October 18, 1963

Dr. Hugh S. Geiger, Jr.
1618 Thompson Avenue
East Point, Georgia

Dear Dr. Geiger:

May I acknowledge receipt of your letter of October 14th together with a copy of your letter to Congressman Weltner.

I appreciate receiving your views and wish to assure you that Congressman Weltner is fully cognizant of my position on Senate Bill 1731 as he was present when I testified before the Senate Commerce Committee.

Sincerely yours,

Ivan Allen, Jr.,
Mayor

IAJr/br

CC: Congressman Weltner

October 3, 1963

Hon. Arthur L. Selland, Mayor
City of Fresno
U. S. Conference of Mayors
1707 H. Street, N. W.
Washington, D. C.

Dear Mayor Selland:

I believe your inquiry of September 30th regarding human relations committees can best be answered by the attached testimony which Mayor Allen presented to the Senate Commerce Committee.

It is a very comprehensive synopsis of what has been done in Atlanta.

Sincerely yours,

Ann Drummond,
Executive Secretary

AD/br

Enclosure

TELEPHONE: 298-7535
(Area Code 202)

UNITED STATES CONFERENCE OF MAYORS

1707 H STREET, NORTHWEST
WASHINGTON, D. C. 20006

September 30, 1963

Dear Colleague:

Attached to this letter you will find a brief informational questionnaire concerning the creation of human relations committees. We are attempting to find out as much as we can about where such Committees are and how they are operating in order to be of service to many of our members who are seeking to benefit by others' experience.

As you know, the Conference resolved at its 1963 Annual Conference to make information with respect to this matter available to those members who request it. Steps have been taken to insure that this service will be objective, confidential and technically competent. A ten-member Mayors' Committee on Community Relations has been established under the Chairmanship of Mayor Herman W. Goldner of St. Petersburg, Florida. This Committee has adopted a carefully worked out program, of which this survey is a part, which will draw together background materials, make available consultants to those who request technical aid, establish joint working relationships on problems in this field with such groups as the International Association of Chiefs of Police, the National Institute of Municipal Law Officers, and the American Bar Association. This clearing house type of service will be supported by a grant from one of the major foundations and will not involve the expenditure of funds paid to the Mayors' Conference by member cities.

May I stress the point that this is not a program of advocacy on the part of the Conference but a program to provide information, upon request, to Mayors of member cities.

Thank you for your cooperation on this survey, and please let me hear from you with suggestions for Conference of Mayors activity in this or any other area of interest.

Sincerely yours,

A. L. Selland

Arthur L. Selland
Mayor of Fresno
President, Conference of Mayors

Enclosure
Survey Form

U. S. CONFERENCE OF MAYORS

Special Survey

Human Relations Committees

Does your community have a human relations committee?

What is its official name?

When was the Committee established?

Is the Committee bi-racial?

Who appointed the Committee?

Did the City Council concur?

Did the City Council appropriate funds?

What was the charge to the Committee? (If possible, attach copy.)

(If appropriate, please attach a copy of any Council resolution or ordinance.)

How many members?

(Please attach a list of Committee members with their race and occupation noted.)

Briefly describe problems or issues that have been considered by the Committee.

Briefly summarize any recommendations made by the Committee.

(Please attach any public reports.)

Briefly describe any actions resulting from the Committee's recommendations.

How often does the Committee meet?

Does the Committee have any staff assistance?

Part time _____ Full time _____ None _____

Additional comments: _____

_____

_____

_____

City:

Name of official preparing Report:

Please return to: U.S.Conference of Mayors
1707 H Street,N.W., Washington,D.C. 20006

of 1959 taught both sides in steel. Unfortunately, there is no sign yet that the railroad unions have achieved comparable enlightenment.

Atlanta's Mayor Speaks

On rare occasions the oratorical fog on Capitol Hill is pierced by a voice resonant with courage and dignity. Such a voice was heard when Mayor Ivan Allen Jr. of Atlanta testified before the Senate Commerce Committee in support of President Kennedy's bill to prohibit racial discrimination in stores, restaurants and other public accommodations.

On the basis of the very substantial accomplishments that his city of a half-million, the largest in the Southeast, has made in desegregating publicly owned and privately owned facilities, he might have come as a champion of "states' rights" and of the ability of localities to banish discrimination without Federal law. Certainly, he would have had much more warrant to espouse that view than the Barretts, the Wallaces and the other arch-segregationists who raise the specter of Federal "usurpation" as a device for keeping Southern Negroes in subjection.

But Mr. Allen was not in Washington to boast. He was there to warn that even in cities like Atlanta the progress that had been made might be wiped out if Congress turned its back on the Kennedy proposal and thus gave implied endorsement to the concept that private businesses were free to discriminate. He left behind this charge to finish the job started with the Emancipation Proclamation a century ago: "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."

The Fiddlers

The long-legged, rasp-winged insects now come into their own, and we won't hear the last of them till hard frost arrives. They are the leaping fiddlers, the grasshoppers, the crickets and the katydids.

Grasshoppers are spoken of in the Bible as "locusts," and their hordes have contributed in many lands, including our own West, to the long history of insect devastation and human famine. Walk through any meadow now, or along any weedy roadside, and you will see them leaping ahead of you, hear the rasping rattle of their harsh wings in brief flight. But they do little real fiddling. The fiddlers now are the crickets.

Listen on any hot afternoon or warm evening, particularly in the country, and you will hear the crickets even though you seldom see them. In the afternoon you will hear the black field crickets, chirping as we say, and often into the warm evening. But in the evening, from dusk on through the warm night, the more insistent sound will be the trilling of the pale green tree crickets. Individually the tree cricket's trill is not so loud, but because all those in the neighborhood synchronize their trills the sound can be as insistent as were the calls of the spring peepers back in April.

The loudest fiddlers of all are the katydids, which look like green, hunch-backed grasshoppers. Night after night they rasp wing on wing and make that monotonous call, shrill and seemingly endless. But the katydids won't be heard for another two weeks or so. Meanwhile the crickets possess late July, chirping and trilling the warm hours away as though summer endured forever.

NY Times
Sun - 7/28/63

THE WHITE HOUSE

WASHINGTON

July 26, 1963

Dear Mayor Allen:

I have read with great interest the report of your testimony before the Senate Commerce Committee on the Administration's civil rights proposals. You made a number of very effective points and I believe your excellent presentation will prove to be extremely helpful. Your candid, courageous statements are, I believe, most commendable.

The leadership that has been demonstrated in Atlanta provides an encouraging model for cities throughout the United States. Under strong leadership the people of Atlanta have been able to recognize and understand a difficult, complex problem and resolve it -- at least partially -- in a direct and mature fashion.

Sincerely,

Honorable Ivan Allen
Mayor of Atlanta
Atlanta, Georgia

Ivan:

I know you would prefer that I not mention your going to Washington again, but I feel as strongly about you as you do about your convictions.

I hope you will decide against going for several reasons.

1. You will alienate the Board of Aldermen, about all of whom have expressed opposition to the public accommodation part of the bill.

2. You will lose the good position you have with the state administration and possibly never gain their support on projects where we need their help.

3. The people of Atlanta will not be able to understand why you went after you have been saying how well we have done in Atlanta, and then try to help get legislation passed forcing something which they feel has already been accomplished here.

4. You will lose your effectiveness of working out future problems between the races as the white people will probably turn from you feeling that you are biased toward the Negroes.

I feel the first four reasons are sincere and valid. . . the following may not be valid, but are true.

1. The stand which you think you are taking as morally right, will be misconstrued in every possible way and constantly used against you.

✓ 2. You will be cold-shouldered to an extremely uncomfortable extent.

✓ 3. You won't help the Kennedy administration in the south as the south will be more against you than the Kennedys.

✓ 4. The Atlanta newspapers won't support you. . .

5. You won't get re-elected. . .

6. I don't want to see you suffer unnecessarily.

7. I don't want the city to suffer either.

Ann

GREATER ATLANTA
Council On Human Relations
Telephone 525-6469
5 Forsyth Street, N. W.
ATLANTA 3, GEORGIA

July 22, 1963

The Honorable Ivan Allen, Jr.
City Hall
Atlanta, Georgia

Dear Mayor Allen:

I thought the attached information might be of interest to you, particularly in view of your scheduled appearance in Washington to testify in regard to your civil rights legislation.

Sincerely yours,

Eliza Paschall/jb

(Mrs.) Eliza Paschall
Executive Director

EP/jb

Attachment

The following is a list of establishments which were asked "Do you admit Negroes?" Their responses follow:

Those Replying YES	Those Replying NO
Stone Mountain (all facilities)	Broadview Kiddieland
Stone Acres Planation	Funtown
Stable of Thoroughbreds (old autos)	The Igloo (ice skating)
Copa Atlanta	Storyland
Wit's End	Tri-City Roller Rink
	Club Peachtree
	Domino Lounge
	Garden Terrace (Biltmore)
	The Party
	Golden Palm Lounge (Atlanta-Americana **
	Hank and Jerry's Hideaway
	King's Inn Lounge
	Lookout Lounge
	Monte Carlo Lounge
	Pigalley
	Polynesian Lounge (Biltmore)
	Robinsons Gardens
	Sans Souci
	Zebra Lounge
	The Gypsy
	Piedmont Drive-in
	Atlanta Art Association Membership

NO DEFINITE ANSWER

Atlanta Playboy Club
Kasbah

** The Golden Palm Lounge will admit Negroes if checked in or attending a convention at the Atlanta-Americana.

The Atlanta Council on Human Relations, 5 Forsyth Street, N. W., Atlanta 3, Georgia
JA 3-1581

GREATER ATLANTA COUNCIL ON HUMAN RELATIONS
5 Forsyth Street, N. W. Atlanta, Georgia

RESULTS OF TELEPHONE CONVERSATIONS AS TO INTEGRATION

Hotels:

On June 21, 1963, Mayor Allen announced a plan of limited integration at 14 hotels and motels, whereby these establishments would accept Negroes who are delegates to conventions meeting at these places. When the Greater Atlanta Council on Human Relations inquired if this changed the situation in regards to individual Negro guests, including Africans, Mayor Allen informed us that he had made the announcement as requested and that we should contact Mr. Styron of the Hotel Association. Mr. Styron wrote us that this was a matter for each individual hotel or motel, that it was not an agreement by the Association. Results of individual inquiries are shown below:

Those Replying YES	Those Replying NO
Air Host Inn	Atlanta Americana Motor Hotel
The Hilton Inn	The Atlantan Hotel
Howard Johnson's (N.E.)	The Biltmore Hotel
Peachtree Manor	Dinkler-Plaza Hotel
	Howard Johnson's (South and North West)
	Piedmont Hotel
	Riveria Motel

Restaurants:

On June 25, 1963, the ATLANTA CONSTITUTION carried a report that it had been learned that 50 restaurants were to desegregate within a few days. Since that time, there have been various lists and various announcements and various experiences at many eating places. Many have changed their policies. Many will state one policy when asked, but will act differently when confronted with an actual situation. The only list that has been announced with any air of authority is that circulated by Lester Maddox, and it can be said positively that that list is not accurate. Results of telephone inquiries about desegregation policies or reports from customers who have talked with the managers are as follows:

Those Replying YES	Those Replying NO	NO REPLY
Yohannan's	Camellia Gardens	Sellers (Peachtree Hotel)
Herren's	Escoe's	The Farm
Caruso's (Italian)	Fan and Bill's	Big Boy Drive-in
Davis Bros. (not on Forsyth St.)	Emile's	House of Eng
Johnny Reb's	Top O' Peachtree	S & W
Seven Steers	Hart's	
Dale's Cellar	Twelve Oaks	
Crossroads	Mammy's Shanty	
Miami Buffet	Hong Kong	
Rex Fine Food	Peachtree House	
Mama Mia		

Mayor Allen

GGREATER ATLANTA COUNCIL ON HUMAN RELATIONS
5 Forsyth Street, N. W.

