

Interracial

BALTIMORE CORE PRESS RELEASE

March 5, 1964

Baltimore CORE, again focusing on incompletely desegregated Route 40, is asking the State Road's Commission to prevent the use of signs on the Northeast Expressway which are being installed to attract tourists to facilities along Route 40. According to Barbara Coleman, Executive Secretary, "The use of these signs would be misleading to tourists and would be grossly incompatible to the principles of John F. Kennedy who was opposed to racism when he dedicated this federally financed expressway. The text of the letter is as follows:

Mr. John B. Funk, Chairman
State Roads Commission

Dear Mr. Funk:

Please refer to our exchange of letters last April when we questioned how you could expect the new Northeast Expressway Restaurant to honestly "make a good impression on visitors to our state" while segregation in Maryland restaurants was disgraceful to local citizens and shamed America throughout the world. Route 40 highlighted this problem.

Recent developments connected to the expressway's relationship to Route 40 raise a plethora of questions which could further damage human and governmental relationships.

The erection of signs along this federally financed artery designed to attract tourists to accommodations along Route 40 would meet with CORE's approval if all the doors of all these establishments were open to all persons equally. Unfortunately, this type of democracy remains foreign to much of this route. The previous General Assembly barely endorsed the facilities that had been previously opened after tremendous investments by CORE. The Judicial Committee simply junked the recent state-wide bill which was designed to advance that progress.

It is tragic that the Assembly is failing to act to clear up this disgrace in Maryland especially along Route 40. The public is aware of two flagrant violations that have occurred at one place since the enactment of the water-logged bill. It is tragically misleading to attempt to direct all persons to an area where they can be cruelly refused service.

CORE, along with all decent citizens who wish to "make a good impression" and render equal service to all, strongly and vigorously asks you to keep those misleading signs off the public thoroughway. As a state official, you are keenly aware that these misleading signs may subject tired travelers to humiliation and inconvenience by drawing them off a free route to places that can deny them service by claiming to gross sales mostly from alcoholic beverages.

When Route 40 is truly open to all, CORE will encourage you to erect whatever signs that will prove fruitful to those depressed businesses. We would not wish to promote a situation which would be contrary to the high principles of liberty and democracy.

Sincerely yours,
Edward Chance, Chairman
Barbara Coleman, Executive
Secretary

that a discriminatory act has been committed, the Commission's staff shall endeavor to eliminate the discrimination by conciliation and persuasion. If an agreement is reached, it shall be reduced to writing and the Commission shall pass an order setting forth the terms of the agreement. It is further provided that the investigation and negotiations shall not be disclosed to the public.

Section 13 provides that in the event of failure to reach an agreement by conciliation, the complaint shall thereupon be submitted to a hearing tribunal consisting of three or four members of the Commission. The hearing would be public and would generally conform to procedures set forth in the Administrative Procedure Act. Thereafter, the hearing tribunal would make findings, and if it discovers that the Respondent has engaged in any discriminatory act, it shall state such findings and recommendations to the Commission, and the Commission may issue a cease and desist order or such affirmative action as will effectuate the purposes of the sub-title.

Section 14 provides that if a Respondent refuses to comply with an order of the Commission, the Commission may certify the matter to the State's Attorney of the political subdivision in which is located the residence or main office of the Respondent. The State's Attorney is required, within not less than twenty days and not more than forty days, to institute by petition in the equity court a proceeding to secure compliance with the order of the Commission. The court may grant temporary relief as it may deem just and proper, or may make any other appropriate order enforcing, modifying or setting aside the order of the Commission. It is further provided that where the Respondent contests the petition, no restraining or enforcing order shall be issued except as a de novo hearing "without regard to any findings made by the Commission or its hearing tribunal". It also provides that "All findings of facts and conclusions of law shall be made by the court unless the Respondent in his answer to the petition elects a jury trial, in which case the court shall frame issues embodying all questions of fact, which issues shall be tried before a jury". It is further provided for an appeal to the Court of Appeals of Maryland.

You specifically desire to know whether the provisions of this Act violate Article 5 or Article 21 of the Declaration of Rights of the Maryland Constitution, guaranteeing the right of jury trial.

Under the provisions of the proposed Section 14, a Respondent clearly has the opportunity and the right to have all questions of fact determined by a jury. In our opinion, this right preserves to him the guarantees set forth in the Declaration of Rights and the Constitution.

In several recent cases, it has been held that the constitutional rights have not been deprived where certain issues are heard in a court of equity. In Sheets v. City of Hagerstown, 204 Md. 113, an issue was raised that a person who had been charged with contempt for violating an injunction had been denied his constitutional right of a jury trial. The Court, relying on decisions of the Supreme Court of the United States, held that no constitutional right was denied by trial by the court without a jury in a contempt proceeding. Likewise, in the Matter of Easton, 214 Md. 176, it was held that lunacy proceedings are not such trials, according to the course of the common law, as to be included among proceedings which require a jury trial. The Court upheld the provisions of Article 16, Section 135, Code, allowing a court of equity to declare a person incompetent by reason of mental disability. Also, Article 16, Section 169, which allows a court of equity to specifically enforce a contract, was upheld as not being a violation of a constitutional right. See Baltimore Process Company v. My-Coca Company, et al., 144 Md. 439.

The use of issues for the trial of facts before a jury in equity cases has been employed in the equity practice in Maryland courts. The Court of Appeals of Maryland, by Rule 517, Maryland Rules of Procedure, has abolished the practice of submitting equity cases to a jury for determination of questions of fact. Of course, the Legislature may superimpose its will and require the reinstatement of this practice in this limited area.

✓
We are therefore of the opinion that the proposed Section 14 would not be unconstitutional.

The second bill would add a new Section 17 to Article 49B, which would make it unlawful for the owner or operator of a place of public accommodation, because of race, creed, color or national origin of any person, to refuse, withhold from, or deny to such person any of the accommodations, advantages, facilities and privileges of such place of public accommodation. A "place of public accommodation" is defined to mean any hotel, restaurant, inn, tavern, motel or establishment commonly engaged in the business of providing sleeping accommodations, or serving food, or both, for a consideration, which is open to the general public.

Statutes which prohibit discrimination on the basis of race, creed or color in the use of facilities serving a public function are within the police power of the States. See District of Columbia v. Thompson, 346 U.S. 100, 97 L. Ed. 1480 (1953); Bob-Lo Excursion Co. v. Michigan, 333 U.S. 28, 92 L. Ed. 455 (1948); and Amos v. Prom, Inc., 117 F. Supp. 615. See also annotation, 49 A.L.R. 505.

The third bill proposes to add a new Section 16 to Article 49B of the Annotated Code of Maryland, and is intended to eliminate discrimination in employment in the State. Section 16 provides that it would be unlawful for any employer, because of race, creed, color or national origin of any individual, to refuse to hire or employ, or to bar or to discharge from employment such individuals, or otherwise to discriminate against such individuals with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. Certain exceptions are made to this general prohibition: Any employer or labor organization is prohibited from eliciting information or from making or keeping a record containing entries as to race, creed, color or national origin of any applicant for employment or membership, or from publishing or causing to be published any advertisement relating to employment indicating any preference, limitation, specification or discrimination based upon race, creed, color or national origin. It further prohibits any labor organization to discriminate against individuals with respect to hire, tenure, terms, conditions or privileges of employment.

Legislation seeking to guarantee equal employment opportunity has been enacted in approximately twenty states (Alaska, Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington and Wisconsin). The constitutionality of such acts has been upheld by the Supreme Court of the United States in Railway Mail Association v. Corsi, 326 U.S. 88, 89 L. Ed. 2070. There, the Court stated as follows:

"* * * We have here a prohibition of discrimination in membership or union services on account of race, creed or color. A judicial determination that such legislation violated the Fourteenth Amendment would be a distortion of the policy manifested in that amendment which was adopted to prevent state legislation designed to perpetuate discrimination on the basis of race or color. * * * . (Page 2076.)

