The year 1965 witnessed a basic shift in the struggle for civil rights in the United States. The Civil Rights Act of 1964 was followed by the Voting Rights Act of 1965, which led historian C. Vann Woodward to declare that "under Administration pressure, Congress has put more teeth in the law and more law on the books than it has in the whole period since 1875. It was as if the first Reconstruction had been endowed with the 14th and 15th Amendments, the Reconstruction Acts, the Freedmen's Bureau, the Civil Rights Act and the Ku Klux Klan Act by one session of Congress."

Yet, despite legislative and economic gains, and two decades of the most rapid advance for Negro Americans since emancipation, Negro bitterness and frustration mounted and culminated in riots in the North, in 1964, and in Watts, in 1965.

As Negro economist Andrew F. Brimmer, assistant secretary of commerce for economic affairs, reported, the continued boom in the American economy has brought Negroes "the largest gains relative to the white community experienced since World War II." In 1964, the report said, "The median family income of Negroes actually grew faster than the income of white families, in both dollar figures and percentage: by $374, or 10.8 per cent, for Negroes, compared with $310, or 4.7 per cent, for white families"; half of non-Southern Negro families had incomes of more than $5,000 a year, and nearly a million families earned $7,000 or more. At the same time, total jobs for Negroes increased 3.5 per cent in 1964–1965, half again as much as for whites. At the end of 1965, the unemployment rate for married Negro men whose homes were not disrupted by divorce or separation was less than 2 per cent—the same as for white men with the same marital status. The general effects of these gains were stated in the Economic Report of the President's Council of Economic Advisers: "The progress of the last two years confirms a crucial lesson. A prosperous economy and the labor demand that it generates are potent forces for eliminating discrimination and income differentials even though they cannot create equality. Improved Negro purchasing power will not fully overcome the effects of discrimination, but it will have a beneficial influence."
But the gains did not affect the entire Negro community. (Forty-eight per cent of Negro families with children were still poor, stated Brimmer, and Negro unemployment was still 8.3 per cent, compared to 4.1 per cent for whites.) Moreover, the gains were accompanied by an increase in segregated housing in the North and growing *de facto* segregation of schools. Some 57 per cent of Negro families (as compared to 27 per cent of white) with annual incomes of less than $4,000 lived in substandard housing. Of Negro families with an annual income of more than $4,000, 20 per cent lived in substandard housing (compared to 6 per cent for white families) as a result of direct discrimination. Negro civil-rights organizations and their white allies therefore increasingly dealt with the problems of employment, education, and housing, called for an expanded war on poverty, and concentrated their activities primarily on Northern ghettos.

**THE CALL FOR FULL EQUALITY**

“American Negroes have been another nation, deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.” These words, uttered by President Johnson at Howard University, June 4, 1965, were hailed by millions of Negro and white Americans as the most forthright and important statement on civil rights made by a president. Johnson viewed the voting-rights bill as “not even the beginning of the end,” but perhaps “the end of the beginning.” True, the barriers to freedom “are tumbling down,” but “freedom is not enough. . . . You do not take a person who for years has been hobbled by chains and liberate him, . . . and then say, you’re free to compete with all the others, and still justly believe that you have been completely fair. . . . It is not enough just to open the gate of opportunity. All our citizens must have the ability to walk through those gates.” But, the President continued, “the isolation of Negro from white communities is increasing rather than decreasing,” for many Negroes are trapped in “inherited, gateless poverty.” Although this is true also of some whites, “Negro poverty is not white poverty . . . there are deep, corrosive, obstinate differences which are not racial but the consequence of ancient brutality, past injustice and present prejudice.”

Using a Labor Department memorandum prepared by Daniel P. Moynihan ¹ as basis, the President expressed grave concern about the “breakdown of the Negro family structure,” for “when the family collapses, . . . when it happens on a massive scale, the entire community itself is crippled.” Therefore, while stressing the need for jobs, schools, and welfare and social programs, he insisted that “unless we work to strengthen the family” no actions will “be enough to cut completely the circle of despair and deprivation.” Johnson promised to call a White House conference to accomplish these ends by helping the American Negro “move beyond opportunity to achievement,

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to shatter forever not only the barriers of law and public practice but the walls which bound the condition of man by the color of his skin."

The Moynihan Memorandum

Although the President’s speech was widely praised, Daniel Moynihan was bitterly attacked four months later for its underlying ideas. The main point of Moynihan’s report, as sympathetically analyzed by Whitney Young of the National Urban League, was that “as a consequence of slavery and oppression, the colored family as an institution has deteriorated to the point where its pathological state threatens to engulf the gains colored Americans may make in the future.”

Its real message, he added, was that “unemployment among colored persons, twice the white rate and affecting perhaps 25 per cent of colored men, has effects which go beyond the economic, harming the social fabric of family life” and takes “a tremendous toll from the man who is jobless, the housewife who is forced into the labor market to make ends meet, and the child denied the atmosphere he needs to grow up properly motivated.”

Benjamin F. Payton, a Negro and director of the Commission on Religion and Race of the National Council of Churches of Christ in the U.S.A., charged, however, that Moynihan “evades the real issue, formulates a false problem,” and that he considered family instability as the cause of Negro failure to achieve equality, rather than the result of patterns of discrimination which deny the colored citizen equal opportunity with the white to hold a job and earn a decent living. Payton, James Farmer of CORE, and Harvard psychologist William Ryan accused Moynihan of “inexact statistics” which, they said, encouraged “a new form of subtle racism.”

Moynihan’s intentions were thoroughly misunderstood, for his program recognized the welfare and stability of the family as a principal aim of social policy, for whites as well as for Negroes. The conditions reported in the Negro family, said Moynihan, were “the classic conditions of a lower-class city population plagued by unemployment, bad housing, low income and powerlessness. Nineteenth century Europe and America teemed with such populations. . . . The Negro slums might have more broken families and less drunkenness than an Irish slum, but the essential ‘culture of poverty’ does not seem to change much.” He noted that the number of recipients of Aid to Dependent Children (ADC)—a New Deal measure to assist children whose fathers had died or had become permanently disabled and expanded to aid also those whose fathers were simply absent—had grown from 250,000 (or 30 per cent of all ADC children) in 1940 to almost two million (or two-thirds of the total) today. Moynihan pointed out that this plan giving children an allowance “only after the family breaks up,” would be viewed in other countries as “a form of social insanity.”

The importance of Negro family life to the civil rights struggle was underscored by Rev. Martin Luther King, Jr., who said that “Our very survival is bound up in it,” since “Nothing is so much needed as a secure family life
for a people seeking to pull themselves out of poverty and backwardness.” And the Negro family, he pointed out, is vulnerable because of the strains exerted on it by slavery, oppression, poverty, and the man-made social and psychological jungle in which it exists.

White House Planning Conference

The White House Planning Conference to Fulfill These Rights convened in Washington, November 16, with A. Philip Randolph as honorary chairman, and Morris B. Abram, president of the American Jewish Committee, and Negro lawyer William T. Coleman of Philadelphia, as co-chairmen. Randolph called for a $100 billion freedom budget for eradicating slums and segregated schools, and creating jobs for all poor, black and white alike. President Johnson urged the 250 conferees to devise a program to release from bondage “the jobless, the unskilled, the broken families housed in squalor—a prey to crime and violence, their children destined for the same bleak fate.” He also pledged to ask Congress in 1966 for legislation to prevent “injustice to Negroes at the hands of all-white juries.”

Many of the attending civil-rights leaders, educators, labor leaders, and other civic heads felt that the Administration had not been sufficiently strong in enforcing civil rights. They urged the President to protect “the lives and safety of Negroes and civil rights workers in the deep South” by immediately implementing a U.S. Commission on Civil Rights recommendation for sending more federal officers, with authority to make on-the-spot arrests, to trouble spots, and to “direct . . . a speed-up in the enforcement of the Civil Rights and Voting Rights Acts.” The conference’s panel on education also asked that the Office of Education be ordered to withhold funds from Southern and Northern schools practicing racial discrimination.

Conference chairmen Randolph, Abram, and Coleman, reported to the President that the planning session had succeeded in its basic purpose of provoking public debate on how to narrow the growing gap between Negro and white Americans. They noted that, while there was agreement on the causes of inequality, opinions differed on which phases should be given priority because of the depth of the problem for which there was no pat solution. All conferees recognized the importance of the Negro’s economic condition. But while many felt that his “economic dependency was the over-riding issue,” others maintained that “if the economic gap were closed tomorrow, some of the problems caused by centuries of segregation and discrimination would remain.” The co-chairmen stressed that there was no attempt to reach “final, definitive answers” but rather “to generate wide and practical ideas” and to decide on the question of priority.

THE WATTS RIOTS

The riots in the Watts section of Los Angeles August 11-17, the most violent in more than two decades, were sparked by the arrest of a drunken Negro
driver by a white motorcycle policeman. The result was thirty-four dead, 1,032 wounded and hurt, $40 million in property damage, and 3,952 arrested. Governor Edward P. Brown created a commission headed by John A. McCone, former chief of the Central Intelligence Agency, to investigate the causes and prescribe remedies. The commission's report stressed that behind the riots were too few jobs, inadequate schooling, and hatred of the police as a symbol of authority, and warned that they would be a mere "curtain-raiser" for future violence unless a "revolutionary attitude" was adopted toward racial problems.

The recommendations, however, were criticized by many Negroes as timid and shallow, and the California advisory committee of the United States Commission on Civil Rights called the report a "bitter disappointment" that "prescribes aspirin where surgery is required." The committee accused Los Angeles Mayor Samuel W. Yorty and Chief of Police William H. Parker of "gross negligence" in failing to take "constructive steps to avert a riot" and in preparing "to deal with one when it occurred." It also insisted that Parker "has constantly refused to meet with Negro leaders, has challenged their right to represent their community and has disparaged the civil rights movement." The committee endorsed as "essential preliminaries to a more serious treatment of issues" the McCone commission's recommendations for an emergency literacy program in schools in disadvantaged areas; a large scale job-training program and placement centers in the Watts area, and an independent inspector general under the authority of the police chief to deal with civilian complaints. Commenting on Governor Brown's earlier call for $250 million in federal aid to provide 50,000 jobs in California, the McCone report questioned the capability of Watts Negroes to fill such jobs.

The advisory committee's own recommendations were:

1. Immediate assignment of a federal official to make decisions on allocation of federal funds in the Los Angeles area and the establishment of a crash program to help the unemployed find jobs, including new jobs created with federal funds.


3. Designation of Los Angeles by the new Department of Housing and Urban Development as an area for top-priority attention.

4. Hearings in Los Angeles by the United States Commission on Civil Rights, at the earliest possible date.

A special census of the Watts area, conducted after the riots by the Census Bureau for a study group appointed by President Johnson, revealed a constant pattern of high unemployment, low income, and a high percentage of broken families and substandard housing. The purchasing power of the typical family in South Los Angeles, including Watts, had dropped by $400 since

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2 In the spring Yorty had been warned by the United States Community Relations Service that there was potential danger of racial violence in his city, but he refused the offer of a federal conciliator to help Los Angeles through the summer.
1960, while the average national income for white families had risen 14 per cent and for non-white, 24 per cent. Dilapidated and deteriorating housing units had increased from 18 to 33 per cent. The Negro male unemployment rate was 10.1 per cent in 1965, compared to a national Negro male jobless rate of 6 per cent. At the same time, before the riot broke out, nearly one million of 2.7 million dollars in federal funds granted to Los Angeles for its war on poverty remained unused; 13,000 of 16,000 neighborhood Youth Corps jobs and fewer than 2,000 of 5,000 openings in the Work Experience Program had been filled.

The rioters, the McConne report said, “concentrated on food markets, liquor stores, clothing stores, department stores and pawnshops,” and it noted with interest “that no residences were deliberately burned, that damage to schools, libraries, public buildings was minimal and that certain types of business establishments, notably service stations and automobile dealers, were for the most part unharmed.”

Although many Jewish store owners suffered heavy losses, Charles Posner of the Los Angeles Jewish Federation-Council denied that the riots had anti-semitic implications. “To the best of our knowledge,” he declared, “we could not find any anti-Semitism . . . but only anti-white feelings,” although a number of stores burned down in the fire were owned and operated by Jews (some of which had employed Negroes). Arthur Groman, chairman of the Los Angeles Chapter of the American Jewish Committee, agreed that no Jewish-owned stores were singled out as special targets and that “a number . . . remained unharmed.” The destruction of “the seemingly disproportionate” number of Jewish-owned businesses,\(^3\) he added, was due to the fact that Watts had once been a densely Jewish populated area, and many stores were still owned by Jews. Noting that riots “provide a field day for the bigot and extremist within the white community,” Groman warned that “it would be tragic if we allow the Jewish community to ally itself in any way with such elements.”

*Newsweek* (August 30, 1965), on the other hand, declared that “looting and burning revealed a virulent strain of anti-Semitism—not so much blind race hatred as fury against individual Jewish store owners: the liquor store boss who refuses to cash checks (many of which would bounce), the pawnbroker.” One black nationalist told *Newsweek*, “They put the NAACP sticker in the window and pat us on the back and say ‘We know how it is because we have been persecuted too.’ But every day they put the money in the sack and get in their Jew canoes—those damn Cadillacs—and drive on out of here.”

In September, President Johnson appropriated $29 million in federal projects for Los Angeles, including basic education, vocational training, health services, legal aid, and housing assistance. However, by the end of 1965,

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\(^3\) Lenora E. Berson’s *Case Study of a Riot—The Philadelphia Story* (New York: American Jewish Committee, January 1966), reported a similar pattern in the 1964 North Philadelphia riot.
while a number of the McCone commission’s recommendations on employment and training had been implemented, unemployment still remained at a record high and virtually no new construction was started on the sites of 155 buildings damaged beyond repair within the Los Angeles city limits.

**THE CIVIL-RIGHTS MOVEMENT: NEXT STEPS**

The failure of legislation to make more than a dent in the pattern of living for most of the nation’s 20 million Negroes increasingly convinced civil rights leaders that neither civil rights *per se* nor desegregation would bring about the desired change. Even if Negroes won complete legal civil rights, they would still have to deal with complex problems, such as the heritage of centuries-old slavery, generations-long poverty, family deterioration, entrapment in slums, inadequate education, ingrained defeatism, and cultural isolation. Almost all Negro leaders agreed on the need for a radical change in the economy and an all-out attack on poverty, unemployment, and slums. Most of the civil-rights organizations were trying to enlarge their constituencies, especially in the Northern Negro ghettos, by linking the struggle for Negro advancement to the war on poverty. At a conference on “The State of the Race,” held in New York in January, 45 leaders of 26 Negro or Negro-led civil-rights organizations issued a “consensus” statement asserting that “the major tool for correcting these evils lies in the maximum application of political power” and urged that “political action should be the major point of emphasis of the civil rights movement during 1965.” The Civil Rights and Economic Opportunity Acts, they said, made possible “a new climate,” in which “the first responsibility of civil rights groups is to consolidate the political consciousness of Negro Americans,” and they pledged themselves to seek “adequate representation of Negroes at all levels of policy-making and administration of government as well as in the administration of programs, both public and private, designed to correct inequities.” Other goals were “removal of barriers to voting,” the use of “more realistic desegregation” techniques, and “more effective education of Negro children in all public schools in the North and South,” higher minimum wages, and a massive public works program.

**Congress of Racial Equality**

A complicating factor was that none of the traditional civil-rights organizations had been able to establish real strength in the Northern urban ghettos. After the Watts riots James Farmer, national director of the Congress of Racial Equality (CORE), conceded that “Civil rights organizations have failed. No one has any roots in the ghetto.” Bayard Rustin, who organized the 1963 March on Washington of more than 200,000 Negroes and whites, said: “We must hold ourselves responsible for not reaching out to them [Watts young people] . . . Roy [Wilkins], Martin [Luther King], and I haven’t done a damn thing about it. We’ve done plenty to get votes in the South and
seats in the lunchroom, but we've had no program for these youngsters.” CORE had planned to open store-front community centers in Negro communities in both North and South to use as bases for “awakening the Negro ghettos” and mobilizing them into a force for political and community action, but failed to make significant progress by year’s end.

At the 1965 CORE convention, national chairman Floyd McKissick declared, “In mobilizing the ghetto to be a political force, we will have to understand and work with all elements of the ghetto and that includes the Black Muslims,” who could “reach parts of ... [the ghetto] that we could never reach alone.” As a gesture of cooperation toward the Black Muslims, four of its members were allowed to expound their anti-integration, anti-white views to delegates. CORE had been cooperating also with the Deacons for Defense and Justice, a group of armed Negro vigilantes calling itself a self-defense organization, which claimed more than 50 chapters in Alabama, Louisiana, and Mississippi. They worked with CORE in Bogalusa, La., where Klan violence was widespread. A Deacons official told the convention that civil-rights workers needed the vigilante group “to let the Klan know that the Negro as a whole is not non-violent.” But the CORE delegates voted 120 to 4 against any involvement that might put the organization on record as encouraging growth of armed defense groups like the Deacons. During the year, CORE moved toward becoming a predominantly Negro-led organization, downgrading the leadership role of many whites who had been its long-time leaders, even founders. Its income dropped from about $850,000 in 1964 to $650,000 in 1965, its membership decreased, and many of its staff left to work for the war on poverty.

Southern Christian Leadership Conference

Even before the Watts riot, King and his Southern Christian Leadership Conference announced plans for concentrated efforts to create a “broadly based vibrant non-violent movement” in some cities of the North. He stressed that he was “less concerned with building an organization than with building a movement” which could create “a national consensus that will arouse the conscience of Americans and cause them to respond creatively to Negro demands.” King began in Chicago, thus lending his support to the months-long protests of its civil-rights coalition, the Coordinating Council of Community Organizations, against school superintendent Benjamin C. Willis whom they held responsible for Chicago’s failure to solve de facto school segregation. King planned to work also on voter registration, job opportunities, police brutality, and slum clearance. His use of target cities frequently had been effective, for, as he pointed out, Birmingham, Alabama, once the most segregated city in the South, was our target city for public accommodations, and our nonviolent movement there gave birth to the Civil Rights Bill of 1964. Selma, Alabama, was our pilot city for the Voting Rights Bill of 1965, and I have faith that Chicago, considered one of the most segregated cities in the North, could well become the metropolis
where a meaningful nonviolent movement could arouse the conscience of this nation to deal realistically with the northern ghetto.

**National Association for the Advancement of Colored People**

The National Association for the Advancement of Colored People (NAACP), with 445,000 members, remained the largest and most influential Negro civil-rights organization. It lost about 20,000 members in 1965 because, said one NAACP official, “we’re now basically middle-class oriented, and while we were trying to figure out ways to organize the poorer Negroes, we lost a good number of our regular members.” NAACP’s major concern continued to be piling up Negro voter registration and voting totals in the South to deal effectively with issues and candidates at the polls.

Clarence Mitchell, Jr., NAACP lobbyist in Washington, warned that real problems must also be faced in the North. He stressed the importance of giving “the people accountings on what has been done and what remains to be done” since the “realization that efforts made have brought success serves to spur people forward.” Telling them that all their efforts and achievements “have left them worse off than they were before,” he warned, “produces hopelessness and confusion,” and an atmosphere in which “the demagogues take over.” For this reason, NAACP continued to stress not only voter registration, but fair-employment practices, aid to education, and community organization through anti-poverty programs.

**Student Nonviolent Coordinating Committee**

This attitude contrasted sharply with that of the Atlanta-based Student Nonviolent Coordinating Committee (SNCC, known as Snick) in the rural Black Belt among the most impoverished and disfranchised Negroes. They used sit-ins, picket lines, boycotts, demonstrations, freedom schools, and cooperatives to encourage the Negroes to assert themselves. At the same time, they rejected ties with labor, liberals, church groups, other civil-rights organizations, and the federal government, and attacked them all as the “establishment.” Thus, as the total of registered voters in the South grew, Snick urged Negroes to boycott the Democratic primaries where Negroes had a chance to defeat extreme segregationists, and to create new Black Panther parties. The establishment of these parties, Charles Silberman maintained in an article “Beware the Day They Change Their Minds” (Fortune, November 1965), may be useful as a “means of exerting pressure for change, but it also dooms Negroes to the role of perennial outsiders.” The militants, he added, “can’t have it both ways; they can’t acquire the political power they consider essential unless they are willing to bring Negroes into the existing political system.”

Snick lost more than 50 of its 200 field workers to the Office of Economic Opportunity; it had a deficit of more than $100,000 because of a drop in contributions from the general public.
National Urban League

The one civil-rights group that grew both in membership and funds was the National Urban League, directed by Whitney Young. Staffed principally by trained social and community workers and financed by community chests in scores of cities, the League’s efforts were centered on education and youth incentives; health and welfare; housing; job development, and employment. (Its “national skills bank” placed more than 5,300 Negroes in jobs in one year.) It received numerous grants from government, industry, unions, and foundations for research and pilot projects for improving conditions in Negro areas.

Negro-White Coalition

A. Philip Randolph, president of the AFL-CIO Brotherhood of Sleeping Car Porters and chairman of the Negro American Labor Council, headed those who called for a coalition of white and black Americans as the only hope for the Negroes. One of their most articulate spokesmen, Bayard Rustin, recognized the need for “white allies,” trade unionists, liberals, and religious groups—the forces that passed the Civil Rights and Voting Rights Acts—who, together with the Negroes, would become the “effective political majority in the United States.” The Southern Christian Leadership Conference, NAACP, and Urban League strongly backed this approach.

Organization for Black Power

Among the various fringe groups ranging from the Black Muslims to radical sects that operated in the Negro community, was the Organization for Black Power. It was headed by rent-strike leader Jesse Gray who, during the 1964 Harlem riot, called for “100 skilled revolutionaries who are ready to die,” and later explained that he meant revolutionaries trained to get “maximum registration to protect our wives and children against rats.” The group hoped to promote independent political action by Negroes in the ghettos, but was unsuccessful in its electoral attempts in 1965. Its conference in Detroit in September had the support of Julius Hobson of Washington, D.C., a former CORE leader; Stanley Branche, who led demonstrations in Chester, Pa.; Lawrence Landry of Chicago, and Gloria Richardson who led the protest rallies and boycotts in Cambridge, Md., in 1964.