July 17, 1965

FOR IMMEDIATE RELEASE

Dr. John Letson, Mrs. Grace Hamilton, Rev. Ralph Abernathy, Mr. Donald Hollowell, and Dr. Leslie Dunbar will report on the recent series of White House conferences on race relations at a dinner meeting of the Greater Atlanta Council on Human Relations, Monday, July 22, 7: p.m., at Stouffeur's Restaurant, Hearth Room (Peachtree Level).

Other Atlantans who attended the Conference called by President Kennedy have been invited to attend the meeting 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." "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:

"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 one-and-a half as much chance as his white fellow citizen of becoming unemployed (as compared to twice as mucha chance on the national scene) but he has only one-thirtieth, instead of ond-seventh, as much chance in Atlanta of earning $10,000 a year, and one-fourth instead of one-third as much chance as follow white citizens in Atlanta of becoming a professional man."

E

WILLIAM J. BRENNAN

Confirmed March, 1957 by voice vote
Only opposition - Senator Joseph McCarthy

E

EARL WARREN

Confirmed March 1, 1954 by voice vote
Chair announced it was unanimous

E

POTTER STEWART

Confirmed May 5, 1959 - roll call vote
Talmadge and Russell both voted no

Note:

The only three elections or confirmations since Senator Talmadge has been in office were Goldberg, White and Stewart. Goldberg and White were voice votes and Talmadge voted no for Stewart.

STATEMENT

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 descrimination 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 the 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 theatres, 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 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 of Main street to deposit his earnings or borrow money, then to go the department store 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 <u>can</u> 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 to 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 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 step-child, 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.

For release 9:00 a.m. (E.D.T.)

STATEMENT BY
GEORGE C. WALLACE
GOVERNOR OF ALABAMA
BEFORE THE SENATE COMMITTEE ON COMMERCE
IN OPPOSITION TO SENATE BILL 1732
9:00 a.m. (E.D.T.)
JULY 15, 1963

Mr. Chairman -- Members of the Senate Committee on Commerce.

I appreciate the opportunity to appear before you today and give my views on the important matters now before this Committee.

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 statements 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 issuing such orders should have his

background investigated.

Although he may not be affiliated with our enemies, his actions play into their hands by jeopardizing the security of this nation.

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?

For a century certain politicians have talked about Southern mobs, which were actually non-existent. But now that we have Negro mobsters and mobs running in the streets of our cities, these politicians and the press refer to them as demonstrators.

These so-called demonstrators break laws, destroy property, injure innocent people and create civil strife

and disorder of major proportions.

Yet they receive sympathy and approval of the leaders of our Federal government.

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.

When this bunch of incendiaries comes to Washington they are given red carpet treatment, and I dare say if they came into this room here, some of the members of this Committee would feel compelled to greet them in such a manner as to publicly demonstrate their concern for so-called civil rights.

Last Friday Governor Barnett showed this Committee a picture of Martin Luther King and a group of Communist + pro-comm 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. 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. The Cincinnati Enquirer, in its issue of Sunday, June 9, 1963, quotes the following statement of Shuttlesworth as to his leadership of this Communist organization:

> "Generally, the House committees are governed by Southerners who will label any organization subversive or communistic that seeks to further the American aims of integration, justice and fair-play.
>
> "To a segregationist, integration means Communism. I can think of nothing more un-American than the House Committee on Un-American Activities."

Recently Martin Luther King publicly professed to have fired a known Communist, Jack O'Dell, who had been on his payroll. But as discovered by a member ofthe United States Congress, this public profession was a lie and O'Dell had remained on King's payroll.

On a recent visit to this country, why was it that Ben Bella, a Communist in my opinion, had his first conference in this country with Martin Luther King? And then Ben Bella flew to Cuba and embraced the Communist Castro and said that he is one of the world's greatest. Is there any connection?

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 -- a revolution of government against the people.

Senate Bill 1732 -- the so-called public accomodations 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. The primary reason our forefathers came from Europe to carve this nation out of a raw and savage wilderness was for 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 .

I don't think it's necessary today to talk to you at length about the constitutional basis for legislation such as this. You know that similar legislation has been declared unconstitutional.

You know that in the 1883 Civil Rights Case the Supreme Court of the United States ruled out the Commerce

Clause as the basis for legislation nearly identical in effect to that contained in Senate Bill 1732.

You know that the 14th Amendment -- which amendment is of doubtful origin and questionable validity -- was held by the 1883 Court to merely allow legislation predicated upon the correction of the operation of state laws only -- and in no sense gave the legislative branch the right to enact statutes providing a code for the regulation of private rights.

No part of the bill before you qualifies as to constitutionality even assuming that you operate on the premise that the 14th Amendment was validly ratified in accordance with the requirements of the Constitution -- and it was not.

Gentlemen, I'll tell you what this Senate Bill 1732 does -- it places upon all business men and professional people the yoke of involuntary servitude -- it should be designated as the "Involuntary Servitude Act of 1963".

Under the provisions of Senate Bill 1732, if you are engaged in any profession where you offer your personal services, you cannot refuse to serve anyone without

fear of violating this Act. I don't know of any business or profession that does not have some abstract connection with interstate travel or interstate movement of goods. Under the provisions of this Act, the lawyer, doctor, hairdresser or barber, plumber, public secretary-stenographer, etc., would no longer be free to choose their clientele.

Nobody who offers services to the public or attempts to engage in his chosen profession will be free to operate without fear that the police state which is now vigorously rearing its head will dictate his every move and tell him exactly how he can run his business. In fact, if the provisions of the Act are passed and enforced many individuals will no longer have any business.

Section 3(b) of the Act provides: "The provision of this Act shall not apply to a bonafide private club or other establishment not open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of an establishment within the scope of sub-section (a). I submit to you that I am at a loss to understand the true meaning

and full import of this exception. I am wondering if it constitutes a "sleeper" in this Act designed to destroy the privacy of private clubs and "other establishments". In fact, what is the definition of the term "other establishments"? Does it include fraternal and social organizations, churches, religious organizations, the Masonic Lodge, the Order of the Eastern Star, the Knights of Columbus?

Would this "exception clause" cover the following situation?

A certain exclusive private club having a membership composed entirely of Italian-Americans has a rule allowing members to bring guests, many of whom travel in interstate commerce. The club also has another strict rule that guests must be limited solely to Italian-Americans. Under the provisions of this Act may a member bring in a non Italian-American traveling in interstate commerce despite the club rule forbidding it? Another example that arises would be the fact that my Masonic Lodge has strict rules against bringing in non-Masons and/or Masons not of the same type organization as mine. I have taken many interstate traveling Masons to my Lodge. Can a member bring a non-Mason or Mason of another type organization into my Lodge if he is a guest traveling in interstate commerce?

Section 5 of the Act provides for civil actions for preventive relief including injunction, restraining order or other order. I wonder what this "or other order" implies? Does it not mean being heavily fined or placed in Federal Prison for contempt of court if you refuse to obey? This same Section provides that this relief may be obtained by the person aggrieved or by the Attorney General of the United States and it provides further that the relief may be obtained where a person has not actually violated any section of the Act, but there are grounds to believe that any person is about to engage in any of the many prohibited acts. This is the beginning of "thought-control" legislation. In other words, they can take you to court and try you for what you are thinking or possibly thinking about doing -- whether you ever carry your thoughts into effect or not.

It is interesting to note that in Section 2(g) of the Act, which in effect constitutes the preamble of the Act, it is stated as fact that discrimination reduces the mobility of the national labor force and prevents the most effective allocation of national resources, including

the interstate movement of industries, particularly in some of the areas of the nation most in need of industrial and commercial expansion and development.

This is a thinly veiled reference to the South -- which - contrary to the statement contained in the preamble of this bill -- is now and will continue to enjoy the greatest industrial growth of any section of the United States.

I cannot help but wonder if some of these same people who are now so worried about our industrial growth are not some of the same people who fought the removal of the "Pittsburgh Plus" discriminatory freight rates which for so long kept the South from realizing its true potential in industrial growth. I cannot also help but wonder if one of the true motives in back of this act is, in part, a desire on the part of some to return the South to its position of disadvantage which disappeared with the removal of discriminatory freight rates.

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

This group has invited the Negro to come North to a land of milk and honey. They accepted the proposition, and instead of finding this Utopia, they have found unemployment. They have been stacked in ghettos on top of one another, to become a part of every city's Harlem. Thereby social and economic problems have been compounded.

The end result is that this gross hypocrisy has brought guerilla warfare and insurrection to every large city in the United States endangering the lives of millions of our citizens. Because of this hypocritical spectacle, he 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 flaunting 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.

The physical danger I outline is no problem in the South. You and your family can travel to any place in the South, walk the streets of every section of cities and towns alone, without fear of bodily harm. But I know,

and you know, that you and your family cannot walk the streets of our nation's capital without fear of mugging, raping, killing or other physical assault.

And, gentlemen, your constituents know this, too, and they are fed up with it. And if you will come to my offices, I will show you countless thousands of letters from every part of the United States protesting the continued usurpation of power by the Federal government and the failure to adhere to the Constitution of the United States. People who write me want their elected representatives to start representing them and not the minority bloc voting mobsters.

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 scramble for the minority 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.

A few days ago, I noted a report released by Washington, D. C., police officials which stated that during the last twelve months major criminal offenses in this nation's capital reached the second highest peak in history. (1953 was highest) I suggest that if the Congress spent its time trying to stop these assaults, rapes, robbery and house-breaking, rather than in efforts which will destroy all rights of property, then you might accomplish something worthwhile.

When I came here to testify against the 1957 Civil Rights Bill, it was said that our image would be affected in Africa and Asia if the bill failed to pass. Well, the 1957 Bill was passed and it appears that we are still supposed to worry about our image.

I have stated before and wish to state again here today -- I will worry about our image in the rest of the world when these foreign countries begin to return 25 per cent of the foreign aid we are sending them because it comes from the South.

In my judgment, the rest of the world should be more concerned with what we think of them since we feel bound and determined to provide their support. And while we are speaking of an image, the federal government should worry about the image it is creating in the South and to freedom-loving people everywhere.

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.

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 only method it has been able to come up with is the use of Federal troops which, strangely, it seems, have been used only in the South although the most serious disturbances have been in places like New York, New Jersey, Philadelphia, Chicago, Washington, Los Angeles and Cambridge, Maryland.

It is not politically popular to send troops into these cities -- and they are going to find next November it is not politically popular to send them to Alabama and Mississippi.

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.

I charge that Senate Bill 1732 constitutes the first step toward land reform -- a long step in a socialistic scheme of government which will bring the total destruction of private property rights. Property is power and when we lose our rights to property we will have lost our power to govern ourselves.

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.

It is suspected, and I suggest that Senate Bill 1732 is such a ridiculous piece of legislation that it probably is a mere smokescreen which is calculated to draw the attention of the people to it, thereby blinding them to other parts of the civil rights package which are equally abominable.

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.

I ask you to ignore political pressures which will destroy our entire free enterprise system -- that you determine that this country will not have government by intimidation -- that you not see fit to destroy established businesses and personal service professions -- that you not place the vast majority of American citizens in involuntary servitude -- that you stand up for America.

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. As the Governor of a sovereign state, I ask the Congress to investigate these communist activities. This request should not be taken lightly. A letter through the mail to the Justice Department from someone claiming they have been denied the right to vote brings a flood of Federal Investigators down the neck of some Southern registrar. Here you have had at least two Governors to ask that this communist matter be investigated. Will you give us this response?

In closing, I would like to tell you that the public policy of Alabama is for the up-lifting of the Negroes in Alabama. During the first year of my administration we have increased the appropriation to Negro educational institutions 22 per cent. We are building three new trade schools to train them for the jobs that we are making available to them by a fast growing industrial expansion in our state. I do not believe the passage of the legislation would be in the interest of either the white or Negro citizen, but would hamper the solution of problems facing both races.

