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The Commercial Appeal (Memphis, TN)

September 1, 1997, MONDAY, FINAL EDITION

SECTION: METRO, Pg. A15

LENGTH: 1094 words

HEADLINE: HISTORY UNKIND TO MISS. 'SPIES';
FEARED AGENCY WAS INEPT, RECORDS SHOW

BYLINE: Reed Branson The Commercial Appeal; Jackson, Miss., Bureau

DATELINE: JACKSON, Miss.

BODY:

As a 40-year-old curtain of secrecy drops away from the notorious Mississippi Sovereignty Commission, a new portrait of the agency is emerging: That of paranoid and bungling boobs.

The segregation-era state agency's sinister motives to spy on and undermine the civil rights movement were never in doubt. From 1956 to 1973, the agency attempted to undermine the movement to enfranchise black citizens.

But as Mississippi prepares in coming months to make public the agency's secret files, some victims of agency spying say the documents they previewed portray a remarkably sloppy and inefficient tool of the white power structure.

"I don't know whether they were fools or knaves. Either they missed everything or destroyed the records," said Jeremiah Gutman, 73, a New York attorney who worked in 1964-65 for the Lawyers' Constitutional Defense Committee.

"I was concerned there might be stuff in there that might invade my privacy and other people with whom I was spending time. But they didn't pick that up." Gutman and others interviewed said the "intelligence" documents are littered with grammatical errors, misspellings, baseless accusations and persistent inaccuracy. Gutman, for example, was identified as an attorney from Los Angeles. More striking, he said, the commission appeared to simply miss most of his activities.

"I served a subpoena on Deputy Cecil Price in connection with one of the school integration suits we'd brought," said Gutman, describing his meeting with the infamous Neshoba County deputy sheriff convicted of violating the civil rights of three murdered civil rights workers. "You'd think they'd get that."

More than 85,000 names are mentioned in 132,000 pages that remain from the agency's files. Gutman is one of only 360 "victims" to request and receive from the Mississippi Department of Archives and History copies of commission records referring to them.

The Legislature in 1977 formally abolished the agency, sealing its records for 50 years.

Sid Salter, publisher of the Scott County Times and a syndicated columnist in Mississippi, reported in 1989 that the files contained damaging revelations about some of the state's leading citizens.

Salter reported that then-district attorney Cliff Finch of Batesville complained of black voter registration drives in Panola County. Finch was later elected governor with the support of blacks.

And, in a revelation that ultimately led to the successful 1994 prosecution of Byron De La Beckwith for the assassination of Medgar Evers, Salter reported

The Commercial Appeal (Memphis, TN), September 1, 1997

that the Sovereignty Commission helped Beckwith's defense screen potential jurors.

The American Civil Liberties Union sued to make the commission files public. In an attempt to protect the privacy of the victims of spying, U.S. Dist. Judge William H. Barbour Jr. ordered that they be given the chance to preview documents in which they are mentioned.

Of 975 people who responded, only 360 received copies of relevant portions of commission records.

Those classified as ''victims'' can ask for their identities to be concealed or can add documents and statements to the files.

Some are asking: Why bother?

''Having seen the secret papers of the 'Keystone Kops,' I'm so enlightened, '' cracked Rims Barber, a Presbyterian minister and social justice advocate who arrived from Iowa in 1964 and served with the Delta Ministry in Greenville.

''They weren't very good at their job. But then, they lost, didn't they?'' said Barber, referred to as 'Rim' and 'Ram' in the files. In 1965, Barber was arrested for encouraging a black man waiting to buy a license tag not to follow an order to go to the end of the line.

The Sovereignty Commission file said, ''Reverend Barber is alleged to have used abusive and profane language to the deputy sheriff for which he was arrested, placed in jail and later released on bond.''

''I don't think in those days you could do that (curse a deputy) and not get assassinated,'' said Barber.

Many reports in the files simply assume blacks were incapable of actions not directed by Northern liberals. Often, investigators were unable to identify key players, such as voting rights attorney Frank Parker, described at one point simply as an ''unknown white lawyer.''

''I found few actual reports as to what I did, even though I knew I was being followed,'' said attorney Constance Slaughter-Harvey of Forest, Miss.

In 1967, she was president of the student body at Tougaloo College and a civil rights movement leader. Files on her do not begin until 1970.

She suspects some documents have been destroyed.

One tedious report from 1969 reads in part: ''Highway Patrol investigator . . . advised me that it was his opinion as well as that of FBI Agents that the crosses burned recently in Leland were burned by Negro citizens, as a hole was dug, the cross was placed in the hole and dirt packed around the cross in one of the incidents.''

Another says the Greenville chief of police ''believes that there will be an increase in firebombings and possibly other guerrilla warfare activities in Greenville this summer.''

Others link people with communism and outrageous plots that never happened.

David Ingebretsen, executive director of the ACLU of Mississippi, says rather than being disturbed, the civil rights activists with whom he's spoken are ''uniformly'' disappointed that their activities aren't more accurately cataloged.

Ingebretsen said perhaps the most interesting revelations will come as ''state actors'' seek to change their classification to ''victims,'' giving them the right to hide their names.