VOTING RIGHTS ACT OF 1965

On January 4 President Johnson proposed in his State of the Union message that “we eliminate every remaining obstacle to the right and the opportunity to vote.” Spurred on by the brutal treatment by Alabama law enforcement officials of Negro and white civil-rights marchers on their trek from
Selma to Montgomery to dramatize their appeal for full voting rights, the President appeared before a special session of Congress to urge speedy passage of voting legislation because "the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes." He added, "No law we now have on the books . . . can ensure the right to vote when local officials are determined to deny it." (Earlier laws, including the Civil Rights Acts of 1957, 1960, and 1964 [AJYB, 1958 (Vol. 59), p. 43; 1961 (Vol. 62), pp. 75–78; 1965 (Vol. 66), pp. 155–60], required extensive litigation, and were desperately resisted by many Southern officials.)

Nevertheless, whereas the Southern Regional Council (SRC) estimated that only 1,238,038 Negroes were registered in 11 Southern states in 1956, the number jumped to an estimated 2,174,200, or 43.3 per cent of the voting-age Negro population, in the same states in 1964, partially as a result of SRC's Voter Education Project (AJYB, 1965 [Vol. 66], p. 174). At the same time, only 23 per cent of voting-age Negroes were registered in Alabama; 32 per cent in Louisiana, and 6.7 per cent in Mississippi. Only some 36,000 Negroes were registered in the nearly 50 counties where the Department of Justice brought lawsuits to enjoin individual registration officials from continuing discriminatory registration practices.

The Administration bill, introduced in the House of Representatives on March 17 and in the Senate the following day, provided for the suspension of all literacy tests and other devices used to deny Negroes their voting rights in states where less than 50 per cent of the population had been registered or had voted in the 1964 Presidential election. It also called for the appointment by the U.S. Civil Service Commission of federal examiners to list voters in areas covered by the legislation, and gave the United States attorney general broad power to designate these counties. These central features remained intact, although the bill was modified during the four months debate in Congress. One original feature of the bill was an easing of existing state poll-tax regulations by allowing new voters to go to the polls if payments of these taxes for the current year were made within 45 days before an election. While the House passed a bill of its own abolishing poll taxes altogether, the Senate approved accelerated court challenges of state poll-tax requirements by the attorney general, rather than outright abolition. The Senate added a provision to allow a prospective voter to qualify without taking a literacy test if he completed six grades in an American school, even if not conducted in English, which enfranchised Puerto Ricans living on the mainland.

The Senate approved its version of the bill on May 26, the House on July 9, and the Senate-House Conference Committee reported a compromise bill on August 2, containing the Senate's proposal for challenging the poll tax and the administration's provision for its payment. The bill was approved by the House on August 3 by a vote of 328 to 74, and by the Senate on August 4, 79 to 18. It was signed by the President on August 6.
Summary of Law

The Voting Rights Act, as finally adopted,4

1. Suspended literacy tests and others devised (found to be discriminatory) for voting in any federal, state, local, general or primary elections in the states of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, at least 26 counties in North Carolina, and one county in Arizona.

2. Provided for the assignment of federal examiners to conduct registration and observe voting in states and/or counties covered by the Act.

3. Directed the attorney general to initiate suits immediately to test the constitutionality of poll taxes because the U.S. Congress found that payment of such tax has been used in some areas to abridge the right to vote.

4. Provided civil and criminal sanctions against anyone who interferes with persons seeking to vote and those who urge or aid others to vote, and provided administrative and civil remedies for persons prevented from voting.

Implementing the Voting Rights Act

In the first three months following the passage of the Voting Rights Act, 170,000 Negro voters were added to the rolls in the seven Southern states affected by it, 56,000 of them by federal examiners in 20 counties. Later, registrations slowed to a trickle because of apathy born of near-illiteracy and fear by Negroes of economic or physical reprisals. Negro groups and the Commission on Civil Rights warned that voting would be limited unless the federal government, which had merely removed the legal barriers, now took affirmative steps to encourage registration. The Justice Department responded by sending federal examiners into 16 additional counties and, on December 20, filed its first voter intimidation suit charging that landowners in West Feliciana parish, La., evicted from their lifelong homes Negro sharecroppers and tenant farmers who had registered. It also brought suit in the federal courts to challenge the legality of the poll tax in Texas, Mississippi, Alabama, and Virginia.

CIVIL RIGHTS AND GROUP TENSIONS IN POLITICS 1965

A Gallup poll in August found that, over a seven-year period, racial and religious prejudice in politics had declined sharply. For the first time since the public opinion polling on this subject began, clear majorities of the nation said they would vote for a qualified Jew, Catholic, or Negro for President of the United States if he were nominated by their party. In the 1958 Gallup

4 Based on Summary prepared by United States Commission on Civil Rights (CCR Special Publication—Number 4, August 1965).
survey, 62 per cent of adults across the nation had said they would vote for a well-qualified candidate if he happened to be a Jew; in 1965, 80 per cent. Similarly, support for a qualified Catholic increased sharply, from 68 per cent in 1958 to 87 per cent in 1965, and for a qualified Negro from 38 per cent in 1958 to 59 per cent in 1965. Younger people (21 to 29) and those with some college training were consistently less prejudiced in their attitude toward race and religion as factors to be weighed in a Presidential candidate than were less educated or older people.

The vote in scattered areas in the 1965 elections demonstrated that the Negro voter was far more independent than many political observers had expected, and even emerged as a powerful factor in big city politics. Despite appeals from Negro Congressman Adam Clayton Powell and Negro Tammany leader Raymond Jones, New York Negroes gave a substantial share of their votes—40 per cent—to help elect Republican-Liberal John Lindsay mayor. In Louisville, Kentucky, where a Republican mayor had helped push through ordinances to open to Negroes public accommodations, housing, and jobs; hired Negro policemen and lawyers, and put Negroes in white-collar jobs at city hall, Negroes voted overwhelmingly to retain Republicans in office. In Cleveland a young Negro state legislator, Carl B. Stokes, running as an independent Democrat, lost to incumbent Mayor Ralph S. Locher in the mayoralty election by a slight margin of 85,374 to 87,833 votes. In Ohio, Robert C. Henry, a Negro and top vote-getter for the City Commission of Springfield (population 85,000) in the November elections, was selected as mayor by his colleagues on the commission. Woodmere, a suburb of Cleveland, voted in attorney Samuel S. Perry, its first Negro mayor.

A notable shift of Negro votes occurred in Virginia where Negroes had voted in 1961 against the Byrd Democratic machine; but in 1965, 70 to 75 per cent of Negro votes went to Mills Godwin, its gubernatorial candidate who also had the support of labor and some Negro groups, because he had stressed his support of Lyndon Johnson in 1964 and refused to inject racism into the campaign—which cost him thousands of segregationist votes in southern Virginia.

A crisis occurred in Detroit after the September primary when several Negro ministerial and secular organizations charging that, while Negro voters supported liberal white candidates there was no corresponding support of Negro candidates from the white community, urged Negroes to vote only for the four Negro candidates for city council. The Citizens Committee for Equal Opportunity with the support of civic, labor, and denominational groups including the Jewish Community Council, then launched a campaign to impress upon Detroit voters the need for a truly representative city council. As a result, the Negro organizations endorsed several white liberal candidates, and in November the voters elected a Negro, Reverend Nicholas Hood, to the city council (the second time in Detroit's history); provided a clear victory for the liberal-labor-Negro coalition backing a liberal city council, and repudiated two incumbents, Thomas Poindexter and Anthony
Wierzbicki, both identified with forces advocating a punitive or anti-liberal approach to race relations. In the mayoral race, Negro voters backed incumbent Mayor Jerome P. Cavanagh, a Democrat, by about ten to one (his city-wide margin was two to one).

In Newark, N.J., now 54 per cent Negro, former Negro Assemblyman George C. Richardson campaigned for a new Negro party, the United Freedom party. Other Negro leaders urged Negroes to work through the established parties, and of the 60,000 Negro voters in Newark, only 6,000 supported United Freedom candidates. In Essex County, N.J., Negro candidates drew enough votes to win county-wide offices.

In Philadelphia, Pa., Arlen Specter was elected district attorney as a Republican with strong Jewish support and important inroads into the traditionally Democratic Negro vote. Chester, Pa., where racial violence marked demonstrations against alleged school segregation last spring, elected its first Negro city councilman, Leo S. Holmes, a Republican.

DESEGREGATION OF SCHOOLS

South

During the 1964–65 school year less than three per cent of the Negro students in 11 Southern states attended classes with whites. For the 1965–66 school years, however, the federal government expected to score massive gains on the basis of Title VI of the Civil Rights Act of 1964 (AJYB, 1965 [Vol. 66], p. 158), prohibiting discrimination in federally-assisted programs. The United States Office of Education (USOE) guidelines called for desegregation of at least four grades in 1965–66, and complete desegregation by the fall of 1967; school districts were eligible for federal funds only if they desegregated accordingly. All but 140 of 2,892 school districts agreed to do so. But in many rural areas of these states where resistance has been strongest, integration has been token. The USOE estimated that 216,000 Negroes—7.5 per cent of the total Negro pupils—were attending classes with whites. A survey conducted independently by the Southern Regional Council, a biracial civil-rights research agency based in Atlanta, found only 151,409 Negroes, or 5.2 per cent of the total, in desegregated classes, while an estimate by the Southern Education Reporting Service put their number at 182,767, or 6.01 per cent. These estimates proved that the situation continued to be what the American Friends Service Committee and the NAACP Legal Defense Fund called “paper compliance and continued segregation.” Civil-rights groups and the Southern Regional Council noted that some Negro children had been threatened with demotion or loss of credits if they transferred to white schools, that Negro families had been intimidated, and that Negro school officials responding to pressure from white school boards in many areas advised Negro students to remain in their own schools.

Most criticism was leveled at the freedom-of-choice approach—usually adopted by school districts because officials rightly anticipated that it would
result in the least integration—which placed the burden of desegregation by transfer on the Negro parents who were subjected to intimidation and economic reprisals. In response to the criticism, the Department of Health, Education and Welfare moved to strengthen its Title VI enforcement machinery and the USOE prepared a new set of guidelines for the 1966–67 school year.

### TABLE A. Status of Desegregation in South

<table>
<thead>
<tr>
<th></th>
<th>With Negroes and Whites</th>
<th>In Compliance</th>
<th>Not in Compliance</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Alabama</strong></td>
<td>119</td>
<td>105</td>
<td>14</td>
<td>118</td>
</tr>
<tr>
<td><strong>Arkansas</strong></td>
<td>217</td>
<td>400</td>
<td>10</td>
<td>410</td>
</tr>
<tr>
<td><strong>Florida</strong></td>
<td>67</td>
<td>67</td>
<td>0</td>
<td>67</td>
</tr>
<tr>
<td><strong>Georgia</strong></td>
<td>180</td>
<td>192</td>
<td>5</td>
<td>196</td>
</tr>
<tr>
<td><strong>Louisiana</strong></td>
<td>67</td>
<td>33</td>
<td>34</td>
<td>67</td>
</tr>
<tr>
<td><strong>Mississippi</strong></td>
<td>149</td>
<td>118</td>
<td>31</td>
<td>149</td>
</tr>
<tr>
<td><strong>North Carolina</strong></td>
<td>170</td>
<td>165</td>
<td>4</td>
<td>170</td>
</tr>
<tr>
<td><strong>South Carolina</strong></td>
<td>108</td>
<td>86</td>
<td>21</td>
<td>108</td>
</tr>
<tr>
<td><strong>Tennessee</strong></td>
<td>129</td>
<td>149</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td><strong>Texas</strong></td>
<td>850</td>
<td>1,303</td>
<td>7</td>
<td>1,325</td>
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<tr>
<td><strong>Virginia</strong></td>
<td>127</td>
<td>124</td>
<td>12</td>
<td>130</td>
</tr>
<tr>
<td><strong>SOUTH</strong></td>
<td>2,183</td>
<td>2,742</td>
<td>140</td>
<td>2,892</td>
</tr>
</tbody>
</table>


* The sum of the number of districts “In Compliance” and “Not in Compliance” does not always equal the total number of districts because the USOE figures for districts differ from those given by some state departments of education.

### TABLE B. Status of Desegregation in South

<table>
<thead>
<tr>
<th></th>
<th>Enrolment</th>
<th></th>
<th>Negroes in Schools with White</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Negro</td>
<td>Number</td>
</tr>
<tr>
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<td>559,123c</td>
<td>295,848c</td>
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</tr>
<tr>
<td><strong>Arkansas</strong></td>
<td>337,652c</td>
<td>111,952c</td>
<td>4,900d</td>
</tr>
<tr>
<td><strong>Florida</strong></td>
<td>1,056,805d</td>
<td>256,063d</td>
<td>25,000d</td>
</tr>
<tr>
<td><strong>Georgia</strong></td>
<td>784,917d</td>
<td>355,950d</td>
<td>9,465d</td>
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<tr>
<td><strong>Louisiana</strong></td>
<td>483,941</td>
<td>318,651</td>
<td>2,187</td>
</tr>
<tr>
<td><strong>Mississippi</strong></td>
<td>309,413</td>
<td>296,834</td>
<td>1,750d</td>
</tr>
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<td><strong>North Carolina</strong></td>
<td>828,638c</td>
<td>349,282c</td>
<td>18,000d</td>
</tr>
<tr>
<td><strong>South Carolina</strong></td>
<td>374,007</td>
<td>263,983</td>
<td>3,864</td>
</tr>
<tr>
<td><strong>Tennessee</strong></td>
<td>714,241d</td>
<td>176,541d</td>
<td>28,801d</td>
</tr>
<tr>
<td><strong>Texas</strong></td>
<td>2,136,150d</td>
<td>349,192d</td>
<td>60,000d</td>
</tr>
<tr>
<td><strong>Virginia</strong></td>
<td>757,037c</td>
<td>239,729c</td>
<td>27,550d</td>
</tr>
<tr>
<td><strong>SOUTH</strong></td>
<td>8,341,924</td>
<td>3,014,025</td>
<td>182,767d</td>
</tr>
</tbody>
</table>

* See note a, Table A.

* The number of Negroes in schools with whites, compared to the total Negro enrolment.

1964–65.

* Estimated.
North

Although there were in 1965 a few school boycotts demanding an end to *de facto* school segregation, the removal of racial barriers in the North was very slow. The NAACP, continuing its heavy involvement in campaigns to eliminate *de facto* segregation, reported that only 49 public-school systems in the North and West had either abandoned segregation or taken "substantial steps toward desegregation." During the year, such action was taken in Westbury, Port Chester, and Lawrence-Cedarhurst, N.Y. New but limited desegregation occurred in Portland, Ore., Hempstead and Rochester, N.Y. The states of New York, New Jersey, Massachusetts, and California have adopted statewide policies opposing *de facto* segregation.

The proposal by staff committees that New York City adopt a 4-4-4 school pattern under which children would attend four years each of primary, junior high, and high school (the old system was 6-3-3) was backed by civil-rights leaders who felt that it would hasten the time when Negro children—separated from whites in their earliest grades in schools serving predominantly segregated neighborhoods—would sit next to whites in junior high and high schools attended by children from wider areas. The Board of Education agreed on a reorganization for maximum desegregation and improved schools by September 1966.

In Chicago, civil-rights leaders charged that the school system under Superintendent Benjamin Willis had gerrymandered school boundaries, kept Negro students in overcrowded schools while vacancies existed in predominantly white schools, and required Negro elementary-school pupils to advance to predominantly Negro junior high and high schools. As a result, USOE ordered state officials to withhold $34 million in federal funds until the question of discrimination was cleared up. Heavy political pressure from Mayor Richard J. Daley brought the quick release of funds by USOE. Attorney General Nicholas deB. Katzenbach then issued guidelines requiring proof of discrimination and efforts by federal officials to obtain voluntary compliance before funds could be withheld under the Civil Rights Act.

NAACP branches in Bridgeport, Conn.; San Francisco, Calif.; Boston, Mass., Seattle, Wash., and Milwaukee, Wisc. also filed formal complaints with the USOE under Title VI, citing discriminatory practices and calling for withholding of federal funds.

Gallup Poll

Opposition of white parents in the South to school integration had dropped dramatically in just two years. A Gallup poll in May 1963 found 61 per cent of Southern white parents opposed to sending their children to schools attended by a few Negro pupils. In 1965 the percentage fell to 38. Objection to sending children to a school where half the pupils were colored was much higher, but even here it dropped from 78 per cent in 1963 to 68 per cent in 1965.
In the North most white parents were willing to send their children to a school with a few Negro pupils: 87 per cent in 1963, 91 per cent in 1965. When asked about sending their children to a school where half were Negro, 33 per cent objected in 1963, and 28 per cent in 1965.

Ousted Southern Teachers

There was growing concern during the year that thousands of Negro teachers would lose their jobs when Southern schools became integrated. A special study group of the National Education Association (NEA) recorded the dismissal of 452 Negro teachers in Southern and border states, and the demotion of 216 others in Florida, for failure to pass the national teachers' examination. The report added that the actual number of displacements was probably much higher and that, in at least two states, "the climate was sufficiently threatening to prevent those who had been displaced or demoted from appearing before the task force." A number of Northern school systems with severe shortages of teachers, including New York and Philadelphia, received federal funds for training hundreds of these teachers to qualify for their systems. The NEA and the American Federation of Teachers, AFL-CIO, aided in this effort. Meanwhile, the Justice Department brought a number of suits against Southern school systems for failure to desegregate faculties and to stop discriminatory employment practices.

ENFORCING CIVIL RIGHTS LAWS

Employment

A total of 3,263 complaints of job discrimination were filed with the Equal Employment Opportunity Commission between July 2, 1965 (when the fair employment section of the Civil Rights Act of 1964 came into force) and Dec. 31, 1965. Ten Southern states provided more than two-thirds of complaints serious enough for possible action, reported Chairman Franklin D. Roosevelt, Jr. Employers were charged in 1,822 cases, and unions in 466 others. In 1,492 cases complaints came from Negroes, 19 involved other specified races, 27 national origin, 391 sex, and 25 religion. According to Roosevelt, the commission and its staff received "tremendous cooperation" from unions and employers. "Walls are literally coming down," he stated, "where segregated facilities once existed—often at considerable expense. Most employers are outreaching individual complaints to open up new opportunities for minorities in their plants and businesses."

Health and Welfare

A survey by the United States Commission on Civil Rights of local health and welfare programs in more than 40 Southern and border communities in the summer and fall of 1965 found that:

1. Written agreements to comply with Title VI of the Civil Rights Act of
1964 have been secured from most federally assisted programs. There has also been progress in the elimination of the most overt forms of segregation in hospitals, such as separate wings, waiting rooms, and public facilities, and, in a few cases, rapid and complete desegregation.

2. Widespread segregation of Negroes in, or exclusion from, federally-assisted programs at the state and local levels continued in state-operated hospitals and their training facilities; ward or room assignments; child-care institutions, nursing homes, and training facilities providing service for a fee to white beneficiaries of federally-assisted programs; certain federally-assisted local health programs; offices of physicians and their referral of patients to hospitals, and Operation Head Start projects. Moreover, the removal of racial designations did not eliminate segregation where dual facilities were maintained, and administrators took no further action to do so.

The commission recommended that the Department of Health, Education and Welfare apply immediate sanctions in instances where negotiations had failed to correct violations of Title VI. It called for immediate surveys and thorough field inspections to determine the extent of continued discrimination in the nearly $18 billion federally-assisted programs. The department was urged to establish affirmative goals of actual participation on a desegregated basis in all benefits offered, and the creation of effective regular reporting systems.

**DISCRIMINATION IN JUSTICE**

Negroes involved in federal court action in the South found themselves in a particularly difficult position. As the Southern Regional Council in its report on *Racial Discrimination in the Southern Federal Courts* (April, 1965) pointed out, a Negro “could go from the beginning of the case to the end without seeing any black faces unless they are in the court audience, or he happens to notice the man sweeping the floor.” Of 1,588 persons in categories ranging from judges to secretaries employed by the Southern federal courts, the report stated, there were five Negro assistant U.S. attorneys, nine deputy U.S. marshals and a handful of secretarial and clerical workers. Although Negroes were called for jury service, their number was far smaller than their population ratio, and most of those called were dismissed by peremptory challenges or for other reasons.

Another report on *Southern Justice: An Indictment* issued jointly (October 1965) by the Southern Regional Council and the American Civil Liberties Union described the “double standard of justice” in the South. “An FBI informant,” it said, “testifies that he is in the same car with three Ku Klux Klansmen as they shoot to death Mrs. Viola Liuzzo, a Detroit housewife, on an Alabama highway” (p. 151), but the jury failed to convict the first defendant charged in the crime even of manslaughter. While waiting for a new trial, the Klansmen rushed off to a Klan rally in North Carolina to sign autographs. The Hayneville, Ala., community leader Tom Coleman shot two civil rights workers: Jonathan Daniels, a seminarian, died at once and
the Rev. Richard Morriseroe, a priest, was critically wounded. The trial, said
the report, "turned into a circus, with Coleman not simply acquitted but
almost proclaimed a hero."

These were not isolated cases. During sit-in demonstrations from 1960
through spring 1965 at least 26 Negro and white civil-rights workers were
killed by white racists in the South, and only one assailant was sentenced to
a ten-year prison term. During the same period, four Negroes went to prison,
one for life, when two white segregationists died in the aftermath of racial
demonstrations. (Later, in November, a Mississippi jury found Norman
Cannon, a 19-year-old white man guilty of the rape of a Negro girl and
sentenced him to life imprisonment; a month later an all-white Alabama
federal jury convicted three Klansmen of conspiracy charges in connection
with Mrs. Liuzzo's murder and they were sentenced to 10 years in prison.)

Dual justice, continued the report, "is a standing abuse to all Negroes—"the
maid, the undertaker, the field hand, the school teacher, the minister." In
traffic cases, too, where a Negro and a white are found guilty of driving while
drunk, and both are sentenced to a year in jail or $150 fine, the "cash regis-
ter justice" is much harsher for Negroes since they earn far less than whites.

