

Kennedy Approves Calm Rights Show

WASHINGTON, July 18 (AP)—President Kennedy has given his blessings to the late-August civil rights demonstration planned for the national capital and says, "I look forward to being here."

This was the highlight of a Kennedy news conference Wednesday in which he applauded peaceful racial protests while decrying those which can lead to violence and bloodshed.

THE SESSION with newsmen—Kennedy's first in Washington in 8 weeks—covered a wide range of topics including:

—Business and taxes: The President said business is better than expected, tax receipts consequently have exceeded predictions and, as a result, last year's budget deficit totaled \$6.2 billion compared with a January forecast of \$8.8 billion. He said this bolsters his argument that a \$10 billion tax cut would boost the economy still further and eventually balance the budget.

—Cold war talks: Kennedy said he is "still hopeful" that the United States, Britain and the Soviet Union can achieve some kind of nuclear test ban treaty in the current Moscow talks. But he thinks talk of a possible summit meeting is premature, saying such a session is not "indicated or needed."

—Moon race: The chief executive wants a continued effort to put an American on the moon in this decade in order to show "the capacity to dominate space." He treated as inconclusive British scientist Bernard Lovell's report that the Russians may be losing interest in the moon race.

—Rail strike: Kennedy again urged the railroads and operating unions to settle their work rules dispute before a threatened nationwide strike July 29. He said both sides would be "much better off" to work things out themselves "and not depend upon the government to do it." If a strike comes, Kennedy said he will ask Congress to end it by legislation.

IN TALKING ABOUT civil rights, Kennedy scoffed at a claim by Alabama Gov. George C. Wallace that racial demonstrations have been Communist-inspired.

"We have no evidence," he said, "that any of the leaders of the civil rights movements in the United States are Communists. We have no evidence that the demonstrations are Communist-inspired. . . . I think it is a convenient scapegoat to suggest that all the difficulties are Communist."

Kennedy said those who complain about organized protests should "do something about the grievances" that prompt them. He suggested it is illogical to say,

"Don't protest," and at the same time assert, "We are not going to let you come into a store or a restaurant."

He said he sees the situation as "a two-way street."

AS FOR THE Washington demonstration, scheduled for Aug. 28, Kennedy said it shapes up as "a peaceful assembly calling for a redress of grievances" and undertaken through cooperation with the police.

Kennedy said "this is not a march on the Capitol"—something he suggested earlier would harm the cause of civil rights advocates.

In promising to be in the capital at the time, Kennedy added what amounted to a challenge to Congress by adding, "I am sure members of Congress will be here."

There has been some talk that the legislators might take a long Labor Day holiday — starting in late August.

Kennedy contrasted the planned Washington demonstration with those now in progress at Cambridge, Md., where there has been rioting and bloodshed.

Speaking of Cambridge, he said:

"They have almost lost sight of what the demonstration is about."

In such cases, he said, "I think the cause of advancing equal opportunities only loses."

ON OTHER TOPICS, Kennedy said:

—There is no need for more formal diplomatic contacts with the Vatican because there is no lack of two-way communication at present.

—He hopes South Viet Nam will resolve its religious disputes because the military situation there looks more hopeful and a stable government is needed.

—A trip to the Far East is something the President would like to undertake but he expects to be busy enough at home for some months.

—Red China seems bent on promoting nuclear war but Kennedy doubts the Soviet Union is anxious to face destruction by supplying the weapons that would be needed.

—The United States condemns the racial policy of the Republic of South Africa but doesn't believe in expelling countries from the United Nations.

—There is no hope of peacefully coexisting with a Soviet satellite, like Cuba, in the Caribbean.

CHAMBER FIGHTS JFK RIGHTS PLAN

The Atlanta Chamber of Commerce has voted to oppose President Kennedy's proposed civil rights program.

In a resolution passed Wednesday, the board of directors said the legislation would discourage voluntary desegregation of businesses.

The directors found "particularly objectionable" the public accommodations section of the President's bill, which would require businesses to serve all customers without regard to race.

"The bill is calculated to narrow the role of voluntary action and to substitute the force of the federal government," the resolution said.

This poses "a grave threat to local responsibility and personal freedom which far outweighs any possible improvement in the opportunities of minority groups."

THE DIRECTORS of the 3,000-member chamber called for voluntary desegregation of Atlanta businesses in a May 29 policy statement. But they emphasized they were not "trying to tell any proprietor how he should conduct his business."

The May appeal to end discrimination "as expeditiously as good judgment will dictate" came after a month of Negro demonstrations and arrests at Atlanta restaurants.

A number of restaurants have desegregated in the past month. Fourteen hotels have agreed to accept a limited number of Negroes.

The board of directors said its resolution opposing the President's legislation is "consistent with its earlier stand for local and voluntary elimination of discrimination."

The resolution was adopted at a meeting attended by 20 of the 27 directors. The vote was not announced.

HERMAN TALMADGE

Sandy Springs
Reports From *Enterprise*

7-17-63

WASHINGTON

FOR MANY MONTHS now the federal government, especially the judiciary, has allowed—even encouraged—rowdy assaults on private property by mobs from the streets.

Racial agitators have been given the go-ahead by recent court rulings, and state and city law enforcement officers have had their hands tied. Hence, these troublemakers have gone unpunished for their invasions of private property.



Supposedly, they are demonstrating against what they allege to be unjust treatment. In other instances, when people have protested what they thought to be unjust, federal troops armed with bayonets have been called out.

There are lawful and orderly avenues open for redress of grievances of those who claim to have had their civil rights violated. There are plenty of protective laws now on the books, and no new ones are needed. However, the pressure is on—not just for so-called equality, but for equality-plus.

It seems to me that what we have is a revolution, with the government on the side of the revolutionaries, which I believe is unprecedented in the annals of history.

NOW AN ATTEMPT is being made, despite its unconstitutionality according to "the law of the land" on the books since 1883, to invade private property rights by federal statute.

This is the public accommodations section of the Administration's civil rights package, which would try to tell private

businessmen in practically every area of free enterprise now to run their affairs. Furthermore, the Attorney General would be vested with vast and potentially abusive power in the enforcement of the statute.

This would take the federal government into areas which eventually could lead to a police state and ultimately destroy everyone's liberties.

Individual liberties, which every citizen of this country is guaranteed by the Constitution, would be sacrificed in the name of equality. It would mean the end of our free society.

THE SUPREME COURT in 1883 made itself clear on the right of the Congress to legislate against the rights of private business, and its ruling is still in force. Referring to the Fourteenth Amendment, the Court said:

"It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation . . . It does not authorize Congress to create a code of municipal law for the regulation of private rights."

Such a public accommodations law "steps into the domain of local jurisprudence and lays down rules for the conduct of individuals in society towards each other," the Court held. "It is repugnant to the Tenth Amendment of the Constitution," it added.

It has been a long time since the Supreme Court held something to be against the Tenth Amendment, which provides for states rights. It is almost as if this Amendment is no longer a valid part of our Constitution.

Herman E. Talmadge

(not prepared or printed at government expense)

Kennedy Rights Bill Dictatorial--Herman

Sandy Springs Enterprise
"Never in the history of free men and free women has a blueprint for a federal dictatorship more cunningly been contrived."

Thus declared U. S. Sen. Herman E. Talmadge in a recent television-radio report to the people of Georgia in which he discussed President Kennedy's proposed civil rights legislation. Said the Senator:

"Congressman Adam Clayton Powell of New York contends that he rewrote more than half of the President's civil rights message. Certainly certain provisions in this message to the Congress and in the act that is now pending before Congress indicates that someone as extreme as Congressman Powell did write the message.

"I favor the full enjoyment of every American citizen of all rights guaranteed him by the Constitution of the United States. I know of no citizen who contends a deprivation of rights that has gone into the very favorable courts of our country and has not had his rights granted to him in full.

"But in recent years there has developed a tendency or philosophy of some of the more extreme groups in our country that all other citizens ought to be denied their rights for the particular and special benefits of a certain privileged group."

Sen. Talmadge then read Title VI, Section 601 of the pending Civil Rights Bill. It states:

"Notwithstanding any provision to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty or otherwise. No such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the grounds of race, color, religion or national origin or are denied participation or benefits therein on the ground

of race, color, religion or national origin."

"Nothing in the history of our country that extreme has ever been proposed," declared the Georgia junior Senator. "The Constitution of the United States vests the power to levy taxes in the Congress. The Constitution of the United States vests the power to expend federal funds in the Congress.

"Yet that provision of the law, if adopted by the Congress and signed by the President, would enable some little bureaucrat in some federal agency that has never been elected to any political office, and never could be, the right to withhold a grant from any state, the right to cancel a contract on any bank or savings and loan association, the right to cancel a contract or loan on any house or any other program, the right to cancel any insurance policies that was relating to the federal government, any guaranty or otherwise, that any individual may complain that he had been discriminated against.

"It would be so broad that if some citizen of California thought he had been discriminated against in welfare benefits, some bureaucrat could deny to the State of California all their welfare benefits. It would enable them, by the same token, to withhold highway funds to Arizona or any other state if some individual complained that he did not receive a job of cutting weeds on the highways of the State of Arizona.

"It would enable the bureaucrat, if he saw fit, to withhold funds from any state because they voted wrong and say that discrimination was the cause thereof. Never in the history of free men and free women has a blueprint for a federal dictatorship more cunningly been contrived.

"I feel that if the American people realized what was involved in this program they would wake up and strike down many of these iniquitous proposals. I have recited only one, but there are several provisions of this act that are equally as extreme, and I shall discuss them in the future."

Excerpts From Gov. Wallace Testimony

Special to The New York Times
WASHINGTON, July 15 —
 Following are excerpts from the testimony today by Gov. George C. Wallace of Alabama before the Senate Commerce Committee on the bill to prohibit racial discrimination in public facilities:

The leaders of the Federal Government have so misused the Negroes for selfish political reasons that our entire concept of liberty and freedom is now in peril.

We daily see our Government go to ridiculous extremes and take unheard-of actions to appease the minority bloc vote leaders of this country.

I was appalled and amazed to read of recent statement by Pentagon officials relative to proposed civil rights investigations on our military installations. There was a time when military installations were established in accordance with the requirements of the national defense posture.

Today these officials use the threat of withdrawal of military bases to accomplish political purposes. Any officer or official who issues such orders should have his background investigated.

Refers to Purple Hearts

The Air Force is encouraging its personnel to engage in street demonstrations with rioting mobs and is even offering training credits as an inducement. Perhaps we will now see Purple Hearts awarded for street brawling—heretofore they were awarded on the field of combat.

I note that by way of further intimidation, one of the President's committees has recommended that any business be placed off limits to military personnel unless they surrender to current Federal ideologies.

Is the real purpose of this integration movement to disarm this country as the Communists have planned?

I personally resent the actions of the Federal Government which have created these conditions. As a loyal American and as a loyal Southern Governor, who has never belonged to or associated with any subversive element, I resent the fawning and pawing over such people as Martin Luther King and his pro-Communist friends and associates.

Last Friday Gov. [Ross D.] Barnett [of Mississippi] showed this committee a picture of Martin Luther King and a group of Communist leaders attending a meeting together. As widely reported in the press in the last two months, King's top lieutenant in Alabama, Fred L. Shuttlesworth, a self-styled "reverend," was elected president of the "Southern Conference Educational Fund" which is headquartered in New Orleans and active in seventeen Southern states.

Asks Bill's Defeat

This organization has been described by both the Senate Internal Security Subcommittee and the House Un-American Activities Committee as an organization "set up to promote Communism" throughout the South.

I come here today as an American, as a Governor of a sovereign state and as an individual with full respect for constitutional government. I appear to respectfully call upon the Congress of the United States to defeat in its entirety the Civil Rights Act of 1963.

The President of the United States stated in his message accompanying Senate bill 1732 that enactment of the Civil Rights Act of 1963 at this session of Congress—however long it may take and however troublesome it may be—is imperative.

The President might well have further stated: "And however many people it hurts or businesses it destroys and regardless of the rights of the vast majority of our people."

In my judgment, the President of the United States and the Attorney General of the United States, by design and political motivation, are sponsoring and fostering a complete and all-inclusive change in our whole concept of government and society—



Associated Press

Senator Warren G. Magnuson, Washington Democrat, who is conducting hearings on civil rights legislation.

a revolution of government against the people.

Senate Bill 1732—the so-called Public Accommodations Bill—would, together with the President's full civil rights package, bring about government of the government, by the government and for the government.