More recently, the Supreme Court of Michigan, in City of Highland Park v. Fair Employment Practices Commission, 111 N.W. 2d 797 (1961), upheld the constitutionality of the Michigan Fair Employment Practices statute. The Court stated as follows at Page 799:

"By prohibiting racial, religious, or ancestral discrimination in relation to employment, the statute seeks to extend and make more specific rights which have at least been hinted at in the more general words of the Declaration of Independence and the Fourteenth Amendment to the Constitution of the United States. It is an effort to transpose into law that cherished portion of the American dream which is referred to in the pregnant phrase 'equality of opportunity'."

See also annotation, 44 A.L.R. 2d 1138.

This legislation poses certain problems concerning the infringement of the obligations of contracts which may now be in existence. However, each individual case would have to be decided on its own merits and no general statement can be made on this subject without specific facts being presented.

The next bill would add a new Section 15 to Article 49B and would make it unlawful to discriminate in commercial housing with respect to the acquisition, construction, maintenance, financing, ownership and occupancy and use of housing facilities, services and privileges. The recent case of Levitt & Sons, Inc. v. State Division Against Discrimination, 158 A. 2d 177 (N.J. - 1960), reviewed the question of discrimination in housing availing itself of public assistance, and it was there held that it was within the purview of the New Jersey law against discrimination. (N.J.S.A. 18:251, et seq.) It is important to note that the aforesaid case dealt with "publicly assisted" housing accommodations. The proposed act does not have such a limitation and, therefore, that case does not have a direct bearing on this act.

Several state and local anti-discrimination laws in housing have been passed throughout the country. The state laws fall into three categories:

1. Laws extending only to low-rent public housing projects and/or urban redevelopments. (Montana, Illinois, Michigan, Rhode Island, Wisconsin and Indiana.)

2. Laws extended to publicly assisted housing, including housing built with the aid of FHA insured and VA guaranteed loans. (California, Washington and New Jersey.)

3. Laws extended to private housing - non-governmentally assisted - (Colorado, Massachusetts, Connecticut, Oregon, New York, Pennsylvania, Minnesota, New Hampshire; also, New York City and Pittsburgh, Pennsylvania, have adopted ordinances.)

The validity of anti-discrimination housing laws of the last class has met with varying results in the courts. In Martin v. City of New York, 201 N. Y. Supp. 2d 111, the Supreme Court for New York County upheld as constitutional the New York City ordinance. However, in Case v. Colorado Anti-Discrimination Commission, 6 Race Relations Law Reporter, 835 (also summarized in 1961 U.S. Commission on Civil Rights Report, Volume 4, Title "Housing", Page 130), it was found that the Colorado Fair Housing Act of 1959 was unconstitutional because of vague and indefinite language in the statute and an unlawful delegation of legislative power to an administrative commission. Because of the lack of authoritative and unanimous court approval of this type of statute, we must express some doubt as to the constitutionality of this legislation.

December 11, 1962

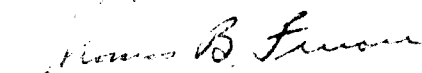
Therefore, in the absence of rulings by the Supreme Court of the United States or the highest appellate courts of the various states, it would be difficult for this office to express an opinion on this question.

(See also O'Hara v. Washington State Board Against Discrimination, 365 P. 2d 1; Cf. Burks v. Poppy Construction Co., 370 P. 2d 313 (California); and Lee v. O'Hara, 370 P. 2d 321 (California).

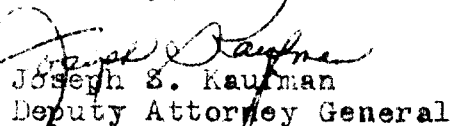
The last act deals with the appointment of an Executive Secretary by the Commission rather than by the Governor, and would include this person within the provisions of the Merit System Law. Of course, the General Assembly may create such offices or positions as it deems necessary, except by emergency legislation.

On all of the above we express no opinion as to the wisdom or advisability of enacting such legislation, that matter resting solely within the purview of the General Assembly, and our comments are strictly limited to the question of form and legal sufficiency of the bills proposed.

Very truly yours,



Thomas B. Finan
Attorney General



Joseph S. Kaufman
Deputy Attorney General

TEF
JSA-h

Interracial - B

COPY

October 17, 1963

Mr. Fred ~~Baker~~
Bethesda, Maryland

Dear Mr. Baker:

Your letter to Governor Tawes has been referred to me for reply.

The Governor has been advised in the strongest terms by the Attorney General of Maryland that he does not have the constitutional authority to issue an Executive Order banning discrimination in places of public accommodation.

In those areas where the Governor does have the power to act, such as policies in the hiring, firing, and promotion of State employees, he has taken the strongest steps to assure that there be no discrimination. In regard to State construction contracts the Governor has insisted that those who wish to do business with the State must agree not to discriminate against their employees.

Because of your obvious interest in the field of civil rights, I am taking the liberty of forwarding you a copy of a recent speech by the Governor before the Maryland Women's Committee for Civil Rights.

With kindest regards, I am

Sincerely yours,

Edmund C. Mester
Executive Assistant to the Governor

ECM:ae
Encl.

Fatti Marchi

Bethesda, Md

Oct 16 - '63

Governor Tamm

Dear Sir;

"The bamboo which bends is stronger than the oak which resists."

You can change your opinion and still be brilliant and strong.

Gov. E. G. Brown of California has Banned Racial Bias by executive order - - - you could do the same.

Make it a policy for the State and County office heads, not to discriminate on the basis of race, color or creed.

When you see an idea, like an old coat, growing threadbare, or if you find you've outgrown it so it's no longer comfortable, then it's time to change it.

Help your President = Free the Negro.

Sincerely,

Fred Baber



MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

*by phone
In Re: Legislation*

OFFICERS
WILLIAM C. ROGERS, SR.
CHAIRMAN
RABBI ISRAEL M. GOLDMAN
VICE CHAIRMAN
PARREN J. MITCHELL
EXECUTIVE SECRETARY

STATE OFFICE BUILDING
301 WEST PRESTON STREET
BALTIMORE 1, MARYLAND
VERNON 7-9000

MEMBERS
G. CHESTON CAREY, SR.
MRS. HENRY E. CORNER
FATHER ROBERT M. POWELL
MRS. JOHN B. RAMSAY
S. EDWARD SMITH
RICHARD H. THOMAS
DR. EDWARD N. WILSON

January 27, 1964

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland

Dear Governor Tawes:

The Commission is anxious, of course, to see the Public Accommodations Law expanded to the extent that no county in Maryland will be exempt from the provisions of the law. It is inevitable that legislation toward this end will be introduced in the forthcoming legislative session. However, we believe that if this legislation is sponsored by the administration, the chance of passage will be much greater. Certainly the prestige value of having such legislation sponsored by the Senate President and Speaker of the House is incalculable.

I would like very much to meet with you on this matter for a fuller discussion. If you will advise me of the date, time and place for such a meeting, I will make the necessary adjustments in my personal schedule.

With best wishes for your continued success, I am

Cordially,

WCR
William C. Rogers Sr.
Chairman

WCR/gm



MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

MEMBERS

G. CHESTON CAREY, SR.
MRS. HENRY E. CORNER
FATHER ROBERT M. POWELL
MRS. JOHN B. RAMSAY
S. EDWARD SMITH
RICHARD H. THOMAS
DR. EDWARD N. WILSON

OFFICERS

WILLIAM C. ROGERS, SR.
CHAIRMAN

RABBI ISRAEL M. GOLDMAN
VICE CHAIRMAN

PARREN J. MITCHELL
EXECUTIVE SECRETARY

STATE OFFICE BUILDING
301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
VERNON 7-9000

March 19, 1964

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland 21400

Dear Governor Tawes:

At our March 18th meeting, the Commissioners, by formal vote, unanimously agreed to express our appreciation for your splendid efforts in securing passage of a state wide Public Accommodations Law. Under your vigorous and skillful leadership, Maryland has given notice to the nation and the world that human rights will be safeguarded.

The State legislature, stimulated by your efforts, has acted in a forthright manner. Certainly citizens of Maryland are proud of this law designed to end humiliations caused by discrimination in some places of public accommodation.