At year's end the Leadership Conference on Civil Rights, representing over
100 civil-rights, religious, labor, and civic groups, launched a campaign for
the enactment of strong, comprehensive legislation on law enforcement, going
far beyond President Johnson's proposals for ending racial discrimination
on juries and for strengthening laws to protect civil-rights workers from at-
tacks or intimidation. It drafted a bill to give Negroes and the poor greater
representation on both local and federal juries by the use of random lists of
all eligible adults in judicial districts; strengthen conspiracy statutes for the
protection of Negroes and civil-rights workers; permit court injunctions
against persons depriving Negroes or civil-rights workers of a constitutional
right; make states or counties financially liable for damages in police action
against civil-rights workers; permit removal of police officials for gross vio-
lations of civil rights, and increase the power of federal marshals and the
Federal Bureau of Investigation to make on-the-spot arrests during racial
unrest.

Court Action

During the 1964-65 term, the United States Supreme Court handed down
decisions in a number of cases dealing with civil rights and racial equality.
In Heart of Atlanta Motel v. United States, 85 S. Ct. 348, and Katzenbach v.
McClung, 85 S. Ct. 377, the Court upheld the constitutionality of Title II of
the Federal Civil Rights Act of 1964 barring discrimination in restaurants,
hotels, and certain other places of public accommodation. In Hamm v. Rock
Hill, 85 S. Ct. 384, the Court reversed the conviction of sit-in demonstrators
in the South in a decision affecting an estimated 3,000 cases pending against
persons who had unsuccessfully sought service in public places. The Court
did not rule on the constitutional right of the defendants to be served with-
out discrimination. A five-man majority voted to reverse the convictions and to direct dismissal of the case on the ground that the proceedings had been "abated" because Title II prohibited the kind of discrimination to which the defendants had been subjected.

Louisiana statutes and procedures designed to curb voting by Negroes were rejected by the Court in a unanimous decision in *Louisiana v. United States*, 85 S. Ct. 817. The federal government charged systematic exclusion of Negroes from the ballot since 1898, and challenged the use of a state "interpretation" test giving voting registrars carte blanche in passing on the applicants' right to vote on the basis of their ability to interpret correctly provisions of the state or federal constitution. While a three-judge federal court was considering the government's complaint, Louisiana adopted a new "citizenship" test for all prospective voters. The federal court then barred the use of the "interpretation" test as well as the new "citizenship" test unless a reregistration of all voters was ordered. The Supreme Court unanimously affirmed this decision. Similarly, in *United States v. Mississippi*, 85 S. Ct. 808, the Court had unanimously directed that a suit brought by the government to halt the systematic exclusion of qualified Negroes from the ballot in Mississippi, practiced since 1890, should be set down for trial "without delay." A three-judge district court had dismissed the government's suit, 2 to 1, but the Supreme Court reversed on all points.

The Court, in *McLaughlin v. Florida*, 85 S. Ct. 283, unanimously set aside the conviction of a Negro man and a white woman for violating a Florida statute making it illegal for a man and a woman of opposite races, who are not married to each other, to occupy habitually the same room at night. The Court found it unnecessary to consider the defendants' challenge of Florida's anti-miscegenation laws since it based its reversal on the ground that "to punish promiscuity by one racial group and not that of another" was unreasonable.

In *Swain v. Alabama*, 85 S. Ct. 824, the Supreme Court, by a vote of 6 to 3, upheld the conviction in Alabama of a Negro who had been sentenced to death for raping a white girl, despite a claim that Negroes had been excluded from the juries that had indicted and tried him. It ruled that the defendant had failed to establish a case of systematic exclusion, and, in a concurring opinion, Justice John M. Harlan emphasized his understanding that the question before the Court was not the systematic use of peremptory challenges to bar Negroes from juries.5

**STATE CIVIL-RIGHTS LEGISLATION**

By giving states a chance to redress grievances under their own laws within specified periods ranging from 30 to 120 days before federal enforcement

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5 The *Civil Rights and Civil Liberties Decisions of the United States Supreme Court for the 1964-65 Term, a Summary and Analysis* (New York, American Jewish Congress, Commission on Law and Social Action, 1966).
## Table I. Negro and Other Non-White Population in States Having Anti-Discrimination Laws

<table>
<thead>
<tr>
<th>State</th>
<th>Laws&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Other Non-White&lt;sup&gt;c&lt;/sup&gt;</th>
<th>Total Pop. 1960&lt;sup&gt;c&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>E</td>
<td>S</td>
<td>H</td>
</tr>
<tr>
<td>Alaska</td>
<td>X X X</td>
<td>X X X</td>
<td>6,771</td>
</tr>
<tr>
<td>Arizona</td>
<td>X X X</td>
<td>X X X</td>
<td>43,403</td>
</tr>
<tr>
<td>Calif.</td>
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<tr>
<td>Conn.</td>
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<td>D. C.</td>
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<tr>
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<tr>
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<td>Ill.</td>
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<td>S. D.</td>
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<td>Vt.</td>
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<td>Total</td>
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<td>8,551,059</td>
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<tr>
<td>Total U.S.</td>
<td></td>
<td></td>
<td>18,871,831</td>
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</table>


This column indicates whether the state has a law against discrimination in employment (E), private schools and colleges (S), housing not receiving public assistance (H), and places of public accommodation (A).

Figures for Negro, other non-white, and total population are taken from the 1960 census.
machinery could be set in motion, the Civil Rights Act of 1964 spurred them to pass laws against discrimination in employment and places of public accommodation. As a result, more state civil-rights legislation was adopted in 1964–65 than in any previous two-year period.

Today, 71 per cent of all Americans are covered by state fair-employment and public-accommodation laws; 52.5 per cent by laws against housing discrimination; and 30.5 per cent by fair-education laws. For Negroes the percentages are lower (45.3, 33.2, and 20.8 respectively) because many live in Southern states where no civil-rights laws have been adopted.

TABLE II.a PROPORTION OF NEGRO AND OTHER NON-WHITE POPULATION IN STATES HAVING ANTI-DISCRIMINATION LAWS

<table>
<thead>
<tr>
<th>States having</th>
<th>Negro</th>
<th>Other Non-White</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Employment Laws</td>
<td>8,549,168</td>
<td>1,415,241</td>
<td>127,347,350</td>
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<tr>
<td>Per Cent of U.S. Total</td>
<td>45.3</td>
<td>87.4</td>
<td>71.0</td>
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<tr>
<td>Fair Education Laws</td>
<td>3,932,572</td>
<td>194,048</td>
<td>54,655,936</td>
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<tr>
<td>Per Cent of U.S. Total</td>
<td>20.8</td>
<td>12.0</td>
<td>30.5</td>
</tr>
<tr>
<td>Fair Housing Laws</td>
<td>6,258,236</td>
<td>661,619</td>
<td>94,075,629</td>
</tr>
<tr>
<td>Per Cent of U.S. Total</td>
<td>33.2</td>
<td>40.9</td>
<td>52.5</td>
</tr>
<tr>
<td>Public Accommodation Laws</td>
<td>8,546,116</td>
<td>1,028,075</td>
<td>128,027,538</td>
</tr>
<tr>
<td>Per Cent of U.S. Total</td>
<td>45.3</td>
<td>63.5</td>
<td>71.4</td>
</tr>
</tbody>
</table>

* See Table I, note a.

War on Poverty

The shift of the civil-rights struggle to an expanded war on poverty revealed that millions of Americans live in abject poverty which has been perpetuated for generations and from which the young see no escape, especially since modern technology was eliminating unskilled and semi-skilled jobs in which large numbers of Negroes and other minorities have been concentrated. It is with the factor of "generational poverty" that anti-poverty programs must deal.

The Economic Opportunity Act of 1964 (AJYB, 1965 [Vol. 66], pp. 181–82) declared that it was the nation’s policy "to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity." The Office of Economic Opportunity (OEO), headed by Sargent Shriver, provided a variety of programs: job corps, training, and work-study programs; community action, with fed-
eral grants to local community-action organizations for grass-roots assistance to low-income families in employment; job training, vocational rehabilitation, housing, home management, and welfare; programs to combat rural poverty, to provide business-investment and small business loans, and to strengthen family life; recruitment, training, and placement of volunteers to assist in the war on poverty in a domestic peace corps called VISTA (Volunteers in Service to America), and Project Head Start for pre-school training of disadvantaged children.

The Neighborhood Youth Corps provided 513,000 jobs for enrollees during 1965, the Job Corps 17,500. By year's end, some 2,000 Volunteers (VISTA) were serving in urban slums, in migrant labor camps, on Indian reservations, in Appalachian hollows. In the first year of the poverty program, over 3,000 grants totaling $800 million were made for local community-action programs; the estimated cost for the second year was $1.5 billion. (The cost of established welfare programs, such as social security, unemployment insurance, and aid to slum schools, was more than $18 billion a year in federal funds.)

Education was part of most of the poverty programs run by the OEO and the Labor, Education, and Agriculture departments since, as explained in a widely distributed government booklet *Education: An Answer to Poverty*, to be ignorant is to be poor; hard-core poverty, like established wealth, is inherited (90 per cent of the poor had impoverished parents), and the best way to break the "chain of dependence" of generations of poor Americans on the dole is to educate them. Last summer's Project Head Start, which reached 560,000 pre-school-age children, instructed them in small groups and gave them medical care and nutritious food. Often, however, lack of funds, facilities, staffs, and lethargic local school boards prevented the continuation of this aid when school began.

During 1965, two acts were passed to provide massive financial support to schools and colleges and to help disadvantaged youth. The Elementary and Secondary Education Act authorized over a billion dollars in grants to local school districts to broaden and strengthen programs for educationally disadvantaged children in public and nonpublic (including parochial) schools (p. 134). The Higher Education Act (p. 141) funded at $2.3 billion, included community service and continuing education programs; college library assistance and library training and research; strengthening developing institutions; scholarships for needy and deserving students; strengthening teaching, and aid for construction of needed facilities. Both Acts created problems in respect to church-state separation (pp. 137–40).

One of the major controversies during the year centered around the role of the Community Action programs. Many of these programs encouraged the poor among whom they operated to take part in protest activities, such as rent strikes and civil-rights demonstrations, and in this way to help combat apathy and despair, and build leadership and self-reliance for the development of the poor's political power. The Economic Opportunity Act asked
that these programs be “developed, conducted and administered with the maximum feasible participation of residents of the areas and members of the groups served,” and Vice President Hubert H. Humphrey called them an attempt to give “persons never before given the chance to be heard a voice in programs that directly affect their lives.” Big-city mayors and other politicians, however, have complained that the programs were financing competitive political groups by organizing the poor for political action. Approximately 13,000 men and women served on the boards of 650 local community action programs, and about 3,700 of these, reported Sargent Shriver, came “from the impoverished communities—the slums.” Many of the poor felt that “maximum, feasible participation of the poor” should mean majority control of the boards, and the conflict between them and political leaders continued.

Religious Groups

In 1946 the Synagogue Council of America, the social action department of the National Catholic Welfare Conference, and the industrial relations division of the Federal (now National) Council of Churches of Christ adopted a “Pattern for Economic Justice,” a declaration of moral principles as applied to economic life. The statement held it “the duty of the state to intervene in economic life whenever necessary to protect the rights of individuals and groups and to aid in the advancement of the general economic welfare.” Catholic, Protestant and Jewish religious groups largely ignored the declaration until the inception of the anti-poverty program in 1965 when action guides were quickly prepared: One Fifth of the Nation: Fact and Action Guide to Poverty in the Midst of Plenty in the U.S.A. was published by the department of church and economic life of the National Council of Churches; The War on Poverty: A Handbook, by the National Catholic Coordinating Committee on Economic Opportunity, and There Shall Be No Poor, by the commission on social action of the Union of American Hebrew Congregations. The Union also called on all agencies of Reform Judaism to ask their members to participate in tutoring, effective social action, and other programs.

The National Catholic Conference for Interracial Justice organized Project Equality calling on archdioceses to end any discriminatory practices in their own hiring systems, and to require similar action by their suppliers of goods and services. The archdioceses of St. Louis, Detroit, San Antonio, and Hartford adopted such programs. In Detroit the program developed into an interfaith action in December, with the Metropolitan Detroit Council of Churches, the Jewish Community Council, the Council of Eastern Orthodox Churches, and the Roman Catholic archdiocese joining forces. Similar action was anticipated in many cities throughout the nation.

Other examples of Catholic activities included a tutoring program in reading and first aid, crafts, movies, and sports offered by Our Lady of Guadalupe Shrine, in St. Paul, Minnesota, a parish populated mainly by Mexican-Amer-
icans; a remedial reading program for culturally deprived upper-grade students, sponsored by the Newark, N.J., Queen of Angels parish, in cooperation with Seton Hall University; a pre-kindergarten unit, remedial reading, tutorial programs, and a family enrichment program at St. Martin de Porres parish school in New Haven, Conn., in cooperation with the New Haven Board of Education and Community Progress, Inc.

In Detroit, parochial schools received an OEO grant to operate pre-school centers for the development of health, cultural and general school preparation among deprived children, and the distribution of supplementary reading materials to children of poor families. In New Mexico, the archdiocese of Santa Fe joined with the New Mexico Council of Churches in a statewide program for migrant farm laborers, featuring multi-functional community centers with courses in child-care, home-making, language development, vocational counseling, housing and sanitation, and adult, youth, and preschool education. In Washington, D.C., more than 100 nuns, seminarians, lay volunteers, and teenagers participated in an interreligious, interracial program at Project Head Start centers in nine parishes and in an education and enrichment program in four public schools. The diocese of Natchez-Jackson, Miss., launched a program, sponsored by STAR, Inc. (Systematic Training and Redevelopment), and headed by Auxiliary Bishop Joseph B. Brunini and an interracial board, to train 25,000 persons for jobs and to give guidance to 75,000 others in 18 centers across the state.

Protestant groups joined with Catholic and in some cases with Jewish groups in underwriting the programs of the Industrial Areas Foundation, headed by Saul Alinsky, a criminologist and sociologist advocating the use of power to fight power by arousing apathetic slum dwellers to fight their own battles. Chicago, Buffalo, and Rochester were among the cities where his methods received church support. The presbytery of St. Louis organized a youth development and vocational training program with 450 tutors for 800 children; cultural enrichment programs; a remedial reading clinic staffed by 20 volunteers, and special counseling and a sheltered workshop for dropouts. St. Philip's Community Youth Center in New York City, in cooperation with other Protestant agencies and the city's Youth Board, served 175 teenagers and 225 younger children, and cooperated with the Urban League, Opportunities for Youth Unlimited, and Associated Communities Teams (which became part of HARYOU-ACT) in youth employment.

Jewish Secular Agencies

Among Jewish groups, 70 federations affiliated with the Council of Jewish Federations and Welfare Funds (CJFWF) were involved in community-wide activities to develop anti-poverty programs and projects. In many communities, Jewish health and welfare agencies helped mobilize local forces to guarantee maximum involvement of the poor themselves; to prevent the use of anti-poverty programs as political footballs; adhere to the principle of sepa-
ration of church and state, and to develop maximum public understanding of poverty needs and programs.

Most national Jewish agencies cooperated in anti-poverty programs. The National Jewish Welfare Board participated in a neighborhood Youth Corps program through its Jewish community centers; the Jewish Occupational Council offered guidance to Jewish vocational services; the American Jewish Committee organized intergroup relations activity with ethnic community groups, conferences of Jewish business leaders throughout the country on opportunities and job training, and cooperated with a number of local and federal government agencies in support of the war on poverty; the American Jewish Congress worked with agencies to aid Negro small businessmen, informed community agencies of anti-poverty programs in their areas, and participated in remedial programs for underprivileged children; Hadassah urged its members to help Project Head Start; the National Council of Jewish Women joined non-Jewish and Negro women's groups in Women in Community Service to work with Job Corps and other girls and participated in Project Head Start and other programs to aid poor school children; the Council of Jewish Federations and Welfare Funds co-sponsored with non-Jewish groups a conference of religious leaders on VISTA and urged Jewish health and welfare agencies and synagogues to enlist volunteers and to utilize VISTA volunteers in local programs.

Labor

Labor has done its share to implement the war on poverty. Maintaining that "more than half of the poverty problem is linked to low wages, unemployment and involuntary part-time work, and that the poor are eager to work when jobs are available," the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), at its 1965 convention, backed the President's anti-poverty effort, but called for a broader program. It urged its affiliated organizations "to become integral, active and leading members of the anti-poverty groups now being formed in hundreds of communities throughout the country." It set up an AFL-CIO anti-poverty office and prepared a guide, "Labor's Role in the War on Poverty," listing ways in which unions could help.

Unions in all parts of the United States have been involved in many projects, such as work-training and experience for "hard to serve" unemployed youths; making available to agencies in communities of poverty youth workteams for maintenance, repair, and rehabilitation services, at times linked with a part-time return to school program, and training of community action workers. In Cincinnati, for example, the AFL-CIO Labor Council co-sponsored a unique program with the Neighborhood Youth Corps and the city's Urban Rehabilitation Division, in which skilled union craftsmen, at prevailing wages, trained and supervised crews of youths in repairing rundown houses in poor neighborhoods, owned by persons who qualified for rehabilitation grants of up to $1,500 from the Federal Housing Administration.
The program was so successful that the Labor Department was asked to approve an expanded program under which the project would become a source of apprentice referrals for the participating unions.

Walter Reuther, president of the United Auto Workers, sparked the formation in New York City (October 1964) of the Citizens Crusade Against Poverty in which religious and civil-rights groups, farm organizations, labor unions, businessmen, and student associations participated. Its officers included Reuther, Rabbi Richard Hirsch, director of the Religious Action Center of the Union of American Hebrew Congregations, and Jerry Anderson of the Rural Electric Cooperative Association. In 1965 the Crusade organized an information network of more than 4,000 neighborhood-block clubs and other grassroots organizations in poverty-stricken areas, and planned to train 1,000 workers to help the poor play a more active part in resolving their problems.

NEGRO-JEWISH RELATIONS

Jewish organizations, for decades, have been active in civil-rights work by promoting legislation and engaging in mass-educational activities. The leaders of most Negro civil-rights movements have welcomed such Jewish support and have referred to the historical kinship between the persecuted Negroes and the persecuted Jews. Yet, in both groups there was a tendency to share the prejudices of the general society. Some Jews, like other whites, tended to make unfavorable generalizations about Negroes and, conversely, some Negroes expressed their hostility toward white society through antisemitism. Most Jews and Negroes had high expectations of behavior toward each other, and where such behavior fell short of the expected, resentment grew.

In the past, partial causes for Negro antisemitism have been listed as:
1. Confrontation between the Jew as employer, landlord, and merchant, and the Negro as worker, tenant, and customer.
2. Christian theological teachings and antisemitic references in religious textbooks.
3. The general mildly, but pervasively, antisemitic environment.

In recent years, however, a new dimension was added by the appearance and increasing activity in the Negro community of black nationalists spreading virulent antisemitism. And while it is impossible to establish whether Negro antisemitism has recently grown or diminished, there has been demonstrably increased expression of anti-Jewish feeling in 1965. Such hostility existed not only among the poor, but on almost every level of the Negro community—intellectuals, professionals, businessmen, and young people. That mass demonstrations like the Watts riots showed some evidence of antisemitism could be expected. But anti-Jewish feeling was expressed also at the planning session of the November 1965 White House Conference to Fulfill

6 Much of the material in this section is based on a confidential survey by Ann G. Wolfe for the American Jewish Committee.
These Rights (p. 101) where Lawrence Landry of Chicago, executive director of a militant Negro group ACT and coordinator of the second Chicago school boycott, and other Negro participants described the conference as dominated by a disproportionate number of whites and Jews (Rowland Evans and Robert Novak, syndicated column in New York Herald Tribune, November 24, 1965).

LeRoi Jones, the avant-garde Negro playwright and poet whose HARYOU-ACT-sponsored play contained strong anti-white statements, was also critical of the Jews. One of his poems appearing in The Liberator, a magazine published by the Afro-American Research Institute and specializing in anti-white and antisemitic material, read:

We want live words of the hip world
live flesh & coursing blood.
Hearts Brains Souls splintering fire.
We want poems like fists beating niggers
out of Jocks or dagger
poems in the slimy bellies of the owner-Jews.

A small Negro group in Washington, D.C., Association for the Improvement of Education, was strongly antisemitic and anti-Israel in an attack on the superintendent of schools in a newsletter published in November:

At the precise moment that community leaders and parents in righteous indignation were accusing the Sup’t. of discrimination in hiring and promotions, and practicing programmed retardation in the education of their children, the Sup’t. was in Israel . . . Some parents . . . wonder if the Sup’t is going to set up welfare and feeding programs here similar to those set up for the Arabs and Palestine refugees in Israel but are not given a right to participate in the economy. It is suggested that the Superintendent read ‘The International Jew’ before he incorporates Israeli-oriented programs into the D.C. public schools.

In March a small Philadelphia nationalist group, the Committee of Full Equality, distributed a leaflet outside a factory that was being picketed by CORE, which stated:

WE AGREE with CORE that discrimination is present at this plant. At the highest level we have WHITE JEWS in a proportion that is not justified by the number of WHITE JEWS employed at lower levels. The Company should replace some WHITE JEWISH FOREMEN with NEGROES and replace a number of NEGROES in the lower level jobs with WHITE replacements.

In Los Angeles, a rabidly racist Negro newspaper, the Herald-Dispatch, carried antisemitic items regularly. In the issue of March 20, Waldo Phillips, a columnist, stated:

The Jew is out for his own advancement without any love or concern for the black community. This can be seen in social welfare, education. The Negroes are the experiments for all research but the Jewish communities get the finished product. The Negro is the experiment at the public hospitals, but the Jews take the results to their hospitals. Negroes receive the butt of the punish-
ment on the civil rights battlefield, but the Jews use the legal breakthrough for his (sic) advantage.

This intense antisemitism among the Negroes, however, was not reflected in a poll conducted by *Newsweek* which stressed Negro opinion on the role of Jews in the civil-rights movement, rather than antisemitism. It found that 42 per cent thought Jews were helpful in the struggle for Negro rights, and 9 per cent that they were not; 49 per cent were uncertain. Among Negro leaders, 71 per cent felt that Jews were helpful, and 8 per cent that they were not; 21 per cent were uncertain. Portions of a survey on *Christian Beliefs and Anti-Semitism* by Charles Y. Glock and Rodney Stark (Harper & Row, 1966), sponsored by ADL and released late in 1965, indicated further that there was somewhat less antisemitism among Negroes than among white Christians. But while antisemitism decreased among the more educated whites, the strongest Negro antisemitism was found at the high-school-graduate level. The survey found much less antisemitism among Negroes who were members of civil-rights organizations than among those not involved.

