

STATE AFFAIRS COMMITTEE
February 19, 1968

The meeting was called to order by the Chairman who explained that the hearing was set for those who were in favor of H.B. 1912; that only those people would be heard. He apologized for the inconvenience caused by changing the date of the hearing, and then introduced Representative Davis, one of the sponsors, to discuss the bill. Mr. Davis stated that he believed that discrimination in Housing was a continuation of slavery; that the problems of the ghetto are great and that inadequate housing is the root of the greatest problems being experienced in America; that he felt it was the basis for the riots of last summer and that he believed the coming summer would see a worse situation.

Mr. Davis then introduced Mrs. Nathan Shechter to be spokesman for the remainder of the meeting. She spoke in support of HB 1912; stating that she had been advised that it might not be the best policy to introduce this type of legislation this year, but felt that time was running out and that something must be done--some effort made to show the people that someone was working on their behalf. She displayed a letter from the Commander of the Olathe Naval Air Station, in which he stated that discrimination in housing for his men had been a real problem; and quoted an article by Whitney Young in Harper's Magazine, in which he deplored discrimination toward returning veterans of war who had fought and perhaps been wounded for their country, and yet could not secure adequate housing. She discussed the guarantees under the constitution, stating that most of us take these things for granted but that for the black, the Mexican American and the American Indian, these things are not a fact.

Mr. Fribley inquired if it was not possible for the cities, under Home Rule, to deal with this problem. Mrs. Shechter stated that 75 cities have done so. Mr. McGill stated that he is from a rural area, and knew little of such problems, but wondered if these problems were not primarily metropolitan. Mrs. Shechter agreed that because there was a higher minority population in the cities, that that is where the problem is the greatest; however, that general legislation would solve the problem when minorities moved to other communities; otherwise there is a denial of rights within the same state. Mr. McGill expressed the opinion that there is not a town or city in the state that does not have a minority population and that there have been no problems. Mrs. Shechter replied that the problems there are not as visible but that they are there.

The Hon. Joseph McDowell, Mayor of Kansas City, Kansas, stated that his city had enacted a Fair Housing Ordinance; that it is probably even more strict than this bill, but that anything this important should have statewide application; that there have really been few changes since enactment of the ordinance, because people are always going to live where they can afford to live. He stated that when these things are spelled out in the law that most people being law abiding citizens, are going to go along. He displayed a map (maps-- see exhibits) which shows the areas where the most people are on relief; where the most crime is committed; and stated that this is the ghetto area. The Chairman inquired what effect this law would have on Kansas City, Kansas since they have an ordinance now; and the Mayor replied that they might repeal the ordinance, but that certainly it would help the surrounding area. Mr. Rogers inquired if the provisions of HB 2052 are in 1912, and Mrs. Shechter replied that 1912 is all inclusive, with all the amendments proposed in 2052.

Mr. Vincent DeCoursey, representing the Catholic Diocese of Kansas, appeared on behalf of 1912 (see exhibits for letter from 4 catholic bishops). He urged that the Committee reflect on the rights under the Constitution, and called attention to the fact that the US Supreme Court will shortly rule on a case concerning Fair Housing, which will set a precedent.

Mr. Harold Stadler, Executive Secretary of the Kansas Council of Churches, discussed 1912 from the light of human equality, stating that an open occupancy law should be adopted and that his organization is in favor of removing barriers and integrating neighborhoods. Mr. McGill inquired if the affiliated members of the organization invite the participation of all people into the church fellowship, and Mr. Stadler advised that they did on the basis of Christian affirmation.

Representative Love appeared to endorse this bill, asking the committee to take this matter under serious consideration.

Dr. Roquemore of Wellington, stated he had been before the Committee many times and there was nothing new to be said; that he has hashed and re-hashed the question to the extent that he can only reiterate what has been said in the past; that the gentlemen from Colorado last year stated that the law there had caused no difficulty, that it was workable, and that integration was moving forward; that the people in this state are beginning to wonder if the Kansas Legislature is really concerned about the minorities; that he has visited with the people in the ghettos and that they are greatly

disturbed that nothing is being done for them; that he has urged them to be patient but that their patience is running out. He warned that the Legislature is providing a tinder box to the degree that unrest will erupt and that summer will see more problems than ever before.

Mr. Matt Hernandez, speaking on behalf of the Kansas Commission on Civil Rights, stated that he supports the proposed bill, and offered a letter (see exhibits) which stated that restricted housing results in segregated schools and limited employment opportunities.

Mr. Al Correll of the Topeka Human Relations Commission stated that it is a shame that people must come back year after year begging for Fair Housing; that people are sick and tired of asking for a cure for their sickness; but the Legislature has the power to cure the ills, but they fail to do so. He stated there has been very little opposition to the recently adopted City Ordinance on fair housing in Topeka; that the myths and complaints have proven false. He stated that a personal commitment by everyone is needed in this matter.

Jean Pavillo stated that there is a growing need for improved housing in order to eliminate the ghettos; that poor housing is costly to everyone, colored or white; that family instability, juvenile delinquency, etc. results from discrimination in Housing.

Rev. Jack Brewer stated that he is Legislative Chairman for the Kansas Advisory Council on Civil Rights; that there are misunderstandings in the minds of those who oppose this legislation; that it is not true that the property values decline in integrated neighborhoods and that statistics will back up this statement; and the misconception continues that religious groups are exempt from this bill and that this simply is not true. Mr. Unruh inquired why some of the language in the present act had been stricken and rewritten, and was advised that it was a matter of administrative machinery through the Commission on Civil Rights to implement the other laws in civil rights, and that it seemed logical that this should come under the same administration. Mr. Floyd stated that perhaps Mr. Unruh referred to page 4; that it simply was an amendment to clarify the language on public accommodations; that it was a recommendation by the Legislative Council and does not constitute any changes--only clarification.

Mrs. Evelyn Welton, representing the Greater Kansas City Chapter of the Presbyterian Interracial Council, stated that she supports this bill; that her organization believes that every citizen has a right to decent housing; that she deplores

the necessity of passing such a law but that, although this law would not be a great panacea, but would implement those people who have the moral conviction that all people are entitled to a decent place to live.

Rev. Darrell Yeane, Campus Pastor at KSTC, Emporia, stated that there is a problem in that city; that faculty members of minority races are unable to obtain appropriate housing; and this deprives the college of good and able people who would otherwise be willing to serve on the staff.

Mr. James Walker stated that a just law is one which uplifts humanity; that such a law as this may not be the ultimate answer but that evil will continue to prevail when good men do not act.

Ronald W. Frickey of the Kansas City Faith Lutheran Church, stated on behalf of the pastor, that the people of Kansas need this law which will make it possible for minorities to have proper housing and recognize the dignity of all citizens, giving them the right to purchase or rent facilities that they can afford.

Mrs. Sidney Ginsburg, representing the Jewish Women of Kansas City, read a letter urging support of this bill. (see exhibits)

Ruth

Mrs./Casey, representing Social Workers of Kansas; Mr. Hammond, representing Junction City and Manhattan Branch of _____; Lee Derman, representing Kansas Civil Liberties Union; Annabel Haupt of Wichita and Joe Atkins of United Presbyterian Church of Wichita, added their endorsement and some exhibits (see exhibits). See attached for people who appeared the following day in support of the bill but were not heard.

Mr. Homer Floyd, Executive Secretary of the Kansas Commission on Civil Rights, appeared on behalf of HB 2052. The Chairman explained that this proposes to amend the bill that was passed last year. Mr. Floyd presented an explanation of the amendments (see exhibits). He also explained that if the Fair Housing Bill is not passed the amendments would be lost, and so this bill was introduced as a precautionary measure. Mr. Turner inquired how many trials de novo had been had and Mr. Floyd replied "one" in the life of the Commission with two now pending. Mr. Floyd stated that he considered these proposed amendments as simply clarifying the language of the law in order to eliminate a lot of discussion and debate everytime a complaint is made. Mr. Bill Renner, one of the Commission members urged the passage of the amendments; likewise, Mr. Hernandez stated the proposals had been thoroughly discussed and that it would make the work of the Commission easier. Mr. Floyd stated that various groups had given their support. Mrs. Peggy Gatewood, representing the League of Women voters, stated the support of her organization to both of the bills under discussion.

Meeting was adjourned.

Proponents 1912

appeared 2-20 - were not heard

Mr. John Dawson.

Fort Scott, Kansas. 66701

Mr. Edmond Wrench,

Fort Scott, Kansas

Rev. J. H. Thompson

Fort Scott, Kansas

Fort Scott, Kansas

Rev. John M. Stitz

Sacred Heart Church

Tonganoxie Kansas 66086

J. M. Mack, PLANNING COMMISSIONER

P.O. Box 102

FORT SCOTT, KANSAS

W. E. Crutchfield - Topeka Bakai Assembly

2 Webster - Topeka

Order Hearing 2/19/68

Speakers for HB 1912

~~James P. Davis~~

~~Kansas Advisory Council on Civil Rights - Mrs. Sheehan~~

~~Mayor Joseph McDowell - Kansas City~~

~~Mr. Vincent DeCoursey - Catholic Diocese Kansas~~

~~Legs letters in favor~~

~~Mr. Matt Hernandez - Commissioner KCCR~~

~~Dr. B. Charles Roquemore - State Pres. NAACP~~

~~Dr. Lewis Weston - KC Branch NAACP~~

~~Rev. Jack Breuel - Specifics & Admin. w/ Homer Floyd~~

~~Mr. Allen Carroll - City of Topeka~~

~~Individual Statements - if possible~~

~~Harold Statter Ex 02 13 3 5 by~~

~~Rep Love~~

~~Jean Pavillos, KC~~

~~Evelyn Walsh Welton~~

~~Darrell Yeaney Emporia~~

~~James Walker~~

~~Ronald W. Frickey, KC~~

~~Mrs. Sidney Ginsberg~~

~~Lee Derman, KS Civil Liberties Un.~~

~~Annabel Haupt Wichita~~

~~Gilbert Hammond, Jet City - Manhattan~~

To: The Chairman and Members of the State Affairs Committee
of the House of Representatives --

REPORT OF THE SUBCOMMITTEE ON HOUSE BILL NO. 1480
(Unclaimed Property)

Gentlemen:

Your subcommittee recommends the adoption of the attached
committee report.

