

## CIVIL RIGHTS—PUBLIC ACCOMMODATIONS

FRIDAY, JULY 26, 1963

U.S. SENATE,  
COMMITTEE ON COMMERCE,  
*Washington, D.C.*

The committee met, pursuant to recess, at 9:15 a.m., in room 318, Senate Office Building, John O. Pastore presiding.

Senator PASTORE. This morning I am pleased to open our hearing with the Honorable Ivan Allen, Jr., mayor of Atlanta, Ga. The committee is grateful for the time and interest of the mayor in this public accommodations civil rights bill, and I am certain his views will be most constructive.

The chairman would like to announce that in view of the time requirements of the railroad work rules legislation, we will have to continue civil rights hearings through the balance of next week. Our present plan is to run every morning of next week and conclude on Friday, August 2, 1963.

The reason for my saying that is that I was asked by the press when we would expect to conclude our hearings on civil rights. I think I said Wednesday. Because of other developments we have to extend it for another 2 days. That will be next week, at any rate.

Mayor Allen, your honor, will you come forward and comfortably locate yourself in one of those chairs?

### STATEMENT OF IVAN ALLEN, JR., MAYOR OF ATLANTA, GA.

Mayor ALLEN. Thank you, sir.

Senator PASTORE. Mayor, you have submitted a written statement to the committee. I am going to ask you to present it any way you like.

Mayor ALLEN. Thank you very much, Senator.

I am honored to appear before your committee.

At the beginning I would like to make it clear that I feel qualified to speak on the subject under discussion which is the elimination of racial discrimination, on what I have learned from personal experience and observation in my home city of Atlanta, Ga. As perceptive men of wide experience I feel confident that you will agree with me that this is as serious a basic problem in the North, East, and West as it is in the South.

It must be defined as an all-American problem, which requires an all-American solution based on local thought, local action, and local cooperation.

The 500,000 people who live within our city limits consists of 300,000 white citizens and slightly more than 200,000 Negro citizens. That makes the population of Atlanta 60 percent white, 40 percent Negro.

That 60-40 percentage emphasizes how essential it is for the people of Atlanta, on their local level, to solve the problem of racial discrimination in order to make Atlanta a better place in which to live.

Elimination of racial discrimination is no far-off philosophical theory to the more than 1 million people who live in and around Atlanta. The problem is part and parcel of our daily lives. Its solution must be studied and worked out on our homefront.

As the mayor of the Southeast's largest city, I can say to you out of firsthand experience and firsthand knowledge that nowhere does the problem of eliminating discrimination between the races strike so closely home as it does to the local elected public official. He is the man who cannot pass the buck.

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the Nation.

Now to take up specifics. You gentlemen invited me to tell you how Atlanta has achieved a considerable measure of comparative success in dealing with racial discrimination.

It is true that Atlanta has achieved success in eliminating discrimination in areas where some other cities have failed, but we do not boast of our success. Instead of boasting, we say with the humility of those who believe in reality that we have achieved our measure of success only because we looked facts in the face and accepted the Supreme Court's decisions as inevitable and as the law of our land. Having embraced realism in general, we then set out to solve specific problems by local cooperation between people of good will and good sense representing both races.

In attacking the specific problems, we accepted the basic truth that the solutions which we ought to achieve in every instance granted to our Negro citizens rights which white American citizens and businesses previously had reserved to themselves as special privileges.

These special privileges long had been propped up by a multitude of local ordinances and statewide laws which had upheld racial segregation in almost every conceivable form.

In Atlanta we had plenty of these props of prejudice to contend with when we set out to solve our specific problems of discrimination. In attacking these problems, I want to emphasize that in not one single instance have we been able to retain or enhance the privileges of segregation.

It had been a long, exhausting and often discouraging process and the end is far from being in sight.

In the 1950's Atlanta made a significant start with a series of reasonable eliminations of discrimination such as on golf courses and public transportation. We began to become somewhat conditioned for more extensive and definitive action, which has been taking place in the 1960's.

During the past 2½ years, Atlanta has taken the following major steps to eliminate racial discrimination:

1. In September, 1961, we began removing discrimination in public schools in response to a court order.

2. In October, 1961, lunch counters in department and variety stores abolished discrimination by voluntary action.

3. On January 1, 1962, Atlanta city facilities were freed from discrimination by voluntary action of municipal officials.

4. In March 1962, downtown and art theaters, of their own volition, abolished discrimination in seating.

5. On January 1, 1963, the city voluntarily abolished separate employment listings for whites and Negroes.

6. In March 1963, the city employed Negro firemen. It long ago had employed Negro policemen.

7. In May of 1963 the Atlanta Real Estate Board (white) and the Empire Real Estate Board (Negro) issued a statement of purposes, calling for ethical handling of real estate transactions in controversial areas.

8. In June 1963, the city government opened all municipal swimming pools on a desegregated basis. This was voluntary action to comply with a court order.

9. Also in June 1963, 18 hotels and motels, representing the leading places of public accommodations in the city, voluntarily removed all segregation for conventions.

10. Again in June 1963, more than 30 of the city's leading restaurants, of their own volition, abolished segregation in their facilities.

You can readily see that Atlanta's steps have been taken in some instances in compliance with court decisions, and in other instances the steps have been voluntary prior to any court action. In each instance the action has resulted in white citizens relinquishing special privileges which they had enjoyed under the practices of racial discrimination. Each action also has resulted in the Negro citizen being given rights which all others previously had enjoyed and which he had been denied.

As I mentioned at the beginning, Atlanta has achieved only a measure of success. I think it would assist you in understanding this if I explained how limited so far has been this transition from the old segregated society of generations past, and also how limited so far has been the participation of the Negro citizens.

Significant as is the voluntary elimination of discrimination in our leading restaurants, it affects so far only a small percentage of the hundreds of eating places in our city.

And participation by Negroes so far has been very slight. For example, one of Atlanta's topmost restaurants served only 16 out of Atlanta's 200,000 Negro citizens during the first week of freedom from discrimination.

The plan for eliminating discrimination in hotels as yet takes care only of convention delegates. Although prominent Negroes have been accepted as guests in several Atlanta hotels, the Negro citizens, as a whole, seldom appear at Atlanta hotels.

Underlying all the emotions of the situation, is the matter of economics. It should be remembered that the right to use a facility does not mean that it will be used or misused by any group, especially the groups in the lower economic status.

The statements I have given you cover the actual progress made by Atlanta toward total elimination of discrimination.

Now I would like to submit by personal reasons why I think Atlanta has resolved some of these problems while in other cities, solutions have seemed impossible and strife and conflict have resulted.

