FILE NO would respectfully report that we President: Protest OF Caroline Root, et al against the within the 27,000 negro population in Seattle telling 600,000 people how they may live, rent and sell, etc., in connection with the anti-discrimination law regarding housing asked for by the National REPORT Assn. for the Advancement of Colored People, etc. DEC 11 1961 FILED _ OF COMMITTEE C. G. ERLANDSON COMPTROLLER AND CITY CLERK and respectfully recommend ACTION OF THE COUNCIL REFERRED DEC 11 1901 C/W REFERRED REFERRED REPORTED DISPOSITION FILED IN ACCOR-HEC 11 1961 DANCE WITH REPORT OF COMMITTEE RE-REFERRED REPORTED DISPOSITION

(GENERAL)

SEATTLE CITY COUNCIL COUNTY-CITY BUILDING SEATTLE

GENTLEMEN:

IN READING THAT THE TWO COMMITTEES OF THE SEATTLE BRANCH OF

THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

ARE TRYING TO PRESSURE YOU INTO ENACTING ANTI-DISCRIMINATION LAWS

IN REGARDS TO HOUSING----WHY SHOULD 27,000 NEGROES IN THIS CITY

TELL 600,000 PEOPLE HOW THEY MAY LIVE, RENT AND SELL!

I DIDN'T HEAR ANY CRIES OF ANGUISH OUT OF THE STATE BOARD AGAINST RACIAL DISCRIMINATION WHEN THE NEGROES REGENTLY PICKETED A SAFE-WAY STORE - ASKING THAT THEY FIRE THE WHITE PERSONNEL AND HIRE COLORED PEOPLE.

I FEEL AGAIN, WHEN THE STATE BUPREME COURT FOR ONCE RULED IN FAVOR OF THE INDIVIDUAL SELECTING HIS OWN RENTER, BUYER, ETC., THAT THIS MOVE ON THE PART OF THE ABOVE COMMITTEES IS TOTALLY UNWARRANTED. FURTHER - JUST WANDER AROUND BEACON HILL, THRU MADRONA, MONTLAKE, AND IN THE SO-CALLED CHERRY HILL DISTRICT, AND SEE THE NICE HOMES OCCUPIED BY THE NEGROES. STRANGELY ENOUGH, NO ONE CALLS ATTENTION TO THE HOMES OCCUPIED BY "POOR WHITES" - WHOSE DISTRICTS, ARE IN SOME INSTANCES, FAR WORSE THAN THE HIGHLY PUBLICIZED COLORED DISTRICTS.

VERY TRULY YOURS,

MRS. CAROLINE ROOT 3036 5TH WEST SEATTLE 99, WASH. APT.1 Cartin Ro

TO: HONORABLE CITY COUNCIL CITY OF SEATTLE

SUMMARY OF REMARKS BY MR. EDWARDS E. MERGES, GENERAL COUNSEL FOR THE APARTMENT OPERATORS ASSOCIATION OF SEATTLE

GENTLEMEN:

- .

At the request of the Apartment Operators Association, I have examined the proposed draft of the 'Anti-discrimination Housing Ordinance', which is presently being submitted by the N.A.A.C.P. for your consideration. I would like to state at the very outset that my remarks are limited to the constitutionality and the feasibility of the City of Seattle enforcing such a proposed ordinance.

First, regarding the constitutionality, it should be remembered that the case of O'Meara v. The Washington State Board against discrimination, Volume 158, Wa shington Decisions, No. 27, page 791, is the latest word of our Supreme Court upon this subject. The decision holding the order of the Board against discrimination unconstitutional was based upon the fact that the statute under which the Board was operating was unconstitutional under the equal protection clause of the Fourteenth Amendment to the Federal Constitution. Simply stated, our Court said that the statute was unconstitutional because it singled out property owners who had F.H.A. loans upon the property as being covered by the statute. More simply stated, the rule therefore is that no one individual or class of individuals can be covered by any constitutional law or ordinance. The ordinance presently proposed for your consideration violates this proposition in its very essence, because it singles out real estate brokers, real estate salesmen, property owners and lending institutions. It is crystal clear that this ordinance is unconstitutional on the basis of the O'Meara case alone.

