

Telefax

# WESTERN UNION

Telefax

SENDING BLANK



CALL  
LETTERS

FJT

2/16/67

CHARGE  
TO

City of Atlanta, Mayor's Office

The President  
The White House  
Washington, D. C.

Congratulations on your new civil rights message sent to the Congress on yesterday. I pledge you my full support of the program and the legislative proposals, and I am glad to furnish whatever help I may be in seeing that it is passed. These matters cannot be settled at a local level by each individual government concerned. It must be determined by national standards that guarantee the same rights to all American citizens.

Ivan Allen, Jr., Mayor of Atlanta

*Send the above message, subject to the terms on back hereof, which are hereby agreed to*

**PLEASE TYPE OR WRITE PLAINLY WITHIN BORDER—DO NOT FOLD**

1269—(R 4-55)

## ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it repeated, that is, telegraphed back to the originating office for comparison. For this, one-half the un-repeated message rate is charged in addition. Unless otherwise indicated on its face, this is an un-repeated message and paid for as such, in consideration whereof it is agreed between the sender of the message and the Telegraph Company as follows:

1. The Telegraph Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the un-repeated-message rate beyond the sum of five hundred dollars, nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the repeated-message rate beyond the sum of five thousand dollars, unless specially valued, nor in any case for delays arising from unavoidable interruption in the working of its lines.

2. In any event the Telegraph Company shall not be liable for damages for mistakes or delays in the transmission or delivery, or for the non-delivery, of any message, whether caused by the negligence of its servants or otherwise, beyond the actual loss, not exceeding in any event the sum of five thousand dollars, at which amount the sender of such message represents that the message is valued, unless a greater value is stated in writing by the sender thereof at the time the message is tendered for transmission, and unless the repeated-message rate is paid or agreed to be paid and an additional charge equal to one-tenth of one per cent of the amount by which such valuation shall exceed five thousand dollars.

3. The Telegraph Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other company when necessary to reach its destination.

4. The applicable tariff charges on a message destined to any point in the continental United States listed in the Telegraph Company's Directory of Stations cover its delivery within the established city or community limits of the destination point. Beyond such limits and to points not listed in the Telegraph Company's Directory of Stations, the Telegraph Company does not undertake to make delivery but will endeavor to arrange for delivery by any available means as the agent of the sender, with the understanding that the sender authorizes the collection of any additional charge from the addressee and agrees to pay such additional charge if it is not collected from the addressee.

5. No responsibility attaches to the Telegraph Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Telegraph Company's messengers, he acts for that purpose as the agent of the sender, except that when the Telegraph Company sends a messenger to pick up a message, the messenger in that instance acts as the agent of the Telegraph Company in accepting the message, the Telegraph Company assuming responsibility from the time of such acceptance.

6. The Telegraph Company will not be liable for damages or statutory penalties when the claim is not presented in writing to the Telegraph Company, (a) within ninety days after the message is filed with the Telegraph Company for transmission in the case of a message between points within the United States (except in the case of an intrastate message in Texas or between a point in the United States on the one hand and a point in Alaska, Canada, Mexico, or the French-Martinique Islands on the other hand, or between a point in the United States and a ship at sea or in the air), (b) within 90 days after the cause of action, if any, shall have accrued in the case of an intrastate message in Texas, and (c) within 180 days after the message is filed with the Telegraph Company for transmission in the case of a message between a point in the United States and a foreign or overseas point other than the points specified above in this paragraph; provided, however, that this condition shall not apply to claims for damages or overcharges within the purview of Section 616 of the Communications Act of 1934, as amended.

7. It is agreed that in any action by the Telegraph Company to recover the tolls for any message or messages the prompt and correct transmission and delivery thereof shall be presumed, subject to rebuttal by competent evidence.

8. Special terms governing the transmission of messages according to their classes, as enumerated below, shall apply to messages in each of such respective classes in addition to all the foregoing terms.

9. No employee of the Telegraph Company is authorized to vary the foregoing.

4-54

## CLASSES OF SERVICE

### DOMESTIC SERVICES

#### TELEGRAM

The fastest domestic service.

#### DAY LETTER (DL)

A deferred same-day service, at low rates.

#### NIGHT LETTER (NL)

Expedient overnight service. Accepted up to 2 A. M. for delivery the following morning, at rates lower than the Telegram or Day Letter rates.

### INTERNATIONAL SERVICES

#### FULL RATE (FR)

The fastest overseas service. May be written in code, cipher, or in any language excepted in Roman letters.

#### LETTER TELEGRAM (LT)

For overnight plain language messages, at half-rate. Minimum charge for 22 words applies.

#### SHIP RADIOGRAM

For messages to and from ships at sea.