The free and uncontrolled use of private property is the basic and historic concept of Anglo-Saxon jurisprudence. One of the primary reasons our forefathers came from Europe to carve this nation out of a raw and savage wilderness was the purpose of using, controlling and enjoying their private property and to pursue their chosen professions without fear of interference from kings, tyrants, despots, and I might add, Presidents.

Gentlemen, I'll tell you what this Senate Bill 1732 does—it places upon all businessmen and professional people the yoke of involuntary servitude—it should be designated as the "involuntary servitude act of 1963".

The President, the Attorney General, and every member of this Congress who has sponsored this legislation stand indetested before the American people.

Scores Negroes, Tactics

He [the Negro] no longer wants mere equal treatment, he expects and apparently intends to bludgeon the majority of this country's citizens into giving him preferential treatment.

He shows his sense of responsibility by flouting law and order throughout this country, even threatening to intimidate the Congress of the United States. And all of this is done with the tacit approval of the sponsors of Senate Bill 1732.

A President who sponsors legislation such as the Civil Rights Act of 1963 should be retired from public life. And this goes for any Governor or other public official who has joined in this mad bloc vote.

Does not the present situation in Washington, D.C., give you some idea of the result you would obtain with this legislation? The nation's capital is supposed to be the supreme example of what civil rights legislation can accomplish. It's an example all right, an example of a city practically deserted by white people. If you in the Congress are really sincere about this civil rights business, why don't you give home rule to the people of Washington? Let's see how the local residents can run this city.

I believe in local self government. I challenge you to vote for home rule in Washington, D.C. I suspect that if you attempted to do this, the Secretary of State would have to testify behind closed doors that this would result in damage to our image before the rest of the world.

I think you gentlemen are well aware of the reason you are having to consider Senate bill 1732. The President of the United States and the Attorney General of the United States have used the

powers of the Executive branch in such a manner as to create a tense and explosive situation which they can no longer control.

Notes President's Talk

The President so much as admitted this in his nationwide telecast which prefaced the introduction of this civil rights legislation. He wooed and won the minority bloc vote. Since then he has committed a series of blunders in trying to appease the mob leaders.

These leaders have now pressured the President into the ridiculous position of placing his stamp of approval on mob violence and rioting in the streets of this country.

The entire handling of this racial situation by the present Administration has shown an ineptness and total lack of understanding in handling the problems which have been created by the political efforts to capture these votes.

The promised New Frontier is a nation torn by strife and turmoil on the brink of civil warfare.

The Kennedy Administration is in political jeopardy, and in a calculated attempt to recover from losses of political prestige, it has shifted the burden of its gross mistakes in judgment to the Congress of the United States—all the while catering to a lawless minority which shows utter disregard and contempt for law and order.

This bill will not remedy the situation. This bill will inflame the majority of the citizens of this country. When you determine that you will control and destroy private property rights—you invite chaos.

If you intend to pass this bill, you should make preparations to withdraw all our troops from Berlin, Viet Nam and the rest of the world because they will be needed to police America. You are going to make the American people law violators because they are not going to comply with this type legislation.

No part of the Civil Rights Act of 1963 is acceptable and we people in the state of Alabama and the South will take the lead for all freedom-loving people of this country—black or white—in an all-out effort to defeat any man who supports any feature of the civil rights package.

The Executive branch of this Government has ignored the Constitution of the United States and fostered the march toward centralization and the ultimate destruction of our system.

The judicial branch has perverted the Constitution of the United States in a manner which shocks the conscience of the American people.

The Congress of the United States is the last remaining bulwark against the destruction of our system of government.

Asks Referendum

I challenge the President and the Congress to submit this proposed legislation to the people as a national referendum.

I promise you that you will get the shock of your life because the people will overwhelmingly reject this encroachment upon their right to own and enjoy private property.

I say that it is high time freedom-loving people of this nation stand up and be counted and if the tree of liberty needs refreshing by the political blood of those who ignore the heritage established for us by the founding fathers, then so be it.

Gentlemen, I appreciate this opportunity to appear before you today and before leaving I have a request I would like to make. I have charged here today that there are Communist influences in the integration movement. From the mountain of evidence available everyone should realize that they are true. You have heard these charges before you—You have seen the evidence—Why don't you do something about it? Don't sweep this matter under the rug—let's expose these enemies...they are enemies of both black and white in this country—bring them out in the open.

Atlantans To Report On White House Conferences

7-18 QDW

Dr. John Letson, Mrs. Grace Hamilton, Rev. Ralph Abernathy, Atty. Donald Hollowell, and Dr. Leslie Dunbar will report on the recent series of White House conferences on race relations at a dinner of the Greater Atlanta Council on Human Relations, Mon-

day, July 22, 7 p.m. at Stouffeur's Restaurant, Hearth Room (Peachtree Level). Other Atlantans who attended the conferences called by President Kennedy have been invited to attend the meetings and participate in the informal discussion. The

public is invited. Reservations for the dinner (\$2.40) can be made by calling the office of the Greater Atlanta Council on Human Relations 523-1581. "In spite of the progress made in Atlanta, Negro citizens still have far less chance for success," Mrs. Clif-

ton Hiffman, Council chairman said. "Figures provided by the U.S. Census Bureau show the following conditions of Atlanta Negroes as compared with conditions of Negroes throughout the country as reported by the President in his radio and television speech:

Local Jaycees Against Civil Rights Bills

QDW 7/12

The Atlanta Junior Chamber of Commerce has voted to oppose all of President Kennedy's current civil rights legislation but made it clear it would continue to support what it called "all justified demands for equal opportunity for all citizens."

Of the public accommodations bill the chamber said it denies the basic principles of free enterprise forbidding a business man from choosing his own customers. To discriminate on color, race, or any other reason are issues of moral and business judgement to be left up to the individual, said the chamber in a two-page statement released this week.

The Junior Chamber of Commerce also said local legislation should be encourage and enforced in the matter of voting rights rather than through "hastily passed status." The group said it was not opposed to an earlier resolution passed by the Atlanta Chamber of Commerce calling for the voluntary desegregation of private businesses.

"An Atlanta Negro, like other American Negroes, has about half as much chance as an Atlanta white citizen, of completing high school and about one-third as much chance of completing college. The Atlanta Negro has half as much chance of becoming unemployed (as compared to twice as much chance on the national scene) but he has only one-thirtieth, instead

of one-seventh, as much chance in Atlanta of earning \$10,000 a year, and one-fourth instead of one-third as much chance as fellow white citizens in Atlanta of becoming a professional man."

Sen. Talmadge Speaks Against Rights Bills

QDW 7/12

WASHINGTON — (UPI) — Sen. Herman E. Talmadge, D-Ga. said Thursday that enactment of President Kennedy's civil rights program would produce "terror throughout the land" and require federal troops for its enforcement because it would create a "police state."

He said that if the President's omnibus civil rights bill comes before the Senate in its present form "all who cherish our system of government will resist it." But he said "no plans" had been made for a Southern filibuster. Talmadge, appearing on a radio program CBS Capitol Cloakroom, was asked if the South would abide by the bill if it becomes a law. He replied:

"If the bill is passed in its present form, it would take troops all over America to enforce it. The people of the South are law-abiding—they abide by the law as they see it . . . but if you tell them they have got to associate with people they don't want to associate with,

(Continued from Page One)

make contracts with people they don't want to make contracts with . . . I think you'd have terror throughout the land, and it would require force to enforce."

Talmadge also said it is doubtful that action can be completed this year on a tax reduction bill. He said the civil rights proposals "greatly complicate" the likelihood of tax action.

Similarly, he said he was "not optimistic about passing a cotton bill."

Although President Kennedy has "lost considerable popularity" in Georgia and the South, he said, "political trends change rapidly" and it would be foolhardy to predict the situation in 1964.

Bob Kennedy Hits At States Righters

WASHINGTON (AP)—Atty. Gen. Robert F. Kennedy told the Senate Judiciary Committee that those who preach states' rights are not "seeking the protection of the individual citizen, but his exploitation."

In pleading Thursday before the Southern-dominated group for passage of the administration's civil rights program, Kennedy said: "The time is long past—if indeed it ever existed—when we should permit the noble concept of states' rights to be betrayed and corrupted into a slogan to hide the bald denial of American rights, of civil rights, and of human rights."

THE MOST GOOD

Kennedy told the committee that passage of the controversial public accommodations part of the program is essential.

"It is the part whose prompt enactment will accomplish the most immediate good in stamping out the fires of racial discord in our land," he said.

"Even as we sit here today, National Guardsmen patrol the streets of Cambridge, Md., to prevent violence. Unrest is boiling in Savannah, Ga.; in Danville, Va., and in countless other cities in the North as well as in the South," Kennedy said.

"This is what happens when long-standing legitimate grievances are not remedied under law."

QUESTIONED BY ERVIN

Under questioning by Sen. Sam J. Ervin Jr., D-N.C., Kennedy said it is "not correct" to say the administration program was submitted to Congress because, as Ervin put it, "we now are having troublesome times" with racial demonstrations.

The attorney general said the program was submitted "because there are injustices that should be remedied, not because demonstrations are taking place."

Ervin's questioning hardly had got under way when the Senate convened, forcing a recess in the hearing until some time next week. Ervin told Kennedy he was "not trying to filibuster" but he said, "Some of us see this bill as a very drastic assault on the principles of constitutional government and the private rights of individuals."

"I understand," Kennedy said.

Ervin told newsmen he does not know how long his questioning will take, when Kennedy returns next week. He noted that the bill has seven different sections and contains "an awful lot of legal gobbledegook."

One section he does not expect

to ask many questions about, Ervin said, is the one that would establish a community relations service to help conciliate racial disputes.

However, Ervin said he would like to note that: "The Civil Rights Commission agitates, the civil rights division of the Justice department aggravates, and now there would be a community relations service to conciliate."

Reuther Seeks Rights Passage In Testimony

WASHINGTON — (UPI) — Labor leader Walter Reuther told Congress Friday that if it fails to answer Negro pleas for full citizenship, "desperate men will search for . . . answers in bitterness and bloodshed."

"The hour is much later than you realize," the red-haired president of the United Auto Workers told a House Judiciary subcommittee.

The UAW, he said, has a "sizeable number" of Negroes. Reuther insisted that President Kennedy's civil rights program must not be "compromised" or weakened in any way as it moves through Congress. He said it was a "very moderate bill" and that his union wanted it strengthened, if possible.

He volunteered that "I do not know how long responsible leaders of the Negro community can restrain their followers. Congress must provide national means of providing equal opportunity for all our people or the apostles of hate will take over," he added.

As is his custom, Reuther ignored his prepared text in delivering an impassioned plea for strong civil rights legislation. He spoke off the cuff for almost an hour. Afterward, there were no hostile questions. Peter Rodino, D-N.J., as acting chairman, presided over the hearing which was attended Friday only by northern members.

Sanders To Fight Civil Rights At Governors Confab

Gov. Carl Sanders took a militant stance Friday on the eve of an expected battle at Miami Beach to keep the civil rights issue from disrupting the National Governors Conference.

Sanders is a member of the conference resolutions committee, which will be the testing ground for an expected civil rights proposal by backers of New York Gov. Nelson Rockefeller, a potential Democratic contender for the presidential nomination.

In Sanders' view, Rockefeller forces are planning this purely because of his presidential aspirations and disapproves of making a campaign arena of the conference.

"If he tries to ram it down our throats - violate the rule - I think there are enough governors who believe in a constructive conference to do something about it," Sanders told United Press International.

"I hope there will be no fight. But if he backs us in a corner I believe he will find there are some of us willing to respond. I think it is ridiculous that the governors conference be used as a political battle ground."

The "rule" Sanders referred to is one that needs a two thirds vote of the resolutions committee members to get an issue such as civil rights on the floor. Sanders and a number of other governors want it changed to require a unanimous vote.

RFK URGES PASSAGE OF CIVIL RIGHTS PACKAGE

Atty. Gen. Says Legislation Can Halt Oppression

*APW
7/19*

WASHINGTON — (UPI) — Atty. Gen. Robert F. Kennedy told a senate committee Thursday that in two southern communities a Negro can find overnight accommodations in only one listed place but a white man's dog is welcomed in nine.

Kennedy cited the situations in Montgomery, Ala., and Danville, Va., as he urged Congress to pass the administration's civil rights program "to bring to law what we have always known in our hearts to be justice."

The President's brother, appearing before the Senate judiciary committee, also questioned those who oppose the program on grounds of state's rights.

SEEKING TO EXPLOIT

"Those who preach most frequently about states rights today are not seeking the protection of the individual citizen but his exploitation," the attorney general said.

Another cabinet member, Labor Secretary W. Willard Wirtz, told the Senate Commerce Committee that he favored a proposal by Sen. Barry Goldwater, R-Ariz, which would deny federal certification to any labor union practicing racial discrimination.

