

HEARING BEFORE SOUTH DAKOTA ADVISORY  
COMMITTEE

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Rapid City, South Dakota

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PROFESSOR OLIVER LAYMON: I would like to call this open meeting to order. First of all, I would like to identify myself. I am Oliver Laymon from Vermillion. I would like for you to meet the other members of the state advisory committee. On my far right, Bishop Gesner from Sioux Falls; Mayor Raff of Rapid City; Father Sieh from Sioux Falls; Doctor Munson from Rapid City; Reverend Hayes from Sioux Falls; Mr. Rudell from Spearfish; Doctor Palmer from Vermillion and Mr. Ben Irving from Pine Ridge. Also in attendance we have our attorney advisor to the state advisory committees, Mr. Phil L. Hammer, sitting in the front row. He will have some words to bring to you in a moment. And we also have Doctor Wilson from Colorado who is our regional consultant.

I would like to say at the outset that this committee is deeply sensitive to the depth and strength of the emotions which this topic has aroused. Let me assure you that we do not seek to capitalize on the news value of this topic. I, for one, would condemn, out-of-hand, any member of this committee who sought to make political hay out of someone else's misfortunes. We seek here, friends, only an objective understanding of this problem in Rapid City.

Now, by what right do we come here? And what is the basis for our existence? The Civil Rights Act of 1957 authorized the creation of state advisory committees. Our

functions are numerous. They are detailed in the Federal Register, which we will be happy to supply you with, if you would like to examine it more closely. It's much, much too lengthy for me to read here. I would like simply to bring you some of the salient or more important facts contained therein. First of all I -- As one goes through the functions, as they are set out in the Federal Register, certain things stand out -- at least to me. Among our functions are these: We are here, and we are in existence for -- among other things -- to advise the Commission on Civil Rights of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution. Among other things, we are also to receive reports, suggestions and recommendations from individuals, public and private organizations and public officials upon matters pertinent to inquiries conducted by the state committee. While our functions are quite numerous, our limitations are equally impressive. For example, the Federal Register states that the state committee shall not, in conjunction with its meetings or otherwise, purport to hold or to conduct a formal hearing or advisory proceeding of any type, take oral testimony under sworn oath, issue subpoenas, or conduct itself other than as an advisory body serving a federal agency. We have no connection with the state government of South Dakota.

Now, our interests are extremely broad. Some meetings ago, we concluded that we would begin a broad study of the Indian situation in South Dakota. Then this unfortunate publicity with respect to Rapid City diverted our attention, and we realized it was such a pressing issue, that we had to make some inquiries here before we went on to our broader topic. And that's why I would like to say at the outset that we are going to confine our inquiry here today and the purpose of this open meeting is not a discussion of (problems other than those experienced by colored airmen at the Rapid City air base. Now, some of you may wonder, and since we have no power to compel testimony, how we can function or how we can implement the objectives which are set out for us in the Federal Register. Best of all, perhaps you wonder what we hope to accomplish here today. As I indicated, we cannot compel testimony. No one has been served with a subpoena. The only semblance of a legal proceeding you will find here today is the presence of the United States Marshal, Mr. Hekathorn. We can only ask that people testify in these areas as we explore them, and this is just the first of what we hope will be many, but since we can't compel testimony, we sometimes think that in this fact -- we cannot compel it -- lies our strength, rather than our weakness. No one here can be held for perjury. While the witnesses who will testify this morning are not

under oath, neither are the people who will have an opportunity to examine them. Thus it might encourage more testimony simply through the fact that no one can be held, as I said, for perjury; nor can the veracity of anyone be attacked in any court of law.

Our problem today, simply stated, is to determine whether or not there is a problem in Rapid City. Now, what constitutes a problem? You must all be aware, by this time, that we are interested in the question of whether or not there is discrimination in Rapid City. Now, this raises the question -- many, many questions. For example is: Should we look at this discrimination as a quantitative thing? That is to say, must it be a question of numbers? I sincerely hope that we will have many witnesses today, but I think we must also realize that, within the time limitations, we could not take all the testimony which might be given to us, but the surveys which you have read indicate that there has or has not been certain discrimination in certain places. Well, we are not going to refer to the surveys which the newspapers have made in Rapid City because, and I think I can speak for the whole committee, when we say that you can't view discrimination altogether as a quantitative thing. Now, we don't do this with respect to other crimes. Critics would say that it would be specious to draw a comparison between crimes of murder, for example, and dis-



crimination, but I submit to you this morning that our concepts of elemental wrongs have become considerably more sophisticated since the Ten Commandments were fashioned, and we on the commission take the view that discrimination can be wrong. Now, unhappily, the law has to lag behind social acceptance and rejection. That is to say, society must first try a thing for a long, long time before it decides whether or not it's good or bad; therefore, some of us are wrestling with the difficulty of putting discrimination in with other crimes. Nevertheless, discrimination can be considered as a social wrong, and while it doesn't yet carry the social approbation that murder and many of the other wrongs do, nevertheless, we are of the opinion that it can be a wrong, and, at the time, it may be a crime. I would also like to state that ours is not going to be an irresponsible inquiry. We hope to approach this question of discrimination from three standpoints. There is, first of all, the fact of discrimination. Secondly, there is the extent of discrimination. Thirdly, there is the meaning of discrimination. Number one is largely self-explanatory. One of the things we hope to find out is: Are colored servicemen from the Rapid City air base being discriminated against? That will be the fact. Secondly, with respect to the extent of discrimination; we can't hope, as I said, to take all the testimony which may be brought before us, but we do hope to prove or disprove

the fact of discrimination. Thirdly, the meaning of discrimination is much, much more difficult. This really points to the crux of our inquiry here today, and this will be the end product of this open meeting. That is to say: How does discrimination affect the life of colored servicemen? Now, this would seem to carry legislative implications. Let me assure you that nothing could be further from the truth. As I indicated earlier, we are not a part of the state government of South Dakota. We will conduct this open meeting. We will make a report which we will submit to the United States Commission on Civil Rights. We will submit no report to the state legislature. We are not here to hold a hearing on a public accommodations law. If the facts, as they are revealed here today, indicate a need for a public accommodations law, then that will simply be a by-product of this hearing. But I would like to stress, and stress and stress the fact that we are not holding a hearing on the desirability of a public accommodations law. Now, we are simply a fact-finding organization. We are not a social action group. We are here simply to learn the facts about the problem in Rapid City.

Now, before we take testimony, I would like to introduce Mr. Hammer who is the -- again the attorney advisor to the state advisory committees. Mr. Hammer will assist me in relating our functions to those of the Commission on

Civil Rights. Mr. Hammer, would you say a few words?

MR. PHILIP HAMMER: Mr. Chairman and members of the South Dakota Advisory Committee, my name is Philip L. Hammer, attorney advisor for state advisory committees of the United States Commission on Civil Rights staff. I am happy to be here to participate in this open meeting on the subject of discrimination against military personnel in and around Rapid City. My purpose in making a presentation to the committee, a function that is outside my usual duties in connection with the advisory committees, is to explain the interest of the Commission on Civil Rights in the problem of discrimination against military personnel. The Commission was created by the Civil Rights Act of 1957 as a by-partisan agency to study and collect information on legal developments constituting a denial of equal protection of the laws under the Constitution; to appraise the laws and policies of the federal government with respect to equal protection and to prepare and submit reports to the President and the Congress on its activities, findings and recommendations. It is in connection with the function of appraisal of the laws and policies of the federal government that the Commission has undertaken this year a study of the armed forces from the standpoint of equal opportunity, regardless of race, religion, color or national origin. The official policy barring segregation in the armed services was declared by

President Truman on July 26th, 1948 in Executive Order 9981. That order clearly stated, and I quote: "It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or moral." With the issuance of Executive Order 9981, all official sanction of segregation in the armed forces was eliminated by the services. By mid January of 1950, the army, navy and air force departments had issued orders effectuating the policy of equality of opportunity and treatment. In 1961, the Commission on Civil Rights reported to the President and Congress on employment by the federal government, including some of the programs of the Department of Defense. In our employment report in 1961, the Commission found that segregation of units does, in fact, exist in the armed forces reserves and the national guards in some sections of the country and that factual information about the extent of representation of minority groups in the Department of Defense was not available. The Department of Defense at that time considered integration to have been an accomplished fact and that further reports on the progress of eliminating discrimination would be of no purpose. This

was disturbing to the Commission in view of the persistence of complaints and reports of continuing discrimination in off-base housing for military personnel, in the segregation of schools in certain areas of the country to which military personnel were forced to send their children, and in the unavailability of places of public accommodation near military bases. The picture that was revealed by the report was one of serious deprivation of opportunity for non-white personnel once they left the protective wing of the military base to seek the essentials of life available only in the surrounding civilian community. As a result, the Commission on Civil Rights in early 1962 decided to undertake a thorough investigation of discrimination against military personnel. These are the questions that we ask: What problems of racial discrimination does the Negro and his family encounter off base and on base in such fields as housing, education, public accommodations and relations with the police and general community? What are the policies and practices of the armed forces in dealing with these problems? What corrective steps, if any, should be taken? To what extent is the Negro participating in the technical training programs of the armed forces? To what extent do these training programs serve as an alternative means for Negroes to secure training not otherwise available in the civilian labor market. What is the composition of the army, navy, air force, marines,

reserves and national guards by race, rank and military occupational specialties? What patterns exist? What is the basis for these patterns? What corrective steps, if any, should be taken? These are the questions which demand answers, and the Commission on Civil Rights has set out to seek the answers. The Commission has gone about this particular survey by establishing liaison with the Department of Defense and attempting to work in cooperation to solve the problems that the study involves. Information on the racial composition of the armed forces has been made available to the Commission staff by the department for use in this study. To a remarkable extent the cooperation between the Department of Defense and the Commission staff has produced results which will make this project constructive and meaningful. Field trips are currently underway by Commission on Civil Rights attorneys to collected military bases around the country, and on these trips the staff attorneys have been afforded full cooperation and assistance of military officials. The staff was enabled to gather significant data at the bases visited in order to appraise the existing problems of discrimination in the military. One of the bases visited this year by the Commission staff was Ellsworth Air Force Base here near Rapid City. A staff report has been submitted on that visit, and the finding of the staff attorneys was that while base officials were doing what was

required to implement the policy of equal opportunity and treatment to Negro airmen on base, there seemed to exist wide-spread discrimination against Negro personnel in the bars, restaurants, motels, barber shops and night clubs of Rapid City. More seriously, the staff found in its report that discriminatory housing patterns -- practices -- excuse me -- in Rapid City mean an almost complete unavailability of decent rental housing for non-white airmen which, on occasion, had compelled them to leave dependents behind and live on post. The Commission has called upon the South Dakota Advisory Committee for further information on this disturbing situation. We desire factual information from your committee on the community attitudes and practices in Rapid City toward Negro servicemen stationed at the nearby base. Members of the community living in Rapid City gave valuable assistance to our staff people when they were here earlier this year. You are now called upon to assess the performance of your community as it meets the servicemen of our country assigned to this base. James H. Meredith whose battle to win acceptance at the University of Mississippi we are all observing now wrote in the Saturday Evening Post last month, and I quote: "Certainly my Air Force days were the most influential time of my life. I served in nothing but integrated units. It seems to me that the integration of the armed forces is one of the most important things that has happened

to the Negro in the United States." President Kennedy, on June 24th of this year, expressed his concern about evidence of continuing discrimination against military personnel and their families on the basis of race, color, creed or national origin and created a new presidential committee on equal opportunity in the armed forces. The Commission on Civil Rights is cooperating closely with this committee in assessing this situation. In appointing the chairman of that new committee, President Kennedy wrote, and I quote: "The Department of Defense has made great progress since the end of World War II in promoting equality of treatment and opportunity for all persons in the armed forces. The military services can take justifiable pride in their outstanding accomplishment in this area over the past ten years. It is appropriate now, however, to make a thorough review of the current situation, both within the services and in the communities where military installations are located, to determine what further measures may be required to assure equality of treatment for all persons serving in the armed forces. There is considerable evidence that in some civilian communities in which military installations are located, discrimination on the basis of race, color, creed or national origin is a serious source of hardship and embarrassment for the armed forces' personnel and their dependents." The President, in that same letter, asked that the following



questions be considered; two of them. One: "What measures could be taken to improve the effectiveness of current policies and procedures in the armed forces with regard to equality of treatment and opportunity for persons in the armed forces? Two: What measures should be employed to improve equality of opportunity for members of the armed forces and their dependents in the civilian community, particularly with respect to housing, education, transportation, recreational facilities, community activities, programs and activities?" The Commission on Civil Rights intends to issue a report in 1963 on its survey of the armed forces. The information which is developed today, and in the coming months by the South Dakota Advisory Committee on this subject, will be of value when the attitudes of communities such as Rapid City are assessed. The Commission will find it most important to know whether the declaration of police by the President is striking a harmonious note in American communities such as Rapid City which house and accommodate our men in uniform.

PROFESSOR LAYMON: Thank you, Mr. Hammer.

DR. PALMER: Would you like to leave that with us?

PROFESSOR LAYMON: One word about the format before we commence. We are running behind time. We should, by this time, have almost completed one area of discussion.

We had planned and we intend yet to consider this question by areas; that is to say, we will first consider and take testimony on possible discrimination in hotels and motels and then that which has existed, or is alleged to exist, in the bars, cafes and night clubs, which will take us up to noon. This afternoon we hope to hear testimony on these other areas; namely, barber shops and in housing. Now, I had hoped to have a list of the people who would give us information this morning. We don't have it. I don't have it. Therefore, I can only ask for volunteers from the floor. We want you to come forward; identify yourself, and sit at this table, and at the completion of your remarks, the committee will first ask questions, explanations or perhaps ask for amplification of what was said, and then I have every intention of permitting as many questions as possible from the floor because we want it made clear that we want an open meeting, and we want as many as possible to -- or rather who can, come forward and comment on the testimony, to do so.

DR. PALMER: Mr. Chairman, I wonder if we might suggest that those who have written statements file them with the secretary, as Mr. Hammer has done with his statement, so that we can have that in our record.

PROFESSOR LAYMON: That is a very good suggestion.

MR. RAFF: Mr. Chairman, would it be wise to ask

representatives of organizations and responsible government officials to speak with us first.

PROFESSOR LAYMON: I would be happy to do that, if I knew who they were. I have a list of those who have signed. May I have that? However, I can't tell from this whether or not these individuals are here simply as spectators or whether they want to give us testimony.

DR. PALMER: Why don't we simply ask those who would want to give testimony on motels or hotels, to begin with, and take them as they come.

PROFESSOR LAYMON: Would you come forward; state your name for the record, and sit at this desk.

MARVIN BEACH: Mr. Chairman, members of the commission, ladies and gentlemen, my name is Marvin Beach. I am the president of the local Rapid City motel association. I am a director on the state motel association. I am owner and operator of Motel Beach in Rapid City, and I am a member of the air force reserve flight in Rapid City, and what I have to say mainly has come out of several meetings, both local and state wide. Sunday afternoon at Pierre we had a directors' meeting of the South Dakota State Motel Association, and I have a word from them. Previous to this, however, I would like to state that we in the motel industry in Rapid City cannot speak for the permanent housing, but I can speak for the motels, at least those who belong to our association, and, generally speaking, that is about ninety to ninety-five

per cent of the motels in the city. We feel that we have not discriminated in the past, and we don't wish to in the future. According to your surveys, I believe you have found very spotty cases of discrimination. This is beyond our control. And it's far in the minority, considering the number of motels, and the possible discrimination from that number is very small. We felt -- three or four years ago when this problem came to light the first time, we were not aware of any discrimination whatsoever, and it seemed to us as though a problem was being created so far as our business and organization is concerned. Many times we have asked our own membership if they accept everyone so far as race, creed, color and religion, and I have yet to see anyone who does not. At least they won't publically admit it, if they do. To my knowledge, I could not name you one place that does not accept anyone. There may be. But to my knowledge, I do not know of this. Since this problem has come up, and there seems to be considerable pressure and considerable adverse publicity toward South Dakota, we would like to take some sort of a stand. Our business is ninety per cent tourists. It's a tremendous business in this state. It's perhaps an eighty million dollar industry to the vicinity of Rapid City itself, which to my knowledge is about three to four times bigger than the next largest industry in this area. We do not want adverse advertising for this area, and certainly we

don't want to have the label of being discriminators. If this should come to pass, we feel it will hurt our industry. If this industry is hurt, it hurts the whole community and the whole West River and the whole of South Dakota. Sunday at the South Dakota motel directors' meeting at Pierre, this was one of the prime issues that we will probably watch closely in the legislature. Our stand on that is -- I'm speaking for a state-wide stand -- and it reflects pretty much ~~the~~ local thinking -- that we are against discrimination of any kind; that if and when a law is proposed in the legislature, if the wording of that law is according to the wording that I received from Doctor Munson in the mail -- I don't have it because I left it with our secretary -- which states for reasons of race, creed, color or religion -- I believe; this law does not in any way affect us. The wording seems to be in line. And if this law does come to pass, our main interest and our lobbyist, if we have one, will be there to determine mostly the penalty of the law. We feel that the law should not only be made to protect one side, but it should be made to protect the other side. By the "penalty of the law" I mean this: That if a person of degrading character, such as disorderly, drunken, or in some other way intends to defraud, we people in this industry as innkeepers --

MR. RUDELL: There's a copy of the law there.

MR. BEACH: (Continuing) If this thing happens, and this person is derogatory in their appearance or character, when they wish to register in our motels, and we refuse them on basis other than race, creed, color or religion or national origin -- or whatever the reading of the law here is -- if we reject them for reasons other than that, and they bring suit against us, we want it to be read into the law that if they should lose, it would not cost us attorney fees and court costs; it would cost defendant bringing these charges. If we are in the wrong, then we would feel that we should pay whatever the penalty of the law is and court costs, attorney fees and fine. This is equal protection. In order to see that this is carried out, if we do have someone who we feel is, due to character of drunkenness or impoliteness, to the point of being almost out of line, we feel that we should hold that person long enough to get a witness on our behalf, and I don't believe that the people in the civil rights or the Negro people or the Indian people or anyone could argue this point too far. It's simply a protection so far as we are concerned in our industry, which we have every right to expect as citizens and taxpayers.

PROFESSOR LAYMON: I must limit you to that amount of time, Mr. Beach, because we have, I think, other people that might want to ask you some questions. I think perhaps someone might want to come forward with testimony to the

contrary.

DR. PALMER: Mr. Chairman, there are just a couple of points that I would like to raise. First of all, I think that you have pointed to a very important aspect of the whole problem, as we are going to be discussing it today; that is, the distinction of discrimination on the basis of race, creed, color, national origin, or whatever is involved, as opposed to judgments in terms of manner of dress or of social behavior; if they are obnoxious -- these considerations. I know that, from statements I have seen in the press; not with regard to Rapid City, but generally on any question involving discrimination in places of public accommodation, there is frequently confusion on this point. People do not want to be told that they have to serve someone who will pick up a glass and throw it against the mirror or something. Obviously we recognize the distinction here, and we are interested only in discrimination that would occur on the basis of race, and this was one of the things that we had hoped to establish. Now, in regard to a point that you made, you said that there was a minority of motel owners who do discriminate in Rapid City. You say, as I understand it, that no members of the Rapid City Motel Association would admit to any discrimination, and you have no knowledge of such discrimination on their part. Do you have any knowledge of discrimination of non-members?

MR. BEACH: No, sir, I don't have any knowledge of anyone discriminating, other than what I read in the paper survey, and of those -- I don't know who they are -- but at least they have never admitted to discriminating publically.

DR. PALMER: Mr. Chairman, I think that in view of this, that we might thank Mr. Beach for his statement and ask for some statement from anybody who would want to file an affidavit or something with regard to this question.

PROFESSOR LAYMON: Thank you, Mr. Beach. Again, I would like to reiterate that we are not here to take testimony pro or con on this question of a public accommodations law. I can appreciate the sentiments of many of you who are opposed to it. I will not state whether I am for or against it. But that's not really the basic purpose of our inquiry here today.

MRS. MARY ZIMMERMAN: I have some material on some surveys I would just like to file with the committee and make a statement from them.

PROFESSOR LAYMON: Would you identify yourself, please?

MRS. ZIMMERMAN: I'm Mary Zimmerman, vice-president of the Black Hills Civil Rights Committee. We did several surveys. In May 1961, we did a telephone survey of motels listed in the classified section. We don't know which ones



are members of the motel association, so this is just a listing as the phone book gave it. The question was: "Do you accommodate Negroes over night? Do you accommodate them by the week or month; in winter?" The committee members identified themselves. We all told who we were and whom we represented. The results were this: In May 1961 -- the answers were almost invariably the same to both questions so no separate categories are listed. Those who answered "Yes," forty-eight per cent; thirty motels. Those who answered "No," thirty-six per cent; twenty-three motels. Those who preferred not to answer were fifteen per cent, or ten. And then in the fall of 1961, September and October, we did a second survey; again a telephone quiry, of those listed in the classified section of the telephone directory. This is what was said: "The Black Hills Civil Rights Committee would like to make a list of those motels in town definitely willing to serve Negroes. The list will be sent to large contractors involved in missile construction here. Would you be willing to be on the list?" I might interpolate that we had had an instance where an outstanding engineer from Denver was unable to have further accommodation in a motel when they found he was a Negro -- Mr. Carter. The copy is attached. Sixty-five per cent answered "Yes." You see we got a higher -- There was a better result in this second one. The percentage rose to sixty-nine per cent,

after copies of the list were sent to all the motels quieried; so they wanted to be on this list, as you can see. No record was kept of whether there were many motels that definitely didn't accept Negroes or did not wish to answer. Of further interest might be this letter. I won't take time to read it. A school principal from Eagle Butte, a Negro friend of ours, wanted to know whether he would be able to find accommodations here when he came to the South Dakota Education Association. Of course, he is not a serviceman. But the answer is from the Chamber of Commerce; at the time only listing seven or eight motels -- I won't give the names -- which she thought -- the staff person thought -- would accept him. Of course, I think she certainly underestimated. That was in September. But I think the Chamber, even then, recognized the problem. Just one other comment. We were glad that Mr. Beach stated his feeling against discrimination, and we want to just say that no civil suit would be allowed under any proposed law. It's a criminal offense; therefore, all expenses will be borne by the state.

PROFESSOR LAYMON: Would you like to remain for a moment. Maybe someone on the committee would like to question you.

FATHER SIEM: It's your impression that you could pick up a telephone today and call a specific motel, and they would tell you that they would not accept you, if you

were a Negro?

MRS. ZIMMERMAN: I think so. Maybe after this meeting and the feeling of Mr. Beach, they are going to come in line with the majority now who will accept. I hope this is true. I am not sure how to answer that question at this point.

FATHER SIEH: You think that something like three in ten would say no, if you were a Negro, they would refuse you?

MRS. ZIMMERMAN: I think it would go down to about two maybe, or one.

MR. RAFF: Mrs. Zimmerman, I think we are interested in that communication with the Chamber of Commerce from -- did you say a grade school principal?

MRS. ZIMMERMAN: Mr. LeRoy Bogan of Eagle Butte, yes.

MR. RAFF: Did he receive an answer from the Chamber of Commerce in Rapid City to his inquiry?

MRS. ZIMMERMAN: Yes.

MR. RAFF: Would you read the -- or is it too long a letter? Would you read the Chamber of Commerce's answer?

MRS. ZIMMERMAN: I think they weren't fully informed of the number of places that would accept.

MR. RAFF: Give us the date of that, please.

MRS. ZIMMERMAN: This is September 27th, 1961.

That was over a year ago. "Dear Mr. Bogan. We are forwarding your request for accommodations to the chairman of the housing committee for the S.D.E.A. -- " South Dakota Education Association -- "and on the reverse side of this sheet, you will find listed names and addresses of hotels and motels, and we have checked those that will accept people of your color. Mrs. Margaret Austin is chairman of this committee, and no doubt you will hear from her. By the way, there will be others of your race attending this convention. Those that we are sure of are coming from Pine Ridge, South Dakota. As you know, the Sheraton-Johnson, one of the finest places here, will serve you in their dining room." Need a little money here for a commercial. "Yours truly, Rapid City Chamber of Commerce. Mrs. Marion Tallcott." Stamped. The list was of forty-five hotels and motels, with only the following listed as accepting " people of your race:" Jensens, Lazy U Motel, Motel Beach, Price's Motel, Sheraton-Johnson Hotel, South Town Motel, Town and Country Motel, and we know there are many others now because of our later surveys.

PROFESSOR LAYMON: Question from the floor. Mr. Beach?

MR. BEACH: I would just like to state that probably the Chamber of Commerce didn't go into that thing. After all, they gave them at least seven, and seven, in my

opinion, of some of the nicest motels and hotels in town, and they probably didn't have time to make a survey at the time.

MRS. ZIMMERMAN: That's right. But it just indicates that there was a problem of some sort.

PROFESSOR LAYMON: Does anyone else have any comments or testimony that they would like to make with respect to motels and hotels. Raise your hand and come forward. Are there any Negro airmen here who would care to testify?

DR. MUNSON: Mrs. Zimmerman, wasn't there a comment made by a motel operator which seemed to indicate the general policy of motel operators about the time that Mr. Carter was refused service at the unmentionable motels?

MRS. ZIMMERMAN: I am not aware of that. Are you?

MRS. CATHERINE SMITH: I can tell quite a little about the incident which was at a motel -- the Motor Hotel. This was F. Douglas Carter, an employee of Martin.

DR. PALMER: Would you identify yourself, please.

MRS. SMITH: Oh, I'm sorry. My name is Catherine Smith, and I am a member of the Black Hills Civil Rights Committee. Mr. F. Douglas Carter, an employee of the Martin Company, was made by a -- I don't know -- someone made, in advance, a reservation for him at the Tip Top Motor Hotel in June of 1961. Now, this was reported in the newspaper, so it can be checked. Mr. Carter was permitted to stay one

night; then the manager said, "We didn't know you were colored. We will let you stay one night so you won't be embarrassed, but we can't take you any more." He was planning to stay six weeks, and he moved over to the Sheraton-Johnson at that time and stayed for the rest of the six weeks. Now, the people who were managers of the hotel said that this -- all -- "You will find that this is true of all of the motels in town. They all discriminate," and "I couldn't keep him." However, when the owner of the chain that operates the Tip Top discovered this, he, having his office in New York, apparently conducted a quick survey and changed the policy of the Tip Top, so that that is no longer a place that discriminates. However, it does show that there was a lack of information and understanding among the motel operators before this situation became publicized. That's all, I guess.

PROFESSOR LAYMON: Does anyone on this committee have any questions?

DR. MUNSON: It seems to me that the lady said something about "Why are you picking on me."

MRS. SMITH: Maybe so. I don't know.

PROFESSOR LAYMON: Is there any other testimony on discrimination in motels and hotels in Rapid City? What is your name?

MR. JOSEPH RICHARDSON: Joseph Richardson. I am from the air base. On November the 24th, a Saturday, at

around eight o'clock, I went to several motels for general information purposes. The names of the motels are Freddie's Cabins Motel, on East North; Log Cabin Motel; Black Hills Motel and Cafe, Modern Motel and Davis Motel on St. Joe -- West St. Joe. The manager or the person in charge of each of these motels told me that they would not accommodate any Negroes, regardless of whether they were airmen or tourists. I informed each person that this institute survey was taken for my own general information, and I would like to have such information in order to give it to tourists and to new arrivals in Rapid City.

DR. PALMER: Mr. Richardson, I wonder if you would just remain for a moment. Did you, when you approached these motel managers, indicate that you were performing a survey, or did you act as if you wanted to rent their accommodations?

MR. RICHARDSON: I told them that this was a survey.

DR. PALMER: This was a survey. Let me ask, in general, is there an occasion that arises when airmen from the base in general -- I'm not talking about Negro airmen, but airmen in general -- might want to make use of motel facilities in the city for any reason whatever?

MR. RICHARDSON: On arrival to the Ellsworth Air Force Base, there will be times when airmen will desire to accommodate -- the accommodation of motels, before going on

to the base.

DR. PALMER: Is there any other occasion; such as friends or relatives that ever come to visit, and I am interested only in the facts of the situation?

MR. RICHARDSON: I have been told by several airmen that they would desire for their sisters or their -- maybe their mothers to come and visit them during the summer months, but fear that they will not be able to find accommodations for their people.

PROFESSOR LAYMON: But do you know of anyone that was discriminated against? Were you ever discriminated against?

MR. RICHARDSON: I never was discriminated against, but Master Sergeant Darius King was discriminated against.

PROFESSOR LAYMON: When did this take place?

MR. RICHARDSON: This took place on the night that he was arriving to Ellsworth. According to him, he decided that he would rest over night before proceeding to Ellsworth.

MR. RAFF: Mr. Richardson, you have given us the names of some half dozen motels which informed you personally that they would not accept Negroes in any case. Were those the only motels that you approached, or did you approach others?

MR. RICHARDSON: I approached others.

MR. RAFF: And could you give us any insight into the number of others who said that they would serve and take



Negroes?

MR. RICHARDSON: Approximately thirty-six others.

MR. RAFF: You mean you are talking then about thirty-six, on the one hand, who said "yes," and what was the number of the other list? Seven?

MR. RICHARDSON: Seven. Seven that said "no."

MR. RAFF: Seven who said "no."

PROFESSOR LAYMON: Anyone else?

FATHER SIEH: Do you know whether any of these six or seven that you named -- Do you know whether they have any relationship to the state motel association or to the local motel association?

MR. RICHARDSON: No, I don't.

FATHER SIEH: Could you determine that for this committee?

MR. RICHARDSON: No, I couldn't.

DR. PALMER: Perhaps Mr. Beach could.

MR. BEACH: The motels Mr. Richardson has named -- I think he named five according to what we got.

MR. RICHARDSON: Seven.

PROFESSOR LAYMON: I thought I counted seven.

MR. BEACH: I think all but one belong to our association. None of them are active in our association. None of them. So at the -- When we asked about this problem, naturally they were never there. They never are. They

never support us in any way. And I might say that these are just on the verge of being what I would even consider a motel because they are not -- and in your opinion, were they a very classy type motel?

MR. RICHARDSON: I could not say they were Class A motels, but they were decent motels.

