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88TH CONGRESS
1ST SESSION

S. 1732 ✓

IN THE SENATE OF THE UNITED STATES

JUNE , 1963

Mr. ----- introduced the following bill; which was read twice and referred
to the Committee on Commerce

A BILL

To eliminate discrimination in public accommodations affecting
interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Interstate Public Accom-
4 modations Act of 1963."

FINDINGS

6 SEC. 2. (a) The American people have become increas-
7 ingly mobile during the last generation, and millions of
8 American citizens travel each year from State to State by
9 rail, air, bus, automobile, and other means. A substantial
10 number of such travelers are members of minority racial

1 and religious groups. These citizens, particularly Negroes,
2 are subjected in many places to discrimination and segrega-
3 tion, and they are frequently unable to obtain the goods and
4 services available to other interstate travelers.

5 (b) Negroes and members of other minority groups who
6 travel interstate are frequently unable to obtain adequate
7 lodging accommodations during their travels, with the result
8 that they may be compelled to stay at hotels or motels of
9 poor and inferior quality, travel great distances from their
10 normal routes to find adequate accommodations, or make
11 detailed arrangements for lodging far in advance of scheduled
12 interstate travel.

13 (c) Negroes and members of other minority groups
14 who travel interstate are frequently unable to obtain adequate
15 food service at convenient places along their routes, with
16 the result that many are dissuaded from traveling interstate,
17 while others must travel considerable distances from their
18 intended routes in order to obtain adequate food service.

19 (d) Goods, services, and persons in the amusement and
20 entertainment industries commonly move in interstate com-
21 merce, and the entire American people benefit from the in-
22 creased cultural and recreational opportunities afforded
23 thereby. Practices of audience discrimination and segrega-
24 tion artificially restrict the number of persons to whom the
25 interstate amusement and entertainment industries may offer

1 their goods and services. The burdens imposed on inter-
2 state commerce by such practices and the obstructions to the
3 free flow of commerce which result therefrom are serious
4 and substantial.

5 (e) Retail establishments in all States of the Union
6 purchase a wide variety and a large volume of goods from
7 business concerns located in other States and in foreign
8 nations. Discriminatory practices in such establishments,
9 which in some instances have led to the withholding of
10 patronage by those affected by such practices, inhibit and re-
11 strict the normal distribution of goods in the interstate
12 market.

13 (f) Fraternal, religious, scientific, and other organiza-
14 tions engaged in interstate operations are frequently dissuaded
15 from holding conventions in cities which they would other-
16 wise select because the public facilities in such cities are
17 either not open to all members of racial or religious minority
18 groups or are available only on a segregated basis.

19 (g) Business organizations are frequently hampered in
20 obtaining the services of skilled workers and persons in the
21 professions who are likely to encounter discrimination based
22 on race, creed, color, or national origin in restaurants, retail
23 stores, and places of amusement in the area where their
24 services are needed. Business organizations which seek to
25 avoid subjecting their employees to such discrimination and

1 to avoid the strife resulting therefrom are restricted in the
2 choice of location for their offices and plants. Such dis-
3 crimination thus reduces the mobility of the national labor
4 force and prevents the most effective allocation of national
5 resources, including the interstate movement of industries,
6 particularly in some of the areas of the Nation most in need
7 of industrial and commercial expansion and development.

8 (h) The discriminatory practices described above are
9 in all cases encouraged, fostered, or tolerated in some degree
10 by the governmental authorities of the States in which they
11 occur, which license or protect the businesses involved by
12 means of laws and ordinances and the activities of their
13 executive and judicial officers. Such discriminatory prac-
14 tices, particularly when their cumulative effect throughout
15 the Nation is considered, take on the character of action by
16 the States and therefore fall within the ambit of the equal
17 protection clause of the fourteenth amendment to the Con-
18 stitution of the United States.

19 (i) The burdens on and obstructions to commerce which
20 are described above can best be removed by invoking the
21 powers of Congress under the fourteenth amendment and the
22 commerce clause of the Constitution of the United States to
23 prohibit discrimination based on race, color, religion, or
24 national origin in certain public establishments.

1 RIGHT TO NONDISCRIMINATION IN PLACES OF PUBLIC
2 ACCOMMODATION

3 SEC. 3. (a) All persons shall be entitled, without dis-
4 crimination or segregation on account of race, color, religion,
5 or national origin, to the full and equal enjoyment of the
6 goods, services, facilities, privileges, advantages, and accom-
7 modations of the following public establishments:

8 (1) any hotel, motel, or other public place engaged
9 in furnishing lodging to transient guests, including guests
10 from other States or traveling in interstate commerce;

11 (2) any motion picture house, theater, sports arena,
12 stadium, exhibition hall, or other public place of amuse-
13 ment or entertainment which customarily presents mo-
14 tion pictures, performing groups, athletic teams, exhibi-
15 tions, or other sources of entertainment which move in
16 interstate commerce; and