Alvin J. Bronstein, 69, a civil rights lawyer from 1964 to 1968 who lives in Washington, said despite the ''tremendously foolish and paranoid'' speculation in his files, the documents reopened a past in both uplifting and disheartening ways.

He learned of betrayal.

The commission describes one informer in a manner that clearly indicates it was a secretary with the Lawyers' Constitutional Defense Committee.

The Commercial Appeal (Memphis, TN), September 1, 1997

"She is identified by the Sovereignty Commission as 'Operator F.' She was reporting every phone call I had, with whom I talked, what airline flight I was going to meet at the Jackson Airport," he said.
More troubling, he said, was to find informers within the ranks. "I think I know a couple," he said.
"These were people active in the movement who were obviously paid. There was that sense of sadness."

Call reporter Reed Branson at (601) 352-8631 or E-mail branson@gomemphis.com

GRAPHIC: photo ;

Rims Barber

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Subject: hi.

From the desk of Leonard Feldman

A Mass in Memory of Robert F. Kennedy

A personal memoir by Jerome J. Shestack

Pages 12-15

In mid-June, President Kennedy gave a stirring call to the nation, announcing new civil rights legislation and calling the denial of civil rights the greatest "moral crisis" facing our nation in modern history. "Now," the President declared, "the time has come for this nation to fulfill its promise..." It was a call long awaited and much needed. I believe it happened then because of the advocacy of Bobby Kennedy.

June of 1963 also saw a turning point for leaders of the bar. Earlier that month, Governor Wallace announced that he would defy an order by Federal Judge Seabrooke Lynne to open the University of Alabama to Negro students. My partner, Bernie Segal, (then still 6 years away from the ABA presidency) was outraged. He decided to muster national bar leaders to issue a dramatic joint statement condemning Governor Wallace's action. He enlisted my help and for two days and late in the night we called lawyers around the nation. Finally, we were able to assemble 44 bar leaders across the country to join in a declaration strongly condemning Wallace. It was the first condemnation of this kind by leaders of the bar. After that declaration, the bar could no longer ignore racial discrimination.

Soon after the Wallace condemnation, Bobby Kennedy and Bernie Segal had a series of discussions on how to mobilize the nation's lawyers. Telegrams were sent by the President to about 250 lawyers asking them to meet at the White House on June 21, 1963. Most of the names had been suggested by Bernie Segal and they included past and future presidents of the ABA, officers of state and local bar associations and other leaders of the profession.

The day the White House Conference was to take place, Bobby Kennedy was in Philadelphia for morning ceremonies at Independence Hall commemorating the 175th

Anniversary of the Constitution. I was in the audience.

Bobby spoke to a crowd of several thousand gathered on Independence Mall. "For too many years," he said, "The Negroes have been asked to 'be patient' and advised that we must move slowly in adjusting civil rights to social custom.... The day is long gone when those phrases had any validity – if indeed they ever did." His speech reflected his own impatience with the slow pace of civil rights justice and his eagerness to do more himself.

After his speech, I asked Bobby whether I could hitch a ride to Washington for the White House meeting that afternoon. He quickly invited me to join him and his press officer, Ed Guthman. On the plane, Bobby asked, "What do you think I should say this afternoon?" I replied that convening nearly 250 lawyers at the White House to deal with civil rights was quite unique. I noted that the image of the lawyer is pretty low these days, and suggested that he point out that the lawyer's image won't be improved by their standing idly by while the nation is going through a moral and legal crisis because of racial discrimination supported by legal institutions.

I don't know that Bobby found that suggestion especially helpful for he didn't reply. But then, one expected long silences when talking with Bobby. When he spoke, he recalled the epigram that, "evil takes place when good men do nothing" and, almost wistfully, added that he hoped the nation's lawyers would do "something." Then he was deep in his own thoughts.

On that momentous and historic afternoon of June 21, 1963, there assembled in the East Room of the White House, an array of 244 lawyers. It was the first time a group of the nation's leading lawyers had come together to focus on civil rights. President Kennedy opened the meeting. He spoke briefly, but compellingly, of the need to muster the nation's religious, business and professional leaders in the cause of civil rights. Vice President Johnson spoke next, surprising us with the fullness of his commitment to civil rights.

Then the Attorney General spoke and he spoke the longest. He spoke of the divisions racking the nation and of the need for communication between racial groups. He spoke of picketing in the south where the white authorities did not even have a clue of why the Negroes were picketing. He spoke of southern judges who had been socially ostracized because they had been rendering decisions in civil rights causes which were unpopular in the south. He spoke of his outrage at the attacks on these few brave judges and also his outrage because lawyers in those locations had not spoken out in defense of their Courts. His voice was quiet, but one could feel the intensity.

But he did not limit his comments to the south. While the dramatic incidents of racial tension have been in the south, he said, the north is far from blameless. "While there is *de jure* discrimination in the south, there is *de facto* discrimination in the north," in schools, housing, employment and other areas. And he challenged the lawyers at the

White House to address problems in their own communities, to marshal forces to cure the *de facto* discrimination and to set up "lawyers communities for civil rights throughout the north, midwest and west as well as the south."