An equal/serious problem arises in the enforcement of this proposed ordinance. Question: Assuming that it is constitutional. how is it going to be enforced and who is going to enforce it? Obviously, the Prosecuting Attorney cannot enforce a City ordinance. Obviously, the Attorney General's office cannot enforce a City ordinance, and obviously, the Corporation Council's office cannot enforce this ordinance from a practical standpoint since they obviously do not have the required facilities. Investigators and additional personnel would be required by reason of the wide ramifications attendant upon proper enforcement, and even then it is apparent that the City is in no position to enforce such an ordinance. The State saw the necessity for setting up a State Board to consider civil rights matters but the ordinance does not provide for such a Board and it is doubtful if the City has power under its charter to create such a Board. Filing by the City of complaints in Court in the various situations that would undoubtedly arise would result in chaos.

Let us examine for a moment what would actually happen if the ordinance were passed. The first thing, of course, would be a legal contest which could well go to the Supreme Court of the United States and cost the City taxpayers thousands of dollars. Meanwhile, unbiased legal opinion would be unanimously to the effect that the ordinance is unconstitutional and the City of Seattle would be placed in the position of trying to uphold an obviously unconstitutional law. The only possible enforcement agency would be the Police Department, which has all it can do at the present time, and incidentally, can we imagine anything more ludicrous than a police patrolman dropping by one of our banks to tell the Board of Directors that it will have to make a loan to some certain individual. I think have

conclusion that anti-discrimination legislation is a matter which should be undertaken at the State and National level and certainly not at the Municipal level.

Respectfully submitted,

EDWARDS E. MERGES

EEM; mb

Presentation of the Apartment Operators Association before the Seattle City Council December 11, 1961

The Apartment Operators Association membership includes Japanese, Chinese, Filipinos, and Negroes. Our members house thousands of families also in the various racial groups. Most of our tenants are of the white race obviously, because 93 per cent of the Seattle citizens are of the white race.

We have seen the request of the NAACP for an Ordinance requiring that it be mandatory that we rent without discrimination. We note in their letter of transmittal, quote, "We believe that Seattle should join the 49 other cities of the U. S. having city ordinances covering either all or some forms of housing", end of quotation. A statement of this kind without the actual ordinance's before us means little as most every city has one or more ordinances concerned in some form with housing.

Taking a further look at the letter of transmittal, we note there are three (3) so-called urgent reasons the NAACP gives for you to act on this now: 1) They mention that Seattle now has 7 schools with over 50% Negro student body. This is undoubtedly due to the tendency of Negro families to concentrate in particular areas. Racial groups frequently do this, usually by choice. For example, in Ballard, Scandinavian families have long predominated and in Rainier Valley, there are many Italian families.

I will not comment upon their second reason which concerns the State Supreme Court action but I will leave that up to the attorneys who are much more able to so do.

On their third reason in which the NAACP uses Century 21 as a reason for passage of this ordinance, let me state that nothing would more thoroughly dry up the inventory of rooms in private houses and apartments, than for you to pass this ordinance.

The totally false statement is made by the NAACP that the housing pattern in Seattle is no better than in hard-core southern states. Let me answer this by giving you the following facts relating to the trend in the past 20 years in the areas of this city in which both white and non-white persons live. We carefully checked the U. S. census of housing figures for 1940, 1950 and 1960, and found the number of city blocks in which one or more non-whites reside:

In 1940 A total of 893 blocks had one or more non-white residents

In 1950 A total of 1246 blocks had one or more non-white residents, a gain of 353 blocks, or approximately 40 percent.

In 1960 A total of 2122 blocks had one or more non-white residents, a gain of 876 blocks or approximately 70 percent in the past 10 years, or in the past 20 years, a gain of 1229 blocks or approximately 140 percent.

