

RIGHTS

ADL REPORTS ON SOCIAL, EMPLOYMENT, EDUCATIONAL AND HOUSING DISCRIMINATION.

NATIONAL SURVEY OF RESORTS

A NATIONAL survey by the Anti-Defamation League reveals that virtually one out of every four resort hotels in the United States discriminates against Jews. The detailed survey data, however, suggests that the ratio may prove even higher on the basis of further evidence.

This survey, the first of its kind, covered the guest admission policies of 3,014 hotels and motels, 2,731 located within continental United States and the rest in Canada, Mexico, Hawaii, Alaska and the Caribbean. Sufficient information was developed to evaluate accurately the policies of 1,065 of the total number studied, disclosing that 237 (22.2%) clearly discriminated against Jews. (For the United States, it was 22.9%—214 out of 933 establishments.)

While the remaining 828 hotels were considered non-discriminatory on the basis of their publicly stated policy, 93 of them had past records of discriminatory practices. It could not be determined whether these had abandoned their one-time prejudices or were continuing them covertly in spite of their publicly stated policy of non-discrimination.

Although the League could not obtain enough evidence to warrant definitive findings on 1,949 of the total number of hotels included in the survey, it is significant that many of these have consistently refused to clarify their policies toward Jewish guests, and that 525 of them have been the subject of complaint because of the use of equivocal language in their advertising and promotional literature. This suggests, all in all, that the findings of the League's survey may be an understatement of the actual condi-

tion of hotel religious discrimination.

The ADL survey revealed that vigorous enforcement of state laws against discrimination in public accommodations is a principal key to the elimination of the problem of hotel bias.

Striking proof of this was found in the states of New York and Vermont, which border on one another. In New York, where a Public Accommodations Law is vigorously enforced, only 8% of the examined hotels proved to be discriminatory. But in Vermont, with no law barring hotel discrimination, the percentage was 45. (A Public Accommodations law was adopted by Vermont on April 23, 1957.)

The situation in the New England states offered further evidence of the vital role of legislation in meeting the problem of discrimination in places of public accommodation.

Of the six New England states, Connecticut, Massachusetts and Rhode Island have laws against discrimination, while Maine, Vermont and New Hampshire did not at the time the survey was made.

In Connecticut, Massachusetts and Rhode Island, treated as an entity, 14% of the hotels examined discriminated (none in Rhode Island), while in Maine, Vermont and New Hampshire, 56% barred Jewish guests.

Also noteworthy is the comparison between New York and New Jersey on the one hand and Wisconsin and Michigan on the other. New York and New Jersey, whose laws against discrimination are energetically enforced, showed that only 7.8% of the resorts studied barred Jews. In Wisconsin and Michigan, which have such laws but have only recently given se-

rious attention to their enforcement, the record showed that 40% of the hotels surveyed discriminated against Jews.

A sizable proportion of the discriminatory hotels in the United States were found to be centered in Arizona and Florida (83 out of 214—38.7%). The situation is worse in Arizona than in Florida. In Arizona, 44.6% of the hotels that could be evaluated barred Jews. In Florida, 24.2%—just slightly higher than the national average—were found to be discriminatory.

An improvement in Florida has been the result of the vigorous educational work that has gone forward in the state over the past few years to eliminate hotel bias.

However, the findings in Florida are not conclusive, for information was unobtainable with regard to 411 establishments and it was not possible to determine what the picture would be on the basis of total coverage. Further, a good number of the Florida hotels covered were in Miami Beach, where great advances have been made against hotel discrimination.

Evidence of hotel bias was greater in Canada than in the United States, revealing that 28.3% of the total number of Canadian hotels examined practiced religious discrimination. On the other hand, in Mexico only 3% (1 out of 31 resorts) was found to be discriminatory.

Like Mexico, Hawaii was found to be comparatively free of hotel prejudice. Of 14 Hawaiian hotels covered in the ADL survey, only 1 was found which barred Jews.

ANTI-BIAS LAWS

The history of state legislation against racial and religious discrimination by resorts and other places of public accommodation is more than 90 years old. The first such law was passed by Massachusetts in 1865; the latest by Vermont in 1957. Twenty-two states and two territories now have such statutes.

