

From
MORNING
until
NIGHT...

**“humiliation
stalks
them”**

*The text of the testimony of
Roy Wilkins, NAACP Executive Secretary,
July 22, 1963, in supporting
the public accommodations
section (Title II, S.1731) of the proposed
civil rights bill being
considered by the
Senate Commerce Committee*

**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

THE PUBLIC ACCOMMODATIONS SECTION OF THE President's civil rights program seeks to invoke protective legislative action in a most sensitive area where great numbers of citizens suffer daily — almost hourly—humiliation and denial simply because of their skin color. These people are citizens of the United States, not merely citizens of the states wherein they reside. As such, they are entitled to the protection of the Congress of the United States against the infringement of their rights under color of any local or state law or custom.

As is the case with so many aspects of the vast minority rights question in our country, the tendency in debate has been to treat the complaints in a detached laboratory manner. Hypothetical questions are posed. Hair-line delineations are set forth. Labyrinthine technicalities are pursued. Precedents, often bordering on the chicken versus egg level, are solemnly intoned. Expediency, usually on a rarified political level but festooned with fine and flowing phrases, is held forth as morality or as reason, or, worse still, as "practicality."

The truth is that the affronts and denials that this section, if enacted, would correct are intensely human and personal. Very often they harm the physical body, but always they strike at the root of the human spirit, at the very core of human dignity.

It must be remembered that while we talk here today, while we talked last week, and while the Congress will be debating in the next weeks, Negro Americans throughout our country will be bruised in nearly every waking hour by differential treatment in, or exclusion from, public accommodations of every description. From the time they leave home in the morning, enroute to school or to work, to shopping or to visiting, until they return home at night, humiliation stalks them. Public transportation, eating establishments, hotels, lodging houses, theatres and motels, arenas, stadia, retail stores, markets, and various other places and services catering to the general public offer them either differentiated service or none at all.

For millions of Americans this is vacation time. Swarms of families load their automobiles and trek across country. I invite the members of this committee to imagine themselves darker in color and to plan an auto trip from Norfolk, Va., to the Gulf Coast of Mississippi, say, to Biloxi. Or one from Terre Haute, Ind., to Charleston, S. C., or from Jacksonville, Fla., to Tyler, Texas.

How far do you drive each day? Where, and under what conditions can you and your family eat? Where can they use a rest room? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice cream cone because they are not white?

The players in this drama of frustration and indignity are not commas or semi-colons in a legislative thesis; they are *people*, human beings, citizens of the United States of America. This is their country. They were born here, as were their fathers and grandfathers before them. And their great-grandfathers. They have done everything for their country that has been asked of them, even to standing back and waiting patiently, under pressure and persecution, for that which they should have had at the very beginning of their citizenship.

They are in a mood to wait no longer, at least not to wait patiently and silently and inactively. One of the four Negro college students who sat-in at a lunch counter in Greensboro, N. C., February 1, 1960, was an Air Force veteran and an officer of the A. & T. College Chapter of the N.A.A.C.P. In an interview he said he was born and raised in North Carolina and returned there after his time in the Air Force to study to be a physician.

The fact that he, a veteran in his country's non-segregated Air Force, after service overseas to spread and preserve democracy, could be refused a cup of coffee and a piece of pie in his home state seemed suddenly in the Nineteen Sixties, to be something he just could not take any longer. He engaged in direct action to make known his views. The fact that such action has swept the country, in the North as well as in the South, is testimony enough, for those who can read the signs of the times, that this veteran's reaction accurately mirrors the reaction of millions of his fellow citizens of both races.

Indifference to this widespread feeling and to the ugly gap such indifference perpetuates between our nation's promise and performance in the area of citizenship equality will serve to prolong and intensify the eruptions of protest now underway throughout the country.

In a very real sense, it was the indifference toward, and outright defiance of, the U. S. Supreme Court deci-

sion of 1954 in *Brown v. Board of Education of Topeka, Kansas*, which helped substantially to build the basis for today's demonstrations. The notorious defiance of *Brown*, concurred in and encouraged by such documents as the Southern Manifesto, capped the disillusionment of millions of Negro citizens and convinced many of them that little or no faith could be placed in the usual processes for prompt redress of demonstrable grievances.

It convinced them, further, that even when they have fought their way, tortuously and painfully, to the highest court in the nation and won there, after observing all the rules and amenities, their victory can be nullified by defiance, collusion, trickery, violence, legislative and administrative shenanigans and by assassination.

They are not to be dissuaded, then, by talk that they are "hurting their cause" through demonstrations. No one noticed their cause except to lambast or subvert it, during the years they waited for the nation to act positively in support of the Supreme Court decision. How can a cause which has been betrayed by every possible device, beaten back in the crudest and most overt fashion and distorted in high-sounding misrepresentation by the suave kinfolk of the mob — how can a cause in such condition be hurt by the crying out of those who suffer and by their determination to alter the pattern of persecution?

Nor are the demonstrators and their sympathizers and supporters impressed with the contention that the Congress ought not legislate in this field. It is contended that such legislation as is here proposed — that United States citizens be protected from humiliating racial discrimination in public places and services in their own country — is an invasion of "property rights."

It is strange to find this argument, in connection with the fortunes of this particular class of citizens, made in 1963. This was the argument of slavery time. If the United States were to free human slaves, it would be invading property rights. Today, one hundred years later, if the United States legislates to secure non-discriminatory treatment for the descendants of the slaves, it will be invading property rights. It is ironical that a proponent of this argument should be a representative of the State of Abraham Lincoln.