On page 8, in line 11 by striking the word "personal"; in line 18 by striking "ten dollars (\$10)" and inserting in lieu thereof "three dollars (\$3)"; in line 25 by striking "ten dollars (\$10)" and inserting in lieu thereof "three dollars (\$3)";

On page 9, by striking all of lines 22 to 25; in line 28 by striking the figure "10" and inserting in lieu thereof the figure "11"; in line 30 by striking all before the word "newspaper" and inserting in lieu thereof "a";

On page 10, in line 18 by striking all after the word "be" and by striking all of lines 19 and 20, and inserting in lieu thereof the following: "placed not later than eighty-five (85) days after such publication date in the custody of the director to whom all further claims must thereafter be directed."; in line 25, by striking the figure "10" and inserting in lieu thereof the figure "11";

On page 11, in line 6, by striking all after the word "notice" and by striking all of line 7, and inserting in lieu thereof the following: ", the property will be placed in the custody of the director to whom all further claims must be directed."; in line 11 by striking the word "shall" and inserting in lieu thereof a comma; in line 15, after the comma, by inserting the word "shall";

On page 12, in line 2, by striking the word "either"; in line 7 by striking all after the word "payment" and inserting in lieu thereof a period; and by striking all of lines 8 to 26;

On page 13, in line 18, by striking "an English language" and inserting in lieu thereof "a"; in line 29, by inserting a comma after the word "fund"; in line 31 by striking the words "the director" and inserting in lieu thereof the word "he";

On page 14, in line 1, by striking the word "him" and inserting in lieu thereof "the director"; by striking all of lines 10 to 18;

On page 15, in line 8, by striking all after the word "of" and by striking all of lines 9 to 17 and inserting in lieu thereof the following: "Shawnee county. The action shall be tried de novo without a jury."; in line 24, by inserting after the period the

following: "Unless the holder of the property is notified to the contrary within one hundred and twenty (120) days after filing the report required under section 11, the director shall be deemed to have elected to receive the custody of the property.";

On page 16, by striking all of lines 13 to 16; also on page 16 by striking all of lines 23 to 25 and by renumbering the remaining sections;

On page 17, in line 11, by striking "1965" and inserting in lieu thereof "1967"; also in line 14 by striking "1967" and inserting in lieu thereof "1968";

In the title, in line 3, by striking "1965" and inserting in lieu thereof "1967";

And the bill be passed as amended.

Chairman.

Babson's Washington Forecast Letter

AMERICA BLACKMAILED

HEADLINE 1972 — The following news story may hit the headlines some summer day in 1972:

"The President late yesterday afternoon signed into law the so-called Equal Property Act (H.R. 2216), following the capitulation of both House and Senate before the threats of an angry mob of proponents, estimated by District police officials at upwards of 600,000 persons, which had besieged the Capitol for over 3 days, holding Congress virtually hostage . . . pending a vote on the bill.

"As word of the 'surrender' by Congress was passed thru the crowd, its leaders called for a march on the White House. Within twenty minutes, the partisans began gathering before the Executive Mansion and, shortly before 4 p.m., leveled the iron fence and were milling around the lawn of the President's residence and office. The throng became increasingly unruly as no word of presidential action on the legislation was forthcoming from Administration aides, and, at about 4:45 p.m. militant leaders shouted instructions to burn the White House. Within minutes after these orders were issued — and as torches were being carried toward the East Wing of the White House — Presidential Press Secretary Elbert Williams appeared at the main entrance to the Executive Offices and announced that the President had signed the bill into law.

"A tremendous roar of approval arose, and a partisan band struck up the triumphant People's Power theme song, 'March of the Masses.' Following the signing of the bill, the mob separated into apparently planned 'recrimination squads' and systematically sacked, burned, and looted a 12-block area of downtown Washington as District police and a scattering of military units looked on helplessly. Late last night, Metropolitan Police Chief Tweedy estimated total damage at over \$300 million.

"The Equal Property Act completely discards the constitutional concept of private property and sets up a system for the transfer of all private property to all Americans on a so-called equal-share basis. Authority to administer the Act is vested in a Commission in which majority control is to be held by representatives of the poor, the underprivileged, the unemployed, and minority groups which have suffered past discrimination.

"Washington officials see little chance of the Act's being overturned by the Supreme Court in view of threats by People's Power leaders to paralyze all major cities in event of an adverse ruling. The high court is expected to be further guided by the fact that overwhelming People's Power forces earlier this month succeeded in dissolving both the Democratic and Republican national conventions . . . leaving the Power candidate, Arthur Danrig, as the only name on the ballot in November's national election."

THE ROAD WE TRAVEL — Sounds preposterous? We'd like to think so.

But . . . as a matter of cold, hard fact, this nation — the land of the free — is moving relentlessly toward such a fate . . . as government by law gradually submits to the blackmailers of America.

Today's blackmailers operate under the phony slogan of the "right to dissent." They have distorted and magnified the constitutional guarantees of freedom of speech and right of peaceable assembly into a license for intimidation, sedition, riot, and anarchy.

Under this false banner, they have blocked the traffic and commerce of American cities, shut down the operation of government offices, destroyed private and public property, disrupted our educational procedures, interfered with our selective service system, obstructed inductions into our armed forces, provided aid and comfort to the enemy, desecrated our country's flag, and vandalized hundreds of communities thruout the nation.

Our government of laws, our government of constitutional processes, has begun to crumble before a tide of lawlessness which has not only been condoned but even encouraged by many government leaders.

Instead of firmly supporting the enforcement of law and order on the local level, federal officials and other national leaders gave aid and encouragement to the law breakers . . . on the basis that civil disobedience is justified when the violators are acting in a "good" cause.

BREAK IN THE DIKE — This was the great breakthru in the dike of law and order.

For almost two centuries, we had been taught — and we believed fervently — that the law must be respected, whether we felt it to be a good or a bad law.

All of us know the nagging discomfort of living under laws that are inequitable. In such cases, we may exercise our constitutional rights to bring about a change . . . but we do it by lawful process.

Under provisions of the Constitution, the full power of the United States government should have been placed squarely behind local authorities in the breaking up of the very first sit-in in America.

True, it was peaceable assembly . . . but it clearly interfered with the rights of others to carry on their normal activities under the protection of the law.

But . . . prominent national politicians, blinded to legal justice by the possibility of making political hay, placed themselves on the side of anarchy.

We all remember the statement of the late Adlai Stevenson . . . that he would consider it an honor to go to jail for such civil disobedience. His remarks were echoed by hundreds of others . . . and mob power in America was born.

AS YE SOW — The Watts riots in California served as Lesson No. 1 in large-scale blackmail. This outbreak of mass crime was not punished. It was rewarded with countless millions of federal dollars poured into the area in the hope that the rioters would "cool it."

After that demonstration of largess, can you blame the Negroes of Detroit, Newark, Milwaukee, Chicago, and scores of other American cities for wanting to get in on the action?

The amazing thing is this: Not only have government officials condoned such lawlessness . . . government employes have played a major role in fomenting many

of the disorders . . . under the guise of helping the oppressed. Anti-poverty employes in Newark organized and publicized the police-brutality mass rally which led to the catastrophic riot in that city. A Newark anti-poverty official, Willie Wright, urged Negroes to arm themselves against "honkie cops." The agency's accountant, Charles McCray, was arrested for taking part in the shooting during the riot . . . but officials refused even to suspend him from his job.

The situation has been the same in countless communities all over the nation. Sargent Shriver's anti-poverty agency admits that there are convicted criminals on the agency's payroll . . . and that many of them have been given jobs counseling youngsters.

Many of the black-power movement's most militant activists — including riot-inciter H. Rap Brown — have been on the government's payroll . . . often as \$50-per-day consultants.

It's widely said that the government is motivated by a desire to placate the troublemakers.

Actually, the reverse situation prevails. The trouble makers are blackmailing our government . . . successfully and repeatedly. They seek money . . . and power. They're getting both.

BLUEPRINT FOR CHAOS — Communists are prominent in nearly all the organizations which are fomenting this anarchy in the U.S. They have been welcomed with open arms into the National Conference For New Politics, a group whose Chicago convention was keynoted by Martin Luther King. One of the leaders of the conference happily commented that Communists would provide leadership for the group.

Bettina Aptheker, an admitted Communist, continues to hold a top position in the peace and draft-resistance movements.

Stokely Carmichael has returned from his Red tour to lead his followers toward "the destruction of the American government."

And dozens of others — with countless citations for Communist connections — hold prominent positions in scores of violent "dissent" organizations in this country.

One of these is the Revolutionary Action Movement which has documented its plans for the revolutionary end of the American way of life. RAM says its followers will "strike by night and spare none" . . . that it will foment "mass riots, blocking of traffic, burning of buildings . . . street fighting."

The planners call for "sabotage in the cities — knocking out electric power first, then transportation — and guerrilla warfare . . ."

The blueprint for chaos goes on and on — in great detail — reminding one of Adolf Hitler's brazen revelations in Mein Kampf.

In this atmosphere in which lawlessness and intimidation are tolerated — even rewarded — it is understandable that the crime rate has soared.

THE HARVEST — The FBI reports that the incidence of major crime in the United States is rising at an annual rate of 16% . . . far above the rate of growth in our population.

If the uptrend which has persisted thru 1967 is projected to include 1968, more than 4½ million major crimes will be committed this year. Based on our population

of a little over 200 million, this means that you will have one chance in 47 of being murdered, maimed, or robbed in the next 12 months!

More and more, criminals are being coddled by our courts . . . and treated as the unfortunate victims of poor social environment. Punishment is out; gentle rehabilitation is in. Yet, a recent FBI study showed that 57% of offenders released on parole in 1963 were rearrested within 2½ years . . . and that 83% of those acquitted or dismissed in 1963 were rearrested within the same 30-month period.

POLICE HANDCUFFED — The Supreme Court has seriously impaired the efficiency of law enforcement agencies by restrictions on investigative procedures and techniques . . . and has so hogtied the police in searches and interrogations that thousands of hardened criminals are yearly set free to prey again on the public.

The sharp uptrend in acquittals, suspended sentences, and refusals to prosecute — particularly in juvenile and minority-group cases — has influenced police officers in hundreds of communities to blind their eyes to gross law violations. Because of this frustration, police morale today is at an all-time low.

The problem was well summed up by Mr. J. Edgar Hoover, who wrote in the April 1967 issue of the FBI Law Enforcement Bulletin: "Morality, integrity, law and order, and other cherished principles of our great heritage are battling for survival in many communities today. They are under constant attack from degrading and corrupting influences which, if not halted, will sweep away every vestige of decency and order remaining in our society."

WHOM WE INDICT — Whom are we to indict for sparking this chaos in America? Are the prime defendants the Stokely Carmichaels, the H. Rap Browns, the hippies, the draft-card burners, the peaceniks, the juvenile delinquents, the rabble rousers, the Commies who have gained respectability as "honest dissenters"? Certainly, most of these could be brought before the bar of justice to answer charges of law violations . . . and they should be.

However, there is a stronger, truer bill of indictment which may be drawn against those who have invited the bloody blackmail of America by permitting, even encouraging, mounting civil disobedience. We speak of men such as the late Adlai Stevenson, Bobby Kennedy, Nicholas Katzenbach, Earl Warren . . . Senators Ribicoff, Javits, Clark, and Case . . . and yes, even Hubert Humphrey and Lyndon B. Johnson. These men of power, prestige, and great influence in the political structure of America have permitted the concept of "freedom of speech" to be expanded to include subversion, intimidation, sedition, and incitement to riot; they have condoned the distortion of "academic freedom" to encompass the adulteration of young minds with Communist doctrine and the disintegration of a well-disciplined educational system; they have allowed "freedom of assembly" to mushroom into disruption of peaceful activity, mob rule, riot, and insurrection.