The laws vary in details but, generally, they bar discrimination in hotels, restaurants and other places of public accommodation and leave the enforcement of the ban to the courts. Some laws give the person discriminated against the right to sue for damages. Others authorize criminal prosecution of the offender and the imposition of fines and imprisonment. Some laws provide for both civil and criminal sanctions. Two states prohibit discrimination by resorts without providing for enforcement machinery.

Some states have broadened the protection by prohibiting not only discrimination itself, but also publications and advertisements indicating that persons of a particular race or creed are not welcome to a resort.

These laws—commonly called civil rights laws—have not been uniformly successful. Persons refused access to a resort because of race or creed are often reluctant to go to the trouble and expense of formal court proceedings. Public prosecutors often hesitate to start criminal proceedings against violators who may be regarded in the community as responsible businessmen; for the same reason juries are often reluctant to bring in verdicts of guilty.

In recent years, in view of the difficulties involved in court enforcement, a number of states have developed a new enforcement technique. States with administrative agencies (commissions) to enforce the laws against job discrimination have extended their machinery to cover resort discrimination.

Since 1949, seven states have passed such laws which allow for a more informal handling of complaints. In these states an administrative agency

is authorized to receive, investigate and seek to adjust complaints alleging discrimination. If efforts at conciliation fail, the agency may hold a hearing and issue an order requiring the respondent to cease and desist from his discriminatory practice. Such orders may be enforced through the courts.

Nineteen states and two territories provide for remedies through criminal or civil court action against discriminatory hotels. They are: California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Vermont, Washington, Wisconsin, Alaska and the Virgin Islands.

Of these states, Colorado, Illinois, Massachusetts, Michigan, New Jersey, New York and Pennsylvania also prohibit discriminatory advertising.

Eight states have adopted remedial legislation which provides for an administrative body to issue cease and desist orders enforceable through the courts. These are: Colorado, Connecticut, Massachusetts, New Jersey, New York, Oregon, Rhode Island and Washington.

Except for Rhode Island, in these states a person aggrieved by a discriminatory act has the choice of court or administrative remedy. In Rhode Island, the only remedy is by complaint to the Civil Rights Commission, which has authority to issue enforceable cease and desist orders.

Two states, Montana and New Mexico, have laws prohibiting resort discrimination without providing for statutory remedies.

Twenty-five states have no laws specifically barring resort discrimination: Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Maine, Maryland, Mississippi, Missouri, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia and Wyoming.

Louisiana has had a law prohibiting

racial discrimination in resorts since 1869, but the law has never been enforced. Florida, Maine, New Hampshire and Virginia prohibit advertising which discriminates on religious grounds but fail to bar acts of discrimination such as denial of admission.

Circle Z Guest Ranch and the AAA

While on a trip through the West last February, the head of a midwestern advertising company telephoned the Circle Z Guest Ranch, an Arizona resort carrying the AAA emblem, and requested a reservation. He was asked if he was Jewish and told, "We don't accept any Jews."

He cited his experience in a letter to the president of the American Automobile Association and asked the AAA to state its position on the matter.

"I happen not to be a member of the Jewish faith—a fact of which I am neither proud nor regretful," he said, "but I strongly believe in the principles of American democracy according to which all men are born equal.

"While I grant that every proprietor has the legal right to restrict his clientele anyway he wishes, I find your AAA recommendation of such a place disturbing as it exposes part of your members to embarrassment.

"The word 'American' in your name is a program and obligation. Therefore, I trust you will discontinue your recommendation or at least mark those places with a Swastika or similar warning symbol in your listings.

"As a member of 15 years, I would be keenly interested in your reaction."

The AAA replied that it was not within its jurisdiction "to attempt to control the operating policies of any establishment," that its selections are based on "general appearance, atmosphere or character . . . cleanliness and the conveniences and services offered."

This answer, the advertising man commented, "is as non-committal as I expected it to be. Had I complained



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about a ranch that accepts only guests who are members of the Communist Party, their answer would have been different."

Numerous have been the complaints against the AAA's refusal to withdraw its seal of approval from discriminatory hotels. Four AAA affiliates, the Automobile Club of New York, the Automobile Club of Rhode Island, the Georgia Motor Club and the Connecticut Automobile Club have adopted resolutions condemning discriminatory hotels. The Anti-Defamation League has appealed to the National AAA on several occasions to do so, but with no success.

The Cloister

The Cloister on Sea Island, Georgia, will be the site later this year of the Southern Governors Conference, which has occasioned some misgivings among a number of those who will attend.