Telefax

# WESTERN UNION

Telefax



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NF25 GOVT PD WF WASHINGTON DC 15 WFT

MAYOR ALLEN

ATLA

PRESIDENT JOHNSON'S CIVIL RIGHTS MESSAGE SENT TO CONGRESS TODAY. YOUR EXPRESSION OF PUBLIC SUPPORT WOULD BE MOST HELPFUL AND TIMELY. THE LEGISLATIVE PROPOSALS INCLUDE:

1. REFORM OF STATE AND FEDERAL JURY SYSTEMS
2. FAIR HOUSING LEGISLATION
3. ADDITIONAL ENFORCEMENT POWERS FOR EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION
4. EXTENSION LIFE OF CIVIL RIGHTS COMMISSION
5. PROTECTION OF FEDERALLY SECURED INDIVIDUAL RIGHTS

FULL TEXT OF MESSAGE FOLLOWS AIRMAIL. THANK YOU FOR HELP AND SUPPORT ON THIS NOW AND IN WEEKS AHEAD 378

*Office of the Mayor*

ATLANTA, GEORGIA

*From* — Mrs. Ann M. Moses

1967

Civil Rights Bill

Telefax

# WESTERN UNION

Telefax



AMERICAN TELEPHONE & TELEGRAPH COMPANY

WILBERT W HUMPHREY. 3-498

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

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

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the

United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the nation.

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

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

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

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

In Atlanta we had plenty of 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 can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodatinn 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.

STATEMENT

by

IVAN ALLEN, JR.

MAYOR OF ATLANTA, GA.

BEFORE

COMMITTEE ON COMMERCE

REGARDING

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BILL TO ELIMINATE DISCRIMINATION IN PUBLIC

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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.

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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 can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accomodatinn 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.

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

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

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the

United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the nation.

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

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

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

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

In Atlanta we had plenty of 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.

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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 accomodatinn 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.

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

Atlanta is a case that proves that the problem of discrimination can be solved to some extent . . . and I use this "some extent" cautiously . . . as we certainly have not solved all of the problems; but we have met them in a number of areas. This can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that

forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

Surely, the Congress realizes that after having failed to take any definite action on this subject in the last ten years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the nation. Cities like Atlanta might slip backwards. Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

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

1733 B. North Decatur Road  
Atlanta, Ga. 30307

*Civil rights  
Do not reply*

March 6, 1967

Mayor Ivan Allen  
City of Atlanta, Georgia  
City Hall  
Atlanta, Ga.

Dear Mr. Mayor:-

With reference to President Johnson's new Civil Rights message to the Congress you are reported in the press as having sent him a telegram "I pledge you my full support for the program and the legislative proposals, and I am glad to furnish whatever help I may be in seeing that it is passed etc".

The President on his Pedernales ranch and appendages (some 15,000 acres) is assured of shelter from the provisions of the proposed legislation. State parks are being developed to further protect his privacy. When he goes to Austin he probably meets his friends in exclusive clubs.

You too probably live in a non-integrated neighborhood and I doubt that your neighbors would welcome an integrated apartment house. I am certain that neither the Capital City club nor the Piedmont Driving club would approve your proposing and sponsoring negro members. Just how would "open housing" affect your social contacts or the education of your grandchildren? You and the President, because of your financial resources can enjoy the immunities you seek to deny to the great middle class. We too have standards.

Not many social workers have the honesty to do as Hector Black (a white Harvard graduate) who, with his family, lives in Vine City among the people he seeks to help.

Politics not only makes for strange bedfellows as witness the President's voting record as a senator, but it also breeds hypocrisy.

Respectfully,

*G. N. Boesinger*  
G. N. Boesinger

# Sweeping Civil Rights Bill Will Go to Congress Today

WASHINGTON (UPI) — President Lyndon B. Johnson will ask Congress Wednesday for a sweeping civil rights program, including a gradual, three-stage end to discrimination in housing.

The President is scheduled to send the special message to Congress, marking the fourth time in four years the administration has asked for civil rights laws.

The new civil rights package, according to informed sources, is very similar to the one passed by the House in modi-

fied form and filibustered to death by the Senate last year.

The controversial "open housing" section has been revamped to provide for a gradual end to discrimination in the rental or sale of property rather than the outright ban advocated last year by the administration.

The sources said the new housing proposal will be patterned after the equal employment opportunity section of the 1964 Civil Rights Act.

Under this provision, employers with less than 100 employees were exempt the first year. This was reduced to 75 the second year; to 50 the third year, and to a basic 25 after that.

A similar three-stage operation is planned for the housing proposal. It would be voluntary the first year; apply to large developments and apartments the second year, and to all homes after that.

Opposition to the housing provision killed the 1966 civil rights bill, although it was sharply modified by the House. The House-passed bill would have exempted all but an estimated 23 million apartments in larger buildings and homes in new developments—about 40 per cent of the nation's total housing.

The chief obstacle to Senate approval was Republican leader Everett M. Dirksen, who refused to accept any housing provision. Without his aid, efforts to stifle the Senate filibuster failed.

The new civil rights package also will include several other provisions which died last year.

These would outlaw discrimination in the selection of federal, state, and local juries and strengthen federal laws forbid-

ding violence and terror against Negroes and civil rights workers.

New provisions in this year's program would give added powers to the Equal Employment Opportunity Commission and grant another extension to the Civil Rights Commission.

The proposed bill would provide "cease and desist" powers to the commission which now has to go to court to move against employers who discriminate.

PIXies

By Wohl

NOW THERE'S  
A MAN WHO'S  
MADE A  
MARK IN THIS  
WORLD.

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## A-Drop Perfected By France

(Copyright 1967 by The New York Times Co.)

PARIS—A device permitting the effective dropping of atom bombs from low altitudes has been perfected by France, it was announced Tuesday. The device is a parachute that slows the fall of the bombs from altitudes as low as several hundred yards, thus preventing them from rebounding.