"I believe in doing all things necessary to prevent discrimination in labor unions," Wirtz said.

Kennedy, in pinpointing racial barriers that face Negroes, said that tourist guidebooks list only one establishment with overnight accommodations for Negroes in Montgomery and none in Danville, where racial demonstrations have occurred.

DOGS WELCOME

"But a dog, provided he is traveling with a white man, is welcome to spend the night in at least five establishments in Montgomery and four in Danville," Kennedy asserted.

This was the attorney general's third appearance before a congressional committee studying his brother's civil rights proposals.

He showed up to testify at the Judiciary Committee two days ago, but had his appearance postponed until Thursday.

Speaking before a standing room only audience, Kennedy said the President's civil rights package is not a "cure all" for the racial problems that face the nation. But he said the legislation "can and will do more toward righting the wrongs of racial oppression than any other measure possible at this time."

PRESIDENT SENDS CIVIL RIGHTS PLEA TO SCHOOL BOARDS

NY Times 7/20
Letters Call for Cooperation
With Biracial Panels and
Effort to Cut Drop-Outs

By The Associated Press

WASHINGTON, July 19 — President Kennedy has sent a personal appeal to the presidents of thousands of school boards across the country for "your help in solving the grave civil rights problems faced by this nation."

Letters over Mr. Kennedy's signature were mailed last July 12. They also asked for cooperation in a nationwide effort this summer to persuade young people to return to school in September and reduce the number of drop-outs.

Mr. Kennedy urged the school board presidents to work actively with biracial commissions to solve civil rights issues, and to press for creation of such commissions where there were none.

In more general terms, the President voiced the hope that they would "discuss this letter with your colleagues and if possible enlist their support."

Asks Report by Aug. 15

Turning to the problem of drop-outs, the President went on:

"I urge you to commence to intensify your effort immediately in meeting this national problem, and suggest that you advise Commissioner [Francis] Keppel of the United States Office of Education of your progress—I would hope there could be an initial report by Aug. 15 and again by the end of September outlining the progress you have been able to achieve.

"Whether there is a significant reduction in drop-outs when schools resume in the fall will depend, in great measure, on your efforts in your own community. We solicit your sympathetic support and assistance."

Mr. Kennedy has repeatedly emphasized that the drop-out problem is related to the civil rights issue because of a diminishing market for untrained workers and the high proportion of unemployed Negroes.

But he told the school board executives that the problem affected both white and Negro students.

"It is of particular significance," Mr. Kennedy said, "because of a lack of job opportunities for inadequately trained

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youth and the explosive situation in many of our great cities.

The President met recently at the White House with representatives from all levels of education. He was urged at that time to write personally to school board presidents.

Meanwhile, at a hearing of a House Judiciary subcommittee, Walter P. Reuther urged Congress to create Federal registrars who would be able to sign up "millions of Negro voters in the South."

Mr. Reuther, the head of the United Automobile Workers Union, said he favored "the wholesale approach to voting rights rather than the retail approach taken by President Kennedy."

The Administration's seven-point civil rights bill includes a provision for appointment of temporary voting referees to speed cases brought by Negroes who charge they are unable to register because of racial discrimination.

Would Strengthen Bill

Mr. Reuther praised Mr. Kennedy's "courageous action" in calling for a sweeping civil rights bill, but said the measure should be strengthened in other ways.

He called for greater Federal authority to institute civil right suits and advance school desegregation. He also recommended that a provision estab-

lishing a Fair Employment Practices Commission be included in the omnibus bill.

A separate bill setting up such a commission has been approved by another committee. Mr. Reuther said, however, its chances of final passage would be better if it were placed in the over-all bill.

Mr. Reuther discarded a prepared statement and spoke for more than an hour on Negro rights, human freedom and the meaning of democracy. At one point he said:

"Each of us must understand that human freedom is indivisible. Every American's freedom is jeopardized when the freedom of any American is denied.

"We cannot defend freedom in Berlin as long as we deny it in Birmingham. No one will take us seriously.

"We must measure progress in the field of civil rights not from where we have come, but from where we have to go."

"If Congress has the constitutional right to regulate the color of margarine served in a restaurant how can anyone say it does not have the right to regulate the color of the people who will be allowed to enter that restaurant?"

"The central question before this committee is: Can American Democracy be true to itself? Can we find practical ways to implement the central value of Democracy — a belief in the dignity and worth of each person?"

Kennedy Held All-Out For Open-Cafe Law

C-7-23

President John F. Kennedy will push hard for his controversial "public accommodations" legislation, the executive director of the Southern Regional Council said here Monday.

Dr. Leslie W. Dunbar said this was the impression he received at a recent White House conference with Kennedy. Between 30 and 40 leaders of civil rights organizations attended the meeting.

"I went into the meeting not believing the administration really thought they could pass public accommodations legislation," Dunbar said, adding that President Kennedy and Vice President Lyndon B. Johnson effectively "argued their sincerity in this."

Dunbar spoke at a dinner meeting of the Greater Atlanta Council on Human Relations, one of several Atlanta speakers to report on the recent series of White House conferences on race relations.

From 25 to 30 Atlanta citizens were invited by the President to attend the special meetings.

Dr. John W. Letson, superintendent of Atlanta schools, said

that school "drop-outs" pose a serious racial problem because drop-outs and, later, the "impact of unemployment," fall much "more heavily on the Negro proportion of the population."

Educators attending one White House meeting, he said, recognized the need for a "better guidance program."

The Rev. Ralph Abernathy, Atlanta minister and an official of the Southern Leadership Conference, said that President Kennedy "did not seek to evade the issues" at a meeting of religious leaders.

President Kennedy urged religious leaders to serve on bi-racial committees in their own communities, the Rev. Mr. Abernathy said.

The Rev. Vincent Harding, who also attended the meeting of religious leaders, noted that there was almost "too much of the public relations aspect to these meetings. There were too many people for him (President Kennedy) really to talk to the people there."

Void Inn Barriers, Rights Senator Asks

C-7-23

WASHINGTON (AP)—Sen. Kenneth B. Keating, R-N.Y., introduced Monday a civil rights amendment to outlaw all state and local ordinances compelling or fostering segregation in public accommodations.

It was one of three amendments introduced by Keating to the Kennedy administration's civil rights package.

Keating said in a Senate speech that the administration's public accommodations proposal relies primarily for enforcement on the interstate commerce clause in the Constitution.

He said his amendment would make the proposal applicable to all state and local segregation ordinances by basing enforcement on the 14th amendment to the Constitution as well. That amendment guarantees equal protection for all citizens.

"The best way to assure the

broadest coverage of the bill is to rely on both standards and this is exactly what my principal amendment would accomplish," Keating said.

The other amendments would outlaw discriminatory advertising and spell out that all public accommodations, not just ones specifically mentioned in the bill, would be covered.

Protests Not Red Inspired, Wilkins Says

ADW 7-23

NAACP Secretary Speaks Before Rights Hearing

WASHINGTON—(UPI)—NAACP leader Roy Wilkins Monday disputed claims that the Negro protest movement is Communist inspired.

Testifying before the Senate Commerce Committee on behalf of President Kennedy's civil rights program, the executive secretary of the National Association for the Advancement of Colored People said:

"Wherein is a demonstration against police brutality, against discrimination in employment, against exclusion from voting booths, lunch counters and public recreational facilities judged to be un-American or subversive?"

In recent testimony before the committee, Govs. Ross Barnett of Mississippi and George Wallace of Alabama charged that the mass Negro demonstrations were following a Communist pattern.

Wilkins also took issue with those who have said that Negroes were hurting their own cause by continued demonstrations.

He commented: "How can a cause—which has been betrayed by every possible device, beaten back in the crudest and most overt fashion, and distorted in high sounding misrepresentations by suave kinfolk of the mob—how can a cause in such condition be hurt by crying out of those who suffer...?"

He told the committee that if Sen. Richard Russell, D-Ga., leader of the southern opposition bloc in Congress, "had to swallow our treatment for 24 hours, he would be on a picket line in the next following 20 minutes."

"When Americans are stepped upon or pushed around," Wilkins said, "they protest and demand corrective action."

"They protested the tax on tea," he added. "They protested their lack of representation in the English Parliament, just as Negroes today protest their lack of representation in the Mississippi or South Carolina legislatures."

"In truth," the Negro leader continued, "the resolute determination and action of our Negro citizens upon the civil rights issue constitute exemplarily American conduct."

"If we desire to kill off such conduct and to fashion a nation of cautious crawlers," he said, "we should cease the teaching of American history."

ROBERT KENNEDY FACES RIGHTS FOES

NY Times
7-19
Rebuts Southern Charges
Bill Would Infringe Upon
State or Property Rights

By E. W. KENWORTHY
Special to The New York Times

WASHINGTON, July 18 —

Attorney General Robert F. Kennedy denied today that the Administration's civil rights bill would "improperly" interfere with either the rights of the states or the rights of private property.

Southern opponents argue that four sections of the bill, dealing with schools, voting, public accommodations and Federal funds, are an infringement on states' rights.

They are joined by many Northern legislators of both parties in asserting that the proposed ban on discrimination in public facilities would impair property rights.

The Attorney General addressed himself to both these arguments today as he began testifying on the bill before the Senate Judiciary Committee. The committee, headed by Senator James O. Eastland of Mississippi, has never in recent times reported a civil rights bill.

Mr. Kennedy accused the Southerners, in effect, of forgetting the debates in the Constitutional Convention and misapplying their favorite doctrine. He said:

"States' rights, as our forefathers conceived it, was a protection of the right of the individual citizen. Those who preach most frequently about States Rights today are not those seeking the protection of the individual citizen, but his exploitation.

"The time is long past — if indeed it ever existed — when we

Continued on Page 7, Column 2

Continued From Page 1, Col. 4

should permit the noble concept of States Rights to be betrayed and corrupted into a slogan to hide the bald denial of American rights, of civil rights and of human rights."

While the Administration believed in the principle of "the less Federal intervention the better," the Attorney General said, it could not forget that a citizen of Alabama or Mississippi "is also an American citizen."

Stresses Federal Roles

"We expect him to obey American laws, to pay American taxes, to fight and die in American wars, whatever the color of his skin," Mr. Kennedy said.

As for the argument on property rights, he reminded the committee that thirty-two states already had laws banning discrimination in public facilities. Most of those laws, he asserted, were "more encompassing and far more stringent than the legislation we have suggested."

Senator Sam J. Ervin, former Associate Justice of the North Carolina Supreme Court, was the principal interrogator of the Attorney General. Senator Ervin, with help from Senator Richard B. Russell of Georgia, will spearhead the Southern legal assault on the Administration bill.

Surrounded by a three-foot high pile of law books, the man who describes himself in his press releases as "the North Carolina solon," began his questioning by asking Mr. Kennedy to "discuss why the founding fathers decided to have a written Constitution."

"They wanted the citizen to be sure what his rights, liberties and responsibilities would be, and the relationship of the Federal Government to the states," the Attorney General replied, as if he were a schoolboy taking an examination.

Then, beginning with Ex Parte Milligan, a Supreme Court decision of 1866, the Senator began to read to Mr. Kennedy excerpts from court decisions and Constitutional authorities, all dealing with the protection of citizens from usurpations of power by the executive.

Mr. Ervin had hardly begun his reading, however, when the noon bell rang summoning the Senate to session.

Because Senator Strom Thurmond, Democrat of South Carolina, refuses to join in the required unanimous consent required to permit committee meetings while the Senate is in session, the committee adjourned until Monday.

In an impromptu news conference afterward, Senator Ervin was asked to comment on charges made by Govs. Ross R. Barnett of Mississippi and George C. Wallace of Alabama and Attorney General Bruce Bennett of Arkansas that the civil rights movement was "Communist-inspired."

Mr. Ervin said that he had "no access to information on the activities of Communists." He added that he was going to approach the problem "on the

intellectual plane and not the emotional plane."

"I'm not going to look under the bed for any Communists," he said.

When a reporter asked whether he meant that he was taking "the high road" of the Constitutional approach and that others were taking "the low road" of suggesting that some of the civil rights leaders were influenced by Communists, Mr. Ervin said:

"Oh, no. They may be taking the road that leads to the stars."

He said that he had not read what the two governors had said before the Senate Commerce Committee or what proof they had for their assertions that demonstrations were "Communist-inspired."

The two Governors and Mr. Bennett were witnesses presented by Senator Thurmond.

"Different approaches have different appeals to different Senators," Mr. Ervin said. "A fellow in public life gets a lot of votes from a lot of people."