Unless those in authority in the United States can be influenced to abandon the suicidal course on which they have embarked — or unless they can be replaced by men who will — we cannot hope to restore in our nation the kind of domestic peace and order which has made our many generations proud to be Americans . . . living in a land of freedom, security, opportunity, and justice under law.

The crisis we now face is the most serious, the most dangerous, in the history of our country. Each of us must diligently employ our influence and our effort — in speech, letters, and at the ballot box — to help set straight the way.

This article has been reprinted by permission of Babson's, Inc., Massachusetts. Additional reprints of this article delivered.

Minimum mail order, 20 copies for \$1.00.

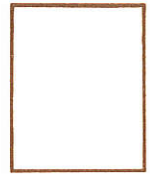
Address: TACT, P.O. Box 8352, San Marino, California 91108.

Babson's

FROM TOPEKA BAHÁ'Í ASSEMBLY

2030² WEBSTER

TOPEKA, KANSAS



TO HOUSE, FEDERAL, STATE, & LOCAL AFFAIRS
STATE HOUSE
TOPEKA, KANSAS



There shall be an equality of rights
and prerogatives for all mankind.

The Work of Bahá'ís for Human Rights

The Bahá'í international community believes that all human beings have the right to live in a society whose laws and institutions conform to the truths of a progressive and universal religion. This belief is sustained by faith in a divine order that awakens moral responsibility to work for the fulfillment of human rights in a world that has achieved a condition of spiritual worthiness.

The Bahá'í works to promote human rights in a number of ways — first, the faith of the individual makes it incumbent upon him to strive by prayer, meditation and spiritual education to attain a firm understanding of the central Bahá'í teaching — the oneness of mankind, and to evaluate human beings without respect to race, class, nationality or creed.

Second, Bahá'ís are members of an international religious community which applies in its internal relationships the principle and practice of justice in the group. This community is now spread to 255 countries and dependencies, representing more than thirty races and all the great revealed religions. Its unity rests on the Bahá'í administrative principle that

creates authority by election through secret ballot of all adult members without nomination or partisan machinery. Since it can have no professional clergy there can be no division into ecclesiastical and lay bodies.

Third, in this far-flung fellowship embracing white and dark peoples, the oriental and the occidental, the poor and the rich, the Bahá'ís have developed a significant area of unity. Their aim is to generate the moral force needed to create institutions imbued with a world outlook based upon justice and the oneness of mankind.

Fourth, the Bahá'í community, acting through its various local and national organs, works vigorously for public education on behalf of human rights. The publication of literature in more than 200 languages; the operation of summer schools in more than a hundred countries; public conferences and lectures in thousands of cities are only a few of its activities. Its official representatives take part in conferences of non-governmental organizations called by the various agencies of United Nations to promote belief in and acceptance of the dignity of man and the achievement of his human rights and obligations.

From a statement originally prepared for the United Nations Conference on Human Rights, Geneva, Switzerland, May 19-20, 1948, by the Bahá'í International Community.

A BAHÁ'Í DECLARATION OF HUMAN OBLIGATIONS AND RIGHTS

I.

THE source of human rights is the endowment of qualities, virtues and powers which God has bestowed upon mankind without discrimination of sex, race, creed or nation. To fulfill the possibilities of this divine endowment is the purpose of human existence.

Human rights can be established in terms of social status when members of the community realize that the gift of life and conscious being obligates them to meet responsibilities owed to God, to society and to self. Mutual recognition by members of the community of the truth that their lives emanate from one and the same universal Source enables them to maintain ordered relationships in a common social body.

The social body does not create essential human rights. Its office is that of trustee under appointment to act for the community in the preservation of the relationships which represent the moral achievement of the members, and to cherish and protect that unity of spirit which is their highest mutual obligation.

No social body, whatever its form, has power to maintain essential human rights for persons who have repudiated their moral obligation and abandoned the divine endowment distinguishing man from beast. Civil definitions of political and economic status, if devoid of moral value and influence, are not equivalent to essential human rights but express the expedients of partisan policy. An ordered society can only be maintained by moral beings.

II.

Man's divine endowment binds the individual to an evolving and maturing humanity. The human race is subject to a principle of progressive development operating beyond human will. No age repeats the conditions of any former time.

A BAHÁ'Í DECLARATION

The evolution evident in civilization results from the spiritual evolution acting through mankind. As new qualities unfold a larger area of ordered relationships can be established, requiring changes in the social structure.

The modern national state came into existence as a unifier of diverse races and peoples. It has been a social truce, observed by or enforced upon communities previously separate, independent and hostile. Historically the nation represented a great moral victory, a definite and important stage in human progress. It has raised the condition of the masses of people, substituted constitutional law for the arbitrary authority of the tribe, extended education and knowledge, mitigated the effect of sectarian disputes, and enlarged the social world of the average man. It provided conditions under which natural science could develop, inventions be put into operation, and industrialization give man mastery over nature.

The new powers and resources made possible by the nation could not be confined within the national boundary but produced an internationalism of cause and effect in social relationships which no nation could control. The national state has reached the limits of its development as an independent, self-directed social body. A world science, a world economy and a world consciousness, riding the wave of a new and universal movement of spiritual evolution, lay the foundations of world order. Conceived of as an end in itself, the national state has come to be a denial of the oneness of mankind, the source of general disruption opposed to the true interests of its people. From the depths of man's divine endowment stirs response to the affirmation of oneness which gives this age its central impetus and direction. Society is undergoing transformation, to effect a new order based on the wholeness of human relationships.

III.

Conceptions of elementary human rights have been adopted in the past by different peoples under varied social conditions: the right to citizenship, when the nation became the people and not the dynasty; the right to a code of law, when written constitutions replaced custom and tradition; the right to security of person and property, when the state could enforce peace upon warring factions; the right to

OF HUMAN OBLIGATIONS AND RIGHTS

select occupation and residence, when the individual was no longer bound to one landed estate. A history of rights would record the most significant moral gains of the race in its incessant struggle to form a lasting society.

But a right is only valid and effective when upheld by an independent sovereignty. Our inherited scheme of rights has become jeopardized through the loss of real sovereignty by the national state. To reevaluate the elementary rights of the past, and establish essential new rights in keeping with our own age, a world sovereignty is required. The whole conception of right has undergone change. A right formerly was a defense against an invasion; a right today is a sharing of social status among mankind. Moral and social law can for the first time in human experience blend and unify when humanity as a whole becomes subject to the same law. Everything universal is divine truth; everything limited and partisan is human opinion.

The obligation and right to live in a moral society has become crucial, a test of our will to survive. The modern struggle which employs nations as its instruments is not a war of peoples nor of dynasties: it is a war of values. The dispute about values resolves itself into a struggle between those human beings who would and must unite in a common humanity and a common social body, and those who would and must remain separate, diverse and autonomous. The national state is itself torn and divided in a struggle which involves primarily the conscious attitudes of individual human beings. But to the degree that the national state can act as a united body, it is unable to avoid participation in the decision. No person and no social body is immune from destiny.

The true destiny of the national state is to build the bridge from local autonomy to world unity. It can preserve its moral heritage and function only as it contributes to the establishment of a sovereign world. Both state and people are needed to serve as the strong pillar supporting the new institutions reflecting the full and final expression of human relationships in an ordered society. In delaying to fulfill the historic mandate given the peoples and nations of our age to unite, we give opportunity and encouragement to subversive forces whose weapon is confusion and whose aim is chaos.

A BAHÁ'Í DECLARATION

IV.

The purpose of this statement is not to catalog every desirable human right but to suggest an approach by which the nature of essential rights can be determined. As here defined, a human right is an expression of man's divine endowment given social status by a moral and sovereign body. A right attains social status only after it has become a moral value asserted and maintained as a necessary quality of human relationships by the members of the community.

Among the essential human rights characterizing the new world era are those concerned with: (1) the individual; (2) the family; (3) race; (4) work and wealth; (5) education; (6) worship; (7) social order.

(1) The human person is a spiritual being as well as a member of society. His spiritual nature has expression in the maintenance of moral human relationships throughout the whole range of the community, and withers in a state of retirement and isolation in self, in family, in race or in class. The duty of the individual is to serve the needs of a progressive society. Whenever the community makes demands upon the individual which contravene the prevalent moral standard, or suffers such demands to be imposed upon him by private agencies, the community is in danger of disruption, for the moral law has application to institutions and communities large and small.

An equal standard of human rights must be upheld, and individuals given equal opportunities. Variety and not uniformity is the principle of organic society. Since lack of opportunity, repression and degrading conditions have created masses of people unable to exercise the functions of citizenship, such persons are a moral trust laid upon the conscience of the rest, to educate the ignorant, train the immature and heal the sick.

(2) The human person is the spiritual entity of mankind, but the family is the inviolable and divinely created social entity. The right of the individual to survive is identified with the right of the family to maintain itself under conditions favorable to body, mind and spirit. While the mature individual is the political unit, the family constitutes the economic unit, and income operates on the basis of family living and welfare.

OF HUMAN OBLIGATIONS AND RIGHTS

The equality of men and women in the modern community gives the family a new and more powerful connection with the forces making for moral evolution.

(3) The membership of the national community in many countries is composed of racial groups in different stages of development. The conditions which in the past made for exclusive racial unity and characteristics are weakening. The rights and needs of the modern community are superior to the rights of race. Exclusive race rights can only be surrendered when exchanged for race equality in participation of the superior rights and privileges possessed by a multi-racial society.

(4) The work done by the individual in trade, craft, art or profession is the core of his life and not merely the source of his living. Work performed in the spirit of service can today be accounted as an act of worship. The obligation to work is essentially a moral obligation and one not discharged by possession of wealth. The community owes nothing to those who can work but refuse to do so.

The right to a living is established by work. In addition, the worker has right to share in the profits of the enterprise.

Wealth results from the co-ordination of a variety of efforts directed upon the equipment and material. A sound economy deals with the whole process in its variety of human relationships and does not seek to center the process around the point of any group advantage, whether ownership, direction, technical knowledge, manual skill or consumption. Wealth in part is the right of the individual and in part the right of the community. Under conditions of international competition desperate social emergencies arise when no just distinction between private and public wealth can be made. True justice and social philosophy await the formation of world institutions and the predominance of the world view.

The repudiation of national right and power to make war represents the first step toward mutual wealth and sound economy. Short of a world economy mankind will not achieve the fruits of civilization.

(5) The roots of education lie in man's divine endowment, and the prophets have been the universal educators of mankind.

The purpose of education is to give the individual mastery over himself, a cre-

A BAHÁ'Í DECLARATION

ative relationship with society and understanding of his place in the universe. Education deals with the whole man: his mind, his emotions and his will. Distinctions now existing between the education of culture, the education of science and technic, the education of citizenship and the education of faith produce incomplete and unbalanced personalities. Miseducated individuals experience every major social crisis in terms of different aspects each justifying a partisan approach.

Education is continuous with life. Ignorance about matters confronting adults is more harmful though less perceptible than ignorance on the part of the child. The human right to education is the right to enter into the larger evolutionary processes of civilization. Systems producing rigidly molded attitudes and emotional fixations can no longer claim to be educational.