The announcement was made during a conducted tour of "Base 921," France's underground headquarters for her strategic air command at Taverny, about 18 miles northwest of Paris.

According to the announcement, the French A-arm, or force de frappe, will be equipped with such bombs as of this summer.

The new device was seen as a way to slow the obsolescence of France's present "first-generation" means of delivery for her atomic bombs, a fleet of Mirage-4 supersonic bombers. France has 51 such bombers now, with 11 more scheduled to be operational by November.

These planes will be phased out in the years to come, awaiting France's first nuclear submarine around 1970. During the phasing-out period, land-based missiles are to bridge the gap.

Pending the phasing out of these planes, the question had long been asked how France, in case of war, could hope to

## Role in Colleges Of CIA Admitted

By HARRY KELLY

WASHINGTON (AP)—The State Department acknowledged Tuesday the Central Intelligence Agency was a secret financial backer of the country's largest college student organization—the National Student Association—for more than 10 years.

The disclosure threatened the future of the NSA and promised a new storm in academic circles and in Congress over the big spy agency's subrosa operations.

Capitol Hill sources familiar with CIA activities said privately however, they knew of the CIA-NSA financial ties and the State Department indicated the relationship was approved "at the high levels of government."

The president of NSA, W. Eugene Groves, formally revealed the connection after Ramparts magazine trumpeted in newspaper ads Tuesday morning that it was going to expose "how the CIA has infiltrated and subvert-

ed the world of American student leaders."

The 23-year-old Groves — whose admission was later confirmed by the State Department — said the CIA had pumped "substantial funds" into NSA to help finance its overseas activities, beginning in the 1950s.

"The relationship apparently originated because the Central Intelligence Agency believed that a strong American national union of students acting internationally was in the national interest," Groves said in a statement edged with bitterness.

Groves said only "some officers and a few staff members" knew of the financial aid from CIA and that in 1965 officers decided "the relationship was intolerable," and started a break with the CIA which became complete this year.

The association's international affairs vice president, Richard G. Stearns, said he understood the CIA contribution ran about \$200,000 a year at the beginning — in the early 1950s — and was down to about \$50,000 when the ties were cut.

To break all connections with the CIA at one stroke would have meant bankruptcy, said Stearns, who put the NSA budget at about \$700,000 a year.

## Pentagon Quits Magazine With Anti-Napalm Poem

PHILADELPHIA (UPI)—A poem by a 13-year-old girl in a Presbyterian magazine which criticizes U.S. use of napalm in Vietnam has caused the Defense department to cancel 13,000 subscriptions, the Presbyterian Board of Christian Education (PBCE) said Tuesday.

The Defense department said the magazine, "Venture," has been dropped from the list of publications recommended for

File "Civil Rts Bill" 1967

February 15, 1967

FOR RELEASE UPON DELIVERY TO THE CONGRESS

NOTICE: There should be no premature release of this Message to the Congress, nor should its contents be paraphrased, alluded to or hinted at in earlier stories. There is a total embargo on this Message until delivered to the Congress, February 15, 1967, which includes any and all references to any material in this Message.

George Christian

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THE WHITE HOUSE

MESSAGE ON EQUAL JUSTICE

TO THE CONGRESS OF THE UNITED STATES:

Almost two centuries ago, the American people declared these truths to be self-evident:

"That all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness."

Seventy-five years later, a savage war tested the foundations of their democratic faith. The issue of the struggle was, as Lincoln said, whether "we shall nobly save, or meanly lose, the last, best hope on earth."

Democracy triumphed in the field in 1865. But for the Negro American, emancipation from slavery was but the first engagement in a long campaign. He had still to endure the assaults of discrimination that denied him a decent home, refused his children a good education, closed the doors of economic progress against him, turned him away at the voting booth, the jury box, at places of public accommodation, seated him apart on buses and trains, and sometimes even threatened him with violence if he did not assent to these humiliations.

In 1948, President Truman ordered the defense establishment to accord equal treatment to servicemen of every race. That same year, the Supreme Court declared that state courts could not enforce racial covenants in the sale of houses. The Court later struck down racial discrimination in public transportation.

In 1954, segregated education was found to be inherently unequal and in violation of the Fourteenth Amendment.

In 1957, the first civil rights act in eighty-two years passed the Congress.

Three later Acts were adopted within the next decade -- in 1960, 1964, and 1965. Congress prohibited interference with the right to vote -- to use any hotel, restaurant, or theater -- to secure a job on the basis of merit. It barred the use of Federal funds to any agency that practiced racial discrimination.

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Within these twenty years, the institutions of democratic government have begun to make the ancient, self-evident truths a reality for all Americans.

Though much of our task still lies before us, it is important to measure the progress we have made in the past few years.

### The Struggle Against Discrimination

#### Voting

Since the passage of the Voting Rights Act of 1965, the number of Negroes registered in the five states where voter discrimination was most severe has increased by 64 percent -- from 715,099 to 1,174,569. The vast majority of the new voters -- about 334,000 -- were registered by local officials, in voluntary compliance with the Act.

The remainder -- some 125,000 -- were registered by Federal examiners in 47 counties of the five states. Federal observers were present in many counties during the 1966 primary and general elections to insure that the newly registered voters were permitted to vote without interference.