Oklahoma's Governor Raymond Gary, in a letter to the conference host, Governor Marvin Griffin of Georgia, said he "would like to personally express my objection to the meeting being held at any hotel or resort which practices discrimination . . . I am very definitely opposed to discrimination," he told Governor Griffin, "and have so announced that policy as Governor of Oklahoma."

"Before I extended the invitation to the Southern Governors Conference to hold the 1957 conference at Sea Island," Governor Griffin replied to Governor Gary, "I was assured by the management of this company that hospitality would not be denied to anyone, regardless of religious faith."

Other governors, among them Governor Frank Clement of Tennessee, Governor Luther Hodges of North Carolina and Governor James E. Folsom of Alabama, also expressed some concern over the selection of the Cloister Hotel for the next Southern Governors meeting.

The Cloister Hotel has maintained a policy of catering to "gentiles only" since the day of its opening and will not allow Jews to enter even its dining room.

Pocono Hotels Warned

Deputy Attorney General Frank P. Lawley, Jr. of Pennsylvania recently issued a warning that violations of the state law barring discrimination would be prosecuted. In a letter to President Paul Asure of the Pocono Mountains Vacation Bureau, an asso-

ciation of almost 200 resorts in the Poconos, Mr. Lawley said:

"We are now coming into the season when the Pocono Mountain area of Pennsylvania will be used as a vacation spot by persons from all over the eastern seaboard. Last year this department and the Pennsylvania State Police received a number of complaints as to possible violation of Sections 653 and 654 of the Penal Code, which relate to discrimination on account of religion, creed, race or color.

"I am certain that the overwhelming majority of lodges in the Pocono Mountain area would not wilfully or otherwise engage in the violation of these two sections. However, I write to you in your capacity as President of the Vacation Bureau in the hope that you will caution lodges in your association concerning these sections of the Penal Code.

"The Department of Justice and the State Police will be alert and will prosecute such violation during this vacation season.

"I sincerely hope that no instance of discrimination which would mar the vacation season will be brought to our attention."

Massachusetts Hotels Warned

The Massachusetts Commission Against Discrimination has followed suit and in a letter sent to all hotels and resorts in the state has asked them to submit for examination all of their advertising material.

Lido Biltmore and Vinoy Park

A complaint has been lodged with the New York State Commission Against Discrimination against the Robert F. Warner Agency, Inc. of New York City, agent for the Lido Biltmore Hotel of Sarasota, Florida.

The complainants, Irving Cohen of East Meadow, N. Y., and the New York Chapter of the American Jewish Committee, charge that the Robert F. Warner Agency, as representative of the Lido Biltmore Hotel, has engaged in unlawful discriminatory practices.

The complaint alleged that the Florida hotel was operated as such and accommodated members of the Jewish faith until the fall of 1956, when it came under new ownership and was declared a "private club."

The complaint alleged further that public patronage, however, was solicited by the Warner Agency through the use of advertising which described the Florida resort as "once a famous

hotel, now a smart club."

The complaint charged that reservations continued to be solicited from the general public and accepted from persons who apparently are not of the Jewish faith.

It asserted that the Lido Biltmore is not a private club as defined in the New York State Law Against Discrimination, but is simply advertised as such by the Warner Agency as a subterfuge and device to give notice that the policy of the Lido Biltmore is to exclude Jews.

The complaint asserted also that the "club" device is coming into increased usage for discriminatory purposes as a substitute for such discredited terminology as "selected clientele" and "churches nearby."

"A private club which regularly solicits patronage through newspaper advertisements," the complaint declared, "is a plain contradiction in terms. We have no illusions that we can solve the problem of discrimination overnight by eliminating such devices. It is our belief, however, that challenging them as often as they appear is an important aspect of the persistent fight that unfortunately has to be carried on against religious and racial discrimination in its various manifestations."

A complaint was also filed with the New York State Commission by the Anti-Defamation League in behalf of Mrs. Shirley Strauss of Jamaica, N. Y., who charged the Oliver Kermit Hotel Associates, New York agents for the Vinoy Park Hotel of St. Petersburg, Florida, with unlawful discriminatory practices. She said that her application for a reservation was rejected solely because she was a member of the Jewish faith. She alleged that the Vinoy Park Hotel has over the years carried on a policy of discrimination against Jews. (The Vinoy Park is an Alsonett chain hotel—See *Rights*, Vol. 1, No. 3, Oct., 1956.)

