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# ter Bias & the Law uction 30 States, Some Cities ing Bar Discrimination in Public Accommodations

## New York Agency Penalizes Motel for Barring Negroes; St. Louis Tavern Is Fined

### Some Lessons for Congress?

By WILLIAM F. BLINDELL  
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States and communities increasingly are banning discrimination in such places as restaurants, theaters, resorts and hotels, a fact generally overlooked in the current Congressional battle over the "public accommodations" section of President Kennedy's civil rights bill.

Though opponents of the Administration proposal are charging the provision to ban discrimination in public places is either unenforceable or an invasion of individual rights, some 30 states with 70% of the nation's population already forbid such discrimination. And, in general, Negro leaders are pleased with the effectiveness of the state laws.

"There are some states where the laws aren't worth the paper they are printed on, but on the whole the state statutes are working out very well," says Robert L. Carter, general counsel for the National Association for the Advancement of Colored People. "We're delighted at how closely most of the people concerned have been abiding by them."

#### More City Ordinances

As might be expected, state laws against discrimination in public accommodations are concentrated in the North and West. Not a single Dixie state has adopted such legislation. But in some states which have balked at enacting such laws, cities have adopted measures. Among them are St. Louis, El Paso, Wilmington and Louisville. Tulsa city officials are considering an ordinance against discrimination in public places soon.

Most states and cities have set up elaborate enforcement machinery to back up their statutes, although they usually try to settle disputes by private negotiation before taking sterner measures. In New York, where anti-discrimination laws are among the most stringent in the country, the State Commission for Human Rights generally seeks to persuade a businessman who appears guilty of discrimination to mend his ways before it takes forceful action.

For example, not long ago a young Negro couple from New York City decided to take a brief vacation at a resort motel near Albany, N.Y. They made reservations by phone and drove to the motel. But when they arrived the owner turned them away.

Incensed, the couple complained to the Human Rights Commission. After a talk with commission officials, the motel owner agreed to pay the Negroes \$150 as compensation for their troubles. He also was required to display a commission poster stating his motel abided by the New York law banning discrimination in public places.

If a New York businessman balks, he is summoned before a public hearing of the commission. If bias is definitely established, the rights group can order it halted and can use local or state courts to insure compliance.

#### Quiet Settlements in St. Louis

Most violations are settled quietly away from any court. "Businessmen generally shrink from a public airing of their violations," says W. J. Duford, an official of the St. Louis Council on Human Relations. The council has had to go to court only once since the city adopted a public accommodations ordinance in 1961. In that instance, the offender—a tavern owner who refused to serve Negroes—was fined \$100. Nearly 100 other complaints have been settled without court action, according to Mr. Duford.

Some observers suggest that businessmen often prefer public accommodations legislation to voluntary desegregation, a move some fear would cost them white trade. Comments John de J. Pemberton, Jr., executive director of the American Civil Liberties Union: "The businessman who's been afraid to stand out by desegregating on his own can safely say to adverse public opinion, 'Look, I had to. It's the law.'"

An amusement park operator in one Midwestern city went so far as to privately request that the local rights commission bring him before a public hearing over his refusal to integrate a swimming pool at the park. "He wasn't adverse to integration, but he didn't want to leave that impression," explains a commission official. After the show of resistance, the park operator was "forced" to bow to the commission's wishes.

#### Courts Uphold Laws

Though Southern legislators are attacking the Federal bill as an unconstitutional infringement of private property rights, state courts have upheld public accommodations laws. In Kansas City, for example, one big restaurant owner filed a test case attacking the constitutionality of the city ordinance banning discrimination, but the Missouri supreme court ruled in favor of the city. In general, state courts have taken the view that any curtailment of property rights resulting from public accommodations laws is outweighed by the "public good" inherent in anti-bias legislation.

To be sure, discrimination in public places has not been wiped out in states and cities with public accommodations laws. Many businessmen still resist integration, although they don't cite race as the reason for not admitting Negroes. Dick Williams, a young Negro member of the Congress of Racial Equality in Chicago, recently entered a South State Street burlesque house on the heels of two whites in sport shirts. The whites were seated, but Mr. Williams was told it was now "evening" and he would have to have a tie. "Funny how night falls so suddenly, isn't it? I thought of getting a tie and coming back, but I just didn't bother," says Mr. Williams.

New York has had trouble with defiant barbers. One in Nassau County, a suburban area on Long Island, wanted to cut a Negro boy's hair; the usual rate for youngsters was 75 cents. The shop posted a sign saying:

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