As an illustration, I would like to describe a recent visit of an official delegation from a great eastern city which has a Negro population of over 600,000 consisting of in excess of 20 percent of its whole population.

The members of this delegation at first simply did not understand and would hardly believe that the business, civic and political interests of Atlanta had intently concerned themselves with the Negro population. I still do not believe that they are convinced that all of our civic bodies backed by the public interest and supported by the city government have daily concerned themselves with an effort to solve our gravest problem which is relations between our races. Gentlemen, Atlanta has not swept this question under the rug at any point. Step by step, sometimes under court order, sometimes voluntarily moving ahead of pressures, sometimes adroitly, and many, many times clumsily, we have tried to find a solution to each specific problem through an agreement between the affected white ownership and the Negro leadership.

To do this we have not appointed a huge general biracial committee which too often merely becomes a burial place for unsolved problems. By contrast, each time a specific problem has come into focus, we have appointed the people involved to work out the solution—theater owners to work with the top Negro leaders, or hotel owners to work with the top leadership, or certain restaurant owners who, of their own volition, dealt with the top Negro leadership. By developing the lines of communication and respectability, we have been able to reach amicable solutions.

Atlanta is the world's center of Negro higher education. There are six great Negro universities and colleges located inside our city limits. Because of this, a great number of intelligent, well-educated Negro citizens have chosen to remain in our city. As a result of their education they have had the ability to develop a prosperous Negro business community. In Atlanta it consists of financial institutions like banks, building and loan associations, life insurance companies, chain drug-stores, real estate dealers. In fact, they have developed business organizations, I believe, in almost every line of acknowledged American business. There are also many Negro professional men.

Then there is another powerful factor working in the behalf of good racial relations in our city. We have news media, both white and Negro, whose leaders strongly believe and put into practice the great truth that responsibility of the press—and by this I mean radio and television as well as the written press—is inseparable from freedom of the press.

The leadership of our written, spoken, and televised news media join with the business and government leadership, both white and Negro, in working to solve our problems.

We are fortunate that we have one of the world famous editorial spokesmen for reason and moderation on one of our white newspapers, along with other editors and many reporters who stress significance rather than sensation in the reporting and interpretation of what happens in our city.



And we are indeed fortunate in having a strong Negro daily newspaper, the Atlanta Daily World, and a vigorous Negro weekly, the Atlanta Inquirer.

The Atlanta Daily World is owned by a prominent Negro family, the Scott family, which owns and operates a number of other newspapers.

The sturdy voices of the Atlanta Daily World and the Atlanta Inquirer, backed by the support of the educational, business and religious community, reach out to our Negro citizens. They speak to them with factual information upon which they can rely. They express opinions and interpretations in which they can have faith.

As I see it, our Negro leadership in Atlanta is responsible and constructive. I am sure that our Negro leadership is as desirous of obtaining additional civic and economic and personal rights as is any American citizen. But by constructive I mean to define Atlanta's Negro leadership as being realistic—as recognizing that it is more important to obtain the rights they seek than it is to stir up demonstrations. So it is to the constructive means by which these rights can be obtained that our Negro leaders constantly address themselves. They are interested in results instead of rhetoric. They are realists, not rabble rousers. Along with integration, they want integrity.

I do not believe that any sincere American citizen desires to see the rights of private business restricted by the Federal Government unless such restriction is absolutely necessary for the welfare of the people of this country. On the other hand, following the line of thought of the decisions of the Federal courts in the past 15 years, I am not convinced that current rulings of the courts would grant to American business the privilege of discrimination by race in the selection of its customers.

Here again we get into the area of what is right and what is best for the people of this country. If the privilege of selection based on race and color should be granted, then would we be giving to business the right to set up a segregated economy? And if so, how fast would this right be utilized by the Nation's people? And how soon would we again be going through the old turmoil of riots, strife, demonstrations, boycotts, picketing?

Are we going to say that it is all right for the Negro citizen to go into the bank on Main Street and to deposit his earnings or borrow money, then to go to department stores to buy what he needs, to go to the supermarket to purchase food for his family, and so on along Main Street until he comes to a restaurant or a hotel—in all these other business places he is treated just like any other customer—but when he comes to the restaurant or the hotel, are we going to say that it is right and legal for the operators of these businesses, merely as a matter of convenience, to insist that the Negro's citizenship be changed and that, as a second-class citizen he is to be refused service? I submit that it is not right to allow an American's citizenship to be changed merely as a matter of convenience.

If the Congress should fail to clarify the issue at the present time, then by inference it would be saying that you could begin discrimination under the guise of private business. I do not believe that this is what the Supreme Court has intended with its decisions. I do not believe that this is the intent of Congress or the people of this country.

I am not a lawyer, Senators. I am not sure I clearly understand all of the testimony involving various amendments to the Constitution and the commerce clause which has been given to this committee. I have a fundamental respect for the Constitution of the United States. Under this Constitution we have always been able to do what is best for all of the people of this country. I beg of you not to let this issue of discrimination drown in legalistic waters. I am firmly convinced that the Supreme Court insists that the same fundamental rights must be held by every American citizen.

Atlanta is a case that proves that the problem of discrimination can be solved to some extent—and I use this “some extent” cautiously—as we certainly have not solved all of our problems; but we have met them in a number of areas.

This can be done locally, voluntarily, and by private business itself.

On the other hand, there are hundreds of communities and cities, certainly, throughout the Nation, that have not ever addressed themselves to the issue. Whereas others have flagrantly ignored the demand, and today stand in all defiance to any change.

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

Gentlemen, if I had your problem, armed with the local experience I have had, I would pass a public accommodations bill. Such a bill, however, should provide an opportunity for each local government first to meet this problem and attempt to solve it on a local, voluntary basis, with each business making its own decision. I realize that it is quite easy to ask you to give an opportunity to each businessman in each city to make his decision and accomplish such an objective, but it is extremely difficult to legislate such a problem.

What I am trying to say is that the pupil placement plan, which has been widely used in the South, provided a timetable approved by the Federal courts which helped in getting over the troubled water of elimination of discrimination in public schools. It seems to me that cities working with private business institutions could now move into the same area and that the Federal Government legislation should be based on the idea that those businesses have a reasonable time to accomplish such an act.

I think a public accommodation law now should stand only as the last resort to assure that discrimination is eliminated, but that such

a law would grant a reasonable time for cities and businesses to carry out this function before Federal intervention.

It might even be necessary that the time factor be made more lenient in favor of smaller cities and communities, for we all know that large metropolitan areas have the capability of adjusting to changes more rapidly than smaller communities.

Perhaps this, too, should be given consideration in your legislation. But the point I want to emphasize again is that now is the time for legislative action. We cannot dodge the issue. We cannot look back over our shoulders or turn the clock back to the 1860's. We must take action now to assure a greater future for our citizens and our country.