(6) The human right signified by freedom of worship or liberty of conscience remains only a legal sanction accorded to diverse religious communities to practice and promulgate their special systems of belief until the individual is granted sufficient spiritual knowledge to arrive at his own adult and independent decision concerning the nature of faith.

Since it has been demonstrated that the instinct to worship is universal and has been associated with an infinite number of more or less temporary devotional practices, moral systems and social forms, there is no inherent reason why this instinct may not be reaffirmed in terms of loyalty to mankind and devotion to the cause of world unity on all levels. The God of humanity can no longer be expressed as a racial dominance nor as a national will to survive at all costs nor as a denominational gift of personal salvation. The pure revelation of God has been given humanity from age to age through His prophets and messengers. Secondary and limited formulas of religion prolong the moral crisis which blinds individuals to the assurance of a world era.

World order is nothing else than the administrative aspect of brotherhood, and man's right to social order can not be dissociated from his right to a world faith.

(7) Every age has its particular mission. The formation of world order is an obligation laid upon humanity today.

OF HUMAN OBLIGATIONS AND RIGHTS

World order has become legally possible, socially imperative, and divinely ordained. The principle of federation has already united previously independent communities diverse in race, language, religion and size of population. The nations can find just expression for their legitimate rights and needs through proportionate representation in a supranational body. Until world citizenship is guaranteed as a social status, the human rights and privileges developed in the past are undermined by the disruption of modern society.

Pending the creation of a supranational order, the existing governments have right to the loyalty and obedience of their citizens in all matters of government action and decision short of interference in the individual's faith in God and His prophets.

The order herein affirmed implies the establishment of a world commonwealth uniting all nations, races, creeds and classes and safeguarding the autonomy of its state members and the personal freedom and initiative of the individuals that compose them. The commonwealth would consist of a world legislature functioning as trustees of the whole of mankind and enacting the laws required to regulate the life, satisfy the needs and adjust the relationships of all races and peoples. Its world executive, backed by an international Force, would carry out the laws and decisions decreed by the world legislature, and safeguard the organic unity of the whole commonwealth. Its world tribunal would adjudicate and render final and compulsory verdict in any and all disputes arising between the various elements constituting the universal system.

"The earth is but one country, and mankind its citizens."—*Bahá'u'lláh* (1869)

Presented to the United Nations Human Rights Commission, February, 1947, by the National Spiritual Assembly of the Bahá'ís of the United States, 536 Sheridan Road, Wilmette, Illinois.

THE LUTHERAN CAMPUS CENTER

Kansas State University
DONALD J. FALLON, Campus Pastor

915 Denison
Manhattan, Kansas 66502
Phone: Area Code 913, JE 9-4451



February 20, 1968

This statement in support of the proposed housing legislation to amend the Kansas Act Against Discrimination is submitted by the Race Relations Committee of the Manhattan Ministerial Association and the University Christian Movement at Kansas State University. The University Christian Movement is comprised of students and faculty representing the Catholic and Protestant campus ministries and others at Kansas State University.

It is our Christian conviction that all men are of God's creation and that God shows no partiality. We believe in the oneness of man. It is our belief that in view of racial barriers erected to protect selfish, opportunistic, prejudiced and race supremacist goals, the proposed housing legislation will aid in guaranteeing constitutional rights and protecting the right to own property for both buyer and seller.

While recognizing the individuality of each person and the necessity for discriminating judgments as to the ability, temperament, economic and cultural status, etc. for assisting one man to relate to another, we find that arbitrary discriminatory judgments in the sale of property are race, color, religion, national origin or ancestry violate our Christian conviction of the oneness of man.

Realizing the problems regarding housing discrimination in our University community for minority groups, especially the Negro and international students, we commend our Manhattan City Commissioners for their recent approval of similar housing legislation for our community. We commend and support such action for the State of Kansas. We realize that laws cannot legislate morality but we do believe the law properly enforced can create the situations and environment in which people are confronted with the emotional barriers of prejudice and hopefully grow in accepting one another as persons. This is especially important for our children. The law reflects our culture and our belief as to what is right.

In a University community such as ours, and there are many such in the State of Kansas, highly trained and educated faculty, students, and research specialists are discouraged from remaining in our communities because of inadequate housing and racial barriers thus depriving Kansas of their educational, cultural, and economic contribution to our State. Our children are deprived of their rich cultural background; our communities deprived of better international understanding and relationships.

In view of these convictions we are grateful for the Kansas Act Against Discrimination and the action taken in many of our communities regarding fair housing practices. We highly support the proposal to amend the Kansas Act to include housing.

Donald J. Fallon
Donald J. Fallon
Chairman, Race Relations Committee
Manhattan Ministerial Association

Representative
University Christian Movement
Kansas State University

PETITION FOR ENACTMENT OF AN ORDINANCE
IN REFERENCE TO DISCRIMINATION IN
HOUSING OR SUBMISSION OF SAID ORDINANCE
TO THE VOTE OF THE PEOPLE

TO THE HONORABLE BOARD OF COMMISSIONERS OF THE CITY OF KANSAS
CITY, KANSAS:

Comes now the undersigned, duly qualified electors of the City of Kansas City, State of Kansas, and respectfully petition the Commissioners of the City of Kansas City, Kansas, namely Joseph H. McDowell, Mayor, Peter J. Matson, Finance Commissioner, and Hugh P. Doherty, Street and Park Commissioner, to adopt and pass an ordinance, without alteration, providing as follows:

(Title) AN ORDINANCE RELATING TO DISCRIMINATION IN HOUSING, AMENDING SECTIONS 1, 2 AND 3, AND ADDING A SECTION TO BE KNOWN AS SECTION 4 OF THE CODE OF CITY ORDINANCES, CITY OF KANSAS CITY, KANSAS, AND REPEALING SECTIONS 1, 2 AND 3 OF SAID ORIGINAL SECTIONS IN ORDINANCE #46565 OF THE CITY OF KANSAS CITY, KANSAS.

BE IT ORDAINED by the Board of Commissioners of the City of Kansas City, Kansas:

Section 1. That Section 1 of Ordinance #46565, City of Kansas City, Kansas, be and the same is hereby amended to read as follows:

It is hereby declared to be the policy of the City of Kansas City, Kansas, to aid, assist, educate, and encourage the citizens of said city in rehabilitating housing, apartments or other places of accommodation, and to cooperate with landowners, builders, developers or other persons engaged in real property management, sales, or rentals, to bring about good, wholesome and decent housing accommodations for the citizens of this community without discrimination, because of race, religion, national origin or ancestry.

Section 2. That Section 2 of Ordinance #46565, City of Kansas City, Kansas, be and the same is hereby amended to read as follows:

Any person, real estate broker, salesman, agent or employee thereof, or any bank, officer, agent or employee thereof, or any owner of real property, single family or multiple family dwelling, desiring assistance to accomplish the purposes of Section 1 hereof, or in cooperating with the public officials of the City of Kansas City, Kansas, shall be entitled to the assistance of the Commission provided by 2-208 of this code.

Section 3. That Section 3 of Ordinance #46565, City of Kansas City, Kansas, be and the same is hereby amended to read as follows:

It shall be unlawful for any person, firm, partnership, association, corporation, legal representative, or other group or class of persons thereof, to incite, abet, coerce or conspire with other persons, groups, firms, partnerships, associations, corporations, legal representatives or classes of persons thereof, to cause discrimination in housing accommodations.

Section 4. That Ordinance #46565, City of Kansas City, Kansas, be and the same is hereby amended to include the following:

Procedure for administration of this article, filing of complaints and hearings, shall be the same as provided in Ordinances #44155 and #46441, as now existing or hereafter amended.

Section 5. This ordinance shall not be construed as, or be a restriction upon the right of any individual, association, organization, realtor, broker, agent, employee, or any bank, officer, agent or employee thereof, or any owner of real property, single family or multiple family dwelling, to exercise their freedom of choice in the rental or sales of said property because of race, religion, national origin or ancestry.

Section 6. That original sections 1, 2 and 3 of Ordinance #46565, City of Kansas City, Kansas, be and the same are hereby repealed.

Section 7. This ordinance shall be in full force and effect upon and after its approval, passage and publication in the Kansas City, Kansas.

Further, the undersigned petition and respectfully request that the City Commissioners, if the above ordinance be not passed without alteration, submit the same, without alteration, for adoption or rejection by popular vote, and that the Mayor of said city issue proclamations calling for a special election for such purpose, as provided by law and more particularly KSA 1964 12-3013.

	<u>NAME</u>	<u>ADDRESS</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____

NAME

ADDRESS

1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

HOUSE BILL No. 2040

By Mr. Grant

ERVIN E. GRANT

Sixty-third District, Butler Co., Professional Bldg., P. O. Box 162, El Dorado, Kan.

memorandum

These proposed amendments are submitted by the author after suggestions made by committee members and other legislators subsequent to the hearing on Feb. 26. All are intended to make the bill more workable, and to comply with your suggestions.

Ervin E. Grant

AN ACT establishing a common day of rest; prohibiting certain sales of goods and services thereon; and prescribing penalties for violations thereof.

Be it enacted by the Legislature of the State of Kansas:

1 New Section 1. In order to promote the health, welfare and safety
2 of the citizens of this state, it is hereby declared to be the intent of
3 the legislature to establish a common day of rest by means of gen-
4 eral cessation of work and by prohibiting the sale or offering for
5 sale of merchandise or services, except as provided herein.

6 New Sec. 2. It shall be unlawful for any person, on both days of
7 any successive Saturday ~~and~~ Sunday, to engage in or conduct business
8 or labor for profit, in the usual manner and location, or to sell or
9 offer for sale merchandise or services, or to cause, direct or compel
10 his employees to do so, except as otherwise provided in this act.
11 As used in this act, the term "person" means any individual, firm,
12 corporation, partnership or association.

13 New Sec. 3. The provisions of this act shall not apply to:
14 (a) Any person whose activities are conducted solely for chari-
15 table or religious purposes.

16 (b) Any department or agency of a federal, state, municipal or
17 local government, or any of the officers or employees thereof, when
18 acting in an official capacity.