As I said in my Inaugural Address in January, my hope and prayer is that God will bless all of the people of my state and this nation, both black and white.

I thank you.

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 brillant 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 negros 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 then 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 months 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 judgement 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 propenents 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.

STATEMENT OF C. MAURICE WEIDEMEYER FOR THE U. S. SENATE COMMITTEE ON COMMERCE TUESDAY, JULY 16, 1963

Mr. Chairman and Members of the Committee:

My name is C. Maurice Weidemeyer, I am a lawyer of Annapolis, Maryland, a member of the Maryland House of Delegates from Anne Arundel County.

I wish to state that I am unalterably opposed to the passage of Senate Bill 1732, and I am also opposed to passage of any public accommodations law whether by County, Municipality, State or Federal Government. The so-called public accommodations laws do not accommodate the public generally. They accommodate only a small minority of the public. The vast majority of the public, in my opinion, have their own desires and their own likes and dislikes and wish to choose their associates, i.e., the persons with whom they socialize and the persons with whom they wish to associate in the conducting of business.

In my opinion, it has always been an inherent, basic, and fundamental right of all free men in a free society to associate themselves, socially and commercially with persons of their own choosing.

It has often been said by proponents of measures like this that public accommodations bills are bills to guarantee freedom. I think that the approach is wrong. They should be called freedom depriving bills. The bills give an unwarranted freedom to a small minority while denying to the vast majority of our citizens and business men a very basic freedom, namely, that of associating and doing business with persons of his own choosing. The argument that because a State or Government authority has licensed a person to do business, that they should be able to regulate every facet of his thinking and conduct is something foreign to the American system of government and cannot help but lead to eventual socialism, dictatorship, and complete control by the government of every act, thought and deed of every individual citizen. The privileges and accommodations which the proponents of this measure contend are denied to negro citizens are not denied to them at all, because they have the same opportunity go into business and to conduct a hotel or restaurant or other types of businesses, just as much as any other citizens who have previously done so.

I have said many times, and I say it to you sincerely, that if the NAACP, the CORE and the other ultra liberal organizations, who are daily harassing and pestering the American people, would spend their money and effort on promoting the welfare of the colored race by assisting them into getting into business where they could cater to their own people, they would be accomplishing something. For years, the NAACP and CORE and others have been collecting $1.00 and $2.00 dues from people all over the United States and spending the money principally in agitation of the white race which neither gained respect nor promoted the negro economically. I would suggest to them that if they wanted to organize a hotel corporation or any other business corporation, and if they could not sell stock at $25.00 or $100 a share, that they sell more shares at $1.00 or $2.00 per share and spend their money to better use than by giving it to the NAACP and CORE and other organizations.

The idea that people are helping themselves and promoting themselves by demanding that others furnish them and give them that which they could obtain for themselves is a false idea of promotion of that individual. Rights and privileges of association are obtained only through accomplishment and mutual respect.

Certainly, nothing is furthered or improved by an insistent demand that people be taken in and accepted under circumstances where they have not as yet earned that respect, and no law, whether of the Federal, State, County or Municipal government, attempting to force association of people, can be successful under such forced conditions. Certainly someone and some group in the process are bound to wind up with receiving more contempt and ill feeling than with respect.

I disagree also with those persons who would attempt to portray the present disturbances in this country as spontaneous outbreaks. I cannot be lead to believe that the colored people of Cambridge would conduct themselves in the vicious manner in which they have, if they had not been engineered, guided and inspired and financed by outside influences and capital. It would seem to me that it would be the wiser thing for this Committee to consider the travelling in inter-state commerce of persons like Martin Luther King and others whose sole purpose in going from state to state is to create dissension, confusion and unrest, and deliberately going in areas where the colored people have been very well satisfied and whipping them up into a fervid heat of passion and hate for the white race.

I say to this Committee, quite sincerely, that if the purpose of this Committee is to promote the welfare of the colored race, that it is going about it in the wrong way. Certainly, the attempt to promote the negro race of less than twenty million people in the United States against the will and wishes of the majority of the remaining 160 million cannot do anything more than swell in the breasts of the vast majority of the American people a deep feeling of resentment and contempt and it is obvious upon reflection that such a condition in this United States has not improved race relations.

It has often and falsely, I think, been said that it is necessary that we pass public accommodations laws in the United States so as to impress foreign nations, and naturally the question arises to me: what nations are we trying to impress? Are they the nations that we have been continually financing and do we have to ruin our whole civilization and our mode of living in order to try to create an impression? I believe that a careful look at and a survey of many of the nations whom we think we have to impress, would only serve to convince us of the utter futility of such an attempt. Those nations, many of them, have century old customs, prejudices and feelings which would never be changed even though the United States did a somersault and acrobated itself into ruination and oblivion.

There was a time when the Communist conspiracy talked in terms of worldwide revolution. That attitude on the part of some Communist nations has now changed to a policy of slowly degrading and demoralizing the United States as one of the main capitalist nations and with further attempts to harass and ruin us economically. I believe, with other great and prominent men, that the Communist conspiracy to wreck the United States is certainly being overjoyed at the almost fanatical attempts being made by many organizations to ruin this great country and that the Communists are well up in many of these movements of agitation for public accommodations.

As a Democrat, I sincerely regret the actions and statements of the President and his brother, the Attorney General, because I realize that if they continue and persist in their course of conduct to promote the negro population without regard to

the wishes of the vast majority of white citizenry in this country, that neither have they promoted themselves politically nor have they advanced the well being of the United States as a whole.

It may well be that my remarks here today will go unheeded and that men in high places cognizant of the voting power of certain groups, will continue in this false move until confronted at the polls by an overwrought voting populace, who will be so angry and disturbed that many of the present day office holders will be defeated at the polls. In conclusion, let me say that I hope that the United States Senate will not approve any public accommodations law and will not attempt to ham-string the American businessmen and cram such a bill down the throats of the American people. It would be the wiser and safer thing to do to have the people of the U.S. express themselves at the polls in matters of this nature.

STATEMENT OF

EDGAR S. KALB of MAYO, MARYLAND

BEFORE THE COMMITTEE ON COMMERCE OF THE UNITED STATES SENATE

IN RE: S. 1732 - The "Interstate Public Accommodations Act"

88th Congress - 1st Session

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(1) SCOPE OF STATEMENT

(a) The scope and purpose of this statement is to present to the Committee evidence to show that the provisions of S. 1732 should not be made applicable to the operation of privately owned and privately operated bathing beaches, which beaches are located in states in which the State, Federal Government, or any County or Municipal Corporation, or other public tax-supported body, operates or maintains any beach or beaches, which are open to the use of all persons.

(b) To propose to the Committee certain amendments to S. 1732 to effectuate such exclusion, and to suggest certain amendments designed to eliminate certain injustices from the Act.

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(2) DESCRIPTION OF THE TYPES OF BEACHES FOR WHICH EXCLUSION FROM THE ACT (S. 1732) IS REQUESTED.

(a) Examples of the types of beaches for which exemption from S. 1732 is requested are the approximately twenty-one privately owned and privately operated bathing beaches which are located on the western shore of the Chesapeake Bay and its tributaries in Maryland.

Of these twenty-one beaches, fourteen are located in Anne Arundel County, south of Baltimore; four are located in Baltimore County, north of Baltimore City; and three are located in Calvert County, within approximately 25 to 35 miles of the District of Columbia. Approximately three of these privately owned beaches are fully "integrated."

(b) Generally speaking, these twenty-one beaches, with a few exceptions, are "family owned and operated," and have been so owned and operated for several generations.

(c) Most of these small bathing beaches are located adjacent to small residential communities, and in a certain sense are practically part of these residential communities.

(d) Based on personal experience and personal observation it is estimated that the total gross annual business done by these twenty-one beaches will be less than five millions of dollars.

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(3) PUBLICLY OWNED AND PUBLICLY OPERATED BATHING BEACHES LOCATED ON THE WESTERN SHORE OF THE CHESAPEAKE BAY IN MARYLAND.

(a) The State of Maryland operates two very beautiful public bathing beaches on the western shore of the Chesapeake Bay within easy access from Baltimore City, Washington, D.C., and the adjacent metropolitan areas; namely, Elk Neck State Park and Beach, north of Baltimore City; and Sandy Point State Park and Beach, south of Baltimore City (within Anne Arundel County). Both are within easy access to both Baltimore and Washington by excellent roads. (Sandy Point State Park and Beach is located in Anne Arundel County and annually has more than 300,000 visitors.)

Baltimore City owns and operates a beautiful bathing beach, located in Anne Arundel County, south of Baltimore, and within about 35 miles of Washington, D.C.

Furthermore, according to newspaper reports, the Federal Government has recently devised a beautiful waterfront property located in Anne Arundel County, within 25 miles of Washington, D.C., and within about 36 miles of Baltimore City, consisting of approximately 265 acres of land with more than a mile of waterfront. This property could with little expense be converted into an additional waterfront park and beach by the Federal Government for the use of all of the public.

(b) It is estimated that the total acreage and miles of waterfront available to the public in publicly owned beaches on the western shore of the Chesapeake Bay in Maryland is in excess of the total acreage and the total miles of waterfront operated as private beaches in Maryland by private ownership.

(c) In no instance does it appear that the patronage of these publicly owned and operated beaches has reached anything near their maximum potential patronage, and there is absolutely no present lack of sufficient bathing facilities available to the general public, in the immediate vicinity of Baltimore and Washington.

(d) In addition, the many miles of beach front on the Atlantic Ocean at Ocean City, Maryland, are owned by Worcester County and are available to all persons.

Furthermore, the State of Maryland is presently acquiring an extensive expanse of Asseateague Island for use as a public beach.

SUMMARY

BASED ON A NEED FOR ADDITIONAL BATHING BEACH FACILITIES, THE PUBLIC NEEDS ARE MORE THAN ADEQUATELY PROVIDED FOR, AND THERE IS NO JUSTIFICATION FOR REQUIRING THE PRIVATELY OWNED AND PRIVATELY OPERATED BATHING BEACHES TO ACCEPT UNDESIRED PATRONAGE.

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(4) THE "FINDINGS" AS SET FORTH IN SEC. 2 of S. 1732 FAIL TO ESTABLISH ANY VALID FACTS SUFFICIENT TO JUSTIFY THE INCLUSION OF PRIVATELY OWNED AND OPERATED BATHING BEACHES WITHIN THE CLASSIFICATION OF BUSINESSES TO WHICH THE PROVISIONS OF S. 1732 ARE APPLICABLE. AS INDICATED BY THE FOLLOWING ANALYSIS OF THE "FINDINGS:"

Sec. 2 (a) of the "Findings" sets forth no basis for such inclusion, as bathing beaches are abundantly available to all persons in Maryland at publicly owned and operated bathing beaches, and in addition in at least three privately owned and operated beaches, which three beaches are fully integrated.

Sec. 2 (b) of the "Findings" sets forth no valid basis for such inclusion as none of the twenty-one privately owned and operated beaches, insofar as known, offer overnight accommodations (all being within commuting distance of Washington and Baltimore, and all catering to daily transient business only).

Sec. 2 (d) of the "Findings" sets forth no valid basis for such inclusion as the movement of "goods, services and persons" applicable to the operation of bathing beaches; with but minor exceptions, does not "move in inter-state commerce;" and, strictly defined, bathing beaches are not places of amusement as used in Sec. 2 (d) but rather are "places of participating recreational activities," as distinguished from places of "amusement."

COMMENT

The "Findings" as stated in Sec. 2 (d) would appear to be mere expressions of opinion - entirely unsupported with any factual basis in support of such opinions.

Sec. 2(e) of the "Findings" would not appear to be applicable to bathing beaches, generally speaking, as they would not appear to fall into the classification of "retail establishments" as used in this sub-section.

Sec. 2(f) of the "Findings" sets forth no basis for the inclusion of bathing beaches in S. 1732, as these beaches are not located in any city. They have no facilities for holding conventions, and generally speaking offer no accommodations for overnight visitors.

