



MARYLAND COMMISSION ON INTERRACIAL
PROBLEMS AND RELATIONS

*H.B. 150
against*

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April 10, 1963

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

My dear Governor:

At the regular meeting of the Maryland Commission on Interracial Problems and Relations the following motion was passed: to notify the Governor that we studied the Bill and we do recommend that you sign it.

The Commission also passed a motion confirming your appointment of Parren J. Mitchell to fill the post of Executive Secretary effective as soon as he can terminate his present employment.

With kindest personal regards, believe me, as ever,

Most sincerely,

William C. Rogers, Sr.,
Chairman

WCR:fms

COPY

H.B. 150

March 21, 1963

Miss Judy Swoboda
3410 Cornwall Road
Dundalk 22, Maryland

Dear Miss Swoboda:

Governor Tawes has asked me to thank you for your letter of March 19, 1963, in which you requested information regarding the scope of the recently passed public accommodations bill.

The Maryland General Assembly affords each local delegation the courtesy of exempting its county from State-wide legislation. This applies in most cases, the notable exception being legislation affecting the tax structure of the State.

Thus, the counties that remained in the bill are those counties whose representatives desired that the provisions of the new law apply to their respective counties.

While it is most unfortunate that the provisions of the equal accommodations law will not be effective in every county, it would have been most difficult to enact any law had attempts been made to override the exempting amendments.

With kindest regards and best wishes, I am

Sincerely yours,

Ejner J. Johnson
Executive Assistant to the Governor

EJJ:mad

Judy Swoboda
3410 Cornwall Road
Dundalk, Md., Maryland
March 19, 1963

Honorable J. Millard Tawes
Governor of Maryland
Annapolis, Maryland

Dear Governor Tawes:

I would like to know
more about your Equal
Accommodation Legislation.
Why do eleven counties
have to accept and
enforce this bill, while
the power of the bill
is exempt to the
other twelve counties?
Thank you very
much. Your explanation
would be appreciated.

Sincerely yours,
Judy Swoboda

COPY

July 29, 1963

Mr. Charles G. Brooks
5407 Todd Avenue
Baltimore 6, Maryland

Dear Mr. Brooks:

Governor Tawes has received your letter of July 19 regarding the petitions filed on House Bills 149 and 150 and has requested that I reply to you regarding the same.

On May 30, petitions were filed with this office designed to place both of these measures before the electorate of our State in the fall of 1964. The signatures filed with us were checked by this office, with the assistance of the Attorney General's office, and it was found that an insufficient number had been filed to comply with the law; consequently, it is the opinion of this office that the attempt to place these two measures on referendum has failed and that both of the bills are now law.

It is anticipated, however, that litigation will soon be filed in our courts designed to bring about a definite court answer on this question.

The Governor has asked me to thank you for the kind words expressed relative to the TV speech which he made several days ago.

Very truly yours,

Secretary of State

LLS/ss

March 2, 1963

Dr. John H. Pollak
15 Glymont Road
Indian Head, Maryland

Dear Doctor Pollak:

I have your letter of March 1st, together with the editorial which appeared in the Washington Post. The editorial is in reference to the Public Accommodations Bill now before the Maryland Senate.

This is a Bill which I proposed to the General Assembly of Maryland, and which was passed by the House of Delegates, after several counties had requested to be exempted from the Bill. When the Bill reached the Senate, the Senator from Anne Arundel County reinstated his county in the Bill, and I understand some amendments have been added to the Bill, and even with these amendments we are not sure there are enough votes in the Senate to pass it in its amended form.

If the Bill is passed in its amended form, it will be sent back to the House of Delegates for concurrence in the Senate amendments. At the present time we do not have any definite information as to the outcome of this Bill. However, it has been and is receiving my unqualified support, as I feel this session of the General Assembly should pass a Public Accommodations Bill.

Thanking you for your interest, I am

Sincerely yours,

Governor

House Divided

Maryland's supposedly brave gesture against racial discrimination in hotels and restaurants has simmered down to a pallid mess of unconstitutional confusion. As the bill emerged from the Senate Judicial Proceedings Committee, both its supporters and opponents were troubled. The bill is said to be poorly drafted; its enforcement provisions leave much to be desired; its coverage is spotty. The major question is whether the bill creates more discrimination than it would remove.

The basic philosophy behind this measure is that hotel and restaurant accommodations must be open to everyone without regard to race or color. Yet in its present form the antidiscrimination bill would apply to only 12 of Maryland's 23 counties, and incidentally not the same 12 that are included in the House bill. The effect would be to make Maryland a house divided so far as these important rights are concerned. Instead of providing "the equal protection of the laws" guaranteed by the Fourteenth Amendment, the bill would make the rights of citizens in different counties grossly unequal.