In 1960, a Negro citizen complained that for 10 years he had tried without success to register to vote. Not a single Negro had been registered in his county for 60 years. In 1966, he ran for a seat on the local school board -- and won.

Today, twenty Negroes serve in Southern legislatures. Several important local offices, such as school boards and county commissions, now have Negro membership.

The electorate in these states has begun to change. The right to vote -- the fundamental democratic right -- is now exercised by men and women whose color served in years past to bar them from the polls. After centuries of silence, their voice is being heard. It will never again be stilled.

#### Schools

In the 1963-1964 school year, ten years after the landmark Brown decision, one percent of the Negro students in the 11 Southern states were in schools also attended by white students.

Then came the 1964 Civil Rights Act and its prohibition against the use of Federal funds to support racial bias.

In September 1966, 12.5 percent of the Negro students in those same states were enrolled in desegregated schools. We expect this figure to increase significantly next fall. We will proceed with the task of securing the rights of all our children.

### Hospitals

This year, Negroes are being admitted to hospitals which barred them in the past. By January, 7,130 hospitals -- more than 95 percent of the hospitals in the nation -- had agreed to provide services without discrimination. More than 1,500 of those hospitals have had to change past policies to make that commitment.

Getting rid of discriminatory practices has benefitted hospital systems, as well as the people they serve.

Last year, for example, half the beds in an all-white hospital were unoccupied. Yet Negroes in the community were sent to a completely segregated and overcrowded hospital. The half-empty hospital changed its policies to admit Negroes, and it now operates at full capacity. The formerly Negro hospital will be converted into a nursing home serving both races. The effect of the change was to provide better medical care for the entire community.

### Public Accommodations

When the 1964 Civil Rights Act was passed, prohibiting racial discrimination in places of public accommodation, fears were expressed that this sharp change in established customs would bring about serious economic loss and perhaps even violence.

Yet from the start there has been widespread voluntary compliance with the law. Thousands of restaurants, motels and hotels have been opened to Americans of all races and colors. What was thought to be laden with danger proved generally acceptable to both races.

Because all businesses of a similar type are covered, each businessman is free, for the first time, to operate on a non-discriminatory basis without fear of suffering a competitive disadvantage.

Now Negro families travelling through most parts of their country do not need to suffer the inconvenience of searching for a place to rest or eat where they will be accepted or the humiliating indignity of being turned away.

### Programs for Social Justice

The struggle against today's discrimination is only part of the nation's commitment to equal justice for all Americans. The bigotry of the past has its effects in broken families, men without skills, children without learning, poor housing, and neighborhoods dominated by the fear of crime.

Because these effects are encrusted by generations of inferior opportunities and shattered hopes, they will not yield to laws against discrimination alone. Indeed there is no swift medicine, no matter how potent or massively applied, that can heal them at once. But we know some of the things we must do if the healing process is to begin -- and we are doing them.

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## Education

Head Start has given deprived children a chance to learn in later years -- instead of being merely exposed to school. Through this and other preschool programs, two million children have been offered better education and health care.

More than seven million children in seventy percent of all school districts in the United States have participated in programs under Title I of the 1965 Education Act. These programs have a single aim: to improve the education of disadvantaged children. The better libraries, larger professional staffs, advanced instructional equipment and other services they provide are investments in the future of children who need them most.

In my Message on America's Children and Youth, I asked the Congress to provide an additional \$135 million to strengthen Head Start. With these funds, we will launch a Head Start Follow-Through Program in the early grades of elementary school to maintain the momentum the child has gained and we will extend the Head Start Program downward to cover more three-year-olds.

Extraordinary help at the start of life is necessary for all disadvantaged children. It is particularly necessary for the Negro child reared in poverty and encumbered by generations of deprivation.

## Jobs and Training

Thousands of job opportunities for the young have been created by the Neighborhood Youth Corps and the Job Corps. The first, active in both urban and rural areas, has enabled many young people to earn enough to remain in school, and provided employment and remedial education for dropouts.

The Job Corps -- also meant to help those between 16 and 21 -- has offered other thousands both a change of environment and the opportunity to acquire education and job training.

The Manpower Development and Training Act gives men without jobs or skills the chance to acquire both, by combining government planning and resources with private industry. The Work Experience Program offers welfare recipients a means of obtaining the experience they need for gainful employment.

Today's strong economy, which last year put almost three million more Americans on the payrolls, is also of tremendous benefit to needy persons in search of dependable employment. But for the long term, and as demand for better qualified workers grows, training and remedial education will be of even greater importance to the disadvantaged. This is particularly true for those who leave the farm and move to urban areas in search of employment, without the skills an urban society requires.

During the last three years, our training programs have provided the means of self-sufficiency to almost a million men and women. The value of these programs to the Negro American is especially great.

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The unemployment rate for Negroes is more than double that for whites. About 650,000 Americans, more than 20 percent of all unemployed, are non-white. About 213,000 of these are between 14 and 19 years of age. Job training is essential to enable them to get off the welfare rolls and to go on the tax rolls.

Our economy is also strengthened by these programs. If Negroes today had the same skills as other Americans, and if they were free from discrimination in employment, our Gross National Product could become \$30 billion higher.

I will shortly submit recommendations to strengthen and expand these training programs. I am asking the Congress for an additional \$135 million in appropriations for the Office of Economic Opportunity for a special program to open the doors of opportunity and meaningful employment to our most disadvantaged citizens.