MR. BEACH: In my opinion they are just about, borderline whether they are even a motel or not. I would like to add one thing while I'm up here. At the outset of this thing about three or four years ago, I think it was an economic thing with the people at that time, and they were afraid maybe -- it hadn't come up -- they were afraid maybe their neighbor wouldn't accept them, and so they didn't think they ought to accept them. You follow me? But when they found that everybody did accept them, then they changed their mind entirely, and believe me, it's an economic thing with me right now. I need the money, and I don't care how I get it.

DR. PALMER: Mr. Beach, as long as you are up, may I just inquire of one thing. You have now made a distinction between the members of your association and active members, and you say that ninety -- ninety-five per cent of the motel owners in the City of Rapid City are members of your association. What per cent of those would you say are active?

MR. BEACH: Forty-five, maybe. Forty-five per cent. By that, the others will pay their dues, if you go dig it out of them, but they -- they're members, as dues paying members; but they are not participating members. In my opinion, they are not doing the industry what they should in order to claim to even be motels, in my opinion.

DR. PALMER: In other words, when you spoke then of the fact that you did not know of any case in your membership of discrimination, you really were referring to the active membership?

MR. BEACH: Well, I was referring to what I know. I never have taken a survey, but as far as the active members, I have. And there has never been a one that has attended these meetings, and the last meeting we had was the largest meeting we have ever had -- the largest turn out, and there wasn't a one who hadn't accepted every kind of race, creed, color or religion, and wouldn't accept them again. So that's as far as my knowledge. I think the Tip Top has changed their stand a long time ago. I heard about that before. But I think they've changed their stand within the last year or so, and it was an economic thing with them that they were afraid of because the operators were new and didn't know.

DR. PALMER: You are satisfied personally that, as far as the economics of it are concerned, that providing accommodations to Negroes, in case of motels, will not in

any way hurt the business economically.

MR. BEACH: I feel this way: That I need their money as well as anybody's money. If there is somebody from Georgia or Mississippi sitting next to them, which could be the case, and which people were afraid of at the outset, if that fellow doesn't like it, he can move because I'll get somebody else to fill it, in the summer time anyway.

PROFESSOR LAYMON: Does anyone else have any questions of Mr. Richardson?

MRS. CATHERINE SMITH: Mr. Chairman, I don't know that this is a question for Mr. Richardson, but we have prepared -- because there have been a lot of surveys -- a big chart here that shows -- certainly does show that there has been progress in the matter of motels. These are all shown in per cents. In 1959 there was a survey that showed less than half of the motels were willing to say that they served Negroes, and there is -- improvement was shown between a six months period here, and now we see that there is yet further improvement in the matter of motels, but I think that we should -- these numbers can't be taken too seriously because -- as they stand -- because different people will give different answers.

MR. RAFF: Are these surveys by the Black Hills Civil Rights Committee and also NAACP and also the Journal? These are several different surveys, and they are different

In time?

MR. SMITH: Yes.

MR. RAFF: One of them is 1959. One 1961, and three of them --

MRS. SMITH: Two in 1961 of motels here.

MR. RAFF: And three of them here in '62?

MRS. SMITH: These are all in this year.

MR. RAFF: So there is very marked progress, at least as measured from the results of these different surveys?

MRS. SMITH: I think it's particularly true of motels that progress has been shown. Shall I prop this up maybe right here?

MR. BEACH: One other thing. These motels that have discriminated, I think, were possibly more against the character than the color. Because of the class of people that they get, they have to watch pretty carefully. Now, this is my opinion. And one other thing. I think, if Mr. Richardson had shown the color of his money at any one of those motels and registered, I think he would have gotten in. A lot of people are getting a little tired of surveys. If you come in for that purpose, why, they've got a chip on their shoulder.

MR. HOWARD KEITH: Mr. Beach -- I would like to direct a question to Mr. Beach.

PROFESSOR LAYMON: Would you like to come forward?

I think you may stand down Mr. Richardson. Would you come forward?

MR. KEITH: I would like to direct a question to Mr. Beach.

FATHER SIEH: Would you identify yourself, please?

MR. KEITH: I'm Howard Keith, Rapid City.

FATHER SIEH: Well, who are you?

MR. KEITH: I'm Howard Keith.

FATHER SIEH: But who is this? What's your background, please?

MR. KEITH: Background?

FATHER SIEH: Yes.

MR. KEITH: I'm here as a spectator.

FATHER SIEH: Where is your home, please?

MR. KEITH: My home is in New York.

FATHER SIEH: Are you attached to some group? Have you some affiliation?

MR. KEITH: No, I'm here as a spectator. I would like to direct a question to Mr. Beach, if I may.

FATHER SIEH: You came here from New York for this purpose?

MR. KEITH: No, not for that purpose.

FATHER SIEH: You are living here in --

MR. KEITH: At the time I'm living in Rapid City at the air base.

FATHER SIEH: You are living at the air base now?

MR. KEITH: Right.

FATHER SIEH: All right.

MR. KEITH: A tourist that is traveling, when he's tired, what would his dress be when he come to one of your motels to get accommodations? How would you judge him as being of good character or bad character? He has driven eight hours a day. How would you judge that?

MR. BEACH: Every colored tourist that has ever come to my place was quite impressive. They drove a big car. They had money. They were well dressed. They were polite, and they were willing to pay the going price, which they were asked, and many of them came in by Triple A reservation, and it stated on there that they were colored, and I accepted them weeks ahead of time, and I think that that is also typical of Rapid City.

DR. PALMER: Mr. Beach, did I hear you say that the Triple A application or reservation form carries a statement that they are colored?

MR. BEACH: Sometimes it does, and sometimes it doesn't.

DR. PALMER: There is provision on the form to indicate that?

MR. BEACH: No, it doesn't say it, but sometimes they ask that, and I don't know why.

DR. PALMER: And on occasion these forms do come with the information that this person is colored?

MR. BEACH: On occasion it does.

MRS. MARTIN BACH: I think Washington D. C. is the only place that has the strip across the top denoting they are colored.

DR. PALMER: The lady that just spoke --

MRS. MARTIN BACH: I'm Mrs. Martin Bach from the Dakota Motel.

MR. BEACH: It is felt also that Mr. Richardson's testimony of the man -- the sergeant at the base who was discriminated against, in order to be acceptable, should be here to state so, rather than to quote someone.

PROFESSOR LAYMON: Would you care to identify yourself and come forward?

MR. CHARLES HARDY: My name is Charles Hardy; member of the United States Air Force, stationed at Ellsworth Air Force Base; Chairman of the Executive Board of the NAACP, Rapid City. As far as this problem of discrimination in motels, the NAACP made a survey sometime ago, as Mr. Richardson has explained here, and we have affidavits signed by persons that were discriminated against. As you know, he called Mr. Darius King, Master Sergeant, as one of those persons discriminated against on the night that he arrived here in Rapid City. Now, according to Mr. Beach's statements that



most Negroes that are tourists and are passing through Rapid City dress elaborately and they wear fancy clothes and that they drive big automobiles, well, I know Mr. King personally and I can say that he owns a 1962 Dodge Dart and, as for his dress and that, I don't know any person who dresses nicer than he does, and as far as money is concerned, I am sure he has the money. This is not the problem. The problem that we are dealing with is that discrimination does exist in Rapid City. We know it because of surveys. The Black Hills Civil Rights Committee knows it because of their surveys. The Motel Owners Association knows that this discrimination exists whether they are willing to own up to it or not. The problem is that we know it because we are here, and that we are few in numbers, when we like to invite our families down or possibly even ourselves in return from a leave or in checking in, we would like to rest for relaxation purposes before proceeding to the base. Now, if a man who is here in defense of his country cannot enter a motel owned by those people we are here to defend, well, I think that something should be done about it. I feel that you, as the president -- if I am not mistaken -- are you?

MR. BEACH: That's correct.

MR. HARDY: I think that you should look into this problem, and, as you say, you need the money. I think that, if you need the money, you should be willing to accept any

person who is willing to pay the price that you ask to put them up for the night. Many Negroes have been discriminated against, and they will continue to be unless something will be brought out here that will change this or you or your members of your association does something to change it.

PROFESSOR LAYMON: You keep saying that there is discrimination, but you only mention or specified one instance with respect to this master sergeant. Now, what are these other evidences of discrimination?

MR. HARDY: Well, we do have -- we have affidavits that were signed but because the person wasn't able to be here, well, we didn't present these affidavits.

PROFESSOR LAYMON: But, again, you haven't suffered any discrimination, have you?

MR. HARDY: Personally I have not but because I am a member of the organization, and this is part of me, this is why I have as part of my case --

MR. RAFF: Do you have affidavits with you that could be given to this committee on the subject of motels and hotels?

MR. HARDY: Mr. Richardson, do you have any available?

MR. RICHARDSON: No.

MR. BEACH: What was your name again?

MR. HARDY: Charles N. Hardy.

MR. BEACH: Charles, the way you spoke to me here

apparently you -- Did you come in at the beginning of the meeting? Were you here at the beginning of the whole meeting?

MR. HARDY: No. I came in sort of late, I must say.

MR. BEACH: Apparently you must have missed my little talk because I stated that we had gone on record, if a law was passed, that we were not against it for race, creed, color or religion or national origin, and that's the state -- I speak for the state as well as I speak for the local, so apparently you missed out on some of the things I said because I would call this a little attack on myself here.

MR. HARDY: For my own benefit, would you mind repeating the statement? Would you like to read that back or would you want --

MR. BEACH: No. Briefly, we feel in this state -- the state association and that reflects the local, that if a law is going to be passed -- in the first place we are against discrimination -- if a law is going to be passed, according to the reading of the law that we have, it reads pretty well as far as I can see because it states for reasons of race, creed, color, national origin or religion. This we have no quarrel with. We are a little interested in the penalty of the law which would say that if someone brought a suit against us, and they were proven wrong because they were disorderly or for some other reason other than the law states that we would be protected in that we wouldn't want to pay the court

costs and lawyers' fees if we won the case and that's just mutual protection from any law.

MR. HARDY: Well, in your statement you were saying that when Mr. Richardson made this survey had he shown the color of his money, that he would have possibly been accepted into a motel or hotel.

MR. BEACH: Yes. I believe if he had come in and registered, he probably would have gotten a room in any of those. They probably rejected him just coming in and saying do you or will you or I want a survey. We have had a lot of surveys lately, and it gets a little old, really.

PROFESSOR LAYMON: I would like to ask why did you not bring these affidavits with you, Mr. Hardy?

MR. HARDY: Why didn't I bring the affidavits? Well, this is the secretary's duty to have these affidavits with him, and I see that the secretary isn't here possibly because of military obligations. We had no way of knowing that he wouldn't be here.

PROFESSOR LAYMON: Could you give us the affidavits later or bring them to our attention?

MR. HARDY: Possibly we can.

MR. RICHARDSON: I would like to add that up until twelve o'clock last night we thought that the secretary would be here but he was called back to military duty this morning at approximately eight o'clock.

DR. PALMER: Would it be possible to contact him and have those before we finish up this meeting today, later this afternoon? Is there any chance?

MR. RICHARDSON: I think so.

DR. PALMER: Would you make such an attempt, Mr. Richardson?

MR. RICHARDSON: I will make an attempt.

FATHER SIEH: Is this master sergeant still on the base, that you speak of?

MR. HARDY: Yes, sir, he is.

FATHER SIEH: Why is he not here?

MR. HARDY: Because of military obligations, also.

MR. RAFF: Did he indicate to you or to your group that he would be here?

MR. HARDY: Well, possibly later on this afternoon because he had hoped to be here this morning but something came up that he knew nothing of.

MR. RAFF: There is a lady back here who would like to ask a question.

MRS. EVELYN MERRITT: The last two questions have taken care of what I want to ask: Why the fellows were not here and why Darius King's affidavit was not here.

PROFESSOR LAYMON: Had the master sergeant planned to attend this?

MR. HARDY: Yes, he had, but something unexpectedly

came up, and because he is in the military, you never can account for your time, I mean, from day to day or from hour to hour possibly, I should say.

PROFESSOR LAYMON: I see. Mr. Richardson?

MR. RICHARDSON: Mr. King had planned to be here to give his testimony.

DR. PALMER: Mr. Chairman, I would like to pose a couple of questions, if I may, to Mr. Hardy.

DR. PALMER: You did say that -- or suggest that -- something to the effect that you don't feel free, and that other Negro airmen at the base don't feel free, to ask friends or relatives to come to visit because of the anticipation that you have of the discrimination that might occur against them. Is it part of the conversation of the airmen on the base -- I'm talking about Negro airmen -- does it ever arise in conversation, this consideration that: "I wish I could bring my sister over, but I wouldn't be able to find a place for her, and I can't do it?"

MR. HARDY: Well, not so much as to wanting to bring his people here, but I can remember certain instances before we started the survey -- we were beginning to make plans for such a survey, and we know of a couple of hotels that discriminated against Negroes --

DR. PALMER: Uh huh.

MR. HARDY: And, well, we brought up the problem

suppose we wanted to do something of this nature; then we wouldn't be able to, and one night, I think, while we were making some plans for a survey in town, we decided to call a hotel that we knew discriminated against Negroes, and a certain party, Mr. Richardson, if I might say, identified himself as a Negro -- Mr. Richardson identified himself as being a Negro -- and expressed concern that he would like to bring his mother down to live at this particular motel, and he asked if he would be accommodated, and they said that he would, and this sort of was shocking to us because we knew at one time that this motel did say that they discriminated against Negroes. There have been other instances where we would possibly sit down and say: Well, since this is a resort for most people, and the country is beautiful and because of the Rushmore shrine and so forth, we would like for our people to come down and see places like this, but then we never did go too much in for this because we knew all of the circumstances involved, as far as that's concerned.

DR. PALMER: Will you be back here to tell us about any other aspect of our agenda? Bars? Cafes? Are you going to be here later on?

MR. HARDY: Yes, I will.

DR. PALMER: I would like to pursue, as a progressive, and as it seems to be appropriate, this general question of what part of your life is really affected by either

discrimination or by what you feel to be discrimination, and that's why I posed the question here as -- if there is any conversation that you have had with anybody or any statements you have made or any feelings that you have had that you could not do something that a white airman could do as far as, say, bringing someone to visit because of what you thought would be discrimination. Do those thoughts go through your mind? Or through the minds of others with whom you associate? Or is it ever a part of your conversations?

MR. HARDY: Possibly we aren't communicating at this time. When you speak of the part of my life, I mean, the effect that it has upon my life or any particular part of my life -- in essence, what are you saying? I mean -- because --

DR. PALMER: Well, obviously, from the standpoint -- or from my standpoint -- from the standpoint of the committee, we are interested in how the life of the non-white serviceman at the Ellsworth Air Force Base might be affected merely by the color of his skin, and I am interested in any evidence whatever of -- evidence that might help me to understand better what effects it might have on you, and I would like to know -- Of course, we want to know if you are ever turned down for service; that side of it is clear, but what I do want to know, in addition, is what sort of things you talk about, and is there any evidence that you could provide



to me that Negro airmen on the base are disturbed by what they define as differential treatment on the basis of skin color alone, in regard to motels and hotels.

MR. HARDY: Well, very much so we are disturbed. Mainly because, I should say -- well, because the amount of Negroes in this area -- very few -- There isn't any social activities, as such, I must say. We aren't able to go out into the community to visit and to be with people, I should say, as such. Then, on the other hand, well, we aren't active in any church or, well, recreational activities mainly because many of my people have taken the attitude or the belief that -- well, they are going to discriminate against me in town any way; so why should I go into town and be further humiliated in to their churches. Although there are churches here in Rapid City I have visited, and they do accept Negroes, and they have wonderful service and the hospitality is wonderful, I must accept. But we have these problems, and it makes for unemotional stability, I must say, and it has definitely a psychological effect upon these people. You aren't able to produce, as far as your job is concerned as other people because you can only think of the time when you go to work and get off from work; possibly you go to a movie or you go to the service club and around eight o'clock, if the movie on base isn't what you like, well, go in to bed. I mean, this is all. This is the daily trend.

Whereas people of other color, they can go out. They can go to the bars. They can go to -- Well, we can attend movies here in town. They have families that they can mix with and so forth. And all of this helps to develop a person physically and mentally, I should say. But we are handicapped. We haven't any of these things; so this presents a problem, and definitely it's talked about all the time. That's all there is to say.

PROFESSOR LAYMON: How many Negroes do you know that were refused service at a motel in Rapid City?

MR. HARDY: How many do I know?

PROFESSOR LAYMON: Yes.

MR. HARDY: Well, as such --

PROFESSOR LAYMON: We are asking for evidence of discrimination.

MR. HARDY: Well, we do have these affidavits. I can't say personally because what I know, and what these people can contribute to what I know, can be more helpful to you and to other people concerned.

PROFESSOR LAYMON: But how many instances do you know of?

MR. HARDY: I know of quite a few instances.

PROFESSOR LAYMON: What do you mean "Quite a few?" You understand, we are trying to nail this thing down, so -- that is to say, give it some dignity other than just hearsay.

MR. HARDY: What would you like for me to --

PROFESSOR LAYMON: Well, I mean, were there ten, fifteen, five? Or for example, how many affidavits do you have?

MR. HARDY: Possibly somewhere between seven and ten.

PROFESSOR LAYMON: Seven to ten? Covering how long a period?

MR. HARDY: Well, possibly from June up until the present time.

DR. PALMER: Of this year?

PROFESSOR LAYMON: June of this year?

MR. HARDY: Yes.

PROFESSOR LAYMON: Well, we certainly would like to see those affidavits, but you, again, were not refused service in any motel in town?

MR. HARDY: No, because I haven't had any need for the use of a motel.

PROFESSOR LAYMON: Well, that's what I was about to ask. Have you asked for service at motels?

MR. HARDY: No, I haven't. I haven't had any need for one.

MR. RAFF: Mr. Hardy, in conversation with others of your group -- your race -- out there at the air base, have you heard of other instances, and can you say whether

you have heard of two or three of them? What's your impression? Dr. Palmer is interested somewhat, and so am I, in your impression. Have you heard of two or three such instances relevant to hotels and motels, or twenty-three or forty-three? Can you give some rough --

MR. HARDY: Well, I can remember possibly maybe four or five incidents that I have talked with people and they told me of various things that happened in town.

PROFESSOR LAYMON: Do you know that these people were refused service on the -- because of their color?

MR. HARDY: It would have to be because of color. They had to be.

PROFESSOR LAYMON: Why do you say it "has to be?"

MR. HARDY: Well, if they were -- If you went to a motel, and the manager told you he can't accept you because you are a Negro, then what else could there be?

FATHER SIEH: May I ask this: Is it common knowledge on the base, too, that there are certain perfectly acceptable motels where you can go, and you can be sure you will get accommodations, if you need them? Is this known?

MR. HARDY: Yes. They are known, I should say. Well, I think most of the people often refer to the Holiday Inn, if I'm not mistaken, as one that will cater to Negroes.

PROFESSOR LAYMON: Mr. Beach?

MR. BEACH: I would like to say that in the past

six -- seven months, I have probably refused six or seven people myself in my motel of which none of them were colored people; none of them were Indian people, but they were white people and they were not the character of people that I want to serve because of -- I have a nice place and I don't want it to be torn up, and they were either drunk, disorderly, or in plain words, a "shack date," that I wouldn't accept, and in no case were they colored people, and to this day, I have never refused anyone that's colored, if I had the place for them. There's times I have been full when they came by, and this I can't control. If they had reservations, they were held for them.

MR. HARDY: If I may say -- well, you had every reason in the world to turn these people away because they weren't of the character reputable to your place. But whenever a Negro is in this part of the country, I must say, he either has some business here, or he is a tourist, and I am sure that they would be of possibly the best caliber. I mean, you wouldn't expect a person who couldn't afford to pay ten dollars a night for a hotel to come into a place of this representative and look for a room, I'm sure.

MR. BEACH: Couldn't afford to pay ten dollars a night?

MR. HARDY: A person who couldn't afford a hotel wouldn't be looking for a hotel, I'm quite sure of that.

MR. BEACH: Well, of course, if they want a nice place, why, they pay the going rate.

MR. HARDY: Yah. They would pay the price. I mean, they wouldn't want to -- or get lodging in your place, unless they were able to afford the price.

MR. BEACH: I want to say one thing. I was Branch Commander at the base for many years, in the air force, and I had many colored boys working for me. Generally speaking, they were fine, and I was real proud to have them. As a matter of fact, I had one airman of the month from my branch. I was real proud of him, and he was a mighty good boy, and I want to say another thing, that those boys -- at the time, I was quite concerned about how they were accepted, and I never had a complaint from my own boys -- that is, the better boys. I had one or two that you have with everyone that -- whether they are white, colored or what they are -- you know, there is one out of twenty that can be the other way, too, that are problems. I know this is getting off the subject.

PROFESSOR LAYMON: I thank you. Just one more, and then we have to move on to this next topic. Yes, sir.

MR. COATES: I'm Mr. Coates, from Sioux Falls, South Dakota, and I am the president of the NAACP branch in Sioux Falls. And I would just like to say that in travel over South Dakota, we know that there is prejudice in South Dakota, and we have all been denied the service of motels,

hotels, and accommodations. That is obvious. Everybody knows that. That's what we're here for. I came up here because I'm interested in human relationships for equal opportunity, and we know that. But we have made some progress here on this motel deal by Mr. Richardson. By him saying that he will, from now on, try to accommodate the Negro, then we have made progress. Now, from then on, if we have other cases where -- that we get this thing, we will have to go from this thing then, but I do respect Mr. Richardson for changing his mind at this particular time.

PROFESSOR LAYMON: Mr. Coates, may I ask if you have been refused service in Rapid City, at a motel or hotel.

MR. COATES: I have been refused service coming from all over the state.

PROFESSOR LAYMON: In Rapid City?

MR. COATES: In Rapid City period?

PROFESSOR LAYMON: Yes.

MR. COATES: No, I didn't refuse because I didn't think that I would be refused, so I had to drive clear to my destination, all the way through Rapid City to Fort Pierre, because I had a contract up there. And anywhere that you get an appointment, you have to have the thing set up before you come, see, and I have did that because I am a contractor -- plaster contractor from Sioux Falls and I travel all over the state of South Dakota, and so I ask the question before

I leave: "Where is the accommodation for me to sleep?"  
If I can't sleep in the town, then I don't want to work there. So after all day, we'll go to someone's house or we'll do this, and they will fix a place for me because my boss -- the man that I'm contracting from -- he is the one that pays the way, but we know that in Rapid City here, this has been one of the prejudiced places for years. I have been in South Dakota for twenty-two years, and it has been, but now since this has come up national wide, I think that we people are going to get together. Mr. Richardson and the motels maybe have had a change of mind, and I am very happy that I came to hear that statement.

PROFESSOR LAYMON: I still -- My question is: Were you ever refused service in -- at a hotel or motel in Rapid City?

MR. COATES: No, I haven't because -- I said I haven't because I didn't stop because I had heard from other tourists that you didn't have a chance. But one time I was up here to bring a person that lives here in Rapid City now over to -- to the place -- over there at the home -- rest home, and we did get a hotel on the other side of Rapid, but with these white couples that we brought up to take his wife to this institution, we didn't stop because we know we going to be -- we thought we going to be refused; that's the reason.



PROFESSOR LAYMON: Well, I must move on to another topic. I thank you, Mr. Hardy and Mr. Coates, and all of you others who have given testimony on one side or the other on this question of hotels and motels. I think we will now pass on to this topic of possible discrimination in bars, cafes, and night clubs, and finish out the morning with that.

MRS. EVELYN MERRITT: Excuse me just a moment. I hate to be rude. I would like to remind the people who are being -- who are giving testimony that all of us are interested; that's why we are all here, and I can barely hear them from where my position is, and at the back of the room, it must be very difficult.

PROFESSOR LAYMON: I am real sorry that we don't have a public address system. I presume that they assumed that we didn't need it. Well, then, we will now take --

MR. FRANK HENDERSON: Mr. Laymon --

PROFESSOR LAYMON: Yes. Mr. Henderson?

MR. HENDERSON: Mr. Laymon, I understand that this format has been set out in certain specific subjects? Is that correct?

PROFESSOR LAYMON: That is correct.

MR. HENDERSON: Will there be an opportunity for anyone to say anything with reference to the different privileges that are accorded to Negroes in Rapid City?

PROFESSOR LAYMON: If we have time this afternoon,

I'm sure. But we have to cover these certain areas, Mr. Henderson.

MR. HENDERSON: Well, I have about two minutes that I would like to say something along that line.

PROFESSOR LAYMON: Could you save it for a little bit later?

DR. PALMER: Does it have reference to bars and cafes?

MR. HENDERSON: It is not --

PROFESSOR LAYMON: That's it. It has no reference to these categories.

DR. PALMER: Mr. Chairman, I would suggest that, inasmuch as he says it will be a brief statement, and would like to get on, maybe if it's of convenience to him, maybe we could just take that statement.

PROFESSOR LAYMON: All right.

MR. HENDERSON: Thank you, sir.

PROFESSOR LAYMON: Would you identify yourself?

MR. HENDERSON: Yes, sir. My name is Frank Henderson. I'm an attorney at law in Rapid City. I have lived in Rapid City since 1945. I am a Korean veteran. I'm married. I have four children, and I am extremely proud of my city. There are certain attacks that have been made on this city, and as a result thereof, I would like to set the record straight with respect to some of the privileges that are

afforded the colored people in this city. I would like to point out to this committee, first: That the Negroes have free access to our public parks. I would like, also, to set the record straight that they have the right to attend all of our public schools and do attend our public schools. I would like, also, this committee to know that they have access to our library. I would like, also, this committee to know that the Negroes can swim in all of our public swimming pools. We have a public transportation system in Rapid City, South Dakota, and they have a right to ride all of these buses, and there are no Jim Crow laws with respect to that. They are certainly welcome in all of our churches. I would like, also, to point out that Rapid City has a summer recreational program, supported by a special tax levy, and that the Negroes are welcome to participate in that. We have a municipal golf course. They have the right to golf at our municipal golf course and have. I think that it can be said that they have the right to go into all of our stores. They do attend all of our local theaters, and they are welcome in there. They are likewise welcome and have attended, and I hope will continue to attend, our public concerts here in Rapid City, as well as plays that are sponsored by local groups, as well as recitals. I would like, also, to point out that they are welcome to compete in all athletic contests and have, and that they are welcome

to attend any of these athletic contests. I know, for instance, that our business and professional women's club here in Rapid City has had Negroes in their midst and in their organization, and that other civic organizations here in Rapid City have welcomed them in there. I would like, also, to point out that they are always -- they have always gained admittance to our local hospitals. I recall, not too long ago, being up in the hospital, and seeing a Negro orderly -- a male -- attending a white woman, without any type of incident or furor, and I have seen local Negro nurses in our hospitals, and because of the adverse publicity on some of these things, I would just like the committee to know that there are many fields that these people are welcome in and many places that they are welcome on, and I want the committee to see the big picture, rather than some of these isolated instances that's been set up on what I consider this rather limited format. I'll be glad to answer any questions, if I may, along this line. Mayor Raff?

MR. RAFF: I want to say that every single word that Frank Henderson has said is accurate and true; moreover, that as mayor for nineteen months I have never once heard any word at all about any Negro being excluded from any of the organizations or the public facilities of which Frank mentions. This is a whole dimension -- perhaps the most important dimension by far -- in which the whole subject

of discrimination against Negroes has no relevance whatever.

DR. PALMER: Mr. Chairman, I would like to pose a question to Mr. Henderson, if I may.

PROFESSOR LAYMON: Yes.

DR. PALMER: Do -- You seem to reflect what you define as somewhat general community feeling, or at least a segment of that community. Would you say that the -- What would you say would be the attitudes of the Rapid City people toward the airmen at Ellsworth Air Force Base, without consideration at all of the color of the skin? What is the attitude of the community so far as you are able to sense it, toward the airmen? Are they happy to see them here because it's potential money? Or is it something they have to put up with? Or do you have any statement on that?

MR. HENDERSON: I think I would summarize the community's attitude in general -- and you must appreciate I'm taking on a very large thing there -- I think so long as the Negro people conduct themselves in a --

MR. PALMER: No. I was just talking about the airmen, first.

MR. HENDERSON: So far as the airmen?

DR. PALMER: Yah. Just the people on the base. What is your -- the feeling of the community, as you sense it, toward the airmen at the base?

MR. HENDERSON: I think that they are receptive to them.

DR. PALMER: What do you mean "receptive?" Is there a tone of qualification in your voice?

MR. HENDERSON: Certainly not. I think that these things that I have brought out here in my statements to this committee speaks for the general attitude of Rapid City towards the Negro airmen.

FATHER SIEH: We are not speaking about the Negro airmen. We're speaking about all of them.

DR. PALMER: Yah, I'm trying to --

MR. LEO TOSKIN: May I answer that question for Mr. Henderson?

MR. HENDERSON: I would like to answer my own question, if I can. May I hear it again?

DR. PALMER: What I want to know is since you have spoken here in behalf of at least a segment of the people of Rapid City; you seem to be reflecting some general sentiment that you see in the community. I would like to know what is the general sentiment of the community toward the air base and the people on it. How do you view the air base; that is, you people in Rapid City?

MR. HENDERSON: Well, I think that we regard the people at the air base to be good citizens; to be fellow Americans; and that they are an integral part of our com-

munity. I might point out that I am the chairman of the veterans' committee of this city. As chairman of the Disabled American Veterans', every year we have a base-community project. I sit down. I've eaten with the Negro people. I have talked with them. I think that our reception to the people at Ellsworth Air Force Base has been warm..

DR. PALMER: You are speaking of the airmen in general; not Negro airmen?

MR. HENDERSON: Yes -- Yes, sir. Has been warm.

DR. PALMER: Would you say that there is any different feeling on the part of the community -- any sentiment in any way -- that is different with regard to the Negro airmen than with regard to the non -- or the white airmen at the air base?

MR. HENDERSON: I think, sir, that at a time there was. And I think that was, quite frankly, precipitated by some rather violent crimes back in 1953; '54 and '55 by Negro airmen upon some women in this city, and I think that that brought about a rather bad relationship for a short period of time, but I think that, nevertheless, that the people of the city regarded those particular individuals in the light of what they've done or what they did do, rather than all of the Negro airmen.

DR. PALMER: So that since then, you would say that, from your standpoint, people of Rapid City, in general,

would not view the Negro airman in any different light than they would a white airman. Is that correct?