I was surprised at the scope of his remarks. The emphasis by the President and the Vice President had all been on the south, but Bobby broadened the agenda, giving the Lawyer' Committee national goals to redress discrimination. His challenge went far and deep.

Bobby concluded with quiet passion. "The surface eruptions of an internal disease cannot be cured with bandages," "he said, "The only way to cure a disease is to attack its source; and the sources of this disease, this malignancy that has been allowed to grow within the tissues of our National life, are as minute and various as the cells of any living body." Out of that historic White House Conference rose the Lawyers Committee for Civil Rights Under Law....

Message Sent To:

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market and we are wondering how to solve them. Trade is of vital importance to us, since we have but few raw materials and but a small home market. This is the reason why we have always had a liberal attitude towards world exchanges and why we have never refused to consider negotiated trade agreements.

"Our two countries have known each other for a long time and although they have their own legitimate interests to protect, they are always side by side when the times come for fundamental choices . . . if in this fast-changing world there are occasions

for such choices. I shall only mention one of them, dear to my heart and, I believe, Mr. President, dear to yours: What should the industrial nations' attitude be towards economic development in the not too prosperous areas? I feel that this is perhaps the most dramatic issue of our time; the one that bears the fastest reaching consequences and, therefore, of course, [one of] many other fields where countries of the free world could cooperate." In conclusion Prince Albert expressed best wishes for such future cooperation.

81 Joint Statement Following Discussions With the King of Laos. February 27, 1963

HIS MAJESTY Sri Savang Vatthana, King of Laos, has conferred with the President on recent developments in Laos, particularly the implementation of the Geneva Accord, and on the future of Lao-American relations.

His Majesty warmly thanked the President for United States efforts in bringing the Geneva negotiations on Laos to a successful conclusion. His Majesty also expressed his gratification that the United States has given its full support to the Government of National Union under Prince Souvanna Phouma, and that it will continue faithfully to adhere to its engagements under the Geneva Agreements. The United States policy in Laos, His Majesty said, was a significant manifestation of the President's continuing efforts to help bring peace, freedom and dignity to all peoples. In discussing the future, His Majesty stressed his desire for unity, peace and independence for his people and reiterated the determination of his country to support the Geneva Agreements.

Recalling the agreement that he and Prime Minister Khrushchev made in Vienna in June 1961 for the mutual support of a neutral and independent Laos under a government chosen by the Lao themselves, and of international agreements for insuring that neutrality and independence, the President reaffirmed the United States policy of fulfilling its obligations under the Geneva Agreements and supporting the Government of National Union. The President spoke of his earnest hope that this policy would enable the Lao people to achieve their aspiration for peace, dignity and freedom, and specifically cited the large United States economic assistance program as evidence of the determination of the United States Government to help the Lao people achieve these objectives. Respect for Lao neutrality, independence and sovereignty, the President said, is the continuing basis for United States policy toward the Royal Lao Government.

82 Special Message to the Congress on Civil Rights. February 28, 1963

To the Congress of the United States:

"Our Constitution is color blind," wrote Mr. Justice Harlan before the turn of the century, "and neither knows nor tolerates classes among citizens." But the practices

of the country do not always conform to the principles of the Constitution. And this Message is intended to examine how far we have come in achieving first-class citizenship for all citizens regardless of color, how far

we have yet to go, and what further tasks remain to be carried out—by the Executive and Legislative Branches of the Federal Government, as well as by state and local governments and private citizens and organizations.

One hundred years ago the Emancipation Proclamation was signed by a President who believed in the equal worth and opportunity of every human being. That Proclamation was only a first step—a step which its author unhappily did not live to follow up, a step which some of its critics dismissed as an action which “frees the slave but ignores the Negro.” Through these long one hundred years, while slavery has vanished, progress for the Negro has been too often blocked and delayed. Equality before the law has not always meant equal treatment and opportunity. And the harmful, wasteful and wrongful results of racial discrimination and segregation still appear in virtually every aspect of national life, in virtually every part of the Nation.

The Negro baby born in America today—regardless of the section or state in which he is born—has about one-half as much chance of completing high school as a white baby born in the same place on the same day—one-third as much chance of completing college—one-third as much chance of becoming a professional man—twice as much chance of becoming unemployed—about one-seventh as much chance of earning \$10,000 per year—a life expectancy which is seven years less—and the prospects of earning only half as much.

No American who believes in the basic truth that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights”, can fully excuse, explain or defend the picture these statistics portray. Race discrimination hampers our economic growth by preventing the maximum development and utilization of our manpower. It hampers our world leadership by contradicting at home the message we preach abroad. It mars the atmosphere of a united and classless society in which this

Nation rose to greatness. It increases the costs of public welfare, crime, delinquency and disorder. Above all, it is wrong.

Therefore, let it be clear, in our own hearts and minds, that it is not merely because of the Cold War, and not merely because of the economic waste of discrimination, that we are committed to achieving true equality of opportunity. The basic reason is because it is right.