A hundred years ago the abolishment of slavery won the United States the acclaim of the whole world when it made every American free in theory.

Now the elimination of segregation, which is slavery's stepchild, is a challenge to all of us to make every American free in fact as well as in theory—and again to establish our Nation as the true champion of the free world.

Mr. Chairman and members of the committee, I want to thank you for the opportunity of telling you about Atlanta's efforts to provide equality of citizenship to all within its borders.

Thank you very much.

Senator PASTORE. Mr. Mayor, this morning you rendered to me the honor of identifying yourself with me. You made a casual statement to the effect, and I think I quote you substantively, that every time you come before a committee of the Congress such as this, you are very much impressed and very much frightened. I retorted by saying to you that I am happy that you should be impressed, but I hoped you wouldn't be frightened.

After the statement you made here today, sir, let me say that I am humbled in your presence.

I think that President Kennedy, when he wrote "Profiles in Courage" must have been thinking of men such as you, for individuals like me, or possibly the Senator from Michigan, where we live in a locality where, generally speaking, we are reported as being for civil rights, we believe in it as moral righteousness that should be preserved and should be respected and granted to all American citizens.

From whence you come, your position is much more difficult because there are sincere people in your city who disagree with the position that you take, which sometimes places you in a position of embarrassment, and sometimes in a position of harassment.

When a man like you comes before this committee today and recites this story in such forthright manner, with such courage, I am proud to be here to listen to you, sir.

Mayor ALLEN. Thank you, sir. I appreciate your kind remarks.

Senator PASTORE. Senator Thurmond.

Senator THURMOND. Mayor Allen, I observe that you are endorsing this so-called public accommodations bill, is that correct?

Mayor ALLEN. I am endorsing it with the hope that certain time provisions could be provided to give the opportunity of both local governments and private business to make reasonable efforts to resolve

this issue satisfactorily before the Government comes in. That is my recommendation, yes, sir.

Senator THURMOND. I observe from what you say that the progress that has been made in your city, though, in almost all cases, has been by voluntary action.

Mayor ALLEN. Yes, sir; it has been under court decisions and under the pressures of meeting the expedient situations. But in many instances it has been by voluntary action.

Senator THURMOND. In the schools I believe there was a court order.

Mayor ALLEN. Sir?

Senator THURMOND. In the schools, I believe, there was a court order.

Mayor ALLEN. A court order and then a plan worked out, Senator, that was accepted by the court, and under which we have been proceeding since then.

Senator THURMOND. In the lunch counters and department and variety stores, this was voluntary action?

Mayor ALLEN. That is correct, sir.

Senator THURMOND. In the city's facilities, this was voluntary action?

Mayor ALLEN. Yes, sir; that is correct, sir.

Senator THURMOND. And downtown, in the arts and theaters, I believe this was voluntary action.

Mayor ALLEN. That is correct, sir. And there has been additional voluntary action, Senator, on the part of the neighborhood theaters on Monday of this week, which I had not received information on, so that is another addition of the voluntary action.

Senator THURMOND. On separate employment listings, I believe this was voluntary action.

Mayor ALLEN. That is correct.

Senator THURMOND. Employing firemen, I believe, was voluntary action, as it was with the policemen.

Mayor ALLEN. That is correct.

Senator THURMOND. The handling of real estate, I believe, was voluntary action.

Mayor ALLEN. That is correct.

Senator THURMOND. I believe the swimming pools was voluntary action.

Mayor ALLEN. That was a court order that said that the pools, if opened, had to be opened to all people, all citizens, and then it was voluntary action on the part of the city council to open.

Senator THURMOND. It was voluntary action as to whether it would be closed or remain open?

Mayor ALLEN. That is correct.

Senator THURMOND. And the voluntary action of the city was to keep them open.

Mayor ALLEN. Yes, sir.

Senator THURMOND. So in effect it was voluntary action?

Mayor ALLEN. That is correct.

Senator THURMOND. And the 18 hotels and motels you mentioned, I believe that was voluntary action?

Mayor ALLEN. That is correct, sir.



Senator THURMOND. And I believe that 30 of the leading restaurants that now serve all people, I believe that was voluntary action?

Mayor ALLEN. That is correct, sir.

Senator THURMOND. So in every case, you might say, in Atlanta, where facilities are open to all now, was the result of voluntary action, was it not, except one, the schools?

Mayor ALLEN. And the swimming pools.

Senator THURMOND. The swimming pools was a decision which you made to keep them open.

In other words, out of the 10 points you mentioned, 8 were definitely and exclusively voluntary action.

Mayor ALLEN. That is correct, sir.

Senator THURMOND. One was a court action, with the schools, the other was a court action on the pools, which you could have made a decision to keep open or closed, but you choose to keep them open.

Mayor ALLEN. That is correct.

Senator THURMOND. Don't you feel that less tension results when there was voluntary action?

Mayor ALLEN. Senator, that would require a very lengthy explanation. I think I will attempt to answer you by saying this: That in each of those instances there was long and tedious efforts made to resolve them in Atlanta on a free will basis, that is, a voluntary action, as I have described there.

Repeatedly we were confronted with the fact that we had no definition in many instances, and it was repeatedly said, if there had been some clear-cut objective which we could have moved towards, it would have made it much easier.

I have heard dozens of business people say that where there has been a court order with this issue being as temperamental and as strong as it is in our section of the country, I repeatedly heard business people say that if there had been definition by the Congress, or if there had been a court order, that it made it so much easier to do what they felt that they were being forced to do under the Supreme Court's decision.

Senator THURMOND. Mr. Mayor, of course, if you had a law on the subject, then it would be compulsory, so there wouldn't be any discretion; it would be a matter of conforming to the law or going to jail or paying a fine, would it not?

Mayor ALLEN. Yes, sir; that is quite right.

Senator THURMOND. So there wouldn't be so much voluntary action, would there?

Mayor ALLEN. That is correct.

Senator THURMOND. Does the city of Atlanta have an ordinance on these matters?

Mayor ALLEN. On public accommodations?

Senator THURMOND. Yes.

Mayor ALLEN. No, sir; we have no public accommodations ordinance.

Senator THURMOND. You found you can make better progress from a voluntary standpoint with less tension, I imagine.

Mayor ALLEN. The city attorney advises us that the city does not have the authority to pass a public accommodations ordinance under the charter that is granted us by the State. We do not have the right to pass a public accommodations ordinance.

Senator THURMOND. Would you want to pass one if you could?

Mayor ALLEN. I would think that in keeping with what I had testified on the bill here, that it would have made it much easier to have brought this about in Atlanta and it would have made it more acceptable to the hotel owners. Yes, sir; I think it would have helped.

