



# CONGRESSMAN'S REPORT

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## The Big Challenge Civil Rights and the 88th Congress

In 1863, with the stroke of his pen, Abraham Lincoln ended the shame of human slavery in this country. In the backwash of the Civil War this nation ratified the 13th, 14th and 15th Amendments in an attempt to confer full citizenship on the former slaves of the South and their descendants. Yet, in the summer of 1963 -- exactly 100 years after Lincoln's Emancipation Proclamation and 344 years after the first Negroes were brought to this continent -- a major crisis in race relations has erupted to rock the country and claim the center of the legislative stage.

Some claim that American Negroes are perfectly content with their status, that the riots in Birmingham, Jackson, Cambridge and elsewhere are really the work of "outside agitators" and Communists. Others seem to think that President Kennedy has somehow pressed a button and caused all of this to happen. Are these charges true? No one can talk to ordinary Negro citizens and their leaders and come to these strange conclusions. There are deep, basic feelings involved, and they aren't going to go away as a result of "token" measures or the barring of Communists and "outsiders" from Mississippi. I think Dr. Ralph Bunche assessed the situation far more accurately when he said recently:

"The fact has to be faced by the whole country and people, North and South, that there is a real social revolution in progress involving the unshakeable determination of the Negro to escape from second-class status."

We all nod our heads when Fourth of July orators solemnly repeat from the Declaration of Independence "all men are created equal." Yet it is apparent in 1963 that "some are more equal than others." Even those who can agree on the general proposition that all citizens should be equal are bitterly divided on many points:

\*\* What is the proper role of Government in relations between the races?

\*\* Should civil rights gains come through legislation or "moral persuasion?"

\*\* If legislation is needed, should the Federal Government act or leave the field to state legislatures and city councils?

\*\* Should each state be free to segregate or integrate?

\*\* What is the application of State's Rights to these great problems?

In this setting the President in a special message on June 19 asked for enactment of the most far-reaching and comprehensive civil rights bill ever considered by the Congress. In the next few weeks the House will debate this bill. In advance of that debate I want to explore with you the issues it raises and review with you the events of recent months which have made it the most important challenge of the 88th Congress.

## SOME BACKGROUND

I think many Negroes overlook the fact that they have come a long way in the last 15 years in their march toward equal citizenship. Looking back at history, we can see that there was little advancement for the Negroes of this country from 1880 to the end of World War II. Since 1948, however, beyond question there have been striking, substantial and continued improvements, including the following:

\*\* In 1948 President Truman issued an executive order calling for an end to segregation in the Armed Forces. \*\* Simultaneously he banned discrimination in federal hiring. \*\* In 1951 he established a committee to enforce non-discriminatory clauses in government contracts. \*\* The U.S. Supreme Court ruled in 1954 that public school segregation is unconstitutional. \*\* In the same year the Secretary of Defense ordered an end to segregation in military post schools. \*\* Congress in 1957 passed its first Civil Rights Act since Reconstruction days, giving the Attorney General power to enforce voting rights and establishing the Civil Rights Commission. \*\* Congress in 1960 amended the Civil Rights Act to strengthen enforcement of voting rights. \*\* In the same year the Supreme Court banned segregation in

interstate bus stations and outlawed anti-Negro gerrymandering of voting units. \*\* Congress in 1962 passed and submitted to the states an Anti-Poll Tax Amendment.

Despite these and other gains, however, no one can deny that the goal of equal citizenship for all Americans is still far from attained. It is not as though the Negroes were asking for special favors and privileges not

enjoyed by other citizens; what they are seeking is the same set of rights and privileges which all other citizens take for granted. As one Negro told me recently, we are observing a generation which is tired of waiting. "What do they mean, 'too fast'?" he asked. "Nobody else has to wait; why should we?"

How far we are from the goal of equality is indicated by such facts as these:

\*\* Mississippi has 2.1 million residents, of whom 900,000 are Negroes. While Negroes comprise 42% of the state's population, they have less than 5% of the registered voters. The white population, with 58% of the residents, has over 95% of the voters.

\*\* In many Southern states and elsewhere Negroes are unable to obtain common, everyday services which are readily available to other citizens -- service in restaurants, hotels, theaters and other public facilities. It makes no difference how well educated or highly regarded a Negro might be under these circumstances; he may not receive the same service extended unquestioningly to white persons of the lowest moral character and the least education. In the South such discrimination is carried on openly; in the North and West it can be found in many places, concealed by protestations like "sorry, we're full up."