Later Senator Russess said that obviously Communists would get behind the civil rights bill because it was a "potential source of trouble" and they liked "to rub salt in sores."

"My opposition," he added, "is predicated on the grounds that it is un-American, contrary to the Constitution and a curtailment of the use and right of private property."

"We're on mighty high ground on the Constitutional argument," Mr. Russell declared.

Governors Barnett and Wallace had both insisted that literacy tests for voting were impartially administered in the states.

Attorney General Kennedy gave examples today of what he called "shocking instances of discrimination against Negroes" in both states.

The Alabama registration application, he said, has one question:

Will you give aid and comfort to the enemies of the United States Government or the Government of the State of Alabama?"

A white man with a seventh grade education who wrote in answer "No—Government of the stat of Ala" was accepted.

A Negro woman from the same county, a school teacher for twenty-eight years, was rejected for an inconsequential error of a date, Mr. Kennedy said. When she completed the form perfectly in a second try, the registrar ruled she could not apply more than once.

Negroes, he said, are often asked to interpret the meaning of "due process" to a registrar who knows no law, while whites are asked to explain, "There shall be no imprisonment for debt."

'Literate' Whites Answer

One white man interpreted that sentence, Mr. Kennedy said, in this way:

"I think that a Negro Should Have 8 years in college Be for voting Be cause He dont under Stand."

He was accepted.

In Tallahatchie County, Miss., 4,329 of the whites, or 84.8 per cent, are registered, while only five Negroes, less than one-tenth of one per cent, are registered, Mr. Kennedy said.

Secretary of Labor W. Willard Wirtz, testifying before the Senate Commerce Committee, said he favored "in principle" an amendment proposed by Senator Barry Goldwater, Republican of Arizona, to deny certification under the Landrum-Griffin Act to any labor union practicing racial discrimination.

JOB RIGHTS PLAN IRKS A.F.L.-C.I.O.

Proposals to End Race Bars Termed Presumptuous

By JOHN D. POMFRET

Special to The New York Times

WASHINGTON, July 18

Two groups active in the civil rights field today sent to most of the nation's international union presidents a set of sweeping proposals for union action to end racial discrimination.

The proposals evoked a hostile reaction from a spokesman for the American Federation of Labor and Congress of Industrial Organizations.

While saying that he felt the proposals were well-meaning, he characterized them as presumptuous. He indicated that he was concerned that union leaders would regard them as a pressure tactic, and that this unfavorable reaction later would be reflected in resistance to what action the federation itself might propose to its affiliates in the civil rights field.

'In Spite of' Proposals

"Anything that the A.F.L.-C.I.O. will do in this area will be in spite of these proposals, not because of them," the spokesman said. "We have got to look at the problems from a trade union point of view and move in a trade union way to solve them."

The 16 proposals were circulated by the Potomac Institute, a private, nonprofit agency working for improved intergroup relations, and the National Labor Service of the American Jewish Committee.

They emerged from an "off-the-record" meeting held at the institute here June 10.

About 25 persons active in civil rights work in unions, intergroup relations experts and representatives of Negro organizations attended.

Alliance Is Cited

The thought of the two sponsoring groups was that the traditional alliance between the unions and Negro groups had been critically strained because of attacks on unions by Herbert Hill, labor secretary of the National Association for the Advancement of Colored People, and the intransigence in the civil rights field of some unions.

The sponsors felt that Negro demonstrations against alleged union discrimination, particularly in the building trades, would increase in frequency. They felt it vital to try to heal the breach between the Negro

groups and the unions in a positive way.

A National Labor Service spokesman, informed of the reaction, said:

"We're sorry they're so hypersensitive. Our purpose was completely friendly and designed to bridge the gap between labor and the Negro and civil rights groups. We feel it is extremely important both for the civil rights movement and for the sake of legislation in other fields to have broadly based unity."

The proposals were mailed to the presidents of the A.F.L.-C.I.O.'s 130 affiliated unions. They went also to the federa-

tion itself, to union civil rights specialists, key Negro leaders, a number of government officials active in the civil rights field and the leaders of intergroup organizations.

Called Suggestions

Titled "Proposals for Civil Rights Action by Organized Labor," the 16 suggestions all were made by participants at the June 16 meeting. Not every participant endorsed each proposal and, in fact, some of the suggestions were vigorously opposed by a number of those who attended.

Nor were the proposals in any sense the official program

of the sponsoring organizations, a spokesman explained. They were sent out in the hope that they would be useful to unions in planning their activities in the civil rights field.

The main suggestion was that the federation should establish immediately a special task force of ranking officers and staff representatives to set up "a broad crash program" to deal with all aspects of civil rights. Task forces on the state and local levels were also recommended and international unions were asked to make high-level assignments in the civil rights field.

ARTHUR J. GOLDBERG

K
Confirmed September 25, 1962 by voice vote
Senator Thurman of South Carolina asked to be recorded as voting against him

BYRON S. WHITE

K
Confirmed April 11, 1962 by voice vote
In a speech, Senator Russell said he was for his confirmation
(See page 5835, Congressional Record)

HUGO BLACK

R
Confirmed August 17, 1937
Senator Russell was "paired" for confirmation - he did not vote

WILLIAM O. DOUGLAS

R
Confirmed April 4, 1939
Russell voted yes

TOM C. CLARK

T
Confirmed August 18, 1949
Russell voted yes

JOHN M. HARLAN

E
Confirmed March 16, 1955
Russell voted no

September 30, 1963

Miss Janet Ellen Maglio
Riviera Beach High School
P. O. Box 10496
Riviera Beach, Florida

Dear Miss Maglio:

In reply to your letter of September 26th I am enclosing a copy of the testimony given by Mayor Allen before the Senate Commerce Committee.

The City of Atlanta has not established one large human rights commission as you will see from reading the testimony. We have, however, appointed affected bi-racial committees to work out specific problems.

With appreciation for your inquiry, I am

Sincerely yours,

Ann Drummond,
Executive Secretary

AD/br

Enclosure

RIVIERA BEACH HIGH SCHOOL

P. O. Box 10496
RIVIERA BEACH, FLORIDA

CLYDE A. CANIPE
Principal

September 26, 1963

Honorable Mayor Ivan Allen
City Hall
Atlanta, Georgia

Dear Sir,

I am a Senior at Riviera Beach High School and am at present studying "Contemporary Problems", a course concerned with the problems facing our democracy today.

Committees have been formed, each designated to study individual civil rights problems of several major cities.

My particular group has chosen Atlanta and its surrounding area.

The newspapers have reported favorably on Atlanta's handling of integration. Any of your views, any news clippings, any information concerning biracial committees, etc., would be sincerely appreciated. Your cooperation is solicited.

Sincerely,

Janet Ellen Maglio
Janet Ellen Maglio
Senior
Riviera Beach High

mls

September 30, 1963

Mr. Samuel Levine,
Legislative Chairman
Committee for Human Rights
City of Fremont
41634 Covington Drive
Fremont, California

Dear Mr. Levine:

In reply to your letter of September 25th I am enclosing a copy of the testimony given by Mayor Allen before the Senate Commerce Committee.

The City of Atlanta has not established one large human rights commission as you will see from reading the testimony. We have, however, appointed affected bi-racial committees to work out specific problems.

With appreciation for your inquiry, I am

Sincerely yours,

Ann Drummond,
Executive Secretary

AD/br

Enclosure

41634 Covington Drive
Fremont, California
September 25, 1963

Office of Mayor of
Atlanta
Atlanta, Georgia

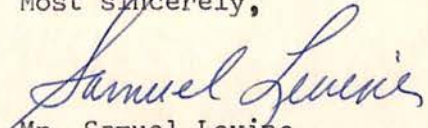
Sir:

The citizens of the City of Fremont are urging the formation of a Human Rights Commission. In order to establish the best possible organization, it was recommended that we consider a pattern similar to the one which now serves your city.

To this end we request that you be kind enough to send, at your earliest convenience, a copy of the ordinance which establishes and describes the Human Rights Commission of your city. We assure you that this material will be used judiciously.

May we take this opportunity to congratulate you for your excellent work in this area.

Most sincerely,


Mr. Samuel Levine
Legislative Chairman
Committee for Human Rights
City of Fremont

September 23, 1963

Hon. Eleazor P. Sheppard, Mayor
City of Richmond
Richmond 19, Virginia

Dear Mayor Sheppard:

In the absence of Mayor Allen, I would like to reply to your letter of September 20th.

There is very little information written down regarding bi-racial committees in the City of Atlanta. I am enclosing a copy of Mayor Allen's testimony before the Senate Commerce Committee which tells in a general way what has taken place in Atlanta. As you will note from reading it, we have not appointed one large bi-racial Committee but we have appointed such committees to work with specific problems.

Should you have any further questions, we will be glad to try to answer them.

Sincerely yours,

Ann Drummond,
Executive Secretary

AD/br

Enclosure

City of Richmond



ELEANOR P. SHEPPARD
MAYOR

RICHMOND 19, VIRGINIA

September 20, 1963

The Honorable Ivan Allen, Jr.
Mayor of Atlanta
Atlanta, Georgia

Dear Mayor Allen:

The City of Richmond has recently appointed a bi-racial commission to seek solutions to community problems.

The commission has expressed an interest in materials and experiences of similar commissions in other cities of the South, and asked me to request either printed, mimeographed or any publications known to your city and available for our information.

I will appreciate your consideration personally and most gratefully.

Sincerely,

Eleanor P. Sheppard

Eleanor P. Sheppard
Mayor

EPS:ALB

140 No. 184th
Seattle, Wash. 98133
August 16, 1963

Office of the Mayor
Atlanta, Georgia

Dear Mr. Mayor;

The young people of the Church of the Brethren in the Pacific Coast Region are organizing a conference to be held at Squaw Valley, California on Nov. 21st.

The theme for this conference is "Large Confusion - Small Certainty". One of the topics for discussion will be civil rights. We would appreciate any literature which your office could donate.

Sincerely,

William Turnidge

William Turnidge
(Chairman in charge of Lit.).

*Sent Testimony
8/20/63*

August 19, 1963

Mr. Quintus E. Fredrickson
40 Downer Place
Aurora, Illinois

Dear Mr. Fredrickson:

This will acknowledge receipt of your letter of August 16. I am grateful for the kind things you had to say about me.

I am enclosing a copy of my testimony presented recently before the Senate Commerce Committee in Washington. This is just about as complete information as I can furnish you. It will give you an idea of how Atlanta has been able to cope with the problem of racial discrimination.

Congratulations on your new store. I certainly wish for you every success. With best wishes and highest personal regards, I am

Sincerely yours,

Ivan Allen, Jr.,
Mayor

q

IAJr/eo

Enclosure

Fredrickson's

OFFICE SUPPLIES AND EQUIPMENT

40 DOWNER PLACE
AURORA, ILLINOIS
PHONE TWIN OAKS 7-4675

August 16, 1963

Mayor Ivan Allen, Jr.
City Hall Building
Atlanta, Georgia

Dear Mayor Allen:

Many months ago I wanted to sit down and write a letter of congratulations to you for having been elected Mayor of Atlanta, but one puts things off. Then as the months went by problems have been brought to mind by the integration movements and I have wanted to write a letter of congratulation because of the gracious acceptance evidently accorded all peoples in the city of Atlanta. Then I thought that this could only be due to good leadership. I knew it must be this because that is what you gave to the N.S.O.E.A. and the office supply industry in the years past, but again I failed to write this congratulatory letter.

But today I find myself in a somewhat similar position to yours, with the problems of integration thrust upon me and others as members of the Aurora Area Bi-Racial Committee. I was also an elected official in 1941, having been City Clerk until the outbreak of World War II when I enlisted and went into the Infantry. I had Negro soldiers at Annistan, Alabama, before going overseas with the Seventh Armored Division. Also, prior to World War II, I had worked with Negro gang groups through the public school system and the Y.M.C.A. here in Aurora. With this bit of background I was chosen to become a member of the Bi-Racial Committee, an appointment which I felt no one should turn down if he felt capable of dealing with this most current emergency.

Ivan, if you should have any materials which you feel would be advantageous for me to use I would appreciate your forwarding them to me. Any suggestions that you have I likewise would be thankful for. We have had meetings with the Civil Service Commission here, the retail division of the Chamber of Commerce and the personnel officers of our local area manufacturing. Meetings are scheduled with the school boards, the banks and building and loan associations for next week, and the realtors week after next. There are four Whites and four Negroes on the Commission, all of whom are level-headed.



