(Dictated over the phone by Lavinia 5/4/65, 12:00 noon)

The Vice President
Washington

April 21, 1965

Dear Glenn:

I received the enclosed letter concerning the recent AEC license awarded to Niagara Mohawk and I wondered if you could supply me with any more information on the matter.

Thank you.

Sincerely,

s/ Hubert H. Humphrey

Honorable Glenn T. Seaborg, Chairman
United States Atomic Energy Commission
Washington, D. C.

April 9, 1965

My Dear Mr. Vice President:

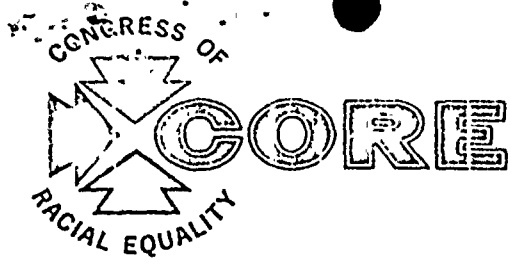
There is enclosed herewith a copy of a letter to Honorable Glenn T. Seaborg, Chairman, Atomic Energy Commission, concerning the employment practices of the Niagara Mohawk Power Corporation. This corporation has been provisionally awarded a contract to build a plant in Scriba, New York.

As you can see, we are asking for the right to show the truth of the facts set forth in that this corporation, under the present circumstances, should not receive this contract.

Respectfully,

s/ Carl Rachlin
General Counsel

Honorable Hubert H. Humphrey
The Vice President



38 PARK ROW
NEW YORK 38, NEW YORK
COrtlandt 7-6270

April 9, 1965

Hon. Glenn T. Seaborg, Chairman
Atomic Energy Commission of the
United States
Washington, D. C. 20545

Dear Dr. Seaborg:

The Syracuse Chapter of the Congress of Racial Equality has been attempting to obtain the attention of the Niagara-Mohawk Power Corporation to the correction of the latter's employment practices for many months.

It is no secret that these practices do not meet a reasonable standard of fairness. In Syracuse, for example, approximately ½ of 1% of the employees of Niagara-Mohawk are Negro despite the fact that more than 20% of the population of the city is Negro.

We have been advised that the Atomic Energy Commission has tentatively granted a license to Niagara-Mohawk to build a nuclear power plant in Scriba, New York, at Nine Mile Point. While Niagara-Mohawk may be technically and financially qualified to design and build such a plant, we strongly urge that it does not meet the minimum standards of the United States Constitution nor a reasonable standard of fairness. It is a publicly granted monopoly with publicly protected profits. By awarding such a contract to Niagara-Mohawk, you are further increasing its profits and further diminishing the rights of American citizens to equal opportunity and fair employment. Surely, mere technical skill must not be the test of who receives a major contract from the United States government.

Of course, we need not remind you of the obligations of the federal government under Title VI of the 1964 Civil Rights Act.

We urgently request the opportunity to be heard by you before the expiration of the 45-day provisional period. We await your word as to the time and place of the hearing. We will produce such witnesses as are necessary.

Respectfully,

Carl Rachlin
General Counsel

CR/g

cc: Hon. Hubert H. Humphrey

Hon. Nelson Rockefeller

Hon. James A. Lundy, Chairman
New York State Public Service Commission

Faith Seidenberg, Esq.
Counsel, CORE, Northern New York

CONGRESS OF RACIAL EQUALITY

CORE

38 PARK ROW
NEW YORK 38, NEW YORK
COrtlandt 7-6270

April 26, 1965

Joseph F. Hennessey, Esq.
United States Atomic Energy Commission
Washington 25, D. C.

My dear Mr. Hennessey:

I am afraid I do not understand your letter of the 23rd inst. I have, therefore, asked that the Vice President of the United States intervene.

I fail to see how you can say you have no power over this company. This is a tentative contract as I understand it. Certainly you have the power to refuse to make it permanent.

Yours very truly,

Carl Rachlin
General Counsel

CR:JG

April 23, 1965

Carl Rachlin, Esq.
General Counsel
Congress of Racial Equality
38 Park Row
New York 38, New York

Dear Mr. Rachlin:

Chairman Seaborg has asked me to reply to your letter dated April 9, 1965, in which you request the opportunity to be heard while the Niagara-Mohawk construction permit proceeding is pending review before the Commission. I understand that your interest relates to the question of the fairness of the employment practices of Niagara-Mohawk.

There has been some misunderstanding perhaps concerning the purpose and scope of the proceeding. The pending proceeding involves only the regulatory functions of the Commission. The provisions of the Atomic Energy Act of 1954, 42 U.S.C. Sec. 2011, et seq., limit the Commission's jurisdiction in regulatory matters to questions of public health and safety and common defense and security. The Commission does not have authority in its regulatory proceedings to take other considerations of social policy into account, no matter how worthy their purpose.

In your letter you have also referred to the obligations of the Federal Government under Title VI of the 1964 Civil Rights Act. Your reference to this provision may be based upon the assumption that there is federal financial assistance involved in the Niagara-Mohawk project. In fact, however, the entire project is privately financed and will receive no financial assistance from the Commission. The Commission, of course, is making every effort to comply scrupulously with both the spirit and the letter of the 1964 Civil Rights Act in all programs to which that act applies.

I trust that you will understand, therefore, that the Commission has no authority or jurisdiction to consider the matters raised in your letter.

I regret any inconvenience our delay in responding may have caused you. If I can be of any further assistance, please let me know.

Sincerely yours,

Signed
Joseph F. Hennessey

Joseph F. Hennessey
General Counsel