Senator THURMOND. You could apply to amend your charter yet if you think it is advisable?

Mayor ALLEN. Yes, sir.

Yes, sir; we could do that.

Senator THURMOND. Do you plan to do that?

Mayor ALLEN. No, sir.

Senator THURMOND. Although you think it would help if you could amend the charter?

Mayor ALLEN. We have pretty well gotten over part of that in Atlanta at this time, sir. We have had a voluntary acceptance.

Senator THURMOND. Do you think it better to have a law and ordinance by the city or would it be better to have a statewide law, or a law by the Federal Government?

Mayor ALLEN. Senator, I would say a definition at a national level, as I believe I expressed my sentiments along this line, that this situation a number of years ago was brought into significant focus by the Supreme Court, that sometimes we can't clearly define where we should go and what we should do, and yet these pressures are always there. The Court decisions continue. They come up from time to time. In each instance they have always said that none of your segregated ordinances are any good. And most of them, many of them still remain on the books of the city of Atlanta. They haven't been taken off. We have dozens of ordinances in regard to segregation. They are still there.

Somehow or other we have managed to get by most of them. I feel that if we had clear definition from the Congress of the United States, that if the Congress would say what it thinks should be done in regard to the Supreme Court decisions—and I am speaking only in the general terms of a layman, not a lawyer. I am not a lawyer.

Senator THURMOND. Which Supreme Court decisions?

Mayor ALLEN. The Supreme Court decisions dating all the way back from the elimination of the Democratic primary—not elimination of the primary but the right to vote in the primary, the school decisions, the Louisiana cases in regard to whether you can go in or out. I am not a lawyer, I can't describe each one of them, sir. But the general tenor of the Supreme Court has been that you can't refuse to give the same right to the Negro that you give to the white man anywhere in the United States.

And the general tenor of those court decisions has repeatedly left us up in the air, and it ends up at a local level, and we don't have definition in enough instances.

Senator THURMOND. If you had to have a law on the subject, would you think it better to have a State law, or a Federal law?

As you know, conditions in the States are different from one part of the country to another.

Mayor ALLEN. Yes, sir; they are different in many respects. But the decision of the Supreme Court is the same in all of our States. The Supreme Court brought this into focus. They put this respon-

sibility on us. I feel that it is the responsibility of the Congress to make it more—let's use the word—acceptable, or palatable, or make it possible for us to carry it out with cleaner definitions.

Senator THURMOND. Of course, a law from either standpoint, the State or the Federal, would mean compulsion, would it not?

Mayor ALLEN. Would mean—

Senator THURMOND. In other words, the purpose of the law would be to bring compliance, and would require compulsion.

Mayor ALLEN. Senator, it is a question of whether you are speaking of the law would require—it would compel that the same rights be given to the Negro citizen that are given to the white citizen. Yes; I guess that would be compulsion.

Senator THURMOND. Therefore, a Federal law would mean compulsion. It would mean compulsion on the people of a State, whether people wanted it or not. It would mean compulsion on the people of a city, whether people of the city wanted it or not.

Senator PASTORE. What people are we talking about?

Senator THURMOND. The majority of the people.

Mayor ALLEN. Senator, I think any Federal law exercises some compulsion over the citizens of the United States.

Senator THURMOND. That would be the only purpose of it, of course.

Mayor ALLEN. I think so.

Senator THURMOND. May I ask you this: Do you think this law, since you favor this Federal law, do you feel it should apply to all businesses or just the larger businesses and exclude the smaller ones?

Mayor ALLEN. As I understand it, it applies to those businesses that are in interstate commerce. And this, to my basic way of thinking, provides certain time protections and gives an opportunity for adjustments to be made on a reasonable basis.

I take it as applying only to those businesses in interstate commerce.

Senator THURMOND. In your city of Atlanta, to take one of your restaurants there, could you tell us which ones you feel would fall under this law, and which would not? Could you cite some examples, giving us one of each?

Mayor ALLEN. I would say that those larger restaurants that are generally made available to the transient who comes through Atlanta would fall under it, and that the small neighborhood restaurant probably would not fall under it. There again, I am not qualified to interpret the law in that sense.

Senator THURMOND. On yesterday—I don't guess you heard his testimony—Mr. Roy Wilkins, the executive secretary of the NAACP, said he felt the bill would apply to all businesses and he said he felt it should; that a little business should have no more right to discriminate, as he called it, than a big business. Is that your feeling?

Mayor ALLEN. No, sir.

Senator THURMOND. Or is it your feeling that there should be delineation?

Mayor ALLEN. I would say this, that I expect Mr. Wilkins and I would disagree on a great number of issues. But my interpretation of interstate commerce is fairly plain in my own mind from having been 25 years as a businessman and having been under the Wage and Hour Act and other things that are applicable along the same lines, and my interpretation of it would be the larger restaurants that are generally in interstate trade.

Senator THURMOND. Then those that cater chiefly to the interstate trade—is that your idea?

Mayor ALLEN. Interstate trade; yes.

Senator THURMOND. Interstate trade.

Mayor ALLEN. That is my understanding.

Senator THURMOND. Therefore a restaurant in Atlanta, even though it has a large business, that caters only to Atlanta people, Georgia people would not be affected by this, in your opinion?

Mayor ALLEN. I think that they would be excepted. It would be purely a matter of voluntary decision on their part.

Senator THURMOND. And so if this law should pass, if a restaurant in Atlanta wanted to cater to Georgia people only, and announce that, and would not serve or care to serve any out-of-State people, you do not feel the law would be applicable?

Mayor ALLEN. Senator, I have to beg ignorance on interpretation of the law from a legal viewpoint because I am not a lawyer.

I have read this bill, I guess, 10 or 12 times, and I understand that, I believe the general significance of it from the viewpoint of the average American citizen that reads it.

My interpretation of it is that it is primarily directed at those businesses in what we generally recognize as interstate trade or commerce.

Senator THURMOND. Is this bill clear in your mind just which restaurants in Atlanta would be affected and which would not?

Mayor ALLEN. No, sir. It is not absolutely clear in my mind as to which restaurants would be affected and which would not. I could answer it in general, I think, but I couldn't answer specifically on each one of hundreds of restaurants.

But I would say that the large downtown restaurants that generally receive and accept the business of the transient would be affected by it; that the restaurant sitting on the Interstate Highway Systems with people passing back and forth would be affected by it.

But the small neighborhood restaurant would still retain pretty much its present status until it made a decision.

Senator THURMOND. In order to determine definitely whether a person is an out-of-State person or a local person, do you feel each restaurant should or ought to be required to keep a list of customers and where they are from?