This shows the continued increase in housing areas occupied by non-whites in the city of Seattle, which nullifies any statement that this is a restricted city when such substantial gains have occurred in areas partially occupied by non-whites.

Now, 115 of Seattle's 118 census tracts have one or more non-white residents. With 98% of our census tracts with non-whites residing in and 2122 of this cities 11,083 blocks having a non-white resident. Surely this is not a segregated city.

Now let us examine the "FINDINGS OF FACT", in the proposed ordinance.

SECTION 1 (A), alleges, "Many are required to live in circumscribed and segregated Areas."

We believe our Survey referred to before, which so thoroughly stresses the steady spread of NON-WHITES into all Sections in this City, completely refutes this charge.

SECTION 1 (B), refers to CRIME and VICE, and it's increase, as pointed out by the NAACP. We believe that the members of the City Council are cognizant of the Crime and Vice record of the NEGRO Population of Seattle, as prepared by the Seattle Police Dept. We are sure you are aware that the various races make their own arrest statistics; the Police only record them. We do not believe that HOUSING is responsible for the high crime record, as I am sure you are aware that most of the Seattle CHINESE & JAPANESE population reside in the same area, and there is practically NO arrest record for either of these Races.

As to Section I-(C), - under "FINDINGS OF FACTS", this is a statement not backed up in any way by "FACT."

SECTION 1 (D), alleges RACIAL SECREGATION of the Public Schools, and other Public Facilities. There being no such Form of segregation in this City, this statement is incorrect.

Coming to the last Section under "FINDINGS OF FACTS", or SECTION 1-(E), – let me from personal knowledge, say that NO City in the United States has shown in the last 10 years greater development and growth, and progress in the new Apartments and other forms of HOUSING, than the CITY OF SEATTLE has. Anyone with 2 eyes in their head can easily see this. This Housing, for the most part, has been privately financed, in contrast to the conditions of the city of New York, which has RACIAL HOUSING LEGISLATION, and where in the Borough of MAN-HATTAN of some 60,000 Units built, –51% – were either Public Housing, or Publically aided Housing, leaving private Industry able to construct less than one-half of the Housing Units, due in large part to these RACIAL HOUSING LAWS. Certainly, I am sure we do not want to be pushed into that same position, where private enterprise is so unwisely forced out of the Housing Industry, by an unnecessary Ordinance of the type proposed.

APARTMENT OPERATORS ASSOCIATION

1635. Queen anne am no Seattle 9 wash Wec 10 1961

In regards the upcoming anti Bias hearing before your body scheduled soon, I wish to go on record as being against any miling or law by the city State or Federal Hovernment that in any way restricts or otherwise dilutes a mans enjoyment to of his property. personally we sold on properly a few years back when integrationist activity was strong at alympia, we now rent and would certainly more out of the city if faced with forced integration.

Respectfully.

December 7, 1961 Mr. J. D. Braman City Councilman County-City Building Seattle 4, Hash Dear mr Braman: With regard to the heavings to be held Ion the froposed! anti- discrimination housing ordinance, I would like to, express my views to you on the mattler. as being advocated by The N.A.A.C.P. would violate the basic Constitutional right of the individual to dispose of his property as he desired It hen am andividual is told he must sell to vent to persons irregardless of his own feeling, we have surrendered one of the liberties still enjoyed by few peoples of the world with in public assisted housing

in both the sale and vental of frafacty, to regulate such transactions to frevent disovimination, but not to extend such regulations to the individual property.
Thank you for the con sideration you may give my views on this highly important fiece of legislation to all people of Seattle. Sincerely yours William a Bell 1028 N.E. 96 th Seattle 15, I'm

VERNE KELLING

4045 N. E. 105th St. Seattle 55, Wash.

December 6, 1961

City Council
City of Seattle
County-City Bldg.
Seattle, Wash.

Attn: Councilmen J. D. Braman

Gentlemen:

I would appreciate it if the following is registered as a record in the minutes of your next meeting. I would like to attend but must be out of town on business.

