisdiction properly reflects the importance of the problem of sex discrimination in the United States?

Do you feel that is a proper measure?

Mrs. SHRIVER. Yes. We feel that there has been much study done in discrimination in other areas, but up to this point they have not done, really, much for women. We have really been kind of the forgotten group, and that is why I think it is necessary now to handle the problems of women as well as those of Indians.

Mr. BASKIR. So, if the budget of the commission for sex discrimination is roughly 25 percent of the total, and the personnel is about a third of the total, do you believe this gives proper dimensions to the problem of sex discrimination with respect to other areas of their jurisdiction?

It is not a disproportionate share to the problem. Is that correct?

Mrs. SHRIVER. Right. We feel, because of all the work that has been done before on many of the other minority groups, that women now are the ones where discrimination really exists and in which there has been very little, really, done.

Mr. BASKIR. Thank you very much.

The subcommittee will stand in recess, subject to the call of the Chair.

Mrs. SHRIVER. Thank you, sir.

(Whereupon, at 12:15 p.m., a recess was taken, subject to the call of the Chair.)

STATEMENT OF HOPE EASTMAN, ACTING DIRECTOR, AMERICAN CIVIL LIBERTIES UNION

The American Civil Liberties Union supports the enactment of S. 3121, which will extend the existence of the Civil Rights Commission for five years and will expand its jurisdiction to include sex discrimination. The fight to eradicate racial discrimination in our country is nowhere near completion. The battle to end sex discrimination in our society has just begun to claim its share of national attention. An extended and expanded Civil Rights Commission will be an important asset in these continuing efforts.

We need not discuss in detail the past achievements of the Commission. Others have done so and their contributions are well known. In our view, two factors emerge from these past efforts as the most important reasons for continuing the Commission's existence—its independence and its ability to investigate in depth problems which other governmental agencies have not had the time or the inclination to undertake.

The Commission is independent because its duty is to report to both the President and Congress. This independence has enabled it to report honestly and uncompromisingly on the federal government's own failures in implementing civil rights laws and policies already in existence. As such, it serves, in the words of Senator Hugh Scott, as "the conscience of the Nation." Its fact-finding ability has resulted in extensive investigations, hearings and reports which provided the necessary factual justification for portions of the most important civil rights legislation of the last decade—the Civil Rights Act of 1962, the Voting Rights Act of 1965, and the Civil Rights Act of 1968. The need for an institution to gather this kind of factual information has in no way come to an end. The problems of racial discrimination in housing, education, and employment are, if anything, more complex and difficult in the 1970's than they were in the 1960's.

Its years of experience examining racial discrimination also make the Commission uniquely competent to expand its responsibilities to include sex discrimination. Among the duties of the Commission described in the Civil Rights Act of 1957 are to study, collect information and appraise laws denying equal protection of the laws under the Constitution because of race, color, religion or national origin, and to serve as a clearinghouse for information in respect to such denials. It is essential that the same study, appraisal and collection of information be undertaken in the area of sex discrimination. Perhaps as a result of blossoming public attention, the federal government has begun to recognize its responsibilities in the area of discrimination against women. Though the Equal Rights Amendment passed Congress in March 1972, we are very far from solutions and lack vital information on the extent of discrimination in all areas of our society, including education, employment, housing, on the degree of discriminatory application of federal and state laws, and on the wide range of possible solutions. Allowing the Commission to bring its expertise to the problem would be a significant step forward.

As it develops this factual background, the Commission can also play a valuable educational role. In 1873, in *Bradwell v. Illinois*, 83 U.S. (16 Wall) 130, 141, three justices of the United States Supreme Court joined in denying women the right to practice law, writing of the woman's role:

"The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood." (Concurring opinion)

Although almost 100 years have passed since these words were written and despite the fact that, according to the 1970 census, women make up 43% of the adult work force, this attitude is still often a significant factor in blinding many to the impact of the pervasive sex discrimination which exists in this country today. Education and information would certainly aid in reforming these stereotypes.

Information presently available indicates the serious inequality to which women are subjected. The 1969 statistics show the medium income of women was 60% of that earned by men. Average earnings of male college graduates today is \$13,320; for women the income figure is only \$7,930. A 1966 EEOC report on private employers revealed that women hold only one in ten managerial positions and one in seven professional jobs, whereas they hold nearly 45% of lower paid service jobs. Civil Service Commission figures for the federal government are no better. In 1969, 77.8% of women employees found themselves in grade levels GS-1 through GS-6. Less than 2% were in GS-12 through GS-18. In education, the situation is no better. Women often need higher grades to be admitted, both to undergraduate and graduate study. Schools still maintain quota systems for women. Faculty appointments, promotions and the grant of tenure all show extremes of discrimination.

Discrimination against women in housing, insurance, mortgages, financial aid for education, faculty hiring and promotion in universities and in our systems of justice and corrections, is prevalent but more difficult to document. Careful study by the Commission will be especially important in these areas. The Commission's current projects on minority discrimination cover areas where sex discrimination is found and is in need of study. They are, for example, gathering educational data on minorities, the access of blacks to suburban housing and jobs, and the administration of justice in prisons.

It is essential that the Commission have responsibility for seeking solutions to sex discrimination if its present efforts in examining racial discrimination are to be fully effective. It is undeniable that the problems of minority women will not be solved until both race and sex disappear as sources of discrimination. As the Report of the President's Task Force on Women's Rights and Responsibilities clearly indicated:

"Sex bias takes a greater economic toll than racial bias. The median earnings of white men employed year-round full-time is \$7,396, of Negro men \$4,777, of white women \$4,279, of Negro women \$3,194. Women with some college education both white and Negro, earn less than Negro men with eight years of education.

Women head 1,723,000 impoverished families, Negro males head 820,000. One-quarter of all families headed by white women are in poverty. More than half of all families headed by Negro women are in poverty. Less than a quarter of those headed by Negro males are in poverty." *A Matter of Simple Justice*, pp. 18-19 (1970).

Some have suggested that expansion of the Commission's jurisdiction in this area would merely duplicate, or even interfere with the actions of other agencies, primarily the EEOC and the Labor Department. The responsibilities of these agencies are limited to the administration of the federal laws for which they have responsibility. Where other agencies lag behind in performance, the Commission has and will continue to play an invaluable prodding role. Where discrimination exists in areas not covered by present federal laws, the Commission will be the only agency examining the problems. They have an independence which no other agency has. And because they have no program to administer, they are better equipped to do the fact-finding which can then be utilized by all the other agencies in implementing their programs.

Expansion of the jurisdiction of the Civil Rights Commission to include sex discrimination was urged by the President's Task Force on Women's Rights and Responsibilities in April 1970, and by the President himself in the State of the Union message in January 1972. The battle for equality for women has been long and tedious but has moved ahead in recent years. The lack of studies, statistics and other concrete evidence of discrimination has been a major obstacle for women in pressing their case before courts and legislatures. A clearinghouse for information is essential if the battle to eliminate sex discrimination is to be successful. S. 3121 would enable the Commission to do this job.

For all of the above reasons, the ACLU urges prompt enactment of S. 3121.

STATEMENT OF SENATOR J. CALEB BOGGS, SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS, JUNE 15, 1972

Mr. Chairman, I am grateful for this opportunity to make a few remarks today in support of S. 3121, the legislation to expand the duties of the United States Commission on Civil Rights and to extend the Commission for five years. As a cosponsor of this bill, I have given it my strongest support and I urge the Subcommittee to act quickly to approve it.

The Civil Rights Commission has proven to be an effective and valuable resource of the Federal Government. Its appraisal of civil rights issues, its examination of Federal laws and policies relating to civil rights, and its investigations into complaints of denial of civil rights have all contributed to our national commitment to equal protection under the law. The Commission's less publicized but nonetheless essential work of collecting and evaluating civil rights information, and submitting reports and recommendations to the President and the Congress, have likewise served to focus attention on civil rights issues in a most constructive manner.

Despite its many diverse activities, the Commission's principal role is that of an independent, fact-finding agency.

It was originally established in 1957 to undertake an extensive study of denials of the right to vote. In the years that followed, substantial progress was made in this area. This, I am happy to note, has allowed the Commission to broaden its activities to include studies of denials of equal protection in the fields of housing, education, employment and the administration of justice.

I am especially pleased, Mr. Chairman, with the provisions of Section 4 of S. 3121. This section expands the Commission's jurisdiction to include studies and investigations of discrimination on account of sex. This expansion is a principal recommendation of the Report of the President's Task Force on the Rights and Responsibilities of Women which was issued in 1970.

This is an area that has been neglected for too long, and I am anxious that the resources and expertise of the Civil Rights Commission be brought to bear on it. I am pleased that the Commission has made plans to undertake extensive studies of sex discrimination in education programs and in hiring practices. As in the past, I know these studies will be of great value to the Congress and the Executive Branch in terms of proposing and shaping policies and legislation.

The Commission has also begun to study a number of other areas where questions of equal protection under the law have arisen. The particular problems of the Mexican-American, the Puerto Rican, the Asian-American and the American Indian are either under study or slated for examination in the near future. The Commission is also planning to look into subtler forms of discrimination arising from religious differences and ethnic heritage. A comprehensive report on Civil Rights Progress in the Past Decade is planned for next year.