17 (3) any retail shop, department store, market,
18 drugstore, gasoline station, or other public place which
19 keeps goods for sale, any restaurant, lunchroom, lunch
20 counter, soda fountain, or other public place engaged in
21 selling food for consumption on the premises, and any
22 other establishment where goods, services, facilities,

1 privileges, advantages, or accommodations are held out
2 to the public for sale, use, rent, or hire, if—

3 (i) the goods, services, facilities, privileges,
4 advantages, or accommodations offered by any such
5 place or establishment are provided to a substantial
6 degree to interstate travelers,

7 (ii) a substantial portion of any goods held out
8 to the public by any such place or establishment
9 for sale, use, rent, or hire has moved in interstate
10 commerce,

11 (iii) the activities or operations of such place
12 or establishment otherwise substantially affect in-
13 terstate travel or the interstate movement of goods
14 in commerce, or

15 (iv) such place or establishment is an integral
16 part of an establishment included under this sub-
17 section.

18 For the purpose of this subsection, the term “integral part”
19 means physically located on the premises occupied by an
20 establishment, or located contiguous to such premises and
21 owned, operated, or controlled, directly or indirectly, by
22 or for the benefit of, or leased from the persons or business
23 entities which own, operate or control an establishment.

24 (b) The provisions of this Act shall not apply to a
25 bona fide private club or other establishment not open to

1 the public, except to the extent that the facilities of such
2 establishment are made available to the customers or patrons
3 of an establishment within the scope of subsection (a).

4 PROHIBITION AGAINST DENIAL OF OR INTERFERENCE WITH
5 THE RIGHT TO NONDISCRIMINATION

6 SEC. 4. No person, whether acting under color of law
7 or otherwise, shall (a) withhold, deny, or attempt to with-
8 hold or deny, or deprive or attempt to deprive, any person
9 of any right or privilege secured by section 3, or (b) inter-
10 fere or attempt to interfere with any right or privilege
11 secured by section 3, or (c) intimidate, threaten, or coerce
12 any person with a purpose of interfering with any right or
13 privilege secured by section 3, or (d) punish or attempt to
14 punish any person for exercising or attempting to exercise
15 any right or privilege secured by section 3, or (e) incite or
16 aid or abet any person to do any of the foregoing.

17 CIVIL ACTION FOR PREVENTIVE RELIEF

18 SEC. 5. (a) Whenever any person has engaged or
19 there are reasonable grounds to believe that any person is
20 about to engage in any act or practice prohibited by section
21 4, a civil action for preventive relief, including an application
22 for a permanent or temporary injunction, restraining order,
23 or other order, may be instituted (1) by the person
24 aggrieved, or (2) by the Attorney General for or in the
25 name of the United States if he certifies that he has received

1 a written complaint from the person aggrieved and that in
2 his judgment (i) the person aggrieved is unable to initiate
3 and maintain appropriate legal proceedings and (ii) the
4 purposes of this Act will be materially furthered by the
5 filing of an action.

6 (b) In any action commenced pursuant to this Act by
7 the person aggrieved, he shall if he prevails, be allowed a
8 reasonable attorney's fee as part of the costs.

9 (c) A person shall be deemed unable to initiate and
10 maintain appropriate legal proceedings within the meaning of
11 subsection (a) of this section when such person is unable,
12 either directly or through other interested persons or organi-
13 zations, to bear the expense of the litigation or to obtain
14 effective legal representation; or when there is reason to be-
15 lieve that the institution of such litigation by him would
16 jeopardize the employment or economic standing of, or might
17 result in injury or economic damage to, such person, his
18 family, or his property.

19 (d) In case of any complaint received by the Attorney
20 General alleging a violation of section 4 in any jurisdiction
21 where State or local laws or regulations appear to him to
22 forbid the act or practice involved, the Attorney General
23 shall notify the appropriate State and local officials and,
24 upon request, afford them a reasonable time to act under
25 such State or local laws or regulations before he institutes an

1 action. Compliance with the foregoing sentence shall not
2 be required if the Attorney General shall file with the court
3 a certificate that the delay consequent upon such compliance
4 in the particular case would adversely affect the interests of
5 the United States, or that, in the particular case, compliance
6 would be fruitless.

7 (e) In any case of a complaint received by the Attor-
8 ney General, including a case within the scope of subsection
9 (d), the Attorney General shall, before instituting an action,
10 utilize the services of any Federal agency or instrumentality
11 which may be available to attempt to secure compliance with
12 section 4 by voluntary procedures, if in his judgment such
13 procedures are likely to be effective in the circumstances.

14 JURISDICTION

15 SEC. 6. (a) The district courts of the United States
16 shall have jurisdiction of proceedings instituted pursuant to
17 this Act and shall exercise the same without regard to
18 whether the aggrieved party shall have exhausted any ad-
19 ministrative or other remedies that may be provided by law.

20 (b) This Act shall not preclude any individual or any
21 State or local agency from pursuing any remedy that may
22 be available under any Federal or State law, including any
23 State statute or ordinance requiring nondiscrimination in
24 public establishments or accommodations.