I will call for the active assistance of private industry and organized labor to provide skills and jobs to those now confined to the welfare rolls and the slums.

#### The Need for Perseverance

There are those who believe this series of accomplishments is long enough. There are those who grow weary of supporting great social programs, impatient with the failures that attend them and cynical about those they are intended to help. There are those who think "equal justice" is a rhetorical phrase, intended only as an admonition to judges, not as a guiding principle for national policy.

To them I can only say: consider the consequences if the Nation -- and I as the President -- were to take what appears to be the easy way out, abandon the long, hard struggle for social and economic justice and say that enough has been done.

- There would be little hope of strengthening the economy of the country through the improved earning-power and productive capacity of Negro Americans.
- There would be little hope of avoiding massive welfare expenditures for people denied the training and jobs they need to become self-supporting.
- There would be little hope of ending the chain of personal tragedies that began with ancient bigotry and continues to this hour.
- There would -- above all -- be little hope of achieving the self-respect that comes to a nation from doing what is right.

Our task is far from over. The statistics demonstrate the magnitude of the effort required.

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- The life expectancy of the Negro is five years shorter than that of his white contemporary and the infant mortality rate for Negroes is 40 percent higher.
- The adult white has had at least three more years of education -- and has been educated in better schools -- than the average adult Negro.
- The unemployment rate for nonwhites aged 21 -- even in this time of near full employment -- is double that of whites.
- Negroes are characteristically more densely housed in units only 56 percent of which meet health and safety standards.
- The income of the average Negro family is about 40 percent lower than that of the average white family.

The programs we have adopted in the past few years are only a beginning. We have made a good start.

But we must remember that it is only a start. We must realize that civil rights are also civil opportunities. Unless these rights are recognized as opportunities by Negro and white alike, they can achieve nothing. We must realize that training and education programs provide skills and opportunities. But only where there is both the will to seek the job and the willingness to hire the job applicant, can these programs achieve their ultimate objectives.

The next steps are harder, but they are even more important. We shall need years of trial and error -- years in which children can be strengthened to grow into responsible young adults, years of better training, better jobs, better health, and better housing -- before the results of what we have done so far can be seen.

Perseverance, the willingness to abandon what does not work, and the courage to keep searching for better solutions -- these are the virtues the times require.

### Civil Rights Legislation

Last year I proposed the enactment of important civil rights legislation. I proposed that legislation because it was right and just.

The civil rights legislation of 1966 was passed by the House of Representatives, and brought to the floor of the Senate. Most of its features commanded a strong majority in both Houses. None of its features was defeated on the merits.

Yet it did not become law. It could not be brought to a final vote in the Senate.

Some observers felt that the riots which occurred in several cities last summer prevented the passage of the bill.

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Public concern over the riots was great, as it should have been. Lawlessness cannot be tolerated in a nation whose very existence depends upon respect for law. It cannot be permitted because it injures every American and tears at the very fabric of our democracy.

We want public order in America, and we shall have it. But a decent public order cannot be achieved solely at the end of a stick, nor by confining one race to self-perpetuating poverty.

Let us create the conditions for a public order based upon equal justice.

### The Civil Rights Act of 1967

The Act I am proposing this year is substantially the same as last year's bill. Some revisions have been incorporated to take account of useful suggestions and perfecting amendments made by the 89th Congress. I believe these revisions offer a basis for common action.

I recommend the adoption of a national policy against discrimination in housing on account of race, color, religion or national origin. I propose the adoption of progressive steps to carry out this policy.

I recommend the clarification and strengthening of existing Federal criminal laws against interference with Federal rights.

I recommend requirements for the selection of juries in Federal courts to guard against discrimination and insure that juries are properly representative of the community.

I recommend legislation to eliminate all forms of discrimination in the selection of state court juries.

I recommend that the Civil Rights Act of 1964 be amended to authorize the Equal Employment Opportunity Commission to issue judicially enforceable cease-and-desist orders.

I recommend the extension, for an additional five years, of the United States Commission on Civil Rights.

I recommend a 90 percent increase in appropriations for the Community Relations Service.

These measures are not new. I have recommended and supported them in the past. I urge the Congress to act favorably upon them because justice and human dignity demand these protections for each American citizen.

### Equal Justice in Housing

For most Americans, the availability of housing depends upon one factor -- their ability to pay.

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For too many, however, there are other crucial factors -- the color of their skin, their religion or their national origin.

When a Negro seeks a decent home for himself and his family, he frequently finds that the door is closed. It remains closed -- though the Negro may be a serviceman who has fought for freedom.

The result of countless individual acts of discrimination is the spawning of urban ghettos, where housing is inferior, overcrowded and too often overpriced.

Statistics tell a part of the story. Throughout the nation, almost twice as many nonwhites as whites occupy deteriorating or dilapidated housing. In Watts, 32.5 percent of all housing is overcrowded, compared with 11.5 percent for the Nation as a whole.

In Harlem, more than 237,000 people live in an area consisting of three and one-half square miles. This is a density of 105 people per acre. Ninety percent of the buildings in Harlem are more than 30 years old, and almost half were built before the end of the nineteenth century.

The environment of most urban ghettos is the same: inferior public facilities and services -- streets, lighting, parks; sanitation and police protection; inferior schools; and isolation from job opportunities. In every sphere of urban life the ghetto-dweller is shortchanged.