Mayor Ivan Allen, Jr.
August 16, 1963
Page -2-

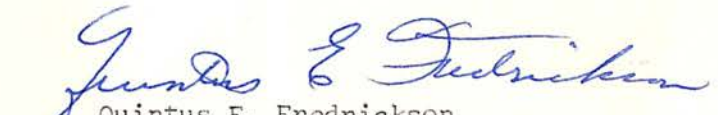
I have just moved into a new location and had my Grand Opening two weeks ago. I am enclosing one of my ads for your interest.

My wife and I have been very fortunate to have become eligible for a trip to Italy from Olivetti. We leave around September 15 for sixteen days and should return in time for the National Show. If you are to be there I probably will be seeing you.

If you find time to drop me a line I would appreciate it.

Sincerely,

FREDRICKSON'S


Quintus E. Fredrickson

QEF:r
Enc.

Night Phones
Midway 3-3736
Midway 3-3962

Business Phones
738-2430
CAnal 6-2646

BISHOP PRODUCE
FRESH PRODUCE FOR PROCESSORS
22 **FOOD BROKERS**
17 SOUTH WATER MARKET
CHICAGO 8, ILLINOIS

Aug 17, 1963

Hon. Ivan Allen,
Mayor, Atlanta Georgia;

Dear Sir,

Am enclosing article in our
Chicago Sun Times, which I am
certain you will find gratifying.

I admire your intelligence,
breadth of vision & courage.

Best of luck to you

Yours truly
Len Bishop

in CF
Langhans

August 14, 1963

Mr. William B. Stubbs
Trust Company of Georgia Building
Atlanta 3, Georgia

Dear Bill:

May I express my appreciation for your thoughtfulness in sending the copies of the Wireless Bulletin from Cambodia, which contained the major portion of my testimony before the Senate Commerce Committee. I was particularly interested in seeing the French and Cambodian translations.

When you write Bill, thank him for me personally in sending these to you, and tell him I am very pleased to know of the distribution.

With highest personal regards, I am

Sincerely,

Ivan Allen, Jr.

Iajr:ad

WILLIAM B. STUBBS

TRUST COMPANY OF GEORGIA BUILDING
ATLANTA 3, GEORGIA

August 14, 1963

Dear Ivan:

Rachael and I thought you might like to have a copy of Wireless Bulletin for Wednesday, August 7, 1963, which was published by USIS Press Section, Phnom Penh, Cambodia. USIS publishes twice a week, in three languages, a news bulletin distributed to papers and persons in Cambodia. Much of the material in the bulletin comes from USIA teletype. The bulletin has a circulation of about 5,000 in Cambodia. A copy of the August 7 issue is enclosed, in each of the three languages.

Our son Bill is with USIS in Cambodia. He is extremely proud of Atlanta and has received many favorable comments from others. He does not have any responsibility for publishing the bulletin, but does handle its distribution.

Cordial regards.

Sincerely,

Bill

W. B. Stubbs

Mayor Ivan Allen, Jr.
City Hall

8

UNITED LIBERAL CHURCH ROOM 263, 1145 PEACHTREE STREET, N. E., ATLANTA 9, GEORGIA, TEL. 872-9887

UNITARIAN
UNIVERSALIST

August 5, 1963

The Honorable Charles Weltner
Congressman
Georgia Fifth District
House of Representatives Building
Washington, D.C.

Dear Congressman Weltner:

With great pleasure, we have observed and supported your actions and conduct both as candidate for office and as our representative to Congress. Your influence and prestige, locally and nationally, far exceed that expected of a first-year Congressman. As a result, you have a unique opportunity to be an effective force for progress, and we sincerely hope you will use it.

By vote of The Board of Trustees, we strongly urge your support of President Kennedy's proposed Civil Rights legislation. We feel, deeply, that this legislation is in the best interests of our state and country at this crucial time; and we feel your support would be in keeping with the sensible and courageous stands we have come to expect you to take...and on the basis of which you were elected.

We hope this will be but one of many constructive accomplishments of a long and successful political career.

Very truly yours,

Harry C. Adley, President
for The Board of Trustees
UNITED LIBERAL CHURCH
(UNITARIAN-UNIVERSALIST)
OF ATLANTA

HCA/afs
cc: Old Post Office Building Office
Atlanta, Georgia



The Daily Times

Press-Radio Center, Telephone 532-6211

Gainesville, Georgia

August 3, 1963

Mayor Ivan Allen
City Hall
Atlanta, Georgia

Dear Mayor Allen:

I thought you would be interested in the enclosed editorial.

Cordially yours,

Sylvan Meyer
Sylvan Meyer
Editor

"CR" scrapbook

file - Civil Rights

Glenn Bennett, Metropolitan Planning Commission, advises that the 45 separate incorporated places in the metropolitan area are shown on the attached map.

Mr. Bennett said that his office would not be in position to know how many have made a change in any policy of segregation.

The office of Mrs. Bernice McCullough, State Department of Education,
(688 - 2390) advises that there are

198 school systems in the state of Georgia.

Atlanta is the only school system that this office has any information on
relative to integration.

Mr. L. C. Adams of the Georgia Municipal Association , advises that there are approximately

420 active incorporated municipalities

There are approximately 590 incorporated municipalities. However about 170 of these towns are so small, they have become inactive - (no elected officials, etc.)

August 5, 1963

Mrs. Frances B. Cheney
Hotel General Forrest
Rome, Georgia

Dear Mrs. Cheney:

I was so pleased to receive your letter of August 3, and I am very grateful for your support of my testimony before the Senate Commerce Committee. I am taking the liberty of forwarding you, under separate cover, the complete text of my testimony, and as you indicated, it was a very fine experience.

I am not familiar with the plans at Georgia Tech for the President's appearance. I am, however, writing Dr. Harrison today requesting that you be put on the list for two tickets.

Louise joins me in expressing our appreciation and best wishes.

Sincerely,

Ivan Allen, Jr.,
Mayor

IAJr/ee

Mrs. HOLMES CHENEY

HOTEL GENERAL FORREST, ROME, GEORGIA

Aug 31st 1963

Dear Joan -

I am Mary Richardson's friend "Frances" - as Mary has told you I so fully approve of you and your politics and your dealing with affairs in Atlanta. If I were younger I'd ask for a "no-pay" job there at City Hall!!

I was going to write to your Louis and ask her to pass on my congratulations to you but a letter from Mary yesterday said Louis is at Texaway so this is to tell you that I was thrilled with your appearance in front of "The Committee" in Washington and with all you said. I heart double when Sen. Thurmond spoke to you. Yes sounded like a spoiled child saying "now I'm not going to play" and I could see you were covered with laughter!

Will you ask your secretary or
some one, to find me a line to tell
me to whom I should appeal to get
two tickets to hear and see President
Kennedy when he comes to Atlanta
to speak in Oct. Big House was
a Tech grad back in 1908 and if
to write to the Alumni Assoc. would
be best I'll do this but I do not feel
sure this is the way. - This special
friend of here, Mrs. Flowerhouse,
is with me, a fighting Kennedy Dem-
ocrat and we battle most of our
most of the time. It seems to be the
style now for Democrats to vote
Republican.

My very best wishes to you
and Louise -

Sincerely
Francis B. Cheney

Ann

July 12, 1963

Mr. Lewis Tingley
Administrative Assistant
Mayor's Office
City Hall
Louisville, Kentucky

Dear Mr. Tingley:

I certainly enjoyed talking with you over the phone this morning and we are pleased that you will be in Atlanta on July 31st.

Please call either me or Mrs. Robinson at Ja 2 - 4463 so we may arrange a mutually convenient time for you to chat with Mayor Allen. As I said, I am sure he will be quite interested in the reaction you have had to the Public Accommodation Law recently passed by the City of Louisville.

It would be extremely helpful for us to have another copy of your Law and I would appreciate your mailing it to me.

Sincerely yours,

Ann Drummond,
Executive Secretary

AD/br

Ivan :

Had a nice conversation with a very enthusiastic Mr. Grinstein (about you).

He laughed when I told him Mr. Rich regretted, and said that that was what he expected.

He said that Sanders testimony did not change the position you had established one bit. . . .and ~~that xxxix~~

he said that Sanders said that "he represented the majority of the people of Atlanta and he was in total opposition of the bill". Grinstein said that Pastore said that he had even more faith in what the Mayor of Atlanta has said because of the Sanders ~~sx~~ statement. He also said that Sanders was walking on very thin legal ice.

Grinstein said that their correspondence was running about 15 to 1 in opposition of the bill, and he was completely amazed when I told him our ratio. The correspondence which the Committee receives has absolutely no influence on the Committee.

Grinstein said that Thurman tried to carry Sanders as far in the direction of opposition as ~~and~~ he was ~~✓~~ trying to work against you. . .and Thurman made Sanders look pretty ridiculous. . .

July 29, 1963

Rev. James O. Chatham,
Assistant Minister
McAllister Memorial Presbyterian Church
900 North Alleghany Avenue & East Cedar Street
Covington, Virginia

Dear Rev. Chatham:

I appreciate your letter of July 10th and your sincere inquiry as to how Atlanta has handled problems of discrimination.

I believe my testimony before the Senate Commerce Committee will give you the overall picture and a general summary of what has taken place in this city. Should you have specific questions later, please advise and I will be glad to try to answer them.

Sincerely yours,

Ivan Allen, Jr.,
Mayor

IAJr/br

J
Enclosure

MCALLISTER MEMORIAL PRESBYTERIAN CHURCH

900 NORTH ALLEGHANY AVENUE AND EAST CEDAR STREET

COVINGTON, VIRGINIA

MINISTER:

JEROLD D. SHETLER

MANSE:

1433 SOUTH CARPENTER DRIVE

TELEPHONES:

CHURCH OFFICE AND MINISTER'S STUDY:
962-2675

MANSE: 962-1495

July 10, 1963

The Mayor
Atlanta, Georgia

Dear Sir:

As you know, racial demonstrations have been taking place for some weeks in the town of Danville, Virginia, about one hundred miles from our town of Covington. We here in Covington are seeking ways to avoid the confusion and turmoil which other towns have known by acting in advance of the difficulty to establish cordial relationships between the races, relationships in which differences can be ironed out around the conference table rather than in the midst of mobs.

We look to your city as a pioneer among those who did not wait for the trouble to start before doing something about it. The purpose of my letter is to ask you to send any information which is available concerning the advanced planning which was carried on in your city. If you can send me written information, or direct me to nationally circulated magazines where such information can be found, I will greatly appreciate your service.

Thank you for your attention.

Yours truly,

James O. Chatham
James O. Chatham

assistant minister

S T A T E M E N T

by

IVAN ALLEN, JR.
MAYOR OF ATLANTA, GA.

BEFORE
COMMITTEE ON COMMERCE

REGARDING

S. 1732

BILL TO ELIMINATE DISCRIMINATION IN PUBLIC
ACCOMMODATIONS AFFECTING
INTERSTATE COMMERCE

July 26, 1963

STATEMENT BY IVAN ALLEN, JR.
MAYOR OF ATLANTA

July 26, 1963

Mr. Chairman and Members of the Senate Commerce Committee:

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, Georgia. 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 consist 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 one 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 first hand experience and first hand 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 sought 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 retained or enhanced the privileges of segregation.

It has 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 two and a half 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 arts 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 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 has 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 my 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% 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 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 bi-racial 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 Theatre 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 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 reach for lasting goals instead of grabbing for momentary publicity. 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 the 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 ten 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 backwards. 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 accommodation 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 time table 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.

July 26, 1963

Miss Carol Littlejohn
4990 Columbia Pike
Apartment 304
Arlington, Virginia

Dear Miss Littlejohn:

I appreciate your letter and your interest in how well racial problems have been handled in Atlanta.

I am enclosing a copy of the testimony which I gave to the Senate Commerce Committee regarding the Public Accommodation Bill. I believe this testimony will give you a complete summary of what has happened in Atlanta.

With appreciation for your interest, I am

Sincerely yours,

Ivan Allen, Jr.,
Mayor

IAJr/br

DEMOCRATIC NATIONAL COMMITTEE

1730 K STREET, N.W.
WASHINGTON 6, D. C.

July 19, 1963

TELEPHONE
FEDERAL 3-8750

*free
civil
rights*

Dear Fellow Democrat:

Enclosed you will find two articles which we believe will be of assistance to you in discussing the President's civil rights and disarmament programs.

Sincerely,

John M. Bailey
John M. Bailey

THE WALL STREET JOURNAL.

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Reprinted by: Democratic National Committee

MONDAY, JULY 15, 1963

1730 K Street, N.W., Washington 6, D.C.

Integration Impact

Desegregated Concerns In South Say Patronage Holds Up in Long Run

Some Hotels, Restaurants Do Better; Atlanta, Dallas Cite Larger Convention Market

New Rights Often Not Used

By JAMES C. TANNER

Staff Reporter of THE WALL STREET JOURNAL

ATLANTA—Things are swinging these days at the Wit's End, a swank North Side night club which opened its doors last November. Though the Treasury's new expense account rules made things tough at first, the Wit's End is now packing in customers regularly.