At a Conference on Negro-Jewish Relations in the United States, sponsored by the Conference on Jewish Social Studies in May 1964, Horace Mann Bond, dean of the school of education, Atlanta University, discussed antisemitism among Negroes in a statement on "Negro Attitudes Towards Jews":

> Attitudes toward Jews—either negative or positive—have always been, and are now, part and parcel of the American culture. In the process of acculturation of sorts, the Negro has absorbed the cultural traits characteristic of the social and economic class to which he belongs—with variations, resulting from the unique caste status assigned to Negroes.

> It is my considered view that Negro attitudes and actions toward Jews that are frequently interpreted as 'antisemitic' actually lack the sinister thought-content they are sometimes advertised as holding. The occasional riots against small businessmen and landlords in Harlem—persons who may happen to be Jews—do not, in my opinion, actually possess the 'classic' emotional load of aggression against a Jewish 'race' or 'religion'; that has been considered the essence of 'antisemitism.'

At the same conference, Negro civil rights leader Bayard Rustin suggested that one factor in Negro antisemitism was Negro awareness of past Jewish support:

> In times of desperation, socially, you act like a child having a tantrum, a child saying, 'watch me mother, I am going to do something naughty, because I want you to come and show me a better way.' After [jumping on] Jim Farmer and Roy Wilkins and Rev. King . . . it is most likely that they will next jump on Jews who historically have been friendly to them. He who does not understand this, does not understand the psychology of people in motion.

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8 *Jewish Social Studies*, January 1965, p. 7.
He blamed lack of real leadership for excesses, and asked for cooperation among all groups to solve the problem. In this spirit B. Z. and May L. Sobel in an article "Negroes and Jews: American Minority Groups in Conflict" (Judaism, Winter 1966) cautioned: "Large scale work in and with the Negro community must be undertaken, even in the face of a rebuff from the revolutionary Negro leadership, and work in the Jewish community should be intensified even in the face of violent reaction."

Harry Fleischman
In 1965 the complexion of church-state problems altered significantly. Legal, legalistic, and philosophic controversy over the meaning of the First Amendment's no-establishment and free-exercise clause gave way to action programs in which church and state shared. Many sectarian agencies undertook to join the nation's war on poverty and ignorance with the aid of federal and sometimes state funds.

Reasons for the change in emphasis and climate were many, perhaps the most important being the churches' insistence on their right to function in the secular society and to exert a moral-political influence on government and community. Much of the impetus for the churches' expanded participation in the major social and political issues of the day had originated in the involvement of rabbis, ministers, and priests in the civil-rights movement. That energy and commitment were subsequently channeled into the war on poverty and ignorance.

Secondly, the pervasive national concern for more and better education for all American children in both public and nonpublic schools had even before 1965 begun to undermine the long-standing opposition to any form of governmental aid that would have benefitted nonpublic school children (AJYB, 1965 [Vol. 66], pp. 211-15). The idea of educational aid for poor children especially, even if administered through sectarian agencies, proved sufficiently attractive to overcome resistance from some opponents of federal aid to nonpublic schools. The cautious willingness of separationist-minded liberal Protestants to go along with limited forms of federal aid to the beneficiaries of sectarian welfare and educational institutions was in part attributed to the expansive ecumenical mood induced among Protestants by the spirit of aggiornamento which the late Pope John XXIII had introduced in the Catholic church.

Most Jews were less willing than Protestants to reexamine their views on the separation of church and state in the interest of ecumenism. Jewish community-relations agencies as well as national Reform and Conservative bodies continued to adhere to their strict separationist views. Orthodox organizations, however, held sharply divergent opinions: they believed religion should not be legislated out of public life and, maintaining a considerable educational establishment, they welcomed the benefits of federal aid. These groups began to challenge the non-Orthodox hegemony in Jewish communal life and to lobby independently for their interests. Thus, they became a new political
influence in the Jewish and general community, and are to be reckoned with. One manifestation of this new phenomenon was the formation, late in 1965, of the National Jewish Commission on Law and Public Affairs (COLPA), consisting of Orthodox laymen, mostly lawyers, to defend the interests of Orthodox Jews in matters of church and state.

Finally, scholars and intellectuals whose dedication to liberty and justice could not be gainsaid continued to express anxiety lest the legal exclusion of religion destroy the traditional cultural character of American society, which they sometimes explicitly described as Christian. Thus, Mark DeWolfe Howe, professor of law at Harvard University, in *The Garden and the Wilderness: Religion and Government in American Constitutional History* (Chicago and London: University of Chicago Press, 1965), an erudite and witty history of the Founding Fathers’ legislative intent and of the Supreme Court’s interpretations of the no-establishment and free-exercise clause, wrote:

> My deeper concern with the Court’s current inclination to extract a few homespun absolutes from the complexities of a pluralistic tradition is derived from the conviction that in these matters the living practices of the American people bespeak our basic constitutional commitment more accurately than do the dogmatic pronouncements of the justices [p. 174].

Even more outspoken was Robert Ulich, James Bryant Conant professor of education, emeritus, of Harvard University, in “The Educational Issue,” in Paul A. Freund and Ulich, *Religion and the Public Schools* (Cambridge, Mass.: Harvard University Press, 1965). Speaking of “the serious opponents” of the recent Supreme Court decisions, whose outlook he shared, he said:

> They are aroused by the fear of taxation of religious institutions and by the threat of an unhistorical disruption of national customs and symbols, which today probably have a more patriotic and aesthetic appeal than a deeply felt religious one. But there are even more profound, though sometimes unconscious, reasons for the anxiety of many people. These reasons became clear to me when I read the book by the novelist Herman Wouk, *This Is My God*. The author rightly believes that the Jewish people would not have survived the long years of persecution without faithful adherence to their rituals, festivals, and prayers. May then the loss of the Christian past not jeopardize the future of this nation, just as the desertion from the covenant would have jeopardized the survival of the Jews? Nations, as well as men, though living by bread, do not live by bread alone [p. 40].

**FEDERAL AID TO SECTARIAN WELFARE**

Sectarian agencies have had a long tradition of providing social-welfare services in the United States, where public welfare, originally based on the English Poor Law system, was niggardly. Some states, during the nineteenth century, transferred part of their welfare services to private sectarian agencies, retaining only basic financial responsibility. Since the New Deal, government has substantially enlarged its role in welfare and its financial commitment, but it continued to make use of sectarian and secular voluntary agencies to
implement or conduct welfare programs and it financed many social services performed in a sectarian setting. The Baptist Joint Committee on Public Affairs estimated that sectarian health, welfare, and education agencies were eligible for federal grants or other forms of financial aid under 115 different programs.¹

According to a study based on responses to a questionnaire, 73 per cent of over 400 private health and welfare agencies had a policy of accepting government funds or accepted such funds in the absence of a formal policy.² Of Catholic agencies 92 per cent accepted government funds, with or without policy, as compared with 68 per cent of Jewish and 63 per cent of Protestant agencies. Of the nation's sectarian hospitals, Protestant hospitals, accounting for 41 per cent of the total, received 37 per cent of federal Hill-Burton grants to sectarian hospitals; Catholics, with 55 per cent of these hospitals, received 58 per cent of the grants, and Jews, 3.5 per cent, received 4.4 per cent. Protestants as a whole received less than their proportional share primarily because Baptists and other "free-church" denominations maintained a fairly strict policy of not seeking or accepting government funds, though other denominations (Lutherans, for instance) readily accepted government financial aid.

The questionnaire asked welfare-agency executives if they believed acceptance of government subsidy was compatible with their views on church-state separation. Jews and Catholics overwhelmingly saw no real conflict, but more than half the Protestant administrators saw a considerable degree of conflict. Nearly all Catholics and Jews favored government's purchase of voluntary services and saw no violation of the principle of separation. Most Protestants, though not in the same high degree, shared that view. But the Protestants in the free-church tradition had more difficulty in reconciling themselves to new relations with government as a consequence of vast social changes in the United States. The tension between principle and practice was evident in the remark of a Southern Baptist administrator in Missouri whose hospital accepted tax funds: "We are opposed in principle, but recognize we must live under the laws of the land."

As for the Jewish agencies, the author of the study concludes:

The practices and attitudes of Jewish Welfare administrators concerning church-state separation are similar to those of Catholic administrators. In spite of the admonitions of Jewish civil-rights and public-relations groups, Jewish welfare executives have little fear that cooperation with government and the receipt of tax funds either compromise church-state separation or endangers the autonomy of their agencies.³

³ Ibid., p. 103. At a conference of the New York metropolitan region of the National Welfare Board in March 1965 both executives and lay leaders of recreational and cultural agencies were convinced their acceptance of federal funds did
**Sectarian Housing**

In 1965 sectarian institutions began to plan housing projects for the elderly, the infirm, and the poor who were eligible for government assistance under the Housing and Urban Development act of 1965 providing low-interest loans to nonprofit corporations for low-income housing. In August the general synod of the United Church of Christ organized a task force to advise local congregations how to take advantage of the housing act and plan for effective community action in housing development. In December the general board of the National Council of Churches of Christ in the U.S.A. (NCC) voted to assist its member-denominations in setting up nonprofit housing corporations to participate in church housing projects for the aged and the infirm.

**Anti-poverty Programs**

The federal anti-poverty program gave renewed impetus to sectarian welfare activities and provided many with government funding (AJYB, 1965 [Vol. 66], pp. 181–82, 216–17). It also touched off new conflicts about church and state.

Protestant, Catholic, and Jewish sectarian agencies were generally welcomed as active participants in the war against poverty, since they could provide considerable resources in personnel and facilities for the local community. All major religious groups set up machinery to take part in government-financed programs and established various interreligious groups for joint activities, often in partnership with public agencies. A much-lauded interreligious anti-poverty organization was Women in Community Service (WICS), formed early in 1965, whose constituent agencies were the National Council of Catholic Women, the National Council of Jewish Women, the National Council of Negro Women, and the United Church Women. WICS specialized in recruiting and screening disadvantaged young girls for enrolment in women’s training centers of the Job Corps, a program administered by the Office of Economic Opportunity (OEO).

Church-related institutions accounted for about 3.5 per cent of all summer 1965 Head Start projects, nursery-school programs for underprivileged four- and five-year olds. (Most Head Start projects were conducted by boards of education or school boards.) Catholic institutions received about $1.69 million, more than half the funds allocated to sectarian agencies, Protestants nearly $1 million, and Jews about $50,000.*

In New York City, sectarian agencies received nearly $1.3 million or 2.1 per cent of all funds allocated for approved anti-poverty projects. Jewish

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* These approximate figures were derived from an analysis of all approved grants for summer 1965 Head Start projects, published in two volumes by the Office of Economic Opportunity.
institutions received 37 per cent of the sectarian funds, Catholics 32 per cent, and Protestants 31 per cent.\textsuperscript{5}

Many Protestant and Jewish agencies had to resolve conflicts of conscience in choosing between two desirable but conflicting goals: fighting the war against poverty and ignorance or maintaining the wall of separation between church and state. For Southern fundamentalists, whose commitment to secular education was weak and whose attitude toward Negro poverty was at best indifferent, the choice in favor of separation was not difficult. Protestants liberal in religion and politics had greater difficulty in choosing the greater good. NCC straddled the issue because of widespread differences of opinion within its member bodies.

Shirley E. Greene, coordinator of NCC's anti-poverty task force, reported on October 1 that the major involvement of state councils of churches had been in relation to the migrant ministry and to rural anti-poverty programs. State councils in Arizona, New Mexico, and North Carolina had government contracts with OEO, while the councils in Michigan and Indiana were involved in such contracts with Roman Catholic cosponsors. Early in 1965, according to The Lutheran, April 21, 1965, nearly $3 million had been allocated by OEO to religious groups for aid to migrant workers. Some state councils were engaged in rural anti-poverty programs, but chose to do so without government funding. Many metropolitan Protestant church councils, Dr. Greene reported, sponsored Head Start programs, participated in neighborhood youth corps, VISTA, tutorial, and many other programs.

Jewish health, welfare, educational, and recreational agencies participated in a great variety of programs, including job training and retraining, vocational guidance, and tutorial and remedial educational programs, as well as many pilot and experimental projects to test and develop new programs.

Catholic participation in anti-poverty programs was coordinated through the National Catholic Coordinating Committee on Economic Opportunity. Catholics, who had traditionally favored government aid for their ramified network of educational, welfare, and social institutions, had few inhibitions about the propriety of accepting government funds. Indeed, the fact that Catholic welfare institutions were often inadequately financed encouraged Catholics to make considerable use of government funding. In the South, Catholic institutions actively undertook many anti-poverty projects designed primarily to help Negroes. STAR (Systematic Training and Redevelopment Program), an $8-million OEO project initiated by the Catholic diocese of Natchez-Jackson for a clientele predominantly Negro and non-Catholic, was credited with a fair measure of success by objective, non-Catholic observers. The Catholic archdiocese of New Orleans was an active participant in Total Community Action, the city's community-wide anti-poverty agency, conduct-

\textsuperscript{5} Derived from an analysis of approved New York City anti-poverty projects listed in "New York City's Anti-poverty Program," a special supplement to City Almanac (New School for Social Research, Center for New York City Affairs), January 1966.
ing remedial-reading programs, recreational and counseling services, guidance in community organization, and neighborhood improvement. The remedial-reading program, known as Project SCORE and inaugurated late in 1965, embraced some 1,500 children, about 25 per cent Catholic and 80 per cent Negro. The teachers, including some nuns, and teachers' aides were about 90 per cent Negroes.

Public opposition to the participation of church-related organizations in government-financed anti-poverty programs was limited to those who held a rigorous position on church-state separation or who, by reason of their own religious history, feared the expansion of Roman Catholic secular power, or both. Protestants and Other Americans United for the Separation of Church and State (POAU), American Civil Liberties Union, and the American Jewish Congress were the most active in efforts to make constitutional tests of the involvement of sectarian agencies in government-financed anti-poverty programs.

The church-state question was also exploited by rightists whose indifference to the hardships of the poor led them to oppose the war on poverty. Thus, Rep. John H. Buchanan, Jr., a Southern Baptist minister and Goldwater Republican,6 elected in 1964 to represent the congressional district of Birmingham, Ala., introduced an amendment in the House on July 21, 1965, to bar grants to church corporations or religious organizations for community-action programs under the Economic Opportunity Act. Buchanan's amendment was supported by Rep. Howard H. Callaway of Georgia, another of the nine Southern Republican congressmen elected in 1964. Callaway urged separation of church and state in poverty grants though he had favored prayer in the public schools. Buchanan's amendment was overwhelmingly defeated in a voice vote.

FEDERAL AID TO EDUCATION

On April 11 President Johnson signed into law the Elementary and Secondary Education Act of 1965 (Public Law 89-10), to strengthen and improve educational quality and educational opportunities in elementary and secondary schools, particularly for poor children. An appropriation of $1.33 billion was authorized for the act's first year of operation. It was the first major legislative breakthrough providing a broad program of federal aid to education. Though impressive legislation authorizing specific types of federal educational aid had been passed in 1963 and 1964 (AJYB, 1965 [Vol. 66], pp. 215-17), none had embraced so large a school population or made so large a financial commitment. Particularly noteworthy was the relative ease with which the bill hurdled the perennial church-state obstruction, even though it authorized aid to pupils in private nonprofit schools as well as to those in public schools.

6 In a speech July 15, 1964, Buchanan described the John Birch Society as "an organization of dedicated Americans."
Elementary and Secondary Education Act of 1965: Summary

The Elementary and Secondary Education Act of 1965 (ESEA), unlike a general-aid-to-education law, concentrates on the educational needs of the children of the poor and on the needs of the educational institutions that serve them. Title I is a three-year program authorizing federal payments to state educational agencies for basic and incentive grants to local educational agencies serving children in low-income families. (An appropriation of $1.06 billion was made for the program's first year of operation.) The grants are to pay for programs and projects, including, where necessary, acquisition of equipment and construction of facilities which are designed to fit the needs of educationally deprived children and "which are of sufficient size, scope, and quality to give reasonable promise of substantial progress in meeting those needs."

This title stipulates that the local educational agency must provide also for educationally deprived children in its school district who are enrolled in private schools by offering special educational services and arrangements in which these children can participate, such as dual enrollment (shared time), educational radio and television, and mobile educational services and equipment.

Title II, a five-year program with $100 million appropriated for the first year, authorizes grants through state agencies for the acquisition of school-library resources, textbooks, and other instructional materials for use by pupils and teachers in both public and private elementary and secondary schools. Control and administration of these materials are to be vested only in a public agency; the materials to be made available to pupils in nonpublic schools must be those approved for use in public schools of that state.

Title III, a five-year program with a first-year appropriation of $100 million, provides grants to states to permit local educational agencies to set up supplementary educational centers and services for vitally needed educational programs not otherwise available in sufficient quality or quantity. Services include academic and vocational guidance and counseling, remedial instruction, as well as health, psychological, and social-work services; development of dual-enrollment programs; provision of specialized instruction and, if necessary, of equipment for students wishing to study advanced scientific subjects, foreign languages, and other academic subjects, for persons who are handicapped or for preschool-age children, and for children in rural or other areas isolated from normal educational facilities. Special services for gifted children in arts and music are included, as is also the development, production, and transmission of educational radio and television programs for classroom use. Under this title pupils in nonpublic schools are eligible for benefits not only through shared-time programs, but also as recipients of therapeutic, remedial, or welfare services as well as special educational services for the gifted, the retarded, or the needy.

Title IV, expanding the Cooperative Research Act of 1954 for educational
research, authorizes grants for research, surveys, and demonstrations in the field of education and educational-research training, with an appropriation of $22.5 million for the first year. It also provides for the construction of regional educational research facilities, for which $100 million has been budgeted over a five-year period.

Title V envisages a five-year program, with a first-year appropriation of $25 million, to stimulate and assist the states in strengthening their educational agencies to take a leading role in meeting educational needs.

Title VI ("General Provisions") prohibits federal control over educational programs, curriculum, administration, personnel, or selection of textbooks and other teaching materials. Its final paragraph (Section 605) prohibits payments "for religious worship or instruction."

**ESEA's Legislative History**

In his State of the Union message to Congress on January 4, President Johnson included a recommendation for a major national educational effort. Paraphrasing Jefferson's statement that "no nation can be both ignorant and free," he said that "today no nation can be both ignorant and great." On January 12 the President transmitted to Congress his education message, which highlighted the major educational tasks confronting the nation: to bring better education to the disadvantaged who need it most; to provide incentives for those who wish to learn; to put the best educational equipment, ideas, and innovations within the reach of all students, and to advance the technology of teaching and the training of teachers.

That day companion bills embodying these educational proposals were introduced in the House and Senate. The general education subcommittee of the House Education and Labor Committee held ten days of hearings and, on March 2, reported the bill to the full committee, which reported it out on March 8. Full House debate began on March 24 and on March 26 the bill passed by a vote of 263 to 153 (228 Democrats and 35 Republicans, for; 57 Democrats, mostly from the South, and 96 Republicans, against).

The education subcommittee of the Senate Labor and Public Welfare Committee held seven days of hearings and reported the House version of the bill to full committee on April 1, which on April 6 unanimously reported it out. On April 9 the Senate passed the bill without change by a vote of 73 to 18 (55 Democrats and 18 Republicans, for; 14 Republicans and four Southern Democrats, against). On April 11, the President signed the bill in the old country school in Johnson City which he had attended as a child.

The major objection to the bill centered on the church-state issue. Opponents of the legislation as drafted, believing that some or all forms of aid to pupils in nonpublic schools violated the First Amendment, urged that a provision for constitutional judicial review be included.\(^7\) Active supporters

\(^7\) Since the Supreme Court had held (*Massachusetts v. Mellon*, 262 U.S. 447 [1922]) that no single taxpayer could bring suit to enjoin the execution of an
of the judicial-review provision included the American Civil Liberties Union, POAU, American Jewish Congress, and the National Association of Evangelicals (NAE). The Baptist Joint Committee, NCC, and the American Jewish Committee favored the judicial-review amendment, but did not make it a condition for their support of the bill.

Proponents of the bill believed that its provisions were constitutional and that taxpayers' suits would impede the law's operation and impair its effectiveness. Senator Wayne Morse (D., Ore.), who guided the bill through the Senate, opposed the insertion of a judicial-review clause and Emanuel Celler (D., N.Y.) in the House and Jacob Javits (Rep., N.Y.) in the Senate successfully warded off judicial-review amendments. (On April 7, during Senate debate, Senator Morse said that he did not think an independent judicial-review bill was needed with regard to this particular legislation, but on June 7 he reintroduced a bill, offered previously in the 87th and 88th Congresses, to provide for judicial review of the constitutionality of grants or loans under certain acts. The bill was referred to the Committee on the Judiciary.)

Public Opinion

In a Gallup poll report released on March 7, 1965, 49 per cent of a national sample thought the federal government should pay a greater share of the increasing cost of education, while 42 per cent thought that the states and local communities should continue to meet most of the educational expenses, and 9 per cent had no opinion. The same survey found that 51 per cent of the persons interviewed approved of federal aid for Catholic and other private schools as well as public schools, as against 41 per cent who thought federal aid should go only to public schools; 8 per cent had no opinion. In a Louis Harris public-opinion poll released on June 7, 49 per cent of the respondents favored federal aid for building educational facilities that could be used jointly by public- and parochial-school pupils, while 35 per cent opposed it and 16 per cent were not sure.\(^8\)

The shift in public opinion was dramatically illustrated by the National Education Association (NEA), long opposed to government aid to nonpublic schools. On January 13 NEA gave its "wholehearted support" to the President's education message as "one of the strongest commitments to meeting the urgent needs of education ever to come from the White House." Testifying before the Senate subcommittee on education, Robert E. McKay, chairman of NEA's legislative commission, said the proposals in the education

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\(^8\) The same Harris poll found that only 36 per cent of the persons interviewed favored "direct" aid to parochial schools, 52 per cent opposed it, and 12 per cent were not sure. The discrepancy between this finding and the others reported by both Harris and Gallup may be accounted for by the wording or the failure to put it in a context of educational need.
bill did not violate the tradition of separation of church and state and that it incorporated "sufficient safeguards and restraints" against possible violation. United States Commissioner of Education Francis Keppel, in a statement read before the Senate subcommittee on January 26, appealed for educational aid to all children: "The ills of poverty . . . are not confined to a particular region, or color, or faith. Therefore, if we are to respond fully, we must do so in ways that help all our children in all types of schools—both public and private."