The cruel disease of discrimination knows no sectional or state boundaries. The continuing attack on this problem must be equally broad. It must be both private and public—it must be conducted at national, state and local levels—and it must include both legislative and executive action.

In the last two years, more progress has been made in securing the civil rights of all Americans than in any comparable period in our history. Progress has been made—through executive action, litigation, persuasion and private initiative—in achieving and protecting equality of opportunity in education, voting, transportation, employment, housing, government, and the enjoyment of public accommodations.

But pride in our progress must not give way to relaxation of our effort. Nor does progress in the Executive Branch enable the Legislative Branch to escape its own obligations. On the contrary, it is in the light of this nationwide progress, and in the belief that Congress will wish once again to meet its responsibilities in this matter, that I stress in the following agenda of existing and prospective action important legislative as well as administrative measures.

I. THE RIGHT TO VOTE

The right to vote in a free American election is the most powerful and precious right in the world—and it must not be denied on the grounds of race or color. It is a potent key to achieving other rights of citizenship. For American history—both recent and past—clearly reveals that the power of the ballot has enabled those who achieve it to

win other achievements as well, to gain a full voice in the affairs of their state and nation, and to see their interests represented in the governmental bodies which affect their future. In a free society, those with the power to govern are necessarily responsive to those with the right to vote.

In enacting the 1957 and 1960 Civil Rights Acts, Congress provided the Department of Justice with basic tools for protecting the right to vote—and this Administration has not hesitated to use those tools. Legal action is brought only after voluntary efforts fail—and, in scores of instances, local officials, at the request of the Department of Justice, have voluntarily made voting records available or abandoned discriminatory registration, discriminatory voting practices or segregated balloting. Where voluntary local compliance has not been forthcoming, the Department of Justice has approximately quadrupled the previous level of its legal effort—investigating coercion, inspecting records, initiating lawsuits, enjoining intimidation, and taking whatever follow-up action is necessary to forbid further interference or discrimination. As a result, thousands of Negro citizens are registering and voting for the first time—many of them in counties where no Negro had ever voted before. The Department of Justice will continue to take whatever action is required to secure the right to vote for all Americans.

Experience has shown, however, that these highly useful Acts of the 85th and 86th Congresses suffer from two major defects. One is the usual long and difficult delay which occurs between the filing of a lawsuit and its ultimate conclusion. In one recent case, for example, nineteen months elapsed between the filing of the suit and the judgment of the court. In another, an action brought in July 1961 has not yet come to trial. The legal maxim "Justice delayed is Justice denied" is dramatically applicable in these cases.

Too often those who attempt to assert their Constitutional rights are intimidated. Prospective registrants are fired. Registra-

tion workers are arrested. In some instances, churches in which registration meetings are held have been burned. In one case where Negro tenant farmers chose to exercise their right to vote, it was necessary for the Justice Department to seek injunctions to halt their eviction and for the Department of Agriculture to help feed them from surplus stocks. Under these circumstances, continued delay in the granting of the franchise—particularly in counties where there is mass racial disfranchisement—permits the intent of the Congress to be openly flouted.

Federal executive action in such cases—no matter how speedy and how drastic—can never fully correct such abuses of power. It is necessary instead to free the forces of our democratic system within these areas by promptly insuring the franchise to all citizens, making it possible for their elected officials to be truly responsive to all their constituents.

The second and somewhat overlapping gap in these statutes is their failure to deal specifically with the most common forms of abuse of discretion on the part of local election officials who do not treat all applicants uniformly.

Objections were raised last year to the proposed literacy test bill, which attempted to speed up the enforcement of the right to vote by removing one important area of discretion from registration officials who used that discretion to exclude Negroes. Preventing that bill from coming to a vote did not make any less real the prevalence in many counties of the use of literacy and other voter qualification tests to discriminate against prospective Negro voters, contrary to the requirements of the 14th and 15th Amendments, and adding to the delays and difficulties encountered in securing the franchise for those denied it.

An indication of the magnitude of the overall problem, as well as the need for speedy action, is a recent five-state survey disclosing over 200 counties in which fewer than 15% of the Negroes of voting age are registered to vote. This cannot continue.

I am, therefore, recommending legislation to deal with this problem of judicial delay and administrative abuse in four ways:

First, to provide for interim relief while voting suits are proceeding through the courts in areas of demonstrated need, temporary Federal voting referees should be appointed to determine the qualifications of applicants for registration and voting during the pendency of a lawsuit in any county in which fewer than 15% of the eligible number of persons of any race claimed to be discriminated against are registered to vote. Existing Federal law provides for the appointment of voting referees to receive and act upon applications for voting registration upon a court finding that a pattern or practice of discrimination exists. But to prevent a successful case from becoming an empty victory, insofar as the particular election is concerned, the proposed legislation would provide that, within these prescribed limits, temporary voting referees would be appointed to serve from the inception to the conclusion of the Federal voting suit, applying, however, only State law and State regulations. As officers of the court, their decisions would be subject to court scrutiny and review.