Mayor ALLEN. Senator, I couldn't answer you on that.

Senator THURMOND. Mr. Mayor, so your position is that you favor this Federal legislation?

Mayor ALLEN. Yes, sir.

Senator THURMOND. And you favor it in spite of the 5th and 14th amendments which provide that no person shall be deprived of his property without due process of the law?

Mayor ALLEN. Yes, sir, I favor it under the Constitution of the United States.

Senator THURMOND. And you favor it in spite of the provision of the Constitution that no person shall have his property taken, whether by condemnation or otherwise, without just compensation?

For instance, if this bill should result in destroying his business, as evidence has been brought out before these hearings has been done in some cases, in other instances where integration did take place, which would be equivalent to a taking under the Constitution, you would still favor this bill?



**MAYOR ALLEN.** Senator, that is a type question which makes it hard to give a specific answer to because I think you know that I am not in favor of the destruction of any free enterprise business or the property rights of any American citizen.

I think that when we reach a point in a situation that has been created like this one, which has been brought into focus by the Supreme Court, and, gentlemen, remember every American citizen looks on the Supreme Court with a schoolboy's reverence, and we look on the Supreme Court as a major responsibility of the U.S. Senate.

The President doesn't create the Supreme Court over the years. President Kennedy only has two appointees on it. President Eisenhower has four on it. I guess still some of us—Roosevelt's appointees are on there.

But you are the gentlemen who, through the years, have approved or not approved the appointments to the Supreme Court of the United States. And this is your Court, or our Court, that has brought this issue into focus.

And now you ask me about the destruction of a single private business. I don't want to see any business destroyed. But what I am asking the Congress is to give me definition as a local public official, and the people of my State, people of my city, as to how I am going to see that that business is preserved and at the same time see that the rights that the Court says that the 200,000 Negro citizens in Atlanta are entitled to, how are we going to give that to them?

I don't know which comes first, the 1 business or the 200,000 citizens. I would like to see all of them preserved.

But this is what I will need definition in, Senator. This is the reason that the Congress of the United States has got to come to the relief. This thing builds up day by day. People's tempers get worse. People's excuses and reasons in this situation, in the matter of race are becoming stronger, both white and Negro.

We need definition that would help alleviate this condition. I think the Congress of the United States has the ability to do it.

**SENATOR PASTORE.** Would the Senator yield so that I may make an observation, please?

**SENATOR THURMOND.** I would like to finish, but I will yield if you want to.

**SENATOR PASTORE.** Go ahead and finish.

**SENATOR THURMOND.** Mr. Mayor, you have a lot of small towns in Georgia?

**MAYOR ALLEN.** Yes, sir.

**SENATOR THURMOND.** If this bill should result in the closing of the businesses in a number of the small towns in Georgia, do you feel that this would be a violation of their rights under the Constitution?

**MAYOR ALLEN.** Senator, I can't answer that question. I look on Lee County and Leesburg. It has a 60-percent Negro population. I think a great number of the educated Negroes that moved out of Lee County—I expect this is a pretty low economic group that is left there—and you are asking me what happens in Lee County.

**SENATOR.** I don't know what happens in Lee County. It is an awesome problem that you have given us, that the courts have put on us, and we can't cope with it except by definition from the Congress, and that is what I am asking for.

Senator THURMOND. Thank you, Mr. Chairman. That is all, Mr. Mayor.

Senator PASTORE. I would like to make an observation for the members of the committee, and I am going to insist upon this and if it gets to a point of order I will take it up with the committee in executive session.

We are going to have, during the course of this hearing, many distinguished representatives of the various communities, maybe States of our country, come here to testify on this very controversial subject. There is going to be a divergence of points of view. I would hope, no matter how a witness feels, that he would be respected and dealt with fairly, even though he may be expressing an opinion with which the interrogator is not in consonance.

There are many witnesses who will testify here, who will express the views with which I do not agree, but I think we must consider this in the context of who these people are.

The man who is before us now is a mayor. He will be followed by a Governor. I hope that we won't begin to fling at these witnesses the type of "when do you stop beating your wife" sort of question because that, I think, is most unfair. It is only done for the purpose of embarrassment to the witness. It complicates and confuses the issue. I say to the members of this committee, let these people come here and express their points of view. If you disagree with it, there is plenty of time on the floor of the Senate to state your own opinion.

But I don't think that a witness ought to be embarrassed by the type of question that is put to him.

And any time I feel, as chairman, that that happens, I am going to interrupt the proceedings and raise a point of order. And if we have to go into executive meeting, we will go into executive meeting.

I would like to ask you one further question, sir, in order to clarify a point.

In any large restaurant in Atlanta, Ga., which caters to local citizens, if it is determined that substantially the commodities with which it deals are in interstate commerce, and for that reason falls within the purview of this law, would you agree with the application of this law that no discrimination should be allowed between the races? Do I make myself clear?

Mayor ALLEN. Yes, sir; you make yourself perfectly clear and I am thoroughly conscious of that provision of the law. Again, I would have to beg ignorance of law interpretation—

Senator PASTORE. I am not talking about the interpretation, Mr. Mayor. I am merely saying that the Attorney General of the United States has said that there are two formulas.

Mayor ALLEN. That is correct.

Senator PASTORE. Either, one, that deals with people who are traveling in interstate commerce; and, two, an establishment that deals with goods that are substantially in interstate commerce?

Mayor ALLEN. That is correct.

Senator PASTORE. So you may have a situation in Atlanta, Ga.—and I am clearing up this little bit of a vagueness that has occurred because of the questions—you may have a restaurant in Atlanta, Ga., that deals with a great number of people, and these people may be local people. They may not be transients. But the fact of

the matter is that that restaurant does deal in goods and commodities substantially that do move in interstate commerce. And the Attorney General explains that this law would then apply.

Mayor ALLEN. Right.

Senator PASTORE. Would you have any objection to that application?

Mayor ALLEN. I am primarily concerned with the person who goes in the restaurant, and the right of the restaurant to serve that person. Whether that is in the law or not is of no material consequence to the average layman who is trying to find a solution to the problem, sir.

Personally, as far as I am concerned, it could be struck out.

What I am saying is that I am concerned with an answer of how to handle the man who is coming in, and the decision that the restaurant owner has to make.

Senator PASTORE. As far as you are concerned, when it comes to public accommodations, you feel that there should be no discrimination at all?

Mayor ALLEN. I feel that there should be no discrimination under the demands that have been put on us by the Court. We have to go either one way or two ways. We can't keep on messing around with this issue forever, sir.

Senator PASTORE. Thank you, sir.

Mr. Hart?

Senator THURMOND. Mr. Chairman, may I make a comment on what the chairman said?