19 (c) The sale or offering for sale by any person of the following
20 items of necessity, which may be sold or offered for sale to promote
21 the public health, welfare and safety or to promote the common day
22 of rest: (1) Drugs, medical and surgical supplies, or any object

at retail

and

at retail

1 purchased on the written prescription of a person duly licensed by
 2 the board of healing arts; (2) ice cream, confectioneries and soft
 3 drinks, and ~~any food or meals prepared for consumption on or off~~
 4 ~~the premises where such is both prepared and sold~~; (3) farm pro-
 5 duce which is sold by the producer on the farm where produced;
 6 (4) newspapers and magazines; (5) gasoline, fuel additives, lubri-
 7 cants, antifreeze and tires; (6) repair or replacement parts and
 8 equipment necessary to safe and efficient operation of land vehicles,
 9 boats, ~~and aircraft,~~ and services for the installation of same; (7)
 10 emergency plumbing, heating, cooling and electrical repair and
 11 replacement parts and equipment, and services for installation of
 12 same; (8) cooking, heating and lighting fuel; (9) infant supplies;
 13 and (10) tobacco products;

and farm implements and equipment

- (11) souvenirs and postcards
- (12) sporting equipment and supplies
- (13) seeds, fertilizers and plants
- (14) rental equipment not offered for sale
- (15) real estate

which businesses need not be restricted to the sale of
 the items listed in subsection (c) of this section 3.

production and distribution of electric power and water supply;

production and

14 (d) The operation of the following businesses, necessary by
 15 reason of the public health, welfare and safety, and in promotion of
 16 the common day of rest; (1) Restaurants and caterias; (2) hotels,
 17 motels and other lodging facilities; (3) hospitals and nursing
 18 homes; (4) ambulance and burial services; (5) businesses for the
 19 ~~generation and distribution of electric power;~~ (6) businesses for
 20 the ~~distribution of gas, oil and other fuels, including heating fuels;~~
 21 (7) telephone, telegraph, radio and television services; (8) public
 22 transportation facilities and services attendant thereto; (9) cold
 23 storage warehousing; (10) ice manufacturing and distribution;
 24 (11) commercial and industrial protection services; (12) news-
 25 paper publication and distribution; (13) motion picture, theatrical
 26 and musical performances; (14) automobile service stations; (15)
 27 athletic and sporting events; (16) parks and recreational facilities;
 28 (17) scenic, historic and tourist attractions; (18) amusement cen-
 29 ters, zoos and museums; (19) libraries; (20) educational lectures,
 30 forums and exhibits; and (21) USO, YMCA, YWCA and similar
 31 services, organizations or clubs;

- (22) manufacturing and processing plants
- (23) coin-operated businesses
- (24) production of agricultural products
- (25) production or processing of dairy products

1 *New Sec. 4.* Nothing in this act shall be construed as prohibiting
 2 the sale or offering for sale, on both days of any successive Saturday
 3 or Sunday, of articles or services for the relief of suffering; the
 4 preservation of health, welfare and safety; or the protection of per-
 5 sons or property, when such is occasioned by the happening of
 6 some ~~unexpected event~~ which could not have been foreseen or
 7 guarded against. Nor shall this act be construed as prohibiting
 8 grain receiving or storage facilities from operating seven (7) days
 9 per week during grain harvest periods for the purpose of buying,
 10 selling or storing grain.

11 *New Sec. 5.* Any person violating the provisions of this act shall
 12 be guilty of a misdemeanor and upon conviction thereof shall be
 13 fined one hundred dollars (\$100), and upon any subsequent con-
 14 viction shall be fined two hundred dollars (\$200) and be confined
 15 in the county jail for a period of thirty (30) days.

16 *New Sec. 6.* The attorney general, or any county attorney within
 17 his county or any city attorney within his city shall diligently prose-
 18 cute any and all persons violating the provisions of this act, and
 19 they may, within their respective jurisdictions, maintain an action
 20 by injunction in the name of the state of Kansas, to temporarily or
 21 permanently enjoin such person from acting or operating in contra-
 22 diction to the provisions of this act.

23 *New Sec. 7.* Should any court declare any section, clause or pro-
 24 vision of this act to be unconstitutional, such decision shall affect
 25 only such section, clause or provision so declared unconstitutional
 26 and shall not affect any other section, clause or provision of this act.

27 *Sec. 8.* This act shall take effect and be in force from and after
 28 its publication in the statute book.

29
 30
 31

natural disaster

2-26 2040 opponents

Lenn D Cogswell

S.S. Will, Pastor 7th Day Adv.
President Ks Conference
of 7th Day Adventists

HB 2040 PROPONENTS

2-26

LES MAN:

E
1 GIBSON
ERRY HESS
LEYWOOD
W KASS
e Blaser

Do You Wish
To SPEAK?

YES

YES

YES

YES

Yes

1 purchased on the written prescription of a person duly licensed by
2 the board of healing arts; (2) ice cream, confectioneries and soft
3 drinks, and any food or meals prepared for consumption on or off
4 the premises where such is both prepared and sold; (3) farm pro-
5 duce which is sold by the producer on the farm where produced;
6 (4) newspapers and magazines; (5) gasoline, fuel additives, lubri-
7 cants, antifreeze and tires; (6) repair or replacement parts and
8 equipment necessary to safe and efficient operation of land vehicles,
9 boats and aircraft; and services for the installation of same; (7)
10 emergency plumbing, heating, cooling and electrical repair and
11 replacement parts and equipment, and services for installation of
12 same; (8) cooking, heating and lighting fuel; (9) infant supplies;
13 and (10) tobacco products.

14 (d) The operation of the following businesses, necessary by
15 reason of the public health, welfare and safety, and in promotion of
16 the common day of rest: (1) Restaurants and cafeterias; (2) hotels,
17 motels and other lodging facilities; (3) hospitals and nursing
18 homes; (4) ambulance and burial services; (5) businesses for the
19 generation and distribution of electric power; (6) businesses for
20 the distribution of gas, oil and other fuels, including heating fuels;
21 (7) telephone, telegraph, radio and television services; (8) public
22 transportation facilities and services attendant thereto; (9) cold
23 storage warehousing; (10) ice manufacturing and distribution;
24 (11) commercial and industrial protection services; (12) news-
25 paper publication and distribution; (13) motion picture, theatrical
26 and musical performances; (14) automobile service stations; (15)
27 athletic and sporting events; (16) parks and recreational facilities;
28 (17) scenic, historic and tourist attractions; (18) amusement cen-
29 ters, zoos and museums; (19) libraries; (20) educational lectures,
30 forums and exhibits; ~~and~~ (21) USO, YMCA, YWCA and similar
31 services, organizations or clubs.

which businesses need not be restricted to the sale
of the ~~terms~~ ^{items} listed in subsection (c) of this section 3

; and (22) industries where continuous processing or
manufacturing is required by the very nature of the
process involved.

STOR:
JOSEPH W. ATKINS, JR.

February 22, 1968

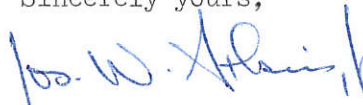
The Honorable Jess Taylor, Chairman
State Capital Building
Topeka, Kansas 66612

Sir:

The afternoon of Monday February 19, 1968, I was present on behalf of the Wichita Presbytery's Committee on Religion and Race in support of house bill 1912. However, I was unable to get the floor to speak before the hearing was adjourned.

I wish to draw your attention to the support of legislation such as this by our Presbytery, and to the materials enclosed with this letter.

Sincerely yours,



Joseph W. Atkins, Jr.

JWA:d

Enclosures

Presbyterian Ministers Hit Rejection of Housing Law

Sixteen United Presbyterian Church ministers released a statement today censuring the three city commissioners who voted down a proposed Fair Housing ordinance this week, and challenging Wichitans to "look for other leadership."

The ministers acknowledged their church is segregated, pointing to:

- A segregated Sunday School.
- A segregated worship service.
- Discriminatory employment of ministers and staff.
- Indifference in the face of human need.

"We confess that we have not shown the leadership of which we are capable," the statement read. "We are guilty before God of failure to uphold His righteousness. From this posture of guilt we speak to the city:

- "Residential segregation is degrading to the city of Wichita.

- "In the absence of an enforceable housing law, this condition will increasingly retard the realization of brotherhood.

- "Mayor Vollmer and Commissioner Woodard (who voted for the ordinance) are to be commended for their progressive leadership.

- "The remaining commissioners (Don Enoch, Bill Anderson and Walt Keeler) must bear full responsibility for voting contrary to:

- "The overwhelming opinion expressed at the public hearing.

- "The mood of the nation as evidenced in Gary, Cleveland, Topeka, Denver, Boston and Washington.

- "The teachings of every major denomination in the country.

- "The findings of every reputable school of social science.

- "The people who are discouraged and saddened by this clumsy failure to come to grips with the plight of 22,000 Wichitans must now look for other leadership.

"We will begin with the guilt of the church. We plead with the people to begin with the guilt of the city."

A SPOKESMAN for the ministers, the Rev. Joseph W. Atkins Jr., pastor of Brotherhood Presbyterian Church, said a copy of the statement was sent to each

to the decision of the commissioners," the Rev. Mr. Atkins said.

"At that point, we want to begin to develop a strategy within the city to participate in any change we feel has got to take place."

THE MINISTER SAID he realized there probably would be some reaction on the part of the respective congregations, but added he was not fearful of it.

"One thing the Presbyterian church has failed to do is react," he said, "so I would view any reaction as a positive one.

The Rev. Mr. Atkins said the ministers who signed the statement would meet Nov. 28 to discuss their long-range approach.

At that time, he said, they will discuss what to do next.

THOSE WHO SIGNED the statement are:

The Rev. Arthur R. Armstrong, St. Andrews Presbyterian; the Rev. Mr. Atkins Jr., Brotherhood; the Rev. Garth G. Barber, associate pastor at First; the Rev. William G. Borst, Bethel; the Rev. Jack F. McCreary, St. Paul; the Rev. Ralph W. Hand Jr., West Side; the Rev. William A. Hastings, minister of education, First; the Rev. Dr. William F. Keesecker, Grace; the Rev. Hugh E. Marsh, minister of youth, Grace; the Rev. William Montgomery, St. Luke's; the Rev. Robert W. Myers, Faith; the Rev. Lewis T. Rawlings Jr., Westwood; the Rev. Loran E. Scott, associate pastor, Grace; the Rev. Robert W. Scott, Southwest; the Rev. Wilmer N. Thornburg, Bethany; the Rev. Dr. Robert W. Youngs, First.

The Wichita Beacon

NOVEMBER 18 1967

Published daily except Sunday and Holidays by The Wichita Eagle and Beacon Publishing Company, Inc., 825 E. Douglas, Wichita, Kansas. Second class postage paid at Wichita, Kansas. All rights reserved and contents may not be reproduced without permission of the publisher. The Wichita Beacon is a member of The Associated Press. It also uses these wire services: United Press International, The New York Times and The Chicago Tribune, New York News. The Associated Press is exclusively entitled to use for publication of news credited to it and also to all local news published herein. Mail subscription rates Kansas and Oklahoma on R.F.D. routes only where carrier delivery is not available:

	1 Yr.	6 Mo.	3 Mo.	4 Wks.
Morning	\$15.60	\$7.80	\$3.90	\$1.20
Evening	15.60	7.80	3.90	1.20
Sunday	10.40	5.20	2.60	.80
Morning and Sunday	26.00	13.00	6.50	2.00
Evening and Sunday				

CHRISTMAS IS GOOD NEWS

In this season of merriment,
We ministers and priests read again the story of our Lord's coming,

A STORY OF GOD'S SON,

Poorly housed in Bethlehem,
Of little children menaced by Herod's power.

Christmas finds us in a more refined age;
Babies are no longer slaughtered

BUT—ANCIENT BETHLEHEM PARALLELS MODERN WICHITA.

Are we deaf and blind to the wistful yearning of the ghetto?
Are all children welcome everywhere in our city?

Herod's was the sin of commission when he slaughtered little children;
Ours is a sin of omission when we refuse children a hope and a chance.