Second, voting suits brought under the Federal Civil Rights statutes should be accorded expedited treatment in the Federal courts, just as in many state courts election suits are given preference on the dockets on the sensible premise that, unless the right to vote can be exercised at a specific election, it is, to the extent of that election, lost forever.

Third, the law should specifically prohibit the application of different tests, standards, practices, or procedures for different applicants seeking to register and vote in federal election. Under present law, the courts can ultimately deal with the various forms of racial discrimination practiced by local registrars. But the task of litigation, and the time consumed in preparation and proof, should be lightened in every possible fashion.⁶ No one can rightfully contend that any voting registrar should be permitted to deny the

vote to any qualified citizen, anywhere in this country, through discriminatory administration of qualifying tests, or upon the basis of minor errors in filling out a complicated form which seeks only information. Yet the Civil Rights Commission, and the cases brought by the Department of Justice, have compiled one discouraging example after another of obstacles placed in the path of Negroes seeking to register to vote at the same time that other applicants experience no difficulty whatsoever. Qualified Negroes, including those with college degrees, have been denied registration for their inability to give a "reasonable" interpretation of the Constitution. They have been required to complete their applications with unreasonable precision—or to secure registered voters to vouch for their identity—or to defer to white persons who want to register ahead of them—or they are otherwise subjected to exasperating delays. Yet uniformity of treatment is required by the dictates of both the Constitution and fair play—and this proposed statute, therefore, seeks to spell out that principle to ease the difficulties and delays of litigation. Limiting the proposal to voting qualifications in elections for Federal offices alone will clearly eliminate any Constitutional conflict.

Fourth, completion of the sixth grade should, with respect to Federal elections, constitute a presumption that the applicant is literate. Literacy tests pose especially difficult problems in determining voter qualification. The essentially subjective judgment involved in each individual case, and the difficulty of challenging that judgment, have made literacy tests one of the cruelest and most abused of all voter qualification tests. The incidence of such abuse can be eliminated, or at least drastically curtailed, by the proposed legislation providing that proof of completion of the sixth grade constitutes a presumption that the applicant is literate.

Finally, the 87th Congress—after 20 years of effort—passed and referred to the states for ratification a Constitutional Amendment to prohibit the levying of poll taxes as a con-

citizen, anywhere in discriminatory administrations, or upon the basis of race, or upon the basis of a complicated information. Yet the Commission, and the cases of Justice, have been an example after an example in the path of the voter to vote at the polls on the basis of the applicant's experience.

Qualified Negroes, with college degrees, have been required to register for their inability to interpret the meaning of the law. They have been required to register with unreasonable conditions—either to register ahead of time or to defer to a later date—otherwise subjected to the same uniformity of treatment. This is a dictate of both the law and the Constitution—and this proposal seeks to spell out the difficulties and the delays in the registration process. The proposal to amend the Constitution for Federal elections will eliminate any

of the sixth grade Federal elections, and that the applicant is not qualified to vote especially difficult. This is a subjective judgment in every case, and the difficulty of judgment, have been the cruelest and the most arbitrary qualification tests. This abuse can be eliminated, by the amendment providing that proof of literacy for the sixth grade constitutes a requirement for the applicant is literate.

Progress—after 20 years of delay—has been referred to the states by the Constitutional Amendment of poll taxes as a con-

dition to voting. Already thirteen states have ratified the proposed Amendment and in three more one body of the Legislature has acted. I urge every state legislature to take prompt action on this matter and to outlaw the poll tax—which has too long been an outmoded and arbitrary bar to voting participation by minority groups and others—as the 24th Amendment to the Constitution. This measure received bipartisan sponsorship and endorsement in the Congress—and I shall continue to work with governors and legislative leaders of both parties in securing adoption of the anti-poll tax amendment.

II. EDUCATION

Nearly nine years have elapsed since the Supreme Court ruled that State laws requiring or permitting segregated schools violate the Constitution. That decision represented both good law and good judgment—it was both legally and morally right. Since that time it has become increasingly clear that neither violence nor legalistic evasions will be tolerated as a means of thwarting court-ordered desegregation, that closed schools are not an answer, and that responsible communities are able to handle the desegregation process in a calm and sensible manner. This is as it should be—for, as I stated to the Nation at the time of the Mississippi violence last September:

“... Our Nation is founded on the principle that observance of the law is the eternal safeguard of liberty, and defiance of the law is the surest road to tyranny. The law which we obey includes the final rulings of the courts, as well as the enactments of our legislative bodies. Even among law-abiding men, few laws are universally loved—but they are uniformly respected and not resisted.

“Americans are free to disagree with the law but not to disobey it. For in a government of laws and not of men, no man, however prominent or powerful, and no mob, however unruly or boisterous, is entitled to defy a court of law. If this country should ever reach the point where any man or group

of men, by force or threat of force, could long defy the commands of our court and our Constitution, then no law would stand free from doubt, no judge would be sure of his writ, and no citizen would be safe from his neighbors.”