The American Association of School Administrators, at its annual meeting in Atlantic City, N.J., in February adopted a resolution supporting the bill, with the admonition that control of public money be vested in public institutions. The resolution also pointed to an expanding role for school superintendents who "will increasingly have to share many more responsibilities in relationship to nonpublic schools than they have in the past."

Walter Lippmann, dean of political journalists, in his syndicated column (New York Herald Tribune, April 15, 1965), argued that religious schools were an essential part of the American school system and entitled to receive federal aid for the nonreligious portion of their curricula:

A parochial school is an American school, and those who would deny it any public assistance ought, if they had the courage of their convictions, to ask that parochial schools be outlawed. In fact, parochial schools are regarded as legitimate educational facilities, and in actual practice they have long been helped in one way or another by state and local authorities.

**Protestant Views**

Arthur S. Fleming, president of the University of Oregon, appeared before the Senate subcommittee on February 11, representing NCC, of which he was a vice president, and cautiously endorsed the education bill. He cited NCC's support of federal aid to public schools and its endorsement of the anti-poverty program and the dual-enrolment plan, but reminded the subcommittee that NCC insisted on a clear "line between assistance to students in private schools and assistance to private schools." NCC hoped that such safeguards would make the bill an instrument of reconciliation and eliminate the divisiveness which the church-state issue had induced in the past.

Because Baptists had been the most consistent champions of separation of church and state, support of the bill from C. Emanuel Carlson, executive director of the Baptist Joint Committee on Public Affairs, composed of representatives from seven Baptist conventions in the United States, was particularly noteworthy. Dr. Carlson, testifying before the Senate education subcommittee on February 2, gave general, if cautious, approval of the bill, urging only that adequate safeguards be provided so that federal funds would not be supporting sectarian institutions, but would be distributed on the basis of

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child benefits or categorical grants. In Report From The Capital, March 1965, Carlson described the bill as “an ingenious measure for meeting the needs of our time with a maximum of consensus,” and concluded that “perhaps the time has come to let the children win one round in the political battle.”

H. B. Sissel, secretary for national affairs of the United Presbyterian Church, in a statement to the Senate education subcommittee in February, characterized the bill as “a fantastically skillful break in the stalemate occasioned by the church-state dilemma in previous legislative efforts.” Though he wanted clearer language to ensure public control of the programs, he specifically endorsed the dual-enrolment proposals. In February, the Protestant Episcopal executive council, meeting in New York City, unanimously adopted a statement supporting the education bill.

In June the annual convention of the Lutheran Church-Missouri Synod adopted a resolution, by a vote of 291 to 252, endorsing federal aid for non-public schools. The Missouri-Synod Lutherans, maintaining the largest Protestant church-related school system in the United States, agreed to take advantage of the newly enacted legislation so long as the federal funds do “not interfere with the distinctive purposes for which such schools are maintained.” The synod justified acceptance of federal funds by Lutheran schools on the ground that otherwise “the children attending private and parochial schools would be deprived of educational opportunities which the nation has offered to all citizens.”

Strong reservations about the constitutionality of aid to nonpublic school pupils were shared by two bodies that otherwise had little in common: the Unitarian-Universalists and the National Association of Evangelicals (NAE). Both urgently called for a constitutional-review provision. The NAE, an interdenominational group whose members seceded from the NCC because they found it politically and theologically too liberal, has opposed any federal aid to church-related schools, direct or indirect, because it would violate the separation of church from state. NAE was nevertheless a most vigorous advocate a year earlier of a constitutional amendment to permit prayer and Bible reading in the public schools (AJYB, 1965 [Vol. 66], pp. 224–25).

C. Stanley Lowell, associate director of POAU, testifying February 4 before the Senate education subcommittee, charged that Titles III and IV of the bill were “a massive assault” on the principle of separation. He urged elimination of those features of the bill aiding nonpublic-school pupils and, failing that, a provision for judicial review.

10 Dual enrolment, an arrangement whereby a pupil enrolled in a nonpublic church-related school regularly attends also a public school for part of the school day to pursue a part of the school curriculum, has been approved by most Protestant denominations and opposed by most Jewish groups (AJYB, 1965 [Vol. 66], pp. 213–14).
Catholic Views

Most Catholics supported the bill. They argued that Catholic schools were primarily educational institutions, not churches, and their pupils, as part of the nation's children, were entitled to the same educational assistance as pupils in public schools. James O'Gara, in Commonweal, January 29, 1965, described opponents of aid to Catholic school pupils with some asperity:

Anyone who does not travel exclusively in Catholic circles is bound to run into people who discuss Catholic education more or less as if they were describing the indoctrination efforts of some obscure sect. To listen to such conversations one would get the idea that Catholic education was either a tribal rite or a more-or-less elaborate Sunday School program, more complicated on the university level, of course, but essentially something that has little to do with education. The general thesis behind such discussions, of course, is that Catholic schools cannot really be called educational institutions at all, and hence that it would be preposterous to even consider any question of aid for them.

Msgr. Frederick G. Hochwalt, director of the department of education of the National Catholic Welfare Conference (NCWC), characterized the NCWC position before the Senate subcommittee on February 2 as one of "reserved approval and cautious optimism" because the education bill offered a way out of the church-state impasse. The caution reflected fears that pupils in Catholic schools might not receive as much benefit from the law in actual operation as it offered in principle.

Citizens for Educational Freedom, a predominantly Catholic group lobbying for federal aid to church-related schools, testified in February in favor of the education bill, urging even more aid to the secular education of children in nonpublic schools.

Jewish Views

The greatest disagreement over the education bill was manifested among Jewish organizations, unable to reconcile their traditional commitment to more and better education with their long-held, cherished belief in the separation of church and state. Unreserved support for the bill came only from Orthodox institutions: Torah Umesorah-National Society for Hebrew Day Schools, Agudat Israel, Union of Orthodox Jewish Congregations of America, Union of Orthodox Rabbis of the United States, Rabbinical Alliance of America, Rabbinical Council of America, Po'ale Agudat Israel, Religious Zionists of America, and the Lubavitcher movement.

The American Jewish Committee took a position of cool approval:

It is our view that so long as the state or federal government does not aid religion or religious education or church-related institutions; so long as its grant of aid is extended to the protection and improvement of the welfare of the child, it is irrelevant that the assistance goes to a person who happens to be of any one race, creed, or ethnic origin.
Most other Jewish organizations endorsed only the bill’s provisions for aid to public-school pupils. They objected to all forms of aid to nonpublic-school pupils, asked for their elimination, and, finally, for a provision for judicial review. This position was held by the American Jewish Congress, Union of American Hebrew Congregations, National Council of Jewish Women, Jewish War Veterans, Jewish Labor Committee, American Association for Jewish Education, and the Anti-Defamation League. (Oscar Cohen, a leading official of ADL, had urged his organization at a conference in February to support the bill and have “compassion for the children of America.” After heated debate, the membership voted against him.10a) But the AJCongress took the strongest exception to the bill’s provisions aiding nonpublic-school pupils. “Indeed,” said both its spokesmen in identical testimony in February before the House and Senate subcommittees, “we find ourselves opposed to the measure in its present form.” In March Joseph B. Robison, director of American Jewish Congress’s commission on law and social action, wrote in a memorandum to Jewish community-relations councils:

> We believe that enactment of the bill in its present form would do more harm than good to the public-school system and that consequently it is unsound to accept the bill as a necessary “compromise” in order to get needed funds for the public schools.

In February, at the Senate education subcommittee’s hearings, Senator Jennings Randolph (D., W.Va.) tried to determine which Jewish groups most accurately represented the Jewish community. He asked Amos Bunim, representing Torah Umesorah, how he could explain the difference between him and the American Jewish Congress. Bunim replied that the Congress was a secular organization, while the strength of the Jewish community lay in its “religious” (meaning Orthodox) segment, including the 300 day schools represented by Torah Umesorah.

No firm data are available on the opinion of the Jewish man in the street. The Gallup poll of March 1965, cited above, included a small representative Jewish sample (64 persons), 85 per cent of whom favored increased federal aid to education. The Jewish respondents were evenly divided on whether these funds should go only to public schools or also to Catholic and other private schools. This datum, admittedly flimsy, suggests that Torah Umesorah may have been just as representative of Jewish opinion as the AJCongress. Torah Umesorah prided itself on encouraging Jewish support for the bill; its national director, Joseph Kaminetsky, in a report in May, claimed to have rallied “key and wavering legislators.” Whether or not Torah Umesorah was

10a President Johnson, who had addressed the ADL conference, felt that the vote was against him too. On June 16, 1966 he recalled: “I remember speaking to the B’nai B’rith and the next morning they proposed a resolution against my school bill. I was like the lawyer who said he made the greatest speech that he ever made in his lifetime before the jury. He was asked, ‘What did they do to your client?’ And he said, ‘They hung him.’”
responsible, all Jews in the House and Senate voted for the bill. (Congressman Herman Toll [Dem., Pa.], absent because of illness, was paired for it.)

**Elementary and Secondary Education Act in Operation**

On June 28 the joint advisory committee of the Synagogue Council of America and NCRAC submitted to the United States commissioner of education proposals for administering the law, intended to ensure public-agency control of all programs and funds. Other groups, including NCC, submitted similar proposals. Subsequently the Office of Education issued its own guidelines on the administration of the law's titles.

A spot check made by the United States Office of Education early in 1966 in 62 school districts in twelve states disclosed that of 347,000 children benefiting from educational programs authorized under Title I, about 37,000, or 10.7 per cent, were in private, mostly Catholic, schools. They were receiving such benefits as after-school tutoring, remedial-reading instruction, and use of visual aids.

**HIGHER EDUCATION**

On November 8 President Johnson signed into law the Higher Education Act of 1965 (Public Law 89-329), designed to strengthen the educational resources of United States colleges and universities and to provide financial assistance for their students. With a $2.3-billion authorization, the law provided federal aid of many kinds besides construction of facilities, including community service, library assistance, library training and research, strengthening small and/or substandard institutions through a system of grants for cooperative programs and national teaching fellowships (intended especially to help the 123 struggling Negro colleges), establishing "educational opportunity grants" to help college students with "exceptional financial needs," subsidizing loans to college students, enlarging the scope of studies eligible for aid under the National Defense Education Act of 1958 to include economics, civics, and industrial arts, establishing a national teacher corps for service in impoverished school districts, improving undergraduate instruction through a matching-grants program for books, equipment, and facilities, and expanding the federal loan-and-grant program for construction. The law provides:

No grant may be made . . . for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity.

The question of federal aid to sectarian colleges aroused relatively little public controversy. In June the American Civil Liberties Union issued a policy statement opposing federal or state aid to schools or colleges at which religious services, programs, or institutions were required and where religious
symbols, pictures, and objects in the school area were displayed with "the intent of fostering religion."

Meanwhile a major test case on state aid to sectarian colleges was approaching the Supreme Court. In March Maryland Circuit Court Judge O. Bowie Duckett ruled that it was constitutional for his state to give grants of $2.5 million to four church-related colleges (two Catholic, one Methodist, and one United Church of Christ) for construction of study and dormitory facilities (AJYB, 1965 [Vol. 66], pp. 217–18). Declaring that the constitutional test was whether "the legislative purpose or the primary effect of the enactment advances or suppresses religion," Judge Duckett said it seemed "crystal clear" that in the present case the Maryland legislature was in no way concerned with religion in making the appropriation. Furthermore, the grants were for the construction of buildings "for secular purposes and the testimony in this case clearly established that the secular courses taught in these institutions are practically identical with the courses at nonreligious colleges." Since Judge Duckett ruled that the plaintiffs had a right to bring suit as injured taxpayers, they were assured of a hearing in the Supreme Court.

The Maryland case dramatized the nationwide predicament of 817 church-related colleges and universities in the United States, described in Manning M. Pattillo, Jr., and Donald M. Mackenzie, *Eight Hundred Colleges Face the Future* (St. Louis, Mo.: Danforth Foundation, 1965). The foundation's commission on church colleges and universities found that the 817 church-related colleges and universities enrolled 897,016 students, 18.7 per cent of the total enrolment in American colleges and universities. The largest denominational groups were Roman Catholic (139 institutions, 42 per cent, including many with fewer than one hundred students), Methodist (102, 12 per cent), Southern Baptist (52, 6 per cent), and United Presbyterian (45, 6 per cent). Their relationships with their parent religious bodies varied widely in policy, staffing, financing, and curriculum. But except for some Roman Catholic and conservative Protestant colleges with heavier-than-average requirements in religion and philosophy, the study noted, "the curricular pattern of church institutions is quite similar to that of other undergraduate colleges." Indeed, the commission reported:

> It is our considered opinion that religion is not as strong in the programs of church-related institutions as one would expect. In fact, there is good reason to believe that these institutions are, by and large, stronger academically (in the secular sense) than they are religiously.

In most cases, official church support is inadequate, the noteworthy exceptions being the Lutheran Church-Missouri Synod and the Church of Jesus Christ of Latter-day Saints (Mormons). Roman Catholic colleges and universities have the poorest church support. Commenting on the impression widespread among educators unacquainted with church-affiliated colleges "that these institutions are narrowly sectarian, that they are engaged primarily in religious indoctrination, and that their faculties are selected only for their
evangelistic zeal,” the report said that that description would apply to not more than ten per cent of the church colleges:

Many more institutions reflect a loose, vaguely defined religion and bend over backward to avoid any suggestion of sectarianism. Very few colleges restrict faculty appointments to members of their own churches. People who think that rigid sectarianism is the principal defect of church-related higher education are fifty years behind the times.

The greatest tension between the concept of the modern liberal-arts college and the college as “defender of the faith” existed among Baptists. Conflicts between Baptist college administrations and state Baptist conventions, which in principle operate the colleges, have erupted over the issue of accepting federal aid. In November Furman University in Greenville, S.C., which had received a federal grant of a little more than $0.6 million for the construction of a science building, agreed after considerable controversy with the state Baptist convention to return the grant, on the convention’s promise that member churches would raise the required funds. In the meantime, the state convention appointed a commission to study the issue and report in two years. Five other Baptist state conventions have similar committees studying church-state questions as they affect Baptist colleges.

Presidents of five Southern Baptist colleges, in a rebuttal to the traditional Baptist separationist position, argued that “inducing young Baptists to come to a Baptist college where they receive a substandard education handicaps them for the future and is not fair to them or their parents” (Religious News Service, October 18, 1965). The Rev. Dr. W. Wayne Dahomey, president of the Southern Baptist Convention, in an interview (New York Times, November 28, 1965), made this distinction between church and church-related college:

Absolute separation is imperative where the church alone is served, but it is not necessarily the best way of dealing with a church-related college where the public at large is the chief beneficiary.

In September, Governor Warren Knowles signed into law the Wisconsin tuition-grant program, providing grants from $50 to $500 a year to students paying tuition in excess of $400. The tuition-grant proposal had been supported by the 18 institutions of the Wisconsin Association of Independent Colleges and Universities (13 of which were Catholic) and the Citizens for Educational Freedom. Private colleges in Wisconsin, after raising tuition fees to meet their costs, found that students bypassed them to attend state-supported colleges, with the result that the proportion of freshmen in private colleges dropped from 28 per cent in 1956 to 16 per cent in 1963.

STATE AID

In August Ohio Governor James A. Rhodes signed a law, to become effective in 1966, providing free bus transportation for all public and nonpublic
elementary-school children living more than two miles from their schools. Passed by a very wide margin in both houses of Ohio’s legislature, the bill had had widespread Catholic support. (Catholics were about 25 per cent of Ohio’s population and pupils in Catholic parochial schools about 15 per cent of the school population.) Opposing the bus bill were the Council of Churches of Greater Cincinnati, the Cincinnati Jewish Community Council’s community-relations committee, American Civil Liberties Union, and POAU. At least one Protestant churchman publicly supported the bill—Protestant Episcopal Bishop Roger Blanchard of the Southern Ohio diocese.

The Pennsylvania legislature enacted a similar bill, providing bus transportation to public- and private-school pupils. Governor William W. Scranton signed it in June. (Catholics were about one-third of Pennsylvania’s population and more than 20 per cent of the state’s school children attended Catholic parochial schools.) Passed by the Pennsylvania Senate by a vote of 32 to 16, the bill aroused considerable community friction. The Philadelphia Fellowship Commission’s committee on community tensions issued a statement declaring that the debates over the bill had degenerated into an exploitation of bigotry, a development it regarded as “divisive, dangerous, and a disservice to the general welfare.” It rebuked POAU by name for using brochures appealing to “anti-Catholicism through content and provocative titles”; it criticized some proponents of the bill (without mentioning they were Catholics) because they charged “all opponents with prejudice, thus needlessly offending those whose opposition was based on honest conviction.”

The Jewish community was divided. A group of 50 Philadelphia rabbis, mostly Orthodox, supported the measure. The Jewish Labor Committee and the Jewish Community Relations Council of Greater Philadelphia opposed it as a violation of church-state separation.

The Ohio and Pennsylvania enactments brought to at least eleven the number of states providing bus transportation to nonpublic-school pupils by constitutional amendment or judicial decision (California, Connecticut, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, and New York).11 Similar bills were defeated in 1965 in Iowa, Kansas, and Minnesota. Idaho’s Attorney General Allan G. Shepard ruled early in January that the use of public-school buses to transport parochial-school children violated the state constitution and he ordered the practice discontinued. The Wisconsin legislature passed a resolution for a constitutional amendment to provide public-bus transportation for nonpublic-school pupils. To take effect, the resolution would have to be passed once more by the next legislature (1967) and then approved in a statewide referendum.

In June New York Governor Nelson A. Rockefeller signed into law a bill requiring school boards to supply nonpublic-school pupils in grades 7 to 12

with textbooks their schools requested from a list of approved public-school textbooks. The state was to reimburse the school boards up to $10 per pupil. To go into effect September 1, 1966, the law was passed overwhelmingly in both houses of the legislature. (Catholics were about 30 per cent of the state’s population and about 20 per cent of the state’s school children were enrolled in Catholic parochial schools.) The bill had been supported by Catholics, Orthodox Jewish educational and rabbinical organizations, and the AFL-CIO. The American Jewish Congress, American Civil Liberties Union, and some teachers’ groups opposed the law on the ground that it violated the state constitution.\textsuperscript{12}

In June, the Michigan Legislature passed the Auxiliary Services Act (Act No. 343 of the Public Acts of 1965), providing the same auxiliary services on an equal basis for pupils in nonpublic schools that any public-school district provides for its pupils. These included health and nursing services, speech correction, and remedial-reading and other noninstructional services, as well as services for the delinquent, mentally and physically handicapped, or emotionally disturbed. Legal counsel of the Detroit board of education expressed the opinion that the act was "of questionable federal and state constitutionality." Enactment had been opposed by the Detroit Council of Churches, American Civil Liberties Union, American Jewish Congress, POAU, and the Jewish Community Council of Detroit. These organizations planned to test the law’s constitutionality.

In these four states, and also in Wisconsin where the tuition-grant program was enacted, Republican governors endorsed legislation which Catholics strongly supported. In all five states the growing Catholic population represented an increasingly important urban bloc. Republican responsiveness to Catholic political pressures suggested the possibility that issues like aid to nonpublic schools might become more potent politically in luring Catholics out of big-city Democratic coalitions.

\textit{Shared Time}

Under the impetus of Titles I and III of the Elementary and Secondary Education Act authorizing dual-enrolment programs, several states examined the legal status of dual enrolment under their constitutions. These varied widely: Pennsylvania had enacted legislation in 1911 permitting such arrangements, which the Pennsylvania Supreme Court upheld in 1913. The Utah attorney general ruled that "if students of private schools choose to have their education supplemented by the public schools, they certainly are entitled to such privilege."\textsuperscript{13} Iowa’s attorney general ruled against such arrangements.

In September Colorado’s Attorney General Duke W. Dunbar ruled that

\textsuperscript{12} In 1928 Louisiana enacted a law providing free textbooks to parochial-school pupils; its constitutionality was upheld by the Supreme Court in 1930 (\textit{Cochran v. Board of Education}, 281 U.S. 370). Mississippi, West Virginia, and Rhode Island enacted similar laws.

\textsuperscript{13} Quoted from Chester James Anticeau \textit{et al.}, \textit{op. cit.}, p. 48.
nonpublic-school pupils could attend public schools for part-time instruction and that public-school teachers could be assigned to parochial schools. In contrast, Ohio's attorney general William B. Saxbe ruled that Ohio's revised code made no "express provision" for dual-enrolment arrangements and that the public-school boards had not been granted either "express" or "implied authority" to establish such programs (*Religious News Service*, February 1, 1965.)

The Minnesota school boards were advised in May 1965 that dual-enrolment programs would be constitutional in Minnesota. Because no state law or rule authorized or prohibited state aid for part-time students under shared time, "the public schools could be entitled to state aid for the extent of that participation." At least sixteen Minnesota school systems inaugurated dual-enrolment plans in the fall term of 1965 (*Christian Century*, November 3, 1965).

New York State Education Commissioner James E. Allen, Jr., ruled in July that nonpublic-school pupils could attend special public-school classes financed entirely by federal funds. The New York state constitution prohibits the state or any subdivision from using property or money or permitting them to be used "directly or indirectly, in aid of maintenance . . . of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught . . . ." Allen's interpretation was based on a ruling by Attorney General Louis L. Lefkowitz, who had held that the federal law did not require the use of state money for such programs and that the entire cost of these programs could be paid out of federal grants. Spokesmen for Roman Catholic and Orthodox Jewish schools publicly expressed their satisfaction with this ruling.

