ties alone. They concern all, and the welfare of all rests upon solutions for the few.

Our commendation of democratic principles to the rest of the world depends upon readjustment of our own domestic practices. This readjustment is occurring, due both to outside pressures and to internal change. The creation of Israel has had a favorable effect upon attitudes toward Jews. Nearly full employment has reduced intergroup competition for jobs and increased integration in skills above that of common labor. The aura of respectability has been snatched from the anti-democratic concepts of inequality, whether of biological equipment or educational facilities; it is becoming less and less respectable to silently approve of "hate" organizations, and racial epithets and labels are unpopular and sometimes illegal.

Now is the time. Now is the time to make the most of this trend. Now is the time to extend further the full meaning of social welfare by a full participation of every individual in this current American revolution.

LEGISLATION AND LITIGATION

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THE subject of the following presentations is "Civil Rights and Civil Liberties in 1950." This paper is limited to a discussion of a subdivision of that broad topic, legislation for civil rights, the enforcement of such legislation, and litigation as a means for protecting and expanding civil rights.

First, it should be stated briefly how community relations agencies came to have a substantial concern with the whole field of civil rights and civil liberties. The first agencies set up by groups in the Jewish community to work in this field began as a type of defense agency with very limited interests. Their primary concern, when they were founded, was to fight against derogatory Jewish stereotypes which appeared occasionally in the press and on the stage. From this they expanded their activities into a fight against every aspect of anti-Semitism. And as time went on, they found that the fight against anti-Semitism could not be separated from the fight for democracy.

But one might properly ask how it can be that, in this great country of ours, which in many ways served as a pattern for democratic governments all over the world, it is necessary to fight for democracy. The answer lies in the dynamic nature of our society and of democracy. Systems of government do not come into being full-grown, like Athene springing from the head of Zeus. They develop in an earth-bound struggle over periods of many decades towards an ideal. And here in our own country that struggle is still going on, the struggle to close the substantial gap between our democratic preachments and our actual practices.

It was said above that inevitably the agencies of the Jewish community which were devoted to the fight against anti-Semitism found that their fight was, in reality, a fight for democracy. This arose from the fact that basically the fight against anti-Semitism is a fight to preserve and protect the dignity of the Jew as an individual. And the essence of democracy is that it is dedicated to the preservation of the dignity of the individual.

What then are the pre-essentials of the dignity of the individual? First, obviously, the individual must be free from the threat of bodily harm. He must be secure in his person. He must be secure, not only against lynching or beating by private individuals, but also against violence by agents of the state. Hence, agencies such as ours have uniformly supported federal and state anti-lynching legislation. They have supported legislation designed to unmask the Klan and other terrorist organizations. They have joined in seeking to educate police departments to their duty to protect the civil rights of all.

A second basic essential of human dignity is the right of every individual to participate in the operations of the body politic on the basis of equality without

discrimination based on race, creed, or color. For this reason, Jewish community service agencies have long supported federal anti-poll tax legislation and legislation such as S.R. 1725, a bill which would permit the federal government to intervene against movements calculated to deny individuals their right to vote in federal elections of any kind.

The third basic right essential to the maintenance of the dignity of the individual is that of equality of opportunity in the basic areas of community life. This right was first recognized in part immediately after the Civil War when our forefathers sought to eradicate slavery. They did not stop at freeing the slaves. They recognized that it takes more than a writ of manumission to set a man free. They recognized that provision must be made to insure the right of the free individual to take part in the life of the community on a basis of equality. For this reason they adopted a Constitutional amendment, the Fourteenth, which provided that no state should deny to any person the equal protection of its laws. They also enacted civil rights legislation which barred discrimination based on race or previous condition of servitude by any means of public conveyance and any place of public accommodation, resort, or amusement. But the Supreme Court in 1883 destroyed a great deal of the force of this legislation when it ruled that such legislation could have no application to the operations of privately owned business. Nevertheless, a substantial number of northern states proceeded to pass similar legislation which was applicable to private business.