In the past, you have shown your interest in human rights by strengthening and supporting this Commission. Your efforts on behalf of the Public Accommodations Law mark the beginning of a large scale effort to enlist all Maryland citizens in the fight against racial and religious discrimination. You have provided the catalyst for such action.

Now and in many years to come, Marylanders will remember your leadership. They will remember that you charted this significant move to make Maryland, in truth, the Free State.

On behalf of the Commission, I express our sincere thanks. We shall persist in our efforts to end bigotry, segregation and discrimination.

With best wishes for your continued success, I am, as ever your friend.

Sincerely,


William C. Rogers, Sr.
Chairman

WCR/gg

*form reply
sent
3-31-64*



MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

by phone
17 Feb 64

OFFICERS
WILLIAM C. ROGERS, SR.
CHAIRMAN
RABBI ISRAEL M. GOLDMAN
VICE CHAIRMAN
PARREN J. MITCHELL
EXECUTIVE SECRETARY

STATE OFFICE BUILDING
301 WEST PRESTON STREET
BALTIMORE 1, MARYLAND
VERNON 7-9000

MEMBERS
G. CHESTON CAREY, SR.
MRS. HENRY E. CORNER
FATHER ROBERT M. POWELL
MRS. JOHN B. RAMSAY
S. EDWARD SMITH
RICHARD H. THOMAS
DR. EDWARD N. WILSON

February 14, 1964

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland

Dear Governor Tawes:

At our February 12th meeting, the Commission members unanimously requested that I again contact you regarding efforts to expand the Maryland Public Accommodations Law. We believe it is vital that all counties in Maryland be covered under this law, and that action toward this end be taken at this session of the legislature. We urge that all the power and prestige of your office be given to this effort.

A truly state-wide law would aid in preventing tensions and avoiding additional embarrassment to the State. I should like to illustrate this point. Maryland has invested considerable monies in the State's portion of the New York World's Fair. The Executive Committee of the Maryland Commission - World's Fair has faithfully followed non-discriminatory policies in employment and staffing. The Maryland Pavilion, of course, will be completely desegregated. However, according to newspaper reports, the Maryland Pavilion will be picketed as a form of protest against racial inequities in the State. As I understand it, the position to be taken by the demonstrators is the Maryland Fair is designed, in part to attract tourists to Maryland; but colored tourists who come may encounter humiliation because of racially discriminatory policies. These proposed demonstrations will again focus the nation's attention on Maryland's racial difficulties. Certainly a truly effective, state-wide public accommodations law would be beneficial to this situation.

If our assessment of the Maryland situation is correct, (and we believe it is) failure to enact any civil rights legislation at this session will be a bitter, disillusioning experience for thousands of Maryland citizens. It is our hope that Maryland will follow the increasing number of states which have enacted effective civil rights laws.

If the press of business is so great in this session that expansion of the State Public Accommodations Law will not be given consideration, then we urge that you call a special one day session to expedite this matter.

The Honorable J. Millard Tawes

- 2 -

1/14/64

I hope I have fully conveyed my strong concern. The present Public Accommodations Law, because of its limited geographic coverage, cannot adequately protect civil rights in the area of public accommodations.

Hoping for your early and, I hope, favorable reply, and with best wishes, I am

Cordially yours,



William C. Rogers Sr.
Chairman

WCR/gm



OFFICERS
WILLIAM C. ROGERS, SR.
CHAIRMAN
RABBI ISRAEL M. GOLDMAN
VICE CHAIRMAN
PARREN J. MITCHELL
EXECUTIVE SECRETARY

MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

STATE OFFICE BUILDING
301 WEST PRESTON STREET
BALTIMORE 1, MARYLAND
VERNON 7-9000

January 29, 1964

MEMBERS

G. CHESTON CAREY, SR.
MRS. HENRY E. CORNER
FATHER ROBERT M. POWELL
MRS. JOHN B. RAMSAY
S. EDWARD SMITH
RICHARD H. THOMAS
DR. EDWARD N. WILSON

Civil Rights in the State of Maryland (1963-1964)
A Time of Commitment and a year of Progress

Maryland has made a significant beginning to eliminate segregation and discrimination. In all areas, employment, housing, education, public accommodations, and the like, tremendous strides have been made. Certainly the progress achieved to date should not lull us into a sense of complacency, nor should it be interpreted to mean that all that can be done has been done. The single, over-riding consideration should be that Marylanders have accepted a challenge and are favorably meeting it. This is our hope for the future.

Employment:

Maryland does not have a Fair Employment Practices Law. Such legislation has been proposed in former sessions of the Maryland General Assembly and beyond doubt will be introduced in future sessions. It is of course impossible to predict whether or not such proposals will be acted upon favorably.

In the absence of such legislation, the Maryland Commission on Interracial Problems and Relations frequently makes informal investigations of complaints alleging racially discriminatory practices in private businesses. Commission reports indicate that some success has been achieved through informal mediation efforts.

1/29/64

Under the provisions of House Bills #75 and #76 of 1961, discrimination based upon race, creed, color or national origin is banned in the Maryland State Civil Service and in State contracts. In more recent action, Governor Tawes approved a change in the Grievance Procedure for State employees, which change permits an employee to utilize the grievance procedure if he believes that considerations based upon race, creed, color or national origin have adversely affected his civil service status. In addition, the Commissioner of Personnel for the State of Maryland has recently proposed certain additional safe-guards for Rule 33a of Civil Service Regulations; which Rule governs recruitment, selection and promotional policies of State service. It is anticipated that the proposed rule change will be approved in the very near future.

Housing:

The State of Maryland does not have a law banning discrimination in housing. However, continuous educational efforts in this area are being made throughout the State by both private and public agencies.

The following are examples of the type effort being made:

On November 22, 1963, the Maryland Commission on Interracial Problems and Relations sponsored a State wide conference entitled "Housing - Is it the Key to Better Inter-group Relations?" On January 23, 1964 the Baltimore County Human Relations Commission sponsored an important conference on the problems of open occupancy in housing in Baltimore County. Private organizations such as the Baltimore Neighborhoods, Inc., the Citizens Planning and Housing Association, the Montgomery County Fair Housing Association and many others are constantly at work on the problem of racial and religious discrimination in housing.

1/29/64

Education:

A recent report of the Maryland Department of Education states that more than half of the public schools in Maryland have both white and colored pupils. State data put the total number of schools at 1096 and those with a bi-racial enrollment of 572 or 52.2% of the total.

Certainly progress has been made toward the elimination of segregation in Maryland's public schools. However, we are keenly aware that much more must be done. Three of Maryland's counties report that none of their public schools have a bi-racial enrollment. Despite non-discriminatory policies in State colleges and universities, there is little integration at the faculty-administrative level, and, in some instances little integration at the student-body level. The State will initiate appropriate remedial actions, if such are indicated.

Public Accommodations and Transportation:

Transportation facilities in the State of Maryland are completely desegregated and have been so for many years.

The recently enacted State Public Accommodations Law bans discrimination in hotels, motels and restaurants. The Maryland Commission on Interracial Problems and Relations, charged with the administration of the law, reports that there is generally good compliance. A six months report on the operation of the law is attached. Baltimore City and twelve counties are covered under the law, but unfortunately the remaining eleven counties exempted themselves from the law. We are hopeful that in the immediate future, these counties will rescind their exempted status. One should not assume that places of public accommodation in the exempted counties remain segregated. Through a well organized program of voluntary desegregation hotels, motels and restaurants

1/29/64

in major cities of these counties now serve all citizens regardless of race, creed, color or national origin.

The Commission on Interracial Problems and Relations is attempting to create the climate necessary for the expansion of the bill to include bowling alleys, theatres, amusement parks and the like.

Summarily stated, hotels, motels and restaurants throughout the State are open to all citizens. Theatres, bowling alleys and amusement parks have voluntarily desegregated, as have some few privately owned swimming pools.

Of course all State and Municipally owned or operated facilities are completely desegregated.

The Attorney General of Maryland has advised the Chief Executive that under the Constitution of Maryland, the Governor does not have the power to issue an Executive Order banning discrimination in State licensed facilities. Despite this constitutional limitation, the Executive Branch of State Government continues to act toward the elimination of racial and religious discrimination in Maryland.