Mr. Chairman, although real progress has been made in the field of civil rights, it is my belief that the work of the Civil Rights Commission has, in a sense, just begun. We have not reached a point where we can afford to let down our guard or ignore patterns of discrimination that persist. I urge the Subcommittee to act favorably on S. 3121.

Thank you, Mr. Chairman.

STATEMENT OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

The League of Women Voters of the United States, with members in all 50 states, the District of Columbia, the Virgin Islands and Puerto Rico, wishes to be recorded in favor of H.R. 12652.

The League of Women Voters was organized following the final success of the extraordinary efforts of a dedicated group of citizens whose aim was to achieve suffrage for women. Since 1920, League members have worked tirelessly to overcome discriminatory practices in education, employment, housing, or voting—whether these practices were against children, women, or racial minorities. Since the 1954 school decision, members have concentrated on achieving equal opportunity for minorities.

We therefore considered establishment of the Civil Rights Commission in 1957 a major step forward in implementing civil rights statutes and in demonstrating the federal government's commitment to equal opportunity for all citizens. As a non-partisan, independent agency the Civil Rights Commission has established itself as an objective advocate for non-discriminatory practices in all aspects of American life, and the volunteer members of State Advisory Committees, representing broad segments of the community, have helped provide essential interpretation and oversight of each newly enacted civil rights law.

The League supports the work already done by the Commission, citing as an example the comprehensive report of 1970 documenting the failures of the federal government to use its structures, mechanisms and procedures to enforce adequately the civil rights laws already on the books.

New federal initiatives to improve federal agency compliance have resulted from that 1970 report. Why? Because interested citizen groups for the first time had factual evidence on which to base efforts to bring the federal establishment into compliance with the law. Without the Civil Rights Commission the general public would have no way to determine whether or not hard-won laws to protect civil rights are buried in legal code books or are put to work to effect change. The League, therefore, supports continuation of the Commission.

Because the investigation and determination of compliance with law requires continuous work over long periods of time, and because social change resulting from compliance with civil rights laws takes place slowly, the League favors extension of the Civil Rights Commission for five years. Furthermore, it is important to League members that sufficient authorization of funds be included to enable the Commission to carry out its mandates effectively.

In order for the distinguished citizens who serve on State Advisory Committees to use their time and expertise to best advantage, an adequate Civil Rights Commission field staff should be available to them.

To do the necessary work under a new mandate giving jurisdiction over sex discrimination, additional funds are required.

Asian-American and other minorities have particular problems which must be faced by the Commission in the months and years to come.

The Civil Rights Commission has many requests for timely studies in response to civil rights emergencies, such as recent prison uprisings.

The League is therefore fully in support of the authorization for \$6.5 million for fiscal 1973 and \$8.5 million for fiscal 1974 and each fiscal year thereafter. Were such increased support not available, the Commission would not be able to cope with any new mandates without curtailing or reducing present programs, thereby losing not only the timeliness and relevance of previously collected data, but also the momentum already built.

The existence of the Commission provides a monitoring eye on governmental activities leading to compliance with existing statutes and correction when compliance policies are inadequate. There is a persistent need for an agency which can point out progress made and pinpoint areas where discrimination persists. In addition, League members are not convinced that sufficient enforcement machinery exists to make necessary progress in civil rights. Such machinery must have an unbiased advocate; the Commission has acted in this capacity in the past and should continue so to act in the future.

League members have consistently supported citizen involvement in governmental decisions—and change through evolution, not revolution. The Civil Rights Commission stands for the kind of response to citizen needs which shows that representative government can and does work—for both the majority and minority. The members therefore stand firmly behind HR 12652 and urge favorable Congressional action to extend the Commission and to fund it adequately.

STATEMENT OF SENATOR HUGH SCOTT

Mr. Chairman, the contributions of the Commission on Civil Rights to the advancement of human rights and human dignity are well known. The Commission has been the conscience of the Nation in matters of racial equality since its creation in 1957. Commission reports and recommendations have formed the basis for important legislation, executive action and judicial opinions dealing with civil rights across the United States.

While significant strides have been taken toward securing individual civil rights since the Commission was established in 1957, there is a continuing need for this type of independent agency. The Commission has been increasingly active in focusing attention and Federal action on the problems faced by Mexican Americans, American Indians and other minority groups. Its vital work must continue.

To date, the Commission's work has been limited to issues of discrimination because of race, color, religion, and national origin. Studies have indicated, however, that widespread discrimination because of sex exists in our Nation. S. 3121, which Senator Hart and I introduced in the Senate on February 3, and H.R. 12652, which passed the House of Representatives on May 1, would meet this denial of equal rights by authorizing the Commission on Civil Rights to deal with discrimination because of sex. This provision would implement an important recommendation of the 1970 report of the President's Task Force on the Rights and Responsibilities of Women and is in accord with the President's civil rights program.

Although the jurisdiction of some Federal agencies encompasses discrimination because of sex, their activities are generally limited to discrimination in the area of employment. Studies of the full range of issues, in addition to more extensive studies of discrimination in employment, are necessary. As has been demonstrated so cogently by the Commission's record, studies and recommendations firmly grounded on authoritative facts are an essential prerequisite to legislation and other remedial relief. Further, it is important that a Federal agency be empowered to appraise the Federal performance in this area and provide a focal point for the development of affirmative action programs within the Federal Government.

The structure and work of the Commission on Civil Rights are well suited to these needs. I believe that it is both logical and necessary that the jurisdiction of the Commission be expanded to include discrimination because of sex.

I am delighted that the House of Representatives has passed legislation nearly identical to the bill introduced by Senator Hart and myself. Although the House-passed bill does not include the open-ended authorization Senator Hart and I favored, it does provide an authorization of \$6.5 million for Fiscal Year 1973 and \$8.5 million for Fiscal Year 1974 and thereafter. These funds will allow the Commission to continue its present action for racial equality and to expand its efforts to include discrimination on account of sex.

I would like to stress that this program has the full backing and support of the President of the United States. In his State of the Union Message, the President requested that the Commission be extended for another 5-year term. In addition, the President called for the expansion of the Commission's jurisdiction to include discrimination because of sex.

STATEMENT OF THE WOMEN'S EQUITY ACTION LEAGUE IN SUPPORT OF H.R. 12652, JUNE 15, 1972

(By Norma Raffel, Ph.D., National President, and Marguerite Rawalt, LL.D.,
Chairman, Ad Hoc Committee)

The Women's Equity Action League (WEAL) is a national voluntary, non-profit organization formed to press for full enforcement of existing anti-discrimination laws affecting women, to gather and disseminate information and educational materials thereon, to seek solutions to their economic, educational and employment problems, to combat job discrimination against women by government

or private employers, working for reappraisal of Federal, State, and local laws limiting women's employment opportunities. H.R. 12652 would be a step in carrying out such purposes.

WEAL therefore supports H.R. 12652, which would have the effect of conferring upon the U.S. Civil Rights Commission jurisdiction to consider denials of equal protection of law because of sex in addition to its present jurisdiction with respect to race, color, religion and national origin.

"Equal protection of the laws" under the Fourteenth Amendment has long been withheld from women. The distinguished Chairman of the House Judiciary Committee, the Hon. Emanuel Celler, stated in 1956 during debate on the legislation which created the U.S. Civil Rights Commission that—

"The 14th Amendment to the Constitution * * * prohibits the denial by state action of the equal protection of laws, but distinctions based on sex have never been considered within the purview of this prohibition." 102 Cong. Rec. 13552, 84th Congress.

With this statement we are in full agreement. The U.S. Constitution means what the U.S. Supreme Court says it means. Distinguished members of Congress, both of the House and the Senate, advocating approval of the Equal Rights Amendment, have placed in the record complete analyses of Supreme Court decisions showing continuing and long-standing denial of the Fourteenth Amendment protection to women.¹ Constitutional scholars and teachers of constitutional law have testified before Judiciary Committees of both houses of Congress to this same effect and have advocated a constitutional amendment as the broad and conclusive guarantee of constitutional equality.²

Authoritative and centralized resource data is a fundamental need in achieving legal equality. Informed women and women's organizations working to throw off their legal inferiority status, have long recognized the lack of comprehensive, organized research, documentation, and centralization of authentic source materials which are prerequisite to combatting discrimination in laws and practices. Their individual efforts and data are not coordinated or centralized in a publicly available source. Data focused upon discriminatory laws and practices is scattered and piecemeal. To adequately effectuate the purposes of this Bill requires a reliable comprehensive and voluminous storage bank of information, publicly available, respecting the whole network of existing state and federal statutes and their court interpretation. This is an undertaking beyond the scope of an unfunded, volunteer group, no matter how dedicated. It is a proper job for government.

Government agencies do not now provide a centralized and comprehensive source of data focused upon discrimination and denial of constitutional protection. The laudable statistics of the Women's Bureau have not been so focused. Its studies have been factual analyses of statutes and practices without measurements for discrimination. Its prescribed duties point to the interests of "wage-earning women" to "women in industry." P.L. 259, 66th Congress. The Equal Employment Opportunity Commission is statutorily directed to elimination of sex discrimination in employment only, and limited to private employment and to larger employers. The Civil Service Commission reports and statistics are not designed to frame constitutional equal protection issues. All women, employed outside the home or inside, should be brought into protection of their property rights and their civil and political rights.