It is difficult to believe that the courts would sustain such arbitrary discrimination in a state law. A political compromise has turned the measure into a farce. Probably the best thing for the Judicial Proceedings Committee to do would be to take a fresh reading of the Fourteenth Amendment and start all over again.

Telephone: Rt. 8-4841

John H. Pollak, Ph. D.

15 Glymont Road

Indian Head, Maryland

BY SPECIAL DELIVERY

THE HONORABLE J. MILLAR TAWES
GOVERNOR OF THE STATE OF MARYLAND
ANNAPOLIS, MARYLAND

1 March 1963.

Dear Governor Tawes :

In one of your letters you wrote me you used this phrase : " Politics, as you know, is the art of the possible; in order to attain what we are striving for, we have to make compromises. "

In general, this is true, but there are cases when we simply have to take a firm stand. Please find attached the editorial " HOUSE DIVIDED " from the Washington Post of 28 February 1963.

I do hope that you, dear Governor Tawes, will not take the following as a criticism of your person. However, you are the leader of the Democratic Party in our state and I believe the future of our party is at stake. The bill against discrimination in hotels and restaurants MUST be statewide, if a number of counties is exempt, confusion starts which is worse than no law at all. Please insist on a sensible, statewide bill. Watered down bills are useless in this case. The same is true in the case of the slot machines bill.

This is a serious situation and I appeal to you to use all your influence to obtain sensible, practical legislation.

Respectfully yours,

John H. Pollak
John H. Pollak.

Encl. editorial from Washington Post.

COPY

March 7, 1963

Miss Ruth Fegley, Executive Director
The Baltimore Fellowship, Inc.
3200 N. Hilton Street
Baltimore 16, Maryland

Dear Miss Fegley:

Governor Tawes has discussed your recent letter with me in which you express the opposition of The Baltimore Fellowship to three amendments placed on the public accommodations bill by the Senate.

As you know, the Governor submitted to the House of Delegates a bill on public accommodations drafted by the Interracial Commission. This was the bill that the Governor supported, and this was the bill he hoped the General Assembly would enact. The Senate of Maryland has seen fit to amend the Administration bill, as they have every right to do.

We are hopeful that a bill will emerge that will result in a definite step forward in race relations.

With kindest regards, I am

Sincerely yours,

Edmund C. Mester
Executive Assistant to the Governor

ECM:ae

Mestic
The Baltimore Fellowship, Inc.
A LABORATORY IN HUMAN RELATIONS

3200 N. HILTON STREET
BALTIMORE 16, MD.

Phone, Liberty 2-2995

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RUTH FEGLEY
EXECUTIVE DIRECTOR

March 1, 1963

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

My dear Governor:

We would like to state our concern about the amendments which the Senate Judicial Proceedings Committee has added to H. B. 150. Although we have conceded from the beginning of this Session that a really adequate equal public accommodations Bill would not be passed and that we would have to settle for drastic compromises, the action taken this week has so emasculated the effectiveness of the Bill we feel we must register our protest.

To be specific: Even though we violently disagree in principle, we are willing to go along with the exclusion of taverns, cocktail lounges, etc. - recognizing the political expediency of this. However, we cannot support amendments #7, 8, and 9. Amendment #7 would all but obliterate the function of the "Interracial Commission", and the experience of the many other states which have human relations agencies shows the unquestioned value of agency investigation and negotiation. So very few cases ever reach the Courts this part of the procedure is considered as only a final resort. When the agency handles the procedures, both the aggrieved and the respondent are protected from publicity in the preliminary stages and facts are made public only if an agreement cannot be reached amicably. Surely we should follow the successful pattern established by the ten other states and not put Maryland in the position of enacting into law a plan that is a step backward.

Secondly, Amendments #8 and 9 seem completely inequitable to the intent of the original law. We do not argue against the principle of a person having the right to redress if falsely accused, but since this is implicit in our law at all times, we feel that it is "spelled out" in this amendment only for vindictive means. To make it even worse, a criminal penalty would be inflicted when the complaint of the original case can be settled either by negotiation or, at best, civil penalties.

Governor J. Millard Tawes

Such amendments would make the Bill a complete farce and, added on to the fact that it is not a state-wide measure, would put Maryland in a rather ridiculous light.