MR. HENDERSON: That is correct, sir.

PROFESSOR LAYMON: Anyone have any other questions they would like to address to Mr. Henderson? Way back there. Mr. Hardy? We cannot hear you up here, Mr. Hardy.

MR. HARDY: Mr. Henderson, may I state that all of these rights that you have named -- that these are rights that most people of other races take for granted, and that there are so many rights that you people have that we don't have that you didn't mention, I might say. These are rights that because they are public in nature that they are derived from funds that are contributed by the area citizens, living within a given community, I must say; so, therefore, we have the rights to these and we should have access, I should say, but there are so many rights that you take for granted that we don't have mainly because we are Negroes. That's all I have to say.

PROFESSOR LAYMON: Thank you.

MRS. MERRITT: I have more or less a question of Ruddy, and a statement, too. For the record, my name is Evelyn Merritt, and I have been a resident of Rapid City longer than Ruddy has, and I am just as proud or prouder, and always have been, until this series of incidents which precipitated this investigation in the past few years.



I am glad of the positive assertions that you have made, and I am glad that we don't have this stain on our community, in addition to the things that we do have. However, Ruddy, do you think that because we can offer these things in these areas to these people in our community is any reason why we should not be concerned about the areas where we do not offer equal opportunity?

MR. HENDERSON: Certainly not.

PROFESSOR LAYMON: Does anyone else have any questions they would like to ask of Mr. Henderson?

FATHER SIEH: About the only thing I would suggest would be: Do you think there is a rather significant appreciation of the problems that Mr. Hardy just mentioned, and of the fact of being colored, that you can't take rights for granted? Is that understood in this community, would you say?

MR. HENDERSON: Would you restate your question, sir, please?

FATHER SIEH: Mr. Hardy stated that part of being colored is that you never know whether you can take your rights for granted. Is that something understood in Rapid City, would you think?

MR. HENDERSON: Well, all I can tell you is what the facts are, sir. You are asking me to state something as to a state of mind, and I can tell you --

FATHER SIEH: Yes, but this has been asked of you before, too.

MR. HENDERSON: I can tell you that these are the facts, and that people are welcome to all of these public conveyances, and the Negro airmen are.

FATHER SIEH: But I am asking you: Do you feel that, in this community, that there is any understanding of what I might call the "colored man's predicament?"

MR. HENDERSON: I certainly recognize that the people of this city feel that the colored people have a problem whatever city they might be in in the United States.

FATHER SIEH: Thank you.

PROFESSOR LAYMON: Another gentleman has a question, Mr. Henderson.

MR. JOHN LARSON: John Larson; member of the city council.

DR. PALMER: What's the name again, please?

MR. LARSON: John Larson. Mr. Hardy called your attention to the rights that they are considered under, and he also stated that there are certain rights that they can't take advantage of. Now, I think he should be able to state some of the rights that he is denied. I don't like to have a man stand up and say he's denied certain rights, without naming these rights. I think Mr. Henderson has named a vast majority of rights that we concede to them, the same

as we concede to ourselves. Now, if he has some rights that he's been denied, I think he should name them.

PROFESSOR LAYMON: That is the purpose of this inquiry.

FATHER SIEH: May I ask you: Do you concede these rights to him, sir? Do you concede these rights to him?

MR. LARSON: Well, if he would -- if he would name the rights that he is being denied, then I would -- I would like to -- I would like to know whether I concede them.

FATHER SIEH: Are they his rights by your concession?

MR. LARSON: I beg your pardon.

FATHER SIEH: Are they his rights by your concession?

MR. LARSON: Are what -- Are what his rights?

MR. LAYMON: I think that what the Father is --

MR. LARSON: He didn't name them. He -- then he -- I can't determine.

MR. LAYMON: I think that Father Sieh is getting at this, as I understand the question here: Are these colored people simply being given the gift of these rights which the rest of us have and take for granted. Therefore, I think he's attempting -- perhaps attempting to get you to

state whether or not these are concessions on our part, or whether it's something that they should have as a matter of right.

FATHER SIEH: Yes. That's right.

MR. LARSON: When a man says he's been denied certain rights then I think he should name them.

PROFESSOR LAYMON: I quite agree with you, and that again -- is the purpose of this inquiry: To find these areas where they are being denied certain rights. Mr. Hardy -- and then let's move on.

MR. HARDY: May I say that I didn't name these rights because I am sure that they will be touched on later on, as we proceed.

MR. HENDERSON: Mr. Laymon, may I be excused?

PROFESSOR LAYMON: Thank you very much, Mr. Henderson.

MR. HENDERSON: Thank you, sir.

PROFESSOR LAYMON: Then without pausing, let us consider the possibility of discrimination in bars, cafes and night clubs. We'd be happy to -- We would like to have some testimony from the people who have experienced the discrimination or who know of it, and then the others will be allowed an opportunity to contest it or refute it, if that's possible. Does anyone have any information on discrimination in bars -- hotels. Would you like to come forward.

MR. WILLIAM ARRINGTON: My name is William Arrington. I'm a member of the NAACP in the Rapid City branch. I am a member of the United States Air Force. On the night of October 7th, 1961, three days after my arrival in Rapid City, myself and two white airmen went to the Casino Bar to have a beer. Now, I am not a drinking man, and alcohol doesn't bother me because I don't care too much for it, but when the three of us sat down, the waitress came over and said, "I'm sorry, I can't serve you." I looked at her and asked, "Why?" And she said, "Because we do not serve Negroes." And I thanked her very graciously, and I got up and I left. On the tenth of February, 1962, I went to the Leo's Restaurant, and Mr. Toskin, himself, personally told me that he would not serve me because I am a Negro. He met me ten feet inside his door and he said, "We do not cater to Negroes." "To colored people" is what he said, and I, in turn, asked him, I said, "You mean you will not serve Negroes on your establishment?" And he said, "No, I will not." I asked him what his policy was. Was this for today? Did it start last week? Was it for this month? For two months? Or how did it stand. He said, "This has been his policy since the time he opened the place. This is the present policy, and this policy would always be in force. And I feel that, as a man; not a Negro; nor as any other kind of man, but as a man, in the United

States of America, I should have the right to go in a place, and, as long as I act as a gentleman and do not disturb the peace, nor molest any one person or any number of people, be they black, white, green with orange polka dots, I want to be able to say what I feel and be able to go places and eat or drink, as long as I don't bother anyone.

PROFESSOR LAYMON: Did you ever return to these places?

MR. ARRINGTON: No, I haven't.

PROFESSOR LAYMON: I think you mentioned the Casino Bar and Mr. Toskin's establishment.

MR. ARRINGTON: Yes.

PROFESSOR LAYMON: You never went back there?

MR. ARRINGTON: No, I didn't go back. I didn't feel that I should. I didn't feel that I should have to face the same humiliation, as a man.

DR. PALMER: Do other airmen go into these two places, as far as you are aware?

MR. ARRINGTON: No, I -- I don't think they have.

DR. PALMER: I mean, I am talking about airmen in general -- white airmen?

MR. ARRINGTON: Yes, they do. Yes, they do.

DR. PALMER: Do they receive accommodations in these establishments?

MR. ARRINGTON: Yes, they do.

DR. PALMER: Are these places located -- I'm unfamiliar with Rapid City -- Are these places located in such a way as to -- as to be frequently visited? I mean, if you were to come into Rapid City, would these be places that you could easily encounter or would they be places where you would have to go out of your way to get to them?

MR. ARRINGTON: Well, the Casino Bar is just across the street, and Mr. Toskin's -- Leo's Restaurant is around the corner, down the street.

DR. PALMER: Getting back to what was raised earlier, and that is to say the effect of discrimination on your life out here. Do you have any difficulty finding places to go for amusement or places to eat?

MR. ARRINGTON: Until -- Until the Friendship Club opened, there was only one place in town for a Negro to go for entertainment; that is, unless he went all the way out to Canyon Lake Park, and that is what they call Coney Island, and I wouldn't go in that place because it isn't a reputable place.

MR. RAFF: There is another thing -- You talked about an experience in October of '61 at the Casino Bar, and you were with two white friends. Were they airmen, also?

MR. ARRINGTON: Yes, they were.

MR. RAFF: Did they leave with you at that time?

MR. ARRINGTON: Yes, they did.

MR. RAFF: It may be some time ago, but do you recall their names, and could you give their names to us?

MR. ARRINGTON: Well, one fellow has been discharged, and I don't know the other fellow's last name. His first name is Raymond. That's all I know of him. We meet and we speak and talk on the base, and what not, but, since that time I have been married, and I don't come to town very often. I had to take an extra job to try to take care of things.

MR. RAFF: There is a subject you introduced. It's of great interest to me and I think of meaning to the city, depending upon the feeling. How do the -- do the Negro airmen at the air base feel internally? That they are not welcome in certain ways in Rapid City and, therefore, remain at the base in preference to coming into town frequently for shopping and for amusement and for church? I don't want to load the question now too much, but I want a proper answer.

MR. LEO TOSKIN: That's an unfair question.

MR. RAFF: Do these men --

PROFESSOR LAYMON: I will recognize you, sir, just as soon as Mr. Raff --

MR. RAFF: Is a part of the compensation for this the staying at the base, rather than coming here?



MR. ARRINGTON: I feel that most of the Negro airmen on the base feel that there is a small amount of irritation with us coming here.

MR. RAFF: That's just a feeling now. You can't lay your finger on it and say "factual?"

MR. ARRINGTON: We've been -- We've been -- Well, before I got married, the thing that I was concerned about was being able to go out and enjoy myself, such as going to a place and being able to dance and listen to music and have dinner, if I -- and if I wanted, a drink, but this has been -- this seems to be nearly impossible in this town.

PROFESSOR LAYMON: You made this statement: That there was just -- until the Friendship Club came along, there was just the one place that you could go to. You -- On October 7th, '61 and February 10th, '62, you had these two incidents. What did you do in between times?

MR. ARRINGTON: Stayed on the base.

PROFESSOR LAYMON: Were you -- Were you ever refused service at any of these other places? You make the statement -- That's a real serious charge: That there was only one place you could go to. If you just suffered these two incidents, and I'm not gainsaying that these happened.

MR. ARRINGTON: That's right. Now, I -- I didn't have anyone to take with me to go to places of night club entertainment. I don't think any man wants to go to a place unless he takes a female with him to enjoy these things.

At least I don't.

PROFESSOR LAYMON: Well, I'm trying to nail it down again. There were just the two incidents --

MR. ARRINGTON: That's right.

PROFESSOR LAYMON: -- that you experienced?

MR. ARRINGTON: Right. Now, as far as I'm concerned, there's only hearsay about the Esquire Club, but I can't say anything about that. I went there, and enjoyed myself with my wife and another couple.

PROFESSOR LAYMON: There are lots of people who want to get in questions. I don't know -- who's next?

DR. PALMER: I would like to ask one question first, if I may.

PROFESSOR LAYMON: Yes.

DR. PALMER: You said that until the Friendship Club was established, that there was only this one place. Where is the Friendship Club located in the city, relatively? In the center of the city?

MR. ARRINGTON: It's on the western edge of town. Highway 79 and I believe St. Patrick Street.

MR. RAFF: Eastern.

MR. ARRINGTON: East side of town.

DR. PALMER: I would like to know -- I would like to know the answer to this question, and it's intended to be a very simple question. Would you say that on the basis

of what you encountered in terms of refusal of service, that it cost you money out of your pocket -- additional money out of your pocket -- to get to places where you could be served?

MR. ARRINGTON: No, not -- not as far as restaurants are concerned because there are several that I have been to, and I don't feel that I could say that the majority of restaurants in town would refuse a person.

DR. PALMER: What about the night clubs?

MR. ARRINGTON: The night clubs, I don't know. I have gone to the Esquire Club on one occasion, and I have never had the time nor the money to spend to go out again, since then.

DR. PALMER: Where is the Esquire Club? Is that located in the downtown area?

MR. ARRINGTON: No, that's also on the outskirts of town.

FATHER SIEH: You were welcome there, I understood you to say?

MR. ARRINGTON: I was at the time. I don't know about now or anything else. I just know that when I went, I was welcome, and I was treated very nicely.

PROFESSOR LAYTON: But the Friendship Club didn't come in operation until this fall, did it? This summer? I was out here in August or September; I think I went out

there.

MR. ARRINGTON: Yes, this was -- this was --

PROFESSOR LAYMON: Well, then these other places that you've gone to and have eaten at have been since then?

MR. ARRINGTON: Well, I went -- before, no. Before the --

PROFESSOR LAYMON: I'm trying to nail down this statement here.

MR. ARRINGTON: Before the Friendship Club was established, I was out to the Esquire Club. I was invited by a friend. He took my wife and myself and his wife, and since then I've heard rumors about change of policy there, but I don't know about them, so I can't make any statements to that.

PROFESSOR LAYMON: But during the interim, you and your wife did eat at other restaurants in Rapid City?

MR. ARRINGTON: Well, my wife has -- Well, yes, we have eaten at other restaurants. She -- She expressed a desire to go to Leo's, but I made the -- the --

DR. PALMER: Why did she express a desire to go to Leo's?

MR. ARRINGTON: It looks like a pretty nice place to go to. It will draw your attention when you walk on the street. When you see the front of the place, it looks like a place that a man would like to go to, to take his

wife or his girl friend, or his family to sit down and enjoy a meal.

DR. PALMER: And you say the places where you get service would not be of the same general appearance; or the same -- wouldn't have the same --

MR. ARRINGTON: No, I wouldn't -- I wouldn't say that.

DR. PALMER: -- same inviting flavor to it?

MR. ARRINGTON: I wouldn't say that. I would say that Tally's is a very nice place, which will give you pretty much the same atmosphere, when you see it. It's a nice place, also.

DR. PALMER: Is it located adjacent to this other place?

MR. ARRINGTON: No, it's not.

DR. PALMER: Is it conveniently located?

MR. ARRINGTON: Yes, it's very -- it's conveniently located in town. Yes, it is.

PROFESSOR LAYMON: Anyone else? Does anyone else on the committee have any questions before we go to the back of the room?

PROFESSOR LAYMON: Mr. Hardy?

MR. HARDY: I have something I would like to say after Mr. Richardson.

PROFESSOR LAYMON: Mr. Richardson -- I don't know.

MR. JOSEPH RICHARDSON: I would like to say in reference to your statement to Mr. Arrington, regarding: How does an airman feel about discrimination in Rapid City? Many airmen, when they come into Rapid City, if they are discriminated against the first time they enter Rapid City -- many of them refuse to come again. Personally, when I first arrived to Ellsworth, I was told that there was discrimination in Rapid City, and for three months, I stayed on the base, and the only reason I came into Rapid City was to do some Christmas shopping, and after that I did not return to Rapid City until I attended a Brotherhood dinner in February of '62, and this -- I had been on Ellsworth six months and had entered Rapid City twice because I had heard of discrimination and did not want to be confronted with discrimination because I am a man, and I have pride.

PROFESSOR LAYMON: Well, that condition could very well have obtained at one time, but do you agree that today there are ample places for the Negroes to attend for entertainment purposes?

MR. RICHARDSON: Yes, I do. But, bearing in mind that a new arrival does not know the places wherein he can go, and more than likely -- as Mr. Arrington stated, Leo's Restaurant is attractive, and it will draw your attention, and because of the sign in the window, you will more than likely go there.

DR. PALMER: Mr. Richardson -- or maybe I'll direct my question rather here to Mr. Arrington --

PROFESSOR LAYMON: Excuse me. I think so.

DR. PALMER: Is there any -- Do you feel that you have a right to go into Leo's Restaurant and to seek service?

MR. ARRINGTON: I feel that as a man I do.

DR. PALMER: Is there any reason why you should -- why you should be denied the right to not go in there and have the same service as your -- as your white buddies out there at the air base or any other person in Rapid City?

MR. ARRINGTON: No, I don't think so. Not unless --

DR. PALMER: Do you feel that this is a right that is being denied you merely because you are a Negro?

MR. ARRINGTON: Yes, I do.

DR. PALMER: And that, you feel, does not give you what you might call equal protection of the laws -- or in other words, you are being treated differently in one way or another?

MR. ARRINGTON: That's right, I do think this. I think it is very much unAmerican and undemocratic to do this.

DR. PALMER: So this would be one of the rights that you feel is being denied you that everybody else would take for granted --

MR. ARRINGTON: That's right.

DR. PALMER: -- if they weren't Negro: That they could go into Leo's Restaurant?

MR. ARRINGTON: Not only that, but you experience this in one place, and being a Negro, you go -- You come into town, you might be refused in one place. You know there is another place, but you hate to keep going back to the same place, and if you come in town -- I come to town and bring Mr. Richardson and three or four other fellows with me; we are all Negroes. We come into a place and sit down and have a meal, and sit and talk for a few minutes; if somebody else comes by that doesn't want to be around Negroes in one place, will refuse to go to this man's establishment.

DR. PALMER: You don't feel that you have any special responsibility for going around to find out where you will be served?

MR. ARRINGTON: Yes, I do feel this is a special responsibility.

DR. PALMER: But I mean you don't feel that you should have to have this as a special responsibility: To go around to see where you can be served?

MR. ARRINGTON: No, I don't think I should. I don't think I should. I think I should be able to go anywhere I feel I want to go as long as I act like a gentleman. I don't want to feel that I have to go and search out a



place to eat, or search out a place to sleep or be entertained.

FATHER SIEH: Well, I think at this point, though, it's still very unclear as to how much searching you would have to do. There haven't been very many places named here. There have been about two places named.

MR. ARRINGTON: Yes, sir. Because I don't want to be faced with being humiliated as a man. No one does.

FATHER SIEH: But a city doesn't want to be publicized across the face of the nation because maybe there are one or two among many, many establishments who discriminate.

MR. ARRINGTON: This is true. This is true. I don't -- I didn't want to go searching for places. There were a couple of places that I went to to eat when I did come to town which are right next door to Mr. Toskin's place, and I have no complaints about those, and I haven't been back to his place because I found some place else to go when I came to town.

PROFESSOR LAYMON: I think someone else would like to ask a question.

MRS. EVELYN MERRITT: I have a couple of brief clarifications that I would like to make of Mr. Arrington's talk. I am not certain whether you caught this or not, Mr. Laymon. He said in kind of a sigh, when he made his --

in parenthesis, as it were, when he made his first statement that unless he wanted to go out to the Canyon Lake Club, which is a -- Is this not so?

MR. ARRINGTON: This is what I said, yes. Yes.

MRS. MERRITT: You made this reference, that there wasn't any other place?

MR. ARRINGTON: Yes.

MRS. MERRITT: And you later spoke of only one place; however, there were two that he was speaking of.

PROFESSOR LAYMON: I see.

MRS. MERRITT: The other thing, you mentioned the Esquire Club, as you had heard rumors since. I don't think Mr. Hall is here this morning, but I know for a fact that he tried to change his policy and did serve Negroes -- I don't know exactly for how long a period -- I do know that on one Friday night he served two Negro couples and that they had an enjoyable time, and now maybe you --

MR. ARRINGTON: That was us.

MRS. MERRITT: And that on the following Saturday night, there was an incident at the Esquire Club, which may or may not be gone into, which caused him to change his policy, and I had this directly from him -- my husband and I -- on the phone.

PROFESSOR LAYMON: Well, I have one -- one other question. Is there a list of black-listed cafes and night

clubs around town now?

MR. ARRINGTON: You mean do we have a list that --

PROFESSOR LAYMON: In other words, are you telling --  
Are the incoming service -- colored servicemen out here told today that they can -- cannot get service at A, B or C cafe?

MR. ARRINGTON: Well, I don't make it a policy to try to tell anybody that you can't get service. When I tell them about these things, I say, "I was not served. I don't know whether it's changed or not." "I was not served at this place."

PROFESSOR LAYMON: At two places?

MR. ARRINGTON: Well, yes. The two places that I was at, yes.

FATHER SIEH: At the present, I'm extremely confused.

PROFESSOR LAYMON: I am, too.

FATHER SIEH: I mean, I get two stories here.  
One: That there are only two places where you can't eat, and the other: There are only two places where you can eat.

MR. ARRINGTON: No. I'm sorry. I don't mean to make the impression that there are only two places. I'm saying there were two places at which I went that I was refused service. Now, there are places in town that I haven't been, and I may never go to, that I will be served there.

PROFESSOR LAYMON: Mr. Hardy, you want to shed

some light on this? Would you like to sit and just --  
thanks very much, sir.

MR. CHARLES N. HARDY: It's possible to clear up some of the mistakes made by Mr. Arrington. He was speaking from personal experience, and these were the two places that had refused him service. Now, before me, I have affidavits that were signed by people who met similar factors as his, I must say; I think possibly some of these people are present.

PROFESSOR LAYMON: If they are present, I would, frankly, much rather hear them speak than have the affidavit read, if we have time.

MR. HARDY: And with me, I have possibly -- or some listings here that was done by myself. I made a survey over the telephone, I must say, I talked to the proprietors or the managers of these establishments.

FATHER SIEH: What was the date of your conversation -- of phoning?

MR. HARDY: Let's see, the date. It was a Saturday night. Let's see, this was the date.

DR. PALMER: This Saturday night? Last Saturday night.

MR. HARDY: I have Dan's Bar who refused to serve Negroes, and I talked with the manager of this establishment, and I asked him was it his policy to refuse Negroes and why.

He say that his customers didn't want to be in the same establishment with Negroes; so he say that he definitely couldn't afford to lose his business; so, therefore, he wouldn't serve Negroes. I think the Esquire Club, who is run by Mr. Hall -- he refuses to serve Negroes. I don't know why, but he refused to talk with me over the phone.

PROFESSOR LAYMON: Could I bring you back a little bit. Could you first of all give me the instances in which you experienced discrimination?

MR. HARDY: Well, before, you told Mr. Arrington that we couldn't possibly bring these remarks against the city because he didn't have enough evidence. I -- I

PROFESSOR LAYMON: No, I didn't say that.

DR. PALMER: Yes. I would like to make a point on our procedure here.

PROFESSOR LAYMON: Yes.

DR. PALMER: I think we have been moving a little bit back and forth between trying to get information from these people about what they know to be the case and yet being very legalistic in calling for evidence. Now, from my standpoint, it's legitimate for this committee to hear the results of conversations on telephones that this man had with the owners and managers of bars --

PROFESSOR LAYMON: Yes. Yes.

DR. PALMER: So let's -- let us proceed with that,

and then any personal experiences you might want to reveal after that, okay; otherwise, we'll get these affidavits or have him read the ones for the people who are not here, but I sensed that Mr. Arrington was very reluctant to answer some of the questions that we were posing about other cases because just prior to his testimony, we had been putting the screws on these people to give their own personal concrete experiences, that they would be willing to back up, and I think we have to be a little bit consistent here and recognize that there are these two things we have approached. I just make this suggestion to the committee. It's a feeling that I have developed this morning. So I would suggest permission, Mr. Chairman, if Mr. Hardy might go ahead and report the results of his telephone survey because --

PROFESSOR LAYMON: Yah.

DR. PALMER: Because this is an experience that you had directly; is that true?

MR. HARDY: Yes. Over the telephone.

DR. PALMER: All right. And then we might ask for affidavits that he has of people who are not here and then affidavits of those who are here that might read them themselves and answer questions. Would that be appropriate?

PROFESSOR LAYMON: All right. Go ahead.

MR. HARDY: Esquire Club refused to cater to Negroes, and I talked to Mr. Hall, and he say that he didn't --

personally he didn't care to discuss it over the telephone, but he did tell me that I could come out and see him possibly tonight and we could discuss it, but he was in doubt as to whether his club would be in operation any more. The Meadowood Lanes' Lounge; and I talked to the proprietor of this establishment, and -- the manager wasn't in, but the person in charge say that they didn't serve Negroes. The VF and W Club; the VF and W Club say that they would not serve Negroes because -- well, now this is sort of in between when I talked to this man because he say that there are Negroes who are members of the VF and W and on post nights -- I believe this is what he told me -- that men of the Negroes do attend their functions. I think that this post night is where the members meet or something like this, and there are Negroes present, but on open nights that Negroes were not permitted to enter the establishment because the white airmens from the base refused to be in the same establishment with the Negroes with whom they eat and sleep and work side by side with daily. Angelo's Cafe refused to serve Negroes on the same principle that the person at the VF and W say that they refuse: Because simply his business was composed of the white airmens from the base and they didn't want to associate with the Negroes on their free time. Dave's Bar refused to serve Negroes. I can't remember his comment.

MR. RAFF: What is the name of that place?

PROFESSOR LAYMON: Dave's.

MR. RAFF: Oh, Dave's Bar.

MR. HARDY: Dave's Bar. The J and N Corral refused service to Negroes.

DR. PALMER: Is that a bar and restaurant?

MR. HARDY: It was listed as a beer parlor, I believe. I'm not sure.

MR. IKE CHASE: Three two beer joint.

DR. PALMER: Tavern. A tavern.

MR. RUSSELL MARTIN: It's out of the city.

MR. HARDY: And Johnny's Pub, also, which carries an advertisement in the Black Hills Sentinel which is the base paper -- Ellsworth Air Force Base paper inviting people to come and have fun and so forth, refuses to serve Negroes. Jim's Place, which is a three point two beer joint I believe refuses service to Negroes. Murphy's Bar; Silver Spur --

DR. PALMER: What was the last one?

MR. HARDY: Murphy's Bar, and the Silver Spur.

DR. PALMER: Silver Spur.

MR. HARDY: T and T Bar and Cafe -- I think this is where they sell beer and food.

MR. LEONARD PETERSON: May I ask that he distinguish between whether they are three two class D on-sale liquor establishments?



PROFESSOR LAYMON: Would you? Could you?

MR. HARDY: No, because I didn't go too much in detail. I am not able to establish -- distinguish the difference whether it's three point two beer or high point beer.

MR. PETERSON: I think it's real important.

FATHER STEH: Why? Why is this important, please?

MR. PETERSON: Well, I mean they're -- they're --

DR. PALMER: Would you identify yourself, please?

PROFESSOR LAYMON: Just -- Just a second, please.  
Would you identify yourself, please?

MR. PETERSON: My name is Leonard Peterson. I'm a member of the city council.

PROFESSOR LAYMON: All right.

MR. HARDY: Irregardless as to what percentage of alcohol is contained in the beer, the fact remains they refuse to serve Negroes. If I may proceed with this.

PROFESSOR LAYMON: I think I would like to hear the list first and then you can go back and ask him about particular places, after he's finished.

MR. HARDY: The Tap Room at the Villa was one of the places that will serve Negroes.

MR. RAFF: That will?

MR. HARDY: That will serve Negroes. Rustic Inn, which is a three point two beer joint, if I'm not mistaken,

also refused to serve Negroes. The Buffalo Bar refuses service to Negroes. Whereas I talked with this person, I asked him why; he say he refuses to service to Negroes, because -- well, in a little short -- well, it wasn't even a sentence -- he say, "because they mess with the girls and tap my place." So this was his policy for not serving Negroes. And Don's Tavern and Lounge, he also refuse to serve Negroes. Leo's Restaurant, as you have heard before, also refuses to serve Negroes. Angelo's Cafe -- I mentioned that once before. Now, I do have one, two, three, four -- possibly twelve establishments that will serve Negroes. If I might read these names, please.

PROFESSOR LAYMON: Yes.

MR. HARDY: Palace Cafe, Pancake House, Presto Cafe, A and F Cafeteria, Kelso Hamburger, Coffee Club Cafe, Iron Kettle Cafe, Keystone Cafe, Murphy's Bar --

MR. RAFF: Murphy's Bar was on your other list.

MR. HARDY: Murphy Bar refused -- I mean, the Office Bar -- the Office Bar. Excuse me, I'm sorry.

MR. RAFF: Office Bar?

PROFESSOR LAYMON: I didn't get that.

MR. HARDY: Yes -- Office Bar. The Office Bar, which is adjacent to the air base out here. Holiday Inn Lounge will serve Negroes and the Village, Sheraton-Johnson. This is a survey conducted by myself over the telephone on

the 9th of this month. Before me I have some affidavits. Possibly I might call these people. Mr. Davis, would you please stand?

MR. HARDY: William L. Davis.

PROFESSOR LAYMON: Mr. Peterson, would you like to address your questions?

MR. PETERSON: I just thought it would be of importance to the listeners or anybody else here that there is a difference between -- not that it makes any difference whether they serve the people or not -- there is a difference between the type of place, like a three two place or an on-sale, hard liquor place.

MR. HARDY: May I ask the difference because I don't know.

PROFESSOR LAYMON: I can't understand why there should be a difference and why we need to make that distinction -- or why the distinction needs to be made.

FATHER SIEH: Well, I mean, there is a factor of age, but were you asked any questions about your age?

MR. HARDY: No, I wasn't, and had there been, I am sure that people know that this is a problem in most states, except New York and Louisiana, I believe, that you have to be twenty-one in most states, so I don't think that they would come down, if they were under age, seeking entry into these establishments.

FATHER SIEH: Apart from the age, is there any difference?

MR. PETERSON: May I ask: Did you say the Village would serve or wouldn't it serve?

MR. HARDY: The Village --

MR. RAFF: That will serve.

MR. HARDY: The Village will serve.

MR. RAFF: That's right.

MR. LAYMON: You have some affidavits you want to -- or some people you want to call?

MR. HARDY: Yes. I would like to call Mr. Davis.

DR. PALMER: This lady here -- Did you want --

MR. RAFF: We ought to let Mr. Hardy complete what he would like to say, I think. He has a group of affidavits, some supported by people present; some not. I think we should allow him to go through this material.

PROFESSOR LAYMON: I think it might be well if he did. Would you come up? This is a part of Mr. Hardy's presentation.

MR. RAFF: Perhaps have this individual read the statement himself.

MR. HARDY: I didn't want to make it so long by having each of these individuals present to read their statements. I wanted to recite certain --

PROFESSOR LAYMON: Perhaps -- Is this his affidavit?

MR. HARDY: Yes.

DR. PALMER: May I ask: Would they be willing to file those affidavits with this committee, for our view then later on?

MR. HARDY: Yes, they would.

PROFESSOR LAYMON: Then we can take up those that we won't have time to take up now. Would you like to read your affidavit? Perhaps you'd like to testify.

MR. WILLIAM L. DAVIS: I would.