In reference to the hearing scheduled for Monday December 11, 1961 on discrimination in housing in Seattle, it is my honest belief that any ordinance which prohibits any property owner's absolute free choice of the disposition of his real estate would seriously damage everyone's rights as citizens.

I am not a member of any group organized for or against segregation.

I hope that you, as law makers, will recognize that the NAACP officials, who in this case claim to be spokemen for a reported 27,000 negroes in Seattle (less than 5% of the city's population) are attempting to dictate, through you, how all of us buy or sell our homes. My home represents the bulk of my estate, my investments, my savings. Any attempt to endanger how I manage, use or sell my total security, by any minority, is discrimination in itself:

Outside of the conservative exercise of existing police powers (for the public safety) and exercise of eminent domain (for necessary public uses) it would be grossly unfair of the Council to legislate against the unrestricted use, purchase or sale of residential real estate in the City of Seattle.

Sincerely,

VERNE KELLING

Alee. 7, 1961

Councilmen Charles M. Carroll Acting President of the Serttle City Council County-City Bldg., Serttle, Wash.

Dear Sir,

Having resd in the Seattle Times of Tec. 5 of your proposal for a compulsory "integration" municipal housing ordinance, the Greater Georgetown- SouthPark-VanAsselt Republican Club wishes to enter a protest, as traditional, western Republicans. (We are primarily a neighborhood club, not affiliated officially as a corporate, basic part of the Republican Party, hence we can not speak for the Republican Party as a whole.) We feel we must vigorously oppose such a measure.

The proposed anti-discrimination housing ordinance asked for by the National Association for the Advancement of Colored People, seems to us as straight diolectial materialism. Was not it's origional espousal by the Communist Party and its various fronts back in the thirties? At that time their goal was to sway people to thinking in bodily terms of the spirit and of the mind, to thinking in terms of matter to soften the way for their future push. There is no reason to think there has been a change of heart. (In all fairness to the N.A.A.C.P. there is every reason to suppose they are dupes not perpetrators.)

Alarmed at the widening material wedge within American society and the growing racial rift all over the country we think it is time to think carefully what the results of such an ordinance will be.

Those of us who are long time residents of Seattle know there was no racial problem with the native colored population in our city, they were accepted as equals in our public schools and public meeting places for many years. They were mostly all honest, thrifty, Godfearing people. After the outbreak of the second world war, a strange new breed of colored people rushed into our city, causing disturbances in our schools and distrust in our dealings with them. Unfortunately it was difficult to distinguish the brash from the sober. No longer were all negroes welcome and treated with sincere kindness as they formerly had been. Those of us who have lived most of our lives in Seattle know this to be true.

Americans have never taken kindly to laws forced on them without their consent, from the days of the "Boston Tea Party" to National Prohibition. The negro, as any other individual, must earn his place in society by his own conduct, personality and worth. When some group, whose motives we question, try to force all colored people where they are not welcome, and many of their own accord have no wish to go, there is certain to be trouble.

Please bear in mind that we are not speaking in the name of the Republican Party. Should you and your fellow members so desire, for the sake of fuller exposition, that this letter be appended to the minutes of your Monday hearing, we would welcome such an action. If you wish to have a member come to read parts or all of this letter at the hearing, would you please notify one of the following members of the Club's executive board:

Pres. Mr. M.P. Umberger, 8048 Earl Ave. N.W. Su. 4 6035

Vice Pres. Mr. Charles Custer Jr. 5503 2oth Ave. S. Pa 2 3815

Corresponding Sec. (Mrs.) Blanche Manning 214 Henderson St. Pa5 2189

Treasurer, Mr. Gordon Ferguson 2421 Raymond St. Pa 3 2261

Recording Sec. (Mrs.) Mildred Custer 5503 20th Ave. S. Pa 23815

Very truly yours,

Mildred Custon
(Mrs). Mildred Custer

The Statement of the Honorable Justice Joseph A. Mallery on the Subject of Legislation Requiring Mandatory Integration

MALLERY, J. (concurring)—This case is more significant for what it reveals, than for what it decides. It reveals an ultimate aspiration of the Negro race, but the only legal question passed upon is a defect in the title of a bill passed by the legislature.