NOTES

Although the Florida State Dental Society held a recent meeting at the Vinoy Park Hotel in St. Petersburg, the group said that in the future it would not knowingly choose a discriminatory hotel.

The Florida West Coast Symphony orchestra cancelled a scheduled appearance at the Lido Biltmore Hotel

in Sarasota as a result of the hotel's discriminatory policy.

Georgia Tech University refused to establish its alumni headquarters at the Ponte Vedra Inn of Jacksonville, Florida, when its football team played in that area last fall. Bobby Dodd, Georgia Tech's head coach and athletic director, and Roane Beard, executive secretary of the Georgia Tech National Alumni Association, agreed that while it was too late to change reservations made at the discriminatory hotel for the entire football team, something could be done to change the site for alumni headquarters. Mr. Beard expressed the hope that "we will not be faced with any more such situations as we had in connection with Ponte Vedra last fall."

Still pending before the New York State Commission Against Discrimination is a complaint filed by Mrs. Gertrude Kaplan of Jackson Heights, N. Y., charging the New York office of The Homestead, a hotel in Hot Springs, Virginia, with an unlawful act of discrimination. At the request of the Commission, the Anti-Defamation League submitted a memorandum of law supporting the contention that The Homestead had violated the state law against discrimination by places of public accommodation. A favorable ruling by the Commission may well open the door to action against any individual or agency situated in New York State who solicits business in behalf of or handles applications for an out-of-state hotel that discriminates against Jews.

Two groups, the Portland and York County Dental Societies, have urged the Maine Dental Society to refrain

from meeting at the discriminatory Colony Hotel in Kennebunkport, Maine. The two county dental societies declared in a letter to the state's dentists that "we do not feel that the Maine Dental Society should become a party to this type of discrimination. Our organization has no place for bigotry or second-class citizenship. Other hotels are available for this meeting." The Colony Hotel bars Jews during the regular vacation season, but will accept them as part of convention groups.

In its Confidential Bulletin No. 14 (Jan. '57), the Resort Association of Wisconsin, Wausau, Wis., cautioned its members that, in order to have their literature passed out at the Official Wisconsin Vacation Center in Chicago, "remember, you cannot have any remarks such as 'selected clientele', 'restricted', 'gentiles only', etc. YOU CANNOT HAVE ANY RESTRICTIONS AS TO RACE. This is a state law, Wisconsin Human Rights Statute (Section 340.75). Being the state law, the Chicago staff must abide by it."

Mayor Don Hummel of Tucson, Arizona, told the Tucson Council for Civic Unity recently that racial and religious discrimination remains a serious problem in Tucson, despite the progress made in recent years. The Mayor said that according to a survey by the city Human Relations Committee, 77% of the local hotels and 67% of the motels "practice restrictive services in some form."

The Pan American Motel of Miami Beach, Florida, rejects guests of the Jewish faith . . . The Wa-see-wick Hotel, Blodgett Landing, New Hampshire, removed a "Restricted Clientele" sign on its property after the state's attorney-general's office informed the management that such a sign violated New Hampshire law . . . The N. Y. State Court of Appeals has ruled that the Castle Hill Beach Club, Bronx, N. Y., was a public facility and had violated the law by refusing to rent a locker to a Negro woman. The court said that the conversion of the club's ownership from a stock corporation to a membership corporation did not convert the club from a public to a private facility . . . Two recent decisions in California involving places of public accommodation: A court ruled that a dentist's office is not a place of public accommodation and that therefore a dentist may refuse to treat a patient because of his race . . . Another California court awarded a Negro damages because a barber refused to cut his hair . . . The Denver Post's new style book calls for the use of race identification only when it is essential to a story; it also declares against the use of the terms "Jewess" and "Negress" . . . Mayor Robert F. Wagner has issued an executive order to the heads of all New York City departments and agencies prohibiting any discrimination in employment against municipal employees because of race, religion or national origin . . . The Massachusetts Commission Against Discrimination has urged Negroes to apply for employment in areas they feel have been closed to them in the past . . . Williams College's senior honor society, Gargoyle, has accepted its first Negro member in more than fifty years . . . Minnesota's Fair Employment Practices Commission will hold its first public hearing — the case involves charges of employment discrimination . . . Governor Blair of Missouri reluctantly approved a watered-down Human Rights Commission bill; he said the bill was not what he campaigned for and was "a very small first step."