Such legislation, called state civil rights laws, are now in effect in eighteen states. In most states they are more honored in the breach than in the observance. Community relations agencies are seeking to remedy this fault in two ways. First, they are seeking to strengthen existing legislation by providing additional sanctions for its enforcement. Secondly, they are seeking to provide new means for enforcement. Finally, they are doing what they can to obtain voluntary compliance with these laws and to push law enforcement authorities into seeing to it that the laws are observed.

It was not until the recent World War that there came a widespread recognition that the dignity of the human being could be preserved only if he was insured equality of opportunity in the other fundamental fields of community life, employment, education, and housing. Discrimination in employment based on race, creed, or national origin had long gone unspotlighted. Limiting members of certain minority groups to menial jobs, regardless of the skills or training of the individual was a practice which was not recognized by many as the social evil it is. But the paradox of labor idle because of race or creed in an area of wartime labor shortage brought home to the people of this country the need for action. The result was the establishment of the federal Fair Employment Practice Committee. This Committee did much to break down former patterns of segregation in employment. And its example was not lost on those states which have been leaders in the implementation of democratic rights. In 1945 New York and New Jersey passed state Fair Employment Practice Acts. In 1946 Massachusetts followed suit. In 1947 a fourth state, Connecticut, joined the group having such laws. During the same years Wisconsin, Indiana, and Oregon

enacted laws declaring a state policy against discrimination in employment based on race or creed, but all these states failed to establish a machinery for enforcing this policy. They preferred to rely solely on education. The four other states in their laws had set up an administrative agency to receive complaints, seek to adjust them informally if possible, hold public hearings on the complaints if necessary, and issue cease and desist orders enforcible by the courts against recalcitrant defendants. This enforcement procedure proved most effective. In fact, until very recently it was not necessary for any state FEP enforcement agency to go so far as to hold a public hearing on a complaint. All well founded complaints were successfully adjusted by a process of informal conciliation and persuasion.

Since 1947 four more states have enacted FEP acts with enforcement provisions—Washington, Oregon, New Mexico, and Rhode Island. It is hoped that in 1951 a number of the key industrial states such as Pennsylvania, Illinois, Michigan, and Ohio will join the group of states having effective FEP acts. In addition, there will be concentrated drives for enactment of such legislation in a number of other states such as Colorado, California, and Minnesota.

At the same time, I am sure you are all aware of the on-going effort to put through a federal Fair Employment Practice Act. Since I am sure you all read your daily newspaper carefully, and therefore know all about the unsuccessful effort to impose cloture on the issue on May 19 and the continuing effort of Administration leaders to push through such a bill, I will say nothing further on that subject. Even if the present effort fails, we are convinced that ultimately there must be a federal Fair Employment Practice law.

More and more in the last three decades minority racial and religious groups have found the doors of educational institutions slammed shut in their faces because of discrimination based on race or creed. Since education is a prerequisite to many better-paying employment opportunities, denial of educational opportunity can serve to achieve the same kind of segregation in employment as discrimination in employment itself. Furthermore, since the level of education is connected with social standing in the community, denial of educational opportunity can serve also to freeze practices of social segregation. Finally, a denial of equality of opportunity in education is a contradiction of the American tradition of unlimited opportunity for all. For all these reasons, it is as essential to eliminate discrimination in education as it is to eliminate discrimination in employment or in the use of the facilities of places of public accommodation, resort, or amusement.

In many states of the north and west there has long been legislation banning discrimination in public educational institutions. Where such legislation was effectively enforced—and that is the case in most instances—members of minority groups could get into and through state educational institutions. But they tended to become concentrated in such institutions and thus developed a form of ghettoization. A few states made their legislation against discrimination in places of public accommodation applicable also to all schools subject to the State Department of Education whether publicly or privately operated. But such legislation was difficult, if not impossible, of enforce-

ment. In New York, which had such legislation for many years, there was only one case brought for violation of the law. This, despite the fact that it was widely rumored that many colleges and professional schools in the state discriminated against various groups.