Under the auspices of the Bureau of Educational Research and Development of the United States Office of Education, the actual operation of nine dual-enrolment programs was studied. The study found that the limited dual-enrolment program in which nonpublic-school pupils took public-school courses only in homemaking and industrial arts had existed in some communities for over thirty years (e.g., Hartford, Conn., and Pittsburgh, Pa.). In more recent years, however, a half-day plan had been emerging in a number of communities, primarily in the junior and senior high schools, under which nonpublic-school pupils studied science, mathematics, foreign languages, technical education, and many other subjects in the public school. Conditions helping to make dual-enrolment programs work successfully were found to include a favorable legal and policy framework, a local climate favorable to negotiation and cooperation, flexibility of administrative staffs in establishing new procedures, maintenance of the prerogatives and identity of the participating schools, reasonable proximity of the schools, and manageable costs. The advantages of the dual-enrolment program were primarily the greater educational opportunity and benefit for all children, the maintenance

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of educational pluralism, reduction of costs for the operation of nonpublic schools, and savings to the taxpayers. (Nonpublic schools might otherwise have discontinued some grades and sent their pupils into the public schools.) The disadvantages included the lessened emphasis on religiously oriented subject matter in nonpublic schools, the pupils' inability to participate in public-school extracurricular activities, a tendency on the part of some students to divide their loyalty between the two schools, and a possibility that the arrangement might lead to a weakening of the religious school system.

RELIGION AND THE PUBLIC SCHOOL

On December 13 the United States Supreme Court refused to review the appeal of a suit by parents against a public-school principal in New York, who had halted kindergarten pupils from reciting, before they ate their morning snack: "God is great, God is good/ And we thank Him for our food./ Amen." The parents had argued for their "right to have the child feel that God is with him the whole day long" and that the children should be allowed to "pray voluntarily to God each day." On July 7 Judge Henry J. Friendly, for the United States Court of Appeals, had upheld the school authorities in banning all classroom prayers as a violation of the First Amendment. "The plaintiffs," he ruled, "must content themselves with having their children say these prayers before nine or after three." It was this ruling that the Supreme Court let stand.

In another step toward wider compliance with the Supreme Court decisions of 1962 and 1963, forbidding the recitation of a state-prescribed prayer and state-authorized reading from the Bible and recitation of the Lord's Prayer, Michigan Attorney General Frank Kelley issued a lengthy opinion on religious practices in the schools. The only form of religious exercise he believed permissible was a "strictly voluntary program of student prayer or other religious exercise" so long as "it does not take place during regular school hours" and if school authority is not used in any way to institute or maintain it. Also, courses in religion, "when presented objectively as part of a secular program of education," without attempt to indoctrinate, were not prohibited (the language used was taken from Justice Tom Clark's opinion for the majority in Abington v. Schempp).

Controversy over Christmas observance in the public schools appeared to have diminished. In December the American Jewish Congress issued a new set of guidelines on Christmas observance which declared that sectarian practices violated the separation of church and state and that the introduction of Hanukkah celebrations in the public schools compounded the impropriety. Los Angeles school superintendent J. P. Crowther, in the school district's annual bulletin on religious observances, advised that "to preserve the spirit

of good will that is characteristic of the Christmas season, administrators should make every effort to plan and conduct Christmas observances in a manner that will reflect respect for the religious sensibilities of all students and members of the staff."

**The State vs. the Amish**

The three-year old dispute between Iowa’s public-school officials and the Old Order Amish community of Hazleton, Ia., became a subject of national interest with the reprinting all over the country of Thomas DeFeo’s photograph, first published in the Des Moines Register and Tribune. The picture showed Amish children, with their sideburns and black hats, scurrying for cover in the cornfields to escape the pursuing public-school truancy officer. For religious reasons the Amish did not permit their children to attend public schools; instead, they maintained their own private schools. For some years the Amish had complied with requirements for state-accredited teachers until they became convinced that these requirements were unfair to them and decided to use their own members as teachers. Consequently, school officials filed charges against Amish parents for failure to enrol their children in accredited schools; in September the Amish were found guilty and fined each day their children were not in an accredited school. In November, unable to force the Amish into the public schools by the possible loss and confiscation of their property because of the cumulative fines, the school authorities forcibly picked up the children from their Amish school and took them by bus to public-school classes. Out of this seemingly minor and small-scale issue (involving about 40 children; the whole United States Amish population was less than 25,000), a major moral question emerged: could the state override the rights of parents—in this case, law-abiding, industrious, and gentle—over their children? "The public authorities in Iowa," wrote Professor Frank H. Littell (Christian Century, February 23, 1966), "are, whether they recognize it or not, advancing an essentially pretotalitarian claim." Because of the inability of the Iowa Council of Churches to help mediate this conflict, Dean M. Kelley, executive director of NCC’s commission on religious liberty, visited Iowa to learn whether the religious liberties of the Amish were indeed being infringed and, if so, to help them. Iowa’s Governor Harold E. Hughes also joined efforts to reach a compromise, but no solution had been reached by the end of 1965.

**SHEHITAH**

In September the Pennsylvania legislature passed an act, to take effect a year later, “providing certain requirements for the commercial slaughtering of livestock” and “defining the humane methods that may be used.” Similar to a model bill sponsored in many states by the American Society for the Prevention of Cruelty to Animals (ASPCA), the Pennsylvania law contained
an exception clause for ritual slaughter (*shehitah*) and a clause patterned after one in the federal humane-slaughter law (Public Law 85-765, August 27, 1958), declaring that "nothing in this act shall be construed to prohibit, abridge, or in any other way hinder the religious freedom of any person or group."

The law, as finally amended (Act No. 263), had the support of the Jewish community-relations councils of Pittsburgh, Philadelphia, and other Jewish communities in the state. It was opposed by rightwing Orthodox groups, particularly the Union of Orthodox Rabbis of the United States and Canada (Agudat Ha-rabbanim). In November a bill to amend Act No. 263 was introduced in the Pennsylvania assembly, intended to guarantee more explicitly the practice of *shehitah*. It had the active support of the Agudat Ha-rabbanim.

Late in 1965 a humane-slaughter bill was introduced in the New York state legislature (Senate Introductory 4393 and Assembly Introductory 5995), sponsored by ASPCA. Another bill, introduced by Assemblyman Albert J. Hausbeck (Dem., Buffalo), was supported by a New York group calling itself Friends of Animals. All Jewish groups actively opposed the Hausbeck bill which gave no protection at all to *shehitah*. (From their advertisements and publicity Friends of Animals were clearly no friends of Jews.) In December the National Council of Young Israel declared its opposition to any legislation affecting *shehitah* or its preparatory methods. Other groups taking a similar position were Agudat Israel, Agudat Ha-rabbanim, Rabbinical Alliance of America (Iggud Ha-rabbanim), and the Lubavitcher and Satmar Hasidim.

The Jewish community was divided about legislation on *shehitah*. Some Jews, believing *shehitah* as practiced to be inhumane or less humane than other forms of slaughter, supported humane-slaughter legislation. Most community-relations agencies sought to protect *shehitah* by opposing anti-*shehitah* legislation or obtaining a legal exemption for it. The Orthodox, for whom *shehitah* was a central feature of their religious life, were divided on public-policy aspects of the question. They agreed that legislation was obnoxious and frequently associated with antisemitism, the European history of anti-*shehitah* legislation providing ample documentation. They were willing to institute whatever more humane procedures were available that did not violate their religious laws. One Orthodox segment, convinced that Jews were politically too weak to oppose humane-slaughter legislation, agreed not to oppose such legislation so long as it contained an exemption for *shehitah* or an explicit declaration that *shehitah* was humane. Other Orthodox groups objected to such a formula on various grounds: (1) the exemption put *shehitah* in an unfavorable light; (2) Jewish practices were singled out for special legislation—which, in effect, was discriminatory; (3) an eventual outright prohibition of *shehitah* was rendered more likely by the simple expedient of removing the "privilege" or exemption, and (4) the First Amendment's guarantee of religious liberty was violated by legislating on a religious practice that in no way contravened established public policy or morality.
SABBATH-OBSERVANCE LEGISLATION

In July New York Governor Rockefeller signed a Fair Sabbath Law which extended throughout the state the right of family businesses to stay open on Sunday if they were closed on Saturday in observance of the Sabbath. Previously, this right had existed only in New York City under a local-option law.

In July the Court of Appeals, New York's highest court, unanimously upheld a broad interpretation of the concept of the family store as applied to New York City's Fair Sabbath Law. Under this decision nonfamily employees might work on Sunday as long as management of the business remained in the hands of the Sabbath-observing family.

Lucy S. Dawidowicz
Rightist Extremism

KU KLUX KLAN

In a dramatic and unusual television broadcast on March 26, 1965 President Lyndon B. Johnson announced the arrest of four Klansmen in connection with the fatal shooting of Mrs. Viola Gregg Liuzzo, a Detroit housewife, and white civil-rights worker who had participated in the historic protest march from Selma to Montgomery, Alabama. In a manner and tone described by one news commentator as “sorrowfully solemn” and with “controlled indignation,” the president seized the opportunity to denounce the Ku Klux Klan.

He warned members of the Klan “to get out of the Ku Klux Klan now and return to decent society before it is too late,” suggested a congressional investigation “of this hooded society of bigots,” and promised to offer legislation to bring the Ku Klux Klan “under effective control of law.”

House Un-American Activities Committee Investigation

On March 20 the House Un-American Activities Committee (HUAC) formally resolved to investigate the Klan. Public hearings began on October 19, with doubts by many that the examination would be meaningful or result in the passage of effective legislation, and fear by some that a Klan investigation would serve merely as a pretext for a later investigation of the civil-rights movement. Actually, the open sessions had been preceded by many months of investigation and two months of closed hearings.

The public phase of the inquiry began before a five-man subcommittee, Edwin E. Willis (Dem., La.) chairman, and the first witness called was Imperial Wizard Robert M. Shelton of the United Klans of America, the largest of the several competing Klans. Before the open hearings the committee’s chief investigator, Donald T. Appell, told the press that a “climate of fear” in the South hampered the inquiry. So great was the fear of reprisal in some communities, he said, that it was difficult to find reliable witnesses willing to testify.

Shelton set the pattern for his followers and subsequent witnesses from other Klan organizations appearing in response to subpoenas. In two days on the witness stand, Shelton invoked more than 150 times the First, Fourth, Fifth, or Fourteenth Amendments to the Constitution in refusing to answer questions put to him by the committee.1 The various Klans and other self-

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1 On February 2, 1966, the House of Representatives voted contempt-of-Congress citations against Shelton and six other Klansmen, including grand dragons and other state leaders, for refusing to turn over to HUAC subpoenaed Klan documents.
proclaimed "patriotic" groups had in the past consistently condemned wit-
nesses before HUAC who had invoked constitutional protection against
self-incriminations.

On November 9 the committee concluded the first phase of its public in-
quiry. After hearing from 52 witnesses and taking 1,400 pages of testimony,
it released a preliminary report which, while less revealing than some had
hoped for, nevertheless shed considerable light on the Klan. Among the more
significant disclosures were that the Klan was a fragmented, rather than a
monolithic, movement of a dozen or so different competing organizations,
the largest of which was the United Klans of America; that Klan member-
ship was 50,000, far greater than the 10,000 previously estimated, and that
the Realm consisted of 381 Klaverns, primarily in the south, with beach-
heads in Delaware, Indiana, New Jersey, New York, Ohio, Pennsylvania, and
Wisconsin. A bizarre turn of events momentarily diverted the country's at-
tention from the House hearing when McCandlish Phillips of the New York
Times disclosed that a blatantly antisemitic King Kleagle of the New York
State Ku Klux Klan, Daniel Burros, was by birth and religious training a
Jew. Disregarding Burros' threats, Phillips published his discovery on October
31. Burros then shot and killed himself.

The HUAC report also disclosed that the various Klans tried to conceal
the existence of Klaverns and location of bank accounts by making extensive
use of fronts masquerading as civic organizations (e.g., Alabama Rescue
Service, Tuscaloosa), improvement associations (Craven County Improve-
ment Association, New Bern, N.C.) and hunting, skiing, or sportsmen's clubs
(Ancient City Gun Club, St. Augustine, Fla.).

A sordid story of deceit by Klan leadership became public record with the
disclosure of bank accounts wrongfully held by individual leaders in their
own names, diversion of funds from Klan accounts for personal use by
Grand Dragons, and insurance programs purportedly set up for the benefit
of Klan members but manipulated for the personal gain of officers. Testi-
mony also revealed that many Klan officers and members had criminal
records, having been convicted for crimes from burglary to operating a dis-
orderly house, and refuted the Klans' repeated contention that they did not
tolerate or engage in violence. Both leaders and rank and file were identified
as having waged war on the civil-rights movement by burning or bombing
schools, stores, homes, and churches, and by burning to intimidate. Weapons
were frequently carried, even during meetings and other seemingly peaceful
activities.

The record also revealed the existence of Klan-organized "wrecking
crews," an "elite" of violent men assigned to terroristic and unlawful acts.
The Klan membership in general did not know of the existence of these
wrecking crews who were camouflaged and operated clandestinely in organi-
zations such as the Vigilantes, Black Knights, Underground, and White Band.

2 Statement by Edwin E. Willis, chairman of U.S. House of Representatives, Committee on
These received special training in firearms, unarmed combat, and the preparation and handling of explosives. Klan members frequently purchased arms and ammunition from other members licensed as gun dealers and used citizen-band radios for communication. In short, the Klan had the will and the means to murder and terrorize.

As a result of the hearings the secrecy was stripped from the hitherto “Invisible Empire”; federal agencies, such as the Internal Revenue Service and the Federal Communications Commission, began investigations of their own, and the state governments of North Carolina and Georgia announced plans for stricter regulation and closer surveillance of units within their respective states. Some rank-and-file Klansmen left, made aware for the first time of the Klans’ true nature. Coincidentally, on December 3 an all-white federal jury from Alabama’s Black Belt convicted three Ku Klux Klan members of conspiracy in connection with the murder of Mrs. Liuzzo. Two state juries, empaneled from an area where assaults by whites against Negroes were rarely punished, previously had failed to convict Collie Leroy Wilkins, Jr., the only one of the three brought to trial.

JOHN BIRCH SOCIETY

In 1965 the John Birch Society continued to grow in numbers and maintained its position of dominance over all other groups on the far right.

Policemen

Special emphasis was placed on recruiting policemen. Support Your Local Police committees were set up to convince Americans that the Communists were trying to undermine confidence in police departments. To rally support for the police departments—an aim that most Americans would endorse—the society widely distributed automobile-bumper stickers and strips with a “Support Your Local Police” legend. It also provided opposition to the establishment of civilian-review boards, in order to curry police favor in communities where this was advocated by civil-rights organizations and spokesmen for minority groups. This program helped recruit members among the police force and stirred controversy in many communities over the propriety of police membership in a monolithic body of a racist and totalitarian political character.

Other Programs

The Birch Society also directed its members to support such other ultra-conservatives and right-wingers as Dan Smoot, Carl McIntire, and Billy James Hargis in Operation Monitor, an organized campaign to reverse the Federal Communication Commission’s “fairness doctrine,” which made it possible, in certain conditions, for “responsible persons” to avail themselves of free rebuttal time on radio and television if they had been the subject of
a "controversial" program; to support the National Right to Work Committee in its pressure against repeal of Section 14b of the Taft-Hartley Act (the authority for state "right to work" laws), and to initiate a campaign to save the Panama Canal from an alleged plan by the State Department to turn the canal over to a "Communist-run international agency." Other suggested activity included participation in the Let Freedom Ring program, implementation of the continuous "Impeach Earl Warren" and "The U.N.-Get U.S. Out" programs, and the widespread promotion of JBS-produced or -approved literature, mostly to enhance the desired image of JBS as an educational society.

**Civil Rights Act**

The major activity of the Birch Society was a massive drive to repeal the Civil Rights Act of 1964 (AJYB, 1965 [Vol. 66], pp. 157–59). Beginning in May 1965, founder Robert Welch sought to impress upon his followers, chiefly by means of his 16-page pamphlet *Two Revolutions At Once*, that this drive was the single most important Society undertaking since its inception. "Fully expose the 'civil rights fraud,'" he urged, "and you will break the back of the Communist conspiracy." He called the civil-rights movement part of a world-wide, Communist-dominated movement. The campaign began in earnest in July with an exhortation to JBS members to "work more diligently and concentrate more heavily on this educational task than we have ever requested . . . on any earlier projects."

The Welch plan called for the establishment of hundreds of local or regional ad hoc Truth About Civil Turmoil committees (TACT) "for the specific purpose of telling the truth about the civil turmoil which is now being made so unusual and unhappy a part of the whole American scene." TACT committees cropped up all over the country, attracting many non-Birchers to their ranks. Communities were flooded with books, pamphlets, tapes, and films seeking to explain why Welch called the drive for Negro equality the "civil-rights fraud." JBS American Opinion Lecture Bureau speakers, appearing under TACT committee auspices, delivered scores of lectures; full-page newspaper advertisements carried the TACT message, and hundreds of letters to the editor were published in newspapers all over America—all professing "to tell the truth about civil turmoil."

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3 In 1965 ultra-conservatives and right-wingers sponsored or produced 7,000 to 10,000 radio and television programs.
4 Efforts by labor and other interested groups to repeal 14b failed in the 89th Congress.
5 The Let Freedom Ring movement, founded by Birch Society member William C. Douglass of Sarasota, Fla., was a national network of prerecorded "patriotic messages" activated when a caller dialed a designated telephone number. It was described as "automated bigotry" by a *Los Angeles Times* columnist. Complaints by civic organizations resulted in the telephone company's ruling that in future all such messages would be required to include the name of their sponsors.
Political Influence

Despite repeated assertions by its leadership that the Birch Society was an educational not a political organization, indications to the contrary were more numerous in 1965 than at any other time since the Society's inception. Welch inserted a pamphlet entitled "Looking Ahead," in the JBS Bulletin for March 1965, announcing a plan to influence the outcome of the 1966 elections in congressional districts:

... one hundred chapters of the John Birch Society, in any congressional district, can exercise enough influence ... to control the political action there ... simply by our members proceeding on their own initiative from the basic principles and purposes of the Society, and persuading others to do the same—as a result of our continuous and massive educational program. ... The quietly rising tide of Conservative influence would be ... impossible for the Communists to hold down. ... While a great many Americans have been "sold" many aspects of socialism, under such labels as welfarism and security, at least ninety-seven per cent of all Americans are still bitterly opposed to anything they can clearly identify as Communism.

If you do not think ... the John Birch Society in any congressional district could awaken enough of their follow citizens ... to the methods and menace of the Communist conspiracy—enough to expose the purposes and defeat the plans of the pro-Communist politicians in that district—then you simply have not seen the dedication with which our members work, and the effect of their efforts, in any situation where "the chips are down." And if you doubt this appraisal you might check with Messrs. Elliot of Jasper, Alabama; Rutherford of Odessa, Texas; and Harding of Pocatello, Idaho—all of whom are ex-Congressmen who made it clear that they were running against the John Birch Society instead of against their regular political opponents.

Regarding the reference to Ralph Harding of Pocatello, Idaho, the political columnist Marianne Means noted in the New York Journal American for December 5, 1965:

The John Birch Society's quest for political power has nowhere been put to a more severe test than in Idaho. ... Thus far, the score is one for the Birchers and zero for the nice guys. ... The bitter backdrop of the 1966 Senate race between incumbent Republican Len Jordan and Democrat Ralph Harding is a well-documented case history of the way the Birch Society goes after a fellow it doesn't like. The Society devoted both money and manpower to defeating then-Rep. Harding last year, and when it succeeded, a Society bulletin gloated over the fall of a "most persistent and vicious enemy." ... The Birchers collected money for his opponent from as far away as Florida, provided pickets outside halls where he spoke, flooded his district with anti-Harding pamphlets and radio broadcasts, and sent Reed Benson (a Birch official who is the son of former Secretary of Agriculture Ezra Taft Benson) to Boise to supervise the efforts against Harding.

Nine months after JBS announced its intention to influence the selection
of congressional candidates, it successfully withstood the efforts of important Republicans to reduce its influence in their party.\(^6\)

In September Senator Thurston B. Morton of Kentucky charged that Birchers were infiltrating the Republican party and asked that they be expelled from the party, as equally dangerous with the Ku Klux Klan and the Communists. Their denunciation of the Birch society by name followed the decision by an admitted Bircher, Robert Murphy, to run against Carl E. Mundt for the South Dakota Republican nomination to the Senate in the June 1965 primaries because “Mundt was too liberal.” Many Republicans felt that if he could be attacked as too liberal, many other Republican candidates would undoubtedly face damaging Birch attacks. Morton was also believed to be convinced that JBS chose the Republican party as its political instrument just as the Communists had sought to use the Democratic party a generation earlier. Other prominent Republicans quickly followed. Senators Everett M. Dirksen of Illinois and Milton R. Young of North Dakota, Michigan Governor George W. Romney, and House leader Gerald R. Ford, Jr., of Michigan, while not unanimously agreed that JBS had indeed infiltrated the Republican party, nevertheless supported Morton’s denunciation. In October the president of the 63,000 member California Federation of Republican Women denounced the Birchers for pursuing “divisive tactics” within the Republican party and federation. Also in October Barry Goldwater, although maintaining that the JBS did not threaten the control of the party, called on Republicans to resign from the society—a request which seemed to overlook the fact that Birchers were Birchers first and Republicans second.

The Associated Press then asked 45 state Republican leaders about Birch strength and influence in their party. While most said that Birchers were far removed from positions of influence, there were some indications of Birch inroads. In California and Pennsylvania Birchers were members of county and precinct organizations, and hard party workers. Oregon state chairman Peter Gunnar complained that Birchers were interfering with fund-raising efforts. Several unidentified Republican leaders, while insisting that the number of active Birchers within the party was small, suspected that they were “secretly at work within the state Republican organizations.” According to Tom Brown of Florida, right-wing forces were very vocal although few, that they had made a bid for power in the women’s branch of the party, and that he was concerned over their tactics and activities in the elections. Michigan Republican vice-chairman William McLaughlin reported that Society members “seem to be dedicated workers, and I don’t think they’ll be scared away.” Nebraska chairman Walter Witthoff reported that eight or ten known Birchers were members of the state central committee.

