

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

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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.

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 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.