A new technique had to be found. Once again, New York State led the way. On April 3, 1948, the governor signed a Fair Educational Practices Act which made it unlawful for any educational institutions of post-secondary grade to exclude or limit or otherwise discriminate against any person or persons seeking admission as students because of race, religion, creed, color, or national origin. The State Department of Education was empowered to receive complaints of discrimination, to investigate such complaints, to determine whether proper cause existed for the complaint, and to seek to adjust the complaint by persuasion, conciliation, or mediation. If it failed, the Department of Education was empowered to hold a public hearing and ultimately to issue a cease and desist order which it could get enforced by the courts. In addition, the State Department of Education was empowered to initiate an investigation on its own motion whenever it had reason to believe that discrimination was being practiced by an educational institution. This act went into effect on July 1, 1948. We are advised by the State Department of Education that it has had some beneficial effect on admissions policies of colleges and professional schools in the state. At the very least, it has resulted in the substantial elimination of potentially discriminatory questions from application blanks. Meanwhile, the State Department of Education has initiated several studies intended to determine whether or not there is any discrimination in admission to colleges in the state. Thus far there has been only one complaint filed under the act. The complaint was brought by a Negro girl who sought admission to a business school.

Massachusetts and New Jersey have followed the pattern set by New York. Both have recently enacted laws barring discrimination in education and providing that these laws shall be enforced by an administrative agency which has the power to receive complaints, investigate them, seek to adjust them informally and, if necessary, hold public hearings and issue cease and desist orders. It is hoped that the pattern set by New York, New Jersey, and Massachusetts will be followed by states throughout the country.

Equally fundamental to the maintenance of the democratic community is a housing pattern free from discrimination or segregation based on race or creed. So long as members of any racial, religious, or ethnic group are compelled by practices of segregation, by restrictive covenants or by "gentlemen's agreements" to live in some limited portions of the community, they cannot be said to be enjoying the benefits of democracy. With an audience such as this I need not dwell on the manifest social evils resulting from the Harlems of this country. Implicit in housing segregation is a concept foreign to democratic principles, the concept of second class citizenship. And it matters not whether such segregation is achieved by the state itself, by private ownership with the aid of the state, or by private ownership despite the state. Hence, Jewish community service agencies are opposed to segregation in housing. They are firmly convinced that

segregation in public housing projects violates the strictures of our Constitution, even when a surface show of equality is maintained. In a number of states an awareness of this problem has resulted in the enactment of legislation barring discrimination in public housing. In several of these states rulings have been obtained that the ban on discrimination also applies against segregation.

In those areas of our country where racial segregation is a fundamental element of the social milieu and where the greatest need for public housing exists among precisely those groups which are the victims of segregation the problem is not without its complexities. The choice becomes one between no public housing at all or public housing with segregation. Recognizing that the fight against racial discrimination and segregation is a long-range one which must be fought as much with education as with legislation, elements in the Jewish community relations agencies have receded from their demand of no segregation in public housing in the interests of obtaining some of the vitally needed housing for groups discriminated against in areas such as the south. Whether they have been right in doing so is an issue which can be discussed at length.

At least in principle all supporters of democracy are convinced that ultimately housing segregation in public projects must go.

A second area of interest is what is commonly called publicly assisted housing, which includes privately financed projects such as Stuyvesant Town in New York City. The racial segregation policy of this project was attacked in the courts. Thus far the attack has been unsuccessful. Meanwhile, the state of New York has taken legislative action designed to prevent any repetition of a racially segregated Stuyvesant Town. At its last legislative session the state of New York passed a law barring discrimination based on race or creed in any publicly assisted housing project to be built in the future. In addition, New Jersey has enacted legislation barring discrimination in all public and publicly assisted housing projects within the state. Massachusetts and Connecticut recently enacted laws which, to implement laws barring discrimination in public housing, gave authority to the administrative agency enforcing their FEP laws to receive complaints of discrimination in public housing, to investigate them, and to adjust them using the powers granted them under the state laws against discrimination in employment.

That is the picture, very broadly painted, of the status of legislation for civil rights on the federal and state front. Mention should also be made of the seven or so municipalities which have ordinances barring discrimination in employment based on race or creed. These include Minneapolis, Chicago, Philadelphia, Cleveland, Cincinnati, Phoenix, and Richmond, California. These ordinances have been of varying effectiveness. They range in applicability from all employers of four or more individuals in a city to simply employment by the city itself. In most instances, violation of these ordinances is a misdemeanor punishable by a small fine.