WE CAN CHANGE THIS—

We can eliminate the sin of discrimination,
We can fulfill the dream of equal opportunity,
We can be our brother's brother

THIS IS THE GOOD NEWS OF CHRISTMAS!

publicly and penitently this Holy Day we commit ourselves to this task. In the spirit of Christmas
ask the people of Wichita to join us.

The Rev. Philip J. Allen
The Rev. James L. Andrews
The Rev. Elias J. Armistead
The Rev. Arthur R. Armstrong
The Rev. Joseph W. Atkins, Jr.
The Rev. William R. Bagby
The Rev. Garth G. Barber
The Rev. George J. Beebe
The Rev. David Bills
The Rev. Arthur W. Binford
The Very Rev. Robert D. Blanpied
The Rev. Larry Booth
The Rev. Carl L. Bornmann
The Rev. William G. Borst
The Rev. Walter Bowman
The Rev. Ronald L. Bump
The Rev. Luke Byrne, S. J.
The Most Rev. Mark K. Carroll
The Rev. Leonard A. Clark
The Rev. Leonard Cowan
The Rev. Andrew K. Craig
The Rev. C. P. Criss
The Rev. David H. Cushing
The Rev. Louis Dale
The Rev. Leonard Dale
The Rev. Jack D. Davies
The Rev. S. V. Dillon, S. J.
The Rev. Douglas R. Donovan
The Rev. Wayne L. Dyer
The Rev. Robert E. Eades
The Rev. W. A. Ebertz
The Rev. Kenneth E. Ellsworth
The Rev. Darrel Fedde
The Rev. Edward E. Franklin
The Rev. W. Cecil Findley
The Rev. H. Wayne Fink
The Rev. George T. Gardner
The Rev. Dean E. Gleason
The Rt. Rev. Msgr. Thomas C. Glynn
The Rev. Frederick B. Golike
The Rev. Maurice E. Gordon
The Rev. Paul Goering
The Rev. George F. Gould, S. J.
The Rev. David L. Grimm
The Rev. Charles E. Hadley

The Rev. Robert L. Haertig
The Rev. Ralph W. Hand, Jr.
The Rev. J. Lester Hankins
The Rev. Donald F. Hanley
The Rev. Benjamin Harrison
The Rev. William A. Hastings
The Rev. Francis J. Hay
The Rev. Robert Haycraft
The Most Rev. David F. Hickey, S. J.
The Rev. Harry H. Hoorman, S. J.
The Rev. Michael G. Ireland
The Rev. Eugene W. Jobst
The Rev. Howell E. Jones
The Rev. J. Karl Jones
The Rev. Ralph J. Jones
The Rev. Wayne E. Karlowski
The Rev. L. H. Kearney
The Rev. William F. Keesecker
The Rev. Ray L. Keller
The Rev. Leon Kerschen
The Rev. Donald A. Kessler
The Rev. Richard S. Klein
The Rev. Thomas Knorr
The Rev. Robert F. Kocour
The Rev. Lloyd Lambert
The Rev. Lawrence Landrum
The Rev. Robert K. Larson
The Rev. Robert L. McAllister
The Rev. Oren McClure
The Rev. Jack McCreary
The Rev. Clinton L. McDonald
The Rt. Rev. Leon A. McNeill
The Rev. Dennis Maack
The Rev. Hugh E. Marsh
The Rev. Paul Matthaei
The Rev. Ivan G. Mattern
The Rev. David Max
The Rev. Howard A. Michel
The Rev. Conrad J. Modschiedler
The Rev. William Montgomery
The Rev. Max W. Morgan
The Rev. Ronal E. Mudd
The Rev. T. H. Mueller
The Rev. Calvin F. Mutti
The Rev. Robert W. Myers
The Rev. Richard P. Newby

The Rev. Thomas H. Norman, S. J.
The Rev. Paul Oborny
The Rev. Robert K. Ordway
The Rev. Joseph Ostrander, C.S.S.R.
The Rev. Wayne M. Paulsen
The Rev. Robert F. Pepe
The Rev. Lawrence J. Perkins
The Rev. Lewis T. Rawlings, Jr.
The Rev. Willard T. Reece
The Rev. John Reinkemeyer
The Rev. George W. Richards
The Rev. Thomas Scaletty
The Rt. Rev. George N. Schmidt
The Rev. Jack A. Schmidt
The Rev. Jay B. Schwartz
The Rev. Lorán E. Scott
The Rev. Robert W. Scott
The Rev. Keith E. Seelig
The Rev. Gene S. Seely
The Rev. J. Kenneth Sheane
The Rev. Kenneth Short
The Rev. Melvin L. Short
The Rev. Robert D. Simison
The Rev. Robert A. Simms, S. J.
The Rev. Donald R. Steelberg
The Rev. Edward J. Steinberger
The Rev. J. W. Stenholm
The Rev. Martin Steyer
The Rev. Arthur C. Stubbs
The Rev. Richard E. Taylor
The Rev. Melvin Thompson
The Rev. W. M. Thornburg
The Rev. George A. A. Tocher
The Rev. James H. Torn
The Rev. Gene M. Tromble
The Rev. Glenn H. Trost
The Rev. T. G. Van der Bloemen
The Very Rev. Msgr. Charles F. Walsh
The Rev. James Warner
The Rev. Samuel G. Widiger
The Rev. George Yates
The Rev. George B. York, S. J.
The Rev. Robert W. Young
The Rev. Don R. Yungclas
The Rev. Robert W. Youngs

Kansas Advisory Council on Civil Rights

Room 1155W State Office Building

Topeka, Kansas 66612 CE 5-0011, Ext. 8011

February 22, 1968

EXECUTIVE BOARD

Chairman
Mrs. Nathan Shechter
5723 Windsor Dr.
Shawnee Mission, Kansas 66205
A.C. 913, EN 2-5626

Vice-Chairman
Rev. Jack Bremer
Legislative Committee

Secretary
Mr. Vincent Gonzales

Treasurer
Mr. Lawrence T. Litwin

Rev. Joseph G. Bartos

Rev. Lewis Branch

Mr. Allen Correll

Rev. Dave Cutting

Mrs. Helen Francis

Mrs. Edgar Gardenhire

Mr. William Harris

Rev. Thomas Hesse

Mr. Devore Holland

Rev. Cecil Findlay

Rev. R. Larkin

Rev. Jeffrey Lenn

Mr. Chester I. Lewis

Mr. D. M. Mack

Rev. Martin E. Nees

Rev. Robert F. Pepe

Dr. Charles R. Roquemore

Dr. Richard Sapp

Miss Constance Sawyer

Mrs. Dan E. Smith

Mr. George Vega

Mr. James Woodson

Rev. Darrell Yeane

Mr. James Yount

MEMORANDUM

To: Representative Jess Taylor, Chairman,
All members, House Federal, State and Local Affairs
Committee

From: Mrs. Nathan Shechter, Chairman
Kansas Advisory Council on Civil Rights

We should like to call your attention to several items included in the testimony presented by the opponents to H. B. 1912 in the hearing on Tuesday, February 20.

Reference was made by Mr. Kenneth Murrow, President, Kansas Home Builders Association, to the fact that H.B.A. opposed legislation, preferring rather the achievement of open occupancy through a "change of heart". A recent (spring-summer 1967) survey of home builders in the eastern part of the state revealed that many were willing to build without discrimination, but would not want this to be known to the association for fear of economic reprisal.

This is a rather severe infringement on the free choice of builders who hesitate to do publicly what they believe privately. The passage of a state law would certainly free them from fear and allow them to build as they choose, rather than refuse to build because of the policy of their association.

The opponents made much of their willingness to solve the problem by voluntary means. We call your attention to the fact that several communities have had voluntary campaigns, the largest of which was in Johnson County. Approaches to the Real Estate Board there resulted in a refusal to participate in the voluntary campaign. We are at a loss to find logic in a situation such as this - a refusal to use voluntary means, and a refusal to use the legislative method, together with the continuance of the call for a "change of heart".

As to financial loss to builders or the real estate industry, no figures from anywhere throughout the nation, substantiate this claim. Studies done at the University of California by Luigi Laurenti, which included the areas in Kansas and Missouri; Yale University by Palmore and Howe; and the figures entered into the record from the Bureau of Census indicate without doubt that values continue to rise, while the demands for housing are still unmet. Certainly we can assume that with restrictions removed, there would result an immediate expansion of the market, with an increase, not a loss, in income to all concerned.

more

As to the instance quoted by Mr. Everett Fritz that as a result of the entry of three Negro families there were 96 vacancies in one housing complex, we can say only that in the absence of substantiation of the figures presented, and assuming they are true, the existence of a state law would preclude flight, and would inevitably reduce, or entirely eliminate, the possibility of loss to the owner.

In addition to those cities where fair housing ordinances have already been enacted, other cities in Kansas are considering similar legislation. We submit that this would leave the state in a most untenable position - should there be legislation in some, and not all of the cities and towns within its borders. There would result a possible loss of revenue through inducements to leave such cities, denuding them of taxes on real and personal properties, increasing demands for highways and services normally rendered in cities, without providing the proper tax base for these services.

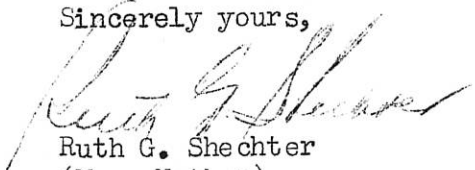
Most new building is going up in "fringe" areas, and our testimony only touched upon the vicious circle of entrapment that holds minority groups in its grasp. Minority groups barred from acquiring housing near new industries, with transportation unavailable or non-existent, are therefore cut off from better income, better educational facilities and better housing.

Although we are certain that no confusion exists in your minds as to the procedures involved in the filing and investigation of complaints under the amendments to the Act, we would appreciate your attention to the fact that there is or seemd to be a presumption that all property would immediately be tied up on the filing of a complaint. We understand the law to read that injunctive relief cannot be invoked unless investigation proves that probable cause does exist.

We have enclosed some materials, two of which were included in a packet sent to every legislator in December, 1967. We have added "Property Rights and Human Rights", a significant and relevant discussion of a question often confused with the real issue.

We thank you again for your time and your patience. If you wish to be advised of individual instances of discrimination in housing, we would be happy to supply you with the evidence, as we did in the case of the Olathe Naval Air Station.

Sincerely yours,


Ruth G. Shechter
(Mrs. Nathan)
Chairman

/rgs
enclosures - 3

PROPERTY RIGHTS AND HUMAN RIGHTS

The tragic experience of more than 50 years has shown that fair housing will not be achieved by voluntary effort alone.

RICHARD K. TAYLOR

"WE DEFEATED Title IV," lobbyist Alan Emlen recently told the Philadelphia Community Forum. He was referring to the fair housing provision of the 1966 Civil Rights bill. That provision was killed largely owing to the campaign organized by Emlen's employer, the national realtors' association.

It is no surprise that realtors regard the new federal Civil Rights bill, with its modified housing section, as an equal threat. In his inaugural speech as 1967 president of the National Association of Real Estate Boards, Richard B. Morris said that realtors will "continue to oppose forced housing legislation--the attempt to inject compulsion into the private contracts by which citizens decide upon the disposition of their own property."