A child growing up in such an environment must overcome tremendous man-made obstacles to become a useful citizen. The misery we tolerate today multiplies the misery of tomorrow.

Many of our existing and proposed programs -- though not directed simply at relieving the problems of any particular minority group -- will relieve conditions found in their most acute form in the urban ghetto. These programs are necessary and they must be fully supported.

But money and assistance are not enough. Since the ratification of the 14th Amendment to the Constitution, this Nation has been committed to accord every citizen the equal protection of its laws. We must strengthen that commitment as it relates to discrimination in housing -- a problem that is national in scope.

The legislation I recommend would ultimately apply to all housing in the United States. It would go into effect by progressive stages.

The proposed legislation would direct the Secretary of Housing and Urban Development to carry out education and conciliation measures to seek an end to discrimination in housing. He would call conferences of leaders in the housing industry, consult with state and local officials, and work with private organizations.

The prohibition against discrimination in the sale or rental of housing would become effective progressively over a two-year period:

- Immediately, to housing already covered by the Presidential order on equal opportunities in housing.

- During 1968, to dwellings sold or rented by someone other than their occupant, and to dwellings for five or more families. Essentially, this stage would cover large apartment houses and real estate developments.
- In 1969, the Act would apply to all housing.

This Act would be aimed at commercial transactions, not at the privacy of the home. It would outlaw discriminatory practices in financing housing and in providing real estate brokers' services. It would prohibit "block-busting," by which unscrupulous dealers seek to frighten homeowners into selling quickly, out of fear that the value of their homes will decline.

In every instance, the legislation would require the Secretary of Housing and Urban Development to try to achieve a voluntary solution. Only if such a settlement could not be reached would the Secretary be authorized to hold an administrative hearing. If, after an administrative hearing, a violation of the law were found, the Secretary would be authorized to issue a judicially enforceable cease-and-desist order.

The Secretary would work with State and municipal fair housing agencies that already exist. In appropriate cases he would be authorized to rely on their enforcement of the State and city laws.

The Attorney General would be empowered to support these enforcement efforts, when he had reason to believe that a general pattern or practice of discrimination exists.

Last year the legislation I proposed to ban discrimination in housing stirred great controversy. Although a majority of both Houses in the Congress favored that legislation, it was not enacted. Some of the problems raised by its adversaries were real; most involved myths and misinformation. The summer riots in our cities did as much damage to the chances of passing that legislation as the unfounded fears of many Americans and the opposition of special interest groups.

There should be no need for laws to require men to deal fairly and decently with their fellowman. There should be no need to enact a law prohibiting discrimination in housing -- just as there should have been no need to send registrars to enforce voting rights, to issue guidelines to require desegregation of our schools, to bring suits in Federal courts to insure equal access to public accommodations, and to outlaw discrimination in employment.

But the Civil Rights Acts of 1957, 1960, and 1964 and the Voting Rights Act of 1965 were necessary and they have moved this country toward our goal of providing a decent life for each of our citizens.

I am proposing fair housing legislation again this year because it is decent and right. Injustice must be opposed, however difficult or unpopular the issue.

I believe that fair housing legislation must and will be enacted by the Congress of the United States. I was proud to be a member of the Congresses that enacted the Civil Rights Acts of 1957 and 1960 and as President to sign into law the 1964 and 1965 Acts. I believe the generations to come would look upon the enactment of this legislation by the 90th Congress as one of its proudest achievements.



I cannot urge too strongly that the Congress act promptly on this legislation.

Today the subject of fair housing is engulfed in a cloud of misinformation and unarticulated fear. Some believe the value of their homes must decline if their neighborhoods are integrated. They fear the conversion of their communities into unsightly slums, if a family of a different color moves into a house across the street. Neither of these events need occur. In an atmosphere of reason and justice, they would not occur. In the scores of cities and states that have such laws these events have not occurred.

The task of informing the minds and enlightening the consciences of those who are subject to these fears should begin at once. Churches can help perform this task with a unique competence -- and they should. So should civic organizations, public officials, human relations commissions, labor unions and private industries. It must be done. The sooner it is done, the nearer we will come to that just America it is our purpose to achieve.

#### Interference with Rights

Another basic test of equal justice is whether all men are free to exercise rights established by the Congress and the Constitution. A right has little meaning unless it can be freely exercised. This applies in particular to Negro Americans who seek to vote, attend school, and utilize public accommodations on an equal basis.

Negro children have been abused for attending previously segregated schools. Shots have been fired into the homes of their parents. Employers who practiced nondiscrimination have been harrassed. Most shocking of all are the crimes which result in loss of life. Some of the victims have been Negroes; others were whites devoted to the cause of justice.

State and local officials are primarily responsible for preventing and punishing acts of violence. In many cases, however, these officials have not been able to detect or prosecute the perpetrators of the crimes. In some, unfortunately, they have not been willing to meet their obligations. For these reasons and because violence has too often been used to deny Federal rights, there is need for Federal legislation.

Present Federal statutes are inadequate in several respects. Maximum penalties are too low for crimes which cause death or serious injury. Only in some instances do the statutes reach misconduct by private persons not acting in concert with public officials. Existing laws do not spell out clearly the Federal rights which they protect.