We would hope that you will use your influence to see that these amendments are stricken - and to make sure that the proposed amendment concerning a referendum in Carroll County is likewise stricken, so that the entire Bill is not jeopardized by its inclusion. We also trust that you have already given your support to H. B. 230 and S. B. 202 which would put the job of the Executive Secretary of the "Interracial Commission" under the Merit System and appointed by the Commissioners. This change, plus the assurance of an adequate budget which will take into consideration increased staff to handle the widened scope of the agency, are imperative if we expect to have a first rate agency.

Sincerely yours,

Ruth Fegley
(Miss) Ruth Fegley
Executive Director

States Which Have Civil Rights Legislation

* denotes State agency with enforcement power

Name of State	Population (1960 Census)		Areas Covered			State Agency No Enforcement Power	No Agency
	Total	Non-white %	Employ- ment	Public Accommo- dations	Housing		
1. Alaska	226,167	22.8	*	x	x		
2. Arizona	1,302,162	10.2	x				x
3. California	15,717,204	8.1	*	x	x		
4. Colorado	1,753,947	2.5	*	*	*		
5. Connecticut	2,535,234	4.4	*	*	*		
6. Delaware	446,292	13.8	x			x	
7. Hawaii	632,772	68.	x				x
8. Idaho	667,191	1.5	x	x			x
9. Illinois	10,081,158	10.6	*	x			
10. Indiana	4,662,498	5.9	x	x	x	x	
11. Iowa	2,757,538	1.		x			x
12. Kansas	2,178,611	4.6	*	x			
13. Maine	969,266	.5		x			x
14. Maryland	3,100,690	16.9	x			x	
15. Massachusetts	5,148,578	2.4	*	*	*		
16. Michigan	7,823,194	9.4	*	x	x		
17. Minnesota	3,413,864	1.3	*	x	*		
18. Missouri	4,319,813	9.2	*				
19. Montana	674,768	3.6		x	x		x
20. Nebraska	1,411,330	2.5	x	x			x
21. Nevada	285,278	7.7				x	
22. New Hampshire	606,922	.4	x	x	x		x
23. New Jersey	6,066,782	8.7	*	*	*		
24. New Mexico	951,023	7.9	*	x			
25. New York	16,782,304	8.9	*	*	*		
26. North Dakota	632,446	2.		x			x
27. Ohio	9,706,397	8.2	*	*			
28. Oregon	1,768,687	2.1	*	*	*		
29. Pennsylvania	11,319,366	7.6	*	*	*		
30. Rhode Island	859,488	2.4	*	*	*		
31. Vermont	389,882	.2		x			x
32. Washington	2,853,214	3.6	*	*			
33. West Virginia	1,860,422	4.9				x	
34. Wisconsin	3,951,777	2.4	*	x	x		
35. Wyoming	330,066	2.2		x			x
		Total -	27	28	16	5	11
		With Agency Enforcement-Total -	19	10	9		

Additional information about agencies which have no enforcement powers.

Indiana - \$60,000.00 annual budget. Empowered to hold public hearings and can subpoena witnesses.

Nevada - Empowered to investigate complaints, hold public hearings, and subpoena witnesses. (No paid staff.)

West Virginia - Empowered to investigate complaints, hold public hearings, and administer oaths.

States With Equal Public Accommodations Legislation

Note: Laws which do not provide for an enforcement agency have proven to be relatively ineffective - due to expense of court procedures and unwillingness of Law Enforcement Officers to prosecute.

Name of State	Effective Date *	Coverage		Enforcement			Penalties
		Broad	Enumerative	Agency & Court as Alternative	Criminal Court	Civil Court	
Alaska	1949	x			x		Fine up to \$500 and/or 30 days imprisonment
California	*1959	x				x	Fine up to \$250
Colorado	1957	x		x	x	and x	Civil Damages \$50 - \$500 Criminal Penalty \$10-\$300 and/or up to 1 year
Connecticut	1949	x		x	x		\$25-\$100 fine and/or up to 30 days
Idaho	1961		x		x		Misdemeanor
Illinois	*1885 1957	x			x	and x	Civil Damages and Criminal Punishment
Indiana	*1885 1961	x			x	and x	Civil Damages up to \$25 Criminal fine up to \$25
Iowa			x		x		
Kansas	*1874 1959		x				Fines
Maine	* 1959	x			x		
Massachusetts	*1865 1950	x		x	x	and x	Civil Damages and not more than \$300 and up to 1 year
Michigan	*1931 1956	x			x	and x	Civil Damages and Criminal punishment
Minnesota	1961	x			x	and x	Civil Damages and Criminal punishment
Montana		x		n o n e			
Nebraska		x			x		Criminal punishment
New Hampshire	*1919 1961		x		x		\$10 - \$100 fine
New Jersey	* 1949	x		x	x	and x	Civil Damages and up to \$500 and 1 year
New Mexico		x		n o n e			
New York	1952	x		x	x	and x	Civil Damages and up to \$500 and 1 year
North Dakota	1961		x		x		Misdemeanor - up to \$100 and/or 30 days
Ohio	* 1961	x		x	x	x	Civil Damages and contempt of court
Oregon	1957	x		x		x	Civil Damages
Pennsylvania	1939 1961	x		x		x	\$100-\$500 and/or 30 days Contempt of court - Misd.
Rhode Island	1952	x		x			
Vermont		x			x		Criminal punishment
Washington	1957	x		x	x	and x	Misdemeanor
Wisconsin		x			x	and x	Civil Damages and Criminal Punishment
28. Wyoming	1961	x			x		Misdemeanor - up to \$100 and/or 90 days