What techniques did the realtors use in mounting a campaign that produced letters to congressmen at the rate of 100 against to one for fair housing legislation? What arguments did they put forward, and how valid are those arguments, practically, legally and morally? How sound is the "property rights" argument they use so effectively? And what is the meaning of this whole controversy for people who are trying to discern God's will in the theological and sociological issues of our time?

"A Bit of History"

But first, a bit of real estate history. Nowadays in their public statements against open occupancy laws, realtors seldom or never make outright appeals to bigotry. Quite the contrary. They are careful to say that they favor fair housing and disagree only with a legal approach to obtaining it. But this is a very new approach on their part. From 1924 to 1950, Article 34 of the National Real Estate Board's Code of Ethics--based on the myth that sale of property to members of minority groups devalues the property--enjoined realtors from introducing into an area "members of any race or nationality, or any individual, whose presence will clearly be detrimental to property values in the neighborhood." This code was widely copied by local boards across the country. They implemented it by selling to Negroes only in ghettos or in fringe areas--a practice still followed today.

One of the least known bits of professional segregation in the United States is that Negro real estate men have had to set up an organization of their own, the National Association of Real Estate "Brokers,"

because up to 1945 no local body affiliated with the National Association of Real Estate Boards accepted Negro members. Indeed even now the situation is the same, save in rare instances. And of course the white association still holds to the old code. Even today Negroes who venture into white real estate offices in search of homes encounter all the old evasions and humiliations. The story is always the same--"The salesman is out, the key is lost, the property is sold or is not for sale any more." In nine years of work on fair housing problems in the Philadelphia area I have heard it a thousand times from Negroes seeking property outside the ghetto.

"Racial discrimination in real estate," wrote Davis McEntire in Residence and Race (University of California Press, 1960, page 245) after five years of nationwide research under a \$305,000 foundation grant, "is much more than a practice of individual brokers and salesmen. It is one of the standards of the real estate business to which individual business men are expected to conform and are liable to sanctions if they do not."

In view of this history, one may be excused for taking with a grain of salt the realtors' present protestations of commitment to fair housing. Nevertheless, during the 1966 housing battle their arguments carried with congressmen and the voters.

"A 'Message' That Got Results"

In the late spring of 1966, while hearings were being held on the Civil Rights act, tens of thousands of Americans received through the mail a red-white-and-blue NAREB leaflet presenting "An Urgent Message to Every Home Owner in the United States." It explained how Title IV "would destroy fundamental rights of free men" and urged property owners to write their congressmen to protest "this attempt to deny people freedom of choice."

This "Message" was only part of the three and a half million pieces of literature which--according to Alan Emlen, chairman of the realtors' Washington committee--NAREB sent out to oppose Title IV. The real estate broker is important to the middle class white, that highly mobile American whose frequent home-buying is often guided by a personable real estate man. Utilizing this relationship, NAREB provided its 85,000 members with well worded, patriotic-sounding antilegislation material and encouraged them to use it on their customers and acquaintances. Hence the deluge of anti-fair housing mail which, in an election year, weaned otherwise liberal congressmen away from support for the legislation.

At the same time, brokers worked directly on vacillating congressmen through local real estate committees. Advertisements attacking Title IV and paid for by local boards appeared in many parts of the country. The NAREB Washington lobby brought top realtors from around the U. S. to Washington to testify against the bill before House and Senate committees.

Title IV was finally watered down in July. But NAREB kept the pressure on. It sent its members a letter calling the amended bill "more onerous and more oppressive than the original version" and urging realtors to help generate an immediate wave of indignation by all citizens against Title IV" (quoted in the Philadelphia Evening Bulletin July 28, 1966). The defeat of the 1966 act is now history.

But it seems clear that pressure for fair housing legislation-- and campaigns to defeat it--will continue. The 1967 Civil Rights bill includes a section on housing. Meanwhile we have had demonstrations against housing discrimination in Chicago, in Louisville (where the local real estate board led the successful fight against a fair housing ordinance) and in other cities.

"The 'Freedom of Contract' Argument"

The realtors' argument against fair housing laws is that--in the words of former NAREB President Jack Justice--such laws "destroy the American tradition of freedom of contract--the right of the individual to choose, for whatever reason, to sell or not to sell /or rent/ his property to whomever he desires without coercion from his government" (quoted in Realtors' Headlines /organ of the NAREB/ May 2, 1966). Thus the chief issue in the realtors' view is "property rights." Unquestionably their reasoning appeals to wide sections of the American public.

It is true that Americans "traditionally" have had the freedom to choose, in most cases, to whom they would sell or rent. But this freedom has not been as all-encompassing as the "property rights" argument implies. Practices such as eminent domain and urban renewal acquisition do in many instances compel an owner to sell and get out when he would rather stay put. State and local fair housing laws, whose constitutionality has been upheld by most courts, have required homeowners to sell or rent to minority group members when they would rather have discriminated against them. In other words, there is already an "American tradition" of using property for the general good. And it is this tradition which makes the right to dispose of property at one's own discretion less than absolute.

But there is an even more basic question about the "property rights" arguments. Does the fact that a "traditional freedom" exists in our society today mean that it must be extended in exactly this form into the indefinite future? At one time in our history employers had the freedom to hire small children and work them long hours in sweatshops. Before the turn of the century, meat packers were free to market diseased beef. There was even a time when "property rights" included the right to hold another man in slavery, to treat a fellow human being as "property." Such rights have been swept away by legislation which put limits on erstwhile freedoms that have proved harmful to society as a whole. Yet these very limitations opened up new areas of freedom which have a higher value for a democracy.

"A More Fundamental Freedom"

"When one man murders another," wrote J. Irwin Miller in the Century's pages a few years ago (October 22, 1964), "two freedoms are involved, not one....the freedom to murder at will, and the freedom not to be murdered at will. Since we cannot grant one without denying the other, we come up against a hard fact...: freedoms compete with each other." And, as Miller pointed out, one of the responsibilities of free men is to make choices among competing freedoms.

The freedom of white property owners to discriminate in the sale of their houses denies to millions of minority group home-seekers the freedom to purchase the property of their choice. Which is the more fundamental freedom, which the "right" that should be upheld in a democratic society?

One of the democratic visions our laws try to undergird is that no citizen shall be artificially penalized by caste, color or background, that each shall be free to develop his potentialities. That a person should be allowed to acquire a home for himself and his family without having to face all kinds of humiliation because of his race or religion certainly seems in accord with this vision. The idea that an owner should be free to deny housing to any person solely because he belongs to the "wrong" group smacks of racism rather than democracy.

Again, the limitation imposed by fair housing laws on the freedom of sellers and landlords seems small in comparison with the benefits they provide for home-seekers. These laws do not deprive the property owner of the right to sell or rent, nor do they forbid him to apply reasonable criteria--such as credit rating or price--to a prospective purchaser, whether Negro or White. They simply require that the transaction be completed without regard to the race, color, religion or national origin of the parties involved. The evil of discrimination against the home-seeker is so great and the question of membership in a minority group so irrelevant to a commercial transaction that obligatory disregard of it does not seem to be an overly severe limitation of freedom of contract.

That the issue of property rights has a theological as well as a legal dimension was pointed out in a recent statement by the bishops of the Michigan Catholic Conference. They readily admitted that the right to private property has been defended by the church, but made it clear that this was not meant to be an absolute, unlimited right. Private ownership is a stewardship involving social responsibility. The seller who discriminates against certain groups, the bishops said, "is using his property to the detriment of society. Human dignity and equality demand the right to change of residence and opportunity to buy according to the same reasonable standards for all. Color or creed is not a reasonable standard for discrimination or exclusion" (Newsletter of the National Catholic Conference for Interracial Justice).

To all this the realtor replies that freedom of residence should be achieved by education and voluntary action, not by law. "We urge the Congress to choose the traditional way of voluntary effort," says Alan Emlen, "and to reject the alien way of the police expedient" (Realtors' Headlines, May 2, 1966). "The problem of open occupancy can really be solved," states Jack Justice, "not by the police force of law, but only by education and tolerance which change the minds and hearts of men" (ibid.).

"The Role of Law"

No one who supports fair housing legislation contends that law is the total solution to the housing discrimination problem. Education and voluntary processes, on the part of realtors or anyone else, are to be commended wherever they appear. But law has its place too, as any realtor will admit who happens to be lobbying for, rather than against, a piece of legislation. We would not junk consumer protection laws simply because consumer education is going on; so neither should we reject laws to protect the minority group home-seeker just because some laudable voluntary efforts are being made.

As one who has been involved in fair housing activity for almost a decade, however, I see in this area a dimension of tragic necessity. Laws to control traffic are a must for a modern urban civilization. Yet it would be ridiculous to suggest that we need laws barring discrimination in the sale of used cars, for used-car salesmen obviously make their merchandise available to any person, Negro or white, Jew or gentile, who can afford it.

The same pattern should be followed in real estate. Property owners "should" be willing, without legal compulsion, to sell or rent to any financially qualified home-seeker. Real estate brokers should be willing to serve all clients equally and to refuse to lend their professional expertise to the service of racism. If they did, no laws would be needed.

But the tragic experience of more than 50 years has shown that voluntary steps alone are completely inadequate. While NAREB argues for "education," its members go along with--and often promote--racist community attitudes toward housing. While NAREB calls for "voluntary effort," its members across the country bend their efforts to excluding Negroes from the regular housing market.

As has often been pointed out, where a sensitive conscience does not naturally create just conditions for millions of a society's citizens, laws must be passed which embody the society's highest sense of justice, so that weaker members may be protected in the exercise of their fundamental rights.

"Challenge to the Churches"

When the 1966 Civil Rights bill was first introduced into Congress, Senator Sam J. Ervin, Democrat of North Carolina, commented that "we now have a civil rights bill that will have an effect somewhere except on poor sinful southerners. It will be interesting to see how others act when their ox is being gored." We saw how the "others" acted. White northerners themselves punctured the baloon of northern self-righteousness about race. The latent racism surrounding property and community exclusiveness came into the open in heated talk and action based on the idea that property rights supersede human rights. Realtors helped to shape the climate for the bill's defeat, but undeniably they also articulated what many white Americans feel. As we look into the realtors' arguments we are looking into the dark recesses of our own and our neighbors' souls.

After Selma, the nation's churches and synagogues proved that they could arouse the national conscience and press for the passage of national civil rights legislation. Will we see in the fair housing debate God's call to us to affirm human dignity against the forces that would crush it? Will we end housing discrimination as we ended slavery, child labor and poisoned pork? Or will a sneaking commitment to "property rights" place us in the realtors' camp and ensure our silence?

Reprinted from:

The Christian Century
September 6, 1967

THERE IS NO CONSTITUTIONAL RIGHT TO DISCRIMINATE
IN HOUSING BECAUSE OF
RACE, CREED, COLOR, NATIONAL ORIGIN OR ANCESTRY

One of the most frequently heard arguments against fair housing legislation, particularly made in reference to federal fair housing legislation is that such legislation would "take property without Due Process" or that it means that "a man's right and freedom to sell or rent to whom he chooses is taken away." Another is that in the case of the federal government, no power is given by the United States Constitution to Congress to regulate such activities of private individuals unless interstate commerce is affected.