DR. PALMER: Would you identify yourself and speak up, if you will. You can sit down there.

MR. DAVIS: My name is William Davis. I am a Negro stationed at Ellsworth Air Force Base, and I have this affidavit here that reads as such. This is my affidavit. "I, William C. Davis, being first duly sworn deposes and says: That on March tenth of this year, 1962, at approximately one o'clock in the afternoon, I, William Davis, along with two other Negroes, Joseph Richardson and James Francis, by name, entered Leo's Restaurant at, I believe, 626 Main Street here in Rapid City. We were neat, well-groomed and completely sober. We took a seat and waited for attention from the waitress. After a moment of hesitation, she came to us and informed us that she could not serve us. We asked to speak with the proprietor, Leo Toskin. He came to us in a furious temper and said that he would

not serve us and stated that it is his policy not to serve Negroes. After receiving this information, we then left quietly."

PROFESSOR LAYMON: Does anyone have any questions they would like to ask of Mr. Davis?

(No response.)

PROFESSOR LAYMON: Next.

MR. HARDY: Is Mr. Bradley present?

MR. RICHARDSON: He stepped out.

MR. HARDY: He stepped out. I have an affidavit signed by Staff Sergeant Bradley where he says he and Richardson were dressed in neat clothing and completely sober in mind and character, entered the Casino Bar at 526 Sixth Street, Rapid City, South Dakota between the hours of seven and eight p.m. on December 24, 1962. We sat at the nearest -- We sat at the nearest front entrance. The lady waitress dressed in a pink dress seemed somewhat surprised and hesitated momentarily before telling us that they could not serve Negroes. At that moment, the male bar attendant, Mr. Polaski, I believe, who was wearing a name plate attached to his white shirt, to let you know that this was the man's name, came close and confirmed the waitress's statement. Airman Richardson asked in a calm voice if this was the policy of the messenger -- of the manager -- Mr. Polaski say, "Yes. He would be back about eleven."

I say, "Eleven?" in a questioning tone of voice, while arriving at the same tone. I say, "Thank you." And we both left and did not return.

MR. RAFF: Is that -- Are these statements sworn to as to accuracy?

MR. HARDY: Well --

PROFESSOR LAYMON: This one has a -- This is subscribed before a notary and has a notary seal on it. This one has a blank. It's a copy. I'm not sure that it's the original.

MR. RICHARDSON: We have the originals.

MR. HARDY: Is Mr. Williams present? Anthony T. Williams?

(No response.)

MR. HARDY: This one reads that "on the 16th of February, 1962, at Angelo's Cafe, on Sturgis Road, I was discriminated against that I was asked to leave. The weekend previous I had been there and served when accompanied by three Caucasians. The next time I went there, I was in a party of two Negroes, one Latin and one Caucasian. We were given no service and heard many insulting remarks. In approximately fifteen minutes, the barkeeper came and addressed the one Caucasian with us. He say that they would never have allowed us there if he, the Caucasian, was associating with" -- may I use this derogatory term -- "black boys."

"Him, this one, asked if this meant they didn't serve Negroes and the answer to the question was strongly affirmative. We left and" -- "We left with insults and ignorant jeerings." This is signed by a notary public also. Here's another. This is mine, and I might say that -- I might say that I met a form of discrimination myself at Angelo's Bar, the 2nd day of September, 1962. We had been there once, approximately around seven o'clock, and we were served. I was on a party of five, I must say. There were two Caucasian airmens and one Caucasian young lady, myself and Mr. Richardson back there, and he can affirm my statement. I think we drank in Angelo's for approximately thirty or forty minutes, and we left to see if Bill Chase's place was open. It wasn't. And we returned back to Angelo's. By that time, the manager had returned, and he came over to us, and he told us that we would have to leave, and I asked him, "Why?" I said, "I had been served here, previous this afternoon." And he say, "Well, the airmens from the base don't want you people in here." So I proceeded to go outside, and I asked Richardson to go with me. We sat in the car, waiting for the rest of the parties to return. While setting in the car, there were three Caucasian airmens who walked up to the automobile and drew knives on us, and they told us simply, "We don't want you here and the manager doesn't want you here, so why don't you go before you cause



trouble?" They say, "And you might get hurt." Well, I told them that we were getting ready to leave because I didn't want any violent action on my part or their part, and we didn't have any sort of protection, so we sat in the car waiting for the rest of the parties to return.

DR. PALMER: Did you report this to the base officials, as to the drawing of knives by the other airmen?

MR. HARDY: No, as such. But, well, we -- I didn't report this incident, mainly because we have been working with the base commander for a long time. We have -- We have made him aware of the problem that we are facing here in town, and also that they are allowing white airmen to hold part-time jobs in places that discriminate against Negroes, and, as such, there hasn't been any action on the base commander's part. That's to my knowledge. I don't know, maybe Mr. Richardson can say something because I don't -- I don't feel that they are doing their part by allowing these people to hold jobs in places that will discriminate against us because we are part of the military, as such, and I didn't tell them of this incident. Mr. Treadwell, would you mind coming forward?

PROFESSOR LAYMON: Would you identify yourself, please?

MR. TOMMIE L. TREADWELL: I am Tommie Treadwell; stationed at Ellsworth Air Force Base. I have here an

affidavit signed by me on the 9th of December, which states as such --

DR. PALMER: That's 1962?

MR. TREADWELL: Right. On the 4th of December, approximately -- well, between the hours of seven and eight, another airman, namely, Airman Francis, an airman at the base, and I went to an establishment on Main called the Orchid Room. We stepped in the door, the bartender -- When we stepped inside of the door, the bartender said he couldn't serve us; so I walks on to go to the bar, and asked him if this is his policy, and he say it was the policy of the National Bar Owners' Association of South Dakota.

MR. HARDY: Did he tell you why he couldn't serve you?

MR. TREADWELL: No. Well, yes. We asked him, rather, if he didn't serve us because we were Negroes, and he thought we were too young.

MR. HARDY: What did he say?

MR. TREADWELL: He said it was the policy of the Bar Owners' Association of South Dakota not to serve Negroes. And I have also here an affidavit signed by me that: On 30 September 1962, airmens Charles Hardy, James Bates, Joseph Richardson and myself went into the establishment on Main called Leo's Restaurant. We got in the

place. We sat down. And, if I may say, I think we were properly dressed. Mr. Leo, himself -- the waitress, I may say, had about twenty-five or thirty people in, of which they sent out; then Mr. Leo came up to us and say, "I'm sorry, gentlemen, this restaurant is closed to the public." We, in turn, got up and left. After we got outside of the door, Mr. Leo handed us a letter. I'm not familiar with the contents.

DR. PALMER: Do you have it?

MR. HARDY: Yes. I -- I'm not definite, but I can give you as close as possible to what the letter says.

MRS. EVELYN MERRITT: We have a copy of it.

MRS. CATHERINE SMITH: Excuse me. I have a copy.

MR. HARDY: You have a copy.

MRS. SMITH: Would you like me to read it?

MR. HARDY: Yes, please.

DR. PALMER: We'd like to keep a copy for the record.

MRS. SMITH: I'll give you a copy of the letter to put in the record; also, a copy of the newspaper clipping discussing this.

MR. HARDY: This is the note that Mr. Toskins handed me on the night of the 30th of September 1962: "It is my intention to advise you that this establishment is closed to the public. Accordingly, I advise you that your

status here is that of trespassers. If you refuse to leave, it shall be necessary for me to call the sheriff to eject you. If you persist this evening and do not remove yourselves, it is my feeling that your presence here is that of malicious individuals who will do injury to my property. I will take all means to protect it, including force, if necessary. Therefore, I strongly suggest that you immediately leave these premises. Leo H. Toskin, owner of Leo's Restaurant." It's unsigned, but he admits it, so --

PROFESSOR LAYMON: Let me see that. Is that a true copy?

MR. LEO TOSKIN: I would rather wait until I come up front, Mr. Chairman, to defend myself.

MR. HARDY: This is a true copy because I --

PROFESSOR LAYMON: We'll hold it then.

MR. TOSKIN: At this time, I would rather not speak.

PROFESSOR LAYMON: We must hurry along here because I'm sure that some of these people would like to -- It's almost a quarter to twelve, and we're --

MR. HARDY: I would like to call Herbert L. Hudson to come forward, please.

DR. PALMER: Thank you, Mr. Treadwell. Identify yourself, please.

MR. HERBERT L. HUDSON: My name is Herbert L.

Hudson. I'm stationed at Ellsworth Air Force Base.

MR. ROBERT AISHEM: What was the name?

MR. HUDSON: Herbert L. Hudson.

: I would like to have you ask them their age, please. Their age.

PROFESSOR LAYMON: That's a good point. How old are you?

MR. HUDSON: Nineteen. Now, I arrived at Ellsworth Air Force Base on October 4th, 1960. I was on the base for about two months before going to town to look for any type of entertainment. When I went to town, there were five Caucasian, airmen friends of mine stationed in my squadron, who went with me. We went to the Dakota Lounge on Main Street, and we spent a few dollars on drinks, and then, I think it was the manager, I'm not sure -- I believe it was the manager; I'm not sure -- who came over to us and looked at me and said I have to leave.

MR. HARDY: Did he tell you why you have to leave?

MR. HUDSON: He didn't explain why I had to leave. He just looked at me and said I have to leave. So five of my friends -- my Caucasian friends -- got up and left. On December twenty-third, 1961, I got married. Now, when I got back -- I got back on the base on January thirtieth -- I mean, December 30th, 1961. Starting January 1st, 1962, I started to look for a place to live -- started to look

for a place to live so I could bring my wife up here. I went to the USO Club because I understood that they had a listing of places to -- for people to look for houses or places to live.

MR. RAFF: Point of order.

PROFESSOR LAYMON: Yes.

MR. RAFF: Mr. Chairman, we are going to take up the subject of housing later on in the day. I wonder if we could make an inquiry --

PROFESSOR LAYMON: We are trying to restrict this to cafes.

MR. HUDSON: Just on the Dakota Lounge, well, I suppose -- I believe he was the manager -- I'm not sure who he was, but he was a man who walked over to us who worked there, and he said that we had to leave.

MR. HARDY: And he singled you out, individually?

MR. HUDSON: He looked at me and he said: "You have to leave."

MR. HARDY: You were the only Negro in the group?

MR. HUDSON: I was the only Negro in the group.

DR. PALMER: Did he ask you your age?

MR. HUDSON: No, he didn't.

DR. PALMER: Did he ask you for any identification?

MR. HUDSON: No identification, no, sir.

DR. PALMER: Does your affidavit contain references

to both your Dakota Lounge experience and also your housing experience?

MR. HUDSON: Yes, it does.

DR. PALMER: Would you be able to be here later in the afternoon, when we discuss the housing situation?

MR. HUDSON: I think so, yes, sir.

PROFESSOR LAYMON: Then I think it would expedite things if all --

FATHER SIEH: However, if I have the time figured out right -- you say this happened in 1960 -- this Dakota Lounge incident?

MR. HUDSON: Yes, it did.

FATHER SIEH: You are nineteen now. You were seventeen at the time?

MR. HUDSON: Yes, when I arrived here.

FATHER SIEH: So -- I mean --

MR. HUDSON: Yah, but, still -- it's a --

FATHER SIEH: I -- I realize there's two sides -- I mean, there can be two things here, one on each, say, side.

MRS. CATHERINE SMITH: What were the ages of the other airmen?

MR. HUDSON: Well, I think this one airman was twenty-three.

FATHER SIEH: This may be relevant, but his age is relevant, too.

MRS. SMITH: Absolutely.

MR. HARDY: The fact remains that the man singled you out and told you you had to leave?

MR. HUDSON: This is true.

PROFESSOR LAYMON: I think we better --

MR. HARDY: Well, I would like to --

PROFESSOR LAYMON: Could you draw yours to a close because --

DR. PALMER: He has affidavits that he's still presenting. I think we should just read them and file them now.

PROFESSOR LAYMON: Yes.

DR. PALMER: These are two signed by Joseph Richardson and both with regard to Leo's Cafe. Is that correct? Or Leo's Restaurant?

MR. HARDY: Yes.

DR. PALMER: And is there any particular thing that we would need to know, Mr. Richardson, beyond what is in these affidavits?

MR. JOSEPH RICHARDSON: Yes. One thing that I would like to point out in one of my affidavits is that I mentioned that I had been to Leo's Restaurant prior to my second affidavit, and I was dressed in my Class A military uniform, US Air Force, and I was under the impression that Mr. Leo would not refuse me service at this time, if I



would go there dressed in my military uniform because he was once stationed at Ellsworth Air Force Base himself.

MR. TOSKIN: First sergeant.

MR. RICHARDSON: First sergeant.

MR. TOSKIN: Sergeant major.

DR. PALMER: That statement is in your affidavit that you were wearing the airman's uniform?

MR. RICHARDSON: Class A uniform. Mr. Davis was along with me, and he, also, was dressed in Class A uniform. And we were not drunk.

PROFESSOR LAYMON: Are there any other affidavits?

MR. HARDY: There are no more affidavits. I would like to make a few closing remarks.

PROFESSOR LAYMON: All right.

MR. HARDY: In closing, I would like to say: To deny equal rights to any citizen or person because of race and color of skin is morally wrong. It is also an illegal abridgment of the Negroes' constitutional rights, and according to the President of the United States -- in his State of the Union Message in 1962, he states that: "America stands for progress in human rights, as well as economic affairs, and a strong America requires assurance of full and equal rights to all citizens of any race, or of any color." I thank you.

MRS. EVA NICHOLS: Mr. Chairman --

PROFESSOR LAYMON: I think -- Yes, Ma'am.

MRS. NICHOLS: I'm Eva Nichols. I'm a Sioux Indian, and I would like to say a few remarks, but, of course --

PROFESSOR LAYMON: I'm sorry, Ma'am, but we are attempting to restrict this to --

MRS. NICHOLS: Negroes?

PROFESSOR LAYMON: -- Negroes.

MRS. NICHOLS: I see.

DR. PALMER: And to servicemen, in this instance.

PROFESSOR LAYMON: Now, I -- I think that perhaps we ought to --

MR. ARRINGTON: Mr. Chairman ---

PROFESSOR LAYMON: Yes.

MR. ARRINGTON: I don't see why you just want to restrict it to Negroes because discrimination against any people is what my concern is; not just myself and my people.

PROFESSOR LAYMON: We're -- I know. I -- That's a point very well taken, but we will hold other inquiries with respect to other races and groups, but this inquiry is restricted to Negroes.

MR. RICHARD RUDELL: Non-white. Your statement reads non-white.

DR. PALMER: I wonder if I could suggest that the lady leave information with me regarding the substance

of her statement so that I might have it for later consideration when we get on to the Indian problem.

MRS. NICHOLS: I -- I would object to that. If this is an open meeting for discrimination, I think I should have been heard.

MR. RAFF: Mrs. Nichols, the agenda for this meeting is quite specifically laid out. The subject of it, as well advertised, is: To determine the extent of discrimination against non-white servicemen in the Rapid City area. This committee can't look at all aspects of this particular -- of the entire subject of discrimination. In order -- For purposes of control and expedition, it must be narrowed on this subject. There are going to be many other hearings of this group, I'm sure, in which subjects relating to the American Indian are going to be discussed, for, as our chairman has stated, and stated for the press, it's our feeling that very likely -- very likely -- the problems of discrimination with respect to Negroes are more serious than those we are considering here and more widespread.

DR. PALMER: You mean Indians?

MR. RAFF: Excuse me. Against Indians, I'm sorry. You see, this is not at all -- our meeting this morning and today is not at all to say that anyone denies the terrible importance -- the great importance -- of this

other subject. Excuse me for -- for stating that.

FATHER SIEH: You were not speaking of non-white, non-Negro service people?

PROFESSOR LAYMON: See, we must tie up this aspect of discrimination for the purposes of a report, but we do plan to make exhaustive inquiries into the area in which you are interested. I think that, inasmuch as Mr. Toskin's name has been brought up so many times this morning, we should allow him the floor. I think that any other course would be unfair.

MR. LEO TOSKIN: I am Mr. Toskin. Now, Mr. Chairman, do I take this chair to defend my stand? Or do I take this chair to defend the stand of Rapid City? How do I come up here on both cases? I think I'm entitled to defend my stand, for one thing, and a second thing, I think I'm entitled to defend the stand of Rapid City. Now, we have got a lot of affidavits here, but there's not too many places named. Leo's Restaurant scored about eight times. Casino Bar scored a couple. Angelo's scored off and on. And that's really the three places. Let's look at the Journal survey. Bars-night clubs; serve Negroes: 11; do not: 11. Restaurants: Ninety point seven per cent. Ninety point seven per cent. So, I don't think that's a --

DR. PALMER: Ninety point seven per cent what?

Serve Negroes?

MR. TOSKIN: Yes. Ninety point seven of the Rapid City Journal Survey. The Rapid City Journal made a thorough and complete survey.

DR. PALMER: I was just interested in what it was the percentage figure referred to. Thank you.

MR. TOSKIN: So in this field, I don't think that we're -- I don't think that it's a mass discrimination. Now, let's go over here to some of their statements, from which I'll defend myself. I would like to submit that somewhere around the 4th of December -- it wasn't the 4th of December; it was September 30th, 1962. I would like to submit this to the --

PROFESSOR LAYMON: I would -- Just one second. Mr. Toskin, I imagine that you are going to have quite a bit to say.

MR. TOSKIN: Yes. I would rather go have lunch.

PROFESSOR LAYMON: I was just about to suggest the same thing, that we adjourn until one thirty, and then we'll return to this topic.

MR. TOSKIN: Very good, sir.

(The hearing was adjourned.)

AFTERNOON SESSION

PROFESSOR LAYMON: I would like everyone to get seated. We have got a lot of ground to cover this afternoon. I would also like to announce that we must close this at four-thirty, instead of five, as it shows up on the agenda. We have, as a carry-over from this morning, Mr. Toskin's statement; so, without further ado, would you like to take your place, sir? Would you limit your presentation, and whatever questions we have to ask you to thirty minutes?

MR. TOSKIN: Well, do you want me to start, Mr. Palmer?

PROFESSOR LAYMON: Start right in.

MR. TOSKIN: Start right in.

PROFESSOR LAYMON: Where you left off this morning. Well, I would like to repudiate some of the statements made here this morning, to start all over again. I believe I read a newspaper item that this commission was called -- committee was called to examine the facts as to the extent of discrimination here in Rapid City, through that report that was made in the Associated Press by Mr. Janson, I believe. If I may, I would like to start right in with this report.

PROFESSOR LAYMON: I don't want the report read.

MR. TOSKIN: No, the report is not going to be read. I'm going to repudiate the statements in it and then match it with our latest Journal survey, just to show the difference here, Mr. Chairman. It says 90% of the bars, barber shops and 30% of the restaurants. The Rapid City Journal in their latest survey shows that -- that's 90% discriminate -- Rapid City Journal Survey shows that 90.7% serve Negroes. 22.2 that's beer establishments -- straight three two beer, serve them, and 50% of the bars and night clubs. That's the first one. I would like to repudiate then that we have here these gentlemen coming up and making their claim of this gross discrimination we have in Rapid City -- this large number of discrimination there -- or whatever you want to call it -- the extent of it. As I said before, there is only 1, 2, 3 -- approximately five places mentioned we have been charged of.

PROFESSOR LAYMON: I counted about fifteen, I think.

MR. TOSKIN: Actual affidavits. Hearsay. Hearsay. Telephone conversations. Let's just take the T & T Bar, for instance. A phone call was made into there. The waitress picked up the phone and answered it. That's not an accurate survey, and I challenge anything on the telephone. You don't know who you are talking to on the telephone. Anybody could pick up that telephone. Even a customer

could pick it up, because these phones are out in public places. They are out in the reach of the people. And then let's go to the extent of night clubs. Coney Island was brought up here. Said it's not a place to -- it's not a place where a gentleman would like to go. Coney Island -- 90% of the business, I believe, is colored people; so I'll let them fight that out with the proprietor of the Coney Island. And during the issuance of this license to Mr. Chase, a Mr. Shackelforth -- Shackelford -- something of that nature, was then a figure on the civil rights committee, and at the council meeting when this came up, Mr. Shackelforth got up and opposed this liquor license for Mr. Chase. I would like to bring that before this committee.

DR. PALMER: On what grounds, may I ask?

PROFESSOR LAYMON: What does that have to do with discrimination?

MR. TOSKIN: He said it would discriminate.

PROFESSOR LAYMON: How do you mean?

MR. TOSKIN: I don't know what he meant. We couldn't understand it either.

MRS. CATHERINE SMITH: I was present at that council meeting and I heard Mr. Shackelford. The city council spoke of this new liquor license to be a place for Negroes to go. He did not want a place to be segre-



gated for Negroes, any more than the bars that are now segregated for whites are segregated. That was his point.

MR. TOSKIN: Then all of these incidents that were made directly against me. Let's go over some of these incidents. I refused service to a number of them. That I do not deny. The Legislative Research Council of this state, at one particular time when they were making a survey of this, asked for particular incidents just like you gentlemen have done here today. And I believe in this one afternoon that they come marching in there in 4's and 5's and didn't even bother to sit down, some of them; so I just went up and give them their answer they wanted? I don't serve them. I do not cater to them. Now, let's go to the incident here on Sunday, September 30th that gentleman brought up. Sunday, September 30th, 1962, a planned demonstration, sanctioned by certain city officials, was conducted against my restaurant. I substantiate this by presenting these pamphlets that were passed out in the streets of Rapid City discriminating against myself and three other places of business. At this time, I would like to make the charge of discrimination.

DR. BEN MUNSON: Will you point out how that discriminates against you, Mr. Toskin?

MR. TOSKIN: Well, the laws clearly read that we have never at any time published any pamphlets -- to my

knowledge, the citizens of this town has never published any pamphlets or anything else depressing the Negro population of this area, and here you are, you are publishing pamphlets criticizing our places of business.

DR. PALMER: Who is publishing pamphlets?

MR. TOSKIN: Right here, sir. NAACP.

DR. PALMER: I thought you said, "You were."

MR. TOSKIN: I said we never had.

DR. PALMER: I mean, I thought you were saying, "You," in reference to this committee.

MR. TOSKIN: No. No. No. I says we never had.

PROFESSOR LAYMON: One point to make it clear, so we don't have to go back to this. You did say; did you not, that you do not serve to Negroes or cater to them?

MR. TOSKIN: No, I didn't say that. Let's get the record clear. I said I told those Negroes I wouldn't serve them.

PROFESSOR LAYMON: Oh, a -- just on a particular group?

MR. TOSKIN: On a particular individual basis. I say this under the rights that I reserve the right to refuse service to anyone whom I may think may impair my business in any way, shape or form.

DR. MUNSON: Exactly what does this paper of the NAACP do that you say injures you? How does it injure

you? What does it do?

MR. TOSKIN: I didn't say it injured me, Dr. Munson. I say they passed out pamphlets. I didn't say nothing about it injuring me.

DR. PALMER: You said you were being discriminated against.

MR. TOSKIN: Discriminated against.

DR. MUNSON: How?

PROFESSOR LAYMON: How?

DR. PALMER: How?

MR. TOSKIN: Right there. They tell people not to go there.

DR. PALMER: It doesn't say that on the sheet I've got.

DR. MUNSON: It does not say that.

MR. TOSKIN: Let's read the sheet for the record. "All over the country Negroes are assuming full responsibility as American citizens. We want all the privileges of citizenship, including equal treatment in business establishments open to the public. We ask no favors. We only want to be judged on our merits as individuals." And then it reads the so-called law. "No person or business offering goods or services to the public..." I skipped a few paragraphs there, to go on with it. "...shall deny such goods or services to any person" -- or "of good deport-

ment, solely on the basis of his race, creed or national origin. Violators are guilty of a misdemeanor and are subject to fine." Now, gentlemen, I'm being discriminated upon there. They're asking for passage of legislation to make me guilty of a misdemeanor, if I -- if I stand up to my rights under the Fourteenth Amendment to the Constitution, which I will get to later, if you don't mind in my little talk.

MR. RUDELL: Read this next paragraph there, please.

MR. TOSKIN: Which one do you want, sir?

MR. RUDELL: Right below the statement about the law. Read that next paragraph.

MR. TOSKIN: "Laws like this already" -- "Are already in effect in twenty-nine northern states, including North Dakota, Wyoming, Nebraska and Montana."

MR. RUDELL: Thank you.

DR. MUNSON: What does it say about you, please?

MR. TOSKIN: "These are some of the restaurants" -- "These are some of the business establishments of Rapid City that refuse to serve Negroes: State Barber Shop, Leo's Restaurant, the Red Barn, Casino Bar and Esquire Club."

DR. MUNSON: Is that untrue?

MR. TOSKIN: No, it's not untrue.

DR. MUNSON: All right.

MR. TOSKIN: I just made -- I've just made the claim here, Dr. Munson, that we have never, in any way, published anything in any derogatory way at all about these people.

DR. MUNSON: Can you not --

MR. TOSKIN: We stood on our individual rights.

DR. MUNSON: Can you not take this as derogatory or praise? It just simply says you do not serve Negroes.

MR. TOSKIN: That's right. Passed out on our streets.

DR. MUNSON: How can you say it derogates against you?

MR. TOSKIN: It derogates against my individual rights.

DR. PALMER: You mean the fact these people handed out these handbills has hurt you?

MR. TOSKIN: No, it hasn't hurt me.

DR. PALMER: But the content of it -- the content of -- if it were true. --

MR. TOSKIN: I say it could have hurt me.

DR. PALMER: Yah. So you were not discriminated against. You say you would be, if such a law were passed?

MR. TOSKIN: That's right.

DR. PALMER: That's the essence of it.

MR. TOSKIN: That's right. That's the essence

of it.

DR. PALMER: So that you would retract the statement that the passing out of this discriminated against you? Right?

MR. TOSKIN: Right.

PROFESSOR LAYMON: I would like for Mr. Toskin to go ahead and complete his statement because in about ten more minutes we're going to have to open to questions.

MR. TOSKIN: Then Mr. Harding -- or whoever it was -- I can't pronounce his name. I didn't get it quite clear. Stated his rights under the Constitution. Now, gentlemen, I have a prepared statement that I will submit to this committee, explaining my viewpoints and a lot of other people maybe's viewpoints, to take this stand. "Gentlemen: There is no doubt that a few isolated cases of selective patronage exist in Rapid City, but the extent of it has been exaggerated out of proportion and has gotten outright ridiculous. It is discouraging, too, to find that influential news media has distorted facts and slanted the good name of the state and its people to further the cause of the NAACP." I will leave this next paragraph out, but I will submit it for the record. "I deplore the tactics used by the NAACP, the planned sit-ins and the disregard of our Constitutional rights;" at this point, I would like to stop right here and explain this

planned sit-ins, which followed the passing out of these pamphlets. A planned sit-in was scheduled. I believe it was Sunday night, Sunday, September 30th. These pamphlets were passed out Saturday, September 29th, and a planned sit-in was scheduled Sunday night, September 30th. Now, I make this charge on planned sit-ins, and I believe our law enforcement officers will back me up on this; our records in the Rapid City Police Department will back me up on this. I was phoned -- I was phoned approximately three hours before the proposed incidents would occur, and if anybody recalls the night of September 30th, I believe you will find that that night the President of the United States was making his speech on Mississippi. I was phoned by the city attorney at that time, who was Mr. LaFleur, telling me that there was going to be a demonstration at my restaurant. Approximately an hour later, the chief of police called me and informed me that there was going to be a planned demonstration, and, consequently, an hour later, four men walked in, at which time we took the right, and we closed up our restaurant and removed everybody; not just the Negroes, but the white people, too. That is a planned, well-organized movement against me. That was planned. And I believe if the records were checked, you will see that there were other phone calls into the city police department stating that

there were other phone calls into the city police department stating that there were going to be other such demonstrations, but I don't believe any took place, other than mine. I will continue now if there is no further questions on that.

MR. RAFF: May I make just a brief comment?

MR. TOSKIN: Yes, you may, Mr. Raff.

MR. RAFF: One of the members of the NAACP, whose name I forget entirely, --

MR. TOSKIN: Kirtdoll.

MR. RAFF: -- called me that evening; told me about their plans, and my action then was to immediately call the chief of police and ask him to contact the attorney, as well as yourself. I thought it was -- I thought it was very good to have you know about it and have the police know about it, so long as I received such a telephone call myself.

MR. TOSKIN: May I go on?

MR. RAFF: Oh, yes.

MRS. EVELYN MERRITT: Are we open for any discussion?

PROFESSOR LAYMON: Not quite -- not quite yet. He has another five minutes or so.

MR. TOSKIN: I defend my stand on selective patronage under the Fourteenth Amendment to the Constitution.