The shameful violence which accompanied but did not prevent the end of segregation at the University of Mississippi was an exception. State supported universities in Georgia and South Carolina met this test in recent years with calm and maturity, as did the state supported universities of Virginia, North Carolina, Florida, Texas, Louisiana, Tennessee, Arkansas and Kentucky in earlier years. In addition, progress toward the desegregation of education at all levels has made other notable and peaceful strides, including the following forward moves in the last two years alone:

—Desegregation plans have been put into effect peacefully in the public schools of Atlanta, Dallas, New Orleans, Memphis and elsewhere, with over 60 school districts desegregated last year—frequently with the help of Federal persuasion and consultation, and in every case without incident or disorder.

—Teacher training institutes financed under the National Defense Education Act are no longer held in colleges which refuse to accept students without regard to race, and this has resulted in a number of institutions opening their doors to Negro applicants voluntarily.

—The same is now true of Institutes conducted by the National Science Foundation;

—Beginning in September of this year, under the Aid to Impacted Area School Program, the Department of Health, Education, and Welfare will initiate a program of providing on-base facilities so that children living on military installations will no longer be required to attend segregated schools at Federal expense. These children should not be victimized by segregation merely because their fathers chose to serve in the armed forces and were assigned to an area where schools are operated on a segregated basis.

—In addition, the Department of Justice and the Department of Health, Education, and Welfare have succeeded in obtaining voluntary desegregation in many other districts receiving "impacted area" school assistance; and, representing the Federal interest, have filed lawsuits to end segregation in a number of other districts.

—The Department of Justice has also intervened to seek the opening of public schools in the case of Prince Edward County, Virginia, the only county in the Nation where there are no public schools, and where a bitter effort to thwart court decrees requiring desegregation has caused nearly 1500 out of 1800 school age Negro children to go without any education for more than 3 years.

In these and other areas within its jurisdiction, the Executive Branch will continue its efforts to fulfill the Constitutional objective of an equal, non-segregated, educational opportunity for all children.

Despite these efforts, however, progress toward primary and secondary school desegregation has still been too slow, often painfully so. Those children who are being denied their constitutional rights are suffering a loss which can never be regained, and which will leave scars which can never be fully healed. I have in the past expressed my belief that the full authority of the Federal government should be placed behind the achievement of school desegregation, in accordance with the command of the Constitution. One obvious area of Federal action is to help facilitate the transition to desegregation in those areas which are conforming or wish to conform their practices to the law.

Many of these communities lack the resources necessary to eliminate segregation in their public schools while at the same time assuring that educational standards will be maintained and improved. The problem has been compounded by the fact that the climate of mistrust in many communities has left many school officials with no qualified source to turn to for information and advice.

There is a need for technical assistance by

the Office of Education to assist local communities in preparing and carrying out desegregation plans, including the supplying of information on means which have been employed to desegregate other schools successfully. There is also need for financial assistance to enable those communities which desire and need such assistance to employ specialized personnel to cope with problems occasioned by desegregation and to train school personnel to facilitate the transition to desegregation. While some facilities for providing this kind of assistance are presently available in the Office of Education, they are not adequate to the task.

I recommend, therefore, a program of Federal technical and financial assistance to aid school districts in the process of desegregation in compliance with the Constitution.

Finally, it is obvious that the unconstitutional and outmoded concept of "separate but equal" does not belong in the Federal statute books. This is particularly true with respect to higher education, where peaceful desegregation has been underway in practically every state for some time. I repeat, therefore, this Administration's recommendation of last year that this phrase be eliminated from the Morrill Land Grant College Act.

III. EXTENSION AND EXPANSION OF THE COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights, established by the Civil Rights Act of 1957, has been in operation for more than five years and is scheduled to expire on November 30, 1963. During this time it has fulfilled its statutory mandate by investigating deprivations of the right to vote and denials of equal protection of the laws in education, employment, housing and the administration of justice. The Commission's reports and recommendations have provided the basis for remedial action both by Congress and the Executive Branch.

There are, of course, many areas of denials of rights yet to be fully investigated. But

to assist local communities in carrying out their duties in supplying the services which have been needed by other schools and communities. There is a need for financial assistance to enable communities to cope with segregation and to facilitate the transition of some facilities. Assistance is provided by the Department of Education, and it is its task.

Second, a program of financial assistance to the process of desegregation is required by the Constitution. At the unconstitutional concept of "separate but equal" in the Federal Constitution is particularly true with regard to education, where peaceful change is underway in practice. I repeat, the President's recommendations should be eliminated. Grant College

EXTENSION OF THE CIVIL RIGHTS

The Civil Rights Act of 1957, established by the President more than five years ago on November 30, 1957, has fulfilled its mission in investigating deprivation of equal education, employment, and administration of justice. Reports and records have been the basis for legislation and the

in many areas of denials have been investigated. But

the Commission is now in a position to provide even more useful service to the Nation. As more communities evidence a willingness to face frankly their problems of racial discrimination, there is an increasing need for expert guidance and assistance in devising workable programs for civil rights progress. Agencies of State and local government, industry, labor and community organizations, when faced with problems of segregation and racial tensions, all can benefit from information about how these problems have been solved in the past. The opportunity to seek an experienced and sympathetic forum on a voluntary basis can often open channels of communication between contending parties and help bring about the conditions necessary for orderly progress. And the use of public hearings—to contribute to public knowledge of the requirements of the Constitution and national policy—can create in these communities the atmosphere of understanding which is indispensable to peaceful and permanent solutions to racial problems.