Despite the general tendency of the Associated Press survey, some Republican leaders felt that the Birch society was in fact becoming a burden and that failure to take definite action would result in a loss of votes. In Decem-

\(^6\) According to JBS sources, 100 delegates or alternates to the 1964 GOP presidential nominating convention were JBS members.
ber Idaho Governor Robert E. Smylie urged the Republican coordinating committee, when it met that month, to adopt a formal resolution disassociating the Republican party from the Birchers and similar extremists. But the columnists Rowland Evans and Robert Novak reported in the December 12 New York Herald Tribune that right-wing Republicans “working quietly in the background...are trying to sink the anti-Birch Society resolution even before it’s floated. ...” The top-level, 28-member Republican coordinating committee pointedly refused to name the Society in a statement on December 13 asking all Republicans to “...reject membership in any radical or extremist organization including any which attempts to use the Republican party for its own ends or which seeks to undermine the basic principles of American freedom and constitutional government. ...” Birchers hung on to footholds in Republican-party organizations in California and the state of Washington where, despite a strong denunciation of JBS by Republican Governor Dan Evans, they exercised influence in 10 of the states’ 39 counties. By year’s end they were also believed to have penetrated most state organizations in the new and emerging Republican organizations in the South.

**Disavowal of Antisemitism**

Welch and other JBS spokesmen have frequently disclaimed antisemitism. Welch has publicly said that, despite pressures from Society members—“We have them resigning every week because we won’t fight the Jews,”—he would not tolerate antisemitism in any phase of JBS official business. But the program tends to attract antisemites who feel comfortable with the Birch type of anticommunism. (Olive Simes, a generous contributor to the notoriously antisemitic Gerald L. K. Smith’s Christian Nationalist Crusade, is a stockholder in American Opinion Magazine; a prominent Los Angeles businessman and supporter of the Pacific Coast antisemitic preacher Wesley Swift was a zealous Bircher who sent his customers unsolicited packets of hate literature.)

JBS bookstores and readingrooms were not quite fanatical about avoiding antisemitism. In various states bookstores stocked, either openly or under the counter, pamphlets, tracts, and books by such notorious antisemites as the pamphleteer, Marilyn Allen; Myron Fagan, leader of the Cinema Educational Guild, and Kenneth Goff, once a disciple of Gerald L. K. Smith. The JBS-endorsed American Opinion featured advertisements—and, more importantly, a highly favorable review by Revilo Oliver 7 of World Revolution: The Plot Against Civilization, dealing with an alleged Jewish conspiracy behind Communism and liberally quoting from the Protocols of the Elders of Zion. The Australian antisemite Eric Butler was a regular correspondent for American Opinion and a sponsored lecturer. The California state senate’s subcommittee on un-American activities reported in June “an influx of emo-

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7 Oliver was a JBS leader; his lectures were frequently spiked with antisemitic innuendo, and when he wrote about the assassination of President Kennedy he never failed to mention that Jack Ruby, who killed Lee Oswald, was born Jack Rubinstein.
tionally unstable people” into JBS and a “dangerous increase of antisemitism among the minority of its membership.”

JBS came under attack from the *National Review*, whose editor, columnist, and theoretician, William Buckley, Jr., had unassailable ultraconservative credentials. In a three-part series of syndicated columns in August, Buckley concluded that it was “impossible to defend the leadership of the John Birch Society if one reads closely even its contemporary utterances” and wondered how the membership “tolerates such paranoid and unpatriotic drivel.” Despite prior declarations to the contrary, Buckley concluded that most Birchers endorsed what he termed the irresponsible preachings of its founder. In addition, *National Review* (October 19, 1965) published a special six-part section, “The John Birch Society and the Conservative Movement,” compiled by the editors. This characterized as ludicrous Welch’s charge that the United States was locked in the vise of an internal Communist conspiracy that controlled 60 to 80 per cent of America’s affairs and permeated the government; and because ludicrous, a threat to the conservative anticommunist movement.

**OTHER RIGHT-WING ACTIVITY**

Predictions after the 1964 Goldwater debacle that the right wing would not disappear proved to be accurate. The election lent the right wing political respectability, and this it sought to maintain in 1965. With more than 65 new organizations appearing in 1965, right-wing extremism continued to thrive. While the activities of these groups were national in scope, it was in the local communities that their extremism was most manifest. Activity centered on issues generated by the crisis in Santo Domingo (“American troops were ordered to protect the Reds”); opposition to campus demonstrations and peace marches, alleged to be evidence of pervasive Communist influence in the American government and the United Nations; support for Ian Smith’s government in Rhodesia, and renewed agitation for prayer and Bible reading in the public schools. Other traditional targets were the Parent-Teacher Associations, the National Council of Churches of Christ in America, clergymen, teachers, school boards, libraries, and advocates of civil rights.

Nationally, Goldwater announced the establishment of the Free Society Association to “crusade for political education” and to give his supporters a “focus” for their political activities. While he emphasized that the association would not be a political party and would perform no organizational tasks, the announcement, according to Tom Wicker (*New York Times*, June 18, 1965) caused “some dismay at the Republican National Committee headquarters.” Political observers like Professor Walter Burnham, writing in *Commonweal* (August 6, 1965), predicted that it would evolve into a “kind of holding company for every major right-wing group in the country except the Ku Klux Klan and the American Nazi party,” and might “provide something quite new in American major party politics . . . a year-in, year-out fi-
nancial, organizational, and agitprop structure for the eventual conquest of power.”

The American Conservative Union, organized at a secret meeting in Washington, D.C., in the latter part of December 1964 by a group consisting of what the St. Louis Post-Dispatch described “as about 100 leading ultra-conservatives,” had as its purpose to initiate political action to influence Republican policy and choice of candidates. It was headed until October 1965 by former Representative Donald C. Bruce of Indiana.

The Washington, D.C.-based Liberty Lobby, an extremist pressure group, reached the peak of its overtly political activities in 1965. According to the March 1965 Liberty Letter:

A LIBERTY LOBBY . . . will work at the “top”—right at the seat of federal power—while the grassroots groups will continue their essential work at the “bottom”—at the precinct and district level . . . together they will be far stronger than alone . . .

A LIBERTY LOBBY will also bring the Northern and Southern groups together for political action . . . for the long-overdue formal coalition of conservative forces which is so desperately needed.

Testimony to the Lobby’s effectiveness was its role in preventing the ratification of the consular treaty with the Soviet Union which never reached the Senate floor despite approval by the Senate Foreign Relations Committee and endorsement by President Johnson. (Although widely interpreted as authorization for opening additional Soviet consulates in the United States and American consulates in the Soviet Union, the document was, in fact, only an agreement on the legal framework of operation for new consulates if any were to be established.)

District Speakers, Inc., was established by the Texas oil man H. L. Hunt to enlist the help of young speakers for the right wing in every congressional district through speakers’ contests.

Young Americans for Freedom (YAF), a campus-based organization, announced at its 1965 convention the formation of a political-action group, Young Americans for Freedom Political Action Committee. In addition, according to Senator J. W. Fulbright (Dem., Ark.), reported in the New York Times, July 26, 1965, the distribution by YAF of handbills containing “the familiar fulminations of the right wing along with dark hints of immorality and worse” forced the Firestone Tire and Rubber Company to abandon its plans to build a synthetic rubber plant in Rumania (p. 393).

Among other new organizations were the American African Affairs Association, supporting apartheid in South Africa; the Veritas Committee on Pacem In Terris, to prevent “subversion of Pope John’s Encyclical on Peace”; the Labor Education Association, and the Conservative Library Association.

8 Allied with Liberty Lobby were the right-wing publication Human Events, the American Conservative Union and members of the John Birch Society.
THIRD-PARTY MOVEMENT

A Congress of Conservatives, convoked by Kent Courtney, the founder of the Conservative Society of America, to plan conservative strategy, met in Chicago at the end of April. Courtney's real aim was to lay the groundwork for a new "anti-Communist" third party which was to capture control of Congress in the 1966 election. But most of the several hundred invited delegates representing right-wing extremist groups rejected it.

One delegate, Mark Andrews, campaigned for a third party in Missouri shortly after the congress closed; and William C. Douglass of Let Freedom Ring announced the formation of a third party in Florida in June. In October Courtney claimed that third parties had been, or were being formed in Colorado, Iowa, Kansas, Louisiana, New Jersey, New York, Virginia, and Texas.

The congress delegates endorsed a "statement of principles" calling for the liberation of Cuba by the United States and the detention of "Chinese and Russian Communists now based on Cuba . . . as hostages, pending release of Americans from Russia and Red China"; an end to "federal support of Communist subversion of America through agitation and racial turmoil in the streets"; breaking diplomatic ties with the Soviet Union and its satellites; repeal of "the Marxist-oriented graduated income tax"; restriction of "permanent immigration"; restoration of "the dignity of the Supreme Court," and a curb on "political activities of the churches." Lester Maddox of Atlanta, who had closed his cafeteria in August 1964 rather than serve Negroes in compliance with the Civil Rights Act, received a standing ovation when he lashed out at civil-rights leaders, federal power, and President Johnson, and told the congress, "We need [Alabama Governor] George Wallace in the White House. He's the man of the hour." There was no indication that Wallace tried to influence the delegates for or against suggesting that he run for president on a third-party ticket in 1968.

1965 Election Campaigns

William Buckley ran as the 1965 Conservative party's candidate for mayor of New York, attracting many of the more ardent Goldwater supporters and receiving 339,000 votes, or 13.4 per cent of the total. The New York Conservative party viewed this as a "vindication of Barry Goldwater."

In Virginia, where a strong Republican candidate threatened the long-held Democratic control of the governor's office, William J. Story, candidate of a new Conservative party who was an avowed Birch Society member, and a militant segregationist, polled 70,000 votes, or 13.5 per cent of the total.

While there were no authoritative data on right-wing financial support during the 1965 elections, Group Research, Inc., which maintains extensive files on extremist groups, found that it continued to be adequate. Director Wesley McCune, in The American Right-Wing During 1965, reported that "... there certainly has been no overall decline [in financial support during
1965] and that some of the most significant organizations have increased . . . their large budgets."

**Publications**

McCune also found that right-wing literature continued to gain in circulation, with *Liberty Letter* showing the most spectacular increase—73 per cent between 1963 and 1964, and more than tripling that rise in 1965; it passed the 100,000 circulation mark. *Human Events*, with a circulation of nearly 125,000, was up 8 per cent from 1964, and *American Opinion Magazine* 39 per cent. The reported circulation of other right-wing papers were: *Christian Crusade*, 81,000; Carl McIntire's *Christian Beacon*, 50,000, and *Dan Smoot Report*, 33,000.

Mass production of propaganda paperback books, reaching its peak in the 1964 presidential election campaign, continued strong. Among them were Billy James Hargis's *Distortion By Design*, a so-called exposé of America's liberal press; Kent and Phoebe Courtney's *The Silencers*, a purported "documented exposé of how liberals are suppressing conservative opinion in the USA"; Richard P. Jennett's *The Man From Minnesota*, an attack on Vice-President Hubert H. Humphrey, comparing him with Hitler and Mussolini; *The Grave Diggers* by Phyllis Schlafly and Admiral Chester Ward (Phyllis Schlafly was the author of *A Choice, Not An Echo*, distributed in millions of copies during the 1964 presidential campaign); and Alan Stang's *It's Very Simple*, the "true story of civil rights" published by the JBS subsidiary Western Islands Press.

John Stormer's *None Dare Call It Treason*, with an estimated distribution of 7 million copies since its first appearance during the 1964 presidential campaign, was widely used by right-wing groups in an effort to reach high-school and college students. An aggressive but little known right-wing organization, Constructive Action, Inc., of Whittier, California, launched a campaign in the spring to send to 25 college campuses 400,000 right-wing books, including *You Can Trust The Communists*, by Fred Schwarz, head of the Christian Anti-Communist Crusade, and Alan Stang's *It's Very Simple*.

**Antisemitic Activity**

The organizational activity and influence of the antisemitic movement continued to decline in 1965 for lack of exploitable issues. Group meetings, street-corner rallies, and demonstrations all but disappeared from the American scene. The 50 to 75 surviving organizations continued to exist as producers of antisemitic pamphlets and news sheets. Such house organs as *Common Sense* (Christian Educational Association), *The Councilor* (Citizens Councils of Louisiana), *The Stormtrooper* (American Nazi party), *Thunderbolt* (National States Rights party), *The Cross and the Flag* (Christian Nationalist Crusade)—all had declining circulation and all repeated the old canards: Jewish control of radio, TV, and the press; Jewish influence in the government, Jewish manipulation of the National Association for the
Advancement of Colored People, and, in general, of Jewish culpability for current problems and tensions.

American Nazi Party

The difficulties of George Lincoln Rockwell’s American Nazi party were indicative of the general trend. In December the United States Internal Revenue Service padlocked its Arlington, Va., headquarters for nonpayment of $3,879 in withholding, employment, and corporate income taxes for 1963, 1964, and 1965. At the same time the service seized addressograph plates and printing equipment, a photograph of Adolf Hitler, a quantity of swastika armbands, and miscellaneous Nazi memorabilia which were later offered for sale at a public auction to raise the amount owed. Rockwell later filed suit against the federal government for $100,000 compensation for damages allegedly sustained as a result of this move. He had previously sought to get a restraining order and an injunction against the Internal Revenue Service to prevent the auction. In a “Confidential—To Our Inner Circle of Members and Supporters” letter of December 17, Rockwell declared that the American Nazi party was “not wiped out”:

The American Nazi party will soon hit them [the Jews] again with full force! I can say no more. The blow will be far more telling when they believe we are out of action. . . . The biggest Rockwell Report and Storm Trooper [party publications] in history will soon be on the way from our secret location. . . . Meanwhile, watch the papers and TV for the unpleasant surprise we have for our Jew friends.9

Following a pattern established in 1964, Rockwell continued his college-campus appearances arranged by student groups who wanted to hear representatives of all viewpoints. He spoke at such institutions as Antioch, the University of New Mexico, Ohio University, Northwestern University, and Northern Illinois University. In November Rockwell ran for governor of Virginia on an anti-Negro platform as the “white man’s” candidate in an effort to capture the state’s hard-core segregationist vote. Surprisingly, Rockwell polled 6,312 votes although the support of most ultra-conservatives went to Story (p. 160).

Christian Nationalist Crusade

Gerald L. K. Smith, the 68-year-old leader of the Christian Nationalist Crusade and once the most effective speaker for the organized antisemitic movement, now traveled little and seldom held public meetings. He continued to publish his racist, antisemitic monthly magazine, The Cross and the Flag (circulation 33,000), and to operate a profitable literature depot for antisemitic and anti-Negro publications. With a reported 1964 gross income in excess of $300,000,10 Smith’s major activity, as revealed in the Little Rock,

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9 Subscribers to the Rockwell publications reported that no American Nazi publications had been received after party headquarters were padlocked.

10 1965 figures were not available, but current indications are that they have declined.
Ark., Gazette (March 28, 1965), was the promotion of a plan to erect a 50-foot “Christ of the Ozarks” statue on Magnetic Mountain just outside Eureka Springs, Ark. Subsequently he also announced that his wife had bought a three-story stone house there to be converted into a memorial to himself and to General Douglas MacArthur, Henry Ford, Charles A. Lindbergh, Father Coughlin, and Huey Long, whom he called his close friends.

**National States Rights Party**

Based in Birmingham, Ala., for about seven years, the National States Rights party (NSRP) moved to Augusta, Ga., in the spring. The members of this white-supremacist, antisemitic group, essentially a vehicle for distributing hate literature, also harassed civil-rights workers and occasionally picketed southern department stores employing an integrated sales force (AJYB, 1965 [Vol. 66], p. 200). Its official publication, The Thunderbolt, had a circulation of 500, exceeding its estimated membership. NSRP’s importance lay in its definitely established connection with the Ku Klux Klan. J. B. Stoner and the late Matt Murphy belonged to both organizations and frequently appeared as counsels for Klan leaders. In May Murphy was counsel to the Klansmen accused of the murder of civil-rights worker Viola Liuzzo and used antisemitic, anti-Negro, and anti-Catholic remarks in court without censure from the presiding judge. Stoner, NSRP counsel and its 1964 vice-presidential nominee (AJYB, 1965 [Vol. 66], p. 205), frequently spoke at Klan functions in full Klan regalia. The Rev. Charles “Connie” Lynch, a self-proclaimed evangelist and an organizer for the NSRP, traveled across the country seeking recruits for the Klan. With the decline in civil-rights activity in the south in 1965, many NSRP members became strong supporters of the Klan, which offered a greater visible activity than NSRP.

**Antisemitic Incidents**

Despite the comparative inactivity of antisemitic organizations, 18 antisemitic incidents were reported in 1965, as compared with 12 in 1963 and 8 in 1964. In the five-month period from early August to December 13, 1965, the American Jewish Committee recorded fourteen antisemitic incidents in San Francisco, Chicago, Albany, Hillside, N.J., Mt. Lebanon, Pa., Trumbull, Conn., Brooklyn, N.Y., Woodbridge, N.J., New Orleans, La., Bridgeport, Conn., and Holyoke, Mass.—more than in any comparable period since the worldwide outbreak of desecrations following the 1959 Christmas-eve swastika daubings of a synagogue in Cologne, Germany (AJYB, 1961 [Vol. 62], pp. 106–7). While speculation about motives continued, careful analysis of the known facts led to the conclusion that the acts were not conceived, planned, or perpetrated by any of the known antisemitic groups, and therefore had to be considered as willful and malicious cases of overt antisemitism.

_Milton Ellerin_
United States Immigration Policy

The Immigration Act of October 3, 1965,

- Abolished national-origins quotas.
- Established numerical ceilings for immigration visas on a “first-come, first-served” basis:
  1. 170,000 for natives of the Eastern Hemisphere.
  2. 120,000 for natives of the Western Hemisphere.
- Abolished restrictions on persons of half-Asian parentage.
- Established new preferences in granting visas:
  1. Relatives—74 per cent.
  2. Outstanding scientists and artists—10 per cent.
  3. Skilled or unskilled labor (not temporary)—10 per cent.
  4. Refugees—6 per cent.
- Introduced stricter “labor clearance” procedure.

On October 3, 1965, seated before the Statue of Liberty in the presence of an assemblage of high government officials and leading citizens from all walks of life, President Lyndon B. Johnson signed a new immigration bill, PL 89–236. Addressing his nationwide television audience, he stated that the new law “repairs a deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American nation. It will make us truer to ourselves as a country and as a people.” The new law “says simply that from this day forth those wishing to emigrate to America shall be admitted on the basis of their skills and their close relationship to those already here.” This “simple” and “fair” test, the President said, eliminates the “harsh injustice of the national-origins-quota system,” under which, for over four decades, “the ability of new immigrants to come to America depended on their country of birth.” This system “violated the basic principle of our democracy—the principle that values and rewards each man on the basis of his merit as a man.”

In the same address, the President informed the people of Cuba that those who seek refuge here will find it. He announced that he had requested the relevant Executive departments “to make all the necessary arrangements to permit those in Cuba who seek freedom to make an orderly entry into the United States,” and appealed to all the American voluntary agencies for the “continuation and expansion of their magnificent work” to aid in this program.
The President’s enthusiasm for the new law was not mere political rhetoric; PL 89–236, indeed, introduced a major reversal of a policy which had been in force since 1924, and which had antecedents in even earlier national policies and attitudes. This policy, which was rooted in concepts of racial and ethnic superiority and assimilability, in suspicion of alien “radicalism” and foreign labor competition, had survived decades of reform efforts. These efforts, which did not avail the victims of Nazism during the 1930s and early 1940s, produced limited results after World War II in the form of temporary refugee legislation and minor revisions of the fundamental law. However, the basic policy remained intact until October 3, 1965.

HISTORY

Anti-alien and “nativist” attitudes existed in this country as early as the colonial period when discrimination was practiced against Catholics and Jews in most of the colonies. In the last years of the 18th century, these attitudes produced the Alien and Sedition Laws, empowering the President to deport aliens deemed dangerous to the country’s safety or suspected of treasonable activity, which were repealed in 1800. In the first half of the 19th century, they were reflected in hostility against Irish and German immigrants; in the second half, they had anti-Catholic and antisemitic overtones, expressing resentment against Eastern and Southern European immigrants.

Despite these attitudes, the Federal Government, in the main, followed a policy of liberal immigration. The first general Federal law, enacted in August 1882, was designed to exclude only individual undesirables: lunatics, idiots, convicts, and persons likely to become public charges; it did not change the general policy of unlimited immigration.

The one serious exception had been the Chinese Exclusion Act of May 1882, the first of a series of acts based on racist concepts that were to be added to the United States immigration policies in the following decades. It stopped for 10 years the immigration of Chinese laborers. In 1907, under a “Gentlemen’s Agreement” with Japan, the immigration of Japanese laborers was limited, and in 1917, by a “barred zone” rule, immigrants from the Asiatic and Pacific regions of the world were excluded (despite President Wilson’s veto). In the same year, a “literacy” test, designed as a restrictive measure against East Europeans, was introduced. However, while restrictions on “qualitative” and racial grounds were progressively expanded, the policy of numerically unlimited immigration continued until after World War I.

The factors leading to the introduction of the “qualitative” and racist principles, which also produced the climate for the 1924 national-origins-quota law, were various. Among them were the dissemination of scientific writings by early ideologists of “Nordic” supremacy; antisemitic and anti-Catholic sentiments; organized labor’s fear of oriental and other cheap labor; the nationalist-chauvinist feelings stirred up by World War I, and the adverse reaction to the 1917 Bolshevik revolution. The authors and supporters of the
1924 Act did not disguise their belief that persons of non-Nordic origin (i.e., English, Irish, German, French or other West European) were inferior and less assimilable than other national stock. It was only later that apologists for the national-origins system insisted it was compatible with American democratic and equalitarian ideals since a nation had the moral right to try to preserve its ethnic and cultural character, especially after its population had grown to mature proportions.