I point to our rotten -- our written constitution as a guarantee -- well, it's almost gettin' that way. It's almost gettin' that way. I defend my stand on selective patronage under the Fourteenth Amendment to the Constitution. I point to our written constitution as a guarantee of the right of the individual. Every man has a inalienable right to decide for himself with whom he will do business, whether it be in the sale of merchandise or any other property. I deplore the use of power by the NAACP to impose their will upon me by proposing legislation that would deprive me of my individual rights as a private business that is neither subsidized by federal or state funds. I denounce that this city is an "Island of Prejudice." I defy any man to say that we deprive any minority groups their rights under the Fourteenth Amendment of the Constitution. Must we take these insults because of -- our legislators in the past have courageously upheld our constitutional rights and refused to take refuge in the questional doctrine that the end justifies the means? It is disheartening to find that influential news media misrepresent a position, taking on principle as really an opposition to civil rights. Are the people of this state going to allow this form of extortion and blackmail from foreign newspapers to help a foreign organization pass legislation in this state that would impair our constitutional

rights? The civil righters have admitted the fact that progress has been made in Rapid City. Even they repudiated the article that appeared in the Denver Post. It is easy enough to call anyone a Negro hater who disagrees with the theory of forced intragation. It is easy enough to call the people of this city enemies of the Negro, though the facts of our relationship in the past years do not bear out the accusation. Not once have the people of this city tried to enact legislation that would deprive the Negro of his equal rights under the Fourteenth Amendment to the Constitution. Nor has there been any general custom or practice of segregation in Rapid City. Yet the NAACP exhort the majority in our midst to force the issue of the minority to deprive us of our civil rights. I say again -- I won't say that. But I'll submit it for the record. If our constitution is to be ignored, then no laws can stand free from doubt, and no citizen would be safe from his neighbor. Let the people of the state and the city be our judge. It lies in their courage to accept these laws with which they disagree, as those with which they agree. The eyes of the nation are upon them and upon all of us, and the honor of their city and their state are in the balance. I am certain a great majority of the people will uphold that honor, for they now have a new opportunity to show that they are men of integrity. The

Tenth Amendment to the Constitution clearly points out the powers not delegated to the United States by the Constitution; nor prohibited by it to the states, are reserved to the states respectively, or to the people, and it has always been assumed that a people of a sovereign state can, by majority vote, choose their own way of life and manage their own social functions without diminishing in any way the opportunities of the minority. How can the defenders of the anti-bias bill ignore the sociological consequences feared by the people of this state? It is important not to try to abolish over night what generations of experience and customs have implanted. For we see legislation of this type as the first step in the ultimate goal of the NAACP as hastening the day of intermarriage of the two races. Now is the time for the people of this state and city to become aroused and take the time to learn the whole story, for it is the assumption of the NAACP that the people can be fooled; that they will not take the trouble to find out the facts. Where is the public interest which is so much talked about but so little respected? Only informed people can persuade our elected officers to be courageously guided when voting on this type of legislation. This is why, in this speech, Mr. Chairman, I challenge certain members -- I didn't know how the vote was taken, and I'll go -- I'd like to ask

that after this speech is completed. But the speech, in essence, now goes on as saying that if the people of this state believe my position is wrong, then let them encourage the legislators to pass this anti-bias bill, and if they believe, as I do, in their constitutional rights, then let them encourage the legislators to be brave and vote against the law. Now, if I may, I would like to ask this committee how it arrives -- how it arrives at a -- at a decision after all the facts have been presented here, if I may; if I'm not out of order in doing that.

PROFESSOR LAYMON: We will review the transcript of this as carefully as we can and come to our conclusion based on that, as well as appearances and observations, insights which, I dare say, are too numerous to attempt to detail.

MR. TOSKIN: Yes, sir. Is this taken by a vote of the committee?

PROFESSOR LAYMON: No, we have no plans in that respect. We haven't discussed that. Do you have -- We have about ten minutes for questions, if anyone would like to direct questions of Mr. Toskin.

MRS. EVELYN MERRITT: I have one question, which I hope I'll get around to.

PROFESSOR LAYMON: Your name, please?

MRS. EVELYN MERRITT: Evelyn Merritt; member of

the Black Hills Civil Rights Committee. There are so many things that I could ask and say in rebuttal that I'm really almost lost. One thing I would like to say for the record -- and you spoke of some foreign organization -- I suppose you mean the NAACP. I don't see hardly how this applies, but I will take that to be your meaning; however, the Black Hills Civil Rights Committee was in being long before the NAACP was established or organized in Rapid City, and I think wherever you have put the words "NAACP" in that dissertation, you can also put Black Hills Civil Rights Committee and not forget that they are members of Rapid City and the State of South Dakota. I also would like to have you tell this group of people how you prepared to meet this onslaught of four NAACP members. How did you meet them? What was awaiting them when they walked into your restaurant?

MR. TOSKIN: What was awaiting them? Nothing was. They came in and sat down, and I closed the restaurant, and I says, "Gentlemen, this restaurant is closed."

FATHER SIEH: Mr. Chairman, I would like to point out that some of this is rather lost on quite a few members of the committee. I mean, you are speaking of something that is quite local. A lot of us don't know a lot about it, you see.

MR. TOSKIN: Gentlemen, that is my -- That is

my problem, gentlemen. This national -- This thing we have received nationally is not deserving of this city and this state. That is why you're supposed to be here. This problem could have been handled locally with the facts that have been presented here today, but there is only five or six of us that are actually discriminating. This should have been handled locally. This national advertising should have never been gotten. That's what I'm trying to say, Father. This is -- this is very terrible to our city and our state. It should have been handled in the administrative branch of our city government.

PROFESSOR LAYMON: There are several other people that would like -- say this lady -- What's your name, please?

MARY GOINGS: Mary Goings, and I'm a member of the Mayor's Committee, and I would like to ask Mr. Toskin why he does not serve Negroes.

MR. TOSKIN: I claim my rights under the Fourteenth Amendment to the Constitution. I have an inalienable right to sell or purchase merchandise, and do business with whoever I see fit.

MARY GOINGS: On what do you place your judgment of fitness? A person's color?

MR. TOSKIN: If I feel, in any way, that the color of a person or the behavior of a person, or the dress of a person could deteriorate or could cause a scene in

my place of business, I will remove him immediately. Let's go back a few years to the incident of the doctor and his wife. Let's go back to that incident that was mentioned in the Denver Post.

PROFESSOR LAYMON: Is that germane to this discussion?

MR. TOSKIN: Yes. She asked me what I judge my decision on, sir.

PROFESSOR LAYMON: All right.

MR. TOSKIN: The doctor's wife was a white woman. She entered the restaurant; sat down, and she was thrown quite a few nasty remarks to the woman, which isn't fair to her. It's her business what she wants to do, and at which time, instead of trying to quiet people down, throwing nasty remarks, I just went up and I says, "I don't cater to colored people," or "Negroes." When I refer to the word "colored people," it refers strictly to the Negroes. Let's get the record straight. That's how I was brought up. We called our constituents colored people in the east; not Negroes. When I say "colored people" that don't include Indians, Chinese, Japanese or any of the other races.

DR. PALMER: Did you come originally from the east, sir?

MR. TOSKIN: Yes, sir.

PROFESSOR LAYMON: There is another question in the back.

MR. ANTHONY T. WILLIAMS: Mr. Toskin, can you see me clearly?

MR. TOSKIN: I can see you.

MR. WILLIAMS: Do you recognize the uniform which I --

MR. TOSKIN: I recognize the uniform that I wore for many years.

MR. WILLIAMS: Do you believe in the heroes of America, more or less, George Washington, Abraham Lincoln and these sort of people?

MR. TOSKIN: Yes, I believe in Abraham Lincoln very, very much.

MR. WILLIAMS: Would you say that Abraham Lincoln was a liar when he said that "All men are created equal?"

MR. TOSKIN: Well, no, Abraham Lincoln wasn't a liar, but --

PROFESSOR LAYMON: I -- I would like to restrict this to discrimination, please.

MR. TOSKIN: If we want to get on Lincoln, we could really get into it here.

PROFESSOR LAYMON: Rather than to get off on to philosophical considerations.

MR. WILLIAMS: Well, Mr. Toskin, one night I



entered your restaurant in the company of two Caucasians, and I was served, and the following afternoon, I went by there, and I seen -- or I saw two Negroes being turned away. Can you explain this? Is there any logical reason for this?

MR. TOSKIN: Sure, I can explain it. Yes, I can. Like I says, each incident -- each case is judged at the time. I quoted before, there is no general custom in this city. Each incident that has occurred was through my judgment at the time, and when I'm not there, the waitresses and my help will not serve them because they're not qualified to make the exact judgment. I make the judgment. I determine at the time just what will be done. If I feel that it will be a hardship to my business at that time, I refuse them. If I feel it won't be, I serve them.

FATHER SIEH: Mr. Toskin, if I understand you correctly, you state of yourself and about five other establishments, you do discriminate. You don't deny this?

MR. TOSKIN: No, I don't deny this, Father. I don't say -- I don't like the word "discriminate." Let's use the word "selective patronage," please. I don't like the word "discriminate." Let's use the word, "selective patronage."

FATHER SIEH: Well, be that as it may, we're not -- I'm not here to deal with an isolated instance of you and other people. I'm concerned about the City of Rapid City.

MR. TOSKIN: That's what I'm trying to bring out: These are isolated incidents.

FATHER SIEH: If you are not representative of this city, that's what I'm interested in. If you are representative, all right. Are you claiming to be representative of the City of Rapid City?

MR. TOSKIN: I couldn't claim that. Only the mayor of this city could be representative, and I challenge his representation because he's biased in his thinking.

FATHER SIEH: Well, I thought that you -- I thought that you more or less said that you did not claim to be representative of the businesses of this city.

MR. TOSKIN: No, I'm not. No, I'm not. I come up here -- I have had -- most of the charges here today were against me, personally. They were here against me, personally. They out-number everybody else three to one.

DR. PALMER: Mr. Toskin, now you admitted serving this air force boy back here when he was in the company of two Caucasians.

MR. TOSKIN: Right.

DR. PALMER: And you made the decision at that time that it was proper and fitting for him to be served? Right?

MR. TOSKIN: Right.

DR. PALMER: And would you agree that if you had

made a -- told him to go out, under those circumstances, it would have been an injustice to him, under those circumstances. Right?

MR. TOSKIN: Now, you'll have to restate that, sir. I don't quite get the essence of that question.

DR. PALMER: I say, you made the decision that it was proper for this boy to be served and if you had -- if the circumstances were entirely the same, and you had instead said, "No, you can't be served," then it would have been an injustice to him. Right?

MR. TOSKIN: That's right.

DR. PALMER: Now, when you leave the establishment and leave the instructions with your waitresses that they must not serve Negroes, then you will admit that possibly there are circumstances that, in your judgment, would be an injustice to the individual? Is that correct?

MR. TOSKIN: That could be very well correct.

DR. PALMER: All right. Thank you.

PROFESSOR LAYMON: There is one other gentleman back there.

MR. ROBERT ASHEIM: Bob Asheim, and I'm an alderman for Rapid City.

PROFESSOR LAYMON: What is your name, sir?

MR. ASHEIM: Bob Asheim. And I would want to ask Mr. Toskin -- I've been in his restaurant on a number

of occasions when he has served colored people, and I want to know roughly what percentage you turn away?

MR. TOSKIN: I turn -- I turn away -- Oh, well, as far as percentage goes, Mr. Asheim --

MR. ASHEIM: I don't want an exact figure. Is it 10%? Is it 20%?

MR. TOSKIN: Other than the planned incidents; let's put it that way, it would probably be a -- Oh, I'd say about 3%. Other than the planned incidents that have been planned against me, I would say approximately 3%.

MR. ASHEIM: I have two other questions I would like to ask while I have the floor, and I was here this morning and I would just like to have this information. Roughly how many Negroes are there at the air base?

PROFESSOR LAYMON: Could someone come up with that information in rough figures?

MR. TOSKIN: Nine hundred.

PROFESSOR LAYMON: I wouldn't have the faintest notion.

MR. ASHEIM: Five hundred and twenty-five a year ago. Roughly five hundred. Would that be about right? Somewhere around five hundred?

MR. TOSKIN: Be closer to eight hundred.

MR. ASHEIM: Eight hundred.

MR. ANTHONY WILLIAMS: It would be a lot more than

that. There would be approximately between eight hundred and a thousand there now.

PROFESSOR LAYMON: All right.

MR. WILLIAMS: That includes civilian personnel there now.

PROFESSOR LAYMON: All right. Does that satisfy you, sir?

MR. ASHEIM: Yes, sir.

PROFESSOR LAYMON: One other question. We have about three minutes left. Yes, sir. What's your name?

MR. WILLIAM ARRINGTON: My name is William Arrington. Mr. Toskin, on December -- February 10th of this year, I came into your restaurant. I was alone. I was dressed pretty much the same as I am now. I had been doing some shopping. I didn't have any packages. I came in and you met me at the front door. You told me you did not cater to colored people. I asked you if this meant that you did not serve Negroes, and you said, "Yes." Why wouldn't you serve me? I was alone.

MR. TOSKIN: You being alone has nothing to do with the circumstances that may be in the restaurant at the time. You, as your color, or you as an individual, or you as your presence has nothing to do with it, or the way you present yourself, or the way you're dressed has nothing to do -- You see, we're more or less judged ourselves --

of I should say: We make our judgments on the desires and the prejudice of our customers, as owners of private business. We make these decisions on those basis. No other basis is made. That is it. You being properly dressed, or you being a colored man had nothing to do with it. You as an individual had nothing to do with it, but the presence of you in that restaurant may have caused some kind of chaos.

MR. ARRINGTON: Well, there wasn't time for any chaos, when I walked in.

MR. TOSKIN: No. I stopped you at the door.

PROFESSOR LAYMON: I think your question has been answered.

DR. PALMER: Mr. Toskin, are you saying that the people in the community that patronize your establishment are prejudiced people who have desires not to sit with Negroes; to be served in the same establishment with them, and that you are acting in their behalf? Is that what you are saying?

MR. TOSKIN: No. Just a minute, I want -- I want to correct that statement to a certain degree. You put in the "people in this community." I would rather not have that put in that question, if you don't mind, sir. Let's say the people in that restaurant at the particular time may have those prejudice.

DR. PALMER: What do you mean they "may?" How

do you know this?

MR. TOSKIN: They -- They show it in different ways. When you know your people, you can look into your restaurant and see. You can hear a remark from the background. You can hear something, but, as you are saying the "people of this community," no. The prejudice does not lie in Rapid City, sir. The prejudices here is not the people of Rapid City. The prejudice are the white airmen. This is something we can't control in Rapid City.

DR. PALMER: You mean that it's the white airmen, when they are in your restaurant, that they object?

MR. TOSKIN: That's right. Yes, sir. They are the ones that object, and they are most likely to be the agitators.

DR. PALMER: So that -- So that whenever you have a circumstance where there is a white airman in the restaurant, then's when you feel it's necessary to refuse service to the Negro?

MR. TOSKIN: Only when I hear a remark.

DR. PALMER: Only when you hear a remark?

PROFESSOR LAYMON: Reverend Hayes?

REVEREND ARDIE HAYES: In other words, Mr. Toskin, you do this to protect the Negro?

MR. TOSKIN: Well, that's putting it very liberal, Reverend. I do it to protect myself and my property. In

one state of the thing, you could say the Negro -- In the case of the doctor and his wife, I didn't want to see the woman go through great embarrassment, and I was well publicized on that, if you recall. I really didn't want the woman to go through great embarrassment, and she would have been put through great embarrassment. After all, we cannot -- we cannot rule the feelings of all the -- you know, some people, but as for discrimination, or as a whole, as a custom, I -- I -- I have to repudiate it because the facts and the figures here just -- just don't show it, gentlemen. It just don't show it.

PROFESSOR LAYMON: One more question, and then we must --

REVEREND FREDERICK JESSETT: I am the Reverend Frederick Jessett. I'm from the Department of Christian Social Relations of the Episcopal Church. I live in Mission, South Dakota. Since this inquiry is into discrimination against Negroes servicemen here in Rapid City, I thought we might find out if this is Mr. Toskin's general policy toward all people. That is to say, if you were to overhear remarks from people in your restaurant which indicated to you that they were atheists, and I, as a priest, walked in, would you serve me or not?

MR. TOSKIN: I refuse to answer that. I am not going to get into religion here, Mr. Chairman. I will not



do it. I will not get into religions. I am a Catholic, and I won't argue religion. That's against my religion.

PROFESSOR LAYMON: I think then I shall simply have to terminate this phase of our inquiry. Thank you, Mr. Toskin, for your remarks. Again, I am very sorry we couldn't take up more questions, but if we did, we simply wouldn't get any further this afternoon.

PROFESSOR LAYMON: The next area of discussion --

MRS. CATHERINE SMITH: Mr. Chairman?

PROFESSOR LAYMON: Yes.

MRS. CATHERINE SMITH: I have some material to present on this aspect of bars and restaurants on behalf of the Black Hills Civil Rights Committee. May I present it in about three minutes -- or four minutes, if I can?

PROFESSOR LAYMON: Well, I -- I dare say we'll have to receive it, if you can be very, very brief.

MRS. SMITH: Well, I will. I'll skip most of it, and just give it to you.

PROFESSOR LAYMON: If there is anything that you could just simply submit for the record, why --

MRS. SMITH: Well, in the first place, it's obvious from the information that Airman Hardy gave, in comparison with the Journal survey about bars, that the figures don't tally; so I don't think that the matter of surveys tells a great deal. I have here some information about

previous surveys made of bars and restaurants in Rapid City both by us and by the Jaycees in the past. The other thing I would like to say is that the editorial policy of the Rapid City Journal has been -- well, I think it's of interest here -- because it both reflects the attitude of the business community and no doubt has influenced it, and I submit for the record copies of three editorials, and I want to quote very -- or say very quickly that one on December 20, 1960 urges the establishment of a segregated bar for Negroes in the town, and it was the appearance of this editorial that provoked the formation of the Black Hills Civil Rights Committee. We couldn't see what business a segregated bar had in a community in this part of the country; in this area. A later editorial suggests that the incidents that were publicized were simply provoked by communist stooges and were well planned. Others simply say that violence by a few Negroes has caused all Negroes to suffer in this area, and I have -- at another time in the summer of 1961, a series of long -- or questionnaires were submitted to a number of married Negro airmen at Ellsworth asking them to relate their experiences in bars, in looking for housing, and restaurants, barber shops, and housing -- all sorts of public accommodations, and so on. I have here a summary of some of the remarks they made about bars and night clubs; however, most of their remarks

about housing are most pertinent and most interesting to you, I should think, and so all of the questionnaires will be submitted under the discussion of housing. I will just give a couple of remarks here. One: "Refused service in Deadwood in all of the local bars." The Flame Bar -- "I went in one night alone just to see if I could be served," and so on, and so on. "I wasn't put in jail because I left before the police walked through the door." "I went into the Westwood Club on Eighth Street, and the manager told me he didn't mind colored people coming in, but he didn't want the place to turn into a hangout." Another one says, "Refused by Bronco Bar. That's the only one I tried." "I was informed by telephone that the Esquire Club did not cater to Negro personnel." "Refused service at the VFW Club." And this is a copy of the questionnaire that was submitted. There is also a police report here -- complaint report -- telling about a colored woman and a white woman -- I think the colored woman was the wife of an air force man stationed at Ellsworth -- who came -- the report simply says she was -- "this woman was not served at the Casino Bar and was asked to leave by a Bill, who was a bartender at the Casino. This was witnessed by the white woman who was her friend. Both subjects, at the police department, were observed and were not intoxicated. Could not detect any intoxicating beverage smell on their

breath." They were there at ten minutes after the incident occurred, according to the police report. The woman was given the phone number of the city attorney and advised to contact him and a more detailed story about that incident is here. Here are some of the incidents that have appeared in the Rapid City Journal. One, two, three. And a list that was prepared by the Civil Rights Committee of a number of incidents. I have circled in this case, the ones relating to bars and restaurants. There are also some incidents referring to housing and to motels. So that's the material that we have to submit.

DR. PALMER: You are offering all of those for our files?

MRS. SMITH: All for you.

MR. TOSKIN: Mr. Laymon -- Mr. Chairman, may I ask a question, please? She made a serious charge here on the Rapid City paper here. She claims them as being prejudiced. Is the editorial that she wrote -- or she mentioned here on Thursday, June 22nd, 1961 submitted as her -- her notes to this committee?

MRS. SMITH: Yes, it is.

MR. TOSKIN: If not, I would like to read it into the record.

MRS. SMITH: It sure is here.

MR. TOSKIN: There is a charge here made on our

Journal being prejudiced.

MRS. SMITH: It says, "Now, it seems the incidents are prepared. Educated men have come to Rapid City and can find a place to be refused. If creating unrest, for no reason other than calling attention to five restaurants in Rapid City which do not serve colored people aids world peace, we have had the communist stooges in town." This editorial -- I think that's the mildest of them.

PROFESSOR LAYMON: We will read them, and decide whether or not --

MRS. SMITH: So you can go over these. There is also a radio editorial and our reply. S

DR. PALMER: Is that enclosed, too?

MRS. SMITH: Sure.

FATHER SIEH: I would like to ask Mr. Toskin a question. You take the stand, do you, that as a businessman, you have a right to choose who you will serve, without having to have criteria for that? I mean, you have a complete right to choose who your customers will be?

MR. TOSKIN: Yes, Father. I believe as an individual citizen I have individual rights whether it be a businessman or not.

FATHER SIEH: But as a businessman you have --

MR. TOSKIN: As a businessman, I feel that, in

order to keep peace in my place and to further my business, I have to make certain decisions.

FATHER SIEH: And you don't have to explain to anybody who you do serve and who you don't serve?

MR. TOSKIN: And I don't feel, as long as I have broken no law, that I should be called to actually explain why. As a -- a businessman I haven't deprived anyone of their constitutional rights. What I'm trying to say, in essence, is this: It all boils down to someone's trying to get a bill passed to make me do things. I don't -- I don't want the bill. I know you gentlemen are not here for that. I realize that. I accept that, and I acknowledge that. But there are other people who are, and where else can myself, as a citizen, speak out, as in the minority group now, which I have been placed in? There is only five or six of us or twenty of us out of hundreds of them. We are placed in a minority group.

FATHER SIEH: Well, I would like to ask if there are others in the business community and in Rapid City who take the stand that they can be arbitrary in who they admit or who they reject from their places of business.

MR. TOSKIN: We have talked to -- Mr. Kirtdoll I believe was the NAACP president before Mr. Richardson there -- we have asked him, and I asked him in the presence of a federal judge, Judge Frank Batista, from Youngstown,

Ohio, -- we asked him if we would take a slower approach to intragation. We pleaded with him to knock down the barriers that may be there amongst a great number of people and to come in -- to come in that door and not the door of forcing themselves in; not to make us criminals, and that's exactly what we would be under the last bill that was introduced in the state legislation. Under Senate Bill 189, I was subject to sixty days in jail; five hundred dollars fine, and I had to hire my own attorney while the taxpayers of this state had to furnish the attorney for the accuser. We tried to go in this -- in this direction. We have -- we have tried that, but to no avail. These people are pushing us. This is what we're mad about, Father. We're not mad about the idea of a --

FATHER SIEH: Well, I'm not really interested in you at this point. I'm wondering about --

MR. TOSKIN: This is the only place I have a chance to speak, Father. I haven't got all the news media.

FATHER SIEH: I'm wondering about the City of Rapid City.

MR. TOSKIN: I can't speak for the citizens of this city. Like I say, the only people that can speak for the citizens is the citizens.

FATHER SIEH: Gavel me down here.

PROFESSOR LAYMON: I think I will do that, Father.

If we have time left, after we finish discussing these other two items on the agenda, we'll happily return here, or unhappily.

MR. ROBERT HENNING: I'm a bartender. I would like to know one thing on the colored situation. They are blaming the proprietors of not service in the bars -- of not serving the colored. They are blaming the proprietors of not serving the colored people?

PROFESSOR LAYMON: We are not blaming anyone.

MR. HENNING: Here's the situation: You get five colored people coming into your bar and you have got fifteen, twenty people standing up there ready to tear their heads off. Now, what are you going to do?

PROFESSOR LAYMON: Well, I'm sorry you didn't bring this information to us sooner.

MR. HENNING: Well, that's what we have.

FATHER SIEH: Will you identify yourself?

MR. HENNING: Robert Henning. H-e-n-n-i-n-g. One night I had to close the bar at ten o'clock on account of that. There was twenty colored people standing outside waiting. There was seven of them inside, and there was about fifteen, twenty people ready, standing up to go into this fight, and so I locked the bar up at ten o'clock and went home, and three or four days later there was another fight started from the bar down there. I got the colored



people out of the bar, and a bunch of these other guys followed them out. One guy was stabbed out on the street in front of the fire station, and that's what we're having to contend with on this. Now, what can we do?

PROFESSOR LAYMON: That's a very serious problem. May we -- again, if we have time, we will return to this because I understand there is a tremendous interest in it, but we have to consider these other items on the agenda. In order to expedite things, does anyone have any affidavits to -- affidavits or testimony to present with respect to discrimination in barber shops? Would you come forward and identify yourself?

MR. WILLIAM DAVIS: My name is William Davis, and I would like to testify at this time that I have been discriminated against in barber shops. To name one is the State Barber Shop. I believe it's on Main Street; I'm not sure. To name -- I'm sorry, I can't name the other barber shop that -- that I was discriminated in, but I can go there now and will be discriminated again, I believe, because I am a Negro. I was told by the barber at the State Barber Shop that he was sorry but that he did not cut Negroes' hair. I asked why -- Kirtdoll and myself -- and he said -- he gave an answer something in the wording of, "It will ruin our business. Our customers won't agree with it." I received the same type answer from another

barber shop. It, too, is on Main Street. And I can say, though, for the city, that I did finally get a haircut that day. It was at a barber shop down town.

PROFESSOR LAYMON: It was?

MR. DAVIS: Yes, it was. It's Ed's Barber Shop, I believe. On that same day, when I was trying so hard to find a place -- to get a barber shop, I asked Dr. Munson here if he could refer me to a barber shop that would cut hair, and of all of the barber shops that are in Rapid City, the doctor, at that time, was only able to name two -- or refer me to two. Since then those surveys have shown that there are more barber shops in town that will cut hair, but I believe that the survey -- our survey that we took shows that the majority will not cut Negroes' hair.

PROFESSOR LAYMON: When was the latest survey?

MR. DAVIS: I am not sure if we have the record of this survey, but the survey was taken, oh, two or three weeks ago.

PROFESSOR LAYMON: And what, again, did it reveal? Can someone assist? Is that what you want to do back there?

MR. CHARLES HARDY: Yes.

PROFESSOR LAYMON: Will you also identify yourself for the record?

MR. CHARLES HARDY: Charles Hardy is my name.

Executive Chairman of the NAACP, Rapid City Branch. This is a survey conducted -- a telephone survey conducted Saturday night, December the 9th, 1962.

PROFESSOR LAYMON: Would you read it or summarize it, at least, for us?

MR. DAVIS: Yes. The slip of paper that I have before me is a copy here of the survey that the NAACP took a few weeks ago -- a few days ago -- I forget when it was.

PROFESSOR LAYMON: The day before yesterday.

MR. RUDELL: The 9th.

MR. DAVIS: At any rate, the names of the barber shops that we surveyed were taken from the yellow pages of the Rapid City telephone directory, and we surveyed ten barber shops and our report here shows that it is a fifty-fifty situation, I believe. Yes, it is. If it's necessary for the record, I can name these different establishments.

PROFESSOR LAYMON: Does anyone want to hear them?

DR. PALMER: Let's just ask that it be filed, if they will.

MR. RAFF: So long as you will submit it and leave it with us, we can just pass that by.

PROFESSOR LAYMON: You will have a chance to answer.

MR. DAVIS: We will submit the paper.

PROFESSOR LAYMON: Do you have any other comments?

MR. DAVIS: No, sir.

PROFESSOR LAYMON: Would you care to submit to a question or would someone like to ask a question or submit another comment?

MR. LEWIS GRAY: Mr. Chairman, I'm Lewis Gray. I'm the manager of the Look Well Barber Shop, and here I have the survey that the Journal come out with, Sunday, I believe it was, and it looks like 66.7% do, and when was this survey taken you said you took?

DR. MUNSON: December 9th.

MR. GRAY: What day was that?

MR. DAVIS: Saturday.

MR. GRAY: Saturday. And what time?

MR. RUDELL: December 8th is your correct date.

MR. HARDY: For the record, may I say that this was a -- a telephone survey conducted at approximately five thirty to seven thirty.

MR. GRAY: Well, just how did you reach these people after six, since all the shops close at six, other than about two?

MR. HARDY: Well, undoubtedly they weren't closed because we talked to them.

MR. GRAY: Once again, did you know for sure who you were talking to?

MR. HARDY: If, as Mr. Toskin say, that you allow

anyone to pick up the phone in your establishment, well, perhaps I was speaking to the wrong person. I asked whether you are the proprietor, and I assumed that's who I was talking to.

MR. GRAY: You assumed.

MR. HARDY: Well, I have no other way of knowing who I'm talking to.

MRS. CATHERINE SMITH: The Journal also assumed in their survey.

PROFESSOR LAYMON: Another question. Another comment?

MR. JOSEPH RICHARDSON: I would like to say, for the record, that it is possible that the people whom the Journal approached would have given a "yes" answer to the Journal because they fear publicity, but, being Negroes, they would definitely tell us "no" if they -- if they do have the policy of discriminating against Negroes.

PROFESSOR LAYMON: Well, let's nail this down, if we can. Are you then stating that 50% of the barber shops refuse the service?

MR. DAVIS: That is the per cent according to the recent survey that we took.

DR. PALMER: Telephone survey?

MR. DAVIS: It was a telephone survey, yes.

DR. PALMER: They contacted ten. There were five

that said "yes" and five that said "no." May I just ask a point of information. How many cases were reported in the Journal article? Would you mind -- Do you have the information?

MR. GRAY: Well, right here. The ones that served colored people are sixteen. The ones that do not are eight. That's 66.7%. This was an interview taken in person; not by telephone.

DR. PALMER: And this one was obviously smaller, and it could explain the difference. Right? Your figures show eight. Their figures show five that discriminate. Right?

MR. GRAY: Right.

DR. PALMER: All right. Thank you.

FATHER SIEH: May I ask: What is your policy in your shop?

MR. GRAY: Well, my policy is: I will serve them and I won't serve them. I will serve them until I see they're interfering with my other business -- with my regular clientele, and then I can't serve them.

PROFESSOR LAYMON: How is that manifested?

FATHER SIEH: Why would they interfere with your clientele? Why would they interfere with your business? On what basis?

MR. GRAY: On the basis that maybe -- if my client --

If I saw that my other clientele would go elsewhere.

PROFESSOR LAYMON: How? How does that appear?

FATHER SIEH: Why? Why would they?

MR. GRAY: This is what I say: I don't know that they would. But I will, until I see that they will go elsewhere.

DR. PALMER: Do you know that they -- that they go because of the fact that you have cut Negroes' hair? Do they tell you this?

MR. GRAY: I haven't had any -- any problems with this. I have never even had a Negro in my shop. I have never turned them down. I have never had them in there.

PROFESSOR LAYMON: Then you have never served Negroes?

MR. GRAY: No. No. But I have never turned them down, either.

PROFESSOR LAYMON: I see.

FATHER SIEH: Is there anything about the barbering situation that would --

MR. GRAY: The main problem there is most barbers don't know how to cut their hair, if you want to get right down to it. Now, would you want to go in there and pay a dollar and seventy-five and get your hair ruined? Or would you rather go out to the base to where they're used

to cutting your hair and know how?

PROFESSOR LAYMON: Do you -- Do you know how to cut their hair?

MR. RUDELL: It wouldn't be too difficult to learn; would it? You learned how to cut white people's hair. Couldn't you learn how to cut a Negro's hair?