This case demonstrates that the Negro desegregation program is not limited to *public* affairs. The right of white people to enjoy a choice of associates in their *private* lives is marked for extinction by the N.A.A.C.P. Compulsory total togetherness of Negroes and whites is to be achieved by judicial decrees in a series of Negro court actions. Browning v. Slenderella Systems of Seattle, 54 Wn. (2d) 440, 341 P. (2d) 859, was the opening gun of the campaign.

The undisputed facts in the instant litigation are that the Evergreen Cemetery has segregated sections restricted to white children, Masons, veterans, Lutherans, and so forth. These restrictions implement the universal desires of religious, racial, and fraternal groups to be associated in death as well as in life. "Birds of a feather flock together."

In view of the cemetery's long-standing segregation restrictions, it could not sell the Negro appellants a burial plot in "Babyland." The white parents who have relied upon the white restriction in question have acquired a right to the association of their own race exclusively. It is this specific right of segregation which this particular case in a series was brought to eliminate. Let it be noted that herein there is no refusal of sepulchre to a Negro nor any complaint as to quality of available burial plots.

The cemetery representative tried earnestly to show and sell appellants a burial plot in a children's section of the cemetery where both white and Negro children were interred. The appellants refused to even look at it. They

Reproduced by the Apartment Operators Association of Seattle, Inc.

insisted on burial in "Babyland" and brought this action for injuries to their feelings because they were not permitted to intrude upon the white children segregated therein. Obviously, if Negro children were admitted to "Babyland," its white exclusiveness would be gone, and it would be in the same category as the unsegregated section which was rejected by the Negro appellants. The appellants' grievance is the mere existence of any exclusive section for white children into which Negroes cannot intrude at will. In view of the fact that the respondent cemetery provides unsegregated facilities of equal quality for the general public, including Negroes, there is no other possible issue herein than that of compulsory total desegregation in cemeteries.

This lawsuit is but an incident, the second of a series, in the over-all Negro crusade to judicially deprive white people of their right to choose their associates in their private affairs.

The Negro race, ably led by N.A.A.C.P., makes the result of every Negro lawsuit the measure of its success in securing not only rights equal to whites in public affairs, but also of special privileges for Negroes in private affairs. This explains why the N.A.A.C.P. administers massive retaliation upon judges for opinions that do not advance the Negro cause. Witness the following excerpts from a circular mailed by N.A.A.C.P. in the recent election campaign:

"Justice Joseph A. Mallery wrote a dissenting opinion in the case which is reported in 54 Washington Reports (2d) at page 452. A dissenting opinion is one that is written by a judge who disagrees with the opinion of the majority of the judges. In his dissent, Justice Mallery stated: 'When a white woman is compelled to give a negress a Swedish massage, that too is involuntary servitude.' As authority for that statement he cited an opinion of a Florida court.

"Justice Mallery is now running for re-election to the State Supreme Court in a non-partisan election. He is opposed for the position by a Seattle attorney. We urge you, in the interest of justice to all persons, regardless of race, religion or national origin, to cast your vote against Justice Mallery in the September 13th primary election and in the final election on November 8, 1960."

The case referred to is *Browning v. Slenderella Systems* of *Seattle*, *supra*. The statement "When a white woman is compelled against her will to give a negress a Swedish massage, that too is involuntary servitude," was made in a dissenting opinion in a case which the Negro race won. Even a dissenting opinion which does not countenance special privileges for Negroes requires the writer's elimination under the political tactics employed by the N.A.A.C.P.

A victorious crusade of the N.A.A.C.P. for the special privilege of Negroes to intrude upon white people in their private affairs can only be won at the expense of the traditional freedom of personal association which has always characterized the free world. Unfortunately, special privileges seem preferable on the part of those who enjoy them to other people's freedom. Specifically, Negroes rate their special privilege of *compulsory* private association more highly than the ancient right of white people to enjoy *voluntary* association.