The Federal Civil Rights Commission has the experience and capability to make a significant contribution toward achieving these objectives. It has advised the Executive branch not only about desirable policy changes but about the administrative techniques needed to make these changes effective. If, however, the Commission is to perform these additional services effectively, changes in its authorizing statute are necessary and it should be placed on a more stable and more permanent basis. A proposal that the Commission be made a permanent body would be a pessimistic prediction that our problems will never be solved. On the other hand, to let the experience and knowledge gathered by the Commission go to waste, by allowing it to expire, or by extending its life only for another two years with no change in responsibility, would ignore the very real contribution this agency can make toward meeting our racial problems. I recommend, therefore, that the Congress authorize the Civil Rights Commission to serve as a national civil rights clearing house

providing information, advice, and technical assistance to any requesting agency, private or public; that in order to fulfill these new responsibilities, the Commission be authorized to concentrate its activities upon those problems within the scope of its statute which most need attention; and that the life of the Commission be extended for a term of at least four more years.

IV. EMPLOYMENT

Racial discrimination in employment is especially injurious both to its victims and to the national economy. It results in a great waste of human resources and creates serious community problems. It is, moreover, inconsistent with the democratic principle that no man should be denied employment commensurate with his abilities because of his race or creed or ancestry.

The President's Committee on Equal Employment Opportunity, reconstituted by Executive Order in early 1961, has, under the leadership of the Vice President, taken significant steps to eliminate racial discrimination by those who do business with the Government. Hundreds of companies—covering 17 million jobs—have agreed to stringent non-discriminatory provisions now standard in all Government contracts. One hundred four industrial concerns—including most of the Nation's major employers—have in addition signed agreements calling for an affirmative attack on discrimination in employment; and 117 labor unions, representing about 85% of the membership of the AFL-CIO, have signed similar agreements with the Committee. Comprehensive compliance machinery has been instituted to enforce these agreements. The Committee has received over 1,300 complaints in two years—more than in the entire 7½ years of the Committee's prior existence—and has achieved corrective action on 72% of the cases handled—a heartening and unprecedented record. Significant results have been achieved in placing Negroes with contractors who previously employed whites only—and

in the elevation of Negroes to a far higher proportion of professional, technical and supervisory jobs. Let me repeat my assurances that these provisions in Government contracts and the voluntary non-discrimination agreements will be carefully monitored and strictly enforced.

In addition, the Federal Government, as an employer, has continued to pursue a policy of non-discrimination in its employment and promotion programs. Negro high-school and college graduates are now being intensively sought out and recruited. A policy of not distinguishing on grounds of race is not limited to the appointment of distinguished Negroes—although they have in fact been appointed to a record number of high policy-making judicial and administrative posts. There has also been a significant increase in the number of Negroes employed in the middle and upper grades of the career Federal service. In jobs paying \$4,500 to \$10,000 annually, for example, there was an increase of 20% in the number of Negroes during the year ending June 30, 1962—over three times the rate of increase for all employees in those grades during the year. Career civil servants will continue to be employed and promoted on the basis of merit, and not color, in every agency of the Federal Government, including all regional and local offices.

This Government has also adopted a new Executive policy with respect to the organization of its employees. As part of this policy, only those Federal employee labor organizations that do not discriminate on grounds of race or color will be recognized.

Outside of Government employment, the National Labor Relations Board is now considering cases involving charges of racial discrimination against a number of union locals. I have directed the Department of Justice to participate in these cases and to urge the National Labor Relations Board to take appropriate action against racial discrimination in unions. It is my hope that administrative action and litigation will

make unnecessary the enactment of legislation with respect to Union discrimination.

V. PUBLIC ACCOMMODATIONS

No act is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theatres, recreational areas and other public accommodations and facilities.

Wherever possible, this Administration has dealt sternly with such acts. In 1961, the Justice Department and the Interstate Commerce Commission successfully took action to bring an end to discrimination in rail and bus facilities. In 1962, the fifteen airports still maintaining segregated facilities were persuaded to change their practices, thirteen voluntarily and two others after the Department of Justice brought legal action. As a result of these steps, systematic segregation in interstate transportation has virtually ceased to exist. No doubt isolated instances of discrimination in transportation terminals, restaurants, rest rooms and other facilities will continue to crop up, but any such discrimination will be dealt with promptly.

In addition, restaurants and public facilities in buildings leased by the Federal Government have been opened up to all Federal employees in areas where previously they had been segregated. The General Services Administration no longer contracts for the lease of space in office buildings unless such facilities are available to all Federal employees without regard to race. This move has taken place without fanfare and practically without incident; and full equality of facilities will continue to be made available to all Federal employees in every state.