Sec. 2(g) of the "Findings" sets forth no basis for the inclusion of bathing beaches in S. 1732, as in no instance are there any business organizations seeking services in any area affected by the operation of these beaches. All of these beaches are located in remote rural areas where their presence contributes extensively to the local economy, and which economy would be seriously injured as a result of these beaches being forced by law to accept all persons. This would result in a certain loss of business and a resultant loss of employment opportunity by the residents of these rural beach areas.

Sec. 2(h) of the "Findings" sets forth no applicable principal or basis for the inclusion of privately operated beaches in the provisions of S. 1732.

In the case of these privately operated beaches, no discriminatory practice is "encouraged, fostered, or tolerated" in any degree by the Governmental authorities of the State in which they are located, or by the "activities of their executive or judicial officers."

COMMENT

As applied to the operation of privately owned and operated bathing beaches in Maryland, Sec. 2 (h) is a statement of opinion unsupported by any factual evidence.

Sec. 2 (i) of the "Findings." The conclusions set forth in this sub-section are not applicable to privately owned and privately operated bathing beaches in Maryland, as these beaches neither "burden nor obstruct commerce," and the use of the commerce clause of the Federal Constitution for the purpose of imposing integration on these privately owned and operated beaches is a perversion of the Commerce Clause, for the purpose of effectuating a highly dubious purpose, concerning which purpose there are wide differences of opinion and which principal is not generally accepted by large segments of the population.

It is not the proper function of government to legislate for moral purposes. Nor is it a proper function of government to deprive any segment of the people of their inherent right of the self determination of their associations for the sole purpose of appeasing the demands of another segment of the people in their desire to satisfy their social ambitions.

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(5) DESPITE THE FACT THAT THE "FINDINGS" SET FORTH NOT A SINGLE VALID BASIS FOR THE INCLUSION OF PRIVATELY OWNED AND OPERATED BATHING BEACHES IN THE PROVISIONS OF S. 1732, NEVERTHELESS SEC. 3 OF THE ACT IS SO BROADLY DRAFTED THAT SOME, IF NOT ALL, OF THESE PRIVATELY OWNED AND OPERATED BEACHES WOULD BE INCLUDED.

(a) The provisions of Sec. 3 (a) (3) (i) and Sec. 3 (a) (3) (ii) apparently would be applicable to any privately owned and privately operated bathing beach which fell within the stipulations of these two sections.

(1) Considering sub-section (ii) of Sec. 3 (a) (3) first, the language used in this sub-section which states that if a "substantial portion of any goods held out to the public for sale, use, rent or hire, has moved in inter-state commerce," makes it almost impossible for any bathing beach operator to determine whether or not his operation comes within the purview of this Act.

There is not a beach operator alive who could know for a certainty that a "substantial" portion of the goods, sold at his beach, had not moved in inter-state commerce, because there is no standard set forth in the Act to guide anyone in determining what constitutes a "substantial" portion of goods held out for sale, rent or hire.

To determine what constitutes a "substantial" portion of goods in any case will require a court determination. It well may be that there will be as many different decisions as to what does constitute a "substantial" portion of goods as there are District Courts and Courts of Appeals in the United States.

It would appear that even the Supreme Court would be unable to lay down a hard and fast rule as to what constituted a "substantial" portion of goods, which rule could be applied to all cases.

The inclusion of the word "substantial" in the Act does not appear to be a loose use of terminology, but rather it appears to be a careful and well-studied use of this word, for the purpose of making the Act uncertain and unclear, with the object in view to force the operators of small businesses into compliance with this Act, because they would be unable to stand the expense and difficulties involved in litigating the question.

THE RESULT BEING THAT THE INCLUSION OF THE WORD "SUBSTANTIAL" IN THE ACT WITHOUT A PRIOR DETERMINED STANDARD AS TO WHAT DOES OR DOES NOT CONSTITUTE A "SUBSTANTIAL" PORTION OF GOODS MAKES THIS ACT LEGISLATIVE DURESS - - THE OPERATOR OF A PLACE OF BUSINESS MUST EITHER YIELD TO THE DICTATES OF THOSE EMPOWERED TO INSTITUTE LEGAL PROCEEDINGS AGAINST HIM ON A CHARGE OF NON-COMPLIANCE WITH THE ACT, OR ELSE ENTAIL EXPENSIVE LITIGATION.

The same lack of clearness and uncertainty as to what is intended manifests itself in the use of the words "moved in interstate commerce" in the same sub-section.

There is, of course, no difficulty in determining that if goods are transported in inter-state commerce directly to the operator of any place of business, then clearly such goods have moved in inter-state commerce and are covered by the Act.

But what about goods which moved in inter-state commerce in the normal course of trade, and have come to rest within a state, and are in the hands of a dealer in such goods for re-sale in intra-state commerce? If the operator of a privately-operated bathing beach were to purchase such goods from a dealer in intra-state commerce after such goods had previously been transported in inter-state commerce, would the prior inter-state transportation imprint follow these goods into the hands of the beach operator who had purchased them in intra-state commerce? How could a beach operator who had purchased such goods be certain under the language used in this Act that he would not or could not be charged with offering "goods which had moved in interstate commerce" and thereby be subjected to litigation or threats of litigation for being in violation of the provisions of this Act?

Unless the words "moved in interstate commerce" are clearly defined and limited in the Act by proper standards, the use of such undefined words will enable those authorized to institute litigation uder the Act to use the Act as a form of legislative duress - to compell the operators of small businesses and others who cannot afford the costs of expensive litigation to either yield to the dictates of those empowered to institute litigation under the Act, or become involved in expensive litigation which they may be unable to afford.

The inclusion of the words "substantial portion of goods" and the use of the words "moved in inter-state commerce" as used in the Act, give those empowered to institute enforcement litigation the powers of AUTOCRATIC DICTATORS.

Furthermore, the inclusion of these words with no limiting or defining standards in the Act permits the Act to be used by persons with ulterior motives as a vehicle for LEGALIZED BLACKMAIL AGAINST THE OPERATORS OF PRIVATE BUSINESS.

FOR THE CONGRESS TO PLACE SUCH AN UNRESTRAINED POWER TO INSTITUTE OR THREATEN TO INSTITUTE ENFORCEMENT LITIGATION IN THE HANDS OF THE PUBLIC WOULD BE A BETRAYAL OF THE AMERICAN PEOPLE.

(2) The provisions of Sec. 3 (3) (i) would appear to bring the operators of privately operated bathing beaches within the Act, if "goods, services, facilities, privileges, or advantages or accommodations.....are provided to a substantial degree to interstate travelers."

The same uncertainty and requirements for a determination by the courts, as previously discussed, would likewise face every operator of a private bathing beach to determine what was, or what was not, a "substantial degree of interstate travelers," as used in this sub-section, and the operators of private bathing beaches would again be at the mercy of those empowered to institute enforcement litigation, and would be subjected to duress and threats to instigate enforcement litigation, with its resultant burden of heavy costs, or else surrender and comply with the provisions of the Act.

As to the twenty-one private bathing beaches cited in (2) of this Statement, the application of this particular provision of the Act would be chaotic and unequal, as between the several private beaches, for the following reasons:

(a) As to the beaches enumerated, which beaches are located to the north of Baltimore City, it is probable that less than 1 per cent of the patronage of these beaches is from other than residents of Maryland.

(b) As to the private beaches which are located in Anne Arundel County to the south of Baltimore and which beaches are not more than twenty miles distant from Baltimore, a similar condition probably exists.

(c) As to the private beaches which are south of the Severn River in Anne Arundel County, the proportion of out-of-state patrons may rise to as much as 30 to 40%.

(d) As to the beaches which are located in Calvert County, the percentage of non-Maryland patrons may rise to as much as 60 or 70%.

The result being that out of the twenty-one beaches cited in this Statement, possibly eleven would not have more than 1% of out-of-state patrons, while the other 10 private beaches would possibly have from 30 to 70% of out-of-state patrons.

Under this situation it is possible that eleven of these local private beaches would not have to integrate and could continue to operate on a segregated basis, while the remaining ten beaches would have to be integrated, under the Act, merely because their particular locations were more accessible to out-of-state visitors.

ANY SUCH RESULT WOULD BE UNFAIR AND INEQUITABLE.

THIS POSSIBILITY IN ITSELF IS SUFFICIENT TO JUSTIFY AND TO REQUIRE THE EXCLUSION OF THESE PRIVATELY OPERATED BEACHES FROM THE PROVISIONS OF S. 1732.

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(6) THE SAME LACK OF DEFINITENESS AND CLEARNESS AND LACK OF STANDARDS IS PRESENT IN SEC. 3 (b) OF THE ACT (PAGES 6-7 OF THE ACT). THIS SUB-SECTION PROVIDES FOR THE EXCLUSION OF "BONA FIDE PRIVATE CLUBS OR OTHER ESTABLISHMENTS NOT OPEN TO THE PUBLIC."

What is a bona fide club? Are so-called "Key Clubs" bona fide clubs as used in the Act? If in the operation of our private bathing beach we limit admission to persons who have applied for and have been given a "Guest Membership Card" entitling them to admission, with non-holders of such cards being excluded, does that constitute a bona fide club or other establishment not open to the public? Under our present operation, we have a sign at our entrance which reads that no invitation is extended either expressly or impliedly to visit our beach, and that admission is by invitation of the management only. Is this type of operation covered by the exclusion as to "other establishments not open to the public" as used in the Act?

The answer to these questions does not appear in the language of the Act itself. How are we and other beach operators to determine whether our operations qualify for exclusion under this sub-section?

What standards are set forth in the Act to guide us in our determination of these questions?

What standards are set forth in the Act to enable the courts to determine what are bona fide clubs and what are other establishments not open to the public?

Under these conditions we, as beach operators, will be at the mercy of persons empowered to instigate enforcement litigation.

We would have to either submit to their dictates and abandon our right to operate under what we construe to be the law, or else be subjected to expensive litigation.

This makes it possible for those empowered to instigate enforcement litigation to exercise duress upon the operators of these private beaches in an effort to compel them to integrate their properties.

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(7) JUSTIFICATION OF THE RIGHT OF THE PRIVATELY OWNED AND PRIVATELY OPERATED BEACHES TO OPERATE ON A SEGREGATED BASIS.

(a) The "Findings" as set forth in Sec. 2 of the Act set forth no factual basis for including privately owned and operated bathing beaches under the provisions of the Act.

(b) There is no lack of available publicly owned and publicly operated beaches in the Maryland area, and persons who for personal reasons may not desire to patronize these public beaches should not be denied the right to have available to them for their patronage, privately owned and privately operated beaches, whose patronage is compatible to those persons who do not desire integrated bathing.

(c) Privately operated beaches should not be denied the right to offer segregated services for the use of such persons.

continued on page6

ANALOGY

The operation of these privately owned and operated bathing beaches falls into the same category as does the operation of private schools.

The State operates public schools, paid for by the taxpayers, for the use of all persons.

Persons who for personal reasons do not desire their children to attend public schools should not be denied the right to send their children to private schools whose enrollment may be segregated, and such private schools should not be prohibited by law from operating.

Likewise, the State of Maryland, the City of Baltimore, and certain counties operate public bathing beaches, paid for and maintained by the taxpayers.

Persons who do not desire to bathe with the persons who patronize these public beaches should not be denied by law from having available to them private beaches, whose patrons are compatible to their customary associations.

The Federal Government has available waterfront property in Anne Arundel County for use as a federally operated public bathing beach.

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(8) POSSIBLY THE MOST REPUGNANT AND UN-AMERICAN PROVISIONS OF THIS ENTIRE ACT ARE THE PROVISIONS OF SEC. 5 (PAGES 7, 8, 9 OF THE ACT), WHICH SECTION EMPOWERS PRIVATE CITIZENS TO INSTIGATE ENFORCEMENT OF THE ACT.