The last subject of this discussion is the clarification and amplification of civil rights by means of litigation. The use of restrictive covenants as a device for attaining racial and religious segregation in housing has already been

mentioned. This device flourished from about 1920 until very recently. When in 1917 the United States Supreme Court struck down a city ordinance seeking to establish racial segregation in housing, the racial restrictive covenant was developed as a device to achieve the same goal. A restrictive covenant is an agreement among a group of property owners binding them and their successors in ownership not to rent or sell their property to members of a specified racial, religious or ethnic group. Since such an agreement was supposedly an agreement among private persons, the courts enforced such covenants by injunction for many years. Finally, a few years ago, a new attack was devised on court enforcement of such covenants. A group of cases involving purchases in defiance of restrictive covenants was piloted through several state courts. The argument was made that when a state court enforces a racial restrictive covenant by injunction it is engaging in state action which denies equal protection of the laws to those purchasing in disregard of the racial or religious restrictive covenant. Hence, the state court in so doing, is acting in violation of the Fourteenth Amendment. The Supreme Court in the cases of *Shelley v. Kraemer* and *Hodge v. Hurd* upheld this contention, ruling that racial restrictive covenants may not be enforced by state or federal courts. A number of the national Jewish community relations agencies are proud of the fact that they filed briefs amicus with the Supreme Court in support of those attacking the constitutionality of court enforcement of discriminatory restrictive covenants.

Recently the Supreme Court unanimously decided a group of three cases involving the propriety of racial segregation in state-supported higher education and in interstate railway dining cars. The plaintiffs in these three cases, all Negroes, were seeking to overthrow the doctrine first formulated in the decision of the United States Supreme Court in *Plessy v. Ferguson* in 1896. This doctrine, the "separate but equal" doctrine, holds that racial segregation in state or federally controlled facilities is not in violation of the due process requirements of the Fifth and Fourteenth Amendments or of the equal protection of the laws requirement of the Fourteenth Amendment so long as the facilities provided to both races are substantially equal. Our national agencies filed briefs amicus with the Supreme Court in support of those attacking the "separate but equal" doctrine. While the Supreme Court did not finally strike down that doctrine it did hold that racial segregation in interstate commerce violated the provisions of the Interstate Commerce Act against inequality of treatment, and that racial segregation in state law schools or graduate schools is a violation of the Fourteenth Amendment. Thus the Court struck a major blow for democracy.

THE SIGNIFICANCE FOR THE CENTER OF COMMUNITY ORGANIZATION DEVELOPMENTS IN METROPOLITAN COMMUNITIES

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THE last decade has witnessed the emergence of new forces and patterns which are slowly changing the character of the large Jewish community in this country. New structural forms, concepts and attitudes are significantly affecting the relationships between central community organizations and service agencies. As participants in these developments it has not always been possible for us to view them objectively, or even to be entirely clear about their nature.

It was in 1949 that Jewish communities were suddenly brought face to face with the implications of their recent history. After reaching the highest peak of Welfare Fund campaigning in 1948, 1949 witnessed the first campaign decline in many years. In that year the national United Jewish Appeal, although the primary beneficiary of our Welfare Funds, in many communities suffered the largest proportionate budget reduction. In a few communities some Welfare Fund leaders openly expressed a long-held feeling that the local program derived a disproportionate benefit from the "gravy train" powered by the Israeli engine. With some justification, the UJA insisted upon pre-campaign budgeting for 1950, with the result that for the first time in many years, communities faced budgeting problems in a more critical kind of way.

To clearly understand what happened, and is continuing to happen, it is necessary to review briefly the significant Jewish community developments of the last decade. This audience does not require an analysis of the events and forces which have moved Jewish communities since 1933, but it will be helpful to summarize briefly the major factors in the trends under discussion. These factors may be listed as follows:

1. The great campaigns since 1940 involved many individuals and groups who were not previously interested in the local community.

2. These individuals and groups demanded a greater voice in community affairs and are gradually being given that voice.

3. Within the Welfare Funds new leadership elements developed, more or less focused upon needs in Israel and overseas, and sometimes unrelated to the local community and its traditional services. This was accompanied by the regrettable fact that in many instances the older leadership associated with local programs accepted a decreasing role in the campaigns. In some instances