The establishment of a national clearing house of authoritative data is a proper task for the U.S. Civil Rights Commission, an assignment on an equally urgent and needed level as its present areas of concern with race, religion and national origin. Women of every race, religion, and national origin should be legally emancipated. The Civil Rights Commission by authorization, by valuable experience, by governmental support, is in position to extend its expertise of hearings, reports, and activities in educating the public, to the cause of equal legal protection of women. To that end, we urge the provision for appropriations necessary to adequately and sincerely discharge the functioning of this extra field of action.

¹ Cong. Rec., 91st Cong., 2d Sess., pp. H-7953-7985, debate preceding passage of amendment; hearings before Senate Subcommittee on Constitutional Amendments, May 5-7, 1970, pp. 112-135 for case analyses. (Rawalt)

Cong. Rec., 92d Cong., Oct. 6, 1971, pp. H9235, et seq. Hearings, Subcommittee 4, House Judiciary Committee, March 24-31, 1971, on H.J. Res. 208, pp. 36-42 (Griffiths); pp. 194-209.

² Hearings before Senate Judiciary Committees, 91st Cong., Sept. 9-15, 1970, on S.J. Res. 61 and S.J. 231; p. 298 (Emerson); 312 (Dorsen); 161 (Kanowitz).

The Women's Equity Action League is gratified that President Nixon included a recommendation for this legislation in his recent message to Congress as embodied in this Bill introduced by the Chairman of the Judiciary Committee. The measure should continue to have bi-partisan support. The 1969 Report of President Nixon's Task Force on Women's Rights and Responsibilities recommended this action.

We would point out that this measure, desirable as it is, is not a substitute for the Equal Rights Amendment to the Constitution which would bring women of all races and classes within the ambit of the Constitution as human beings and citizens without restrictions or distinctions based solely upon the circumstance of having been born female. It is a colorful thread in what should be a complete tapestry of equality. This Bill would propel American women a full step higher on the escalator of constitutional recognition in this democracy.

We support passage of H.R. 12652 and emphasize the need for the authorization of "such sums as are necessary to carry out the provisions of this Act." The experience and effective work of the U.S. Civil Rights Commission, as thus extended to women, would contribute materially toward achieving our goal of "equal justice under law" which is the principle inscribed above the portals of the U.S. Supreme Court building.

SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS,
Washington, D.C., March 13, 1972.

MR. JONATHAN W. FLEMING,
Special Assistant to the Staff Director, U.S. Commission on Civil Rights, Washington, D.C.

DEAR MR. FLEMING: S. 3121, a bill to extend the Commission on Civil Rights for five years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, has been referred to this subcommittee. Hearings on the bill are being contemplated.

In order that we can proceed with our consideration of the proposed bill, we ask that you respond promptly to the questions contained in enclosure number 1 to this letter. The Commission is also welcome to submit any additional materials which it considers pertinent to this legislation.

Sincerely yours,

LAWRENCE M. BASKIR,
Chief Counsel and Staff Director.

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., May 23, 1972.

LAWRENCE M. BASKIR,
Chief Counsel and Staff Director, Subcommittee on Constitutional Rights, U.S. Senate, Washington, D.C.

DEAR MR. BASKIR: Enclosed is information supplied in response to your letter and request dated March 13, 1972. In addition to materials supplied in response to your letter, I have enclosed an explanation of H.R. 12652 revised to incorporate changes made by Subcommittee No. 5 of the House Committee on the Judiciary and approved by the House on May 1, 1972.

We will be pleased to furnish you with any other information which you may request.

Sincerely,

JONATHAN W. FLEMING,
Special Assistant to the Staff Director.

Enclosures.

U.S. COMMISSION ON CIVIL RIGHTS—RESPONSE TO QUESTIONS ON PROGRAM AND PROPOSED CHANGES IN STATUTE OF U.S. COMMISSION ON CIVIL RIGHTS

I. Expanding the jurisdiction of the Commission to sex discrimination:

1. If sex discrimination were included in the ambit of the Commission's activities, would this call for additional expenditures? Please estimate the amount of the increase per year.

Inclusion of sex discrimination in the ambit of the Commission's jurisdiction would call for additional expenditures of \$1 million in fiscal year 1973 and an additional \$1.25 million in fiscal year 1974.

2. Could you estimate how long it would take for the Commission to establish a program which would have a substantial impact upon the problems of sex discrimination?

A fully funded program would begin to have significant impact upon problems of sex discrimination within one year from the time the program became fully operational. The Commission has established an in-house planning group to develop a sex discrimination program in anticipation of such an expansion in its jurisdiction. The Commission is prepared to implement this program as soon as an expansion in jurisdiction is voted by Congress and sufficient appropriations made.

The sex discrimination program, as planned, includes many of those issues and activities which have been identified as critical if progress is to be made in this area. For example, the President's 1970 Task Force on Women's Rights and Responsibilities, in recommending that the Commission's jurisdiction be expanded to include sex discrimination, noted that "perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge of the facts" and the lack of a clearinghouse for such information. Fulfilling this responsibility would be one of the Commission's priority objectives if its jurisdiction were expanded to include sex discrimination.

3. What would your program consist of?

The Commission on Civil Rights, if it is given jurisdiction to deal with sex based discrimination, proposes to undertake the following activities in this field during fiscal year 1973.

I. Incorporating sex discrimination as an issue in on-going projects and activities

Complaints.—Among the first actions of the agency will be to expand the Complaints Unit to handle an anticipated increase in the number of complaints which will be received due to the assumption of jurisdiction to deal with problems of sex based discrimination. It is anticipated that the current number of complaints (1800) processed by the Commission will double in the first year of operation with an expanded mandate.

Revising Commission Publications.—Basic civil rights information publications of the Commission will be revised to reflect the agency's responsibilities in the area of sex discrimination. These will include the Commission's compiled "Statute, Rules and Regulations of the Commission on Civil Rights", the brochure which describes the agency, and the "Annual Civil Rights Directory". In addition, the *Civil Rights Digest*, quarterly, will be expanded to include editorial content on sex discrimination.

Evaluating Federal Programs and Policies.—The Office of Federal Programs Evaluation will be expanded in staff and will monitor Federal Departments and Agencies with respect to sex discrimination on the same basis as Departments and Agencies presently are monitored for enforcement of civil rights.

Additional Professional Staff.—New professional staff will be added to the Office of General Counsel and the Technical Assistance Division of the Office of Community Programming. This latter Office provides staff support and services for the 51 Advisory Committees in each State and the District of Columbia. Other staff will be added to the Commission's liaison unit under the agency's clearinghouse program on civil rights information.

Expanding Information Services.—The Commission's Civil Rights Documentation Center and Library will begin acquisition of materials and data on sex based discrimination. Publications and programs on sex discrimination will be initiated.

II. New Studies

The Commission on Civil Rights has developed contingency plans during the past year in anticipation of an expanded mandate. It is tentatively proposed to undertake studies in some or all of the following subject areas:

1. Women's Role and Image in Television.
2. Sex Discrimination in Higher Education Programs.
3. Sex Discrimination in Elementary and Secondary Education Programs.
4. Sex Discrimination in Practices of Financial Institutions.
5. Women in the Job Market.
6. Expanded activities by State Advisory Committees to the Commission, including public meetings, information programs and reports to the Commission with recommendations for action.

During fiscal year 1974 the Commission on Civil Rights would continue the development and expansion of its sex discrimination program in the following ways:

Expansion of information activities.—During fiscal year 1974 the Commission will have in full operation an extensive information program on sex discrimination including maintenance of a documentation center for sex discrimination information, publications, films and other informational activities. This effort will be central to the Commission's obligation to collect and disseminate information.

New Studies.—The Commission will undertake the following new studies, in addition to those carrying over from the previous year, in fiscal year 1974:

1. Legal Status of Women.
2. Discriminatory "Channeling" of Women by Educational Institutions.
3. Women and Health Services.
4. Social and Economic Status of Women.
5. Sex Discrimination in the Federal Service.

4. What would distinguish your activities in this area from those of the Equal Employment Opportunity Commission, Office of Education, Justice Department, the Civil Service Commission, and other Federal agencies involved with sex discrimination?

The areas of responsibility of other Federal agencies involved with sex discrimination are briefly described below:

Equal Employment Opportunity Commission.—Enforcement of Title VII of the Civil Rights Act of 1964 which bans discrimination in access, promotion, benefits, and terms of employment by private employers, labor organizations, employment agencies and apprenticeship programs because of sex.

Civil Service Commission.—Administers implementation of E.O. 11246, as amended by E.O. 11478, prohibiting sex discrimination in Federal employment. In addition to the policy-setting and coordinating role of CSC, each department and agency is required to maintain an equal employment opportunity program involving prohibitions against sex discrimination.

Department of Labor.—Determines policy and coordinates enforcement by Federal contracting agencies of E.O. 11246, as amended by E.O. 11375, which prohibits Federal contractors and subcontractors from discriminating in any aspect of employment and requires the creation of affirmative action programs. The Department also administers the Equal Pay Act of 1963, which guarantees men and women equal pay for equal or substantially similar work. Finally, the Women's Bureau serves primarily as an information clearinghouse on the economic and educational status of women, with a mandate to promote the welfare of wage-earning women and encourage better utilization of womanpower.

