

**SENATOR
SAM ERVIN
SAYS**



After a long battle, it appears that the free enterprise system will suffer another major blow. This week, barring some last minute change, the Senate appears ready to vote to greatly expand the powers of the Equal Employment Opportunity

Commission and the Federal Courts in respect to alleged discriminatory employment practices.

The new power would be granted under S. 2515, and is based on the idea that the Federal Government can tell employers having 15 or more employees who they should select as their employees unless the employers can convince our courts that they entertained no "wrongful" biases. The theory is that an employer commits a great wrong if he prefers to hire a person of his own race, religion, or national origin, even if that employer happens to be a church.

Much of the debate over this bill initially came to the Senate floor on January 19, the Equal Employment Opportunity Commission was to investigate complaints concerning alleged employment discrimination, and then it could file charges against the employer. The oddity was that the bill also allowed the EEOC to act as prosecutor, judge, jury, and, I might add, "executioner." The vesting of such board power in five bureaucrats was contrary to all concepts of justice and fair play which we have established for the conduct of government since the founding of the Republic. And yet it took nearly a month and a series of votes to get the Senate to adopt the Dominick Amendment which prevents the EEOC from uniting in itself the incompatible roles of investigator, prosecutor, judge, and jury.

I co-sponsored the Dominick Amendment because I do not



WINTER WAVE . . . While some of the nation shivers from icy winds and wintery snow, pretty Pat McCreary joyfully catches the roll of the surf of the Gulf of Mexico during an outing at the beach of her hometown of Fort Walton Beach, Fla.

think it is compatible with "due process" of law to load the legal dice in such a fashion that an employer would be at the total mercy of a Federal agency having autocratic powers.

What the Dominick Amendment did was to limit the power of the EEOC to the investigation and making of charges that an employer violated the EEOC standards governing hiring practices. The enforcement of the law and the power to issue "cease and desist" orders would be left up to the Federal Courts.

Even with the modification wrought by the Dominick Amendment, this is one of the most far-reaching bills in the scope of its power over business, religious institutions, and State and local governments. At a time when much is said about putting more emphasis on government at the local level, we see the Federal Government reaching out to subject the Governors of each of the sovereign States to new orders determining who they shall employ for every State job. Nor does it make any practical sense to me for five government employees in Washington to decide how a hospital shall select physicians and surgeons to perform complicated medical tasks, or whether a church shall employ an atheist as its secretary. And yet this bill subjects each of these employers to the tyranny of this power.

I deeply regret that many amendments which I offered to restore a degree of sanity to this bill were not accepted by the Senate. In the context of the debate over this bill, I am pleased that the Dominick Amendment remedied one of the major defects in the original version of this EEOC bill.

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