MR. GRAY: I suppose you could, yes.

MR. RUDELL: Thank you.

PROFESSOR LAYMON: Gentleman over here, I believe.

MR. ORVILLE TRUESDELL: My name is Orville Truesdell, and I live here in Rapid City, and I have been a master barber for thirty years. I haven't been barbering at it all the time, but I have always had a barber shop or two. Most barbers won't admit that they can't cut a Negro's hair. They haven't had the experience. I could count practically on my fingers the number of Negroes that I have cut their hair up here in this northern country in thirty years. All you gentlemen are familiar with how many barber shops you have to go to to even get a shave and it don't make any difference what color you are. So, most of these fellows, it would take them twice as long to give a colored boy a good haircut, which he probably can't even do in the first place, and the man wouldn't want -- the colored boy wouldn't want to get a lousy haircut, and he only needs one barber to cut it, and after you find your barber, anybody, whether



he's colored, black, yellow, brown or green, if he finds that barber, he usually goes back to the same barber all the time. Now, most barbers won't admit that they don't know how to cut a colored -- to give him a good haircut to their own satisfaction, and barbering is a profession. It's like doctoring, and now most doctors aren't qualified to do certain things that they don't do. In fact, I've got to have an operation, but I got to find a doctor that will do it. The one I have gone to won't do it. There is all kinds of barbers that will not give a man a shave. Personally, myself, I'd rather shave a man than cut hair, and I'll make just as much money doing that, but I call myself an expert in shaving. I was shaving back when nobody had a safety razor, thirty years ago; so I will take shaves. I would prefer them. I would send all the haircuts to an apprentice, and probably he could do a better job on the haircuts than I can, but I will take the shaves. Now, it's the same with the barbering. There absolutely is no problem with barbering, except where there is planned incidents, and they want to find out.

PROFESSOR LAYMON: Do you cut Negroes' hair?

MR. TRUESDELL: I say that I haven't cut enough Negroes' hair in my lifetime to give a Negro a good haircut. I have a son here who is a barber, who has given lots of them, and he will take every Negro that ever comes to his

place because he can give a good haircut.

PROFESSOR LAYMON: Here in Rapid City?

MR. TRUESDELL: When he went to -- He has just now moved to Rapid City and he just took his barber exam for this state yesterday in Pierre. Now -- But in barber school, whenever the colored boys come into the school he went to, in Saint Paul, he took them, and they always sent them down to Harold because he wanted to practice on them, and he's more or less made a habit of not only that because his dad was an expert on shaving, or I claim to be, he's the fellow that took all the shaves he can get, but most barbers -- how many -- I've got a son-in-law that's a barber and he will not shave a person and he won't cut a woman's hair, but still he has a license to do it. He would lose money doing it. He can cut three white people's hair while he would probably cut one Negro's hair, and he could cut two heads of hair while he's shaving one man. Now, this is the true picture, and I think anybody can see it. It's common sense.

PROFESSOR LAYMON: I think that's very well put.  
Mr. Hardy?

MR. CHARLES HARDY: Your name, please. I didn't catch it.

MR. GRAY: Lewis Gray.

MR. HARDY: How's that?

MR. GRAY: Lewis Gray.

MR. HARDY: Now, Mr. Gray, may I ask you, please, according to the survey that you related to the people here from the Rapid City Daily Journal, am I correct? Well, I think, like most of the surveys that the Journal has conducted, that this is over exaggerated to an extent, I should say. According to our survey, and the one the Rapid City Daily Journal published on a Saturday -- Sunday, I think there's an overbalance of possibly 17%. Now, we aren't saying that there aren't any barbers in town that won't cut Negroes' hair, but we do have the percentage here, and this was the survey that was conducted by us, ourselves, and so, therefore, we know. Now, may I say, according to your statements, we only want to know: Would you be willing to cut a Negro's hair, regardless to your skill or your ability to cut his hair? We want to know if you would be willing, if a Negro enters your shop and say he needed a haircut?

MR. GRAY: As I said before, I would, if I see he isn't going to hurt my class -- my clientele, as it stands now.

MR. HARDY: And what means did you -- I mean, what do you mean it can hurt your clientele?

MR. GRAY: That's a very good one right there. If they don't stand for it, they'll go somewhere where they

don't. Now, I'm not saying they're not going to stand for it, but if I see they do, I will -- I will stop.

DR. PALMER: Are you willing to put this to the test once? This is all hypothetical you are talking about. He asked the question: Would you be willing? If he asked you to cut his hair, would you do it?

MR. GRAY: Yes.

DR. PALMER: You say that you have never cut a Negro's hair. No Negro has ever been in your office. Would you do it?

MR. GRAY: Yes.

DR. PALMER: You would.

PROFESSOR LAYMON: I think this is enough. I think this --

MRS. EVELYN MERRITT: I have one thing to add that might help to show the picture. According to that chart that's up there, and a Jaycee survey that was taken, I think, in '59, at that time there was reportedly from this survey only one barber shop in town, which was a Robbinsdale barber shop, so things have progressed quite a measure now.

MR. HARDY: I would just like to make this before I leave: By what authority has the Rapid City Daily Journal been given approval to make surveys? Also, if people can question our surveys, why can't we question the

paper's ability to make surveys?

MR. TOSKIN: By what authority? They have the authority of the people of this city.

MR. HARDY: They do?

MR. TOSKIN: My God, the Rapid City Daily Journal was just accused over there of being unfair.

PROFESSOR LAYMON: I don't think there's any question but that the Rapid City Journal has the right to make surveys.

MR. TOSKIN: What's the trouble here with the Rapid --

DR. PALMER: But the point, gentlemen, is that -- Mr. Chairman --

PROFESSOR LAYMON: Yes.

DR. PALMER: The point of the gentleman, Mr. Hardy, is that -- that his group has just as much right to make a survey as the Rapid City Journal, and there should be no particular distinction as to the right to do this.

DR. MUNSON: Precisely.

MR. RUDELL: Or the validity of the survey.

MR. HARDY: Thank you.

MRS. CATHERINE SMITH: Mr. Chairman, may I submit to the record the information that we have collected about barber shop surveys in the past; also, a very recent telephone survey of beauty shops which shows a slightly different

response from the Journal survey, simply because we asked whether the beauty shops would be willing to be on a list of places that would be put at the USO and the Family Service Center as places where the colored women could go -- could feel free to call and ask for appointments, and only a little over 50% of the beauty shops were actually willing to say, "Yes, they can call us." And some of them said, "Well, we don't know how, but they will have to tell us. If they will tell us, that's fine." Others will say, "Yes, we are happy to do it." And I, also, for your information and tabulation, all of the surveys that have been taken --

PROFESSOR LAYMON: 50% of all the beauty shops?

MRS. SMITH: Well, how did it come out? 52% said "yes" and 48% said "no," or didn't care to answer the question, but I think that -- that we know that you can't take anybody's percentages exactly at face value on these things. The only way you can find out is for a colored person who is of good appearance and deportment to go in and ask for service. And there aren't enough colored people to do this in all of the business establishments in Rapid City. So I think that it's just a general trend. But I do think that the trend in barber shops has improved greatly over the last years, as this has shown.

PROFESSOR LAYMON: This gentleman here.

MR. LEWIS GRAY: One other thing.

PROFESSOR LAYMON: Identify yourself.

MR. GRAY: Lewis Gray. Now, one other thing.

Now, down there where I am at, I have quite a trade with the air base boys. I'm referring to the white fellows right now. And in questioning them, they seem to reject this ideal of selling -- of serving Negroes in there. They're definitely against it, the ones that come in there. The majority of them that I talk to. Now, I was out at the base myself, like Mr. Toskin here, not quite for so long, but I know that problem exists out there.

PROFESSOR LAYMON: Would someone like to ask him -- Just a second.

DR. PALMER: Once again, I would like to raise the question there: Are you asserting that, from your standpoint, it's the white airmen at the base that cause the difficulty here?

MR. GRAY: No, not -- not altogether, no.

DR. PALMER: That's all I wanted to know. Thank you.

MR. GRAY: Not -- not completely.

SERGEANT BRADLEY: I would like to ask a question of the barber here.

PROFESSOR LAYMON: Your name, sir.

SERGEANT BRADLEY: I'm Sergeant Bradley from the

air base. My experience on getting haircuts, and there's a white man who cuts my hair at the base, Mr. Janosek, and I think he is one of the big wheels in the barbers' association in South Dakota, especially Rapid City -- it does not take him any more time to cut my hair; in fact, sometimes he cuts my hair quicker than he cuts another white man's hair, and I can't understand why it takes longer to cut a Negro's hair than a white man's hair.

PROFESSOR LAYMON: Well, not being a barber, I can't --

SERGEANT BRADLEY: Because many Negroes have straight hair and it don't take as long. I can't see why it would ruin the clientele --

PROFESSOR LAYMON: There are several people who want to answer you. Just a minute.

SERGEANT BRADLEY: -- if a barber is skilled in his profession.

PROFESSOR LAYMON: That gentleman way back there. What is your name?

MR. CHARLES RANGE: Charlie Range. I have been in Rapid five years, and I have cut three colored people's hair, and they've never been back.

PROFESSOR LAYMON: Yes.

MR. ANTHONY WILLIAMS: I have a little bit of barbering experience. I'm not a licensed barber, and I have



not completed any courses in barbering school, but I do have -- I have cut hair, and when I first joined the air force, the fellows in my flight found that I could cut hair, and they said, "Why don't you cut our hair," you know, and "We'll save that money from the barber shops." And I said, "Okay." Well, the first three or four Caucasians, whom I had occasion to work on, they didn't particularly appreciate the way I did it either, but thereafter my skill improved so that I can say that I can cut anybody's hair, no matter what kind of hair they have, and I think that a man who has been cutting hair for years, a master barber, an apprentice barber, or anyone, try it sometime, and you will see that he can, just as easily. You take a comb and run it through any of our hair, and it will go through just as easily; so, therefore, the clippers will clip your hair just as easily.

PROFESSOR LAYMON: Well, let's see, I don't know how we're going to resolve this issue.

MR. RUDELL: Let's hear from the expert over here who has been cutting hair for -- How long? How many months now?

MR. ORVILLE TRUESDELL: Thirty years.

MR. RUDELL: No, not you. Your son.

MR. ORVILLE TRUESDELL: Since 1932. Well, here, let my son tell about it.

MR. RUDELL: You said he was skilled in this particular --

MR. ORVILLE TRUESDELL: He's cut many more of them than I have, and he's just new in the business, a couple of years.

MR. RUDELL: Would he give us --

HAROLD TRUESDELL: What do you want to know about what.

MR. RUDELL: How difficult it is to cut a Negro's hair, compared to --

MR. HAROLD TRUESDELL: It isn't -- it isn't, if you know how to do it. I don't know how to do it. It's tight kinky hair, and usually you have to work -- like on a regular man's hair, you work up; on a Negro's hair you usually work down, and it works much simpler if you turn the clipper upside down.

MR. HAROLD TRUESDELL: I can give a haircut in two minutes to any Negro, but he might not like it.

MR. RUDELL: But it's possible for any skilled barber to learn to cut a Negro's hair? Is that correct?

MR. HAROLD TRUESDELL: That is true. With enough experience.

MR. RUDELL: Assuming that he takes the time and energy to do it, he can do it?

MR. HAROLD TRUESDELL: Anybody could cut it. Sure.

MR. RUDELL: And can come up to the same speed as a non-Negro's hair?

MR. HAROLD TRUESDELL: If he cuts enough of it, he can come up to the speed.

MR. RUDELL: If he cuts enough of it. Thank you.

PROFESSOR LAYMON: Well, I think we will pass on to the question of housing.

MR. TOSKIN: Mr. Chairman --

PROFESSOR LAYMON: Yes.

MR. TOSKIN: -- before you go on to the question of housing, may I add one more thing?

PROFESSOR LAYMON: With respect to what?

MR. TOSKIN: With respect to bars, restaurants --

PROFESSOR LAYMON: No. We'll come back to those, Mr. Toskin, that's why I'm going to --

MR. TOSKIN: With respect to the whole agenda here, before you get into housing.

PROFESSOR LAYMON: Well, please. Again, I want to get through this other item on the agenda, and then if we have some time left over, I'm sure that there are other comments --

MR. TOSKIN: This is a very important statement, though.

PROFESSOR LAYMON: Does anyone have any testimony or affidavits with respect to discrimination in housing?

Mr. Richardson. Come forward and identify yourself.

MR. JOSEPH RICHARDSON: I am Joseph Richardson. I am stationed at Ellsworth Air Force Base. I am also the president of the local branch of the NAACP. Inasmuch as there has been found discrimination in housing, I have before me notarized affidavits signed by persons who have been involved, and at this time, I would like to call upon Mr. George Waters, air force personnel. I would like for him to come forth and give his statement.

MR. GEORGE L. WATERS: I am Airman George L. Waters. I'm stationed at Ellsworth Air Force Base. And, let's see, my affidavit here, should I read it or would you --

PROFESSOR LAYMON: Why don't you read it, if you want to.

MR. WATERS: This is my statement. "I, Airman First Class George L. Waters and Mrs. George L. Waters, being first duly sworn deposes and says that: During the period of the 31st of October through the 20th of December, 1961, we were refused housing in and around the Rapid City area because we were simply Negroes, and were told such. In several instances, we had made arrangements with landlord to rent houses and apartments through telephone calls, which I checked out through the ads in the daily newspapers here, but after the races -- our race was made known, we

weren't permitted to move into these houses. Simply after talking to a few landlords over the phone, they say, "Yes, we have houses available," and after we showed up at a few of these places, well, they said, "No, we can't..." "I won't take you," or "It's been rented." This one place at 1822 West Saint Joe, I didn't bother about calling that one. I went down because they listed trailers and houses and apartments and what have you, and upon reporting to the office, this lady told me that she just simply did not take Negroes and Indians. That is the one place that I was told in person. A couple of other places I can remember is this gentleman on 516 West Omaha Street. I talked with him on the telephone, and he told me he simply didn't deal with Negroes at all. One other gentleman, and this one kind of touched me a little bit, I should say, at 1219 South 5th Street, he had apartments there. I went and talked to him, too, in person, by the way, and he told me he had all white airmen there, and he would not let us move into his apartment because they had told him they would leave. I don't remember his name, but this is his address, as I say, 1219 South 5th Street. This other gentleman I talked to on the phone at 516 West Omaha Street; well, he owned the house there where these apartments were vacant, plus the lady at 1822 West Saint Joe. I haven't gone into any of these bars or joints around here because we don't

take to them too much in the first place.

DR. PALMER: I wonder if we might take an opportunity to ask him some questions.

PROFESSOR LAYMON: Surely.

DR. PALMER: Mr. Waters, is it Lee Waters or --

MR. WATERS: George Lee Waters.

DR. PALMER: Lee Waters?

MR. WATERS: Yah.

DR. PALMER: Now, you came to Rapid City at what time? When did you first come to Rapid City?

MR. WATERS: On the 31st of October, 1961.

DR. PALMER: Were you married at that time?

MR. WATERS: Yes.

DR. PALMER: And your wife accompanied you --

MR. WATERS: Right.

DR. PALMER: -- here?

MR. WATERS: Right.

DR. PALMER: And where did you spend your first night?

MR. WATERS: My first night was spent at the BOQ, which is known for -- well, it is the Bachelor Officers' Quarters at Ellsworth Air Force Base, whereas everyone reports there. And people reporting in with their families, they have quarters set up there for them on a five-day basis, where it says that you can stay there four or five days, at

which time, you must move out.

DR. PALMER: It costs you -- You have to pay while you are living there?

MR. WATERS: Right. At that time, we paid four dollars and fifty-five cents a day for one room. It was just that. One room.

DR. PALMER: Where was your wife at this time?

MR. WATERS: She was with me in the BOQ.

DR. PALMER: She was allowed to stay there, too. What happened at the end of the five-day period?

MR. WATERS: At the end of the five-day period, we were informed by the NCOIC at the BOQ to vacate our quarters. However, we didn't, simply because of this problem here that -- I may state to you that I am eligible for government quarters. I am an airman first class which entitles me to government quarters, and after -- I was having this problem here, I went to my commanding officer and he, in turn, contacted the OIC in charge of this housing, and had my five-day limit extended.

DR. PALMER: For how long?

MR. WATERS: For thirty-five days, we ended up living in this BOQ. And during that thirty-five days, I was faced with this very problem of not getting a house in Rapid City.

DR. PALMER: You made inquiries for rental?

MR. WATERS: For rental. Right.

DR. PALMER: And you were -- You found -- Did you find anybody that was willing for you to live some place -- they were willing to show you the house, and you could have, say, signed a lease, and had that? Did you --

MR. WATERS: I found a lady that owns a place here -- one of these little motel quarters right off Omaha Street -- that said she would let me have this place, if I would take it, but it -- it was a -- it was so small that you just couldn't be comfortable in the place. It was a one-room building right on Seventh Street, right off Omaha Street. Well, it's north of Omaha on Seventh Street. It was formerly a motel court or something.

DR. PALMER: Now, at the end of this thirty-five days, when your renewal of your contract at the -- or the permission was granted at the BOQ, what happened then?

MR. WATERS: At the end -- Well, I got -- I became a -- Well, there was a house that was vacated at the base, at which time I moved in.

DR. PALMER: At the base?

MR. WATERS: Right.

DR. PALMER: Government quarters?

MR. WATERS: Government quarters. Right.

DR. PALMER: Did you want to live on the base?

MR. WATERS: Well, at that time --



DR. PALMER: Or did you want your wife to live on the base at that time?

MR. WATERS: Yah, it didn't matter. I mean, I have lived on the base in base housing before, too, but at that time, I had no choice. I wanted to take anything that was made available, and there was none available at the base; therefore, I had no choice but to seek out housing here in town.

DR. PALMER: Have you confronted this same situation, since your marriage, at other bases?

MR. WATERS: No, no. No.

DR. PALMER: I would just like to get some things straight in my mind. When did your marriage occur, in relation to the time that you came here?

MR. WATERS: We were married in 1957 in Alexandria, Louisiana. My wife was not from Alexandria. I was assigned to a base there. In the meantime, we were engaged, and I had no problem. At the time I come up for our marriage date, I went down town and I picked out a house in the City of Alexandria, Louisiana, and my wife came down. We got married, and we moved in without any problem whatsoever.

DR. PALMER: Was that in a Negro section of town?

MR. WATERS: Yes, it was. You probably know this: That in Louisiana, they have different sections like that. Therefore, I had no problem. I knew where to

go; when to go, and I got the house.

DR. PALMER: Where was your home, originally?

MR. WATERS: In Newcastle, Pennsylvania.

DR. PALMER: You were born and raised there and went to school in Pennsylvania?

MR. WATERS: No, I was not born and raised in Pennsylvania. I was born in the State of Alabama, and we, in turn, went to the State of Pennsylvania.

DR. PALMER: And did you attend school in Pennsylvania then?

MR. WATERS: Yes, for one year and a half, I -- I attended school in Pennsylvania.

DR. PALMER: Where did you graduate from high school?

MR. WATERS: Well, I didn't. I graduated through the service here, in the air force. I lacked a year and a half from completing high school in civilian life, and after coming into the service, I took the extension courses until I worked up to my high school diploma.

DR. PALMER: Where was your wife from?

MR. WATERS: My wife was from Wichita, Kansas.

DR. PALMER: I see. The point is then: That in this thirty-five day period, normally, an airman coming to this base would expect to have found some housing, even if it was temporary, --

MR. WATERS: Right.

DR. PALMER: -- outside of the base, if he sought it?

MR. WATERS: Right. Absolutely.

DR. PALMER: And you feel that you were not in that same position, as an airman, to secure such housing because of certain situations that apparently existed?

MR. WATERS: No, I was not aware of the fact that we have all of this discrimination as to where he goes here in this housing deal. I was expecting to come here, and if I wanted -- if there was no government quarters available, which there is normally not -- I mean, you always have a wait list, I mean, that is governed by regulation; so no one individual controls this. But I was expecting to come here and walk down town, as an American, and say, "Well, if you have something available for me, I would like to take it."

PROFESSOR LAYMON: Where do you and your wife now live?

MR. WATERS: We live now at the base in government quarters.

PROFESSOR LAYMON: Is it possible to find a place out there? Have you given up trying to find an apartment?

MR. WATERS: Oh, definitely so. I don't try to find any more places.

MR. RAFF: During that thirty-five day period that you were living in the BOQ with your wife, you made attempts and efforts in Rapid City then, through the -- somehow to find rental properties. Now, did you use the services of the -- something out there at the air base called the Family Services?

MR. WATERS: I sure did, sir.

MR. RAFF: Any luck there?

MR. WATERS: No, sir. And -- if -- I wrote my statement to that effect, too, because -- at one time, about five months or six months ago, maybe, there was some people here from Rapid City -- in this very hotel, I understand -- from the Civil Rights Commission in Washington, D. C., or some place like that, and they took statements to that effect, and they were asking me about this Family Services at Ellsworth Air Force Base, and they had some listings there -- they asked me about it -- somehow they came upon the information that they were handling these listings for housing on a -- what you may call segregated basis, more or less, whereas they would say, "Well, I won't take Negroes," or "I will take all white," or something like this, and they asked me my opinion on it, and I gave it to them. I don't think the Family Services should handle them on such.

MR. RAFF: This is one thing I wanted to get at. I wanted to ask you if the Family Services group at the air

base find it -- Do they find it necessary to have a special card file on landlords who will rent to Negroes?

MR. WATERS: Well, I'll -- my opinion of it is -- Well, I know that in the military service, there is not supposed to be any segregation, whatsoever -- segregation or discrimination, or what have you; however, this Lieutenant Johnson, who was the housing officer out there explained to me like this: He said, "It's best that we list them this way; whereas, it may save you a little embarrassment, once you go to these people houses. You know now whether they will take you or not when you get down there."

FATHER SIEH: In other words, it's your opinion that the housing officer on the base considers housing in Rapid City to be on a --

MR. WATERS: No, no. Now, don't misunderstand me. This was not the housing officer. This was the Family Service officer that was handling these listings there.

MR. RAFF: But does that Family Service officer consider the problem in Rapid City to be such that he must make inquiries as to whether or not a landlord will take a Negro?

MR. WATERS: I don't know if he makes the inquiries or not, sir.

MR. RAFF: How about the USO here in Rapid City?

MR. WATERS: The USO. I found the same thing there.

They have listings there stating if they will take Negroes or if they won't.

MR. IKE CHASE: I can't hear. I wanted to hear that about the USO.

MR. WATERS: I said, the USO carries -- Well, they carried listings during this time last year, to the effect that if some of these places would take Negroes or if they wouldn't.

PROFESSOR LAYMON: There is a lady here that has been patiently waiting trying to get a question in.

MRS. WARNER GHERE: I'm Mrs. Warner Ghere, and I have got a couple of apartments and one house that we had for rent, and I would just like to have it brought to you gentlemen's attention that at this particular time last year, housing was very hard for everyone to find; not only the colored fellows but everyone else, because of the missile men that were here. Now, I know that when we had our apartment up for rent, we had just scores of calls after it was rented, and the first people that saw it rented it. And as far as these small places that he had tried to get into also, which is true, but there were men that were renting these places for a large amount of money. So as far as when these fellows would come to the landlord, and they would say they were rented, chances are that they were probably rented because with the missile men that we had at

that time, there were -- there were hardly any places for rent at all.

MR. RAFF: A very good thought to keep in mind. Yes, it is.

DR. PALMER: Mr. Waters, you made a comment in your statement that I would like to inquire about. You said, as an airman first class, that you were entitled to government quarters.

MR. WATERS: Right.

DR. PALMER: Does that mean that if you were not an airman first class that you would not be entitled to government quarters?

MR. WATERS: I would -- I would not be.

DR. PALMER: And does that mean that you would not be entitled to BOQ quarters?

MR. WATERS: Oh, yes. I would most certainly move into there, upon reporting to this base. I sure would.

DR. PALMER: For that period of time. You would not move into government quarters?

MR. WATERS: Into government quarter.

DR. PALMER: Into government quarters?

MR. WATERS: No.

DR. PALMER: So, what would you have done in a situation like that? I mean, I realize that's a hypothetical question.

MR. WATERS: Heaven only knows. If I had come in here less than an airman first class, I don't know. Maybe I would have had to take my family back home or -- I don't know what I would have done.

MR. RAFF: Do you have any personal acquaintance with married couples who have come here under the same circumstances you did and who were not high enough in rank to get government quarters? Can you tell us if you have personal awareness of their problems?

MR. WATERS: No, sir, I have not. There was about, I know, five -- five families that reported in along with us.

PROFESSOR LAYMON: There's a gentleman that's been standing patiently back there.

HOWARD KEITH: Mr. Chairman, I'm Howard Keith. The airman here is subject to two types of law the people should know here: Civil law and military law. They are bound by what they can say. The question directed to Mister -- the airman there now -- about family housing -- why not have somebody call the Family Housing and get the reading on it to be sure as to their policy, instead of directing the question to him. He doesn't work in housing -- Family Services. The housing service is a charitable thing by the wives of the airmen and officers, and they give that service freely, and they work there freely on their off time.



They have the different listings. As to whether the listings are categorized as to who will or who won't, why not call the Family Services -- they're open there -- and get a reading, instead of directing the questions to one individual because he's bound by law to state certain facts that he don't know if he can state or can't state.

PROFESSOR LAYMON: Another gentleman.

MR. MANUEL COREY: I'm with the USO, and I would like to come forward and present a letter as well as make some statements.

PROFESSOR LAYMON: Would you identify yourself by name, please?

MR. MANUEL COREY: I'm Manuel Corey; the director of the local USO. I'd like to say, to begin with, that I have been here since October of 1961, and at the USO we have handled quite a few housing listings in terms of people calling in, and we would try to get prospective tenants through the service personnel that were requesting it. At the time that I came here, we had one word on the application form. The question was asked the individual: Whether or not that they would take colored personnel as tenants. This particular list at that time was separated from the others, running about 10% of the total amount of applications that we received. We're running something like a hundred now. However, the interest that I had in it is the fact

that we -- in the USO, we are a non-segregated organization. We -- We were also approached by the civil rights group here in town with the idea of removing this letter or this statement -- the word "race" on our application. This was done. Since then -- This was done about three months ago. Since then we have no way of finding out exactly, unless the colored personnel come back to the USO and tell us that they have not been able to find housing. There has been only one instance where a boy has returned to the USO, as far as the colored personnel is concerned. He contacted approximately twenty-five families. His statement was that -- When he came back to the USO, that they had made the statement that this particular house that he had contacted -- the twenty-five of them, rather -- were rented. We felt that it would be necessary, in order to keep our files up to date, that we would call those prospective landlords and ask them whether or not the rooms or houses, were available still. Three of the twenty-five had been rented. The rest of them were still asking to be taken or kept in the active files so that we would be able to rent them for them. I have here a statement that was written by the chairman of the local USO committee that I would like to read. It is to the State Advisory Committee of the US Commission on Civil Rights. "Gentlemen: The United Service Organization of Rapid City is not in a

position to be of much value to express an opinion on the degree of discrimination that exists for non-white servicemen of this area. The USO does work in locating housing for military personnel whenever called upon. House and apartment listings are handled by us. There are a few non-white servicemen and/or their dependents who request this service at the USO. In the past several weeks there has only been one instance reported where it had been difficult to find proper housing facilities. Sincerely,  
Edward L. Tullis, Chairman of the USO Committee."

MR. RAFF: Mr. Corey, there is one -- there is one thing I would like to have awfully clear in my mind, personally. Did you tell us that within the last couple of months, one Negro airman was given a number of addresses; went out and contacted them and returned to you saying that he had contacted twenty-five people and that all twenty-five had told him that their places were already rented?

MR. COREY: That is true.

MR. RAFF: And that subsequently, sir, you, to see if your files were accurate about the current situation, made a telephone call to all of those twenty-five, and only three of them told you that they had rented their properties, and twenty-two of them, in other words, despite what they had told the Negro applicant, still wanted to be on the open file?

MR. COREY: This was done by the USO office.  
That's right.

DR. PALMER: Do you have any reason to believe that the statement that this person made to you relative to his contacting these people was misrepresentative -- misrepresented to you?

MR. COREY: I don't think so.

DR. PALMER: You believe he actually did contact these places?

MR. COREY: I would say, "Yes." I believe he did.

DR. MUNSON: Just one thing, Mr. Corey. Do you have a -- Does the USO have a -- have a tentative plan in any way for removing from the list those people who had theoretically said that they would not discriminate, or at least said they would accept applicants, and then turned -- turned around and denied them when they were Negroes?

MR. COREY: No, sir, there's nothing been done as far as policy is concerned in this direction. It hasn't been discussed by any of the committee.

MR. RAFF: When you were -- During the first six months that you were in Rapid City, sir, you certainly were acquainted with the broad fact about rental housing that Mrs. Ghere mentioned so well; that is, that there was a great demand for such housing and that rather fabulous rents were being offered, and would you agree with her that, at

least back in that time, it would have been difficult for anyone to locate a home.

MR. COREY: No, sir. The housing, as far as the USO is concerned, up to, say, three months ago, as I say, was listed -- it was scarce, so-to-speak, but at no time, up until the time we removed the question -- the word "race" from our questioning of the prospective landlord, has there been, you might say, emptiness of the file, from the standpoint that there was always housing for colored personnel, even though they might have been sub-standard. I don't know. We don't go into that.

MR. RAFF: A little bit earlier, you said that -- You mentioned the figure "10%." By mentioning that, did you mean that those cards on houses where Negroes would be permitted were about 10% of the number of the cards that would -- that would take what, sir?

MR. COREY: I would say that was about what they were running, yes, sir. About 90/10.

MR. RAFF: About 10% of your rentals?

MR. COREY: That's right. About 90/10 at the time. But I don't know now what it is. We have no way to check.

DR. PALMER: Were you -- Did you have any awareness at all of the nature of the places which were open to Negro servicemen or the area of town? Was there anything that

would say that -- would lead you to believe that it was sub-standard?

MR. COREY: At the particular time, the only street that I was familiar with, in one sense of thinking of that -- that they might have been sub-standard housing was the fact that several on Rapid Street were listed for colored personnel, and that's by the railroad track, but other than that, I don't.

PROFESSOR LAYMON: Does anyone else have any questions? Yes, Ma'am.