Senator PASTORE. Yes.

Senator THURMOND. I don't think I have asked any question here that has been out of order this morning. Was the chairman insinuating that I had?

Senator PASTORE. In this regard, if I want to be frank about it: "if it means that every restaurant has to close down"—now, that is a loaded question. It doesn't mean that. A hypothetical question should be directed to the facts at hand. And hypothetical questions, based upon speculations, are unfair to a witness because it puts him in a position of writing a book before he can clearly state a position.

Senator THURMOND. Mr. Chairman, I don't think I asked him the question "if all restaurants had to close down \* \* \*."

Senator PASTORE. "If this means that every little restaurant in the State of Georgia has to close down;" that is an unfair question, because it doesn't mean that.

Senator THURMOND. Mr. Chairman, I asked him if this would close restaurants in small towns.

Senator PASTORE. Let's go back to the record.

Senator THURMOND. Would this invade the rights of those people? I insist that is a fair question. I think we have a right to examine the witnesses here in a rather liberal way to get their views on these matters, and I am sure the chairman would not try to apply gag rule to this committee.

Senator PASTORE. I am not applying any gag rule. I am trying to be fair here, if the Senator will understand it.

Senator THURMOND. Mr. Chairman, in the matter of understanding, I think I comprehend it, and it seems to me that you are casting an insinuation that my questions were improper, and I resent that, and I tell you I resent it, if that is what you meant.

Senator PASTORE. Let the Senator from South Carolina resent it——

Senator THURMOND. I expect to ask my questions. If you want to rule them out you can rule them out and we will call the committee together if you want to rule them out.

Senator PASTORE. I will rule them out.

Senator THURMOND. If you want to hear only one side of this hearing, now is the time for the people of America to know it. If we can't cross-examine these witnesses, and bring out the facts, and get their opinion as to how this bill is going to affect private business in America, then I say we have reached a dangerous state in this country.

Senator PASTORE. It isn't a question of cross-examination. We are not in a criminal trial here. These are respectable mayors.

Senator THURMOND. And I tried to treat them with respect. I have talked to them in a very quiet tone. I have asked them proper questions. I have not asked questions that would embarrass them. I have asked appropriate questions, and I resent your insinuation.

Senator PASTORE. Will the reporter please read the question back, to find out if it wasn't asked in the form "if this means that small business will have to be closed down."

Senator THURMOND. Suppose I did ask that question.

Senator PASTORE. You just said you didn't ask it.

Senator THURMOND. Would that be a proper question if I did?

Senator PASTORE. No, it wouldn't be.

Senator THURMOND. I say it would be a proper question.

Senator PASTORE. And I say it wouldn't be.

Senator THURMOND. I don't agree with you at all, and I am amazed at you taking this position. I am surprised that a chairman of a committee would take a position here that a Senator can't ask a question if it will close a business down. I contend it is a proper question if I did ask it. I don't think I asked it in the exact form you said. We can read it back. But if I had done so, I say that is a proper question.

Senator PASTORE. You can still maintain——

Senator THURMOND. Why can't we decide these things in executive session instead of arguing here before the public? I think you are not acting properly here as chairman in conducting this meeting in such a way.

Senator PASTORE. You can appeal to the committee if you want to if you don't think I am properly conducting this as chairman. But as long as I am chairman, I will see to it that these hearings will be conducted with decorum, that witnesses will not be unduly harassed, that they will not be embarrassed beyond the limits of fairness, and that no loaded questions will be submitted to these witnesses to catch tomorrow's morning's headline.

Senator THURMOND. There have been no embarrassing questions that I intend to ask. I intend to ask questions to elicit the facts, not to embarrass witnesses.



My questions, I think, were fair. I think that mayor himself will say the questions were fair. I was merely asking his opinion. I think I have a right to do that.

I think the people of the country have a right to know whether or not in the opinion of the mayor of Atlanta, places of business in his State would be closed down.

Senator PASTORE. I don't want the mayor of Atlanta to go back home and have everybody point a finger at him and say you are for closing down every little business because of the position you took.

Mr. Thurmond, I have been around for a long time. I know when a question is loaded.

Senator THURMOND. It is a matter of bringing out the truth and I expect to bring out the truth.

Senator PASTORE. Your truth is not my truth.

Senator THURMOND. If you or anybody wants to stop me from bringing out the facts, bringing out the truth, that is another question. But I don't believe the people of America will appreciate that position.

Senator PASTORE. Stop speaking for the people of America, because I don't think you do any more than I do.

Anything further from the Senator from South Carolina?

Senator THURMOND. I have completed my questions, Mr. Chairman, of this witness.

Senator PASTORE. Mayor, do you want to say something else before we—

Mayor ALLEN. I just want to submit my testimony, that is all.

Senator PASTORE. I wanted to assure you that you wouldn't be embarrassed when you are up here, before a committee of which I am chairman—you or anybody else.

Senator THURMOND. Mr. Chairman, I am surprised that you permit applauding in this room.

Senator PASTORE. I didn't do anything about that.

Senator THURMOND. You did nothing to stop it. It is against the rules.

Senator PASTORE. I can't stop it after it happens.

Senator THURMOND. Mr. Chairman, if you wish to give vent to the feelings here, and if you wish to have such a common quorum, that is a matter of view while you preside.

Senator PASTORE. Mr. Thurmond, I don't know who is in this room. It is the general public.

Senator THURMOND. I can tell you who is in here. It is a bunch of leftwingers who favor this bill, and who are taking your position, and you know it.

Senator PASTORE. Just a moment, please. I couldn't stop the first outburst, because I didn't know it was going to happen. But please, I caution the people who are privileged to be in this room, you are most welcome to be here. I don't think you are leftwingers. But I wish you would be a little more careful about any outbursts of emotion or applause.

It is not to be permitted. I hope that you will obey the rules.

Senator HART.

Senator HART. I think this would pass an examination in evidence as not a loaded question or suggestion. I think it would be useful for the record, Mr. Mayor, if you would describe your background.

Mayor ALLEN. Yes, sir, I would be glad to, Senator.

I was born, raised, educated all through grammar school, high school, and college in Atlanta. My family had been in business there since 1896. We have been active in business and civic affairs in the city and in the State during that period of time. I had held no political office before, except appointive offices, and I ran for mayor in 1961 and was elected.

Senator HART. What is the nature of your business?

Mayor ALLEN. We operate a small chain of commercial stationery and office equipment stores through the four Southern States of Alabama, Tennessee, and Georgia, and South Carolina.

Senator HART. You are engaged in interstate commerce?

Mayor ALLEN. Our business is engaged in interstate commerce; yes, sir.