**Immigration Act of 1924**

The 1924 Act (following a temporary immigration program, enacted in 1921) embodied the national-origins-quota system, which continued in force for over 40 years until the enactment, in October 1965, of PL 89–236. In 1924 Congress established an overall annual maximum quota of 150,000 of which all eligible countries—i.e., excluding the Asia-Pacific “barred zone”—were to receive shares. Each country’s yearly quota was to bear the same relation to the total quota (150,000) as the number of persons derived from that country by birth or descent bore to the total white population in the United States in 1920.

Based on statistical techniques of dubious scientific reliability—the person’s name was taken as the main indicator of his national origin—this system resulted in disproportionately large quotas for England, Ireland, and Germany, and small ones for the countries of Eastern and Southern Europe. Nor did the Act allow immigrant applicants from low-quota countries to use the unused visas of the high-quota countries. On the other hand, no numerical ceiling was imposed on Western Hemisphere immigration until passage of the 1965 law.

**McCarran-Walter Act of 1952**

In 1952, after extensive hearings, Congress adopted a new immigration law, popularly identified with the names of its leading Congressional sponsors, Senator Pat McCarran (Dem., Nev.) and Congressman Francis Walter (Dem., Pa.). This controversial law, passed over the veto of President Harry S. Truman, codified rather than revised the existing immigration and nationality statutes. While it did introduce a very small increase in the combined ceiling for all quota immigration, partly by granting token quotas of 100 to previously ineligible countries, in effect, it reaffirmed the principles of the 1924 Act. Thus, though it substituted for the “barred zone” an “Asia-Pacific triangle” concept and gave token quotas to all independent countries within this vast region, it left the national-origins system unchanged. However, in establishing these token quotas—the continuation of a policy initiated during and immediately after World War II for China, the Philippines and India—Congress started the process of reversing the racist policy first begun in 1882. But it did this grudgingly and inconsistently, since, at the same time, it introduced into the law a crudely racist “one-half ancestry” rule. This provided
that persons of mixed Asian and non-Asian parentage, wherever born—even in Europe or the Western Hemisphere—were to be admitted only on the quotas of the countries of their Asian parents. Non-Asians, of course, entered on the quotas of their countries of birth.

The 1952 Act also applied discriminatory rules to Caribbean countries with predominantly Negro populations by limiting to 100 the sub-quotas of colonial territories within the Western Hemisphere (and subtracting them from the quotas of their mother countries). Moreover, when certain of these territories, notably Jamaica and Trinidad-Tobago, became independent, they were not given the same quota-free status as other independent countries of the Western Hemisphere.

Post-World War II Refugee Legislation

Though post-World War II advocates of liberalizing the immigration laws failed to achieve their larger objective of abolishing the national-origins system, they succeeded in persuading Congress to enact a succession of temporary, but generous, measures for the admission of displaced persons and refugees. Among them were the Displaced Persons Acts of 1948 and 1950, the Refugee Relief Act of 1953, and the “Fair Share” Act of 1960. These measures and the elastic construction of discretionary authority vested in the Executive branch under the basic law, to grant temporary asylum (originally intended to permit the entry on a “parole” basis only of individual needy persons), opened the doors to hundreds of thousands of refugees who would otherwise have been excluded by the restrictive features of the basic law. Though inspired by genuine humanitarian motivations, the special measures had the incidental, and in some cases intended, effect of lessening pressures for revision of this law.

IMMIGRATION ACT OF OCTOBER 3, 1965

Factors in Passage of Act

Until 1963, reformers had not dared hope to obtain more than an improvement of the existing system, such as reallocating unused quotas; changing the census base year for computing quotas from 1920 to 1960 (to reflect more recent immigration trends), or establishing continental quotas. It was only under President John F. Kennedy that the more fundamental objective, the total abolition of the existing system, became a realistic goal.

The immediate antecedents of the 1965 Act were proposals by President Kennedy in a special message to Congress on July 23, 1963, calling for the elimination of the national-origins-quota system in stages over a five-year period. President Johnson, in his January 1964 State of the Union Message and on later occasions, gave these proposals his vigorous endorsement. They were then incorporated in principal bills introduced in the House by Congressman Emanuel Celler (Dem., N.Y.), and in the Senate by Senator Philip A. Hart
The latter had previously sponsored a bill to admit even larger numbers of immigrants under a different scheme of quota allocation.

In the early period of the Johnson Administration, action on these bills was frustrated partly by Congressman Michael A. Feighan (Dem., Ohio), chairman of the House Subcommittee on Immigration and Nationality, who would agree only to modest changes in the law, such as provision for the use of unused quotas. His subsequent receptiveness to more fundamental changes followed urging by President Johnson, pressures within Feighan’s Cleveland Congressional district, and the House leaders’ curtailment of his power by enlarging the membership of his subcommittee to assure a pro-reform majority. The vigorous opposition to Feighan’s role by Congressman Celler, chairman of the House Judiciary Committee, was also an important factor in the success of the reform effort.

Feighan’s change of attitude also helped soften the resistance of some of the rightist and traditionally anti-immigration organizations in the country, especially after his significant February 4, 1965 address to the American Coalition of Patriotic Societies, calling, for the first time, for the complete abolition of the national-origins system. In the same address, he asked for a numerical ceiling on Western Hemisphere immigration, a proposal which was eventually adopted.

However, the 1965 Act was, in fact, the product of a forty-year-long educational effort by religious, nationality, and other citizens’ organizations, and of several independent and converging developments. The two-to-one Democratic majority in both Houses of Congress, highly responsive to the wishes of a President who was elected by a landslide vote, and the positive changes in the attitudes of the American people on questions of race and ethnic origin—changes reflected in the extensive progress achieved in the general field of civil rights—were two such developments. A third was the support by organized labor, elements of which had been strongly hostile to immigration in earlier decades.

One of the main groups supporting immigration reform was the American Immigration and Citizenship Conference (AICC) with headquarters in New York City. Founded in 1960 as a merger of two similarly-minded coordinating bodies, AICC had about 100 affiliated or cooperating organizations which it served as a clearing-house and coordinator of information, research, and educational activity. Its member agencies included numerous influential Catholic, Protestant, and Jewish welfare and community-relations agencies (such as the National Catholic Welfare Conference, National Council of the Churches of Christ in the USA, Lutheran Immigration Service, United HIAS Service, American Jewish Committee, Anti-Defamation League, and National Community Relations Advisory Council); labor unions (such as the United Steel Workers of America and the Industrial Union Department of the AFL-CIO), and a variety of nationality groups (such as the American Committee for Italian Migration, AHEPA [American Hellenic Educational Program Association], and the Japanese-American Citizens League).
In Washington, the National Committee for Immigration Reform, an ad hoc pro-immigration lobbying group formed early in 1965, made an important contribution in consolidating support for immigration reform. It was composed of individuals rather than organizations, and included among its members former Presidents Truman and Dwight D. Eisenhower.

Opposition to reform came from the Liberty Lobby, formed in 1965, and the American Committee on Immigration Policies, established a year earlier. Also initially opposed were conservative and rightist organizations joined in the American Coalition of Patriotic Societies.

In the House of Representatives

Congressman Celler introduced his immigration bill HR 2580 in the House of Representatives on January 13, 1965. Some seven months later, on August 3, it was approved with substantial amendment by the House Judiciary Committee by a vote of 27 to 3. The resulting bill, while retaining the basic purpose of HR 2580, abolition of the national-origins principle, incorporated important provisions of a bill introduced earlier by Congressman Feighan. On August 6, Congressman Feighan, on behalf of the Committee on the Judiciary, submitted Report No. 745 to the full House. This Report which declared the purpose of HR 2580 to be "... the elimination of the national origins system as a basis for the selection of immigrants to the United States," included the Committee’s amendments as well as "additional views" of seven members, which had been rejected, recommending inclusion of Western Hemisphere immigrants under a world-wide numerical ceiling. On August 25 the House passed the bill, as amended, by a vote of 318 in favor, 95 opposed, and 19 abstaining.

A principal amendment approved by the House had been based on a recommendation of AFL-CIO. It required the Secretary of Labor to make an affirmative finding, on an individual case basis, to the effect that there is no available qualified American worker for the job the immigrant worker proposes to fill in the locality to which he is going, and that his entry would not adversely affect the wages and working conditions of similarly-employed American workers. This amendment did not apply to certain classes of immigrants, such as close relatives and refugees. Another amendment raised the 166,000 ceiling in HR 2580 to 170,000, and reduced from five to three years the transitional period between passage of the new law and its full operation. (A third liberalized the criteria of eligibility for suspension of deportation from danger of "physical persecution" to danger of "persecution on ground of race, religion or political opinion." Yet another amendment tightened the provisions for adjustment of status—from non-immigrant to immigrant, without leaving the country—by excluding from eligibility all natives of the Western Hemisphere.)

The principal controversy on the House floor centered on the proposal by Congressman Clark MacGregor (Rep., Minn.), to place a ceiling of 115,000 on immigration from the Western Hemisphere. It was supported by Congress-
man William M. McCulloch (Ohio), ranking Republican on the Judiciary Committee, and most of the Republican members. This proposal, opposed by the Administration as endangering the "Good Neighbor" policy, was rejected by a narrow vote of 218 to 189. It was strongly supported, among others, by the traditional anti-immigration groups, such as the American Legion and the American Coalition of Patriotic Societies, and opposed by most of the pro-immigration groups.

The overwhelming majority of the more than 75 Congressmen participating in the debate strongly urged enactment of HR 2580. Congressman Celler, the sponsor of the bill and Floor Manager for the Democratic side, spoke of his struggle since 1924 to achieve abolition of the national-origins system. Other leading spokesmen were House Speaker John McCormack (Dem., Mass.), who demonstrated his long stand against the quota system by placing in the Congressional Record a speech he had made in the House some 30 years earlier; Congressman Peter W. Rodino (Dem., N.J.), who placed in the Record a full-page Washington Post advertisement of the National Committee for Immigration Reform, "Leading Americans Speak Out for Immigration Reform Now," signed by some 400 leaders in all fields of American life, including former Presidents Truman and Eisenhower; Congressman Feighan, who described the bill as a bi-partisan product of his Subcommittee on Immigration and Nationality, and Congressman Arch A. Moore, Jr. (W. Va.), Republican floor manager and ranking Republican member of the subcommittee, who supported the bill mainly because what he regarded as an excessive grant of discretion to the Executive branch in the original version had been eliminated.

In the Senate

On August 26, the day after its passage by the House, the Senate Judiciary Subcommittee on Immigration and Naturalization, by a vote of 6 to 2, ordered that HR 2580, as amended, be reported, with several further amendments, to the full Senate Committee on the Judiciary. Voting in favor were Senators Edward M. Kennedy (Dem., Mass.), who had served as chairman, Sam Ervin (Dem., N.C.), Everett M. Dirksen (Rep., Ill.), Hiram L. Fong (Rep., Hawaii), Jacob K. Javits (Rep., N.Y.), and Philip A. Hart (Dem., Mich.). Opposed were Senators James O. Eastland (Dem., Miss.) and John L. McClellan (Dem., Ark.). The chief amendment, adopted by the subcommittee on the urging of Senator Ervin and against the opposition of Senators Edward M. Kennedy, Hart and Javits, provided for the establishment of an annual Western Hemisphere ceiling of 120,000 immigrants (exclusive of parents, spouses and children of United States citizens), to go into effect July 1, 1968, unless, before this date, Congress enacts modifying legislation. The Subcommittee also voted to establish a commission to study Western Hemisphere demographic trends with a view to possible future policy change.

On September 8 the full Judiciary Committee voted 14 to 2 to report out
HR 2580, as amended, to the Senate floor. The opposing votes were again cast by Senators Eastland and McClellan.

The Senate debate opened on September 17, with Senator Edward M. Kennedy serving as Democratic Floor Manager. It ended on September 22, with the adoption of the bill by a vote of 76 for, 18 against, and 6 not voting. Opposition came chiefly from the Southern Senators. A notable exception was Senator George A. Smathers (Dem., Fla.) who supported the bill as being consistent with the national security and economic well-being of the United States.

Senator Kennedy opened the debate by describing the inadequacies of the existing law which, having caused personal hardship to many thousands, had necessitated the adoption of emergency refugee legislation on six occasions between 1948 and 1962. On four other occasions (1957–1962), special legislation for relatives of United States citizens and for orphans, and thousands of private bills were required. He observed that of the 3.5 million immigrants admitted since 1952, two-thirds had entered outside the quotas, whereas only half of the 2.5 million quota numbers authorized since 1952 had been used. Senator Dirksen concurred that the constant need for patchwork legislation was evidence of the law's defects.

Although the bill under consideration eliminated a fundamental discriminatory immigration practice, it contained what some senators considered to be serious shortcomings. Among those who spoke out vigorously against the provision placing a ceiling on Western Hemisphere immigration as a policy that would impair better Western Hemisphere relations were Senators Edward M. Kennedy, Javits, and Hart. Senator Leverett Saltonstall (Rep., Mass.), on the other hand, thought the ceiling would not affect relations and that the high rate of population increase in the Western Hemisphere warranted such a safeguard. For Senator Dirksen the issue was not important since, in his view, the ceiling was high enough not to pose problems. Senator Ervin, who made the inclusion of the ceiling a condition for his support, agreed with Senators Eastland and McClellan, who voted against the bill, that the national-origins provision was fair because preference should be given to countries whose people helped build the United States.

Senator Javits expressed concern about the absence in the bill of a statute of limitations on deportation, but cited the assurance given by the Attorney-General that study would be given to his proposal for a 10-year statute of limitations—as well as to his proposal for establishment of a board of visa appeal. Senators Claiborne Pell (Dem., R.I.) and Wayne Morse (Dem., Ore.) raised the same point. The latter placed in the Record a memorandum of the American Civil Liberties Union in support of such a statute.

The occupational preferences, listed by the new bill, also were variously interpreted. Senator Edward M. Kennedy rejected the argument that new immigrants take jobs from Americans and Senator Fong maintained that immigrants helped rather than hindered the economy. Senator Dirksen thought the proposed law would not flood the labor market. Among the reasons Sen-
ators Eastland and McClellan gave for voting against the bill were these preferences. Eastland maintained that they discriminated against unskilled labor, and McClellan felt that, in giving preference to skilled persons, the proposed law would encourage their leaving countries which needed them more than the United States and to which we were extending technical aid in order to help develop those very skills.

Senator Allen J. Ellender (Dem., La.) favored halting all immigration for five years, pending a study of its effect on the labor market, assimilation, and urban centers. Senators John B. Towers (Rep., Tex.) and Strom Thurmond (Rep., S.C.) thought the bill would admit too many immigrants. For Thurmond even the existing law was too liberal.

On September 22, following its adoption by the Senate, as amended, the bill went to the House-Senate Conference which issued its report on September 30. With some exceptions, the conferees accepted the amendments adopted by the Senate. The bill was thereupon passed by the House by a vote of 320 to 69, and by the Senate by a voice vote.


PL 89–236 changed some of the key terminology of the previous law. It substituted the term "selective system" for "quota system," the term "immigrant" for "quota immigrant," and the term "special immigrant" for "non-quota immigrant." It defined "special immigrant" as one "born in any independent country of the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant" and certain other categories of immigrants.

The new law established two numerical ceilings. One, of 170,000, is to come into force Dec. 1, 1965, and is to apply to immigrants who are natives of countries outside the Western Hemisphere, not including "immediate relatives" who are defined as children under 21 years of age, spouses, and parents of United States citizens, and who are to be admitted outside the limitation. (This new provision added parents of United States citizens to the classes of relatives admitted outside the quota under the prior law. Previously, these had been eligible only for second preference within the quotas. It was believed that this new exemption, in view of the extensive use by parents of this second preference under the old law, would have great practical significance, for it would free many thousands of visas for other immigrants.) Also exempted from the 170,000 ceiling are to be certain other "special immigrants," such as ministers of religion and returning residents.

A second ceiling, of 120,000, is to be applied to natives of the Western Hemisphere (again not including "immediate relatives"). This ceiling may be changed by Congress before July 1, 1968 on the basis of the findings of a commission that is to be established for the purpose of studying demographic and other relevant issues.

Within each of the two ceilings, immigrant visas are to be granted on a "first-come, first-served" basis, without regard to an applicant's birthplace or
nationality, but, except in the case of the Western Hemisphere, in conformity with a revised system of preferences based on family relationship, skills, and refugee status. Also, except for the Western Hemisphere, where this limitation does not apply, the natives of no one country are to receive more than 20,000 visas.

In the transitional 2½ year period, from December 1, 1965 (when the new law became operative), the old quotas applicable outside the Western Hemisphere are to remain in effect. However, during each fiscal year in this period, quota numbers unused during the preceding year are to be transferred to an immigration pool and made available to preference category immigrants who could not otherwise obtain visas because their quotas are oversubscribed. Such visas are to be allotted in accordance with the new order of preferences, without regard to quota chargeability.

Also, during this transitional period, Western Hemisphere natives are to continue to enter without numerical limitation. The newly independent countries, such as Jamaica and Trinidad-Tobago, will no longer be charged to sub-quotas of 100, but are to have the same status as other independent countries of the Western Hemisphere.

The new law also abolished, as of December 1, 1965, the Asia-Pacific triangle provision of the previous law which restricted persons of half-Asian background, regardless of place of birth, to the quotas of their countries of ancestry. Henceforth, such persons will have the same status as others born in the Western Hemisphere.

The law limited quotas of dependent territories of foreign states to 200.

The new law also introduced modifications in the previous preference system. It established three preference categories for relatives (1,2,4,5); two occupational preferences (3,6), and preference for refugees (7). Of the 170,000 visas to be allotted to non-Western Hemisphere immigrants, 74 per cent are to go to relatives, as follows: first preference, up to 20 per cent, for the unmarried sons and daughters, over 21 years of age, of United States citizens; second preference, up to 20 per cent, for the spouses and unmarried sons and daughters, regardless of age, of alien residents (plus any unused portion of preference 1); fourth preference, 10 per cent, for the married sons and daughters of United States citizens (plus any unused portions of preferences 1,2,3); fifth preference, 24 per cent, for the brothers and sisters of United States citizens (plus any unused portions of preferences 1,2,3,4).

Under a third preference, 10 per cent (of the 170,000) are to go to prospective immigrants who are members of the professions, or who possess exceptional abilities in the sciences or arts; and under a sixth preference, 10 per cent are to go to persons capable of performing skilled or unskilled labor, not of a temporary or seasonal nature.

Under a seventh preference, 6 per cent are to go to refugees who, because of persecution or fear of persecution on account of race, religion or political opinion, have fled from any Communist or Communist-dominated area, or from any country within the general area of the Middle East; or to persons
uprooted by natural calamity and unable to return to their usual place of abode. Persons in this refugee category are not to be given immigrant visas, but will be allowed to enter the United States conditionally for a period of two years, after which they may have their status adjusted to that of permanent residents.

Finally, "non-preference" immigrants, i.e., aliens who cannot qualify for one of the preference classes, are to be admissible on a "first-come, first-served" basis under the visas which are not used up by applicants in the preference classes.

However, the new law introduced an important labor-clearance procedure which is to apply to all non-preference immigrants as well as to immigrants in the third and sixth preference classes, and to all immigrants (except immediate relatives) who are natives of independent Western Hemisphere countries. In all such cases an individual determination by the Secretary of Labor is required that there are insufficient Americans, able and willing to perform, in the same place, the skilled or unskilled labor which the aliens intend to perform, and that the employment of such aliens will not adversely affect the wages and working conditions of similarly-employed American workers. (This requirement is not to apply to certain categories of relatives or to refugees.)

As noted, this labor-clearance procedure, which was not included in the original Administration bill, had been added in the House Subcommittee on Immigration and Naturalization on the suggestion of labor union representatives. The intent was to tighten the procedure of the prior law by which aliens seeking admission as skilled or unskilled laborers were admissible unless the Secretary of Labor certified that there were already in the country sufficient workers able and willing to perform the jobs sought by the aliens, or unless their employment would adversely affect the wages or working conditions of similarly-employed United States workers. Under the revised procedure, aliens in all categories other than relatives and refugees cannot receive visas, and are inadmissible unless they obtain individual certification from the Secretary of Labor that they would not, at the time of application for their visas as well as at the time of their entry to the country, displace similarly-employed American workers or adversely affect their wage levels or working conditions.

Though pro-immigration groups were concerned from the outset about the restrictive impact of the new procedure, they did not protest vigorously, preferring to avoid endangering thereby the achievement of their overriding goal: repeal of the national origins system.

However, following passage of the new law, as awareness of the significance of the labor clearance procedure impressed itself, they became intensely concerned. They voiced publicly the fear that the new, administratively cumbersome procedure might easily result in paralyzing most immigration of skilled and unskilled workers as well as of non-preference immigrants. They therefore initiated efforts to secure liberalizing legislation on the ground that the new procedure had been introduced without adequate consideration of its implications.
The new law did not change any provisions of the previous law relating to bars against admission of undesirable immigrants, such as subversives, criminals, drug peddlers, and immoral persons. However, it introduced a new provision, allowing a waiver of the grounds of ineligibility based on mental retardation or previous attack of insanity, for aliens who are the immediate relatives of United States citizens or resident aliens. (Previously, such persons had been excludable.) It also liberalized the “suspension of deportation” provisions of the previous law, which limited the discretion of the Attorney-General to cases of aliens who could prove that they would be subject to “physical” persecution if deported. Henceforth, the alien need only prove that he would be subject to “persecution on account of race, religion or political opinion.”

The new law tightened the provisions of the previous law relating to the “adjustment of status” of aliens in the United States, so as to prohibit such adjustment in cases of natives of all countries of the Western Hemisphere. Previously, only the natives of Canada, Mexico, and the islands adjacent to the United States had been ineligible for such adjustment of status.

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Pro-immigration groups were generally satisfied with the new law, especially its thoroughgoing elimination of the national-origins and racist concepts. But they were greatly concerned about the hardships that would ensue from the labor-clearance provisions, from the failure to provide means for adjusting the status of Cuban and other Western Hemisphere refugees, and from certain technical, yet actually substantive, defects, such as the absence of a statute of limitations on deportation and of a visa-review board. Its operation was to be closely watched by the pro-immigration groups as well as by the Department of Justice and the Congressional immigration committees, and efforts would doubtless be made in the future to correct its remaining weaknesses.

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