

Public Hearings Begin on Enforcement of New Anti-Discrimination Weapon**Civil Rights Commission Panelists on Title VI Termed Too Lily-White**

Civil rights and anti-poverty workers had a rare opportunity last week to confront federal bureaucrats en masse with their protests. This at least was the result if not the intention of the U.S. Civil Rights Commission's national conference on the Civil Rights Act. Agency officials were called on to explain how they will administer Title VI, which says that all federal funds must be withdrawn from state and local programs that practice discrimination. This can be a powerful \$15 billion a year weapon against segregation.

At the two sessions we attended the audience showed itself in no mood for compromise. Aaron Henry, president of the Mississippi state NAACP, hit the most exposed nerve. "There are no Negro panelists helping direct this program," he declared to a panel on elementary and secondary education. "Why do you expect us to do more down South than you do in Washington?" When Hyman Bookbinder, the special assistant to Sargent Shriver in the poverty program, retorted that this wasn't a "useful" comment, Clarence Mitchell from the Washington Bureau of the NAACP quipped that it wouldn't be very helpful in Mississippi "if the *Jackson Daily News* came up here and took a picture."

14 Negroes 'Elected' in Miss.

The Agriculture Department has one of the toughest and most important jobs under Title VI. Its services in the rural South have always been administered locally by white men only. Assistant Secretary John Baker announced that special precautions last December resulted in the election of 14 Mississippi Negro farmers to a few of the county committees that administer the farm subsidy program. This was a remarkable first, but it was just a token victory compared to what a fair election would have produced. A young member of the National Lawyers Guild produced a briefcase full of affidavits from Negro farmers telling how they had been deprived of their votes. Many weren't informed of the election; others were directed to the wrong polls, and because the polls were in private stores, several civil rights workers who tried to assist them were arrested for trespassing. The Department had asked the FBI to guard the polls but the agency deferred to the local police.

The executive secretary of the National Sharecropper's Fund told the same panel that integration of the extension service in South Carolina was being used to downgrade the once independent Negro staff members. She said the Department would never find out the truth about its programs unless "someone from the Federal office and not tied to local influ-

The Price Of That Tax Cut

"Sen. CLARK: I congratulate President Johnson on the budget which he sent to Congress yesterday—a budget which calls for a \$5.3 billion deficit. In view of the prevailing attitude in Congress toward Federal expenditures, I recognize the political necessity which required him to hold his budget below \$100 billion; but I deplore it. . . .

"Sen. GORE: . . . Had Congress not passed the tax reduction bill last year, we would now have a surplus instead of a deficit. . . . Now that we have closed our eyes to the real needs of our people and reduced Government revenue by more than \$11 billion, we discover that we have something called poverty, against which we must wage war. We discover that our health facilities are inadequate; that our education is woefully inadequate; that our streams are polluted; our trains too slow; and that America is badly in need of beautification. But now we do not have the money to meet those problems because we gave away the revenue in an unwise, unjustified, political tax cut."

—In the Senate, Jan. 26.

ence is sent out to talk to the Negro agents away from the whites." The NAACP field director in South Carolina wanted to know why the few Negroes who are appointed to agricultural committees from Washington "in most instances owe allegiance for their jobs to the local power structure and cannot speak for the Negro community." These complaints were themselves indications of progress, but progress so slow that it embitters. The Department, for example, has failed to make any Negro appointments from the list of names that it asked civil rights workers to submit. The list took weeks to compile, and the Negro farmers who agreed to be part of it—some of them even from Neshoba county—did so at great personal risk.

Testimony from a young idealist at the Office of Economic Opportunity shows what can be done. The Office has refused to approve a Community Action Program in Cleveland because its board is not representative of the community; one of the two Negroes chosen for the 22 member board was most widely known for his refusal to take part in civil rights activity. A quarter-million dollar grant to Louisiana has also been held up because the administrator there is an ardent segregationist. In Atlanta, Georgia, a Negro woman active in voter registration has been given the job of neighborhood coordinator for the poverty program. These few isolated actions show what militant administration could do.

Supreme Court Justices Startled by U.S. Position in Mississippi Voting Rights Case

No less than five Supreme Court justices expressed amazement last week at the government's argument in *U.S. v. Mississippi*. The case involves the constitutionality of Mississippi's voting laws, under which only 5% of voting-age Negroes in the state have been able to register. A finding of unconstitutionality would eliminate the need to prove county by county that the laws are being unfairly applied. This has been a painfully slow approach. Justices Harlan, Stewart, White, Black and Goldberg indicated readiness to rule on the question of constitutionality. Mr. Justice Harlan said the government's brief as he read it seemed to ask

that "the laws be declared unconstitutional on their face by this court," but Mr. Archibald Cox, the Solicitor General, replied that he was not "pressing" for immediate relief. He asked only that the Court remand the case to a three-judge U.S. District Court for trial.

