

instead of having to depend solely on criminal proceedings. In many cases, I am convinced, it would make the difference between success and failure in the meaningful protection of the civil rights of our citizens.

Third, it has consistently been the policy of the Department over the years not to prosecute criminally under the civil rights statutes where remedial action has been taken locally. But in those areas where the local community completely fails to respect federal rights, the Federal Government must have power to act, and to act effectively, if the Federal Constitution and the federal laws are to be, in the words of the Constitution, the "supreme law of the land."

## II. Civil Rights Division in the Department of Justice

In 1939 the present Civil Rights Section was created in the Criminal Division of the Department of Justice. Its function and purpose has been to direct, supervise and conduct criminal prosecutions of violations of the Federal Constitution and laws guaranteeing civil rights to individuals. As long as its activities were confined to the enforcement of criminal laws it was logical that it should be a section of the Criminal Division.

Recently, however, the Justice Department has been obliged to engage in activity in the civil rights field which is non-criminal in character, such as the litigation arising out of the situations in Hoxie, Arkansas, and Clinton, Tennessee. Adoption by Congress of the Administration proposals for giving civil remedies to the Government in these cases will cause the Department's duties and activities in the civil courts to increase even more rapidly than in the past. It is important that all of the Department's civil rights activities be conducted in a single division, but it is not appropriate that an organization with important civil as well as criminal functions should be administered as a part of the Criminal Division.