MRS. V. R. WASHBURN: I'm Mrs. V. R. Washburn, and I'm secretary of the Mayor's Committee on Human Relations, but I'm a landlady. Five and a half years ago, we rented three tourist cabins that we had been getting twelve dollars a night for to colored people. I called the Family Services at the base and had it listed, and in that five and a half years, I have never had one referral from the base. Sometimes I will have a vacancy for two or three months, and I will call the Family Services and say, "We have one vacancy, and if we cannot get it filled with colored people, we're going to ask the ones that are there to move out," and they say, "Well, I'm sorry that's your problem. We can't help you." So evidently the Family Services is not doing their job. And then this last time I called the USO they told me they could not list my place for colored be-

cause the NAACP would not allow it. So, for the next day or two, no matter where I was on the place, and the phone rang, why, I'd answer it, and they'd say, "May I ask you if you rent to colored." Now, I can't see that that is helping the colored situation. We have even -- You will hear people say that there is a lack of housing for colored people. At times when we have had housing, and we're on -- at 1727 West St. Joe Street, across from the West Side Safeway, which, I think, is a good location; we have even advertised on Smoke Signals so it would be put out over the air. We have read the paper. And if anyone says -- this minister says, "We need housing for colored people." I call the minister up and say, "We have a place vacant, and do you know anybody that needs one?" He would say, "No, I don't know anyone, but you will sure get it because we hear that there are needs." And that's my situation.

DR. PALMER: Ma'am, may I pose a question to you? Ma'am, are you saying that the only way that you can rent your apartments is on a segregated basis? That you cannot rent your --

MRS. WASHBURN: No.

DR. PALMER: -- and that you cannot rent your apartments on a integrated basis?

MRS. WASHBURN: No. We do it because we think that they -- See, there are three places fairly close to-

gether there that is just the width of a car in between. We figure there are so few places they can go in town, they would enjoy each other more if all three were rented to colored.

DR. PALMER: Have these people indicated to you that -- that if you were to rent one of these apartments to --

MRS. WASHBURN: No.

DR. PALMER: -- to a white person, that they would want to leave?

MRS. WASHBURN: No. We have had white people offer to move in with the colored.

DR. PALMER: But you do not allow them to?

MRS. WASHBURN: We say that we think they would enjoy more being by themselves.

DR. PALMER: That is, you tell them that you think that they would -- that the --

MRS. WASHBURN: So we are discriminating against the whites.

PROFESSOR LAYMON: How do you know that they would feel that way? How do you feel about this, personally? Do you think that they would actually be happier?

MRS. WASHBURN: Well, they visit back and forth from place to place from six o'clock in the morning until twelve o'clock at night.



PROFESSOR LAYMON: But do they ever tell you that they preferred -- they prefer it the way it is?

MRS. WASHBURN: No.

PROFESSOR LAYMON: You just think that they would be happier?

MRS. WASHBURN: No. We have discussed it with them. They haven't been -- made any vocal preference. William Chase was one of our renters, and he told us that they preferred to associate with their own kind. He was one of our first renters.

PROFESSOR LAYMON: That is a very interesting observation.

MR. CHARLES HARDY: Your name, please, so I can address you, if I might.

MRS. WASHBURN: I am Mrs. V. R. Washburn.

MR. HARDY: Do you think one person can speak for the masses of people? Do you think that?

MRS. WASHBURN: I wasn't trying to. I'm just speaking for me.

MR. HARDY: You say that you think that they would prefer living together and that they socialize with one another into the wee hours of the night.

MRS. WASHBURN: We did ask Mr. Chase, and he said, "Yes, we prefer to go in restaurants with our own people. We prefer to go to movies with our own people."

We prefer to live with our own people."

MR. HARDY: I think that is possibly because the problem is so real and so pressing until there are no other means of social activities or recreation available to these people. They have nothing else to do but socialize with each other.

MR. ANTHONY WILLIAMS. Mrs. Washburn --

PROFESSOR LAYMON: We can't get your name.

MR. ANTHONY WILLIAMS: My name is Anthony Williams. Mrs. Washburn, is it not true that you own more than three houses -- those three cabins that are there?

MRS. WASHBURN: No, sir. We own the whole two acres there, other rental property, but it's not housing.

MR. WILLIAMS: Is it not true that you told Mrs. Carter -- Mrs. Dallas Carter -- that you rented the other properties only to whites?

MRS. WASHBURN: No. We don't have anything, except those three cabins.

MR. WILLIAMS: You have no other houses?

MRS. WASHBURN: No. We have Harry's Custom Lighting and the Liberty Oil Station and our own residence.

MR. WILLIAMS: I seem to be misinformed. Mrs. Carter did tell me that the reason that she moved was because the apartments there were too small for her family, and she said that she knew that you had other properties,

and she said that she asked you, and you had told her that they were not for rent for colored people.

MRS. WASHBURN: That's all we have. And she did not -- She did not ever ask for anything else. In fact, she came up two days before they moved and said, "We're leaving in two days." And that's all I know.

MR. WILLIAMS: Do you have any vacancies now?

MRS. WASHBURN: No, sir.

PROFESSOR LAYMON: I think we might -- we've pretty well beat that topic out.

MR. WILLIAMS: Mr. Chairman, I have one more bit of information that I might pass on to Mayor Raff. He was wondering whether Family Services did list these things as to racial preferences -- these rentals -- and I can tell him that they do not because air force regulations do not allow these things to be done this way. They have a prescribed format for all correspondence, forms and written communications and these must be strictly adhered to.

PROFESSOR LAYMON: Any more statements with respect to discrimination? I think this gentleman here was --

MR. LEWIS GRAY: May I ask the airman there a question?

PROFESSOR LAYMON: I think so.

MR. GRAY: You said when you were looking for housing that you come across this place where there

were several white airmen living there with their wives?

MR. WATERS: Yes.

MR. GRAY: And the landlord said that he couldn't rent it to you because they would move out?

MR. WATERS: Right.

MR. GRAY: Now, isn't that white airman -- in that instance, isn't that the white airman discriminating against you?

DR. PALMER: May I just --

MR. WATERS: You see, the white airman doesn't own the place. I don't see how he could tell his landlord who to let in and who not to let in on his place. But you can interpret it to mean whatever you like.

DR. PALMER: This is a problem. May I just say for clarification that it's a real problem in relation to the whole area. Namely, that it's awful hard to pinpoint discrimination. Now, this gentleman talked only to the owner -- or the renter, and he is in no position -- I mean, you are assuming that what the person said is true; that they are the ones who would, say, move out, and this is something that is a very gray zone as far as understanding is concerned, and -- and I think we have to be careful not to make assumptions on either side that are unwarranted. He can only go by the response he gets from the person that he talks to, as would be the case with all

of us.

PROFESSOR LAYMON: The lady --

MRS. EVELYN MERRITT: Evelyn Merritt again. I cannot say what the Family Service policy is, of course, but we do have a small rental unit in the lower income bracket, and I did call Family Services. I opened the conversation by stating that we would rent to Negroes. As a matter of fact, with the existing problems, we understood, we would prefer to because of the situation. They closed the conversation by saying, "And you will rent to Negroes?" A question. Whether this is always done or not, I don't know.

PROFESSOR LAYMON: Any other observations or statements?

SERGEANT BRADLEY: I'm Sergeant Bradley from Ellsworth. Back during last year there were about seventeen or eighteen substandard units on base for personnel who were sort of financially embarrassed.

DR. PALMER: Would you come up front, please, so we can get that on the record. And state your name once again, please.

SERGEANT BRADLEY: I'm Sergeant Bradley from Ellsworth. Back last April on the base there were about seventeen or eighteen substandard units on base. The majority of the personnel who lived in those units were

Negroes; most airmen second who were not entitled to government quarters. The 26th of April, I believe, there was a letter sent to them from the base commander telling them that these units would be closed because they were not up to standard. Most of those Negroes who lived in those units either -- could not find housing in Rapid City. They had to send their wives home because they could not find sufficient quarters in the Rapid City area. There is one gentleman there now, Airman First Class Herbert Ukley, he has sent letters to the base commander and contacted the USO and the Family Services. His wife had to go home. She is at home right now. I know he has spent time on end trying to find units in this area. Still he does not have a place to live. His wife took sick. She's in the hospital, and he's still trying to find a place to live. He has four children. And right now he is still in the process of looking for a place to live.

DR. PALMER: May I ask a question? Do any of those Negroes living in those units -- Do you know that any of those persons were forced to buy a home?

SERGEANT BRADLEY: No, I do not.

MR. JOSEPH RICHARDSON: I think I have one affidavit to that effect.

DR. PALMER: I would like to turn to that, if we could.

PROFESSOR LAYMON: Would you bring it forward.  
Do you have it present?

MR. RICHARDSON: - I think so. I'm not sure.  
The affidavit which I have here states that Sergeant T. W. Gray and his wife tried to buy a house when they first arrived here in Rapid City in 1959 in September of that year, due to the fact that most people who had places to rent flatly refused to rent to Negroes. "However, the manager, head renter, of Private Homes kept putting us off for nearly a month. Then one day he called and said he was sorry he could not sell us a house. When I asked him why, he did not give a reason, but he said that he just couldn't sell us a house. I finally got him to admit it was because we were Negroes." Now, it is to my understanding that since that time, Staff Sergeant T. W. Gray has bought a home. I think it's about four miles north of the base -- air base.

DR. PALMER: He is not present today?

MR. RICHARDSON: No, he isn't. But if necessary, I'm sure that we can contact him and he will come in at a later date -- I mean, at a later time this afternoon; that is, after he have completed his military obligations.

PROFESSOR LAYMON: Are there any other comments or questions?

MR. RAFF: His contact was with Private Homes

Incorporated in Robbinsdale? Is that right?

MR. RICHARDSON: I am not sure.

MR. RAFF: Private Homes is the name of the company of the manager?

MR. RICHARDSON: He did not name the --

DR. MUNSON: I thought he did.

DR. PALMER: Yes. Private Homes.

MR. RAFF: He was not seeking to -- Was he seeking to rent property or to buy?

MR. RICHARDSON: He was seeking to buy.

DR. PALMER: And you said that he sought to buy because he could not rent?

MR. RICHARDSON: Because he could not rent.

DR. PALMER: I wonder if we might ask, if it be possible, to have this gentleman -- ask if we could get him here because I think it would be interesting to inquire a little bit into what kind of a situation, particularly financial, he was put in to by virtue of the circumstance. Would it be proper for us to request that an emissary be sent to contact him and see if we could get him here before our meeting is closed?

PROFESSOR LAYMON: We only have an hour and fifteen minutes. Mr. Chase.

MR. IKE CHASE: I wonder if I can clear up that point. I wasn't going to say anything -- everybody



wants -- My name is Chase. I'm a former member of the civil rights committee and I'm a landlord, and I took up a similar matter with Private Homes once, being on the Mayor's Committee. If you want me to, I'll clear the thing and maybe give you a little light on the subject, I don't know.

DR. PALMER: About this case?

MR. CHASE: In about three minutes. Yah, about that case or any other.

PROFESSOR LAYMON: Would you like to come up? Why don't you come forward, Mr. Chase?

MR. IKE CHASE: Well, it'll save you sending an emissary. My name is Ike Chase. I been on -- I was on the -- on your committee until properly I was put off when the Democratic Party came into power. I have no quarrel with that. We had a hearing here and --

DR. PALMER: I would like to straighten out the record on one thing, and that is that this is a bipartisan or nonpartisan, more appropriately, -- committee, and the question --

FATHER SIEH: I think this is most important.

DR. PALMER: -- and the question has never been raised by committee members about political affiliation --

MR. CHASE: Oh, I know that.

DR. PALMER: And the second -- The second thing

is that this committee is constituted by an act of congress on a two-year basis periodically, and every time that there is a reconstitution of the committee by congress, then appointments are made in accordance with the rules and procedures of legislation. And I think it's unfortunate that there be introduced into this session any implication whatsoever of political involvement.

FATHER SIEH: There are some of us who would not be on this committee, if we felt that we were compromised in political terms -- or I shouldn't say "compromised."

MR. CHASE: Gentlemen, I shouldn't have said it. I -- I -- We used to say the same thing. We didn't care what Republican was elected, we were bipartisan, too. I want to take up this one question. When I was on the committee. You asked about Robbinsdale. I took it up with Robbinsdale. Said, "Will you do this?" And they agreed with it if -- "Will you try selling a house to a colored man or two colored men, and we, in return, will agree with you that if anyone next door or in your project says, 'I want my money back.' You ruined my value of my house.' We will refund you your money." And they said, "All right. We'll try it, Chase." And so they did. And we were up against immediately refunding the money, and what was amusing to me was that the Private Homes agreed with me -- when they checked into the thing further, they said, "We won't ask

you for the money;" they said, "That fellow's only paid a hundred and fifty down. That's all he's paid, that's complaining, but, Chase, we want to give you the facts of the matter now, and we want you to see our position," and before I was through, I agreed to it. Now, I want to make this general statement that as a member of this committee before; as a member of -- been working on this. I been working -- worked on it for many years because every city meeting I came to in any part of the country, this issue you're talking about today came up. It always wound up this way in my opinion: The people to blame for this are not the landlords. They are not the barber. They are not the bartender. It's the people themselves. That's what you're up against, is the blame. I have rented to colored people. I have twice -- you know, Mr. Rudell -- I tried to get public housing in this town, and every time -- I wasn't defeated in the city council. I was defeated by the people, and I've quit. Now, you'll verify that, will you not?

MR. RUDELL: I'll verify that.

MR. CHASE: That's what you're up against. Now, as far as calling Private Homes --

MR. JOHN LARSON: I think the record should show, Mr. Chairman, -- I'm John Larson. Mr. Chase was born in Rapid City and lived here all his life. He's been mayor

of Rapid City for, I think, three or four different terms, and he's been on the city government -- a member of the city government for the last twenty-five or thirty years; served on the draft board with the United States Army during all of the time that it's been in existence, and his opinions should carry a lot of weight.

DR. PALMER: Do I understand the essence of this to say that then: Essentially you could not get a home here because the people next door would ask for their money back?

MR. CHASE: That's what happened.

DR. PALMER: The people of the community essentially -- essentially are opposed to living next door to Negroes -- just the color of their skin. Is that -- is that speaking the sentiment of the community?

MR. CHASE: No, the people aren't -- The people don't object, I don't think, to the color of the skin or -- that -- the people object because they think it lowers the value of their house. Now, that's my opinion. And, actually, in this Private Homes deal I'm telling about where we offered to refund the money, it was a captain at the air base that was the first that demanded his money back.

PROFESSOR LAYMON: Has there been any evidence of lowering of property values from this?

MR. CHASE: My own personal opinion in this town

and other towns is: If the whites wouldn't get panicky, you know. For instance, on Colorado Boulevard -- I spent a couple of days down there on this same issue now, and I've been in St. Paul on this same issue -- that it's the panic of the whites that -- the whites flee, and then that lowers the value. You can read that in the Saturday Evening Post. You don't need to take my word for it. But my own opinion that I want to put across to you is that -- after many years on this -- the fault lies basically with the people; not with the businessmen or the landlords. He would be glad to. He don't care. Go ahead.

MR. RUDELL: Ike, would it be putting words in your mouth to say then you agree that prejudice is widespread in Rapid City?

MR. CHASE: The only place -- In my opinion, the only place in the United States where there isn't any race prejudice is where there is only one race. I can say that.

MR. RUDELL: You agree with the New York Times statement then that Rapid City is prejudiced?

MR. CHASE: Why, certainly. There is prejudice everywhere, yes.

MR. RUDELL: Okay.

MR. RAFF: Anatole France once said that, "The man who claims he has no prejudice is himself guilty of the greatest prejudice."

MR. CHASE: That's right. Thank you, gentlemen.

MR. RAFF: Thank you, Ike.

DR. PALMER: Let's go back to those affidavits.

PROFESSOR LAYMON: Mr. Richardson -- Well, just  
a second --

MR. STEWART STEELE: I'm Stewart Steele. I have the civil rights -- I'm Stewart Steele, president of the civil rights committee -- Black Hills Civil Rights Committee. I have the civil rights file on housing, which I will submit to you and will summarize rather briefly. The questionnaires which Mrs. Smith mentioned, in the bars and cafe category, also dealt with housing. There were nineteen questionnaires submitted to married Negro servicemen or their dependents at Ellsworth. Of those nineteen, nine listed housing problems and four of them said that the main problem as far as racial discrimination in this area is concerned is housing. That included one statement that racial discrimination, and this was the instance that Sergeant Bradley was pointing out, that racial discrimination by landlords was responsible for creation of a Negro neighborhood in housing at the base because the respondent said that Negro servicemen had a harder time finding housing; therefore, they were concentrated in this one area of substandard housing at the base that was used for hardship cases. That has since -- They have since been forced to

move, as Sergeant Bradley said. There is one report which Sergeant -- or which Airman Richardson has covered by an affidavit concerning the refusal of a home developer not to sell the housing by race. That is covered in these questionnaires. There is a -- one questionnaire here from a woman who said she spent thirty-three dollars on long distance telephone calls before finding two places in Rapid City that would rent to Negroes when she learned that her husband was going to be transferred to Ellsworth. There is a complaint in here from one respondent to these questionnaires that a list of rentals supplied by the USO was of places, and these are the words of the questionnaire: "Not fit to keep pigs in." Or, "With rent so high they were out of the question." Two of the respondents said that there was fear on the part of the landlords about what the neighbors would think if they rented to Negroes. Now, in addition to the questionnaires, we have some other information here -- several other cases which have been brought to the attention of the civil rights committee. In August of 1961, a case reported in the Rapid City Journal was of Airman Williams Hardy who, with his wife and four children, were forced to live in these temporary quarters at Ellsworth for more than three weeks while searching for housing. He was told by several property owners, including one who had agreed to rent to him before finding he was

Negro, that he couldn't -- that they couldn't rent to Negroes. Then in April 1960, a Negro sergeant who, with his wife and four children, were told to move from their home in the Robbinsdale area of Rapid City by the property owner because of telephoned, anonymous threats, and in December 1959, a Negro serviceman and his wife, who had just been released from the hospital with a six-day old baby, were refused admission to an apartment on Signal Heights in Rapid City. Now, in addition to the complaints on housing, we do have one very bright thing. Shortly after the civil rights committee was organized, it ran a small blank in the Rapid City Journal and submitted petitions through the churches in the Rapid City area asking people to pledge that they would welcome, as neighbors, on an individual basis, all persons without regard to race. We have collected this list of names which is twelve hundred eleven signatures. Some of -- Quite a few of them are of couples and not of individuals. That is -- these were collected in -- voluntarily, of course, in a rather short time. There is the file. If you have any questions, I would be glad to answer. It's all a matter of the record of the civil rights committee, and I have no personal knowledge of it, beyond the compiling of it.

FATHER SIEH: I would like to ask Mr. Chase another question. There was a hand of applause for you,



Mr. Chase, after you made your statement that where -- the only place you don't have discrimination is where there is only one race. Now, this would imply that discrimination is a very widespread thing. Right?

MR. CHASE: Correct. Yes.

FATHER SIEH: Do you ever approve discrimination?

MR. CHASE: Personally, I admired these colored men when they testified this morning, and personally, I -- I -- I don't -- It doesn't make sense to me. Now why? Only it's hard for me to say why there is. Now, I want to tell you another story I -- I heard in a hearing of yours, if you want to hear of discrimination. I was sitting in a civil rights committee meeting on the Hutterites -- eastern South Dakota -- This is your committee, and a neighbor -- a white farmer -- I can't see why -- but a white farmer got up and says, "Couldn't we have --" He said, "Can rain making influence hail storms?" And I remember that. And somebody said, "Yes." Well, he said, "Now, I wish we could have rain making in our area and have all the hailstones fall on the Hutterites." Well, now, that to me was an illustration of -- I couldn't see any reason -- In the progress of that hearing -- I still can't see why that white farmer or that white -- not white -- it wasn't a question of white -- but why that farmer took that -- I rang door bells in a block on Colorado Boulevard in Denver. I was

taken out there by the mayor's committee of Denver and told where to go and I asked the question, "Now, why is there a 'for sale sign' on your house?" And they said, "Because look down the street. They have sold out to a colored man and this house will only be worth half."

Now, in Massillon, Ohio, a town of this size, an industrial case, I asked -- I went out to where there is the same -- to the colored district, and I said to a white man who wanted to sell his house, I said, "Why are you selling your house?" And he told me the opposite. He said, "Because it's near a colored district. It will bring a lot of money because the colored people can buy it." See, it doesn't make sense to me. You see what I mean? There in Colorado Boulevard one way, and Massillon, Ohio another way. Minneapolis -- St. Paul we were in the same here -- a little -- You better get me -- You better shut me up.

FATHER SIEH: I was just going to ask this: The fact that discrimination is widespread does not, in your mind, excuse it?

MR. CHASE: No. No. But I think it's also -- If -- If -- I think it is also in a colored district, they wouldn't want to see a white man move in the colored district. I think that's true.

MR. WILLIAM ARRINGTON: I don't think that's true,

myself.

MR. CHASE: I do. We established twenty acres for Indian people and restricted it to Indian people. We had protests because an Indian lady wanted to move a white husband out there.

MR. HOWARD KEITH: Mr. Chase, you say that the only place where you won't have discrimination is where there is one race. The human race -- we're all of the one race, are we not; the human race? Everybody?

PROFESSOR LAYMON: We have -- Would you like to --

MRS. MARY ZIMMERMAN: I would like to make one statement on housing. I think this has been the most difficult question. In states where I have lived, we have had public accommodations laws -- Washington finally got an omnibus law to protect the one that is not prejudiced, which is the majority. Sociologists have proven in their studies that the bigoted person is in the definite minority, which is about eight to ten per cent. The rest of the people are undecided until they watch and see what their neighbors do. When the law protects the decent law-abiding citizen, you have very little problem. I could cite you this whole ten-year study of civil rights in Washington State since they have had a law against discrimination in employment and in housing and in accommodations. It's

very interesting. And you will find that people are laboring under false impressions about property values. This has been corrected. If you want to get the recent movie put out by the San Francisco Fair Practices Commission: It's called "Property Values in Housing," and this has proved what many people have noticed, that there is no rhyme or reason on this thing, but in most cases, the property values do not go down; they go up after integration of a neighborhood, unless there is panic, as Mr. Chase has pointed out, and may I say that, talking about "your own kind," and having lived in many parts of the country, I recognize no one as being of "my kind" because of the color of my skin. My kind are people who believe in the American ideal, the Christian or the Jewish religion or some religion that recognizes that we are all brothers, and that we all have a definite patriotic duty to promote the Christian or the American ideal in our country. That is my kind of person, and that's the kind I want to associate with.

PROFESSOR LAYMON: Mr. Richardson has a few affidavits to present.

MR. JOSEPH RICHARDSON: I would like to say at this time, I will call upon Mr. Elmer Palmer. He is a personnel who is stationed at Ellsworth Air Force Base and he's not eligible for government quarters.

MR. ELMER PALMER: My name is Elmer Palmer. I am an airman stationed at Ellsworth, and I have here an affidavit which was -- has been stamped by the notary public. "I, Elmer Palmer, being first duly sworn, dispose and say: that on September 9th, 1962, I was refused housing at Bertelsen's Trailer Court." That's adjacent to the air base. "On the above date, at approximately four p.m. Mountain Standard Time, I arrived at Ellsworth Air Force Base, South Dakota, accompanied by my wife and two daughters. I called Bertelsen's office and the lady said immediately she had a trailer for rent. After inquiring about the size of my family she asked," and I quote: "What race are you?" Unquote. "After telling her that I was Negro, she stated," and I quote: "The owner of this trailer asked us not to rent it to colored people. I am sorry. I don't know why they won't rent to Negroes." Unquote. "I made it clear that this was an emergency and that I needed housing desperately because I had an infant baby with me only six weeks old, but the lady said she could not rent it to me."

MR. JOSEPH RICHARDSON: I would like to ask Mr. Palmer a few questions. Mr. Palmer, where did your wife stay during the time that you arrived on base?

MR. PALMER: This was on -- This date was September 9th, which was a Sunday. My wife and two kids spent the night with a sergeant on base. I won't call his name.

And I lived in the bachelors' quarters on the base.

MR. RICHARDSON: Why?

MR. PALMER: Because I couldn't find -- At the BOQ they didn't have anything that was open. They were filled up, and I couldn't find a place -- any other place. I didn't come to town to check with any motels because we were short on funds at that time. I had an accident on the way up and destroyed my automobile and so forth.

MR. RICHARDSON: I understand that you said that they were filled up.

MR. PALMER: Who was that?

MR. RICHARDSON: The BO -- BOQ.

MR. PALMER: Right. That is the statement he gave me: That they were filled up and they couldn't accommodate anyone else.

MR. RICHARDSON: Did you explain to them the situation?

MR. PALMER: I did.

MR. RICHARDSON: And what was their answer to that?

MR. PALMER: The same thing. "We are filled. I'm sorry."

MR. RICHARDSON: In other words, they could care less?

MR. PALMER: Well, you have to make that interpre-

tation.

MR. RAFF: That's possibly a very --

MR. PALMER: That's the interpretation I --

MR. RAFF: -- fallacious interpretation. This would be highly subject to question.

MR. RICHARDSON: Mr. Palmer --

MR. PALMER: Yes.

MR. RICHARDSON: Knowing the circumstances, did they advise you as to whether or not you could find housing in Rapid City, or that some friend would put you up for tonight -- or that night?

MR. PALMER: There was an airman third, CQ, I guess you might call it, and he made no statement to that effect. He only stated to me that, "We are full. I'm sorry. We cannot accommodate anyone else." And I told him that I hadn't -- he asked me: Was I alone. I said, "No." He say, "Well, if you were alone, we could put you on the second floor of the building, but womens are not allowed up there." And I say, "That's not the problem." I wanted a place for my wife and kids to sleep. And he said, "I'm sorry. We're full." And that is all there was said.

DR. PALMER: So what did you do?

MR. PALMER: Well, I went back to the housing area -- a sergeant -- staff sergeant in the housing area that I knew, I went to his house, and I left my wife and

the kids there where they could get warm and get something to eat, and me and sergeant went to three other places, and we also called down town trying to find a place to live, and we inquired at the Villa Trailer Court which was full, and the V and H, I believe, Trailer Court, which is near the base, and we called the USO. They didn't have anything. And he called two landlords that he knew down town, and they didn't have anything. And the next day, Monday, I tried to get off duty to look for a house, and I wasn't able to get off duty because I had just signed in from leave, and they wouldn't allow me the time off, and after getting off work, I went to the -- to Bertelsen's, who had refused me Sunday, and the -- it was a man there that I talked to this time. I talked to a lady over the phone. And he told me that, "We don't have anything, I'm sorry. We had two trailers yesterday but we rented them today."

DR. PALMER: So what happened?

MR. PALMER: Well, I drove down town. Well, I got the Rapid City Journal, and I started to calling the different places that had houses for rent, and every one I called, just about, told me that they had just rented, and this one -- I don't remember the address or anything said, "No, Come on down." So I came down town, and after getting there -- I think it was on New York Street; I'm not sure right now -- but the lady said, "I'm sorry. We



have just rented it today." So I called another lady that was listed and she said she had rented the house she had advertised, but she had some cabins that she would rent, and so I asked her, "How much," and she said, "Eighty dollars a month." So I went to this place at 27 St. Joe, and she had a young man working for her there at the office, and I asked him, and he asked how many of us was there, and I told him, and he showed me the cabins, and told me that they rented for a hundred dollars a month, and the lady had just told me that they were eighty dollars. So I told him I couldn't afford that, and I called this lady again and told her what he had told me, and she told me to come down to -- that she would call him and tell him that the cabins rented for eighty dollars. So I paid him eighty dollars, and the next evening, I -- which was Tuesday evening -- I moved my family there. That's where we're living now at the -- at a tourist cabin -- at the Siesta Motel. We have been there since September the 11th.

DR. PALMER: Who's the gentleman living in the government quarters that we talked to a moment ago? What are you -- What -- Is there a standard rate out there on rentals for those government quarters?

MR. GEORGE WATERS: No, there's no standard rate.

DR. PALMER: What kind of variation is there in rent? What are you paying?

MR. WATERS: That is determined by your allowance; the amount of dependents you have, and rank.

DR. PALMER: I mean, can you give any idea of the approximate amount?

MR. WATERS: Well, in my case, I'm forfeiting seventy-seven dollars and ten cents a month.

DR. PALMER: How much?

MR. WATERS: Seventy-seven dollars and ten cents a month.

DR. PALMER: And what kind of accommodations do you have out there?

MR. WATERS: I would have -- presently I have a two-bedroom home. If I needed a three or four bedroom home, I would have the same thing, for the same.

DR. PALMER: What kind of accommodations do you have in your -- in your trailer court?

MR. PALMER: In the tourist -- I live in the Siesta Motel, tourist cabin.

DR. PALMER: Tourist cabin.

MR. PALMER: It's -- Well, two rooms, a kitchen -- kitchenette, is what they call it -- a bath -- or shower, And, in essence to the rate of rent for government quarters, it's -- this -- it depend on the number of dependents that you have.

DR. PALMER: Do you know what you would have to

pay if you were eligible for government quarters?

MR. PALMER: Yes. I would have to pay ninety-six ninety now, and after the first of the year it would be a hundred and five dollars, but I will get a much larger house.

DR. PALMER: There seems to be some disagreement there. May I take the liberty, Mr. Chairman, to call on Mr. Arrington to clarify this one point?

PROFESSOR LAYMON: Yah.

MR. WILLIAM ARRINGTON: My name is William Arrington. Now, the price they take -- the money that the government gives you for housing allowance -- for quarters allowance -- if I was living on base now, it would cost me fifty-one dollars and thirty cents for housing allowance. That's according to what the government gives an airman for housing allowance. Fifty-one thirty is what they give an airman for one dependent.

MR. PALMER: That's right. I have three dependents, so my allowance is ninety-six dollars and ninety cents. For one dependent you get fifty-one dollars and ten cents. Right?

MR. ARRINGTON: Right.

MR. PALMER: For two dependents you get seventy-seven dollars and thirty cents, and for three and over, you get ninety-six ninety. That's the standard government allowance, and after the first of the year that's changing.