This opens the door to harassment and worse by vindictive persons and also opens the door to extortion through threats of instigating unfounded enforcement litigation, and creates by law, as previously stated, a vehicle which could be used by unscrupulous persons as the basis for Legalized Blackmail.

It is suggested that Sec. 5 be stricken from the Act in its entirety, and that in lieu thereof, that criminal penalties be written into the Act, to be enforced by the Attorney General.

The additional effect of striking from the Act the present provisions relating to so-called Civil Action for Preventive Relief, and substituting therefor criminal penalties, is that with criminal penalties inserted in the Act, the language of the Act will have to be clear and definite so as to meet the Constitutional requirements relating to criminal laws.

SUGGESTED AMENDMENTS TO S. 1732

Suggested Amendment No. 1:

After the end of line 3 on page 7 of the Act, insert a new sub-section to read as follows:

(c) The provisions of this Act shall not apply to a privately owned and privately operated bathing beach nor to any facility contained within the boundaries of any such privately owned and privately operated bathing beach, which beach is located within any State, or in any County of any State, in which State or County the State, County, any Municipal Corporation, the Government of the United States or any Department or Agency thereof, or any other public authority maintains, operates or makes available to the general public without discrimination as to race, color or creed, the facilities, services, privileges, advantages or accommodations of such publicly operated or publicly owned bathing beach.

Suggested Amendment No. 2:

In pages 7-8-9 of the Act strike out all of Section 5 and insert in lieu thereof criminal penalties.

Suggested Amendment No. 3:

On page 9 of the Act amend Section 6 by eliminating all reference to institution of remedies by other than the Attorney General of the United States.

CITY OF LOUISVILLE
KENTUCKY

WILLIAM O. COWGER
MAYOR

OFFICE OF THE MAYOR

LEWIS C. TINGLEY
EXECUTIVE ASSISTANT
TO THE MAYOR

July 15, 1963

Mrs. Anne Drummond
Executive Secretary to the Mayor
City of Atlanta
City Hall
Atlanta, Georgia

Dear Mrs. Drummond:

I did so enjoy talking to you on the telephone last Friday and look forward to meeting you personally while in Atlanta on July 31.

On July 12, 1963, Mayor Cowger issued an Administrative Directive concerning non-discrimination in City contracts. For your information I am enclosing a copy of this memorandum.

Until I see you on July 31, I remain

Cordially yours,

LEWIS C. TINGLEY

LCT:lo

MEMORANDUM

WILLIAM O. COWGER
MAYOR

OFFICE OF THE MAYOR

LEWIS C. TINGLEY
EXECUTIVE ASSISTANT

July 12, 1963

TO: All Department Heads
Director of Finance
City Purchasing Agent

FROM: William O. Cowger
Mayor of Louisville

SUBJECT: Administrative Directive Concerning Non-Discrimination Clause in City Contracts

In the ordinance establishing the Louisville Human Relations Commission, the Board of Aldermen and this office declared that "the practice of discrimination against any individual or group because of race, creed, color or national origin, is contrary to good public policy and detrimental to the peace, progress and welfare of the City." We also recognize that "the lack of full participation of any individual in the privileges of full membership in the community retards the progress of the community and effects the general well-being of all of its citizens." Furthermore, it is my sincere conviction that all of the people of Louisville are entitled to benefit equally from the expenditure of public funds collected in taxes, regardless of their race or religion.

In furtherance of this policy against discrimination, I am issuing this administrative directive to all City Department Directors. Beginning August 1, 1963, all contracts and invitations to bid which must be approved by me under the Statutes of the Commonwealth of Kentucky and the Ordinances of the City of Louisville, the following clause is to be included:

> "The contractor agrees that in the performance of this agreement with the City of Louisville, it will comply with all applicable State and local laws and regulations and will not discriminate against any employee because of race, creed, color, religion or national origin. The contractor further agrees that he will not discriminate in his employment practices, which would include

recruitment, demotion or transfer, lay-off or termination, or in rate of compensation."

If anyone has any questions concerning this memorandum, please contact my office.

WILLIAM O. COWGER

WOC/mb

Gentlemen, I have the honor, privilege and responsibility of serving as Mayor of the leading Southeastern City of Atlanta, Georgia. Atlanta has a City population of slightly over 500,000 people and a metropolitan population slightly over 1,100,000 people. The 500,000 people that make up the central City of Atlanta consists of 300,000 white citizens and slightly over 200,000 Negro citizens. In general, Atlanta is 60% white and 40% Negro.

Nowhere is the problem of the elimination of discrimination between the races more prevalent than it is to the local elected official who must wrestle with and solve this problem created by circumstances beyond his control and then ignored by the responsible parties who should lend definition to the solution. I speak of the problem as having been brought into focus by Supreme Court decisions and then generally ignored by the President and Congress of the United States.

Faced daily with the almost unsolvable problem of the elimination of discrimination as directed by the Federal Courts, local officials must often wonder where the Congress of the United States stands in offering definition or explanation in the solution of the most difficult national problem that we have ever had.

We cannot help but look with amusement . . . if not suspicion . . . as certain members of the Congress and the Senate denounce the decisions

of the Supreme Court and offer no relief to the dilemma that local officials are confronted with in carrying out these decisions. You gentlemen must be conscious of the fact that whereas President Kennedy has made two appointments to the Court and there are _____ Eisenhower appointments and _____ Truman appointments and _____ Roosevelt appointments, only the Senate of the United States has as an elected body the continuing function over the years of approving all of these appointments. What I am saying, gentlemen is -- This is your Court that has brought into focus this problem and only you could have changed its overall makeup through the years.

Regardless of our convictions, feelings or emotions in the matter of racial discrimination, the time has come when we must face up to simple facts. These facts are either --- we must eliminate racial discrimination or you must provide a legal means for a two-caste system in this country and carry out through legal enactment for local officials to deal with such a system. You cannot continue to say that this is a local problem when it exists in ~~all~~ nearly every city in America -- in nearly every state in America -- and all across the Nation.

You have asked me here to give you the background of Atlanta's local success in dealing with this grave problem. Basically we have only been successful because we accepted the inevitability of the Court's

decisions and attempted to solve them by local cooperation. It should be perfectly plain that the solution in every instance granted to the Negro citizen rights which white American citizens and American business had previously reserved to themselves as special privileges. These privileges have been carried out by a multitude of local and ~~state/wide~~ statewide ordinances that providdd for segregation in every conceivable form. I make it perfectly plain to you gentlemen that in not a single instance have we enhanced or retained segregated privileges where we have dealt with this matter.

Following a series of reasonable desegregation such as golf courses and busses in the 50's, Atlanta took the following major steps in the early 60's:

Date	Area	Action
9/61	Schools	Court order
10/61	Department & variety stores lunch counters	voluntary action *
1/62	City Facilities	voluntary (city officials)
5/62	Downtown and arts theatres	voluntary *
5/63	Negro firemen hired	voluntary (city officials)
6/63	Swimming pools	Court order - voluntary decision to open pools (city officials)
6/63	18 leading hotels	voluntary *
6/63	Approximately 33 leading restaurants	voluntary *

* In each instance voluntary action consisted of cooperative action between operators of affected businesses and responsible Negro leadership.

You can readily see that in some instances this has been under Court action and in other instances has been voluntary prior to Court action. In each instance it has resulted in the white citizen giving up special privileges which he enjoyed under a segregated society and has resulted in the Negro ditizen being given rights which all other people had and which he did not previously enjoy.

It would be well for me to explain to you how limited this transition has been and how little of it the Negro citizen can participate in even at this time. Out of hundreds of restaurants in Atlanta, the above desegregation affects less than fifty of them. The hotel plan is based on conventions and although prominent Negroes have been accepted in several hotels, the Negro citizen as a whole seldom shows up. With 200,000 Negro citizens in Atlanta, one of Atlanta's leading restaurants had sixteen of them to dine there during the first week of its desegregation and has not had any since this day. All of this, gentlemen, is a question of economics and it should be remembered that the right to use something does not in any way indicate that it will be used or misused by the lower economic groups.

The above statements concern the actual changes in Atlanta's elimination of discrimination.

May I now submit to you my personal reasons why we think Atlanta has resolved some of these problems whereas in other Southern cities, the solution has seemed to be impossible and strife and conflict have resulted.

It would be best for me to describe a recent visit of an official delegation from a great Eastern city that has a Negro population of over 600,000 consisting of in excess of 20% of their whole population. They came to Atlanta to determine why we had gone further with success and were enjoying a great economic prosperity whereas they were having unlimited racial problems and an unemployment rate of approximately three times of what Atlanta's was. I am not necessarily referring that racial peace brings economic prosperity. However, in Atlanta, the two have gone together.

This delegation simply did not understand and would hardly beliefe that the business, civic and political interests of Atlanta had intently concerned itself with its Negro population. I do not believe until yet that they are convinced that all of our civic bodies backed by the public interest and carried out by the City Government have daily concerned themselves with an effort to solve our gravest problem -- th/ and that is

race relations. 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 through an agreement between the effected white ownership and the Negro leadership to each of these problems.

To do this we have not appointed a huge bi-racial committee that becomes a stop-gap for every conceivable question, but on the other hand each time the problem has come into focus, we have appointed theatre owners to deal with the top Negro leaders - or hotel owners to deal with the top Negro leaders - or voluntarily certain restaurant owners dealt with the top Negro leadership , and by developing the lines of community and respectability, we have been able to reach an amicable solution.

Other cities have worked equally as hard and in many instances have failed and I would like to explain to you why I think we have succeeded where they have sometimes failed.

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higher education they have had the capacity to develop a great Negro business community. In Atlanta it consists of financial institutions like banks - building and loan associations - life insurance companies, like the Atlanta Life Insurance Company - chain drug stores - real estate dealers. In fact, they have developed, I believe, in almost every line of acknowledged American business. Then there is another strong factor. In Atlanta there is a strong daily Negro newspaper - The Atlanta Daily World. Owned and operated by a prominent Negro family - the Scott family - they operate a chain of daily and weeklies throughout the country. But it is the strength of a daily newspaper with vested interests backed by an educated religious and business community that carries its voice to the Negro citizens.

Do not be misled by the word "conservative" as they are as desirous of additional civil and economic and personal rights as any American citizen is. They simply realize that it is more important to obtain these rights than it is to create demonstrations. And it is to the end of obtaining these rights that they constantly address themselves.

Gentlemen, I have the honor, privilege and responsibility of serving as Mayor of the leading Southeastern City of Atlanta, Georgia. Atlanta has a City population of slightly over 500,000 people and a metropolitan population slightly over 1,100,000 people. The 500,000 people that make up the central City of Atlanta consists of 300,000 white citizens and slightly over 200,000 Negro citizens. In general, Atlanta is 60% white and 40% Negro.

Nowhere is the problem of the elimination of discrimination bwtween the races more prevalent than it is to the local elected official who must wrestle with and solve this problem created by circumstances beyond his control and then ignored by the responsible parties who should lend definition to the solution. I speak of the problem as having been brought into focus by Supreme Court decisions and then generally ignored by the President and Congress of the United States.

Faced daily with the almost unsolvable problem of the elimination of discrimination as directed by the Federal Courts, local officials must often wonder where the Congress of the United States stands in offering definition or explanation in the solution of the most difficult national problem that we have ever had.

We cannot help but look with amusement. . . if not suspicion . . . as certain members of the Congress and the Senate denounce the decisions

of the Supreme Court and offer no relief to the dilemma that local officials are confronted with in carrying out these decisions. You gentlemen must be conscious of the fact that whereas President Kennedy has made two appointments to the Court and there are _____ Eisenhower appointments and _____ Truman appointments and _____ Roosevelt appointments, only the Senate of the United States has as an elected body the continuing function over the years of approving all of these appointments. What I am saying, gentlemen is -- This is your Court that has brought into focus this problem and only you could have changed its overall makeup through the years.

