

STATEMENT BY FORMER COMMISSIONERS
OF THE
U.S. COMMISSION ON CIVIL RIGHTS

The undersigned have shared the privilege of serving as Commissioners of the U. S. Commission on Civil Rights under six Presidents. As former Commissioners, we are alarmed by the present Administration's attempt to interfere with the independence and impartiality of the Commission on Civil Rights.

In its 25 year history the Commission has not been the handmaiden of either political party, whether in or out of office. It submits its reports directly to the Congress and to the White House, but it is not under the control of either branch. Presidents have accepted the recommendation of the Commissioners for the position of staff director and have never required the Commission to clear its reports with another agency or official. This long tradition of independence has enabled Commissioners to speak without fear or favor when criticizing shortcomings or praising progress in the field of civil rights.

The actions of this Administration, however, would overturn 25 years of tradition by .

- . removing five of the six Commissioners;
- . subjecting the Commission's reports and testimony to pre-clearance by the Office of Management and Budget;
- . appointing as staff director a person rejected by the Commissioners.

The Commission on Civil Rights is a unique federal agency. It enforces no law. It administers no grants. It has no regulatory authority. It has no permanent life. Its sole power is to collect and analyze facts and to make recommendations.

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Unlike most other federal agencies, a majority of appointees may not by law be from a single party; they do not resign when Administrations change.

This unique character of the Commission stemmed from a recognition by Congress in 1957 that race discrimination was a deeply-entrenched national problem that called for unusual and creative government action.

We believe that the Commission's record over the years has vindicated this judgment and has demonstrated why it cannot be a part of any Administration. In the 1950's, when the Commission recommended a system of voting registrars to deal with pervasive discrimination, the then-Attorney General termed the recommendation "radical." But the Commission's proposal provided the basis for the Voting Rights Act of 1964, a law that has proved so fair and effective that its extension received overwhelming endorsement from Congress last year.

In the 1960's the Commission, against the advice of the President, held hearings on civil rights violations in Mississippi. The Commission's investigations revealed injustices that the citizens of Mississippi and of the nation could not ignore.

In the 1970's the Commission found it necessary to take issue with the President when he criticized the remedies prescribed by a Federal judge in a desegregation case.

Criticism of the Executive Branch is nothing new. The Commissioners have always had disputes with the White House. But

never in the entire history of the Commission has a President replaced Commissioners because of a change in Administrations, justifying his action on the basis of their opposition to White House policies.

We are likewise concerned about the present Administration's unprecedented attempt to require pre-clearance of the Commission on Civil Rights reports and Congressional testimony. To impose this requirement would undermine the independence of the Commission and contribute to making it the instrument of whichever party and President is in power. Indeed, it would make it impossible for the Commission to meet its statutory obligation to report to both the Congress and the President.

The nation needs today a U.S. Commission on Civil Rights with the unfettered ability to conduct its own factfinding and to speak its mind about what should be done to make equal opportunity a living reality. We urge the Congress to make sure that this need is met by blocking the Administration's efforts to bring the Commission under the control of the Executive Branch.

Dr. Arthur S. Flemming
Chairman, Citizens Commission on Civil Rights
1201 16th Street, N. W.
Suite 416
Washington, D. C. 20036

Dr. John Hannah
Michigan State University
220 Nisbet Building
East Lansing, Michigan 48824

Reverend Theodore M. Hesburgh
President
Notre Dame University
Notre Dame, Indiana 46556

Dr. George M. Johnson
1350 Ala Moana Boulevard
#401
Honolulu, Hawaii 96814

Mr. Erwin N. Griswold
1735 Eye Street, N. W.
Washington, D. C. 20006

Honorable Frankie Freeman
Attorney and Counselor at Law
91 Waterman Place
St. Louis, Missouri 63112

Mr. Maurice B. Mitchell
800 25th Street, N. W.
#701
Washington, D. C. 20037

Dr. Hector P. Garcia
1315 Bright Street
Corpus Christi, Texas 78405

Mr. Manuel Ruiz, Jr.
Attorney at Law
704 South Spring Street
Los Angeles, California 90014

Z. A.B.D.

A.B.C.

The

ARTHUR S. FLEMMING

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MEMORANDUM TO FORMER COMMISSIONERS
OF THE U.S. COMMISSION ON CIVIL RIGHTS

This statement is being made available to
the media on Monday, July 18.


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