Department of Justice.—Responsible for bringing suit in those cases arising from enforcement of the abovementioned statutes.

Office of Education.—As other Federal contracting agencies do, enforces E.O. 11246. Therefore, OE is primarily concerned with sex discrimination in higher education insofar as colleges and universities hold Federal contracts.

The addition of sex discrimination would give the Commission comparable jurisdiction to that of two major Federal civil rights enforcement programs, contract compliance and Title VII of the Civil Rights Act of 1964. While other agencies are concerned solely with enforcement, the Commission is charged with examining denials of equal protection under the law, appraising Federal laws and policies with respect to denials of equal protection of the laws, and making appropriate recommendations to the President and Congress. No other Federal agency enjoys such a mandate, nor is any other Federal agency empowered to handle the full range of women's issues. This is particularly important in view of critical interrelationships between women's issues, e.g., between education and employment. Especially important is the Commission's mandate to appraise the laws and policies of the Federal government. It is critical that not only the laws and policies be examined, but their implementation as well. Only the Commission performs this function on a day to day basis.

II. Extending the life of the Commission for 5 years

1. What major projects are currently underway and when are they expected to be concluded? (Please be specific as to the nationalities or minorities involved and the type of activities involved.)

The following major projects are underway:

(1) *Mexican American Education Study.*—This project consists of a questionnaire and field survey of the educational opportunities afforded Mexican American children at the elementary and secondary levels in the schools of the Southwest. It is a major effort of the Commission and has been underway for more than two and a half years. The results of the study are being published in a series

of reports. The first report, *Ethnic Isolation of Mexican Americans in the Public Schools of the Southwest*, examined the size and distribution of Mexican American enrollment, educational staff and school board membership; the placement of Mexican American educators in terms of the ethnic composition of schools and districts in which they are found. A second report, *The Unfinished Education*, analyzed the performance of schools in the Southwest in terms of the outcomes of education for students of various ethnic groups using such measures as school holding power, reading achievement, grade repetition, overageness and participation in extracurricular activities. A third report, *The Excluded Student*, is completed and was published this month. This report documents the way the educational system deals with the unique linguistic and cultural background of Mexican American students. *The Methodological Appendix to the Mexican American Education Study* is completed and is at the printer.

The Financing of Education in Texas, the fourth report in the Mexican American Education series, examines and compares financial support of education in predominantly Mexican American and Anglo districts in Texas. The report examines the property tax effort, local fund assignment and the State equalization effort as they apply to the education of Mexican Americans. The report has an extensive legal appendix which surveys the legal and Constitutional issues involved in inequities of school finance throughout the country. This report is scheduled for completion by June 30, 1972.

Classroom Interactions of Mexican Americans and Anglo Pupils.—This report compares classroom interaction of teachers with Mexican American and Anglo pupils. It is scheduled for completion in September 1972.

Relationships Report.—This report will seek to determine the relationship of various school conditions and practices to outcome of education for Mexican Americans. The report is scheduled for completion in January 1973. It involves approximately four staff members working nine months or 54 months analyzing data, making computer runs, and drafting the report.

The Summary Report.—Basic findings and the conclusions of the several reports of the Mexican American Education Study are synthesized and summarized in this final document of the series. It is scheduled for completion in June 1973.

(2) *Study of Desegregation under the Technical Assistance Provisions of Title IV of the Civil Rights Act of 1964.*—Title IV of the Civil Rights Act of 1964 established mechanisms by which financial assistance is granted to school districts to help them overcome problems incident to desegregation. These mechanisms include grants to school boards and State Departments of Education to enable both to provide assistance in resolving problems associated with the desegregation process. In addition, Title IV provides for technical assistance to be rendered by Universities.

In examining the role of Title IV as a facilitator of the desegregation process, the Commission has looked at programs developed by individual school districts, training institutes and desegregation centers established in colleges and universities, and Title IV units in State Departments of Education. The Commission has concentrated its investigation on the southern and border States, where the bulk of Title IV funds have gone. This publication involves blacks and Chicanos. It will be released in June 1972.

(3) *Pupil Transportation for Desegregation Purposes.*—This project will prepare an information-type publication for the general public on the subject of pupil transportation for desegregation purposes. The publication will provide the historical background, the legal precedents and authorities, respond to the objections, present the reasons for the use of transportation in the desegregation process, and give some hints on making it work. Estimated completion date on the preparation of the copy for publication is the end of April 1972. Both minority and majority populations will be involved insofar as busing has an impact upon them. The publication will be addressed to the general audience.

The persons working on the project will continue to monitor and gather data on this subject throughout the Summer and the beginning of school in the Fall.

(4) *Mortgage Finance and Equal Housing Opportunity.*—This study will examine the role of mortgage lending institutions in the denial of equal housing opportunities. Minorities affected will include Blacks, Spanish Speaking and American Indians. The study is scheduled for completion in November 1973.

(5) *Minority Economic Development.*—The Commission proposes to study minority economic development with the objective of making recommendations to enhance economic opportunities for minority people. The study will be based on an appraisal of present implementation of the recommendations of the Presi-

dent's Advisory Committee on Minority Business Enterprise. It also will focus on new recommendations for action to increase minority group participation in the economic mainstream of the country. This study will focus on Blacks, Spanish speaking and Indians. It will be completed in March, 1973.

(6) *The Collection and Use of Racial and Ethnic Data by Federal Program Officials.*—This report studies the collection and use of racial and ethnic data by Federal programs. The report also sets forth safeguards against abuses of such information and makes recommendations for those purposes. The report is scheduled for release in June 1972.

(7) *The Contract Compliance Program of the Department of Transportation.*—This project studies in detail the workings of the Department of Transportation's program to carry out the purposes of Executive Order 11246 requiring nondiscrimination by Federal contractors and subcontractors. This study relates to employment problems encountered by the major minority groups in the United States, i.e., Negroes, Mexican Americans, Puerto Ricans, Native Americans and Asian Americans. It is planned for release in September 1972.

(8) *Civil Rights and Federal Highway Programs.*—This is a study of the implications for minority groups of major construction programs of highways assisted by the Federal government. Route locations, displacement, compensation for property taking, full opportunity to exercise rights of protest, hearing and planning participation are examined as well as issues of whether minority groups benefit directly and indirectly from the transportation services of major arterial highways. This study is scheduled for completion in January 1973.

(9) *Suburban Access Report.*—On the basis of hearings in St. Louis, Missouri, Baltimore, Maryland, Washington, D.C., and SAC meetings on suburban access, a report is being prepared summarizing the barriers to suburban access and recommending techniques that can be used to eliminate the barriers and provide equal opportunity.

This project focused on the problems that black Americans, and Mexican Americans have had in being able to obtain equal participation in the growth and benefits of suburban America. It is estimated that this report will be completed on or about Aug. 30, 1972.

(10) *Indian Project.*—In Fiscal years 1969–1970, the Commission conducted preliminary research and investigations to gain an understanding of the problems facing American Indians, living both on and off reservations, to establish contact with the Indian community, and to learn directly from Indians what problems merit the attention of the Commission. Field trips were made by Commission staff members to the State of Washington, to Northern and Southern California, to the Navajo Reservation in Arizona and New Mexico, and to Sioux Reservations in North and South Dakota. Commission staff members interviewed a number of people, Indian and non-Indian, in Washington, D.C. who are knowledgeable about Indian affairs and problems.

In 1971–72, the Commission issued a publication entitled "American Indian Civil Rights Handbook". This publication spells out rights and remedies of special concern to Indians under Federal law, particularly the 1968 Indian Bill of Rights. Other publications to be issued are handbooks on:

Federal Programs.

The Federal Administrative Apparatus as it Pertains to Indians.

Social Services.

Legal Status of American Indians.

The Indian project will continue to gather information pertaining to the equal protection of the law as it relates to Indians through field investigations, State Advisory Committee meetings, and a possible Commission hearing. This project is projected to continue into mid Fiscal Year 1971.

(11) *Puerto Rican Project.*—In Fiscal Year 1971, the Commission began the process of factfinding on civil rights problems of persons of Spanish Surname in the Midwestern and Eastern United States. In this early phase, several community workshops, designed to provide information on equality of educational opportunity for Spanish-speaking children, were conducted. In connection with this project an English and Spanish version of a booklet explaining the uses of Title I and Title VIII (bilingual education) of the Elementary and Secondary Education Act were prepared.

In the third quarter of Fiscal Year 1971 a meeting was held in Massachusetts focusing on the concerns of the Puerto Rican communities of Boston and Springfield in the areas of education, housing, health, welfare and poverty programs. Additional meetings were held in Newark, Trenton, Hoboken and Camden, New

Jersey, to investigate the educational problems of Puerto Ricans and to look into the services rendered by anti-poverty agencies. Staff also conducted field research in a number of cities on the denial of equal protection of the law in employment, education, housing, voting, and the administration of justice.

In February 1972 the Commission held two days of hearings in New York City on equal educational opportunity for Puerto Ricans. The investigation in New York also collected information pertaining to equal employment opportunity, access to housing, and problems in the administration of justice. The information collected in State Committee meetings, and by Commission staff will provide a basis for a Commission report. This report is scheduled for completion in the first quarter of fiscal 1973.