* Denotes an old law which was vague and difficult to enforce. When two dates appear, second date denotes year a law was first put under a State agency for enforcement. (All amendment dates are not indicated.)

Where notations are missing we were unable to find factual data. However we feel enough facts are contained above to describe the trends.

States With Fair Employment Practices Legislation

I States with Agencies empowered to receive and investigate complaints, act as conciliator, conduct public hearings, issue cease and desist orders, and seek enforcement of same in the Civil Courts - if so necessary.

Name of State	Date of First Law	Minimum no. of Employees Required for Coverage	Who May File Complaint			Penalties (if specifically stated)	Jury Trial Provided
			Indiv.	Agency	Att'y Gen'l		
Alaska	1953	1	x			Misdemeanor -up to \$500 fine and/or 1 year	
California	1959	5	x	x	x	Misdemeanor- up to \$500 and/or 6 months	
Colorado	1951	6	x	x	x		
Connecticut	1947	5	x	x			
Illinois	1961	75	x			Contempt of Court	
Kansas	1953	8	x		x	Misdemeanor- up to \$500 and/or 1 year	x
Massachusetts	1946	6	x	x	x	Up to \$500 and/or 1 year	
Michigan	1955	8	x				
Minnesota	1955	8	x	x		Contempt of Court- up to \$250 and/or 6 months	x
Missouri	1961	50	x	x	x	Misdemeanor	x
New Jersey	1945	6	x	x	x	Misdemeanor- up to \$500 and/or 1 year	
New Mexico	1949	4	x		x		
New York	1945	6	x		x	Misdemeanor- up to \$500 and/or 1 year	
Ohio	1959	4	x	x	x	Contempt of Court	
Oregon	1949	6	x		x		
Pennsylvania	1955	12	x	x	x	Contempt of Court - Misd. \$100-\$500 and/or 30 days	
Rhode Island	1949	4	x	x			
Washington	1949	8	x	x		Misdemeanor	
19. Wisconsin	1945	1	x	x	x		

Note: The trend has been that employers have tended to comply with the law, at least when an investigation of a complaint is started. Very few cases have reached the stage of an Agency order and court review.

II Other States which have Laws but no Enforcement Machinery

- Arizona - Covering public employment and employment in performance of public contracts. Provides for court action and fines.
- Delaware- In 1961 enacted a law creating the Division Against Discrimination in State Labor Comm. and declaring it unlawful to discriminate in employment (exact practices enumerated). However, the duties and powers of this division were not spelled out-only "to adopt rules and regulations...to effectuate the purpose of this act. Penalties-not more than \$200 for first offense, \$500 for second or 90 days imprisonment.
- Idaho - In 1961 enacted a law that declares "the right to obtain and hold employment without discrimination.....a civil right", Penalty-misdemeanor.
- Indiana - "Voluntary" fair employment law enacted 1945 revised in 1961 to include a non discriminatory clause in all State contracts or political subdivisions.
- Maryland- In 1961 adopted two bills-(1) prohibiting employment discrimination by government agencies. Penalty-fine up to \$500. (2) dealing with state contractors. Penalty-concancellation of contract and pay reasonable price for services rendered.
- Nebraska- Statute which prohibits discrimination in defense work employment.
- Nevada - Statute declaring job discrimination to be against public policy but no enforcement machinery.