In Memphis, the 126-room Downtowner Motel is doing so well its occupancy is even running ahead of last year's booming 95% rate. The Downtowner has been filled to capacity much of the time in recent weeks and all signs point to a record year.

The financial fortunes of these Southern establishments are of special interest because both are among those that have begun serving Negroes for the first time. Their experiences, plus those of scores of other businesses from Texas to the Carolinas, point up a significant and perhaps surprising fact: Among those restaurants, hotels, theaters and other places of public accommodation in the South that have begun serving or hiring Negroes, only a few report suffering any lasting economic consequences. A sizable number, in fact, declare that business has been better than ever. "Couldn't Have Been Smoother"

"We were scared to death—we could just see all our white customers walking out the minute the first Negroes walked in," says Paul Stickney, manager of the Wit's End. "But things couldn't have been any smoother. We know of only one white couple who walked

out because we admitted Negroes and they came back within two weeks. As far as stirring things up around here, it's been one big zero." The Wit's End is one of only three Atlanta night clubs serving both whites and Negroes.

All this is not to suggest that desegregation would go smoothly for all Dixie establishments. At Ormond Beach, Fla., near Daytona Beach, motel operator George Thomas is still reeling from the financial punch delivered by boycotting whites when he decided it was the "right thing" to desegregate his 32-unit Star of the South Motel seven months ago. "My business at first dropped about 50%," he reports. But he adds that an influx of Negro guests quickly took up much of the slack, and he expresses confidence that many of his white customers eventually will return.

But most businessmen questioned by The Wall Street Journal report no grave economic dislocations from integration and they leave no doubt that desegregation of commercial facilities has been less painful than expected.

No Loss of Business

"Things have been going like clockwork—we're surprised and pleased," says Dallas hotel man Henry Rather of last summer's decision by the city's major hotels and motels to integrate. Mr. Rather says a recent check of the city's 35 largest hostels failed to turn up a single instance of lost business because of desegregation. "There were a few letters and a crank call or two at first, but that's all," comments Mr. Rather.

Broader access to privately owned places of "public convenience," such as hotels, restaurants, amusement facilities and stores, has become a prime goal of Negroes lately. The recent riots in Birmingham, and subsequent disturbances in such cities as Savannah, Ga., Jackson, Miss., Danville, Va., and Tallahassee Fla., primarily revolved around Negro demands that merchants open their facilities to Negroes—in some cases as customers and in others as employees.

The question has taken on added importance in recent weeks with the appeal to Congress by President Kennedy for Federal power to outlaw racial discrimination in all places of public accommodation. This is unquestionably the most controversial provision of the Kennedy civil rights program and seems likely to become the focal point of the coming Congressional battle over civil rights.

Negroes Making Major Strides

Southern businessmen generally express strong opposition to this section of the proposed civil rights legislation. But even without such a law, Negroes are making major strides in their push to break down segregation barriers. The Justice Department reports that some desegregation of commercial facilities occurred in 143 cities in Southern and border states in the four weeks ended June 18; others are joining the list daily.

Last week, for instance, a bi-racial committee in strongly segregationist Fort Worth announced that all of the city's public facilities, including hotels, restaurants, theaters, department stores and athletic contests, would be desegregated in September when the city's schools are scheduled for integration.

If the pattern emerging in other Southern cities holds true, Fort Worth merchants can expect some protests and loss of business when they first begin accepting Negroes. But experience shows that such adverse effects are rarely lasting.

Fred Harvey, president of Harvey's Department Store in Nashville, says that when his store desegregated its lunch counters in 1960 only 13 charge accounts were closed out of 60,000. "The greatest surprise I ever had was the apparent 'so-what' attitude of white customers," says Mr. Harvey.

Even where business losses occur, they usually are only temporary. At the 120-room Peachtree Manor Hotel in Atlanta, owner Irving H. Goldstein says his business dropped off 15% when the hotel desegregated a year ago. "But now we are only slightly behind a year ago and we can see we are beginning to recapture the business we initially lost," declares Mr. Goldstein.

William F. Davoren, owner of the Brownie Drug Co. in Huntsville, Ala., reports that though his business fell a bit for several weeks after lunch counters were desegregated, he's now picked up all that he lost. Says he: "I could name a dozen people who regarded it as a personal affront when I started serving Negroes, but have come back as if nothing had happened."

Memories Are Short

Even a segregation-minded businessman in Huntsville agrees that white customers frequently have short memories when it comes to the race question. W. T. Hutchens, general manager of three Walgreen stores there, says

he held out when most lunch counter operators gave in to sit-in pressures last July. In one shopping center where his competition desegregated, Mr. Hutchens says his business shot up sharply and the store's lunch counter volume registered a 12% gain for the year. However, this year business has dropped back to pre-integration levels "because a lot of people have forgotten" the defiant role his stores played during the sit-ins, he adds.

Some Southern businessmen who have desegregated say they have picked up extra business as a result of the move.

At Raleigh, N.C., where Gino's Restaurant was desegregated this year, owner Jack Griffiths reports only eight whites have walked out after learning the establishment served Negroes, and he says "we're getting plenty of customers to replace the hard-headed ones."

In Dallas, integration of hotels and restaurants has "opened up an entirely new area of convention prospects," according to Ray Bennison, convention manager of the Chamber of Commerce. "This year we've probably added \$8 million to \$10 million of future bookings because we're integrated," Mr. Bennison says.

Conventions for Atlanta

Within a day after 14 Atlanta hotels announced on June 13 they would begin accepting Negro guests who come to the city with conventions, the Atlanta Convention Bureau had nailed down three organizations for 1964 and 1965 meetings, a total of 3,000 delegates who otherwise would not have visited Atlanta. Walter Crawford, executive vice president of the Convention Bureau, says the hotels' decision opens up "the remaining 40% of the convention market that we estimate we haven't even been able to talk to before."

One frequently expressed fear of Southern white businessmen, that their establishments would be overrun by Negroes if they integrated, apparently is not materializing. "The Negroes want the right to enter your place of business, but they're not so anxious to use the right," says a Nashville banker.

At Knoxville, Tenn., William Tiller, assistant manager of the city's largest hotel, the Andrew Johnson, reports that although the hotel has been integrated more than a month, "we've had only three Negro families and two couples."

The Washington Post

Times Herald

MONDAY, JULY 8, 1963

The Harris Survey

Test-Ban Pact Has Cautious Support Of 73% of Americans, Poll Shows

By Louis Harris

© 1963, The Washington Post

When Under Secretary of State Averell Harriman sits down a week from today in Moscow to negotiate a nuclear test-ban agreement with the Soviet Union, he can count on the cautious support of better than seven out of every ten Americans, according to a survey just completed of a scientifically chosen cross-section of the public.

Here is what emerged when the question of a test ban was put directly to the people:

Attitudes Toward Test-Ban Agreements with Russians

	Total Public Per Cent
Favor ban agreement	73
Unqualified approval	47
Qualified approval	26
Oppose ban agreement	17
Not Sure	10

Outright opposition to any ban agreement on atomic testing runs to no more than one voter in every six across the country. The number who would support a test-ban settlement with the Russians are divided, however, between those who feel we should bend any and all efforts toward this end, and those who insist that varying safeguards be strictly observed.

Here are the reasons of the American people—the “whys” behind their stated opinions—told in their own words:

Reasons for Favoring or Opposing Test Ban Agreement	Total Public Per Cent
Reasons for unqualified approval	47
Find way to end tests	16
End risk of atom war	11
Cut fall-out	10
Stop world suicide	6
Halt cost of testing	4
Terms for qualified approval	26
If Russia keeps word	11
Only with inspection	11
If on our terms	4
Reasons for opposing	17
Russia will break it	15
Can't be weak	2
Not sure	10

The 47 per cent who most

strongly urge a test-ban agreement feel that a continued nuclear arms race with further testing will lead to the ultimate destruction of the human race. However, this view constitutes a plurality, not a majority of the people. The balance of opinion rests with those who want an agreement, but only if it works. This means inspection and, by implication, leaving as little as possible to faith in dealing with the Russians.

It would be a mistaken reading of American public opinion for Chairman Nikita Khrushchev and the Communists to assume that the people of this country share in any measure a “ban the bomb, at any price” philosophy. If the Russians were to resume testing again, the pressures from the American public on

President Kennedy to begin our own testing again would be enormous and overwhelming.

This sentiment for nuclear test resumption was evident when we asked the voting public how they now feel about Mr. Kennedy's decision in 1961 to renew American nuclear tests after the Soviets resumed their tests:

Attitudes Toward U. S. Decision to Test When Russians Test

	Total Public Per Cent
Approve U. S. testing	82
Oppose U. S. testing	10
Not Sure	8

There is little doubt that any Soviet move to resume testing would meet with a massive response that this country should test nuclear weapons immediately. Here is the reasoning behind these attitudes, as people expressed them in their own words:

Reprinted by:

Public Affairs Division
Democratic National Committee
1730 K Street, N. W.
Washington 6, D. C.

Reason for Approving or Opposing U. S. Testing	Total Public Per Cent
Why approve U. S. tests	82
Stay ahead of Russia	45
No other choice	13
Be ready for anything	12
Develop weapons system	6
Stand up to Russia	5
Test peaceful uses	1
Why oppose U. S. tests	10
Tests endanger health	4
Have enough bombs now	3
Two wrongs don't make a right	3
Not Sure	8
As on so many issues, American public opinion is both tough and practical-minded. Our people recognize the dangers of total nuclear war and want every effort bent to avert it. By the same token, most Americans embrace the policy of peace through strength, feeling that a ban on testing is possible only when this country possesses a striking power sufficient to discourage any Russian move toward nuclear aggression.	

Ca 4-3121

file

ITINERARY TO WASHINGTON

Thursday, July 25

Leave Atlanta 6:05 p.m. Delta Flight 724, arrive National Airport

Washington at 9:05 p.m. (DST). . . HOTEL reservations are at

The Madison. *Charlie Weltner wants you to call him tonight on Emerson 5-2922*

Friday, July 26

8:45 a.m. Go to Room 126, Old Senate Office Building to meet Mr. Grinstein. CA 4-3121, ext 6627

9:15 a.m. Room 318 Old Senate Office Building to testify before Commerce Committee.

Members of Senate Commerce Committee:

Testing chair

- Warren G. Magnuson, Chairman
- John O. Pastore (Rhode Island)
- Strom Thurmond (S. C.)
- Frank J. Lausche (Ohio)
- Ralph W. Yarborough (Texas)
- Clair Engle (Calif.)
- E. L. Bartlett (Alaska)
- Vance Hartke (Indiana)
- Gale W. McGee (Wyoming)
- Philip A. Hart (Michigan)
- Howard Cannon (Nevada)
- (following are Republicans. . .)
- Norris Cotton (New Hampshire)
- Thurston B. Morton (Kentucky)
- Hugh Scott (Penn.)
- Winston Prouty (Vermont)
- J. Glenn Beall (Maryland)

Note: Margaret Shannon has been informed of the time you appear. Here are the telephone numbers where you may reach her: Journal office: NA 8-5962, Press Gallery CA 4-3121, ext. 3945 or 4551

12:00 noon Leave Washington United Flight 200 (National Airport) Arrive Atlanta 2:37 p.m. EST.

STATEMENT BY GOVERNOR ROSS R. BARNETT OF MISSISSIPPI BEFORE U. S. SENATE COMMERCE COMMITTEE, JULY 12, 1963.

Gentlemen, we are facing one of the most critical times in the history of our nation. Minority groups in our country have taken to the streets to agitate, to demonstrate, to breach the peace, and to provoke violence calculated to blackmail this Congress into passing legislation in direct violation of the United States Constitution. You have been forced to consider this legislation through the pressure and blackmail of mobs in the streets.

The President and the Attorney General have encouraged demonstrations, freedom rides, sit-ins, picketing and actual violation of local laws. What is happening in our nation today fits the pattern of what has been happening throughout the world insofar as the Communist activity is concerned. Compare the Communist tactics with a Cuba, a Laos, a Berlin, a Viet Nam, a Haiti, or other parts of the world. Communist tactics are to create a crisis and let it cool off. The same tactics are being practiced in the United States through a Birmingham, and letting it cool off; a Jackson, and letting it cool off; a Danville, Virginia; a Cambridge, Maryland; riots in Philadelphia; and in New York City. It's the same old Communist offensive of attack with a hammer and then withdraw. Attack with a hammer and then withdraw--each time causing more ill will, more racial unrest and pushing a wedge further between existing good relations of the people of a nation. It is the divide, disrupt and conquer technique. The passage of this Civil Rights legislation will positively provoke more violence, not just in the South, but throughout all areas of our nation. I am convinced that this is a part of the world Communist conspiracy to divide and conquer our country from within.