(13) *A Study of Cairo, Ill.*—The Commission has conducted a study of the conditions found in a small midwestern community, which has seen much racial unrest and violence. The Commission will focus on the causes of polarization, and evaluate programs of the Federal Government which are available to solve or ameliorate conditions of severe racial—black-white—separation. The Commission held a hearing in Cairo, Illinois in March, 1972. A report of this hearing, and its implications for small communities throughout the Nation will be the subject of a report which should be completed in the first quarter of fiscal 1973.

(14) *Crime, Police and the Minority Community.*—In fiscal year 1971, planning started on a law enforcement project to be carried out in fiscal year 1971 and 1972. A one-day meeting was held of eight experts in various areas of the law enforcement field to advise us what direction the project should take. As planned, the project examines the role of the police in the minority community in order to evaluate police activities and community perceptions of them. We are examining various controls on police and will determine the goals, views and standards to which police conduct is now responsive. We are reviewing a number of innovative programs whose purpose is to adapt the role of the police to the needs and desires of the minority community. The project will include studies of between four and six cities of over 500,000 population, with substantial minority populations. In fiscal year 1972 investigations and staff reports on Houston, Texas, Los Angeles, California and Boston, Massachusetts will be completed. Minorities present in each city will be studied. This includes blacks, Mexican Americans, Puerto Ricans, and urban Indians. It is anticipated that one or more Commission reports will be issued in connection with this study. A hearing in fiscal year 1973, is planned in connection with this study.

(15) *Correctional Institutions and Equal Protection of the Laws.*—Beginning in the last quarter of Fiscal Year 1972, we will extend the Commission's administration of justice studies into the prisons, examining equal protection of the laws as they affect prisoners generally and minority group prisoners particularly. This project will have a duration of twelve months. We will study the internal disciplinary systems of prisons to see if they violate prisoners' civil rights. We will look at conditions in local jails as well as State and Federal prisons. We will examine the treatment of white prisoners vis-a-vis minority prisoners, and we will look into allegations of segregation in certain prisons. We will determine whether prisoners are provided access to lawyers and adequate legal counsel concerning their rights once they are in prison. We will examine the treatment of prisoners belonging to groups such as the Black Panthers, Brown Berets, and Black Muslims to see if prisoners who are members of these groups are treated differently or if their rights are being abused because of membership. Finally, we will examine the practices of parole boards to see if minority group prisoners are given equal treatment and equal opportunity for parole.

The phrase "minority group" refers to all minority groups located in the geographical confines of the prison system to be studied. Prison systems will be selected to provide information on a full range of minority groups.

2. What are the major projects proposed for the future and the length of time each is expected to require for completion? (same specificity as Question 1)

The following are new research and study projects which the Commission on Civil Rights proposes to undertake during Fiscal Year 1973:

1. A study appraising the implementation of the recommendations of the President's Advisory Committee on Minority Business Enterprise and examining other methods to increase minority group participation in the economic mainstream of the country. This study will encompass the major minority groups in the country with particular emphasis upon Blacks, Mexican Americans and Puerto Ricans. It is scheduled for completion in early fiscal year 1974.

2. Minority Group Participation in Labor Organizations will be studied during fiscal year 1973 as a major project of the Commission. This study will cover participation by Blacks, Mexican Americans, Puerto Ricans and women (if the Commission's jurisdiction is expanded to include sex discrimination.) The project is scheduled for completion in the third quarter of fiscal year 1974.

3. Discrimination against minority groups by institutions of higher education and in Federally-assisted programs of higher education will be studied in fiscal year 1973. The project is scheduled for completion at the end of the fiscal year.

4. A major Commission hearing on American Indians and their civil rights will be held during the second or third quarter of the fiscal year. This hearing will become a major factfinding effort by the Commission in its proposed study and report on the civil rights problems of American Indians.

5. A new program on Asian American problems will be developed by the Commission during fiscal year 1973. The purpose of this project will be to develop and publish information on the status of the Asian American communities in the United States today. The first phase of the project will be completed during fiscal year 1973 or early in fiscal year 1974. During that time the Commission will determine what specific studies and reports should be undertaken which would make a contribution toward the growing problems of this rapidly increasing population.

6. A Report on Civil Rights Progress in the Past Decade will be written and published during fiscal year 1973. Preliminary data from the 1970 Census indicates that many members of minority groups in the United States have improved their economic and social condition during the past ten years, many others have not. The Commission will analyze Census data to determine what segments of minority group populations have improved their material status and which have not. An effort will be made to relate this progress to the enactment and enforcement of the major civil rights legislation of the 1960s.

7. During fiscal year 1973 the Commission plans to undertake extensive exploratory studies in the areas of religious and national origin discrimination unrelated to color. This effort will be preparatory to initiating a major project in this area of the Commission's jurisdiction in late fiscal year 1973 or fiscal year 1974.

3. How many field offices are currently in operation?

The Commission on Civil Rights presently has field offices operational in the following cities: Atlanta, Ga.; Chicago, Ill.; Los Angeles, Calif.; New York City, N.Y.; San Antonio, Tex.; and Washington, D.C.

4. How many State Advisory Committees currently are functioning?

The Commission has appointed State Advisory Committees in every State and the District of Columbia. The following State Advisory Committees are considered to be active and functioning: Alabama, California, Connecticut, Arizona, Delaware, Georgia, Illinois, Indiana, Maryland, Washington, Maine, New York, North Carolina, North Dakota, New Mexico, Oklahoma, Ohio, Texas, New Jersey, Arkansas, Florida, Rhode Island, Massachusetts, Virginia, Wisconsin, South Dakota, Tennessee, Iowa, District of Columbia, Idaho, Mississippi, Montana, New Hampshire, Oregon, South Carolina, Pennsylvania, and Vermont.

5. How many allegations were investigated under Sections 1975c(1) and (5) in the last year?

In fiscal year 1972, to date, seven complaints have been received under 1975c(5) and none under 1975c(1). To date, the Commission has received 909 complaints under 1975c(5) and 341 complaints under 1975c(1).

In addition to specific complaints, which the Commission has referred to the Department of Justice, the Commission was involved in monitoring the enforcement of the Voting Rights Act of 1965, as amended.

During the Spring of 1971 the Commission monitored Department of Justice enforcement of Section 5 of the Voting Rights Act of 1965. The Commission investigated allegations of impropriety in Mississippi re-registration and re-apportionment. The Commission reported its findings and comments to Congress on June 2, 1971 in the testimony of Howard A. Glickstein, then Staff Director of the Commission, before Subcommittee No. 4 of the House Judiciary Committee.

The Commission also monitored elections in Mississippi in August 1971.

6. What studies have been made appraising the policies of Federal agencies with respect to denials of equal protection within the past year?

Virtually each study previously listed in Question II above has a component that appraises Federal agencies and their performance with respect to denials of equal protection.

The past year has seen the issuance of two major reports specifically evaluating the effectiveness with which Federal agencies carry out their civil rights responsibilities. The first of these was the "Federal Civil Rights Enforcement Effort—7 Months Later" (November 1971). These studies reevaluated the civil rights performance of almost thirty Federal agencies including such diverse organizations as the Office of Management and Budget, the Interstate Commerce Commission, the Law Enforcement Assistance Administration of the Department of Justice, the Office of Federal Contract Compliance of the Department of Labor, and the Department of Housing and Urban Development.

These two reports were follow up efforts to the Commission's major study appraising the Federal Civil Rights Enforcement Effort released in November 1970. This study initially appraised the performance of over 40 Federal Departments and Agencies with civil rights enforcement responsibilities.

Home Ownership for Lower Income Families.—A detailed study of the effect of the Section 235 home ownership program. Staff conducted intensive data collection and analyses in four major metropolitan areas and published a Report focusing on the impact of the Section 235 program. The Report was published in June, 1971.

The Housing Division also has conducted analyses on ten (10) proposed regulations by Federal regulatory agencies and submitted detailed comments to the appropriate agency. A separate memorandum describes these comments.

7. How has the Commission performed its function as a national clearinghouse for information with respect to denials of equal protection.

Under its mandate to serve as a National Clearinghouse for civil rights information, the U.S. Commission on Civil Rights disseminates such information on a nationwide scale through several methods.

One of its most useful means of communicating the nature of civil rights problems has been through its Clearinghouse Publications. Thirty-five such publications have been issued to date which range in content from a study of Racism in America by Anthony Downes, a former member of the National Advisory Committee on Civil Disorders, to a narrative on the life of rural blacks in the South based on the Commission's 1968 hearing in Montgomery, Alabama to a vignette on the personal experiences of a Mexican American in an urban atmosphere written by Reubén Salazar just before his tragic death. The Clearinghouse Publications cover all areas of the Commission's concern: administration of justice, education, employment, health services, housing, and voting. Several of them are summaries of Commission Statutory Reports which outline the major points made in the larger report. They seek to present civil rights problems in factual, readable style and their circulation has been large.