The reason for Mr. Cox's strategy was not made clear. Perhaps he feared defeat, but remanding the case means a two year delay. The three-judge court, with its two Mississippi justices, will almost certainly rule against the government, as it did in the original suit, and this will make necessary a second appeal to the Supreme Court.

Un-American Committee Faces Two Separate Attacks In The House

Attorney General Asked to Suspend HUAC Contempt Citations

Congressman Phillip Burton (D., Cal.) took the first action in Congress last week to overturn the Un-American Activities Committee's contempt citation against two leaders of Women Strike for Peace and the manager of the *National Guardian*. Dagmar Wilson, Donna Allen and Russell Nixon were cited last December when they refused to testify in an executive session of the committee. In a letter February 1 to Attorney General Katzenbach, Burton noted that he has introduced retroactive legislation which requires House approval for any contempt citation. In the current case, the Speaker of the House certified the contempt citation when Congress was not in session. In his letter, Burton asked the Attorney General for a stay in the contempt proceedings until Congress has acted on his bill.

To Avoid Another Surprise

More than a dozen liberal congressmen are currently planning two broader attacks on HUAC's powers. The first, which should occur in mid-February, seeks to reduce HUAC's funds. This is tricky because committee appropriations are privileged motions: they by-pass the Rules Committee and come directly to the floor from the Committee on House Administration. This happened so swiftly last year that every liberal but one was caught off the floor. To guard against a similar surprise move this year, Rep. Don Edwards (D., Cal.) has asked to testify on the HUAC appropriation. Liberals would then know approximately when it was coming to the floor. This year they will also have an ally inside the Administration Committee in freshman Rep. Jonathan Bingham (D., N.Y.). In the past this has been one of the most conservative committees in Congress. Nine of its fifteen Democrats are Southerners.

A further complication is that many liberals who are anti-HUAC are reluctant to use committee appropriations as a weapon against it. They fear that the precedent, once established, could be used against them easier than against the conservatives. In fact, it already has been. Last year the Administration Committee severely cut the appropriation for Rep. Adam Clayton Powell's Education and Labor Committee.

FBI'S Right To Harass?

After two weeks of 24-hour a day surveillance by Chicago FBI agents, Mr. Sam Giancana sued for an injunction against the head of the Chicago FBI, Mr. Marlin Johnson. With only Mr. Justice Douglas dissenting, the Supreme Court last week refused without explanation to hear the case. The FBI agents, lacking a warrant, had followed Giancana on some 15 or 16 occasions to his golf club, had informed his partners and the club's manager that they were "federal agents," and had pursued Giancana even into the mausoleum where the remains of his wife were interred. The 3 to 5 FBI cars stationed within 10 yards of his home were equipped with telescopic lens cameras for photographing its interior. A U.S. District Court granted Giancana a temporary injunction and found FBI chief Johnson guilty of contempt for refusing to answer any questions concerning the surveillance. A U.S. Court of Appeals confirmed the contempt conviction but vacated the injunction on the ground that a district court has no jurisdiction in suits involving less than \$10,000. Giancana had failed to place a dollar value on the damage done to him.

Powell had to turn out anti-poverty, education and fair labor standards legislation with less money for his 30 staff members than HUAC received for its nine.

The second attack on HUAC seeks abolition. Here there are two approaches. One group of congressmen, including Burton, Edwards, Resnick and Hawkins from California, Rosenthal and Farbstein from New York, and Diggs from Michigan, all Democrats, has introduced resolutions to abolish HUAC and give Judiciary authority to investigate sabotage and "overt acts affecting internal security." All HUAC's records would be transferred to the National Archives "not to be opened for official or public inspection." A smaller group of congressmen, so far including only Roosevelt (D., Cal.) and Lindsay (R., N.Y.) has embarked on a bit of flim-flam. Their bills would "abolish" HUAC but only by transferring its existing authority to an Un-American Activities subcommittee of House Judiciary. This would merely shift the evil, not eradicate it.

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NEWSPAPER

I. F. Stone's Weekly. Second Class Postage Paid at Washington, D. C. Published every Monday except the last week in December and the first week in January and Bi-Weekly during July and August at 5618 Nebraska Ave., N.W., Washington, D. C. An independent weekly published and edited by I. F. Stone; Circulation Manager, Esther M. Stone. Subscription: \$5 in the U.S.; \$6 in Canada; \$10 elsewhere. Air Mail rates: \$15 to Europe; \$20 to Israel, Asia and Africa.