The Communists are, therefore, championing the cause of the Negroes in America as an important part of their drive to mobilize both colored and white for the overthrow of our government.

There are those who are so anxious to hold high the banner of the Civil Rights issue that they fail to read some of the writing on the banner. They fail to realize that the Communist Party hopes to incite civil insurrection in the South with the purpose of then

fanning the flames into a holocaust in the Northern racial strife areas. To date, they have been disappointed and defeated by the due process of law in the South where law enforcement agencies and level-headed citizens have been able to contain the aggravations of the outside racial agitators.

Gentlemen, it is obvious to many of us throughout the country that the racial agitation, strife and conflict that has been stirred up throughout our entire nation is largely Communist-inspired. Racial agitators in Mississippi and leaders of demonstrations in other states have backgrounds that have made many of us, including our local police, state investigating agencies, and the FBI, to be concerned about the real motivation behind these so-called Civil Rights leaders.

Your passage of this legislation will be no cure-all for the problems that this nation faces because of racial strife and conflict. The passage of this legislation will, however, mean the complete end of Constitutional government in America and result in racial violence of unimaginable scope. Even the New York Times has said that "with every negro advance, momentum for more violence and agitation increases, not decreases."

This legislation is so all-inclusive and so sweeping in its scope that it has been termed by many as the "WHITE SLAVE BILL".

Gentlemen, you have all learned through your personal experiences that to try to appease, accommodate, or give concessions to the demands of the arrogant leads only to additional conflicts and additional problems which you didn't face before. Certainly, you are familiar with the results of our policy of appeasement towards Cuba and Laos. The passage of this Civil Rights legislation will lead us into an area of conflict between the races, the like of which we have never known. There will be no end to the constant pressure for more and more and more.

The Attorney General has stated that the passage of this Bill would move the problem of so-called discrimination in public accommodations out of the streets and into the courts. I question this statement. The Attorney General has been personally responsible for helping to put mobs in the streets and I can prophesy that this legislation, if enacted, will put hundreds of thousands of white business men in the streets.

The purpose of government should be to protect the individual and to see to it that no one interferes with his private property. The present administration seems to have adopted the very heart of the Socialistic philosophy that the private rights of men are to be tolerated only at the suffrage of the State. What we are seeing today is a grasp for power by certain men in public office who would give to an all-powerful Central Government full control over all phases of the lives of our people. I see this legislation as an attempt by greedy minorities to prostitute the purpose of law and government as a protector of private property, and to use the law to plunder the property of others.

If you pass this legislation, you are allowing a minority in our country to force itself upon the majority of the citizens of our nation. What and where are the rights of the majority? The powers of the Attorney General under this legislation will be so sweeping and so encompassing as to comprise a serious threat, in itself, to the safety and stability of the nation. The Attorney General in his testimony has stated, "I think that it is an injustice that needs to be remedied. We have to find the tools with which to remedy that injustice." In other words, regardless of the Constitution, he, through this legislation, asks for the power to run roughshod over the rights of every individual and dictate to every citizen what he could or could not do with his private property and business. Where is the equal protection of the law?

I challenge the newspapers and news media of our country to awaken the man on the street, the small business man, all those who respect law and order, to the fact that this legislation is an open attack on the rights of every individual to the control of his personal, private property.

Every citizen has the right to own and operate his own business as he sees fit without interference from any source. To give to an all-powerful Central Government the right to force the owner of a private business to unwillingly do business with anyone creates a new and special right for a minority group in this nation that destroys the property and personal rights of every citizen.

Senator Russell has stated and the press has failed to report, "Our American system has always rejected the idea that one group of citizens may deprive another of legal rights and property by process of agitation, demonstration, intimidation, law defiance and civil disobedience. Every Negro citizen possesses every right that is possessed by any white citizen. But there is nothing in either the Constitution or in Christian principles or common sense and reason which would compel one citizen to share his rights with one of another race at the same place and at the same time. Such compulsion would amount to a complete denial of inalienable rights of the individual to choose or select his associates."

Gentlemen, what could be more unequal and discriminatory than to give one particular class of citizens the privilege of by-passing the normal channels of justice, which other citizens must follow. Under this legislation, any agitator or trouble-maker or crank could bring the owner of any business establishment into Federal Court by merely writing a letter to the U. S. Attorney General. The agitator would be represented, at no cost to himself, by the officials and attorneys of the Federal Government. If this legislation passes, American citizens will have no rights in the ownership and use of their private property, unless they use it in a way that federal officialdom considers to be consistent with the so-called public interest. Today, it seems to many Americans, the demands of the racial agitation groups fix official opinion as to what is the public interest. Tomorrow, the public interest could well be something else. It could even invade the home--or even the bedroom of the individual.

The legitimate purpose of government is to protect a man's home as his castle. Does not this same basic American Constitutional fact of life apply equally to a man's own private business? The legislation you have under consideration would use federal police power (as exemplified in our system of Federal courts) to destroy a man's personal property simply to satisfy racial minorities. Can there be no end to the current insanity that would compel the mixing of races in social activities to achieve WHAT? You can name it yourself!

The head of the NAACP here in Washington, D. C. (where Negro criminal violence against white people is creating something akin to a reign of terror) said on a national television program in early May of this year, that Negro violence is coming and that the NAACP will promote the violence if whites do not immediately give the Negro what he demands. What does he demand. Does he honestly know just what he really wants? Whatever he may want will not come as a result of this or any other legislative act. You can be certain of that basic fact. The race problem can never be solved by passage of laws, court edicts, or by breaches of the peace.

ONE ESTABLISHMENT GOES OUT OF BUSINESS

I have said that the free enterprise system has contributed much to making our nation great and that many establishments would go out of business if they were required to integrate. I am prepared to give you one specific example in Mississippi.

Mrs. Marjorie Staley of Winona, Mississippi, has operated a restaurant as a Continental Trailways Bus Terminal for quite a while. Apparently, she was making good and had a good business but she was told to either integrate or close the business. She chose to close her business rather than integrate. It is my understanding that Trailways officials had been directed by the Justice Department to warn her to either close or integrate. She has approximately \$20,000.00 of equipment in the restaurant. She had seven or eight people employed -- three whites and three or four Negroes. She had a payroll of \$2,000.00 per month. Now her business is closed, seven or eight people, Negroes and whites, are out of employment, and she has \$20,000.00 worth of equipment on her hands.

Prior to the time she closed this business, she served both white and colored in separate compartments -- one for the whites and one for the Negroes. Apparently, everyone was happy the way it was being operated. Everyone was well pleased--customers as well as employees, and Mrs. Staley.

This is one example that neither Congress nor the courts can change attitudes and customs.

Mrs. Staley is a widow and earned her livelihood operating her restaurant.

There is a communist nation just 90 miles from our shores and yet, with this and all the other problems we face as a nation, the whole attention of the Congress and our nation at this critical era in history is diverted to this tragic and mis-named Civil Rights

legislation. Perhaps this is all a part of a great conspiracy to divert our attention to this domestic issue so that we may neglect other and far more important matters.

Gentlemen, I have done some research on this matter as to the constitutionality of the proposed bill.

Section 3 of Senate Bill 1732 provides that all persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of hotels, motels and numerous other private business enterprises.

Section 2(h) provides that alleged existing discriminatory practices "take on the character of action by the states and therefore fall within the ambit of the equal protection of the Fourteenth Amendment to the Constitution of the United States."

Section 2(i) takes the position that Congress has the right to enact this proposed legislation in order to remove alleged burdens on and obstructions to commerce under the Commerce Clause of the Constitution of the United States.

Congress does not have the
power to enact this legislation
under the Fourteenth Amendment

The businesses sought to be controlled are purely private in character and as such fall within the ambit of what is commonly known as "free enterprise." Every loyal conservative American has a deep and abiding faith in our free enterprise system. He also stands ever vigilant to protect the citizen's right to own, control and operate his private business as he sees fit. The right to do business or to decline to do business with any individual is an inseparable part of said citizen's right to operate and control his privately owned business. If this right is destroyed by the Federal Government, the citizen has been deprived of one of his inalienable rights just as surely as though the Federal Government had confiscated his physical property.

The Fourteenth Amendment to the Constitution of the United States provides:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It should be noted that the Fourteenth Amendment is a prohibition against State action. It is not a prohibition against the action of one citizen against another. Each individual has a legal right to discriminate against another individual. Any control over such individual action by the operator of a private business lies wholly within the power of the State legislatures under the Tenth Amendment to the Constitution of the United States. Some states have passed legislation similar to this; some have not. Each State has the right to make its own decision.

Mississippi has taken no action on this question. In our State the owner of each business is free to make his own decision as to whom he will serve.

Eighty years ago in United States v. Nichols, entitled the Civil Rights cases, 109 U.S. 3, 3 S.Ct. 18, 27 L.Ed. 835, the Supreme Court of the United States held Sections 1 and 2 of the Civil Rights Act of 1875 unconstitutional. Said acts provided that all persons in the United States were entitled to the full and equal enjoyment of accommodations, advantages, facilities and privileges of inns and places of amusement. In holding that Congress had no right to pass such a law under the Fourteenth Amendment, the Court said:

"It is state action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the Amendment."

In pointing out the reasons Congress had no such power and why such attempted legislation on the part of Congress was repugnant to the Tenth Amendment, the Supreme Court said:

"And so in the present case, until some state law has been passed or some state action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the 14th Amendment, no legislation of the United States under said Amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the Amendment are against state laws and acts under state authority."

* * * *

"Such legislation cannot properly cover the whole domain of rights appertaining to life, liberty and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State Legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty and property, which include all civil rights that men have, are, by the Amendment sought to be protected against invasion on the part of the State without due process of law, Congress may, therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons, of the equal protection of the laws, is prohibited by the Amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf

is not general legislation upon the rights of the citizen, but corrective legislation, that is, as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the Amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the Amendment, they are prohibited from committing or taking."

* * * *

"An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the 14th Amendment on the part of the States. It is not predicated on any such view. It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses, and shall be prosecuted and punished by proceedings in the courts of the United States."

* * * *

"In other words, it steps into the domain of local jurisprudence, and lays down rules for the conduct of individuals in society towards each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

"If this legislation is appropriate for enforcing the prohibitions of the Amendment, it is difficult to see where it is to stop. Why may not Congress with equal show of authority enact a code of laws for the enforcement and vindication of all rights of life, liberty and property? If it is supposable that the States may deprive persons of life, liberty and property without due process of law, and the Amendment itself does suppose this, why should not Congress proceed at once to prescribe due process of law for the protection of every one of these fundamental rights, in every possible case, as well as to prescribe equal privileges in inns, public conveyances and theaters? The truth is, that the implication of a power to legislate in this manner is based upon the assumption that if the States are forbidden to legislate or act in a particular way on a particular subject, and power is conferred upon Congress to enforce the prohibition, this gives Congress power to legislate generally upon that subject,

and not merely power to provide modes of redress against such state legislation or action. The assumption is certainly unsound. It is repugnant to the 10th Amendment of the Constitution, which declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

The Civil Rights Cases arose out of the denial by a hotel of its accommodations to persons of color and the denial by theaters of their accommodation to colored persons. In 1959 a Howard Johnson Restaurant denied service to Charles E. Williams, a colored attorney for the Internal Revenue Service. He brought suit claiming that such action violated the Civil Rights Acts of 1875 and the Commerce Clause of the Federal Constitution. In Williams v. Howard Johnson Restaurants, U.S.C.A.4th, 268 F.2d 845, the Court re-affirmed the doctrine of the Civil Rights Cases, and said:

"Sections 1 and 2 of the Civil Rights Act of 1875, upon which the plaintiff's position is based in part, provided that all persons in the United States should be entitled to the full and equal enjoyment of accommodations, advantages, facilities and privileges of inns, public conveyances and places of amusement, and that any person who should violate this provision by denying to any citizen the full enjoyment of any of the enumerated accommodations, facilities or privileges should for every such offense forfeit and pay the sum of \$500 to the person aggrieved. The Supreme Court of the United States, however, held in Civil Rights Cases 109 U.S. 3, 3 S.Ct. 18, 27 L.Ed. 835, that these sections of the Act were unconstitutional and were not authorized by either the Thirteenth or Fourteenth Amendments of the Constitution. The Court pointed out that the Fourteenth Amendment was prohibitory upon the states only, so as to invalidate all state statutes which abridge the privileges or immunities of citizens of the United States or deprive them of life, liberty or property without due process of law, or deny to any person the equal protection of the laws; but that the amendment did not invest Congress with power to legislate upon the actions of individuals, which are within the domain of state legislation."