According to the Documentation Department of the Government Printing Office, several of them are among the publications considered to be in demand. This is a good rating considering that they compete with many thousands of Government publications on every conceivable subject. Several of the Clearinghouse Publications that are devoted to the unique problems of the Spanish speaking are available in both English and Spanish. A list of the Clearinghouse Publications is attached. The titles indicate their scope and content. The Commission makes a point of having these, as well as all of its publications, presented with original, appropriate, and tasteful art work.

Considered a Clearinghouse Publication, but, by its special purpose, standing by itself in the clearinghouse function is *The Civil Rights Digest*, a quarterly magazine which offers significant information on civil rights matters by presenting articles on current events, reports of Government and non-Government activities, book reviews, and analyses of civil rights developments in all sections of the country. The magazine has a circulation of approximately 30,000 for each issue. That it has made its way among scholars and laymen is evident by the increasing number of requests received for permission to quote excerpts from it. This, incidentally, is true of others of our Clearinghouse Publications.

A second, and equally important clearinghouse function, has been the development of liaison with private groups throughout the country. Such groups are kept informed of Commission activities and are encouraged to make use of its publications, exhibit, and films as resource materials for their own programs.

The response has been gratifying. Since members of groups find one of the best sources of obtaining information is through convention programs of their organizations, the Commission has accelerated its efforts to be represented at such meetings by staff attendance, when feasible, but always by its continuously expanding exhibit and the distribution of its publications.

The Commission's exhibit deserves special mention as a means of fulfilling its clearinghouse function.

It is not static. Its original exhibit piece has been replaced by interchangeable panels based on the concept of "Freedom." "Freedom From", the stereotype situations that most minorities have been restricted to, and "Freedom To", the right to equal citizenship that every American is guaranteed under the Constitution. Using this series of interchangeable, photographic panels, the exhibit can now reflect the basic theme or subject of a given convention, meeting, or seminar and add a new dimension, through the visual process, to the primary concern of the group. Among the groups serviced in this way are :

International Association of Official Human Rights Agencies
 League of Women Voters
 International City Management Association
 National Association of Media Women
 Rural Sociological Society
 National Congress of American Indians
 American Political Science Association
 YMCA
 American G.I. Forum
 National Association for the Advancement of Colored People
 International Union of Electrical, Radio and Machine Workers
 Association for the Study of Negro Life and History
 National Council of Jewish Women
 National Council of Catholic Women
 National Council of Negro Women
 National Baptist Convention
 Federal Executive Institute
 CSC
 Delta Sigma Theta Sorority
 National Urban League
 National Association of Social Workers
 American Psychological Association
 Meat Cutters and Butcher Workmen of North American/AFL-CIO
 National Alliance of Postal and Federal Employees
 National Association of Intergroup Relations Officials
 American Historical Association
 National Newspaper Publishers Association
 United Automobile Workers/AFL-CIO
 Special Libraries Association
 Puerto Rican Leadership Conference
 Michigan Association of State and Federal Program Specialists
 American Association for Higher Education
 American Federation of State, County, and Municipal Employees
 American Jewish Committee
 American Jewish Congress
 United Steelworkers of America
 Japanese American Citizens League
 National Organization of Women
 U.S. Catholic Conference
 LULAC
 National School Board Association
 Girl Scouts of America
 YWCA
 National Education Association

The Commission's films have proved to be a widely acclaimed means of fulfilling the clearinghouse function.

Although "Cycle to Nowhere", based on the 1968 Alabama hearing was released in 1969, the film continues to have strong appeal and numerous requests are received for it. More than 10,000 persons have viewed this film since its release. It has been used as a training vehicle by private organizations and Federal Agencies such as the Department of Agriculture's Soil and Conservation Service. The "Mississippi Hearing" film is also being widely circulated as requests continue to come in for its use.

Requests for speakers and for briefing sessions have increased as a result of the Commission's clearinghouse activities. Staff members have conducted sessions

for teachers, teachers' aides, Federal employees of other agencies, private organizations, and high school and college students. Many persons representing these groups and many such entire groups have visited the Commission to learn at firsthand about its activities and programs. Among these have been groups under the auspices of the Washington Study Program Office of the United Methodist Church, the William Penn House (a Quaker organization), the Mennonite Central Committee, and nearby universities and public schools. Topics discussed when these groups come include racism, Federal legislation affecting civil rights, school desegregation and the question of busing, the progress of Federal agencies in the area of civil rights, contract compliance, housing, job discrimination, and the general activities and role of the Commission in effecting the development of a society in which denial of equal rights has been eliminated. These topics reflect the interests of the groups involved and concretely point to the scope of influence which our clearinghouse function has generated.

The use of the Commission's mailing lists in a new and more effective form is an important means of carrying out the clearinghouse function. The Commission's mailing list consists of government officials at all levels, including members of Congress, and institutions and individuals concerned with or working in the field.

By converting the mailing list from Addresser-Printer plates to an Optical Scanning System, the Commission has been able to expedite its mailing. The conversion has noticeably reduced dollar costs, man hours, time lags, and the general maintenance necessary to the handling of a mailing list.

The Commission's Library and Documentation Center contributes an important service to the clearinghouse function. Its 8,000 books and 12,000 periodicals (which, of course, do not represent permanent figures) provide one of the most comprehensive sources of civil rights information in the country. It is used by persons engaged in scholarly research and is consulted by private organizations and Government agencies for civil rights material. Needless to say, it is used extensively by the Commission staff but it also attracts outside persons who are not connected with civil rights groups *per se* but who have occasion to use our facilities in connection with aspects of their own work. For instance, leading law and business firms send employees here to obtain information on the subject. Our Library is listed in directories put out by all private and Government agencies as a major civil rights resource.

PROPOSED AUTHORIZATION FOR APPROPRIATIONS FOR COMMISSION ON CIVIL RIGHTS

H.R. 12652, as passed by the House of Representatives, would extend the term of the Commission on Civil Rights for five years, expand its jurisdiction to include discrimination on account of sex and provide for other statutory changes to conform certain *per diem* payments with those of comparable agencies. The bill was amended by the Subcommittee to authorize appropriations of \$6,500,000 for fiscal year 1973 and \$8,500,000 for fiscal year 1974 and each year thereafter. The formulation of this request is in keeping with past authorizations for appropriations for the Commission.

The authorization for appropriations for fiscal year 1973 will enable the Commission to request the full amount of appropriations requested by the President in his Budget Message for FY 73 (\$4,821,000, as amended) as well as \$1 million for the first year of operation with an expanded jurisdiction covering sex discrimination, as tentatively allowed by the Office of Management and Budget, and will allow for an Asian American Program and for studies in response to civil rights emergencies. The Office of Management and Budget has no objection to an authorization in the amount of \$6,500,000.

The increased authorization for fiscal year 1974 will enable the Commission to reach its mid-point program goals without encountering delays in new authorizing legislation and supplemental appropriations. The major requirements of our increased budget for fiscal year 1974 are for meeting anticipated demands on Commission resources for an adequate sex discrimination program without taking away resources for our programs in the areas of discrimination on account of race, color, religion and national origin, for completion of expansion of our field staff and for other major program needs, including improved research technological capabilities.

If, in future years the Commission feels that an increase in the authorization for appropriations is necessary, appropriate legislation will be sought. In the meantime, the Commission requests that the figure \$8,500,000 be authorized for each fiscal year until expiration of the Commission in FY 78.

U.S. COMMISSION ON CIVIL RIGHTS

EXPLANATION OF REQUEST FOR AUTHORIZATION FOR APPROPRIATIONS FISCAL YEAR 1973

The Commission on Civil Rights requests an authorization for appropriations for fiscal year 1973 in the amount of \$6,500,000.

This amount represents these categories:

(1) Budget request of the President for the Commission on Civil Rights	¹ \$4,821,000
(2) Specific costs of H.R. 12652 other than program	² 5,000
(3) Contingent salary increase	160,000
(4) Cost of sex discrimination program	³ 1,000,000
(5) Contingent programs:	
Asian American program	514,000
Response to Civil Rights emergencies	
Total authorization request	6,500,000

¹ Includes \$174,000 supplemental appropriations request for salary increases mandated, January 1972. See Schedule A.

² Adjusted for less than a 12-month fiscal year (approximately 6 months). See Schedule B.

³ See Schedule C.

U.S. COMMISSION ON CIVIL RIGHTS, REQUEST FOR APPROPRIATIONS FISCAL YEAR 1973,
BY OBJECT CLASSIFICATION

	Request	Increase
Personnel compensation:		
Permanent positions ¹	\$2,927,000	\$448,000
Positions other than permanent ²	237,000	60,000
Other personnel compensation ³	34,000	4,000
Special personal service payments ⁴	2,000	1,000
Total personnel compensation	3,200,000	512,000
Personnel benefits ⁵	245,000	40,000
Travel	350,000	95,000
Transportation of things ⁶	7,000	4,000
Rent, ⁷ communications, ⁸ utilities	279,000	72,000
Printing and reproduction ⁹	301,000	152,000
Other services ¹⁰	367,000	114,000
Supplies and materials ¹¹	47,000	6,000
Equipment ¹²	25,000	11,000
Total appropriations request	4,821,000	1,006,000

¹ This represents an estimated increase in permanent positions from 176 to 216.

² Temporary and part-time employees, commission consultants and experts, and commissioners.

³ Primarily employee overtime.