States With Legislation Affecting Discrimination in Housing

Name of State	Enforce- ment Agency	Public Housing	Urban Renewal	FHA & VA	Private	Real Estate Agents	Mortgage Lenders	Adver- tising	Effective Dates of Private Housing
Alaska		x	x	x	x				1962
California		x	x	x		x			
Colorado	x	x	x	x	x	x	x	x	1959
Connecticut	x	x	x	x	x	x	x		1959
Indiana		x	x						
Massachusetts	x	x	x	x	x	x	x		1959
Michigan		x				x			
Minnesota	x	x	x	x	x	x	x	x	1963
Montana			x						
New Hampshire		x			x				1961
New Jersey	x	x	x	x	x	x	x	x	1961
New York	x	x	x	x	x	x	x	x	1961
Oregon	x	x	x	x	x	x		x	1959
Pennsylvania	x	x	x	x	x	x	x	x	1961
Rhode Island	x	x							
17. Wisconsin		x	x						
Totals	9	15	13	10	10	10	7	6	

Above information obtained from "Trends in Housing" published by National Committee Against Discrimination In Housing, 426 West 58 St., New York 19, N. Y. Information on preceding tables has been compiled from the actual laws, in most cases. Other information was gleaned from publications from the American Jewish Congress and the Anti Defamation League of B'nai B'rith.

Compiled and distributed by the Human Relations Information Center of THE BALTIMORE FELLOWSHIP, INC.
3200 North Hilton Street
Baltimore 16, Maryland

Liberty 2-2995

COPY

February 6, 1963

Mr. Samuel J. Setta
Wishing Well Motel
Route 50
Easton, Maryland

Dear Mr. Setta:

Governor Tawes asked me to reply to your recent letter in which you express your opposition to public accommodations legislation.

As you have probably learned from the papers, the bill has passed the House of Delegates; but Talbot County has been expressly excluded from the provisions of the bill.

With kindest regards, I am

Sincerely yours,

Edmund C. Master
Executive Assistant to the Governor

ECM:ae

Wishing Well Motel

ROUTE 50 -- EASTON, MARYLAND

1/4 MILE SOUTH OF TRAFFIC LIGHT

MR. AND MRS. SAMUEL J. SETTA, PROPS.

PHONE: 822-2272

January 26, 1963

Governor J. Millard Tawes
Government House
Annapolis, Maryland

Dear Governor:

I am an outspoken opponent of a public accommodations law and I will be at the hearing January 29, 1963 to give my views. Correspondence between us before the last election revealed this opposition. I will incorporate into my talk a proposal to inject as much fairness as possible into a law which I consider completely un*American.

I have given a copy of this amendment to Senator John-Clarence North and Delegates Thomas Hunter Lowe and James C. Latham for introduction if and when the law reaches the floor of the House and Senate and they have promised to see it through agreeing that it is desirable.

I am writing you so that you will be aware of it before hand and also to solicit your support.

Enclosed is a copy of this amendment which will be written in more legalistic terms before being presented.

The businessmen who will be affected by this law deserve your support and they would appreciate it.

Yours truly,

Samuel J. Setta
Samuel J. Setta

SJS/es

Wishing Well Motel

ROUTE 50 -- EASTON, MARYLAND

1/4 MILE SOUTH OF TRAFFIC LIGHT

MR. AND MRS. SAMUEL J. SETTA, PROPS.

PHONE: 822-2272

THIS LAW SHOULD CARRY A SAFEGUARD TO PROTECT THE BUSINESSMAN AGAINST UNJUST ACCUSATIONS: A NEGRO ^{WHO} RAISES THE FALSE CHARGE OF DISCRIMINATION AND FORCES THE BUSINESSMAN INTO THIS LENGTHY LEGAL ROUTINE SHOULD FACE THE SAME PENALTIES AS THE BUSINESSMAN WOULD HAVE IF THE DISCRIMINATION CHARGE IS TRUE.

THIS WOULD SERVE TO MAKE A WOULD BE ACCUSER SURE HE HAS HIS FACTS STRAIGHT BEFORE LEVELING HIS CHARGE OF DISCRIMINATION. WITHOUT THIS EQUAL PENALTY CLAUSE FOR ACCUSER AND ACCUSED A BUSINESSMAN WOULD HAVE AN EXPENSIVE AND TIME CONSUMING CIVIL SUIT TO INSTITUTE TO RECOVER DAMAGES. THEN THIS LAW WOULD HAVE SOME SEMBLANCE OF EQUAL PROTECTION UNDER THE LAW.

Wishing Well Motel

ROUTE 50 -- EASTON, MARYLAND

1/4 MILE SOUTH OF TRAFFIC LIGHT



Deliver to Addressee Only

REGISTERED

1747

RETURN RECEIPT REQUESTED

Deliver to Addressee Only

JAN 2 1960

Deliver to Addressee Only

Governor J. Millard Tawes
Government House
Annapolis, Maryland

Deliver to Addressee Only