From a legal point of view, it is perfectly clear that Congress does not have the power to control the activities of private business owners under the Fourteenth Amendment.

Congress does not have the power to enact this legislation under the Commerce Clause of the Constitution of the United States.

Article I, Section VIII, Clause 3 provides:

"The Congress shall have Power: . . . to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; . . ."

No one can reasonably contend that the operation of a hotel, restaurant or drug store in Mississippi constitutes commerce among the several States. The Supreme Court of the United States clearly did not think so in the Civil Rights Cases, because it said:

"Has Congress constitutional power to make such a law? Of course, no one will contend that the power to pass it was contained in the Constitution before the adoption of the last three Amendments."

The last three Amendments referred to were the 13th, 14th, and 15th. The Commerce Clause was a part of the Constitution from its inception. The Supreme Court, therefore, said that no one would even contend that Congress had the power to pass such law prior to the adoption of the 13th Amendment.

Of course, the right to control commerce among the States includes the right to control interstate transportation, and Congress has done so in this field by Title 28 U.S.C.A., Section 3(1), which forbids a carrier to subject any person to undue or unreasonable prejudice or disadvantage in any respect. The right of the Congress to deny discrimination incident to interstate commerce has been upheld in a number of cases. Mitchell v. United States, 313 U.S. 80, 61 S.Ct. 873, 85 L.Ed. 1201;

Henderson v. United States, 339 U.S. 816, 70 S.Ct. 843, 94 L.Ed. 1302.

In like manner, the Supreme Court has also held that certain State action constituted an unlawful burden on interstate commerce in this field. Morgan v. Virginia, 328 U.S. 373, 66 S.Ct. 1050, 90 L.Ed. 1317.

In the Civil Rights Cases, the Supreme Court recognized the power of Congress to regulate public conveyances passing from one state to another, and said:

"And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view."

It is clear, therefore, that the Supreme Court was not unmindful of the power of Congress under the Commerce Clause when it decided the Civil Rights Cases and when it held that no one would even contend that Congress had the right to pass this type of legislation under the Commerce Clause or prior to the adoption of the 13th, 14th, and 15th Amendments.

Who would seriously contend that the operation of a restaurant on Capitol Street in Jackson, Mississippi, could be classified as as commerce among the several States? If such action constitutes commerce among the States simply because some of the products handled were manufactured outside of Mississippi, every act of every citizen in every State could be controlled by Congress on the same basis. The Constitution should not be stretched entirely out of shape in an effort to reach what is believed by some to be an evil, the correction of which is a matter for each State to make its own decision. This issue was raised in Williams v. Howard Johnson Restaurant, supra, and was held not to fall within the Commerce Clause of the Constitution. The Court said:

"The plaintiff makes the additional contention based on the allegations that the defendant restaurant is engaged in

interstate commerce because it is located beside an interstate highway and serves interstate travelers. He suggests that a Federal policy has been developed in numerous decisions which requires the elimination of racial restrictions on transportation in interstate commerce and the admission of Negroes to railroad cars, sleeping cars and dining cars without discrimination as to color; and he argues that the commerce clause of the Constitution (Article I, Section 8, Clause 3), which empowers Congress to regulate commerce among the states, is self-executing so that even without a prohibitory statute no person engaged in interstate commerce may place undue restrictions upon it.

"The cases upon which the plaintiff relies in each instance disclosed discriminatory action against persons of the colored race by carriers engaged in the transportation of passengers in interstate commerce."

"In every instance the conduct condemned was that of an organization directly engaged in interstate commerce and the line of authority would be persuasive in the determination of the present controversy if it could be said that the defendant restaurant was so engaged. We think, however, that the cases cited are not applicable because we do not find that a restaurant is engaged in interstate commerce merely because in the course of its business of furnishing accommodations to the general public it serves persons who are traveling from state to state. As an instrument of local commerce, the restaurant is not subject to the constitutional and statutory provisions discussed above and, thus, is at liberty to deal with such persons as it may select."

Neither the fact that some customers of an establishment may be travelling in interstate commerce nor the fact that some of the goods sold may have been purchased from outside the State constitutes commerce

subject to control by Congress. In Elizabeth Hospital, Inc. v. Richardson, U.S.C.A.8th, 269 F.2d 167, the Court held that the treatment of some patients who were travelling in interstate commerce did not destroy the purely local character of the services furnished by the hospital, and said:

"The fact that some of plaintiff's patients might travel in interstate commerce does not alter the local character of plaintiff's hospital. If the converse were true, every country store that obtains its goods from or serves customers residing outside the state would be selling in interstate commerce. Uniformly, the courts have held to the contrary. A.L.A. Schechter Poultry Corp. v. United States, 1935, 295 U.S. 495, 55 S. Ct. 837, 79 L.Ed. 1570; Lawson v. Woodmere, 4 Cir., 1954, 217 F.2d 148, 150; Jewel Tea Co. v. Williams, 10 Cir., 1941, 118 F.2d 202, 207; Lipson v. Socony-Vacuum Corp., 1 Cir., 1937, 87 F. 2d 265, 267, certiorari granted 300 U.S. 651, 57 S.Ct. 612, 81 L.Ed. 862 certiorari dismissed 301 U.S. 711, 57 S.Ct. 788, 81 L.Ed. 1364."

Congress is now asked to control the operation of country stores and hotels on the theory that their operation constitutes commerce among the several States. The statement of the proposition is so ridiculous that it need not be further refuted.

It is my understanding that the Attorney General of the United States has suggested to this Committee that it disregard the decision of the Supreme Court of the United States in the Civil Rights Cases. I have always been under the impression that it was the duty of the Attorney General of the United States to advise congressional committees as to the present status of the law. I do not believe he has the authority to recommend to you that you exercise, on behalf of the Federal Government, power which the Supreme Court has specifically held to be unconstitutional.

In conclusion, I would like to ask certain members of the Congress two questions: (1) How long do you plan to bow to the unreasonable and unconstitutional demands of selfish minorities in your state? (2) When do you expect to begin to represent the great majority of your own people?

Another question naturally follows--how far do you think the great white majority of this nation will stand to be pushed?

I have received and am receiving daily letters from substantial everyday citizens in every state of this nation and I say to you seriously that our fine white citizens have stood just about as much of this minority insanity as they can take.

Gentlemen, you are just about to hear from that great, silent, substantial white majority back home.

When John Doe and Ole Joe Q. Doakes on Main Street in every city, town, village and cross-road in your state, finds out exactly what is really in this legislation--just what the present U.S. Attorney General and the Negro minorities want today--turmoil will really break loose in this nation.

If you think 500,000 Negroes marching on Washington is something, pass this legislation and you'll find out what one hundred million angry white Americans will do.

Please think deeply on these matters. Think seriously as to how much the white man will take in having his rights chipped away with new legislation such as this and by each decision of the Federal Courts. Are there no rights of the individual sacred today in this country?

Equality in a social sense is attainable only in total slavery. Justice Brandeis said, "One of the inalienable rights of men is to be let alone." This certainly applies to the hard-working, small business man?

Why should not the individual, who has worked to produce his own business, have the right to decide whom he will serve, whom he will associate with, and whom he will let on his premises?

What we are about to experience in our nation today is tyranny of the mob. The intent of this legislation is to steal away the fundamental rights of man to own and manage his private property as he sees fit.

The President and Attorney General are sewing the seeds of hate and violence. The nation could reap a bloody harvest. Gentlemen, if you pass this Civil Rights legislation, you are passing it under the threat of mob action and violence on the part of Negro groups and under various types of intimidation from the Executive Branch of this government. This legislation must be defeated if this nation is to survive as a Constitutional Republic of Sovereign States.

The decision is yours. May God have mercy on your souls!

THE END

STATEMENT BY IVAN ALLEN, JR.

MAYOR OF ATLANTA

JULY 26, 1963

MR. CHAIRMAN AND MEMBERS OF THE SENATE

COMMERCE COMMITTEE.....

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... GEORGIA.
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 THOUSAND PEOPLE WHO LIVE WITHIN
OUR CITY LIMITS CONSIST OF 300 THOUSAND WHITE
CITIZENS ... AND SLIGHTLY MORE THAN 200 THOUSAND
NEGRO CITIZENS. THAT MAKES THE POPULATION
OF ATLANTA SIXTY PERCENT WHITE..... FORTY PERCENT
NEGRO.

THAT SIXTY - FORTY 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
ONE 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 FIRST HAND
EXPERIENCE... AND FIRST HAND 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 SOUGHT 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 RETAINED. . . OR ENHANCED THE PRIVILEGES OF
SEGREGATION.

IT HAS 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 TWO AND A HALF 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 ARTS
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 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, EIGHTEEN 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 THIRTY 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 HAS 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 SIXTEEN OUT OF
ATLANTA'S 200 THOUSAND 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 MY 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 THOUSAND CONSISTING OF
IN EXCESS OF TWENTY 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 CONCEREND 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 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 BI-RACIAL 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 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
REACH FOR LASTING GOALS INSTEAD OF GRABBING FOR
MOMENTARY PUBLICITY. 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 FIFTEEN 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 THE 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 TEN 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 BACKWARDS. 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 ACCOMMODATION 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
BUSINESS MAN 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 TIME TABLE 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.

August 19, 1963

Mr. Lamar Moore
Moore and Moore
P. O. Box 190
Moultrie, Georgia

Dear Mr. Moore:

This will acknowledge receipt of your letter of August 17th in which you enclosed a pamphlet prepared by the Virginia Commission on Constitutional Government dealing with the proposed Civil Rights Bill from Congress.

I will be delighted to read this pamphlet and appreciate your sending it to me.

Sincerely yours,

Ivan Allen, Jr.

IAJr/br

MOORE & MOORE
ATTORNEYS AND COUNSELLORS AT LAW
MOULTRIE, GEORGIA

L. L. MOORE (1962)
LAMAR MOORE

P. O. BOX 190
TELEPHONE 985-1213

August 17, 1963

Honorable Ivan Allen
Mayor, City of Atlanta
Atlanta, Georgia

Dear Mr. Allen:

I enclose a pamphlet prepared by the Virginia Commission on Constitutional Government dealing with the proposed Civil Rights Bill from Congress.

I believe this is a good statement not only of opposition to the Bill but of the basic problem that the nation is encountering in the administration of such laws.

I represent many clients in the tax and labor fields and I am finding that the bureaucratic administration of the best intended laws more and more is becoming an unreasonable burden upon the citizens. This particular law is one of the type which undoubtedly can break down our concept that Government should be one of law rather than one of man. I would not want to trust to the most moral, highly respected, most benevolent executive the administration of such a law as is proposed in this Civil Rights Bill.

Regardless of which side of the integration issue one might be on, the evil in this Bill is not concerned with that question; the evil is that such a law helps to break down and undermine the American system of jurisprudence and basic concepts of a Constitutional Government.

I am submitting this to you because I wondered if you had fully taken into consideration the ultimate possibilities of such a law.

Very truly yours,

Lamar Moore
Lamar Moore

LM:g
Encl.

*Y. Moore p
E. J. J.*

October 25, 1963

Mr. William J. Johnson
Department of Political Science
Tulane University
Box 1855
New Orleans 18, Louisiana

Dear Mr. Johnson:

Thank you for your inquiry about how Atlanta handles race relations.

I believe the attached testimony which the Mayor made before the Senate Commerce Committee is the best summary which we could furnish you.

Sincerely yours,

Ivan Allen, Jr.,
Mayor

IAJr/br

Department of Political Science
Tulane University
Box 1855
New Orleans 18, Louisiana

Mayor Ivan Allen
City Hall
Atlanta, Georgia


Dear Mayor Allen:

I am a member of the Graduate Division, Political Science, Tulane University. My task is a difficult, and it is felt, worthy one. It involves corresponding with a number of cities having a heterogeneous population for the purpose of obtaining information regarding the nature and type of organization these cities have created to seek solutions to their race problem.

It is hoped that this information will be an invaluable source for making recommendations requested by the city of New Orleans for the purpose of determining **the most** feasible type of organization to cope with its race problem. Your city was selected because we hope to benefit from your experience in this delicate matter.

Any consideration given this request would be enormously appreciated and helpful. I am looking with pleasure to hearing from you.

Sincerely yours,


William J. Johnson