In August, 1963, the Governor approved a substantial budget increase for the State Commission on Interracial Problems and Relations. This budget increase provided for the additional staff necessary to expedite the work of the Commission.

Shortly after President Kennedy's National Womens Conference in Washington, Governor Tawes convened a similar conference in Annapolis for the Women of Maryland. Thus Maryland became the first State to implement the recommendations that the individual States organize womens activities in the area of civil rights. This conference took place on October 15, 1963 and was attended by approximately three hundred

1/29/64

women, representing hundreds of civic and community organizations. These women of Maryland dedicated themselves to the fight against racial discrimination. As a result of that conference, the Maryland Women's Committee For Civil Rights was formed. This committee is making vital contributions in the area of civil rights.

The Maryland Commission on Interracial Problems and Relations sponsored a series of four fall conferences dealing with various aspects of race relations in Maryland. On the average, a hundred representatives of various civic, community and public organizations attended each of the conferences. The Commission is now developing a "blue print for action" as a result of discussions and recommendations made at the conferences.

One of the most significant development in Maryland has been the proliferation of local Human Relations Commissions and Bi-racial Committees. There are approximately twenty-six such groups in operation in the State. Some were created as a result of local legislation, some developed on a voluntary basis. Some have county-wide jurisdiction, others are limited to town or city activity. Certainly all of the groups are not making progress at a uniform rate of speed. The important consideration is that most of these organizations have made real contributions in protecting the civil rights of Maryland citizens and in easing racial tensions.

In addition, several of the political subdivisions of the State have enacted local legislation to protect the civil rights of individuals. For example, Montgomery County, Md. has enacted its own county-wide Public Accommodations Law. Baltimore City has its Public Accommodations Law and a Fair Employment Practices Law. It might be noted that a far reaching, omnibus civil rights ordinance is now being considered by the Baltimore City Council.

1/29/64

A copy of the 1963 Annual Report of the State Commission on Interracial Problems and Relations is enclosed. The 1964 Report will be completed shortly and forwarded with other additional materials that may be requested.



MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

*By phone
File*

OFFICERS

WILLIAM C. ROGERS, SR.
CHAIRMAN
RABBI ISRAEL M. GOLDMAN
VICE CHAIRMAN
PARREN J. MITCHELL
EXECUTIVE SECRETARY

STATE OFFICE BUILDING
301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
VERNON 7-9000

MEMBERS

G. CHESTON CAREY, SR.
MRS. HENRY E. CORNER
FATHER ROBERT M. POWELL
MRS. JOHN B. RAMSAY
S. EDWARD SMITH
RICHARD H. THOMAS
DR. EDWARD N. WILSON

June 1, 1964

JUL 2 - 1964

The Honorable J. Millard Tawes
Governor of Maryland
State House
Annapolis, Maryland 21400

My dear Governor Tawes:

We are sorely concerned that the Statewide Public Accommodations Law has been delayed because of the petition for referendum. It appears sufficient signatures will be secured to have this matter submitted for referendum in November.

All of us, who have worked so hard for this law, realize that our State will experience difficult, tension-filled months if the law is defeated by referendum vote. However, we are sure that a well organized, intensive educational campaign will result in a majority vote for the Public Accommodations Law.

This Commission desires to organize and implement an educational campaign to apprise Maryland citizens of the real issues involved in the referendum vote. Such a campaign will involve speaking at meetings throughout the State, utilizing mass media, preparing and distributing educational material, working in close liaison with other interested groups, and additional activities required for a favorable vote.

The Commissioners believe that such activities are clearly within our province as indicated by our enabling legislation. However, before undertaking such a program, we thought it best to obtain your approval and guidance. Please advise us, as soon as is possible, on the propriety of the Commission's involvement in this type of program.

A second matter in this area gives us concern. In order to guarantee a favorable vote on the Public Accommodations Law, the skills and knowledge of a professional advertising agency are required. Is it possible to appropriate adequate funds (not to exceed \$25,000) to this agency so that we may secure the services of a public relations expert and an experienced advertising agency?

(more

The Honorable J. Millard Tawes

- 2 -

6/1/64

Quite apart from any legal issues involved in appropriating such funds, there are those who will argue that the advertising costs will be prohibitive. In reply to such argument, we can but point to the high costs the State will pay if the referendum vote defeats the law. If this happens, it is inevitable that demonstrations will be the daily fare for the State, racial tensions will be heightened to a critical point and our State will be the target area for many national civil rights organizations. It is tragic that so many persons fail to realize that discrimination in places of public accommodation is the most visible form of the whole structure of racial discrimination within the State.

We hope you will appropriate the funds requested, and that you will give full approval to our efforts to save the Public Accommodations Law.

Much planning needs to be done, and, therefore, we hope for a very early (and favorable) reply from you.

With kindest personal regards, believe me, as ever

Most sincerely,



William C. Rogers Sr.
Chairman

WCR/gm

cc: Mr. Thomas B. Finan
Attorney General
1 Charles Center
Baltimore, Maryland 21201

Interview File

JAN 11 1965

Remarks by Governor J. Millard Tawes

For release Friday, July 19, 1963 - 7:30 P. M.

For further information call or write: Odell M. Smith, Assistant to the Governor
State House, Annapolis, Md. - CO. 3-2666

My fellow Marylanders:

It is not a happy occasion that prompts me to come before you at this time. As all of you know, and as the Nation and the World know, some areas of our State are torn by racial strife.

During the past several weeks, we have seen our sons in the National Guard forced by circumstances to occupy a city on the Eastern Shore. We have witnessed prominent members of the clergy jailed because they protested racial discrimination in facilities which serve the public.

We have seen bitterness and rancor replace reason and good will. We have, in effect, seen efforts to solve the racial crisis in the streets rather than in the courts, the legislative halls and in the hearts of men.

And, we have come to learn that there is no solution - no lasting solution - to the problem of race discrimination to be found in the streets.

I only wish that I could come before you tonight and announce that we have arrived at a solution to the problems that affect us here in Maryland.

I cannot. I can tell you, however, that unless all the citizens of this State begin to appreciate the magnitude of the social revolution now underway, we will face not weeks nor months of racial strife, but years.

I come before you tonight because I feel it is my duty to give you the facts of the present situation as I see them.

During the last session of the Maryland General Assembly, a public accommodations law was enacted prohibiting discrimination in facilities which serve the public on the basis of race, creed or color.

To those of us who had long supported such a law, the enactment of this measure was most welcome. Maryland had become the first state south of the Mason-Dixon line that had on its books a public accommodations law.

There were those, of course, who were dissatisfied with the law because, geographically, half the State was excluded. We take comfort in the fact that, although the bill was weakened by exemptions, it still covers ninety per cent of the State's population and includes the troublesome U. S. Route 10 corridor, better known as the Pulaski Highway, along which African and Asian diplomats travel between New York and Washington.

Surely, many of us thought, this progressive and enlightened step would serve to insulate Maryland, temporarily at least, from the racial troubles that were affecting other sections of our Country.

But it has not. The other day, Father Joseph Connally of St. Gregory's Parish, remarked to me that in the area of race relations, we have come a decade in twelve months.

I think that all of us, if we reflect for a moment on what has been taking place in our State during the past several weeks, can understand the significance of Father Connally's remark.

The question is often asked of me - Why Cambridge? Why is this Eastern Shore city experiencing racial strife?

I will attempt to answer that question without assessing blame but as objectively as possible so you may better understand the nature of the problem we face.

For, only in understanding the nature of the problem can we arrive at a solution and unless we arrive at a solution, then Cambridge is but a harbinger of what can be expected in the years ahead.

Cambridge is the County Seat of Dorchester County - a county that is not included under the Maryland public accommodations law.

Its citizens, both Negro and white, had become accustomed to traditions that tolerated, to a certain extent, a separation of the races. It is a city which, during the past several years, has had a high rate of unemployment, particularly among its Negro citizens.

These factors, combined with other perhaps less important factors, enabled integration leaders to transform this normally placid Eastern Shore town into a symbol of racial inequality.