\*\* Foot-dragging and legal maneuvering by Southern states has delayed desegregation in the public schools. After nine years only 7.6% of the Negro children in 17 Southern and border states are in classes with white children. Elementary and secondary schools are still totally segregated in Alabama, Mississippi and South Carolina.

\*\* Because of job discrimination and educational shortcomings the unemployment rate among Negro workers is more than twice that of the working force as a whole.

These are the basic reasons why Negroes are dissatisfied with the pace of progress to date and why they "demonstrate." Rather than giving the President "credit" for the riots and demonstrations which have occurred, Negro leaders bitterly complain about his failure to implement his campaign promises on civil rights. For the first time in our country's history Negroes are really aroused and are acting in concert with effective leadership. Increasing demonstrations and riots, or worse, will surely result unless something pretty close to the President's bill is enacted this year.

#### WHAT ABOUT ARIZONA?

Arizona can take pride in many of its efforts toward racial equality, but we are not without blame. On the credit side, we can note the desegregation of Arizona schools in 1951, three years ahead of the Supreme Court decision. Before that we desegregated the Arizona National Guard and prohibited discrimination against guardsmen in uniform. In 1953 we enacted legislation to prohibit discrimination in state employment and in firms contracting with the state. Tucson in 1955 established a Mayor's Committee on Human Relations, succeeded in 1960 by a municipal Commission on Human Relations. Through this body, and with cooperation of proprietors, we adopted a voluntary city-wide "open policy" in public accommodations which is still in force today.

On the other hand, Arizona has failed in many ways. Along some of our major highways one still sees signs reading "White Only" or "We reserve the right to refuse service to anyone." Many Negroes have reported the embarrassment and inconvenience they have experienced in trying to find a room or a place to eat when traveling through our state. Jobs are available to Negroes, but seldom if they involve "meeting the public." Most home builders consistently refuse to sell to Negroes, and discrimination in housing is the rule and not the exception. Not only Negroes, but Indians and Mexican-Americans, have been the victims of discrimination in many of our communities. For years our state Legislature has refused to pass even the most modest, watered-down, unenforceable kind of public accommodations bill. This year the Legislature even refused to ratify the federal Anti-Poll Tax Amendment, which had been approved in Congress by an overwhelming vote and which now has been ratified by 36 states, including Tennessee, Kentucky and Florida. The vote of Arizona and one additional state would have made this the 24th Amendment to the Constitution -- and ended for all time the requirement that citizens pay a special tax to vote.

It is a recognized fact that many kinds of federal legislation have been enacted only because states have failed to meet their responsibilities. Arizona legislators who object to the President's bill might ponder this truth.

#### THE KENNEDY PROPOSALS

In his special message June 19 President Kennedy requested six major items. Unfortunately they can't be fully discussed in the available space. In summary form they are:

1. Voting Rights. Federal courts would be empowered to appoint "voting referees" who could register voters in areas of hard-core resistance to Negro registration. Discriminatory literacy tests (harder questions for Negroes) would be abolished. Voting rights suits would be expedited in federal courts.

2. Public Accommodations. Would prohibit racial and religious discrimination by proprietors of hotels, motels, restaurants, stores, theaters and other public places. Some aspects of this important proposal are discussed below.

3. School Desegregation. Would provide technical and financial aid to local school authorities to ease the transition to desegregated education. In addition, the Attorney General would be empowered to initiate desegregation suits in the name of the United States. (Suits now must be brought by individual citizens on behalf of their children.)

4. Community Relations. Because pride, hostility and misunderstanding prevent normal communication between leaders in strife-torn communities there would be created a Community Relations Service to fill this gap. Assistant Attorney General Burke Marshall demonstrated what could be done by outside persuasion and conciliation when he went to Birmingham earlier this year.

5. Use of Federal Funds. Would empower, but not require, federal administrators to withhold grants if money would go to finance construction of segregated facilities.

6. Job Opportunities. Would prohibit racial and religious discrimination by employers and unions, give permanent status to Committee on Equal Employment Opportunity, increase appropriations for vocational education, manpower development and training.

In addition to the above the President renewed his request for a four-year extension of the Civil Rights Commission, established in 1957 to investigate asserted violations of civil rights and to make recommendations to the President and Congress. Without congressional action the Commission would expire November 30, 1963.

#### THE PUBLIC ACCOMMODATIONS SECTION

Present indications are that all of the above items would pass if the House and Senate had an opportunity to vote on them -- with the one exception of the controversial public accommodations section. It is charged, for example, that this represents a new and flagrant interference with private property.