To remedy these deficiencies, I recommend legislation to:

- Specify the activities which are protected, including voting, purchasing a home, holding a job, attending a school, obtaining service in a restaurant or other place of public accommodation.

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- Prohibit acts or threats of violence, by private individuals acting alone or public officials, directed against Negroes or members of other minority groups because they are or have been participating in those activities.
- Authorize victims of violence to bring civil actions for damages or injunctive relief.

The penalties prescribed are graduated, depending on the gravity of the offense. When physical injury results, the maximum penalty is \$10,000 and ten years. When death occurs, the sentence may be imprisonment for any term of years or for life.

### Federal and State Juries

A fair jury is fundamental to our historic traditions of justice.

Fairness is most likely to result when the jury is selected from a broad cross section of the community. The exclusion of particular groups or classes from jury duty not only denies defendants their right to an impartial jury. It also denies members of the excluded group the opportunity to fulfill an important obligation of citizenship and to participate in the processes of their government.

On many occasions, I have emphasized the importance of respect for the law. Yet, creating respect for legal institutions becomes virtually impossible when parts of our judicial system operate unlawfully or give the appearance of unfairness.

Current methods of Federal court jury selection have sometimes resulted in the exclusion of Negroes and other minority groups. Often the cause lay in the method of selection.

I recommend legislation to:

- Eliminate discrimination in the selection of juries in Federal courts.
- Insure that juries in Federal courts are uniformly drawn from a broad cross section of the community.

To reduce to a minimum the possibility of arbitrary exclusion of certain groups, the act will spell out in detail the selection procedures to be followed in all Federal district courts. Names of prospective jurors would be obtained by random selection from voter lists -- a broadly representative source in almost all parts of the country, now that the Voting Rights Act of 1965 is being implemented. Under the bill only objective standards, including basic literacy requirements found in existing law, could be used to determine the qualifications of a prospective juror.

Legislation to deal with selection of State court juries is also needed. There has been persistent, intentional discrimination in juror selection in some localities. A recent case involved jury discrimination in a county whose population in 1960 was more than 70 percent Negro. Of the persons listed on the jury rolls between 1953 and 1965, less than two percent were Negro. No Negro had ever served as a member of a jury in that county.

Numerous criminal convictions obtained in State courts have been set aside on the ground that Negroes were excluded from the juries. Such court decisions may assure justice in a particular case. They cannot reform the jury selection systems.

The Fourteenth Amendment establishes equality before the law and charges the Congress with enforcing that requirement. Such flagrant, persistent abuses as are revealed in many recent jury selection cases cannot be tolerated by a society which prides itself on the rule of law.

I recommend legislation to:

- Prohibit discrimination on account of race, color, religion, national origin, sex, or economic status in the selection of State or local juries.
- Authorize the Attorney General to sue State or local jury officials who exclude Negroes or members of other minority groups from juries.
- Prescribe new remedies to make it easier to prove jury discrimination.
- Authorize the courts to issue a variety of orders specially tailored to eliminate the most common methods by which jury discrimination is practiced.

Equal Justice in Employment

The Civil Rights Act of 1964 prohibited discrimination in hiring, promotion and working conditions, as well as discrimination in the membership practices of labor organizations. The Equal Employment Opportunity Commission was created to carry out the Congressional mandate.

The Commission was directed to eliminate discriminatory employment practices by informal methods of conciliation and persuasion. By the end of this fiscal year, the Commission will have completed over two thousand investigations and more than five hundred conciliation efforts. This is hard work, but when it succeeds, case by case it opens up new opportunities to:

- The minority group employees of an aircraft company, who no longer are confined to dead-end jobs but now have training opportunities in 40 job classifications.
- The employees of a large ship construction firm which has improved the job rights of over 5,000 Negroes.

Unlike most other Federal regulatory agencies, the Equal Employment Opportunity Commission was not given enforcement powers. If efforts to conciliate or persuade are unsuccessful, the Commission itself is powerless. For the individual discriminated against, there remains only a time-consuming and expensive lawsuit.

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In considering the proper role of the Equal Employment Opportunity Commission, it is important to bear in mind that non-white unemployment remains disproportionately high:

- In 1966, the unemployment rate was 3.3 percent for white persons. It was 7.3 percent for non-whites.
- Non-white unemployment in 1965 was twice the rate for whites. In 1966, the ratio rose to 2.2 to 1.
- Among youth not attending school, the unemployment rate in 1966 was 8.5 percent for whites and 20.3 percent for non-whites.

No single factor explains the differences in the unemployment rates of non-whites and whites. But part of the disparity is clearly attributable to discrimination. For that reason, effective remedies against discrimination are essential.

I recommend legislation to give the Equal Employment Opportunity Commission authority to issue orders, after a fair hearing, to require the termination of discriminatory employment practices.

The cease-and-desist orders of the Commission would be enforceable in the Federal Courts of Appeal and subject to judicial review there. These powers are similar to those of other Federal regulatory agencies.

Enforcement power would harmonize the procedures of the Commission with the prevailing practice among States and cities that have had fair employment practices agencies for many years. It would reduce the burden on individual complainants and on the Federal courts. It would enhance the orderly implementation of this important national policy.

