

REFERENDUM COMMITTEE of MARYLAND
Easton, Maryland

Samuel J. Setta, Chairman

Mr. Chairman:

Members of the Committee:

I am Samuel J. Setta, a motel owner and operator on the Eastern Shore of Maryland and a prime mover in the drive to place the Maryland Accomodations Law on the ballot in '64. I come before you an adamant opponent of forced integration of businesses and I am sure I speak the sentiments of a majority of the people in America when I express myself.

First: I question the wording of the title to S. B. 1732: "A Bill to eliminate discrimination in Public Accomodations affecting Interstate Commerce." The word public as used in this title conveys the idea that the objects of this legislation are owned and controlled by the public in the same manner as public lands, public works, public funds, etc. The title should read: A bill to eliminate discrimination in privately owned accommodations catering to the public, " or more appropriately: "A bill to eliminate private enterprise."

You are listening to a voice from the grass roots. Our voices haven't been too loud but don't be deceived by noise being made by the negros and do-gooders who are trying to force you to act on this legislation. The ominous silence from the congregations who disapprove of their clergymen, union members who don't agree with their leaders, and citizens everywhere who have seen near anarchy develop in this country will have the expression necessary to meet the occasion when the voting begins in 1964.

I have opposed this Public Accommodations Law at every level of government for the last three years because it is aimed at businesses which are strictly privately enterprise. The fact that I can open and close my doors at my pleasure certainly makes it private. Many businessmen, myself included, earn a living and also make their homes with their businesses and their social life should not be regimented any more than the private citizen who does not have a business.

Not one member of this committee or the senate would venture into a negro neighborhood alone and neither would you permit your wives to go alone; yet the legislation this committee is considering would force businessmen and their wives to take these people into their businesses and homes.

We are not guilty of anything more than catering to the wants of our customers. Everyone, except the proponents of this law, knows that in any business the customer is the boss. If you gentlemen shop anywhere you call the tune not the proprietor.

In my motel if my customers want T. V., I provide T. V. If my customers want room phones I provide room phones. And if they prefer a segregated motel I provide a segregated motel.

Now if it were feasible to write this law to read that customers must stop discriminating and continue to patronize businesses you might solve the economic aspects of this dilemmabut that would be impossible. So, to get at the buying public who are the discriminators and beyond the administration is trying to get laws and penalties fastened on to the businessman to force customers to integrate.

The proponents say that integration involves no loss of business. I never cease to be amazed at how many brilliant business analysts are among the proponents, none of whom have ever owned or

operated a restaurant or motel. It's equally amazing how great their enthusiasm is for a law that doesn't touch them in the slightest degree.

Also, it's very easy for a family which is high in government to build homes on mountaintops and exclusive areas, and enroll children in exclusive segregated schools to tell the peasants of the country that they should integrate every phase of their lives.

The attempt to "keep up with the Joneses," to gain social rights at the expense of the civil rights of private enterprise, if successful is certain to undermine one of the pillars upon which this great country was built. The one big difference between communism and capitalism is private enterprise. The administration itself is admitting that this law will infringe on our civil rights when they seek this law under the commerce clauses of the federal constitution, rather than the equal rights fourteenth amendment.

The theory evolved by the Department of Justice is that because a business concern deals with the public, it may be subject to complete regulation or possible extermination by the Federal Government. This alleged authority is derived from the clause of the Constitution which gives Congress the power to regulate interstate commerce, and Mr. Robert Kennedy cited various laws passed by Congress in this field. Not a single one of these statutes, however, covers the selection of customers of a business. They deal with employees, or the practices of the employer in his relations with his own workers, or the practices of business owners in relation to other businesses or in shipping goods to another state or other countries. Never in the history of the United States has the commerce clause of the Constitution been invoked to regulate the customer relationship of a business owner and individual citizens.

No court has ever held that sleeping in a privately owned motel is a civil right. No court has ever held that munching a sandwich in a privately owned restaurant is a civil right. England rejected this very law by a two to one vote in 1962 and it was labeled undemocratic and unworkable by leading clergymen and civic leaders.

The dictator countries, oppressive as they are, don't even have this law on the books. What value is there to a business or a high position or profession without the rights to operate freely as we have since this country was founded.

We all know of countries where people have all of these occupations in good measure but they don't have rights. The result is they burrow under the Berlin Wall. They swim canals. They crash barbed wire fences, they risk their lives daily to escape. This is a king size step in that direction. Deprive us of a right now and next year another and another and before you know it we will be in the same position.

This law is definitely class legislation. Under this law we may turn a white man away because he is uncouth or undesirable and he must leave, but if a negro is turned away for the same reasons we may face charges of discrimination. When you write the word color into this law, the white customer is not equal before the law. When you force hotels and motels to eliminate discrimination and exclude tourist homes and rooming houses who are in the same business of renting rooms, we are not equal before the law. When you force restaurants to eliminate discrimination and exclude segregated church suppers, dinners, and boarding houses, which are catering to the same public and indeed are strong competitors we are not equal before the law.