Regardless of our convictions, feelings or emotions in the matter of racial discrimination, the time has come when we must face up to simple facts. These facts are either --- we must eliminate racial discrimination or you must provide a legal means for a two-caste system in this country and carry out through legal enactment for local officials to deal with such a system. You cannot continue to say that this is a local problem when it exists in ~~all~~ nearly every city in America -- in nearly every state in America -- and all across the Nation.

You have asked me here to give you the background of Atlanta's local success in dealing with this grave problem. Basically we have only been successful because we accepted the inevitability of the Court's

decisions and attempted to solve them by local cooperation. It should be perfectly plain that the solution in every instance granted to the Negro citizen rights which white American citizens and American business had previously reserved to themselves as special privileges. These privileges have been carried out by a multitude of local and ~~state/whild~~ statewide ordinances that providdd for segregation in every conceivable form. I make it perfectly plain to you gentlemen that in not a single instance have we enhanced or retained segregated privileges where we have dealt with this matter.

Following a series of reasonable desegregation such as golf courses and busses in the 50's, Atlanta took the following major steps in the early 60's:

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It would be well for me to explain to you how limited this transition has been and how little of it the Negro citizen can participate in even at this time. Out of hundreds of restaurants in Atlanta, the above desegregation affects less than fifty of them. The hotel plan is based on conventions and although prominent Negroes have been accepted in several hotels, the Negro citizen as a whole seldom shows up. With 200,000 Negro citizens in Atlanta, one of Atlanta's leading restaurants had sixteen of them to dine there during the first week of its desegregation and has not had any since this day. All of this, gentlemen, is a question of economics and it should be remembered that the right to use something does not in any way indicate that it will be used or misused by the lower economic groups.

The above statements concern the actual changes in Atlanta's elimination of discrimination.

May I now submit to you my personal reasons why we think Atlanta has resolved some of these problems whereas in other Southern cities, the solution has seemed to be impossible and strife and conflict have resulted.

It would be best for me to describe a recent visit of an official delegation from a great Eastern city that has a Negro population of over 600,000 consisting of in excess of 20% of their whole population. They came to Atlanta to determine why we had gone further with success and were enjoying a great economic prosperity whereas they were having unlimited racial problems and an unemployment rate of approximately three times of what Atlanta's was. I am not necessarily referring that racial peace brings economic prosperity. However, in Atlanta, the two have gone together.

This delegation simply did not understand and would hardly beliefe that the business, civic and political interests of Atlanta had intently concerned itself with its Negro population. I do not believe until yet that they are convinced that all of our civic bodies backed by the public interest and carried out by the City Government have daily concerned themselves with an effort to solve our gravest problem -- ~~it~~ and that is

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Copy to
Mr. Ivan Allen

BENARD SOUTH
332 Piedmont Ave., N. E.
ATLANTA 12, GA.

File
Civil Rights

July 10th, 1963

Senator Richard Russell,
Washington, D. C.

Dear Senator Russell:

I have followed with interest and admiration the position you have taken on the iniquitous prpposed civil rights bill with all of its dastardly implications. I strongly endorse all that I have read in the press of the strong opposition you are providing and I encourage every act within your power to defeat this proposed measure with all of its heartbreaking possibilities including the ruination of many business establishments that would occur in addition to an ending of freedoms in this country long enjoyed by its citizens, all for the one purpose of playing for political gain of negro votes. It apparently has never occured to the Kennedy family of the loss of white votes they must consider or do they ever stop to consider anything whenever the negro raises his voice?

I did not vote for Kennedy (nor Nixon) and will never vote for this political dictator who holds the south in such contempt, who shows such utter lack of acumen for the high office of President. I am opposed to the insidious methods he and his family use to seize control of this country for their own political power gain. His handling of the negro problem shows utter lack of maturity.

At every opportunity presented I express my views to all with ears with which to listen and it is my hope that we will have several million citizens do likewise so that we might not be burdened with the Kennedy family after the present term of office expires.

Cordially yours,

Benard South

Benard South

NEWSLETTER

GREATER ATLANTA COUNCIL ON HUMAN RELATIONS — 5 FORSYTH STREET, N.W. — ATLANTA 3, GEORGIA

INSIDE

REPORT FROM WHITE HOUSE CONFERENCES BY ATLANTA PARTICIPANTS, Monday, July 22, 7:p.m., Stouffer's Hearth Room. Dinner $2.40. Make reservations at Council office (523-1581) by July 18, 1963.

In response to requests, more opportunitities for "members to know each other and respond to interest in what went on at the recent series of White House conferences on civil rights, the Greater Atlanta Council on Human Relations has arranged for members and friends this dinner meeting, at which time 6 of the 25 Atlantans who met with President Kennedy at the recent series of meetings will report informally on the significance of the meetings and their application to the Greater Atlanta area. The others will be invited to attend and to participate in the discussion. (We are proud that 6 of the 25 are members of the Council. Those invited to speak on July 22, however, will include some members and some non-members) COME AND BRING YOUR FRIENDS!!!

****

SAVE AUGUST 19 FOR A PICNIC SUPPER FOR COUNCIL MEMBERS AT PIEDMONT PARK. To avoid reservations and money, each family is asked to bring your own food. The Pavilion at the Fourteenth (14) Street entrance, has been reserved for 6: p.m. to 9: p.m. This will be a purely social affair--no program, just food and conversation for all ages.

****

BELATED CONGRATULATIONS TO GACHR MEMBER, MORGAN STANFORD, upon his recent appointment to the Georgia Advisory Committee to the U.S. Civil Rights Commission.

****

SWIMMING POOLS: It would be worth a special effort for white GACHR members to use recently desegregated "white" pools to avoid "resegregated" Negro pools. Encourage use of the pools by friends, neighbors and groups to which you belong. This is one way YOU can respond to the President's appeal.

****

From President Kennedy's Radio and Television address on June 11: "We face, therefore, a moral crisis as a country and as a people. ...It is time to act in the Congress, in your state and local legislative body, and above all, in all of our daily lives."

July, 1963

APOLOGY TO MR. HOLT:

Mr. Ellis Holt, President of the Atlanta Board of Education, at the Board meeting on June 20, said that he had been misquoted when the Council had reported that he "couldn't think of anything to say" in response to GACHR's letter calling attention to plans for an Atlanta high school with a Negro senior student to have annual outing to Calloway Gardens, which does not admit Negroes and repeating suggestion made last year that Board adopt policy of no school sponsored functions held where all students would not be permitted. Mr. Holt said that "this Board felt for it to intercede and cause the outing to be called off would result in unfavorable reaction of the class, the student body and the community towards the student involved. This Board has done everything in its power to prevent such reaction."

The student involved contacted the Council several times saying that she "would like to go on the picnic." We apologize for misquoting Mr. Holt. We still question the Board's permitting a school sponsored event to be scheduled at a place where it is known in advance that even one of the students involved would not be admitted and question the advisibality of making it possible for a student to be placed in the position of making a decision which involves a choice between participating in school affairs or causing "unfavorable reaction of the class, the student body and the community" towards himself or herself.

****

During the past few weeks, the GACHR has been asked to assist in efforts to secure enrollment of a Negro in a typing course at the Northside YMCA and enrollment of a Negro child at the Atlanta Speech School.

****

Bishop Randolph Clairborne of the Episcopal Diocese of Atlanta has announced the withdrawal of any affiliation between the Episcopal church and the Lovett School, following the announcement by the Trustees of a policy of racial segregation.

Rev. John Morris has announced that "...steps will be taken in the fall at the opening of school to protest the Trustees' decision which leaves some doubt as to the faithfulness of both Episcopal clergy and laity. ...Support will be given to direct action protest aimed at both the school itself, as well as to the members of the Board who are Episcopalians. Most likely this will include the placing of pickets at the school and at other points appropriate to the respective Trustees..."

****

DECATUR GACHR MEMBERS report that Negro children in Decatur must come in to Atlanta for summer school, though many Negroes live a few blocks from the white Decatur schools. The Decatur schools offered no summer courses in colored schools.

No reply to inquiries to WESTMINISTER SCHOOLS about policy of accepting applications from Negroes, for summer or regular sessions.

IN THE WORKS: Factual chronological account of desegregation to date in Atlanta

AVAILABLE UPON REQUEST: Copies of Dr. Martin Luther King, Jr's., LETTER FROM BIRMINGHAM JAIL.

Note: We urge you to support the desegregated restaurants and to state your approval of such a policy.

SUMMARY OF ANALYSIS BY SOUTHERN REGIONAL COUNCIL OF CIVIL RIGHTS BILL

(You are urged to express your views to Congressman Charles Weltner, Senators Richard Russell and Herman Talmadge.)

Voting: Forbids use of different standards, practices or procedures for whites and Negroes, bars denial of right to vote in a federal election because of certain immaterial acts, provides for federal voting referee when lawsuits are pending in county in which fewer than 15% of eligible Negroes are registered; preferential treatment of voting rights suits on federal court calendars; requires presumption of literacy on completion of 6th grade in accredited school where instruction is predominantly in English.

Public Accommodations: Guarantees to all citizens full and equal enjoyment of goods, services, and facilities of hotels, restaurants, places of amusement and retail establishments in interstate commerce, i.e., where goods, services, facilities or accommodations are provided to substantial degree to interstate travelers; substantial portion of goods has moved in interstate commerce; activities of establishment substantially affect interstate commerce; establishment is integral part of establishment covered by above (bonefide private clubs and establishments not open to public not covered); persons denied access because of race can institute court action; Attorney-General can bring suit upon written complaint by aggrieved party, if party is unable to finance suit, obtain effective legal representation, or there is fear of economic or other injury; before such suit, A-G; must refer case to Community Relations Service (see below), give establishment time to correct practices; permit state and local equal access laws to operate; if plaintiff wins suit, loser pays attorney's fees.

School Desegregation: The U. S. Commission is required to report in 2 years on extent of school segregation on all levels; Commissioner authorized to give technical and financial assistance, upon request, to school districts in process of school desegregation (financial assistance to train personnel); authorizes A-G to initiate suits against local school boards and public institutions of higher learning whenever complain of existing segregation is received signed by parent or individual; party is unable to undertake suit for lack of money, effective counsel, fear of economic or other injury; A-G determines that such suit will further orderly process of desegregation.

Community Relations Service: Federal agency to work with local communities providing advice and assistance, help solve inter-racial disputes and work quietly to improve relations in any community, to be established by executive order until given statutory action.

Civil Rights Commission: Extension through 1967 and broadening of power to serve as clearing house, offering information, advice and technical assistance to any public or private agency requesting it.

Equal Opportunity Commission: Permanent statutory Commission similar to present Committee.

Federal Programs: Any federal assistance program not required to give aid where racial discrimination is practiced; no discrimination in employment contractors or sub-contractors on grounds of race.

RESTAURANTS AND HOTEL DESEGREGATION:

Restaurants: The GACHR, along with the Atlanta NAACP, the Committee on Appeal for Human Rights and individuals connected with other organizations, has been in touch with individual restaurant operators and with the Atlanta Restaurant Association for the past several months, urging voluntary desegregation of eating places. It has been stated repeatedly that no person or persons may speak for the Restaurant Association and that any action taken would be done by individuals in terms of their own places of business. The individuals taking part in the discussions have changed from one time to the next. To our knowledge, there have been no written agreements. There were verbal agreements to desegregate the last week of June, after repeated demonstrations by the Committee on Appeal for Human Relations. The understandings of the verbal agreements have varied in some cases on the part of different persons at the same meeting. Some restaurants which we understand did agree to serve Negroes decided against it before the appointed date. Some served Negroes on the "first day," then refused to serve them the next day. Some refused at first but served later. A number served Negroes but when asked by telephone if they were desegregated, said no. So--there is no "official list," and any list would probably change from day to day.