Senator HART. You are familiar then with the variety of ways in which the Federal Government has "intruded" in the freedoms which are yours in business, are you not?

Mayor ALLEN. Yes, sir. I would like to qualify your question that they have "intruded." They have injected themselves for the benefit many times of the American citizen. I look on child labor laws, certain labor laws themselves, wage and hour acts. If those are "intrusions," most of them I think we generally accept as having been for the benefit of most of the people of the country. I am thoroughly aware of the magnitude of reports and restrictions that we are subjected to for the benefit of the public as a whole.

Senator HART. Mayor, your answer is a healthy one that I am delighted to have. I should add for the record that "intrusion" should be in quotation marks in my question.

Normally we don't underscore statements that witnesses have made, intending the record as a document to be read later. I think there is one paragraph here that voices a caution that this committee of Congress should hear very clearly. If you will permit me, I will read it. It is on page 12. You say that—

Congress is now confronted with a decision, a grave decision. Shall you pass a public accommodation bill that forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

And then you tell us this:

Surely, the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward.

This is a new note given this committee. The committee now is being told that even in these areas where progress has been made, failure to pass this bill might turn the clock back. Isn't that really what you are telling us?

Mayor ALLEN. Senator, I would go a step further even than what I have said here and add that the fact that there is some doubt that this bill would pass has already created doubts in the minds of some people who have voluntarily taken these step as to whether they should have taken them or not.

Senator HART. This is a very serious——

Mayor ALLEN. This is the problem, Senator, that we are always confronted with, and I don't know how to express this. I am inadequate in words to say that this is the inference that by virtue of the

fact that you don't pass a bill of this type that the right to set up a whole new segregated status, and we can start all over again, and maybe "progress" is not the word that Senator Thurmond or myself would use in this instance. Maybe it isn't progress that Atlanta has made. A lot of people in Atlanta don't think that this is progress. But the changes we have made could revert back in other directions.

Senator HART. The reason I think we are grateful that you tell us this is that often we are told that if we do enact this bill, voluntary progress will stop. We are now told this morning that unless we enact this bill, advances achieved through voluntary action may be lost.

Mayor ALLEN. I sincerely believe that.

Senator HART. I don't think we have had a more serious message in all the days of this hearing.

Mayor ALLEN. Thank you, sir.

Senator HART. Unless you have read the record of the last 10 days, you will think my last remark absurd. Was Atlanta acting under Communist inspiration when it made these steps to desegregate, as you described?

Mayor ALLEN. Senator, there is not any more communism in Atlanta than we have men on the moon.

Atlanta is just like most other American cities. It is an all-American city in which, I guess when some people don't get things exactly the way they want them, they jump up and yell that the other side is infiltrated with communism or something like this.

No, sir; there hasn't been any communism anywhere. We have been under pressures; we have been under demonstrations, and this is something that every public official lives in constant dread of, is seeing a public demonstration and seeing someone say it is communistically inspired.

No, this is not in any way true, sir. There is no communism in Atlanta. I don't think it is in many American cities. Maybe it is a line of thought.

I am not worried about that in my city, sir; in any way.

Senator HART. Mayor, thank you again.

I cannot even paraphrase the chairman's eloquent tribute. Certainly we have been visited by a man of quiet courage this morning, I am sure.

Mayor ALLEN. Thank you, sir.

Senator PASTORE. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

Mr. Mayor, you answered one of the questions by saying that you do have segregation ordinances still in existence in Atlanta. What do they relate to now?

Mayor ALLEN. On the books of Atlanta—and this is said without complete knowledge—and I expect on the books of most southern cities, are ordinances with regard to segregation that apply to almost every form of economic life and social life, sir. Barbershops, restaurants, public gatherings, socials. It is almost an unlimited—anything that could have been thought of by any elected official over the past hundred years to preserve the system which we lived under, and which I believe Senator Thurmond and I would be in complete agree-

ment sure was a convenient system as far as the white man was concerned, there has been an ordinance passed and put on the books, and they are all still there, I believe, in most southern cities.

Senator CANNON. In Atlanta have you repealed any of the ordinances?

Mayor ALLEN. No, sir; we have not repealed any of them. We have been advised by the city attorney that they are there and that they are probably unconstitutional, and we either ought to repeal them or ignore them, and that is pretty much the way we operate.

Senator CANNON. You haven't repealed any of them?

Mayor ALLEN. No, sir. I am not a lawyer. I don't know how you would say the school ordinance has been handled. It has obviously been made invalid, unconstitutional by the Supreme Court. Whether it has actually been taken off or not I don't know. I suspect it has been taken off the books of the State.

Senator CANNON. In your statement you have indicated that you made some progress but have a long way to go. In what areas do you still practice segregation in Atlanta?

Mayor ALLEN. Well, let's see. The hotels have been worked out on the basis of conventions only, approved delegates at conventions, and this is generally what is known as the Dallas plan that says that any approved convention that is approved by the convention bureau that has less than 5 percent Negro registration will be granted the right of the use of the hotels as long as they wear convention badges and can use the restaurant facilities. Generally those limited hotel owners that have accepted this agreement have also accepted prominent Negro visitors that come to town from time to time. But the use of the hotels for the average transient is still denied.

The use of the restaurants in a great number of cases is denied. So it has been, as I have tried to describe it, kind of a—well, we have done the best we could with it, with the conflicts of opinion, with the variances in thought. We have taken where we could make the most reasonable changes.

Senator CANNON. Are those the two main ones now that you practice segregation in, hotels and restaurants?

Mayor ALLEN. Those are the two major instances that I would say are not complete. Most of the things up and down Main Street have accepted the Negro customer a hundred percent.

Senator CANNON. For example in the professional—

Mayor ALLEN. No, that is in the area of professional men. I couldn't give a definite definition on that.

Senator CANNON. Do you have segregation there in the professions, say, dentists, doctors, lawyers?

Mayor ALLEN. That would only be by their own choice, which clients they accepted, sir. I don't think there is even an ordinance on that.

Senator CANNON. I am not asking about an ordinance. I am asking if you actually have segregation in those areas in Atlanta, if you know?

Mayor ALLEN. I couldn't answer your question specifically except to say this: I know of instances of many prominent white doctors that accept Negro clients. I don't know whether it is done out of the spirit of the client or out of charity, but it is done, sir.



Senator CANNON. You don't know whether any of the dentists or doctors or lawyers or beauty parlors and those types of businesses, have any signs up saying "White Only," or that sort of thing?

Mayor ALLEN. I don't think there are any signs up to that effect; no, sir.

Senator CANNON. You understand that if this bill is passed in its present form, and these people are furnishing services to the public generally—the traveling public I'm referring to now—that this would also apply?