#### The Commission on Civil Rights

The United States Commission on Civil Rights has, since its creation in 1957, proved to be an exceptionally valuable agency. This bipartisan fact-finding agency has contributed substantially to our determined effort to assure the civil rights of all Americans. Its investigations and studies have contributed to important changes in the laws and policies of the Federal government. Publications of the Commission -- in the fields of voting, housing, employment, school segregation, and equality of opportunity in government programs -- have been helpful to other government agencies and to private groups interested in equality of opportunity.

The Commission has also served as a clearinghouse for information on civil rights matters. It has provided information on Federal laws, programs and services to assist communities and private organizations in dealing with civil rights issues and with economic and social problems affecting race relations.

Under existing law, the term of the Commission expires on January 31, 1968. But much more remains to be done.

I recommend that the life of the Commission be extended for an additional five years.

Community Relations Service

The Civil Rights Act of 1964 recognized the importance of providing bridges of understanding for communities across the land struggling with problems of equal justice and discrimination. Last year, I recommended, and you in the Congress approved, the transfer of the Community Relations Service to the Department of Justice to make it a more effective instrument of national policy.

This year, I recommend that the funds for the work of the Community Relations Service be increased by 90 percent -- from \$1.4 million to \$2.7 million.

In city after city and county after county, the men of the Community Relations Service have worked, quietly and effectively, behind the scenes, to conciliate disputes before they flared up in the courtrooms or on the streets.

I deeply believe that, under our democratic system, the work of conciliation can be brought to bear increasingly to remove many of the injustices, intentional and unintentional, which derive from prejudice. It is in this spirit and with this conviction that I request a substantial increase in the funds appropriated to the Community Relations Service.

Equal Justice

We adopted a Constitution "to form a more perfect union, establish justice, insure the domestic tranquility," and "provide for the common defense."

In our wars Americans, Negro and white, have fought side by side to defend freedom. Negro soldiers -- like white soldiers -- have won every medal for bravery our country bestows. The bullets of our enemies do not discriminate between Negro Marines and white Marines. They kill and maim whomever they strike.

The American Negro has waited long for first-class citizenship -- for his right for equal justice. But he has long accepted the full responsibilities of citizenship.

If there were any doubt, one need only look to the servicemen who man our defenses. In Vietnam, 10.2 percent of our soldiers are American Negroes bearing equal responsibilities in the fight for freedom -- but at home, 11 percent of our people are American Negroes struggling for equal opportunities.

The bullets at the battlefield do not discriminate -- but the landlords at home do. The pack of the Negro soldier is as heavy as the white soldier's -- but the burden his family at home bears is far heavier. In war, the Negro American has given this nation his best -- but this nation has not given him equal justice.

It is time that the Negro be given equal justice. In America, the rights of citizenship are conferred by birth -- not by death in battle.

It is our duty -- as well as our privilege -- to stand before the world as a nation dedicated to equal justice. There may be doubts about some policies or programs, but there can be no doubt about the rights of each man to stand on equal ground before his government and with his fellow man.

On June 4, 1965, at Howard University, I spoke about the challenge confronting this Nation -- "to fulfill these rights." What I said then has even greater importance and meaning for every American today:

"Freedom is the right to share fully and equally in American society -- to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

"But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, do as you desire, and choose the leaders you please.

"You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'You are free to compete with all the others, 'and still justly believe that you have been completely fair.

"Thus it is not enough just to open the gates of opportunity. All of our citizens must have the ability to walk through those gates.

"This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity -- not just legal equity but human ability -- not just equality as a right and a theory, but equality as a fact and as a result.

"For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities -- physical, mental and spiritual, and to pursue their individual happiness."

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"There is no single easy answer to all of these problems.

"Jobs are part of the answer. They bring the income which permits a man to provide for his family.

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"Decent homes in decent surroundings, and a chance to learn -- an equal chance to learn -- are part of the answer.

"Welfare and social programs better designed to hold families together are part of the answer.

"Care of the sick is part of the answer.

"An understanding heart by all Americans is also a large part of the answer.

"To all these fronts -- and a dozen more -- I will dedicate the expanding efforts of the Johnson Administration."

LYNDON B. JOHNSON

THE WHITE HOUSE,

February 15, 1967.

# # # # #

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

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

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the

United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the nation.

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

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

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

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

In Atlanta we had plenty of 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 can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodatinn 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.

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

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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.

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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.

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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.

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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.

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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 can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that

forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

Surely, the Congress realizes that after having failed to take any definite action on this subject in the last ten years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the nation. Cities like Atlanta might slip backwards. Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

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

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.  
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Mr. Chairman and Members of the Senate Commerce Committee:

I am honored to appear before your Committee.

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

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

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

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

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

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

From this viewpoint, I speak of the problem as having been brought into sharp focus by decisions of the Supreme Court of the

United States and then generally ignored by the Presidents and Congresses of the United States. Like a foundling baby, this awesome problem has been left on the doorsteps of local governments throughout the nation.

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

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

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

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

In Atlanta we had plenty of 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.

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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?

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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 can be done locally, voluntarily, and by private business itself!

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

The Congress of the United States is now confronted with a grave decision. Shall you pass a public accommodation bill that

forces this issue? Or, shall you create another round of disputes over segregation by refusing to pass such legislation?

Surely, the Congress realizes that after having failed to take any definite action on this subject in the last ten years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the nation. Cities like Atlanta might slip backwards. Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past.

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