DR. PALMER: So you are within your housing allowance or your quarters allowance with your dependents; are you, in this circumstance?

MR. PALMER: Well, the pay rate, yes. But living quarters, no.

DR. PALMER: They are not comparable?

MR. PALMER: No.

PROFESSOR LAYMON: Do you have any other affidavits, Mr. Richardson?

MR. JOSEPH RICHARDSON: Yes.

PROFESSOR LAYMON: If you would bring them forward. We're going to have to move along here.

MR. RICHARDSON: I have one affidavit here that I would like to mention at this time, and it is the affidavit of Mrs. Mary Elizabeth Jefferson. She is the wife of an airman -- air force personnel. It reads: "On November 23rd, 1963, I was given a list of possible rental units from the USO in Rapid City. We selected approximately fifteen names and addresses which were listed. After trying twelve addresses, we were told by each that the rental units had been taken. At one place on Eighth Street, the lady answering the door bell stated: 'No vacancies.' Her son ran from the back room announcing, 'Yes, we do have a place.' But after seeing Mr. Jefferson, he changed and said, 'Oh, I was wrong. The place is taken.' Because of

increasing discouragement, we were forced to buy a trailer." I have here other affidavits which at this time I will not take the time to read, but I will present them before this committee.

PROFESSOR LAYMON: Someone mentioned that we have another witness.

DR. MUNSON: Yes, she is due momentarily.

PROFESSOR LAYMON: Momentarily. Why don't we take a ten minute break. I have about twenty minutes to four. Let's adjourn again, let's say at -- very shortly after ten minutes of four, and then we can take some comments, not only from this lady who's going to show up, but from other people who haven't had an opportunity to speak but perhaps could bring some more insights into this discussion.

(Short recess taken.)

PROFESSOR LAYMON: Mrs. Gray? Is Mrs. Gray here?

MRS. THEOPHILES W. GRAY: Yes.

PROFESSOR LAYMON: Someone indicated that you have some testimony which would be helpful to us. Would you care to come up?

DR. MUNSON: Your affidavit was read. Now, we would just like to have you verify some of the details and talk about them. Mr. Palmer, you wanted to ask some questions of Sergeant Gray, you said, Well, this is Mrs. Gray.

DR. PALMER: Let me ask: When you -- When did you come to Rapid City first?

MRS. GRAY: We came in September, 1959.

DR. PALMER: September, 1959. And you and your husband came to Rapid City together. It wasn't a matter that he came, and you followed later?

MRS. GRAY: No. We both came together.

DR. PALMER: And what were your experiences when you first arrived at Rapid City?

MRS. GRAY: Well, when we first got here, we went to the base, and to the housing department, and they said that they didn't have any base housing, but we could, you know, try around in town, and they informed us that it would be, you know, a little difficult.

DR. PALMER: Can you speak up so that some of those people in the back of the room might hear. They suggested that it might be difficult for you to find housing?

MRS. GRAY: Yes. Yes. Yes, for us to find a house. Well, anyway, they sent us to the USO, and when we went down there, the lady at the USO told us that it was a little difficult, you know, to get housing for Negroes, but they have been, you know, trying to find people who were willing to rent to Negroes, and she gave us a few addresses, and just then the phone rang and someone called in about a house. We went to see about it. We were very,

lucky then, and we got the house.

DR. PALMER: That is, you rented it?

MRS. GRAY: Yah, we rented the house, but where the difficulty arose, the house was a little small. We have two children, a boy and a girl, and it was a little small for us, and we thought we would try and find a bigger place. Then we ran into difficulties.

DR. PALMER: And you tried to rent again then?

MRS. GRAY: Uh huh.

DR. PALMER: A larger place?

MRS. GRAY: Yah.

DR. PALMER: And would you tell us what was the sequence of events then?

MRS. GRAY: Yah. Well, I can't remember the names and the places, but we went to several places and quite a few of them would say, "It's been rented," you know, "before." Or, "Someone came yesterday," or something like that. And one or two people came, you know, right out and told us, says, "I'm sorry, but we don't rent to Negroes." And then we decided we would buy a house, and then when it was time to leave, we could --

DR. PALMER: Did you decide to buy the house because you could not find rental property?

MRS. GRAY: Yes. Yah, we couldn't find -- You could find places to rent but it wasn't suitable, you know,

to us to live in, and we decided then we'd buy a house, and we weren't expecting to live here all the time, but when we left, we thought that we could sell it or maybe rent it to someone else, and we went to several real estate offices, and what they have to show us weren't satisfactory.

DR. PALMER: They were not satisfactory?

MRS. GRAY: They weren't satisfactory. So we went over to Private Homes, Inc. The first time we went, the secretary in the office gave us a key and told us, you know, to go and look at several houses because the salesman was out that day. We went and we looked at two or three houses that day, and we came back and told her that we liked one and she said, well, she'd set up a day for the salesman to take us around and have us look at it. We went back the next Saturday and she said, "Oh, I'm sorry," she said, "the salesman is ill, and you won't be able to look at the house today." She gave us another date, and that happened about three or four times, and every time we went, either she would say he was out or would be back or was ill or something else. Well, one day I was home and the phone rang, and I answered, and he said, "This is the sales manager of the Private Homes, Inc. I'm sorry, we won't be able to sell you a house." And so I said, "Oh, have you stopped building? Or don't you have any available or what?" And he says, "No, that's not it. We just won't be able to sell



you a house." I says, "Well, you must have some reason for not wanting to sell us a house." And he just hung up the phone. He didn't say another word. So I was a little disgusted, and I dialed again, and I got the manager, and he says, "I'm sorry, but we can't sell houses over here to you people." He says, "It's not my fault or anything. We just can't sell a house to you." So we didn't bother about trying to get another house anywhere else. We just waited until we got in base housing, and we moved out there.

DR. PALMER: And you are not living in base housing?

MRS. GRAY: We're living in base housing now.

DR. PALMER: I see. Mr. Richardson? Are you here?

MR. JOSEPH RICHARDSON: Yes.

DR. PALMER: Did you have a person who had bought a house or did you -- These were the people who had wanted to buy a house; is that correct?

MR. RICHARDSON: Yes.

DR. PALMER: If you were -- What were going to be your financial arrangements for buying this house if they -- if they had said it was all right? Had you considered that at all?

MRS. GRAY: Yah. Well, when we got here first, we had a little money saved, and we thought, you know, we had enough for a down payment and everything, and I thought

discuss terms?

MRS. GRAY: No, we didn't get anywhere to discuss money, they just --

DR. PALMER: Had you, at any time, had another opportunity to move into base housing prior to the time that you finally did move in?

MRS. GRAY: No.

DR. PALMER: Did you have any desire actually to -- I mean, at any point where you would rather have bought a home rather than live on the base?

MRS. GRAY: Yes. Well, actually, we would much rather have lived in the house we were living in on Blaine, if it wasn't too small. We would much rather have stayed there, rather than going to the base.

DR. PALMER: That is where you were renting, except for the size?

MRS. GRAY: Uh huh.

DR. PALMER: Why would you have preferred staying there, rather than going on the base?

MRS. GRAY: I don't know. I would just much rather live, you know, outside in the community, I would say.

DR. PALMER: You would rather live in the community?

MRS. GRAY: Yah.

DR. PALMER: The base community is not the same

I was working and my husband, you know -- both of us -- our incomes combined, we would have been able to meet the payments and everything else.

DR. PALMER: And so --

MR. IKE CHASE: I couldn't hear. Could I ask that that amount of money would be -- Could you give that again. You couldn't hear. We can't hear you. What did you say the amount of money was?

MRS. GRAY: Well, I didn't say the amount of money. I said the amount of down payment that they wanted on the house, we could have afforded that. The question of money never arose.

DR. PALMER: Then how would -- How would the balance of it have been financed then?

MRS. GRAY: You mean through the -- Would it be financed through the bank? Or what?

DR. PALMER: Yes. Would you have gotten a loan from a bank or would you have gone through the GI Bill, or was your husband eligible for the GI Bill or FHA --

MRS. GRAY: No, I --

DR. PALMER: -- Insurance or --

MRS. GRAY: No. I think he would have gone to the bank or maybe FHA.

DR. PALMER: Either the bank or FHA.

MR. RUDELL: But you didn't get far enough to

as the Rapid City community?

MRS. GRAY: No. It's all right. I like living on the base. It's not that, you know, I don't like it. But I would much prefer, you know, to live on the outskirts of the base, rather than right on the base.

DR. PALMER: You feel that you are not really free to live off the base, as a result of the circumstances then that you face?

MRS. GRAY: Well, as a result of the circumstances, I was really very glad to get on the base. Let's put it that way.

DR. PALMER: In other words, you had a change of heart, and -- about your feeling about the base?

MRS. GRAY: Yah. Uh huh.

DR. PALMER: Now, why -- What was it that made you feel now that you are glad to get on the base?

MRS. GRAY: Well, I thought -- well, if I got on the base wherever there was a good house, that was all right. Nobody would tell me: Well, you couldn't live here because you's Negro. There was a house available and I'd get it just because I was another person or another service-man's wife that's in need of a house that was available.

DR. PALMER: Where did you come from prior to coming to Ellsworth here?

MRS. GRAY: We came from England. Brentwaters.

We were stationed at Brentwaters.

DR. PALMER: And where were your homes originally?

MRS. GRAY: My home is in Jamaica, West Indies.

DR. PALMER: Jamaica, West Indies?

MRS. GRAY: Uh huh.

DR. PALMER: And your husband?

MRS. GRAY: He's from Oklahoma.

DR. PALMER: From Oklahoma?

MRS. GRAY: Uh huh.

DR. PALMER: And when you arrived in Rapid City, did you have any indication at all that you would encounter the things that you did encounter?

MRS. GRAY: No. As a matter of fact, I was very much surprised because most of the -- I have heard a lot about racial discrimination here in the United States, and everyone mostly that I met always said that once you left the South and came to the Midwest or farther North, you didn't find any racial discrimination at all.

DR. PALMER: And you were actually looking forward to living as a member of the larger community of Rapid City?

MRS. GRAY: Yes. Uh huh.

DR. PALMER: And you were precluded from doing this because of the circumstances of housing, as far as you see it?

MRS. GRAY: Yes.

DR. PALMER: I wonder if there are any other questions that members of the committee might possibly like to pose?

FATHER SIEH: Are there any facilities that are not available to you or less available to you living on the base than if you were living out in the city here?

MRS. GRAY: You mean facilities on the base or facilities in the city?

FATHER SIEH: Oh, I mean, like to laundromat, for instance? Would you have better access to a laundromat if you were living in town or living on the base? Do things of that sort enter into it?

MRS. GRAY: Well, that really doesn't enter it, living on the base because the base housing furnishes a laundromat -- laundromats -- washers and dryers, and that really doesn't come into it.

DR. PALMER: Father, may we -- May I suggest that we might word the question as to what differences she sees between living on the base as opposed to living in the city. Would that be appropriate?

FATHER SIEH: Yes.

DR. PALMER: Are there any big differences? Any advantages, or disadvantages, one way or the other?

MRS. GRAY: Well, when that happened -- the problem arose about the house, and I don't want to go by

hearsay, but I heard that several Negroes were turned away from different establishments in town, and, therefore, we just didn't go anywhere in town. You know, there would be a night when I wasn't working, and we would like to go out, you know, just for the evening or something like that, and we just didn't go if we didn't go to the NCO Club or the base movies. We just didn't go to town. It took us a long time before we ever even came to a movie in town here because we found out, you know, that they didn't let us.

MR. RAFF: You have very seldom come in to town then for a night out?

MRS. GRAY: Uh huh.

MR. RAFF: And very seldom come in to town to do your shopping; is that right?

MRS. GRAY: Oh, no, the shopping -- I have been in town to shop. I haven't found any problem as far as shopping is concerned. There hasn't been any problem. But as far as going out for an evening on the town or a night out or so, we just haven't gone. I told my husband, I said, "I would much rather stay home than to go some place and someone tell me, 'I'm sorry, you can't come in, not because you aren't dressed properly or you can't afford it, but because you are a Negro.'" And so to avoid the embarrassment, we just haven't been.

MR. RAFF: You are an employee at the Bennett-

Clarkson Hospital; aren't you?

MRS. GRAY: That's right.

MR. RAFF: Have you encountered any problem there in the hospital with the people you work with? Have you encountered discrimination from them toward you or from patients toward you?

MRS. GRAY: Well, I've had, I'd say negligent problems with some of the patients, but it hasn't bothered me really, because it hasn't been very much, but the girls I work with, I find have been very nice, and we get along together fine; the doctors and the rest of the hospital administration, we get along very well.

FATHER SIEH: How do you travel back and forth between the hospital and the base?

MRS. GRAY: I drive my own car, to and from work.

FATHER SIEH: How many miles?

MRS. GRAY: Altogether, it's about sixteen miles.

DR. PALMER: About sixteen?

MRS. GRAY: Sixteen. I live on one of the Nike sites, which is a little farther out from the base; about five miles from the base, itself, proper.

FATHER SIEH: Sixteen miles round trip? Or one way?

MRS. GRAY: One way. About thirty-two miles a day. Uh huh.



MR. RAFF: You talked about -- we're -- the committee is interested not only in the question of whether or not discrimination exists, but interested, secondly, in how extensive it is, and interested, thirdly, in the meaning of that discrimination to airmen, and their families there at the air base. Now, on this level of "meaning," you mentioned a while ago that when coming here, you hoped to take part in the larger total community life of Rapid City. Is that an accurate expression?

MRS. GRAY: Yes.

MR. RAFF: Now, what did you hope to experience in the larger community of Rapid City that you are not experiencing at the present time in the community at the air base government housing?

MRS. GRAY: Well, for one thing, I thought when we came to Rapid City, there wouldn't be any problem of saying: Well, you can't go to this night club. You can't go into this bar or you can't go into this restaurant. And if you want a cup of coffee or you want to sit down and have a decent meal, you can't come here. I'm sorry, you have to go some place else. Or they actually point and say, "Well, we don't serve you here, but you can go around the corner to the Sheraton-Johnson Hotel; you can get a drink," or something like that, "But we don't serve coloreds in here."

DR. MUNSON: Was the fact that you thought the

town would be more attractive to live in, was that because of the greater closeness of theaters, libraries and concerts and so on, of this kind?

MRS. GRAY: No. Before we came here, we had some literature on Rapid City itself and about the area, and the beauty of the Black Hills and everything else, and we just thought, well, we'd be living in the community where there wouldn't be any problem. You could go where you wanted to. You could see what you wanted to and enjoy the community as a whole, as though to say, "Well, you were born here and you can just -- you know what it is like, and we're here -- we've just come for a short time and we want to experience more or less, well, the same thing." Not just say, "Well, you have to see certain things, and you can do certain things, but you can't do the rest."

PROFESSOR LAYMON: Does anyone else have any questions?

(No response.)

PROFESSOR LAYMON: Thank you very much, Mrs. Gray. There are at least two people who would like to make a short statement. The first, I suppose, would be the Reverend Jerry Hill.

REVEREND GERALD HILL: Do you wish me to come forward?

PROFESSOR LAYMON: Please.

REVEREND GERALD HILL: My name is Gerald Hill.  
I'm the minister of the Canyon Lake Methodist Church.

DR. PALMER: Excuse me, one minute.

REVEREND HILL: Yes.

DR. PALMER: Do I have the affidavit from Mr.  
Gray, Mr. Richardson?

MR. JOSEPH RICHARDSON: Yes.

DR. PALMER: Thank you. Excuse me.

REVEREND HILL: And I am a member of the Black  
Hills Civil Rights Commission and also the representative  
of the Rapid City Ministers' Association to this committee  
meeting today. The association met today and drew up this  
very brief statement of our feeling. We state that, "We  
do not practice discrimination in Rapid City and that we  
abhor any practice of it at all in any public place." This,  
of course, is our -- our feeling, and that's the statement  
that we have for you. I do have, in addition, I think a  
list of -- of different groups within the church on a state-  
wide basis who are supporting a public accommodations law.  
Now, I know that you are concerned about many things besides  
that and not that primarily today.

DR. PALMER: Not at all with that today.

REVEREND HILL: Yes. All right. But I would like  
to submit this, if -- Would you like me to read it? I  
think what it indicates is a climate of change within Christian

groups and other groups within the state. Or do you just wish me submit it?

PROFESSOR LAYMON: Does this have reference to the public accommodations law?

REVEREND HILL: Yes. Uh huh.

PROFESSOR LAYMON: I don't think that we would want that information at the moment, but if you want to submit it to the secretary, it will be put in the file.

REVEREND HILL: Yes.

DR. PALMER: As he pointed out -- As I understand it, you are offering this as an indication of the feelings of a substantial body of Rapid City people.

REVEREND HILL: This is statewide, actually.

DR. PALMER: Statewide?

REVEREND HILL: Yes.

DR. PALMER: But Rapid City people are involved in these organizations?

REVEREND HILL: Yes. I have just one statement to make as a private individual. I have come recently to South Dakota. I have lived in Rapid City about a year and a half, and I thoroughly love this city and think it's a wonderful place to live. It has many wonderful advantages, but I would share -- It has been my impression, since coming here, when it comes to some of our real problems there is a tendency to overlook them and to kind of act as

though they don't really exist. I feel personally we would do a lot better to face up to them and to take some steps to make some improvements. That's all I have to say.

PROFESSOR LAYMON: Thank you.

FATHER SIEH: May I ask a question?

PROFESSOR LAYMON: Reverend Hill, someone would like to ask you a question.

REVEREND HILL: Yes.

FATHER SIEH: You said, "We do not practice discrimination in Rapid City." I mean you -- the ministerial association here believes there is no discrimination in --

REVEREND HILL: In the churches, sir. That's what I meant to say.

FATHER SIEH: In the churches?

REVEREND HILL: Yes.

MR. IKE CHASE: Mr. Chairman, just one question. You are speaking also for the Southern Baptist Church out in Robbinsdale? They don't -- Would they welcome colored people into their congregation?

REVEREND HILL: My understanding is that they would.

MR. CHASE: They would?

REVEREND HILL: This is my understanding.

MR. JOHN LARSON: Are you sure?

REVEREND HILL: I have not talked to them per-

sonally, but I understand that they do.

MR. RAFF: In your statement -- in the statement of the ministerial association are the words, "We abhor racial discrimination." I wonder if you would read that brief statement for us again.

REVEREND HILL: Yes. Well, it isn't -- I don't have the final form of it here. Our statement is that no churches known to us practice racial discrimination, and we do not approve racial discrimination at all in any public place. This is our statement.

PROFESSOR LAYMON: Thank you, Reverend. Secondly, there is Mrs. Calvin McLean who wanted to make a statement.

MRS. CALVIN McLEAN: I would like to make this statement: There has been lots of opinions formed by telephone conversations. I think anyone that has any rental property of any sort will find that renting by phone is poor business. It is that -- we run a motel -- the Hoover Motel. It didn't take me long to find out that it wasn't a good policy to rent over -- by phone. It wasn't colored people that taught me this policy, but I met with many encounters at my doorstep that had -- I could have avoided; so, hereafter, I say, "No." Or "Come down and see what accommodations we have. Maybe they don't satisfy you." And so I think over the phone is a poor way to form an opinion. Also, I know in calling people and asking them,

I know of many instances where they were asked over the phone, "Do you cater to Negroes?" Well, maybe this person does not cater, but he serves them; so I think that was an unfair question. And as far as the housing incidents, one consolation: They aren't alone. There is lots of discrimination because of white people because they have children. I know of that in many instances. So, the only thing I can say for them is they aren't alone in that. Some of their turning down -- this one instance that I know of -- was a lady from the South; she had no interest here. She was here today and gone tomorrow. It was her own personal opinion, and she is gone out of Rapid now. Thank you.

PROFESSOR LAYMON: Thank you, Mrs. McLean. Is there anyone else who has not had an opportunity to speak today who would like to make a statement. We have heard -- I don't know which gentleman was first. I think the gentleman in the blue shirt was first.

MR. VERNE BARNETT: My name is Verne Barnett. I have a rental agency that I'm putting around with a little bit in my spare time. It consists of about thirty-six houses, apartments and cabins. I also have a full-time job that I have been putting around with for nearly thirty years -- same location. But, I -- I'm very, very much against discrimination on this housing. It matters not to me whether the boy can buy him a highball or not. He

might be better off if he couldn't. But, I do -- my -- my heart bleeds for a family that -- especially this time of the year -- that can't secure adequate housing, regardless of their color. I feel sure that the thing has grown up all out of proportion, too, as the paper would let us feel, but I do think it exists, and I am awfully sorry that it does exist. Nine of these units I'm talking to you about, I'm buying, and I have a perfect right to put anyone in those apartments and houses that I wish, and I might say that I intend to do just that through an advertisement in the Rapid City Journal or other means that I have available. The problem is not me as a landlord or many of these other nice people that spoke as a landlord. The problem is your neighbors that live near this place where you want to put this colored family, and I think that to be an absolute fact. I have a nice comfortable, warm, two-bedroom upstairs apartment available right now -- or I did have this morning, and I would just love to put that boy and his wife and those four kids in there. Gee, it would just make me feel so good to be able to do that, and if there is anyone living near 813 12th Street that are here now that would object to it, I would like to hear their objections. It's two and a half blocks south of Swander's Bakery. I'm afraid, though, if I put them in there that the neighbors will get up in arms. They might even get so far up in arms as to go down to the



city council. I don't think there would be anything they could do about it. These people that complain about so and so and such and such a rental, they're not the ones that pays the five and ten or fifteen dollar plumbing charges when you call a plumber. They are not the one that pays the hundred and fifteen dollars for getting a new floor in the bathroom from -- or so on. I think it's just real sad that this thing even has to be discussed. I don't believe there is enough colored personnel presently in the community -- I doubt if there ever will be enough in the community -- to make one little bit of difference.

DR. PALMER: Do you mean to suggest that you don't believe this should happen. It's too bad that it does?

MR. BARNETT: That's it.

DR. PALMER: You are not taking the position that in so far as an individual such as Mrs. Gray has had her life significantly affected by her experiences here, that that's tolerable just because it's one case? You are not taking that position?

MR. BARNETT: I don't -- I didn't hear too much of her conversation. I can appreciate the fact that she wanted to come into Rapid City to make this community her home. Mrs. Barnett and I wanted to do the same thing, but I can see that it's a lot easier for us than it will be for

her.

DR. PALMER: And you don't believe that even it's good for one case to have occurred?

MR. BARNETT: No, I don't. And I think it's a mistake.

DR. PALMER: And that in so far as there is one case, I suppose you take the position that it's worthy of some discussion or --

MR. BARNETT: I think it's -- I think the thing has gotten out of hand. I -- I have talked to eight of these renters -- or tenants in these places I own, and we sat down and talked about this discrimination. Some of them are Indians. Some of these are whites. And I have asked them and told them that I have been thinking about this story in the paper, and I was very much against it, and I wanted to see how they felt about it because I was certain that I was going to put that ad in the paper. As fast as vacancies occurred they will be filled without reservation of race, color or creed.

DR. PALMER: Very good.

MR. BARNETT: The night I talked to them, everyone of them agreed to it. At 813 12th Street, the Negro -- or the Indian lady on the second floor and the white couple on the bottom floor both said, "Put them in there." "Let them move up there." If it's all right with them in the house,

why should the neighbor across the street or down the block a half a block complain? That's the way I feel.

MR. RUDELL: Mr. Barnett, are you convinced enough of this that you are going to withstand the pressure of the neighbors even though they set up odds?

MR. BARNETT: On these nine I am, yes, sir.

MR. RUDELL: Yes, sir. Okay. Good for you.

MR. BOB ASHEIM: Mr. Chairman, my name is Bob Asheim. I suppose this is the wrong time of the day to ask this question, but we have heard this word "discrimination" bounced around here and used in all types of forms today. I wonder if you would give a definition of the discrimination which you are talking about.

DR. PALMER: I don't believe it's the function of this committee to answer questions from the floor.

PROFESSOR LAYMON: I don't think we care to really. I would prefer not to attempt a definition.

MR. ASHEIM: Well, I have heard the word used so loosely here today, and I am wondering just exactly what we're talking about.

PROFESSOR LAYMON: I would hate to -- I would hate to synthesize the --

FATHER SIEH: Could I give my own --

PROFESSOR LAYMON: -- many, many opinions that the committee would have.

FATHER SIEH: Could I give my own --

PROFESSOR LAYMON: Go ahead, Father.

FATHER SIEH: Well, to me, at least, it is discrimination if it is rejection of a particular person, not on the basis of his behavior, but on the basis of something such as race or religion, when it is a matter of a public service or a public accommodation. Now, I happen to head a social work agency. We are Catholics on our staff. We are required to make our services available to all who seek them by state law, in our case, and we do that. As it happens, it's very rare that anybody but a Catholic seeks our service, but we don't quibble about making our services available to whoever seeks them. Now, I'd be happy to have you question me as to what discrimination means to me.

MR. ASHEIM: Well, that's -- that's sufficient. I mean, this is your viewpoint. I was interested in this because we seem to have stretched the word quite a ways today -- different ones of us -- and I was quite interested in what the -- what the area was that you were having a hearing about.

FATHER SIEH: Have you a definition of discrimination?

MR. ASHEIM: No, I don't have. I'm asking -- I'm searching, I'm not --

FATHER SIEH: Is it a reality in your mind?

MR. ASHEIM: Pardon me.

FATHER SIEH: Is it a reality in your mind? Is there such a thing as discrimination, as far as you are concerned?

MR. ASHEIM: Oh, I'm sure -- I'm sure there is such a thing as discrimination. It's a frame of mind; isn't it?

DR. PALMER: Translated into behavior.

FATHER SIEH: It's an act, too.

MR. ROSWELL BOTTUM: Mr. Chairman --

PROFESSOR LAYMON: Mr. Bottum.

MR. BOTTUM: I had no intention of saying anything here today. I was just going to listen. But I think, seriously, that perhaps a wrong impression has been created here. I don't think there is any desire on the part of the landlords in this town to discriminate. I don't think there is any desire on the part of restaurant owners to discriminate. I know there is no desire on the part of the so-called beverage dealers to discriminate. And if there has been any discrimination, it's because of the attitude of the general public, and nobody else. Let me cite just a simple little example. I live here in Rapid City. I have lived here a long time. I have one of the nicest colored girls working in my house I know. Her husband is a highly educated man. He's out here at the base.

They have a little two and a half months old baby. When the girl came and applied for work she says, "I don't know what to do with my little baby." Well, I said, "I'll take care of that. I'll go down here to a nursery I know and arrange that she can -- your little baby can stay there, and I will pay the bill." And I did. Much to my amazement, the mothers of other little babies objected because that nice little colored baby was there in that nursery. And they said, "If you don't take that colored baby out of here, we won't bring our babies back." Now, that's how ridiculous this thing is. It isn't the restaurant owners. It isn't the bar owners. It isn't the landlords. It's the bigotry of the general public that's causing the trouble in this town. So I said to this girl, "You bring that little baby out to my house at eight o'clock every morning." I have got a couple of little grandchildren there. I don't think that two and a half month old baby is going to contaminate my grandchildren." And that's where that little baby is, day after day. Now, it isn't that nursery owner. It's the bigotry of the public in this town. Let me say something for the beverage dealers here. They have no objection to colored people coming into their place. Their dollar is just as good as anyone else's. And I know of any number of bars in this town who have tried because they conscientiously wanted to serve colored people. They found

that by doing so, all they had in their place -- not due to their fault -- was trouble between customers. And let me say this: It isn't all on the side of the white people customers. Those colored boys go in there and throw their weight around, too, and so I don't know -- It isn't -- It isn't a matter of whether these people want to serve colored people. It's a matter of survival. And the bar owners, for example, find that if they have so much trouble in their bar, whether they cause it or not, it's held against them the next time their license application comes up. The liquor dealers' association in this town have no objection to serving colored people, but it's a matter of survival. They have trouble when those people come in whether -- and the fault is on both sides, gentlemen. Don't ever think it isn't. It's on both sides. Many, many times when these colored boys come in there, they try to throw their weight around, too. As an organization, the people I represent here today, have no objection to serving colored people, but they find that when they come in there, they have got trouble on their hands, not due to their attitude. They want to serve those people, and so when they come up for a license, the officers keep score. "You had so many disturbances in your bar during the year. We wonder if you should have a license again." It isn't a matter of discrimination. It's a matter of common business practice, gentlemen. And I feel

that's absolutely the fact. And the fault is very often on both sides; not just on one.

DR. PALMER: May I say that -- for the record, I don't believe we have identification, name and organization.

MR. BOTTUM: I represent the Rapid City Beverage Dealers' Association.

DR. PALMER: And your name?

MR. BOTTUM: My name is Roswell Bottum, and I'm a lawyer here in Rapid City.

DR. PALMER: Thank you.

MR. BOTTUM: Let me say this also: Over a period of years, for some reason or another, I have represented in the courts more colored people than I think any lawyer in this town, most times without compensation, because they don't have the money to pay me. And I'll say this: I never had one convicted, if I can pat myself on the back, because these juries, when a matter is properly presented to them, don't have any race prejudice, but I do find that these boys are put upon, in some instances, and they need representation, and I have felt it my duty and my obligation to represent them, and I have. I am for these colored people. But I am also for the poor man who's trying to be in business, and who's being put upon by some group or another because he cannot, and stay in business, let those people come in, regardless of whose fault it is. It isn't the businessman's



fault. It's the fault of the attitude or the bigotry, if I may say that, of the general public, and I'm sincere when I make that statement.

PROFESSOR LAYMON: Thank you, Mr. Bottum. I must, most reluctantly, call this meeting to a halt. We set the time as four-thirty and I am so sorry that we can't have the benefit of the lost insights here today. It's been most, most instructive for me. At the risk of a very poor pun, I would say that it's not all black and white. But we do thank all of you for attending, particularly those of you who were willing to get up and testify. We thank the rest of you for your interest. Now, I assure you that we won't do anything irresponsible with the information which you have brought to us today. On behalf of the committee, I would like to thank you again. If anyone has statements which they feel should go into the record, but which for one reason or another, they were unwilling to relate to us orally here today, why, please forward them to me or to Dr. Munson, so that we can have the benefit of those also, and unless someone has something else to bring before the group, why, we'll adjourn this hearing -- or meeting. Thank you very much.

(Whereupon at four thirty-five, December 11, 1962, the hearing was adjourned.)