What rights are thus being defended? Legal human slavery is gone, but its evil heritage lives on, damaging both the descendants of the slaves and the descendants of those who owned them—or those who have identified

themselves with that class. Is not the "property rights" argument but an extension of the slave ownership argument? The disclaimers would be loud and indignant if it were suggested that any Senator approved human slavery; but how fine is the line between approval of slavery and acquiescence in a major derivative of the slave system?

The answer has to be that our nation cannot permit racial differentiation in the conduct of places of public accommodation, open to the public and with public patronage invited and solicited. While such establishments may be privately owned, they owe their life and their prosperity not to the personal friends and relatives of the proprietors, but to the American public, which includes today, as it has for generations, all kinds of Americans. The proprietors of small establishments, including tourist homes and gasoline filling stations, are no less obligated to render non-discriminatory public service than are the proprietors of huge emporiums or hostleries.

The supporters of this legislation are again not greatly impressed with the time-worn admonition that this is an area which the Congress should leave to whimsy, to that great variable, men's hearts, to state and local sentiment or to that champion among the reluctant, voluntary action.

The Negro American has been waiting upon voluntary action since 1876. He has found what other Americans have discovered: voluntary action has to be sparked by something stronger than prayers, patience and lamentations. If the Thirteen Colonies had waited for voluntary action by England, this land today would be a part of the British Commonwealth.

In the welding of this nation, the Congress has not depended upon voluntary action. It has not elevated states rights above the national interest. Minnesota, my adopted state, does not own the Mississippi River simply because the mighty stream originates there. We have divided the waters of the Colorado between California and other states. We have raised up dams and blotted out villages and towns in the national interest. A hundred other examples will come to the minds of members of this committee.

Shall we now continue to assert, in the world of the Nineteen Sixties, that a state shall be permitted to mistreat United States citizens who live within its borders, simply because they are not white? Shall these states

be free, as they once pleaded to be free in the staging of lynchings, to abridge or deny constitutional rights as though there were no United States Constitution? Shall they be permitted to continue "standing in the doorway," although everyone recognizes this as a mere exercise, albeit a vindictive one?

Shall the racially restrictive ordinance or the law of an illegally constituted lily-white city council or state legislature supersede the U. S. Constitution? Shall a police chief or a sheriff or a constable continue to be the arbiter of the rights of U. S. citizens?

One spokesman, the distinguished senior Senator from Georgia (and except in the human rights field he is distinguished) has declared the civil rights bills submitted to the Congress by President Kennedy to be "unpalatable." We submit that the daily diet of racial discrimination force-fed to Negro citizens is the real "unpalatable" element in the present crisis. If the Senator from Georgia had to swallow our treatment for twenty-four hours, he would be on a picket line in the next following twenty minutes.

The Congress has legislated for the health and welfare of livestock. Why does it balk at legislating for the welfare of its nearly 20,000,000 loyal Negro citizens? Railroads or other carriers are prohibited by 45 United States Code, 71-74, from confining livestock for more than twenty-eight hours without unloading them into pens for at least five hours for rest, water and feeding.

Are cows, hogs and sheep more valuable than human beings? Is their rest, water and feeding a proper subject for Congressional legislative action, but the rest and feeding of Negro Americans in hotels, restaurants and other public places an improper subject for Congressional action?

President Kennedy has sent a moderate, but comprehensive program of civil rights bills to the Congress. The section before this committee is one part of that program. It was quickly labeled "the most controversial" section and debate has been building around it.

Usually where there is no controversy there is no great problem and no pressing need. Undeniably the need is here. Evidences of it abound on every side. Our communications media are full of the doings of people on this need.

Contrary to a notion which some defenders of the racial status quo have advanced, the doings of the people on this issue are not subversive. On the contrary,

they are thoroughly American. When Americans are stepped upon or pushed around, they protest and they demand corrective action. They protested the tax on tea. They protested their lack of representation in the English Parliament, just as Negroes today protest their lack of representation in the Mississippi or South Carolina legislatures.

Americans protested restrictions on freedom of the press. They protested and paraded and pamphleteered and legislated against slavery. They demonstrated again and again against the denial of suffrage to women. They protested child labor and campaigned for safety in factories. They fought sweatshops. They demonstrated against the Kaiser and Hitler and finally went to war. They are today parading and feeling strongly about nuclear warfare.

Wherein is a demonstration against police brutality, against discrimination in employment, against exclusion from voting booths, lunch counters and public recreation facilities judged to be un-American or subversive?

In truth, the resolute determination and action of our Negro citizens upon the civil rights issue constitute exemplary American conduct. If we desire to kill off such conduct and to fashion a nation of cautious crawlers, we should cease the teaching of American history.

It is no secret that despite our military might and our industrial genius, our faltering fealty to the great ideal of "all men," set down in our Declaration of Independence, has shaken the confidence of the millions of mankind who seek freedom and peace. Do we mean "all men" or do we just say so? Is our nation the leader of the free world or of the white world? Are we for democracy in Southeast Asia, but for Jim Crow at home?

Insofar as the Negro citizen and his allies renew and strengthen our fidelity to the founding purpose of our nation, they put in their debt all those who maintain hope today, and all those who shall come after.

Insofar as the Congress responds, favorably and decisively, to the deeply-seated yearnings sought to be realized in the pending legislation, it will be discharging its high duty, not to a clique or a race or a region, but to our beloved America and to its people, of all races and sections of our fair land.