It is perhaps for the symbolic reason that Cambridge was chosen rather than for the degree of progress that had been made there in race relations.

To my personal knowledge, efforts have and are being made to bolster the economy of Cambridge and voluntary action to end segregation in schools and restaurants was underway long before the current crisis. For many years, Negro citizens have been participating in practically all aspects of local government, and on Good Friday of this year the white citizens of Cambridge worshipped jointly with Negroes in a Negro church, in observance of this religious holiday.

I am not, of course, implying that these actions were sufficient to satisfy the legitimate pleas of the Negro for equality. They do, however, indicate a willingness on the part of the responsible citizens of Cambridge to solve this problem.

Therefore, let us not be too quick to hurl the first stones at the citizens of that troubled city. What has happened there could have happened virtually anywhere in this Country.

To some extent, the people of Cambridge have reacted to this crisis in commendable fashion. The demands for equality that were presented to the city officials have been met to a very large degree.

One Cambridge Commissioner likened negotiations with integration leaders to an attempt to bring two pieces of rope together.

Every time we get close, he said, they move their end.

There is no one in this State who can appreciate their frustration better than I.

Steps have been taken to desegregate the remaining four school grades, a move that will completely integrate the entire public school system of Dorchester County. The Mayor of Cambridge only a few days ago appointed a Human Relations Committee which includes four members whose names were submitted by the integration leaders there. The City Commissioners have passed an amendment to the City Charter requiring restaurants and hotels to make available their facilities to all without regard to race. A demand was made that a Negro be employed at the Cambridge Department of Employment Security and a qualified Negro will be employed. Action has been taken to secure funds from the Federal government to assist in the construction of a one million dollar housing project - a move clearly designed to eliminate slum conditions where they now exist.

This action indicates to me that the reasonable and responsible people of Cambridge are sincere in their desire to bring about a just settlement of this crisis. That they bristle under intimidations and irrational demands is understandable.

As to the Charter Amendment, integration leaders rejected this because it could be petitioned to referendum and subsequently voted upon by the citizens of Cambridge. The Charter Amendment, however, had the support of the Ministerial Association, the Chamber of Commerce, and the newspaper and the radio station in Cambridge. There was ample evidence to indicate that the Charter Amendment would not be petitioned to referendum. I might add that virtually any bill enacted by the General Assembly of Maryland is subject to referendum, including a public accommodations bill.

Integration leaders demanded the release of two juveniles who were confined by a Circuit Court Judge to State Training Schools following their participation in demonstrations in Cambridge.

I shall not go into the specifics of this case but it should be noted that the Maryland Court of Appeals, the highest court in this State, reviewed this matter recently and agreed with the lower court's action.

I think you will agree with me that I would not be justified in using the powers of my office, even if I could, to subvert a decision by the highest court of our State. I am sure all of you are aware of the consequences that could result from such unprecedented action.

Integration leaders demanded that I issue an Executive Order similar to one issued recently by Governor Bert Combs of Kentucky barring discrimination in State licensed establishments.

As soon as I had learned of Governor Combs' order I requested Thomas B. Finan, Attorney General of Maryland, to investigate the possibility of similar action in Maryland.

Attorney General Finan reported back that such an action on my part would be unconstitutional and would do violence to the time honored principle of separation of powers. I cannot arrogate to myself those powers that are clearly legislative.

Integration leaders and others have demanded that I summon a special session of the Maryland General Assembly to enact a stronger public accommodations law that includes every county in Maryland.

If I thought for one moment that I could obtain passage of such a bill at a special session of the Maryland Legislature, I would not hesitate to call such a session.

Ladies and gentlemen, I have been advised in no uncertain terms by our legislative leaders that such a bill would not pass, and its failure could result in greater frustration that could lead to more violence and more bloodshed.

Within a very few months the General Assembly will meet in regular session.

It is my sincere hope that the temper of the members of the General Assembly will be such that passage of broadened civil rights legislation can be obtained.

I know that all of you are anxious to know when the crisis in Cambridge will end. I pray that the day is not far off when I can advise you that the National Guard is being removed from that troubled city, and returned to inactive status.

In a situation such as we have, crisis mounts upon crisis, in almost hourly succession. Under such conditions, mistakes will be made.

In retrospect, the initial withdrawal of the National Guard from Cambridge appears to have been unwise. I can assure you, however, that the action was not taken in haste, and that the decision was made only after I had been advised, by the State Police and the highest officials of the National Guard, that peace and order could be maintained without the presence of troops.

In hindsight, too, it is unfortunate that the fourteen demonstrators taken into custody by the National Guard on Tuesday were released.

But from my observation, and in the opinion of most persons with whom I have talked, the National Guard has performed in a most commendable fashion and I am confident it will continue to do so.

In the meantime, however, I am absolutely determined to continue working for a peaceful solution. There is no alternative.

Several times we have been hopefully close to settlement and, on one occasion, a settlement was achieved but it shortly dissolved.

The leadership of the integration movement in Cambridge is fragmented. This hinders negotiations because one never really knows which individual is speaking for the Negro community at any one given time.

One also never really knows whether or not the leaders of this movement in Cambridge are, in truth, leading or being swept along in a wave of emotionalism.

It seems, at times, that the individual who can adopt the most militant attitude is the one who has captured the imagination and support of the Cambridge movement.

I would ask, therefore, that the integration leaders in Cambridge have as negotiators individuals who can truly negotiate - individuals who have the authority to arrange agreements that are not placed in jeopardy at emotionally charged meetings

and rallies wherein a man's leadership capabilities are determined by his ability to shout the loudest.

I ask that such individuals meet with the newly appointed Cambridge Human Relations Committee to work out an amicable settlement.

The President of the Maryland Bar Association has appointed a special committee on the problems of race relations and I have asked this committee to make its services available to both sides in the Cambridge dispute.

As I have indicated, both sides are closer to agreement than their emotions allow them to admit. Only in a calm atmosphere can settlement be achieved.

My concern, however, is not only for the settlement of the crisis in Cambridge. If we have learned anything from this bitter experience, it is the knowledge that Maryland and the Nation cannot afford another such experience.

This Nation is undergoing a social upheaval. The civil rights leaders who met with me recently pointed out that there exists in America today a seething cauldron of bitterness because of racial inequality.

We must take steps to insure that this cauldron does not bubble over once again. In the area of race relations, we must move a decade in twelve months.

Therefore, I am initiating the following steps:

1. The staff of the Commission on Interracial Problems and Relations in Maryland will be expanded to provide for more investigators and clerical help.

- 2- The Executive Secretary of the Interracial Commission has been requested to work with a federation of civil rights leaders to establish educational workshops. These workshops are for the benefit of leaders of governmental units, law enforcement officers, members of the clergy, labor union leaders, business leaders and others who wish to participate.

3 - Directives will again be issued to every State Department head reminding them that discrimination in employment and in promotional procedures will not be tolerated.

4 - The Director of the Department of Public Improvements and the State Highway Director will be again instructed to vigorously enforce those provisions of the law that prohibit the State from doing business with firms that practice discrimination in their hiring and firing policies.

Orderly demonstrations as a means of petition for a redress of grievances are, of course, guaranteed by the Constitution.

I want it clearly understood, however, that such demonstrations must be arranged with the complete knowledge and cooperation of local law enforcement agencies and the State Police. I am bound by my oath of office to preserve law and order in this State and, when demonstrations constitute a clear and present danger to the safety of our citizens, they must be prohibited.

I am not naive enough to sit here tonight and suggest that my proposals are a panacea. I do not wish to delude you into thinking that our racial problems will disappear. As long as racial inequality exists, tension and unrest will continue.

My aim is simply to mobilize the citizens of Maryland behind programs that will result in eventual equality for all without violence and bloodshed. That these problems can be resolved in a peaceful manner has been demonstrated by the action taken by the citizens of many communities in Maryland, including those on the Eastern Shore.

Virtual martial law never was and never will be a solution to such problems.

I would like before I close, to inject this personal note. During the past several weeks, I have, of course, been subject to criticism as a result of this crisis.

There are those who equate positive action with a loud voice and a currying of the press. I am inclined by nature to do neither.