⁴ Reimbursable details, such as the payment to a person detailed temporarily from another agency.

⁵ Retirement, social security, and health benefits.

⁶ Includes transportation of materials to and from hearing sites and the movement of household goods when an employee of the Commission transfers to a field office.

⁷ Rent applies to space rental for new positions in Washington and in field offices, rental of meeting rooms for hearings and meetings and reproduction equipment rental.

⁸ Total communications cost is estimated as \$168,250 for fiscal 1972; an increase of \$40,393 is predicted for 1973.

⁹ Costs of printing reports of Commission and State advisory committees.

¹⁰ This item includes program contracts and contractual services. The GSA service contract for payroll, financial, reporting, security investigations, messenger and other office services, costs, the Commission \$39,000 in fiscal 1972, it is estimated at \$41,000 in fiscal 1973.

¹¹ This item includes library purchases and periodical subscriptions.

¹² Item includes office machines and furniture.

Note: This appropriations request is the amount requested in the budget for fiscal year 1973, as amended, it does not reflect an allowance of \$1,000,000 contingent upon legislation to amend the jurisdiction of the Commission on Civil Rights to study and collect information on sex discrimination.

Schedule B

U.S. COMMISSION ON CIVIL RIGHTS

Fiscal year 1973 costs of H.R. 12652

[Estimated cost for 6 months]

Increasing witness fees ¹ -----	\$1,000
Increasing Commissioners' per diem salary ² -----	3,000
Increasing rate for consultants ³ -----	1,000
Increase for sex discrimination ⁴ -----	1,000,000
Total -----	1,005,000

¹ Increasing witness fees from \$6.00 per day to \$20.00 per day, the amount paid witnesses in the courts of the United States.

² Increasing Commissioners' salaries from \$100 per day to the daily rate of Level IV of the Federal Executive Salary Schedule.

³ Increasing the maximum rate for consultants from \$100 per day to the daily rate of the maximum step of a GS-15, \$127.28.

⁴ See attached Schedule C and Table "Sex Discrimination FY 73."

Schedule C

U.S. COMMISSION ON CIVIL RIGHTS

SEX DISCRIMINATION PROGRAM FISCAL YEAR 1973

The Commission on Civil Rights, if it is given jurisdiction to deal with sex based discrimination, proposes to undertake the following activities in this field during fiscal year 1973.

I. Incorporating sex discrimination as an issue in on-going projects and activities

Complaints.—Among the first actions of the agency will be to expand the Complaints Unit to handle an anticipated increase in the number of complaints which will be received due to the assumption of jurisdiction to deal with problems of sex based discrimination. It is anticipated that the current number of complaints (1800) processed by the Commission will double in the first year of operation with an expanded mandate.

Revising Commission Publications.—Basic civil rights information publications of the Commission will be revised to reflect the agency's responsibilities in the area of sex discrimination. These will include the Commission's compiled "Statute, Rules and Regulations of the Commission on Civil Rights", the brochure which describes the agency, and the "Annual Civil Rights Directory." In addition, the *Civil Rights Digest*, quarterly, will be expanded to include editorial content on sex discrimination.

Evaluating Federal Programs and Policies.—The Office of Federal Programs Evaluation will be expanded in staff and will monitor Federal Departments and Agencies with respect to sex discrimination on the same basis as Departments and Agencies presently are monitored for enforcement of civil rights.

Additional Professional Staff.—New professional staff will be added to the Office of General Counsel and the Technical Assistance Division of the Office of Community Programming. This latter Office provides staff support and services for the 51 Advisory Committees in each State and the District of Columbia. Other staff will be added to the Commission's liaison unit under the agency's clearing-house program on civil rights information.

Expanding Information Services.—The Commission's Civil Rights Documentation Center and Library will begin acquisition of materials and data on sex based discrimination. Publications and programs on sex discrimination will be initiated.

II. New Studies

The Commission on Civil Rights has developed contingency plans during the past year in anticipation of an expanded mandate. It is tentatively proposed to undertake studies in some or all of the following subject areas:

1. Women's Role and Image in Television.
2. Sex Discrimination in Higher Education Programs.
3. Sex Discrimination in Elementary and Secondary Education Programs.
4. Sex Discrimination in Practices of Financial Institutions.
5. Women in the Job Market.

6. Expanded activities by State Advisory Committees to the Commission, including public meetings, information programs and reports to the Commission with recommendations for action.

Sex discrimination, fiscal year 1973

	<i>New costs</i>
Complaints	\$40,500
Revision of publications.....	111,512
Evaluating Federal programs.....	60,768
State advisory committee programs.....	125,000
Women and administration of justice.....	125,000
Non-legal studies on status of women.....	250,000
Liaison with private groups and general public.....	93,024
Establishing data bank on sex discrimination.....	173,024
Total	978,428
Total authorization request for sex discrimination.....	1,000,000

PROPOSED ASIAN AMERICAN PROGRAM

The Problem.—The Asian American minorities have not been militantly vocal in the past; however, the situation is rapidly changing. The atmosphere in the Chinatowns is explosive; growing unrest is manifest in the criminal activities of Chinese youth gangs. The major source of pressure is the sudden influx of Asian immigrants. An examination of the Asian immigrants entering the United States at the Los Angeles port of entry alone gives an idea as to the tremendous influx of Asians emigrating to the United States.

	1960	1970	Increase percent
Koreans.....	862	4,610	435
Chinese.....	3,225	11,073	243
Filipinos.....	4,620	15,362	233
Japanese.....	13,297	16,904	27

The heart of San Francisco Chinatown has an estimated population of 45,000 people who are contained in a 20 square block area, one of the highest population densities in the United States. In 1960, the Chinese in San Francisco numbered 36,445; by 1975 the Chinese population is expected to reach 75,000 persons or more. In the New York Chinatown nearly one-quarter of the present 45,000 residents arrived in this country in the last two years.

The Japanese-American Citizens League has said in a recent statement:

"It is frustrating to discover how very little pertinent information has been gathered concerning the Asian American problems. The information provided is scanty when compared to the attention and study available of other minority groups who, because of the attention afforded them, are receiving subsequent aid. The lack of data reflecting the conditions of Asian American communities further indicates the lack of government emphasis placed on this segment of our population."

Program.—A Commission program on Asian Americans would involve the following activities:

1. Factfinding by State Advisory Committees to the Commission.

State Committees in California, New York, Washington, would conduct open meetings to hear from Asian American citizens, local and State officials and other relevant persons. Reports to the Commission would be prepared.

2. Report by the Commission on Problems of Asian Americans.

This report would be based on State Advisory Committee reports and field investigations by Commission staff as well as collection of data from other sources.

The total cost of such a program would be approximately \$250,000. If the Commission determined to hold a hearing on Asian American problems the cost would increase depending upon the scope and depth of the investigations upon which the hearing would be based.

RESPONSE TO CIVIL RIGHTS EMERGENCIES

The Commission on Civil Rights since 1967 has never had an authorization for appropriations which would enable it to undertake significant work in response to requests to study major civil rights issues of immediate national concern.

As things now stand, a timely response to major new developments often is impossible. Under extreme conditions the Commission on rare occasion has dropped work on ongoing projects in order to devote necessary resources to a priority problem. However, such actions are costly and disruptive.

Authorization request fiscal year 1974 increase

(Fiscal year 1973 authorization)-----	(\$6, 500, 000)
Fiscal year 1974 increase:	
Expansion of field program (see attached estimate of cost)-----	498, 000
Phase II sex discrimination program (see attached estimate of cost)-----	1, 250, 000
Additional program needs ¹ -----	252, 000
Authorization request fiscal year 1974-----	8, 500, 000

¹ These are program needs over and above those programed for expansion of the field staff and for assumption of jurisdiction over sex discrimination. It includes funds for printing and contractual costs and would afford the Commission the flexibility to request supplemental appropriations for new projects and for unforeseen contingencies without curtailing ongoing programs and projects.

EXPANSION OF FIELD PROGRAM FISCAL YEAR 1974

The basic objective of the field program in fiscal year 1974 is to have all eight regional field offices staffed so that every Advisory Committee to the Commission in each of the 50 States and the District of Columbia will be able to conduct an adequate program and to fulfill the obligation of the Advisory Committee to report to the Commission on developments in its State.

As the need for civil rights legislation continues to be met, the reviewing and monitoring of enforcement and compliance becomes increasingly important. The State Advisory Committees to the Commission are exceptionally well suited for carrying out the important role of finding out what is happening at the local level by relating complaints and other information with an examination of equal opportunity programs in a given community or State. The published reports of the Advisory Committees are forwarded to the Commission as well as to State and local officials and Members of Congress.

In carrying out its goals for the proposed five-year extension of the Commission, the Commission expects that its State Advisory Committees will play an important role in developing Commission program in the areas of its expanded mandate to study sex discrimination as well as in the full development of the Commission's mandate to study denials of equal protection of the laws on account of race, color, religion and national origin.

This will require approximately 26 new permanent positions in fiscal year 1974 together with the support and other requirements engendered by increased staff. The total cost of the increase is projected at \$498,000.