The National Association of Real Estate Boards contends that any proprietor of any commercial business has a constitutional right to choose his customers on any basis he pleases. Property rights, as distinguished from human rights, are held to be paramount and unassailable. President Kennedy and civil rights leaders make these responses:

- a. This is not a drastic, new, untried principle of law. Thirty states and various cities already have public accommodations laws and ordinances. In fact, 70% of the American people now live under such laws. This bill would only apply the same rule to the remaining 30%.
- b. There is a big distinction between private property used as a home and private property on which a business is conducted for profit and to which the general public is invited. Businesses cannot be divorced from the communities in which they operate; in fact, they couldn't exist if it weren't for the communities around them. For this reason they have always been regulated in the public interest in various ways -- through zoning laws, building codes, safety requirements, health regulations, sign regulations, child labor laws, wage and hour laws, etc. This bill would simply extend the same principle to a problem of the gravest community concern today.
- c. There are no absolute rights in a democracy. The contention that property rights are inviolate ignores the fact that all rights are relative to the rights of others. We should remember that Southerners once argued for the continuation of slavery on the ground that slaves were private property.
- d. Congress can act to prevent hardships. If Congress feels the bill, as submitted, would work special hardships on the owners of very small establishments, it can refine the language to exclude such places as the mythical "Mrs. Murphy's Boarding House."

It should be noted, too, that this proposal in no way justifies the current fears of federal agents patrolling across the country and throwing proprietors into jail, etc. In fact, as the bill is written, no proprietor would ever go to jail. Only civil suits, and not criminal prosecutions, are authorized. The bill sets up several levels of persuasion and conciliation before the Attorney General can initiate even a civil suit for compliance. And if a suit should then be filed and the case won, the result would simply be a court order to serve the public openly and without discrimination.

Most people have felt that segregation was bad morals. It now appears that it is also bad business. A few days ago the Wall Street Journal surveyed Southern proprietors who have recently desegregated, concluding" ...only a

few report any lasting economic consequences. A sizeable number, in fact, declare that business has never been better." A typical statement was made by the manager of a fashionable night club in Atlanta which opened its doors to Negroes last November.

"We were scared to death," he said. "We could just see all our white customers walking out the minute the first Negroes walked in. But things couldn't have been any smoother. We know of only one white couple who walked out because we admitted Negroes and they came back within two weeks. As far as stirring things up around here, it's been a big zero."

### THE BIGGEST PROBLEM OF ALL: JOBS

One of the Negro's greatest problems in our society is not exclusion from restaurants and hotels, but job discrimination. The income, per capita, of U.S. Negroes is \$1,100, of U.S. whites \$2,450. Furthermore, Negroes are nearly always the "last hired" and "first fired." Most of the employed Negroes in this country are in the unskilled or semi-skilled service trades. While the overall unemployment rate is currently 6.4% of our working force, the "non-white" unemployment rate stands at 11.7%. As President Kennedy said in his message, "There is little value in a Negro obtaining the right to be admitted to hotels and restaurants if he has no cash in his pocket and no job."

### CONCLUSION

I'm sure my readers recognize that I am in favor of the general objectives of this legislation. I believe the time has come for this nation to correct some of these long-standing wrongs. However, I intend to take a good, hard look at the specific proposals and weigh the particular objections that are raised to them. In the end I think the Congress will come up with a bill which a majority can support, and I expect to play a part in that process.

In some parts of the country civil rights looms as a large and difficult issue. Many of my colleagues are being torn by the various pressures at work in their districts. Those of us from Arizona are more fortunate. We have no critical racial problems, and only 3% of our population is Negro. In fact, one might say there is no "political mileage" in the civil rights issue in our state. However, I trust no one will suggest this is a reason for voting against the bill.

I fully recognize that laws, by themselves, cannot change men's hearts, that the kind of brotherhood to which we all aspire may never come. Nonetheless, I believe that sensible laws can remove some of the unreasonable affronts we inflict on our fellow citizens, and I am reminded of these words, written in 1855 by a prairie lawyer in Illinois named Abraham Lincoln:

"Our progress in degeneracy appears to me to be pretty rapid. As a nation we began by declaring that 'all men are created equal.' We now practically read it 'all men are created equal except Negroes.' When the Know-Nothings get control, it will read 'all men are created equal, except Negroes and foreigners and Catholics.' When it comes to this, I shall prefer emigrating to some country where they make no pretense of loving liberty -- to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy."

Before he died Lincoln was able to make a significant change in the status of Negroes. I believe we, too, can advance the principles we know are right. Twenty years from now, in my judgment, we will look back in amazement that there ever was such a debate as this in the 175th year of a nation that was founded on equality.

A handwritten signature in cursive ink, appearing to read "George H. W. Bush".