I am confident that all of you know me well enough to understand that I am using every means at my disposal to bring to a settlement the crisis in Cambridge. I have persuaded, cajoled and even threatened.

But just as is the case with any chief executive - and this includes the President of the United States - my authority to act is limited by a constitution I must uphold.

I cannot pass ordinances for the City of Cambridge. I cannot prescribe rules and regulations to govern the activities of the people of Cambridge or any other community in Maryland. I cannot issue edicts and orders at variance with my limited constitutional authority.

But I have used, and will continue to use, the powers I do have, including the prestige of my office and whatever persuasive faculties I may possess, to end the turmoil in Cambridge, and I certainly expect all local officials to do no less.

Meanwhile, in my efforts, I solicit the constructive criticism, the suggestions and the sound advice of all Maryland citizens.

I can assure you that the members of my staff and I have devoted all our energies to the settlement of the racial differences in Cambridge. We will continue to do so and I am confident that a settlement will be reached.

I ask for your support and your prayers.

Thank you.

* * * * *

OCT 23 1964

INFORMATION SHEET

Maryland Commission on Interracial Problems and Relations

Dateline: 10/12/64

Items marked with asterisks indicate additional material under consideration by the Commission

STAFF

Parren J. Mitchell, Executive Secretary
Alice I. Thomas, Secretary Commission Secretaries
Intergroup Relations Representatives
Lane K. Berk, Arbitrator
Barry E. Greenstein
Jerome Mitchell

CIVIL RIGHTS LEGISLATION

National:

On October 5, the Supreme Court heard arguments on the first two appeals involving the constitutionality of the Public Accommodations Section of the U.S. Civil Rights Act. Terming the question of the civil rights bill the most important raised by Congress in a decade, Solicitor General Archibald Cox anchored his arguments on the constitutional power of Congress to regulate interstate commerce. These appeals, the one from an Atlanta motel; the other from a Birmingham restaurant could possibly be decided by the Court before the November 3rd election date.

Maryland:

On October 5, Judge Wilson K. Barnes, Circuit Court of Baltimore City held that there was insufficient time for a Court test of the validity of the signatures on petitions forcing the 1964 Public Accommodations Law to referendum vote. Judge Barnes refused to set aside the petitions without full testimony.

A favorable vote for the 64 P/A Law will decide the issue, the case will be ended, and the statute will go into effect.

On the other hand, should the voters reject the law, Judge Barnes explained, he will issue an order forbidding the Secretary of State from certifying the referendum results, until the case is decided.

Thus, Marylanders will vote on the Public Accommodations law on November 3, but the results of the voting may not be binding.

No matter the November 3rd vote, the Public Accommodations law applying to Baltimore City and 12 of the 23 counties will remain on the books.

Meanwhile, the Maryland League of Women Voters, and the Committee to Uphold the Public Accommodations Law continue the statewide programs, winning support for the Law.

In Baltimore County; the County Commissioners passed a bill calling for equal service in places of public accommodation and equal job rights. The County bill goes beyond existing state and federal laws in that it bans discrimination in places of recreation which are in fact open to the public, such as swimming pools.

The action of the Council was praised by County Executive Agnew, and Francis N. Iglehart, Jr., Chairman of the County Human Relations Commission.

The enactment of the County Law prompted County States Attorney Frank Newell to drop the approximately 730 pending criminal cases which stemmed from local civil rights demonstrations occurring during the past sixteen months at county amusement parks, roller rinks and swimming pools. "The enactment of the county public accommodations and job rights measures make any further court action 'a moot point of justice,'" commented the States Attorney.

Opponents of the law threaten a petition to referendum and will fight the States Attorney's dismissal of trespassing cases stemming from civil rights demonstrations at Beaver Springs Swimming Club.

Mississippi, Florida:

Thirteen persons were arrested in Indianola, Mississippi, when they sought service at a "white-only" restaurant. Taken into police custody on a parking lot near Weber's Restaurant, all were charged with trespassing and unlawful assembly.

In Jacksonville, Florida, U.S. District Judge Bryan Simpson, ordered seventeen restaurants and motels to accept colored patrons. In addition, the Court enjoined Holstead Manucy, a staunch segregationist, from interfering with the business establishments or colored persons seeking service.

HOUSING

Maryland:

Harford County -- The newly appointed five member housing authority was advised by P.H.A. economist Krail, that there is a real need for low cost housing projects, financed primarily by federal funds, in the County. Mrs. Mildred Stansbury, the council woman who is spear heading the drive to acquire low cost housing, said the project may take three years before completed.

Kent County -- Advised of a unique housing program for Chester-town residents, MCIPR staff member, Jerome Mitchell, visited the new housing area and was impressed by this Community's efforts to eliminate poor housing. Staffer Mitchell's full report will be made available next week.

Baltimore County -- Shocked by the extensive slums in eastern Baltimore County, Spiro T. Agnew, County Executive, announced his administration will undertake an emergency community rehabilitation program, embracing Fort Howard, Edgemere, Millers Island, Lodge Forest, Edgepoint and other nearby neighborhoods. Mr. Agnew estimated that the comprehensive capital construction program will take some ten years to complete.

Chicago, Ill.:

Fighting the attempt of a high school teacher to integrate a south side neighborhood, residents of the area, mostly of Lithuanian, Polish and Irish extraction, demonstrated around the newly integrated house. On Monday, October 5, about 400 persons milled around the southside neighborhood, shouting abuses, throwing bottles and other items. Seventy policemen were used to quell the disturbance. Police said the demonstrations appeared to be spontaneous. No subsequent disturbances have been reported.

Sacramento, Calif.:

An amendment to nullify the Rumford Act, which outlaws discrimination in about 70% of California housing, is magnifying the civil rights issue of 1964 for California votes. This issue has become the most talked about and written about of the campaign. It has brought a heavy registration of minority groups, seen as an aid to the campaign of Lyndon Johnson. On the other hand a large voter turnout in support of the amendment would be beneficial to the republican candidate.

EDUCATION

New York City:

After the arrest of more than 65 persons, police were able to restore order, following the near riotous conditions caused by white parents demonstrating at a newly integrated Queens elementary school. Most of the adults, including the mothers, were charged with loitering at a school, a form of disorderly conduct punishable by up to sixty days in jail. Most were released without bond for trial next month on misdemeanor charges. The school system began truancy proceeding against parents whose children have been withdrawn from the public school system to protest transfers to a different school.

Baltimore:

The Baltimore Chapter of CORE charged that the City's 1965 school budget has built in discrimination when it comes to allocating funds for the pre-dominantly Negro inner city schools. The charges, made in letters to the Mayor and Board of Estimates are applicable to many schools says CORE, but the point specifically to Dunbar Senior High School which is (a) lacking in an adequate supply of up to date text books, (b) lacking in adequate personnel; teachers, counselors, etc., (c) lacking in adequate equipment, laboratories and special classrooms; etc., says CORE.

Queen Anne's Co., Md.:

The community leaders have decided to replace four small, inadequate high schools with one large high school adequate to meet the demands of high quality, diversified high school education. The Baltimore Sun paper editorializes thus:

The Community leaders in Queen Annes knew that if one school replaced the present four, the boys and girls in the school which is all-Negro would be going to the new school along with all the other county high school students. Queen Annes prior to this year has not had any Negroes in classes with white children. But the plan to have just the one new school was the one that made the most sense, putting race aside, and that is the plan which has been adopted, with the color of prospective students not a consideration. When race becomes incidental to school planning on the Eastern Shore, we have moved a long way from the segregated past.

Atlanta, Ga.:

Federal Judge, Frank A. Hooper, who in the past steadfastly refused to grant hearings on previous motions to accelerate school desegregation, prodded the Atlanta School Board to speed up desegregation of the city's public schools. Acting on petitions filed by colored parents, Judge Hooper told School Board members to make a "diligent study" to determine whether public school desegregation could be stepped up without causing strife.