The Attorney General stresses the immorality of discrimination but ignores the fact that it is just as immoral to enact laws which will legislate a man into bankruptcy or into a business relationship which will make his life a daily ordeal. It should be obvious by now that there are many people who don't want the negro socially. I have seen strong men break up under the strain of the demon-

strations and harrassment sanctioned and abetted by this administration. Women in business have become terrified at the prospect of facing unruly mobs with the knowledge that they are being encouraged by this administration. The responsibility for the violence in demonstrations by negroes can be laid squarely at the door of the White House. I have a very good cross section of citizens from the North, South, East and West patronizing my motel and this issue is discussed daily so that I may keep abreast of my customers' thinking and I say to you that this administration will pay the price in the 64' election for its handling of this situation. This nation cannot afford the luxury of a president who serves 10% of the people at the expense of the other 90%.

All businessmen have a different financial situation.

In my particular case my two immediate competitors are millionaires. My resources consist of a \$23,000 mortgage and a going concern. Certainly they can approach this problem with a greater degree of aplomb than I can.

I meet a mortgage payment every month, plus numerous other bills. What do you think the reaction of my banker would be if I came to him and said, "Mr. Banker, a couple of months ago Congress passed a law which took the control of business policy out of my hands because the administration said it was immoral and business has declined so that now instead of \$245 for this month's payment, I have to give you 245 morals?" I'll tell you what his reaction would be. I would be slapped with a big fat foreclosure. Is this economic growth?

I refuse to gamble the welfare of my family and our pursuit of happiness on the business judgment of an administration which is loaded with theorists who have never operated a successful business or met a payroll and have never balanced a budget.

The Attorney General has testified that at present white prostitutes, dope addicts, and moral degenerates could come into our motels and hotels but negro citizens in high positions could not. I don't know what kind of places the Attorney General frequents, and I'm sure he gets his information firsthand because he hates hearsay, but this statement is an insult to every motel and hotel owner in the country. Now then let's look at this law again. This law would reverse this contention and would not only enable black prostitutes, dope addicts, and moral degenerates to come into our places but also a people with a poor hygiene, high incidence of venereal disease and vandalism, plus the element of force to make us accept them because here again I can reject the white person but not the black person. Is this the Attorney General's idea of an improvement? I hope I don't have to face many more like that one.

Gentlemen, there's a labor angle to this situation. When a labor contract is negotiated there is one clause that is non-negotiable: The right to strike. When we are paid rental for a room, part of that money is overhead and part of it is wages. Since the customer is the boss, this law would force us to work without the right to strike. These very labor leaders who advocate this law would violently rebel if any attempt was made to eliminate their right to strike.

The administration says the negro is rejected because of his color. This is wrong and completely untrue. We don't care if he is blue or pink or red. The negro is rejected because he is an economic liability to our businesses. I have rejected negroes who were practically white. I would be less than honest or helpful if I didn't include the reasons why the negro is a liability, since the proponents won't

The two races are absolutely proven to be incompatible. The two races can coexist harmoniously but there will never be true integration. No other minority in this country has a feeling of inferiority because they live among their own people. Why should these people? No one is trying to sprinkle

the Chinese, Indians, or Japanese among the whites so why this massive effort to integrate the negroes?

If the administration and the negro leaders and other proponents would take the time they are spending on demonstrations and pressure tactics and point out to the negro people that law or no law, acceptance will never come until they stop a disproportionate contribution to the high crime rate, illegitimacy, production of slums, and making careers of unemployment compensation and welfare programs.

The negro people will gain acceptance when they meet certain standards of morality and living conditions. No law can accomplish this. This is the one objective the negro will have to work for and earn himself. There is nothing wrong with individuals having to meet standards. It is done every day. Churches demand standards, schools demand standards, you gentlemen in the Senate require standards and whether we like it or not, all people have standards for their social equals to meet.

The thirty states that have had these laws are just as segregated as the twenty that don't. I predict now that attention has been focused on these laws there will be a rash of suits testing their constitutionality. When the Attorney General said Senator Lausche enforced such a law as Governor of Ohio, he should have realized Senator Lausche was just tolerating it like the Kennedys tolerate the Taft-Hartley Act. These laws do not accomplish the goal of integration. Proof of this is the agitation and demonstrations all over the country and the existence of harlems in every major city in the country.

These laws could subject the negroes to more humiliation than any voluntary agreement would. All of us have had poorly prepared meals in restaurants when the owner was trying. What do you think the result would be if he wasn't trying?

The people who favor this law are largely executive boards of church groups but not the congregations, executive committees of labor unions but not the rank and file, business executives but not the employees. In short, gentlemen, a great number of generals but no soliders.

Today we are witnessing one of the strangest paradoxes of all time: churchmen with segregated churches, labor leaders with segregated labor unions, news media with segregated work forces, and politicians and civic leaders who lead completely segregated lives trying to force a segment of private enterprise to integrate.

Christianity has not been able to integrate in two thousand years and judaism for longer than that and yet these very religious leaders expect Americans to do it in less than two hundred, and if we don't shove it down our throats and gag us in the process, and all this on the false accusation that we are discriminators.

You are bucking a law which was never enacted by any legislature when you pass a law like this, the law of nature. God himself was the greatest segregationist of all time as is evident when he placed the caucasians in Europe, the black people in Africa, the yellow people in the Orient and so forth, and if God didn't see fit to mix people who are we to try it?

Christ himself never lived an integrated life, and although he knew his life on earth would be a model for all mankind, when he chose his close associates, they were all white. This doesn't mean that he didn't love all his creatures but it does indicate that he didn't think we had to have all this togetherness in order to go to heaven.

Gentlemen, we should give a lot of serious thought to these final remarks of mine and not try to out do God in the make up of the world.

Thank you.