Acting on the belief that desegregation cannot be in effect until those who might be effected know of the change and on the belief that support from those who favor the change can be more effective than withdrawal of support by those who oppose it, we give here a list of restaurants in which the GACHR members have observed Negroes being served within the past few weeks: Yohannon's, Sellers (Piedmont Hotel), The Farm, Herren's, Camilla Gardens, Emile's, Escoe's, Caruso's, Davis Brothers, Johnny Rebb's, Crossroads, Big Boy Drive-in, Seven Steers, Miami Buffet, House of Eng, S&W, Bradshaw's, Howard Johnson's, Dales Cellar, Rex' Fine Foods, (the Riviera and Four Seasons for private parties).

Hotels: On June 21, Mayor Ivan Allen announced that he had been requested by 14 Atlanta hotels and motels to announce a plan for limited desegregation. The hotels listed were: the Air-Host Inn, Atlanta Americana Motor Hotel, Atlanta Cabana Motel, the Atlantan Hotel, the Biltmore Hotel, the Dinkler-Plaza Hotel, Marriott Hotel (unfinished), the Hilton Inn, 3 Howard Johnson's Motor Lodges (South, Northeast, and Northwest Expressways), the Peachtree Manor, the Piedmont Hotel, and the Riveria Motel.

The Council wrote Mr. Allen asking if this in anyway changed the situation of individual guest (s) since we are often asked to arrange lodgings for foreign visitors. He replied that he had made the announcement as requested, and was referring our letter to the Hotel Association. Mr. Styron of the Hotel Association wrote that this was an individual act by each of the 14 hotels and each would have to be contacted individually. We are in the process of doing that now. There have been reports that individual Negro guest have been accommodated, but this has not been announced as a public policy.

Dr. C. Miles Smith, NAACP president, said his understanding of the agreement was complete desegregation of these establishments.

****

REATER ATLANTA COUNCIL
N HUMAN RELATIONS
FORSYTH ST., N. W.
TLANTA 3, GEORGIA

BULK RATE
U. S. POSTAGE
PAID
Atlanta, Georgia
Permit No. 281

Mayor Ivan Allen, Jr.
City Hall
Atlanta, Georgia

HAAS, DUNAWAY, SHELFER & HAAS
ATTORNEYS AT LAW
SUITE 601 HAAS-HOWELL BUILDING
ATLANTA, GEORGIA

LEONARD HAAS
JOHN A. DUNAWAY
WM. S. SHELFER
GEORGE A. HAAS
JAMES B. PILCHER
HUGH F. NEWBERRY

TELEPHONE
JACKSON 1-1151

July 11, 1963

Mayor Ivan Allen, Jr.,
City Hall,
Atlanta 3, Georgia.

Dear Ivan:

I am writing you at the request of my wife, and acknowledge I am glad to do so.

(1) Georgia Code, Sec. 52-101 reads as follows:

"Under the term 'inn' the law includes all taverns, hotels, and houses of public general entertainment for guests. All persons entertained for hire at an inn are guests."

Georgia Code, Sec. 52--103 reads as follows:

"The innkeeper who advertises himself as such is bound to receive as guests, so far as he can accommodate them, all persons of good character offering themselves, who are willing to comply with his rules."

These Georgia Code Sections are codifications of the common law which has been of force for more than a hundred years both in England and in all the states of this country.

(2) With respect to the decisions of the Supreme Court of Georgia holding unconstitutional an Ordinance of the City of Atlanta which prohibits colored persons from occupying houses in blocks where the greater number of houses are occupied by white persons, I am giving you copies of two letters which I wrote to Ralph McGill, one on December 12, 1960, and the other on January 22, 1963.

You will note that in my letter of December 12th to Ralph, I mentioned that Richard B. Russell was of counsel for the petitioners who secured the ruling of the Court declaring the Ordinance unconstitutional. Ralph was of the opinion that the Richard B. Russell referred to as counsel for the negro must have been the father of Dick Russell, as it was decided in the year 1918. Ralph may be correct, I have no way of knowing.

Best wishes and more power to you.

Sincerely,

Leonard Haas

LH:LPM

ENC.

January 22, 1963

Mr. Ralph McGill,
The Atlanta Constitution,
Atlanta, Georgia.

Dear Ralph:

I was delighted with your handling of the Glover case in your Monday (January 21st) column entitled "The Folly of Barriers." It was splendid.

There was indeed an earlier Georgia case than the Glover case decided by the Supreme Court of Georgia in 1915, namely Carey v. City of Atlanta, 143 Ga. 192.

While the Glover case was simply a "per curiam headnote decision," with no written opinion, in the Carey case Judge Sam Atkinson for the court wrote a magnificent opinion declaring a 1913 Atlanta City Ordinance prohibiting white and colored persons from residing in the same block unconstitutional. This was also a unanimous decision and was later cited by the Supreme Court of the United States in Buchanan v. Worley, 245 U.S. 60, where the opinion of the court included a long excerpt from Judge Atkinson's opinion in the Carey case.

When a similar ordinance came before the court, Judge Atkinson also wrote a short but vigorous dissenting opinion in Harden v. City of Atlanta, 147 Ga. 248, which held the ordinance valid, which case was subsequently overruled by the Glover decision.

Isn't it strange that the Georgia high court, in the Harden case, refused to follow its own unanimous decision in the Carey case decided only two and one-half years previously, and isn't it also strange that in overruling the Harden case the Glover case based its ruling on the Federal case of Buchanan v. Worley rather than its own unanimous opinion in the Carey case.

This perhaps is a shining example of one of Chief Justice Bleckley's terse sayings: "That court is the best which relies as little as possible on its own opinions."

Best wishes.

Sincerely,

Leonard Haas

LH:LPM

P.S. Judge Atkinson's decision in the Carey case was also cited with approval by Judge Tuttle in writing for the Fifth Circuit Court of Appeals an opinion affirming one of Skelly Wright's decisions striking down the Louisiana Statute seeking to maintain segregated public schools. Orleans School Board v. Bush, 242 Fed. 2d 156, at 164.

December 12, 1960

Mr. Ralph McGill,
The Atlanta Constitution,
Atlanta, Georgia.

Dear Ralph:

IN RE: Segregation

For your information, I think the following has a bearing on the segregation question.

In 1916 in the case of Glover v. City of Atlanta, 148 Ga. 285, the Supreme Court of Georgia by unanimous decision held unconstitutional a City of Atlanta Ordinance which forbade colored persons to occupy houses in blocks where the greater number of houses are occupied by white persons. (Richard B. Russell was of counsel for the petitioners who secured the ruling of the court.) That decision is still the law of Georgia.

In 1948, in Shelly v. Kramer, 344 U.S. 1, the United States Supreme Court refused to enforce a covenant that property should not be used or occupied by any person except those of the Caucasian race. The court held that the agreement itself did not violate the 14th Amendment as the 14th Amendment is directed against state action only. But the court further held that the action of state courts in enforcing this restrictive covenant was to be regarded as action of the state within the 14th Amendment, and amounted to a denial of the equal protection of the laws to the petitioners.

This is not for publication.

Best wishes.

Sincerely,

Leonard Haas.

LH:LPM

News Release

IVAN ALLEN, JR.
Mayor of Atlanta

Mrs. Ann Drummond
Executive Secretary

For further information call — Ja 2-4463

FOR USE UPON RECEIPT

July 11, 1963

Mayor Ivan Allen, Jr. has accepted an invitation from the United States Senate Commerce Committee to testify before the committee Friday, July 26, on ~~behalf of~~ Senate Bill 1732. This bill is to eliminate discrimination in public accommodations affecting interstate commerce.

Mayor Allen said "I welcome this opportunity to tell the committee of the fine relationship which exists among the citizens of Atlanta and to describe how we have faced our problems and worked out solutions."

- 30 -

WILLIAM O. COWGER
MAYOR

CITY OF LOUISVILLE
KENTUCKY

OFFICE OF THE MAYOR

July 2, 1963

Honorable Ivan Allen, Jr.
Mayor of Atlanta
City Hall
Atlanta, Georgia

Dear Mayor Allen:

In answer to your request of July 1, we are enclosing a copy of Ordinance No. 66, Series 1963.

If this office may be of further assistance to you, please do not hesitate to contact us.

Sincerely,

WILLIAM O. COWGER

WOC:lo

ORDINANCE NO. 66 SERIES 1963

AN ORDINANCE DEFINING DISCRIMINATORY PRACTICES IN PLACES OF PUBLIC ACCOMODATION; PROHIBITING THE SAME; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, each member of the Board of Aldermen recognizes that the government of the City of Louisville was organized to protect and promote the health, safety, and welfare of all persons in the City of Louisville, including minority groups; and

WHEREAS, each alderman is cognizant of his duty to protect and foster the welfare of persons residing in his ward and to prevent, insofar as possible, any discrimination in places of public accomodation on account of a person't race, color, religious beliefs, ancestry or national origin; and

WHEREAS, in order to insure that there be no discriminatory practices in places of public accomodation on account of race, color, religious beliefs, ancestry or national origin

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE:

Section One. It is hereby declared to be the policy of the City of Louisville in the exercise of its licensing and police powers for the preservation of the peace and the protection of the comfort, health, welfare and safety of persons in the City of Louisville and to prohibit discriminatory practices in places of public accomodation as hereinafter defined.

Section Two. When used herein:

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, or other groups of persons.

(b) The term "Commission" means the City of Louisville Human Relations Commission as established by Ordinance No. 33 of the 1962 Ordinances

of the City of Louisville; and the term "Anti-Discrimination Division" means a Board, any three members of which shall constitute a quorum, consisting of five (5) members of the City of Louisville Human Relations Commission, said five members to be designated by the Mayor of the City of Louisville.

(c) The phrase "Place of public accomodation" means any place of business offering or holding out to the general public services or facilities for the peace, comfort, health, welfare or safety of such general public including, public places providing food, shelter, recreation, entertainment or amusement.

Section Three. Discriminatory practices, as hereinafter defined, in places of public accomodation are hereby prohibited and declared unlawful.

(a) It shall be a discriminatory practice for the owner, lessee, manager, propritor, concessionaire, custodian, agent or employee of a place of public accomodation within the City of Louisville to deny, to accord or to treat differently any person in the service or sale of any privilege, facility or commodity on account of his race, color, religious beliefs, ancestry or national origin, or to segregate or require the placing of any person in any separate section or area of the premises or facilities, of such place of public accomodation, or to deny, refuse or withhold from any person, on account of his race, color, religious beliefs, ancestry or national origin, full and equal accomodation advantages, facilities and privileges in any place of public accomodation.

(b) It shall be a discriminatory practice to place, post, maintain, display, or circulate, or knowingly cause, permit or allow the placing, posting, maintenance, display or circulation of any written or printed advertisement, notice or sign of any kind of description to the effect that any of the accomodations, advantages, facilities, or privileges of any place of public accomodation will or may be refused, withheld from or denied to any person on account of his race, color religious beliefs, ancestry or national origin,

or that the patronage of any person is unwelcome, objectionable, or not acceptable, desired or solicited on account of his race, color, religious beliefs, ancestry or national origin, or that any person is required or requested to use any separate section or area of the premises or facilities on account of his race, color, religious beliefs, ancestry or national origin.

Section Four. The administration of this Ordinance shall be the responsibility of the City of Louisville Human Relations Commission. The Anti-Discrimination Division shall have full operating responsibility under the supervision of the Commission for carrying out the provisions of this Ordinance. In addition to any powers or duties heretofore conferred on said Commission it shall have the power and duty to:

(a) Receive, investigate and seek to adjust complaints of discriminatory practices prohibited by this Ordinance and to initiate such complaints itself.

(b) By itself or through its Anti-Discrimination Division, to hold public or private hearings, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question. If a person, against whom a complaint of discriminatory practice is made, shall be notified to attend any hearing, public or private, before the Commission or the Anti-Discrimination Division and he shall fail to attend such hearing, the Commission or the Anti-Discrimination Division, as the case may be, may proceed to hold such hearing and make a determination in such persons absence.