National parks, forests and other recreation areas—and the District of Columbia Stadium—are open to all without regard to race. Meetings sponsored by the Federal Government or addressed by Federal appointees are held in hotels and halls which

do not practice discrimination or segregation. The Department of Justice has asked the Supreme Court to reverse the convictions of Negroes arrested for seeking to use public accommodations; and took action both through the Courts and the use of Federal marshals to protect those who were testing the desegregation of transportation facilities.

In these and other ways, the Federal Government will continue to encourage and support action by state and local communities, and by private entrepreneurs, to assure all members of the public equal access to all public accommodations. A country with a "color blind" Constitution, and with no castes or classes among its citizens, cannot afford to do less.

VI. OTHER USES OF FEDERAL FUNDS

The basic standard of non-discrimination—which I earlier stated has now been applied by the Executive Branch to every area of its activity—affects other programs not listed above:

—Although President Truman ordered the armed services of this country desegregated in 1948, it was necessary in 1962 to bar segregation formally and specifically in the Army and Air Force Reserves and in the training of all civil defense workers.

—A new Executive Order on housing, as unanimously recommended by the Civil Rights Commission in 1959, prohibits discrimination in the sale, lease or use of housing owned or constructed in the future by the Federal Government or guaranteed under the FHA, VA and Farmers Home Administration program. With regard to existing property owned or financed through the Federal Government, the departments and agencies are directed to take every appropriate action to promote the termination of discriminatory practices that may exist. A President's Committee on Equal Housing Opportunity was created by the Order to implement its provisions.

—A Committee on Equal Opportunity in

the Armed Forces has been established to investigate and make recommendations regarding the treatment of minority groups, with special emphasis on off-base problems.

—The U.S. Coast Guard Academy now has Negro students for the first time in its 87 years of existence.

—The Department of Justice has increased its prosecution of police brutality cases, many of them in Northern states—and is assisting state and local police departments in meeting this problem.

—State employee merit systems operating programs financed with Federal funds are now prohibited from discriminating on the basis of race or color.

—The Justice Department is challenging the constitutionality of the "separate but equal" provisions which permit hospitals constructed with Federal funds to discriminate racially in the location of patients and the acceptance of doctors.

In short, the Executive Branch of the Federal Government, under this Administration and in all of its activities, now stands squarely behind the principle of equal opportunity, without segregation or discrimination, in the employment of Federal funds, facilities and personnel. All officials at every level are charged with the responsibility of implementing this principle—and a formal inter-departmental action group, under White House chairmanship, oversees this effort and follows through on each directive. For the first time, the full force of Federal executive authority is being exerted in the battle against race discrimination.

CONCLUSION

The various steps which have been undertaken or which are proposed in this Message do not constitute a final answer to the problems of race discrimination in this country. They do constitute a list of priorities—steps which can be taken by the Executive Branch and measures which can be enacted by the 88th Congress. Other meas-

ures directed toward these same goals will be favorably commented on and supported, as they have in the past—and they will be signed, if enacted into law.

In addition, it is my hope that this message will lend encouragement to those state and local governments—and to private organizations, corporations and individuals—who share my concern over the gap between our precepts and our practices. This is an effort in which every individual who asks what he can do for his country should be able and willing to take part. It is important, for example, for private citizens and local governments to support the State Department's effort to end the discriminatory treatment suffered by too many foreign diplomats, students and visitors to this country. But it is not enough to treat those from other lands with equality and dignity—the same treatment must be afforded to every American citizen.

The program outlined in this message should not provide the occasion for sectional

bitterness. No state or section of this Nation can pretend a self-righteous role, for every area has its own civil rights problems.

Nor should the basic elements of this program be imperiled by partisanship. The proposals put forth are consistent with the platforms of both parties and with the positions of their leaders. Inevitably there will be disagreement about means and strategy. But I would hope that on issues of constitutional rights and freedom, as in matters affecting our national security, there is a fundamental unity among us that will survive partisan debate over particular issues.

The centennial of the issuance of the Emancipation Proclamation is an occasion for celebration, for a sober assessment of our failures, and for rededication to the goals of freedom. Surely there could be no more meaningful observance of the centennial than the enactment of effective civil rights legislation and the continuation of effective executive action.

JOHN F. KENNEDY

83 Statement by the President Marking the Centenary of the Red Cross. *February 28, 1963*

[Recorded for the opening of the 1963 Red Cross campaign]

ONE HUNDRED years ago in Geneva a group of men founded the International Red Cross. Now, in 1963, we have an opportunity to express our recognition of this century of service to mankind; our recognition and our gratitude.

As President of the United States and Honorary Chairman of the American Red Cross, I have taken particular pleasure in proclaiming the month of March as Red Cross Month. I suppose no single organization touches the lives of so many millions of people at home and abroad.

The Red Cross emblem is respected everywhere as a symbol of health for all men and

women and children, regardless of nationality or race. It silences guns on the battlefield and rushes help to the wounded. It fights the catastrophes of earthquakes and famine. It reunites families separated by war or political strife.

The emblem of the Red Cross is to be seen wherever humanity needs assistance. It is up to us and to people everywhere to hold this emblem as a symbol of hope here and around the world.

I urge you to give your Red Cross chapter special support in this centennial year and to do so proudly and generously.

Thank you very much.