From time immemorial the scope and extent of an individual's choice in his private affairs has been the Anglo-Saxon measure of his liberties. No individual right has been more cherished than the right to choose one's associates. Regimentation in the private affairs of life, on the other hand, has been the badge of the police state.

In America we are committed to the proposition that society is composed of individuals, and that the best interest of the public is served by preserving the individual's rights. This is the justification for the constitutional guarantee of minority rights against the encroachments of majorities. Indeed, it is upon this principle that the world now stands divided.

It remains to be seen how resistant our ancient liberties of private association will be to the variety of mass pressures being mobilized by the N.A.A.C.P. It is, indeed, a concerted and aggressive force to be reckoned with. Experience has shown that an aggressive minority can frequently exact special privileges from an indifferent majority. It may be that the realization of the Negro dream of compulsory total togetherness is just around the corner.

For the convenience of the City Council, the following list of speakers have been gathered who are known to be speaking in OPPOSITION to the proposed Anti-Discrimination Housing Ordinance

SHADRACH FRANKLIN, Trustee, Apartment Operators Association

DONALD HAAS, President, Apartment Operators Association

/EIWARDS MERGES, Counsel, Apartment Operators Association

RAY DE BERG, Apartment Owner, Apartment Operators Association

DONALD A. SCHMECKEL, Independent Owner

KENNETH PETH, President, Seattle Mortgage Bankers Association

ARCHIE IVERSON, President, Home Builders Association of Greater Seattle

CORDON DESMING, President, Seattle Real Estate Board

R. W. LENINGTON, Past President, Seattle Real Estate Board

1. Mrs If m L. martin 170 So Orcas St.
2. William & Martin 170 So 12 11
3. Edna Soiball 805 So. Donavon
4. I Folested 805 80 Derwoon
5. Leorge G. Ries - 5056- Renton ave
6. Robert @ Godon 6878 - 27 to
7. Elmer E. Shaver 2508 So. Stillaw St
8. HARiley 1004 Roanohert
9. James & Gardon 6011 august Way Seattle
10. Ollice & Gordon 19653- Willetony Rd.
11. Ann C. Meelon 2757-45 8.W
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We, the undersigned, do hereby vigorously protest any proposed ordinance by the Seattle City Council which might abridge or destroy the Constitutional right of a property owner to make his own decisions regarding sale or rental of real estate, barring illegal or immoral use of said property. It is the conviction of the undersigned that this protection of rights will accrue to the benefit of all property owners regardless of race, creed or color.

11. 12 16. 20.____

We, the undersigned, do hereby vigorously protest any proposed ordinance by the Seattle City Council which might abridge or destroy the Constitutional right of a property owner to make his own decisions regarding sale or rental of real estate, barring illegal or immoral use of said property. It is the conviction of the undersigned that this protection of rights will accrue to the benefit of all property owners regardless of race, creed or color. 12 14. 15. 16.

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	Harry E. Gelbons 4914 Empire Way St.
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6. entone E. Baw 6625 Flag live
7. Dan Genary Chayer. 6440 Flora are.
8. Ars. a. Steckler 5221 Carson hve. So.
9. Carl Hannes 1430 Lonovon do
10. Ap Conserven 2428 Do 160th
11. John Vetrone 965/2 Setturney Seattle Un
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moral use of said property. It is the conviction of the undersigned that this protection of rights will accrue to the benefit of all property owners regardless of race, creed or color.

orrellawarner 48335 Orchard St. 12 14. 15. 16. 17.

We, the undersigned, do hereby vigorously protest any proposed ordinance by the Seattle City Council which might abridge or destroy the Constitutional right of a property owner to make his own decisions regarding sale or rental of real estate, barring illegal or immoral use of said property. It is the conviction of the undersigned that this protection of rights will accrue to the benefit of all property owners regardless of race, creed or color.

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