LAW AND LAW ENFORCEMENT

Baltimore:

Praised by Governor Tawes for his "sincere effort to present an acceptable plan to all concerned" in the current allegations of police brutality, Attorney General Thomas B. Finan plans an additional meeting with police officials and civil rights leaders. At the meeting on October 8, the Attorney General took a stand against a "Civilian Police Review Board" and proposed his "Complaint Evaluation Board," as a method of bettering relationships between police and civilians. Under the Finan plan, which leaves the investigation of complaints and subsequent disciplinary action, if any, in the jurisdiction of the police department complaints would also be evaluated by the Attorney General, the States Attorney for Baltimore City and the City Solicitor. Some Civil Rights leaders attacked the proposal, others suggested it was a step forward. All parties agreed they would want additional time to study the effectiveness of the "Complaint Evaluation Board" proposed by Mr. Finan.

Washington, D. C.:

Stating that a Virginia Judge acted as police officer, chief prosecution witness, adverse witness for the defense, grand jury and chief prosecutor, the American Civil Liberties Union has asked the

Supreme Court to review the contempt of court convictions of two attorneys who frequently represented clients in Civil Rights Actions. In recent hearings, both attorneys alleged Judge Holladay, Circuit Court at Hopewell, Va., was prejudiced against the civil rights movement. Therefore they could not get a fair trial in the Circuit Court.

AROUND THE NATION

Atlanta:

Five southern states, Virginia, Alabama, Mississippi, Arkansas and Texas, still cling to the poll tax despite free federal elections.

Biloxi, Mississippi:

The Buena Vista hotel opened its door to colored citizens and permitted the Freedom Committee to stage a banquet with over 200 guests in attendance.

Philadelphia, Mississippi:

Neshoba County's chief law officers, free on bonds on Federal charges of violating the civil rights of colored citizens -- are back on duty patrolling the county.

McComb, Mississippi:

A grand jury continues its inquiry into the rash of racial bombings. The last reported bombing (10/6/64) rocked a Vicksburg Baptist Church building used as a voter registration headquarters. The building was heavily damaged by a dynamite explosion.

New York, N.Y.:

Alarmed by the lack of health facilities and the high incident of infant and maternal mortality in Mississippi, the Medical Committee for Human Rights announced that a rural health center aimed primarily at improving Negroes health would soon be started at a crossroads in Central Mississippi. The Committee said the precise location would be disclosed only after the building had been clearly marked as a health center, perhaps with Red Cross markings.

Washington, D.C. : Hagerstown, Md.:

Senator Javits (R. N.Y.) told the Senate of a rightwing organization "Let Freedom Ring" -- that transmits tape-recorded "hate messages" to telephone listeners. Said Javits, "the push button approach to mass libel ... contributes to a serious erosion of truth and the growth of unwarranted suspicion concerning our national institutions and policies of our national leaders."

In Hagerstown, Joseph Tydings, candidate for the U.S. Senate, told a gathering of Protestant ministers that extreme rightwing organizations are "running rampart spending millions of dollars to defame our President, our federal judiciary, our very system of government."

INFORMATION SHEET

Maryland Commission on Interracial Problems and Relations

Dateline: 10/4/64

Items marked with asterisks indicate additional material under consideration by the Commission

STAFF

Parren J. Mitchell, Executive Secretary
Alice I. Thomas, Secretary Commission Secretaries
Intergroup Relations Representatives
Lane K. Berk, Arbitrator
Barry E. Greenstein
Jerome Mitchell

+ This week's Newsletter prepared by
Jerome Mitchell
Intergroup Relations Representative

NATIONAL SCENE

U. S. Civil Rights Act: Compliance, Justice

Neshoba County Sheriff, Lawrence Rainey and his deputy, Cecil Price are among five Mississippians arrested under indictment by a Federal Grand Jury. The group, accused of subjecting a Negro, Sam Germany, to deprivation of rights by arresting, incarcerating, detaining, striking, beating and whipping him, was arrested after the Jury held two weeks of secret sessions, hearing about 125 witnesses at Biloxi.

In a recent appraisal of general compliance with the Civil Rights Act, however, a government official who had a hand in drafting the bill has expressed satisfaction over the South's relatively smooth compliance. Citing that only 10 court cases have resulted from the Law, the official said, "That is a surprisingly small amount of litigation when you think of all the doomsday cries there were when the Civil Rights Bill was in Congress and was finally enacted into Law."

In conjunction, surveys, made by the Civil Rights Commission throughout the South, indicate that compliance with the Law in larger cities has been particularly encouraging. However, although the Commission has not completed its surveys, it is expected that compliance will come more slowly in the southern rural areas.

Race Superiority: A Fallacy

A United Nations Educational Scientific and Cultural Organization publication carried a report on facets of race superiority compiled by an international group of biologists, geneticists and anthropologists. Included among a list of conclusions, the 22 experts, from 17 countries, unanimously agreed that: "neither in the field of hereditary potentialities concerning the overall intelligence and the capacity for cultural development, nor in that of

OCT 16 1964

physical traits, is there any justification for the concept of inferior or superior races. The Peoples of the world today appear to possess equal biological potentialities for attaining any civilization level."

Florida Parks Integrate:

A U. S. District Court ordered the Florida State Park Board to open its 56 public parks and recreational areas to colored citizens. Colored exclusion from the majority of Florida's parks came to widespread attention in May, 1963 when two Florida A & M University Negro teachers were refused entry to a public park near Tallahassee.

LOCAL DEVELOPMENTS

Public Accommodations: The Referendum

Samuel J. Setta, President of the Maryland Petition Committee, announced that the "states rights" oriented group has kicked off its campaign to defeat the 1963 Maryland Public Accommodations Law in the November referendum. Setta said that 62 co-chairmen have been selected to work in Maryland's 23 counties and Baltimore City.

Organizing to defend the Law, the Committee to Uphold the Public Accommodations Law (CUPAL) announces that its plans for the November referendum campaign to "vote for question five" have been virtually completed. CUPAL, having set up its central clearing house for volunteers, contributions and literature, at 21 N. Fulton Avenue in Baltimore City, advises that any inquiry addressed to that location will be directed to the responsible individual of the appropriate political sub-division. The Committee lists numerous statewide community groups with which it is allied.

Police - Community Relations:

Following the examples of several of the other police districts in Baltimore City, the Southern Police District initiated plans to establish a police - community council in its area. A kick-off meeting was held at the Southern High School Auditorium last week. District Commander, Captain Elmer Bowen called upon citizens "to attend in great numbers to help the police to serve the citizenry in many ways."

Police - citizens' groups of this kind are a part of an overall effort to improve police - community relations in Baltimore City.

Attorney General, Thomas B. Finan, has announced that a meeting between police officials and civil rights leaders on proposed establishment of a civilian police review board will be held on October 8, 1964. Mr. Finan called this meeting as a follow up to the one of two weeks ago when rights leaders discussed grievances against the police department.

MARYLAND COUNTIES

Anne Arundel:

The Anne Arundel County League for Human Rights, a neophyte rights organization, concluded its voter registration drive with more than 400 Negro registrants added to the rolls of Anne Arundel County. The drive, launched two months ago, was the first project conducted by the League's civil rights committee. A voter education drive as well as a study of alleged discriminatory practices in the hiring and advancement of County government employees will follow.

Baltimore County:

County Councilman, Jervis S. Finney, has made public that he will vote in favor of the county civil rights bill when it comes up for final approval. Councilman Finney, favoring local civil rights enforcement, said, "This bill is valuable just as a matter of forthright and orderly dealing among people." The vote is set for October 5.

Worcester:

Worcester County education officials are silent about the long awaited desegregation of its public schools. County Board Chairman, Carmel Wilson, has revealed that one Negro student is enrolled in a previously all white high school. Commenting on his silence on this breakthrough, Mr. Wilson said, "The less said about it, the better we'll get the job done."

CIVIL RIGHTS LEGISLATION AND
LITIGATION OF PARTICULAR INTEREST

The Baltimore County Council will vote on the proposed County Public Accommodations Bill on the night of October 5, 1964.

The Supreme Court opens session on October 5, 1964 with two civil rights cases topping the agenda. The Court's ruling in these cases will be significant in that the Public Accommodations Section of the Federal Civil Rights Act is being tested.

