OPTIONAL FORM NO. 10 MAY 1982 EDITION GAN FPMR (41 CFR) 101-11.5 UNITED STATES GOVERNMENT

Memorandum

TO : David S. North

1.

DATE: March 1, 1967

FROM : Terry Schwartz

SUBJECT: Effect of the President's Civil Rights Bill on the Mexican American

The President's Civil Rights Bill was introduced on February 20 by Emanuel Celler in the House (Bill number H.R. 5700) and by Philip Hart in the Senate (bill number S. 1026). 'It is an omnibus bill containing six titles dealing with reform of the federal jury system, elimination of discrimination in state juries, improvement of the machinery for dealing with employment discrimination, remedies for discrimination in housing, penalties for acts of interference with a person's civil rights, and extension of the life of the Commission on Civil Rights for another five years.

While to some extent the legislation should affect all minority groups in the country which suffer discrimination, the purpose of this memo is to point out its significance for Mexican Americans. In this regard, several features of the bill are particularly noteworthy.

Title IV would gradually prohibit discrimination in the sale or rental of housing. By 1969 all housing units would be covered by this law, thus greatly increasing the opportunity for fair housing for Mexican Americans, as well as other minority groups. Perhaps more significant for the Mexican American is the procedure to be set up for enforcing this title. The Secretary of HUD would be given the power of cease and desist orders (subject to judicial review) to be used after all attempts at conciliation had failed. Therefore, there would not be any obligation on the individual to initiate court procedures or pay court costs. It seems that this aspect of the bill (a new feature for civil rights legislation) would generally benefit the Mexican American community more than the Negro community, for example, because it has fewer and less wealthy organizations to support court actions.

Under present civil rights laws, which lack this procedure for enforcement, Mexican Americans have accounted for a very small percentage of civil rights complaints to HUD. For example, under Title VI of the 1964 Civil Rights Act, which prohibits discrimination in federal programs, HUD received only one complaint from Mexican Americans last year. Under Executive Order 11063, which prohibits discrimination in federally financed housing (FHA loans), HUD reported about 150 complaints last year with "less than a handful" from Mexican Americans.

Of course, there are many factors which contribute to this marked restraint in filing complaints, but perhaps the proposed procedure for handling complaints which is expedient and not costly will help remove some of the inhibiting factors.



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Title III of the bill gives also to the Equal Employment Opportunity Commission the power of cease and desist orders--hopefully with an effect on the Mexican American community similar to that described above for HUD. Up to now the EEOC has had no enforcement authority, and court actions were required in all cases that could not be conciliated. The Commission reports that Mexican Americans accounted for only about 1% of the complaints received last year.

The President's bill also specifies all civil rights activities that will be protected by federal law, including holding a job, voting, buying at home, etc., and prescribes penalties for interference with these rights. This section is important, not only for the federal backing it gives present laws, but also because it makes explicit just what rights are covered by law. In view of the complexity of recent civil rights legislation, such clarification should prove useful to laymen and lawyers alike.

For the Mexican American community, the two titles of the bill dealing with jury selection should prove to be significant. Title I of the bill, which prohibits discrimination in the federal jury system, requires that the names of prospective jurors be taken at random from local voter registration rolls, unless these are shown to reflect discrimination. Voter registration rolls are far more representative of a community's ethnic make-up than other sources of names that are sometimes used, such as tax rolls, which contain only the names of property owners--thus representing the wealthier segments of the community. This title will not change, however, the requirements that a juror be 21 years of age, a citizen, able to read, write and understand English, etc. It does clearly state, however, that these basic requirements will form the only criteria for jury selection and that further criteria cannot be established by jury commissions in the locality. Presently, the basic legal requirements are sometimes construed by these bodies as the minimum requirements upon which additional and often unfair requirements can be imposed.

Title II of the bill prohibits discrimination in state juries. Unlike Title I, it does not prescribe specific methods for selection of jurors. Instead it allows the Attorney General to initiate suits against state or local jury officials who practice discrimination. Up to now, the Attorney General could only intervene in private suits. The other significant provision of this title requires that in cases where a complaint has been filed, the state jury officials must disclose fully the methods by which juries are selected--thus facilitating the process of proving allegations of jury discrimination.

The 90% increase in funds for the Community Relations Service, which the President proposed on February 15 in his message on civil rights, will be included in a separate bill. It indicates a broader range of programs next year for the CRS, including more general assistance to communities in the field of human relations. The increase in funds will also mean the opening of about six regional offices. CRS is contemplating two such offices for California and Texas.