Section Five.

(a) Any person claiming to be aggrieved by a discriminatory practice prohibited by this Ordinance may make, sign and file with the City of Louisville Human Relations Commission a complaint

in writing under oath, which shall state the name and address of the public accomodation alleged to have committed the discriminatory practice and which shall set forth the particulars thereof and contain such other information as may be required under rules established by the Commission. Such complaints shall be filed within thirty (30) days after the alleged discriminatory practice is committed. The Commission, if it has reason to believe that any person has engaged in a discriminatory practice prohibited by this Ordinance, may adopt a resolution to that effect, which resolution shall have the legal effect and status of a complaint filed with the Commission on the date such resolution is adopted.

(b) Upon receipt of a complaint, the staff of the Commission shall promptly conduct a preliminary investigation. Upon the completion of such investigation, the complaint together with the results of the investigation shall be referred to the Anti-Discrimination Division. If the Anti-Discrimination Division determines from such investigation that a discriminatory practice has been committed, that Division shall attempt an adjustment by means of conference and negotiations. A ten (10) day period after the filing of the complaint with the Commission shall be allowed for this purpose. If the Anti-Discrimination Division determines that a discriminatory practice has not been committed, then it shall enter an order dismissing the complaint and shall promptly send copies thereof to the complainant and to the person complained against (hereinafter referred to as the respondent) of its action. The Anti-Discrimination Division shall report to the Commission at each of its monthly meetings the disposition of all complaints referred to it.

(c) In case of failure of conference or negotiations to obtain compliance with this Ordinance, the Anti-Discrimination Division, no later than twenty (20) days after the complaint has

been referred to it, shall (unless the complaint has been dismissed as aforesaid) either certify the entire case to the Director of Law for prosecution, or cause to be issued and served in the name of the Commission a written notice, together with a copy of such complaint, requiring the respondent to answer the charges of such complaint at a hearing before the Anti-Discrimination Division at a time and place to be specified in such notice. The notice of hearing shall be served upon the respondent no later than twenty (20) days after the complaint has been referred to the Anti-Discrimination Division. The place of such hearing may be the office of the Commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by a member of the Department of Law of the City of Louisville who shall be counsel for the City of Louisville Human Relations Commission. Any endeavors or negotiations for counciliation, or admission or statement made in connection therewith shall not be received in evidence. The respondent may file a written answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The Anti-Discrimination Division conducting any hearing may permit reasonable amendments to any complaint or answer. The testimony taken at such hearing shall be under oath and be transcribed at the request of either party or by direction of the Anti-Discrimination Division. If, upon all the evidence, the Anti-Discrimination Division finds that a respondent has engaged in any discriminatory practice as defined in Section Three (3), it shall state in writing its findings of fact and conclusions of law and shall issue and file with the Commission and cause to be served on the complainant and the respondent an order requiring such respondent to cease and desist from such discriminatory practice or practices, and/or requiring such affirmative action as it shall deem necessary to remedy the violation and to

prevent its continuation or reoccurrence. If, upon all the evidence, the Anti-Discrimination Division finds that the respondent has not engaged in any alleged discriminatory practice, it shall state its findings of fact and conclusions of law and shall similarly issue and file an order dismissing the complaint and cause copies thereof to be served upon the complainant, and the respondent. The Commission may establish rules of procedure to govern, expedite and effectuate the procedures of Section Five of this Ordinance.

(d) If either the complainant or the respondent is not satisfied with the determination of the Anti-Discrimination Division, he shall have the right to appeal such determination to the Commission with in ten (10) days after the date of entry of the order of said Division. No member of the Anti-Discrimination Division may participate in determination of an appeal. All decisions of the Commission on such appeals shall be by a majority vote. A quorum, for determination of appeals, shall consist of six (6) members. On appeal the Commission may affirm, modify or set aside the Anti-Discrimination Division's order or make such other appropriate order as shall effectuate the purposes of this Ordinance.

(e) In the event that the Anti-Discrimination Division shall have entered an order against the respondent from which no timely appeal is taken, and in those cases where such an order is entered by the Commission after appeal, the Commission shall, in cases of non-compliance therewith, certify the entire case to the Director of Law for prosecution. No prosecution shall be brought under this Ordinance except upon such certification or upon certification to the Director of Law pursuant to Section Five (c) hereof. After certification, the Director of Law shall prosecute the offender for violation of this Ordinance.

(f) All complaints, answers, investigations, conferences and hearings held under and pursuant to this Ordinance shall

be held confidential by the Commission, the Anti-Discrimination Division and their agents and employees. The Commission or the Anti-Discrimination Division at the request of the complainant, or the respondent, or on its own initiative, shall declare the hearing provided for under Section Five (c) this ordinance to be a closed hearing. If no request is received from either the complainant or the respondent by the Commission or the Anti-Discrimination Division requesting a closed hearing, the hearing provided for under Section Five (c) may be an open and public hearing. Provided, however, that the complaint and the transcript of any hearing held under Section Five (c) of this Ordinance are declared to be public records.

Section Six. Subject to the certification required by Section Five (e), any persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than One Hundred Dollars ($100.00) for each offense.

Section Seven. Three or more convictions of any person for violation of Section Three of this Ordinance shall, if the Commission finds (after due notice and an opportunity to be heard) that the respondent is a continual offender, be deemed to constitute a public nuisance and a contumacious interference with the spirit and purpose of this Ordinance. In the event of such occurrence, the Commission shall be empowered to refer the matter to the Director of Law who shall thereupon apply for appropriate injunctive relief.

Section Eight. In computing time or periods of time, in this Ordinance, Sundays and legal holidays shall be excluded.

Section Nine. All notices required to be sent to the complainant, respondent or any persons by any provision of this Ordinance shall be sent by certified United States Mail with a return receipt requested.

CITY OF ATLANTA

	Date	Area	Action
CO + BE	9/61	Schools	Court order
A-T-W	10/61	Department & variety stores lunch counters	voluntary action *
A	1/62	City Facilities	voluntary (city officials)
H + A	5/62	Downtown and arts theatres	voluntary *
A	5/63	Negro firemen hired	voluntary (city officials)
A	6/63	Swimming pools	court order - voluntary decision to open pools (city officials)
A		Emp + REB	
A-D	6/63	18 leading hotels	voluntary *
A	6/63	approx. 33 leading restaurants	voluntary *
V		Neighborhood	

* In each instance voluntary action consisted of cooperative action between operators of affected businesses and responsible Negro leadership.

Section Ten. If any of the provisions of this Ordinance or portions thereof or the application of such provisions or portions to any person or circumstance shall be held invalid, the remainder of this Ordinance and its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section Eleven. This Ordinance shall become effective 120 days after the date of the passage thereof, and approval.

/s/ Jack Sherman (Acting C. B. A.

/s/ Kenneth A. Schmied, P. B. A.

APPROVED: 5/15/63

/s/ William O. Cowger, MAYOR

520 Pine
Goleta, Calif
July 16, 1963

Ivan Allen, Mayor
City of Atlanta, Georgia

Honorable Sir:

In the city of Atlanta, live descendants of the Huguenots I, too, am descended from. And after reading the enclosed story by clear-writing Catherine Mackin - I'm glad they went to Atlanta!

Throughout the West, and I assume throughout the United States, newspapers carry front page stories nearly every day about the South's race incidents. In the groceries, in the laundromats, in theaters, on vehicles of public transportation, wherever casual conversations occur - race problems are discussed.

I was born and lived until I was 9, in a very segregated, very loyally Southern, Texas town. Then we moved to Seattle - at a time when very few Southerners ever left the South, in 1915, just before World War I ~~to Seattle, Wash~~. Here I was catapulted into a melting-pot type school.

The teacher taught Civil War History "all wrong," and inwardly I raged. She thought I pronounced "pounds" when we studied arithmetic, all wrong, and kept me in during the lunch hour "to learn to pronounce our language right." I cried and kept protesting I was pronouncing it right. My family was indignant at her intolerance of a child's Southern accent - but in time, of course, she succeeded in obliterating it.

By happier means, my feeling that only those with eyes shaped like mine, skin the color of mine, hair with the degree of curl of mine, were "the best" people. There were Chinese, Japanese, Russian Jew, German Jew, Negro, Canadian, Italian and French children in my room.

I learned with awe that the very short-sighted little Chinese girl and her equally short-sighted little yellow brother, struggling with English, were the best students in the room. I learned that the Jewish youngsters went not only to our school, but at 4, to one conducted by the rabbi, and Saturdays, for piano and violin lessons - and I saw no signs they were "less than me" in anything they accomplished. They were "better!"

And the Negro children awed us with songs they knew from a slave grandmother - songs sung throatily in melodious voices. They got along as well in school as I did, and I had been doubly promoted twice in Texas.

When race problems occur today, or I hear them discussed, I think how the Negro children sympathized when I skinned my knee - and tore up a handkerchief to bandage it. When the United States fought Japan, and "hated" the Japanese, I recalled truth and loyalty - not treachery - from my days with Japanese playmates.

When I attended University of Washington, I attended a Sociology course "Race Problems" with students from all over the world - and earnestly we explored our likenesses - as well as the differences environment produces

The learned, world-traveled professor, R.D. McKenzie, now dead, predicted even then (1927) eventual war with Japan - because, he said, "the United States repudiated the 'Gentlemen's Agreement' while the Japanese were assiduously keeping their side of the bargain - and Japanese 'face' will never recover without returning the blow."

He predicted trouble ahead in the United States, ~~and~~ as Negroes slowly improved from their state of servitude; became able to learn of freedom, equality and democracy - for whites but not for them.

In two World Wars, Negroes learned abroad of an equality of treatment they had not known at home. They learned America loves their music and their strength in athletic pursuits. The inevitable demand for complete equality of treatment, so upsetting to so many whites, our Dr. McKenzie long ago prophesied.

It is hard to unlearn any attitude gained in childhood, and Americans today, in every state, are being asked to unlearn more attitudes and to adopt new ones, than has ever occurred before. This is true all over the world. For hundreds - nay, thousands, even millions, of years, generation after generation lived alike, thought alike, produced craft alike. Dr. Adan Treganza, speaking of California Indians, declared that any Indian girl who might want to creat new designs to weave into her baskets, would ~~be~~ thought sick. Basket designs, attitudes toward neighboring tribes, ways to deal with the gods, magic for making the game appear for the hunter - these were learned from tribal members, and for untold ages, went unquestioned.

Today - Grandfathers are scarcely done vowing man will never penetrate outer space, when a grandson-aged youngester does it. And in our relations with other nations, children either study, and come to respect, cultures of others - or, if at the moment we are having differences with thhse nations - children learn attitudes of suspicion and fear toward them.

Somehow, in Atlanta - fortunately - attitudes must have been long a-growing of "live and let live." How wonderful if more cities can follow Atlanta's example. But even more wonderful it would be if cities can go one step further:

"Live, and <u>help</u> live!

Because America's Negroes <u>do</u> need help, in order to live. It isn't Christian, it isn't neighborly, to become observers, here: to say, "Okay, now Negroes have their freedom. Let's just wait - they'll make a bust of using it!"

They do need friendly guidance: people inclined toward neighborliness or more formally trained inteaching to point out," We do things this way." Heck, I didn't know why clipping the grass edging the sidewalk of my new trailer home was so difficult until a neighbor pointed out I didn't have the right tool!

Uses of language, housekeeping methods, personal grooming - these things, some Negroes need to learn. Other Negroes or whites need teach them: people who are white, living in farm areas, are also "out of place" when first the move to town. . . More power to you, Sir, and to Atlanta!

Very truly yours,

Lois Hennessy

Lois Hennessy - retired newswriter

STATEMENT

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 descrimination 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 the 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 theatres, 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 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 of Main street to deposit his earnings or borrow money, then to go the department store 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 <u>can</u> 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 to 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 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 step-child, 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.