On October 5, Baltimore City Circuit Court Judge Wilson K. Barnes will hear arguments on the validity of signatures gathered to force a referendum on the State's 1964 Public Accommodations Law. The Committee to Uphold the Public Accommodations Law charges that there are enough invalid signatures to keep the Law off the November ballot.

Intermodal

Copy

Route #6
Westminster, Md.
January 21, 1964

Mr. James B. Finan
Attorney General, State of Maryland
Judicial Offices
Annapolis, Maryland

Dear Sir:

The Attorney General's office recently issued a statement carried by the local news media that a Referendum in Carroll County for the Public Accommodations Bill was unconstitutional. Such interpretation follows the same line of thought prevalent when the petition for State Referendum on HB#149 and #150 was invalidated by your office. There seems to be a concerted effort by some elements within in our state to alter the First Amendment to the Constitution of the United States, especially the right to Petition. Why all the fear of a Ballot?

Certainly th a recent ruling on State Senator Edward O. Weant's request for referendum in Carroll County displays a degree of incompetence at your office. The constitutionality of referendum was questioned when legislature was in session and enacted HB 149 and 150 and certainly parliamentary procedure demanded a ruling at that time - not the following year.

Does declaring unconstitutional Senator Weant's call for a Referendum necessarily make mandantory Carroll County inclusion in the Bill, after all eleven counties (nearly one-half) were exempted. Or does your ruling have authority to preclude Senatorial prerogative?

For God and Country,

Charles F. Fehle

Charles F. Fehle

cc:
Governor J. Millard Tawes
Senate Edward O. Weant
Senator J. Glenn Beall
Mr. Charles Mooshian

[Handwritten initials]

Inter-racial

On May 31, 1963, petitions were filed with this office designed to stay the effective date of Chapter 227 of the Acts of 1963, (public accommodations) and to ultimately put this issue on referendum, State-wide, in the fall of 1964.

It is my understanding that in order to do this, 11,540 of the signatures received by this office must be considered as being valid; this being one-half of the total number required to be filed with us by July 1st.

On Wednesday of last week, we started processing the petitions in an effort to determine the total number of valid signatures received by this office. Six employees of this office have been engaged in this task.

The individuals making the check were instructed by me that all signatures were to be considered as valid unless they were obviously invalid on their face and that all reasonable doubt as to validity of a signature was to be resolved in favor of the petitioner. These instructions have been followed. No effort was made by us to check the accuracy of the information supplied by the signers.

Yesterday we completed our survey of the petitions and today we have completed rechecking our findings. The result of what we have done indicates that a maximum of 11,214 valid signatures were received by us on May 31st.

It appears to me that this is an insufficient number of signatures to satisfy the June 1st requirement of the law and the effort to refer this Act to the voters is unsuccessful.

Lloyd L. Simpkins
Secretary of State

Interracial - Restaurants
Re: Busch
COPY

June 14, 1963

Mr. Robert L. Busch
Box 134 A, Route # 4
Annapolis, Maryland

Dear Len:

Thank you for your letter of June 12, 1963, in which you express your grave concern regarding the integration of your restaurant and its possible adverse economic repercussions.

I can understand your concern in this regard, for I recognize that you have spent considerable sums of money and many years developing your restaurant into one of Anne Arundel County's finest. We must face the fact, however, that the General Assembly of Maryland has enacted a public accommodations law which is now in force and effect. As good citizens and business men, we have no alternative than to comply with the provisions of this law and I know that you intend to do just that.

Inasmuch as the law is uniform throughout the County and affects all restaurants alike, I am advised that the impact from integration has been minimal and that other restaurants comparable to yours, such as the Maryland Treadway Inn, Carvel Hall, Harbor House, and others throughout the County, have integrated without any difficulty.

Although I do not want you to feel that I am minimizing your concern in this matter, I do believe that your experience will follow the pattern of other restaurants throughout the County and that you will encounter no overwhelming hardships or difficulty.

With kindest regards and best wishes, I am

Sincerely yours,

Governor

JMT:rnb

June - 12 - 1963

Dear Willard:

As the Governor of Maryland, and guardian and interpreter of the laws of Maryland, I am asking you what you would do if you were me.

For the past 18 years this month (I started here 1945) I have never refused service to anyone.

However due to my Eastern Shore following (of which I am a part, the same as you) I have always had carry out only for the negro.

I cater to the people of the Shore all the way down to the ocean and the Choptank, and realize several hundred thousand dollars each year from them.

2.

In view of what happened
last night in Cambridge,
I am afraid of financial
suicide should I drop my
guard and change our method
of business to include table
service to the colored element.
I am certain that after the CoX
and Oriole games in Baltimore,
and the men and boys of the
"Shore" start pouring into my
place and find a negro or
negroes sitting at a table
while they have to stand to
be served will be disastrous.

I have an investment to the
tune of \$500,000⁰⁰ here that I
am compelled to protect as
well as 40 white and 12
colored in my employ.

Our night business in our dining room - Bar - and Grill comprises men and women from every walk in life especially in the professional field.

The "Truckers" from the North and South & all patronize our Grill 24 hours each day are especially beligerent and disdainful when it comes to eating next to or around a negro.

I do not want to be flay rads in regards to the law, and at the same time I do not want my place reduced to shambles physically or economically.

If you had to make this decision what would you do?

4.

Your opinion will not be for
public print or brought to
public attention, no matter
what transpires.

I just want to know as one
Eastern Shesman and Democrat
to another, what would you do
if you were sitting on this
powder keg not knowing
who was going to light the fuse.

Personal regards
Rud L (Lin) Burch



Governor & Mrs J Millard Tawes
Government House
State Circle
Annapolis Md

Personal

ROBERT L. BUSCH
Box 134-A ~ Route 4
Annapolis, Maryland

Interracial Incident - Rt. 40

COPY

June 17, 1963

Mr. Isaac G. McNatt
848 St. Nicholas Avenue
New York 31, New York

Dear Mr. McNatt:

Governor Tawes has asked me to reply to your recent letter. I am indeed sorry to learn of the unfortunate incident that occurred to you and members of your family along Route 40.

I am, however, very happy to advise you that the Secretary of State of Maryland has ruled that the petitioners on our Public Accommodations Act have failed to submit sufficient numbers of valid signatures. No doubt his decision will be challenged in the courts, but we are confident that his action will be sustained. The Public Accommodations Act is now law in Baltimore City and twelve of our counties, including all those through which Route 40 passes.

With kindest regards, I am

Sincerely yours,

Edmund C. Mester
Executive Assistant to the Governor

ECM:ae

ISAAC G. McNATT
ATTORNEY AT LAW
848 ST. NICHOLAS AVENUE
NEAR 152ND STREET
NEW YORK 31, N. Y.
—
AUDUBON 3-2400

June 7, 1963

Gov. Millard Tawes
Governor's Mansion
Annapolis, Md.

Dear Sir:

On May 28th, I stopped at a Diner on Route 40, just north of Baltimore, and asked for a cup of coffee. I had been driving all night coming up from North Carolina, accompanied by my brother and sister-in-law. We were refused service, the waitress stating that she would not sell to colored folks until June 1st. Sunday's New York Times carried a story that segregationists had collected sufficient signatures to block the imposition of the law that was to have gone into effect on June 1st, and which would have banned racial discrimination in twelve of Maryland's counties at places of public accommodation.

I suppose such a thing has never happened to you. Nevertheless, I was glad to see by the Times article that you were strongly in favor of the anti-discrimination law. I hope that you will launch a vigorous educational campaign to the effect that such law may be upheld by the electorate when it is submitted to the referendum in 1964.

All I wanted was a 10¢ cup of coffee, but the color of my skin prevented my getting even that. If the northeastern states cannot guarantee such a simple civil right as the right to obtain a cup of coffee, I see nothing left except for the Federal government to step into the picture and pass such legislation. After all, the people who maintain businesses along U.S. highways are benefitting from Federal tax money and using this opportunity to discriminate against Negroes.

I just wanted to let you know how I felt about this, and hope that you will leave no stone unturned to see that Maryland does enact an effective anti-discrimination law.

Very truly yours,


Isaac G. McNatt

IGM/dmj