Mayor ALLEN. I understand that.

Senator CANNON. And you favor that legislation that would apply under those circumstances?

Mayor ALLEN. It makes it very difficult, Senator, to separate it. I think under the circumstances of what the courts have already said about this, that we can't continue to deny the same rights to the Negro citizen that we have given to everyone else.

Senator CANNON. I agree with you on that. I'm trying to find out where you would draw the line because of your statement that you would exclude the small grocery store or the small restaurant that is not catering generally to the public.

Mayor ALLEN. It is my understanding it is excluded under this bill, sir, if it is not in interstate commerce.

Senator CANNON. The chairman has already pointed out in a question to you that every restaurant would be included in interstate commerce technically under the bill because if they use food and serve it in the restaurant, some of it has to travel in interstate commerce.

Mayor ALLEN. My feeling of the bill is that it doesn't say that just because there is one can of merchandise on the shelf that he is in interstate commerce. I think we have always been reasonable in interpretation of clauses of that type. I think under the stress of the time, and the need for time to make these changes, that certain people would have to, under this bill, would be excluded and it would be acceptable over a period of time.

Senator CANNON. You think the bill as it now stands draws the line that it would exclude the type of people that you would prefer to see excluded; is that it?

Mayor ALLEN. Yes; that would be excluded; I think it does.

Senator CANNON. And you do favor the exclusion of the small grocery store operator, the small restaurant operator?

Mayor ALLEN. I certainly favor the time element that I think is provided for in this bill.

Senator CANNON. The time element, you say?

Mayor ALLEN. I don't say that the bill gives a time element. But I'm saying that if he is a neighborhood operation, and primarily a neighborhood operation, and there is no issue there of a transient trade, the fact that he remains in his present status quo under the bill I think would be acceptable to the people of Atlanta; yes.

Senator CANNON. Do you think that the bill, as far as Atlanta is concerned, is covering the hotels and restaurants?

Mayor ALLEN. Yes.

Senator CANNON. So that you could go beyond your policy of conventions only in the hotels?

**Mayor ALLEN.** I think it is needed there and of course this doesn't come under my own supervision but in all the areas surrounding Atlanta, which is a metropolitan area, they have the same problems, and they haven't done anything about them yet. This makes it that much more difficult on Atlanta. And I think the bill would clarify this situation and would put it all on a little more reasonable basis.

**Senator CANNON.** Do you think you would be able, in a reasonable period of time, to work out the problem still existing in your hotels and bigger restaurants without legislation?

**Mayor ALLEN.** I think if Congress would define the issue and give a reasonable length of time for the cities to do something about it, and local business to work out a plan such as a time limitation that we imposed by pupil placement plans approved by the courts in many southern cities for education, that we could work it out before the deadline came.

**Senator CANNON.** What time frame are you thinking about?

**Mayor ALLEN.** Twelve to twenty-four months for your larger metropolitan areas, and a little longer time for the smaller cities in which the impact is more acute.

**Senator CANNON.** Would you favor writing some time limitation in the bill?

**Mayor ALLEN.** That is what I recommended, sir.

**Senator CANNON.** Thank you very much, Mr. Chairman.

**Senator PASTORE.** Along that line, Mr. Mayor, would you recommend something along the line that had been inserted in another bill? I know you may not be familiar with it, but I will read it to you. This is in S. 1731, under title IV:

**Establishment of Community Relations Service:** There is hereby established a Community Relations Service hereafter referred to as the Service which shall be headed by a Director who has been appointed by the President—

and then it goes on to specify his salary. And then the section 402:

It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices—

and so on and so forth.

Do you think something along that line would be helpful, before an actual complaint is filed, so that a community that is willing to co-operate—the Attorney General has already stated in his testimony that in all these cases before they take any action they are going to sit down and talk with the community leaders in that particular locality to see if the matter can be straightened out—

**Mayor ALLEN.** That is correct.

**Senator PASTORE.** After all I think there is concern on the part of all parties concerned to do something about this problem. We have reached a point where we just can't sweep it under the rug. Something has to be done one way or another. I assume that there is going to be some rough going for a while.

**Mayor ALLEN.** There sure is.

**Senator PASTORE.** To me, as you have already stated, and I agree with you, it is inevitable. It has to be met. If we in the Congress of the United States who have now received this responsibility shirk it in any way, the repercussions might be serious.

Mayor ALLEN. What you are referring to in that bill, and I have read, I think, that bill, sir, is what I am thinking in terms of, is an opportunity to voluntarily take this action. But if you are just going to ignore it, I mean the Supreme Court said: Here we are. And if we are just going to ignore it and hang in this pit of indecision that we have been in for 10 years—and believe me at a local level it is a pit of indecision because we have no definition on what to do, and we don't know what to do, and we need something. We need Federal direction in this instance.

Senator PASTORE. Senator Scott.

Senator SCOTT. Mayor, it is very encouraging to hear your testimony and to hear you make the point that once there is this commitment at the Federal level to do something, there just isn't any turning back. I congratulate you for that part of your statement, particularly where you say that—

to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation.

I am familiar with Atlanta. To my observation Atlanta has already benefited very greatly by the wisdom and the leadership with which they have approached this tremendously difficult problem. So, I haven't any questions. I am certainly glad that you have put the weight of your office and the endorsement of the spirit of Atlanta behind this bill.

Mayor ALLEN. Thank you, sir.

Senator SCOTT. I thank you very much.

Mayor ALLEN. Thank you, sir.

Senator PASTORE. Senator Bartlett.

Senator BARTLETT. No questions. Thank you.

Senator PASTORE. Are there any further questions of this witness?

Mr. Mayor, we thank you.

Mayor ALLEN. Thank you very much, Senator.

Senator PASTORE. We have the distinguished Governor of the State of South Carolina, His Excellency Donald Russell.

Senator THURMOND. Mr. Chairman, could I say a word in introducing Mr. Russell?

Senator PASTORE. Certainly.

Senator THURMOND. Mr. Chairman, our next witness is a man of great experience with a distinguished record.

He has served as an attorney with a large law practice. He has served as Assistant Secretary of State. He has served as president of the University of South Carolina, and he is now the distinguished Governor of the great State of South Carolina.

It gives me great pleasure at this time to present to the committee the Honorable Donald Russell, the Governor of South Carolina.

#### **STATEMENT OF HON. DONALD RUSSELL, GOVERNOR OF THE STATE OF SOUTH CAROLINA**

Governor RUSSELL. Mr. Chairman, I had not expected that introduction, but I am grateful for it.

As you have stated, my name is Donald Russell, and I am the Governor of South Carolina. I appear both personally and officially, and I do so in opposition to the proposed bill now under consideration by you.