PHASE II—SEX DISCRIMINATION PROGRAM FISCAL YEAR 1974

During fiscal year 1974 the Commission on Civil Rights would continue the development and expansion of its sex discrimination program in the following ways:

Expansion of information activities.—During fiscal year 1974 the Commission will have in full operation an extensive information program on sex discrimination including maintenance of a documentation center for sex discrimination information, publications, films and other informational activities. This effort will be central to the Commission's obligation to collect and disseminate information.

New Studies.—The Commission will undertake the following new studies, in addition to those carrying over from the previous year, in fiscal year 1974:

1. Legal Status of Women.
2. Discriminatory "Channeling" of Women by Educational Institutions.
3. Women and Health Services.
4. Social and Economic Status of Women.
5. Sex Discrimination in the Federal Service.

FIVE-YEAR PROGRAM

The Commission on Civil Rights has a number of major program goals which it hopes to accomplish during the next five years. Among them are these ten goals:

- I. Completion of Studies on the "Unfinished Business Agenda" of the Commission.
- II. Full development of the Commission's mandate in the field of sex discrimination.
- III. Completion of the expansion of the Field Program so that every State Advisory Committee to the Commission and the Commission's regional offices are fully supported.
- IV. Directing increased attention to the civil rights enforcement responsibilities of State and Local Governments.
- V. Continuation and expansion of programs and studies in areas of civil rights problems of Mexican Americans, Puerto Ricans, Native Americans and Asian Americans.
- VI. Institution of major studies on the subject of discrimination on account of religion.
- VII. Institution of major studies on discrimination on account of national origin.
- VIII. Development of the Agency's capability to utilize new research technology in the field of civil rights.
- IX. Major research into basic causes of racial and minority discrimination in society and developing new approaches to promoting compliance with civil rights.
- X. Continuation of the intensive monitoring of the Federal civil rights enforcement effort.

The Commission has established its broad five year program goals in the context of its fourteen year history. Originally, the Commission undertook to study denials of the right to vote on account of race and color. Although its first report in 1959 covered other subjects as well as the principal findings and recommendations awaited by Congress and the Nation were in the field of voting. This focus led the Commission naturally to concentrate on denials of equal protection in the South and against Blacks.

In succeeding years the Commission maintained its efforts to seek redress of grievances of black Americans living under a *de jure* segregated system. At the same time the Commission gave increased attention to denials of equal protection of the laws in other areas of the Nation and against minority groups in addition to black Americans. Through its evolving program the Commission undertook new studies of denials of equal protection in the fields of housing, employment, education, administration of justice and against minority groups including American Indians, Mexican Americans and Puerto Ricans. Paralleling this growth has been an increasing capability on the part of the Commission to study intensively the complicated operations of government bureaucracies and programs to dissect those aspects of substantive government operations which work denials of equal protection of the laws to citizens who are of minority groups.

The ten program goals outlined are intended to carry out a full development of the Commission's mandate as stated in the Civil Rights Act of 1957 and the proposed amendment to that statute giving the Commission jurisdiction to study denials of equal protection of the laws on account of sex. Thus, the Commission would undertake programs and studies in unexercised areas of its jurisdiction as in denials of equal protection of the laws on account of religion and national origin. In addition, the Commission has made priority commitments to undertake programs on problems of Asian American groups and to continue programs on problems of Native Americans, Mexican Americans and Puerto Ricans.

As the only Federal agency charged with a major responsibility for conducting research in the field of civil rights, the Commission plans to undertake a substantial expansion of its capacity to do research in this field. Research technology today makes extensive use of computers. This is expensive. Under its present budget allocations the Commission is unable to do extensive analysis of data by computer. For example, the Mexican American Education Study can utilize only a fraction of the data collected because the Commission does not have sufficient funds for the extensive programming of data required. The lack of this capacity seriously hinders, and eventually will weaken the accuracy and reliability of its research.

Another major thrust of the Commission's program is based upon its view that State and local governments need to strengthen their civil rights enforcement programs. Most of the burden of carrying out this effort will fall upon the Commission's State Advisory Committees and its regional field staff.

DULUTH BUSINESS AND PROFESSIONAL WOMEN'S CLUB,
Duluth, Minn., June 12, 1972.

HON. SAM J. ERVIN, JR.,
Senate Judiciary Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: We understand that H.R. 12652 was passed by the House of Representatives on May 1st and that this bill will be acted upon by the Senate sometime in June.

As this bill gives the Civil Rights Commission authority to study sex discrimination and also extends the life of the Commission beyond 1972 it can affect many working women. We, therefore, would very much appreciate all you can do to see that it is passed upon by the Senate in the exact form approved by the House.

Sincerely,

MARGARET A. NORMANDY,
Chairman, Legislative Committee.

INTERSTATE ASSOCIATION OF COMMISSIONS
ON THE STATUS OF WOMEN,
Washington, D.C., June 27, 1972.

HON. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: The Interstate Association of Commissions on the Status of Women urges your support of S. 3121, a bill to extend the life of the U.S. Commission on Civil Rights, to expand its jurisdiction to include sex discrimination, and to fund it adequately to support this added responsibility. We ask that this letter be included in the record of hearings on S. 3121.

The Interstate Association, the nationwide federation of Commissions on the Status of Women in the states, represents the interests of millions of women who desire the elimination of sex discrimination. At our Second Annual Conference in Minneapolis earlier this month, the Association discussed the need for coordinated studies of the nature and extent of sex discrimination in a wide variety of fields, and reaffirmed our position that the jurisdiction of the Civil Rights Commission should be expanded to include inquiry into sex discrimination.

The Civil Rights Commission, we believe, can play a decisive role in assembling needed information about sex discrimination and also in monitoring legislation designed to end discrimination. Federal agencies with current responsibilities to combat sex discrimination have fragmented jurisdiction; no single body correlates the analyses and actions of private employers, governmental contractors, and government itself. The Civil Rights Commission can fulfill the need for:

Monitoring of progress and problems in implementation of federal programs directed at both public and private sectors.

Recommendations to remedy abusive patterns at all levels, both public and private, especially to assist states in re-drafting laws to comply with the principle of the Equal Rights Amendment.

Investigation of sex discrimination in civil matters, for example in practices relating to alimony, child support and custody of children.

Investigation of sex discrimination in the criminal justice system.

Investigation of sex-biased stereotypes in educational materials and in the media.

Preparation of reports of findings, and dissemination to the general public and to appropriate groups.

An organized, recognized central clearinghouse for exchange of information regarding laws and court interpretations thereof, institutions, policies, and practices.

We believe that the Civil Rights Commission, due to its impartiality, experi-

ence and expertise in these activities applied to race discrimination and due to its preparedness to deal with sex discrimination authoritatively, comprehensively and persuasively, is the appropriate agency to undertake these responsibilities. We are confident that with the extension of jurisdiction provided in S. 3121 the Commission on Civil Rights will help to end social, economic and political discrimination due solely to sex. For these reasons, we urge your support of S. 3121.

Sincerely,

JOY R. SIMONSON, *President.*

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., June 14, 1972.

Hon. SAM J. ERVIN,
*U.S. Senate, Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR ERVIN: On behalf of the Leadership Conference on Civil Rights, I wish to urge prompt and favorable consideration by the Senate Judiciary Subcommittee on Constitutional Rights of S. 3121, the bill that would extend the life of the U.S. Civil Rights Commission for five years and expand its jurisdiction to include discriminations based on sex.

During the fifteen years of its existence the Commission has proved its value many times. Its investigations into the discrimination suffered by the nation's minority groups, its many reports and statements have done much to focus national attention on injustices and to help Congress formulate programs for correcting those injustices.

Giving the Commission authority to inquire into the discriminations that many women suffer simply because of their sex is a logical expansion of its concerns. Obviously, the Commission will need additional funds to meet additional responsibilities and we support the full authorizations in S. 3121.

I am sure the 127 national labor, civil rights, religious, civic and women's groups that participate in the Leadership Conference are united in their endorsement of this bill. We hope you will do all in your power to see that it is reported out to the Senate in its present form as quickly as possible.

Sincerely,

ROY WILKINS, *Chairman.*

COMMONWEALTH OF PENNSYLVANIA,
COMMISSION ON THE STATUS OF WOMEN,
Harrisburg, Pa., June 15, 1972.

Hon. SAM ERVIN,
*Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR ERVIN: It is our understanding that the Subcommittee on Civil Rights will be reporting H.R. 12652 to the full Senate Judiciary Committee this week. This bill is identical to S. 3121, introduced by Senators Scott and Hart on February 3, 1972.

While significant strides have been taken toward securing individual civil rights since the Civil Rights Commission was established in 1957, there remains a continuing need for this type of independent agency.

There is also a need to expand the authority of the Commission so that it can function in the area of sex discrimination.

Although some Federal agencies and laws encompass discrimination because of sex, these laws are generally limited to discrimination in the area of employment. Studies of the full range of issues, in addition to more extensive studies of discrimination in employment are necessary.

The Commission's record in providing authoritative studies and recommendations for legislation in the field of civil rights demonstrates its capability to provide this kind of information in the area of sex discrimination as well, so that Federal laws and policies can be fully appraised and recommendations made for necessary change.

We, therefore, respectfully urge the Senate Judiciary Committee to report this vital bill to the floor of the Senate with its full endorsement.

Sincerely yours,

ARLINE LOTMAN,
Executive Director.

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