Americans have a tradition of individualism and we are all sometimes fiercely proud of our independence--perhaps no other people talk so frequently of our "Constitutional Right" to do one thing or another. And we are rightly concerned about protecting our constitutional rights. However, we sometimes misinterpret what our rights are. The discussion about them in reference to housing laws is a case in point. How often have we heard someone say "I believe in equal opportunity, but it's unconstitutional to tell a man who he can sell his property to. It isn't right to force a man to sell." But the truth is that there is no constitutional right to discriminate because of race and the truth is that a fair housing law would not take away any right to sell or rent to the person chosen.

The Constitutions of Missouri, of Kansas, and of the United States do not grant and protect the "right" to discriminate because of race. Look at those documents. They nowhere say that we are free to discriminate because of race. Property rights, due process and individual rights are mentioned but nowhere do we see the right to discriminate listed.

The Constitutions do contain guarantees of certain property rights and contract rights. But among them is not the right to protect property by discriminating in its sale or rental because of race.

Property rights are not in fact unqualified. Those of us who are against fair housing for "constitutional" reasons should take note that we have long accepted the principle that how we use our property can be limited by demands of the public interest and the kinds of contracts we make can be limited by the public welfare.

Decisions of the Supreme Court of the United States (made prior to the historic 1954 school decisions) have made clear that private property can be taken for public use if due process is observed and if just compensation is given; that zoning requirements can properly limit our use of private property; that city planning may require that certain areas be set aside for specific uses; that one must use his property in such a manner that his property does not become a public nuisance. Decisions long ago established that professions such as realtors could be properly regulated by licensing requirements. These decisions long ago established that activities of private individuals and companies can be regulated by federal law if interstate commerce is affected. They established that states could not pass racially discriminatory laws or

lend support to discrimination because of race; that privately agreed upon restrictive covenants which prevent an owner in a block or area from selling to Negroes, etc., cannot be enforced by the courts. In short, our property and contract rights are properly limited where they infringe upon individual rights basic to a free and democratic society and where exercise of complete freedom of use operates to the detriment of society.

On the other hand, our Constitutions and our Declaration of Independence do support the ideal of equal opportunity in housing. What do the words of the Declaration of Independence mean if not that we are all entitled to be judged on our individual merits rather than by race:

" . . . that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of happiness."

And what does the 14th Amendment to the United States Constitution mean by its statement that no state shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" if not that all citizens are entitled to have laws enacted which will assure them "equal protection" where it is being denied?

The truth is that we sometimes give undue weight to what we term our "property rights" and forget about the individual rights that we have to achieve that property on a non-discriminatory basis. This is evidenced in our history. What is older than our Declaration of Independence? And yet we, as a nation, permitted slavery to exist in spite of our noble declaration. What person today would justify the Dred Scott decision (19 How. 393) which held that one human being could be the property of another human being who must be handed back to the "owner" as would be the case with any lost or stolen chattel? We did this in the name of property rights.

In 1865, the 13th Amendment to the United States Constitution provided that "Neither slavery nor involuntary servitude . . . shall exist within the United States . . ." and that "Congress shall have power to enforce this article by appropriate legislation."

In 1866 Congress enacted the Civil Rights Act of 1866 (prior to the introduction of the 14th Amendment) which provided in part that all " . . . citizens, of every race and color . . . shall have the same right in every State and Territory in the United States . . . to inherit, purchase, lease, sell, hold, and convey real and personal property . . . This act is still on the books today, but has been ignored. What can this law mean but that Negroes must not be discriminated against in property matters because of their race? And how can it be argued that a law assuring them that right violates the Constitution when the 13th Amendment specifically gave Congress authority to pass laws such as the 1866 one?"

Apart from any aspect of federal law or federal Constitution it is clear that state and local enactment of fair housing legislation and ordinances is constitutional. Illustrative is a recent case before the Supreme Court of Illinois (1967) in which the court held the Chicago Fair Housing Ordinance to be constitutional:

"The ordinance was enacted to cope with problems resulting from discrimination in housing.

"The imposition of restrictions on real estate brokers alone was reasonably related to the objectives of the law, and was not arbitrary

"Consequently, this ordinance in no way infringed the constitutional guarantees of due process and equal protection of the law. Nor does it offend any other constitutional provisions."

Chicago Real Estate Board et al. v. City of Chicago et al.

If we oppose fair housing legislation, we must do so on other than constitutional grounds'.

*A part of the early Civil Rights Act was held to be unconstitutional. That part, however, related to public accommodations. The quoted portion of the 1865 law is still the law and is currently the basis for a lawsuit filed by a St. Louis Negro couple who were refused opportunity to purchase a home because of race. (Jones v. Mayer Company)

FAIR HOUSING IS NOT THE SAME AS "FORCED" HOUSING

It is a strange and illogical argument which says that a fair housing law would amount to "forced" housing. Opponents of legislation say that the effect of such a law would be to "force" a person to sell his property and that such laws should not be passed. Law, they say, is not the proper instrument to bring to bear upon racial discrimination.

This is a strange and illogical argument when one considers the fact that for the major period of our history as a country we have had laws requiring, permitting and encouraging racial discrimination of all kinds. Why, if the first period of our history legally sanctioned racial discrimination, should not the present period rightly concern itself with laws which prohibit discrimination?

The term "forced" housing is misleading and improper. Fair housing legislation does not "force" anyone to sell or rent property to any particular person. It does not take away income or property. It merely says "you can no longer refuse to sell or rent solely on the basis of race." -This means that an owner can sell to the highest bidder or rent on a first come-first served basis; standards are the same as always but race, religion, creed, color, national origin, or ancestry are no longer part of those standards. For example, the realtor can no longer refuse to show property to Negroes simply because they are Negroes.

In short, a fair housing law would end the "forced" housing conditions which now operate to deny minority groups the opportunities enjoyed by the majority.

Such a law would not lend itself to maladministration any more than do our other regulatory laws. Arbitrary actions of governmental officials are reviewable in courts and they would be under a fair housing law. The difficulties of investigating a complaint of discrimination would be no more difficult than a National Labor Relations Board proceeding over an alleged unfair labor practice.

If fair housing legislation were passed, rights of all would be assured. For example, a Negro who is refused rental might file a complaint because he notices that white persons continue to move in even though he was told that all apartments had been rented. Investigative procedures normally would reveal whether he was in fact refused because of race or, rather, because all apartments had been rented. The complaint would have to be proved as is the case in all court and administrative proceedings.

Those who improperly label "fair" housing legislation as "forced" housing legislation divert attention from the only effect which the law would have: that of providing equal equal opportunities in housing for all.

2-22-68
2063



KANSAS MOTEL ASSOCIATION, INC.

2706-a east central

wichita, kansas 67214

ac 316 mu 5-2326

February 22, 1968

OFFICERS

Robert D. Greene, President
Ramada Inn
Wichita

R.H. Peterson, 1st V.P.
Continental Host Motel
Junction City

Joe Garner, 2nd V.P.
Holiday Motel
Garden City

Harlan Widener, 3rd V.P.
Copa Motel
Kingman

Larry Kellum, Secy-Treas.
Diamond Motor Inn
Wichita

Frank W. Hafer, MAA Dir.
Holiday Inns of Wichita
Wichita

E.L. Franklin, Alt. MAA Dir.
Tops Motel
Topeka

DIRECTORS

Guy Allen
Brooks Motel
Norton

A.E. Arnett
Arnett Motel
Wichita

Jack Batty
Ramada Inn
Hays

Ray Brown
Ramada Inn
Hutchinson

August Dick
Kansan Inn
Greensburg

Ruben Koch
Flint Hills Motel
Strong City

Lloyd Lundy
Vagabond Motel
Hays

J.L. Tucker
J-Hawk Motel
Greensburg

M.W. Tucker
Tucker Motel
Minneola

O.R. Warkentine
Golden Plains Motel

Jeis
Motel
Salina

Joe Werth
Riley Motel
Hays

EXECUTIVE DIRECTOR

Don Compton
2706-A East Central
Wichita, Kansas 67214

Gentlemen:

At a regular meeting of the Board of Directors of Kansas Motel Association held in Wichita, Kansas on February 17, 1968, the following Resolution was adopted:

RESOLVED that the Kansas Motel Association recommends that Sec. 4. K. S. A. 1967 Supp. 74-3801 be amended so that there are six members on the Food Service and Lodging Board with three members persons primarily engaged in the food service business and three persons from the lodging industry, one primarily in the motel business, one in the hotel business and one in the apartment house business. Each member shall be appointed for a two year term, with appointments staggered in order to keep continuity on the Board and with no more than three (3) members going off the Board in any one year, and of these three no more than two going off the Board from either the food service industry or the lodging industry any one year.

Accordingly, attached is Sec. 4. K.S.A. 1967 Supp. 74-3801 as our Association would recommend.

Sincerely yours,

Robert D. Greene
President

RDG/bc
Enc.



KANSAS MOTEL ASSOCIATION

RECOMMENDATION FOR CHANGE IN MEMBERSHIP
ON FOOD SERVICE AND LODGING BOARD

Sec. 4. K. S. A. 1967 Supp. 74-8301 is hereby amended to read as follows:
74-3801. There is hereby a state food service and lodging board consisting of
six (6) members who have been citizens of this state for at least three (3)
years next preceding the date of appointment. The board shall be appointed by
the governor of the state. ~~Two (2)~~ Three (3) members of said board shall be
persons who are actively and primarily engaged in the ~~hotel, motel or the~~
~~apartment-house-lodging~~ business, with one (1) member actively and primarily
in the hotel business, one (1) member actively and primarily in the motel bus-
iness and one (1) member actively and primarily in the apartment house business,
and three (3) members shall be persons who are actively and primarily engaged
in the food service business, ~~and one member shall be a person who is actively~~
~~and primarily engaged in the motel business.~~

Each member shall serve for a term of two (2) years, ~~except in the case of~~
~~the first board, three (3) of whom shall have served for one (1) year.~~ ~~Members~~
~~serving on the state hotel and restaurant board on the effective date of this~~
~~act shall be members of the state food service and lodging board and hold their~~
~~respective offices until their terms expire and their respective successors are~~
~~appointed and qualified.~~ ~~On July 1, 1965, the governor shall appoint the fifth~~
~~member of the food service and lodging board who shall be a person engaged actively~~
~~and primarily in the motel business within this state and the sixth member who~~
~~shall be a person engaged actively and primarily in the food service business~~
~~within this state.~~ with appointments staggered so that continuity will be kept on
the board and with no more than three (3) members going off the board in any one
year, and of these three (3), no more than two (2) going off the board from either
the food service industry or the lodging industry any one (1) year. Each member
of said board shall take oath as provided by law for public officers.

Kansas Motel Assn

Frank Hager - Holiday Inns.
Spokane

Jay Fisher - J. Hunt Hotel
Green Bay

August Bick - Kansas Inns, Grandway

Wm Compton - Exec Director
Kansas Motel Assn

Wm Compton - Asst Director
Kansas Motel Assn