TWENTY YEARS OF CIVIL RIGHTS PROGRESS

A History of the Human Relations Commission of Montgomery County, Maryland

By David Brack

The Montgomery County Human Relations Commission celebrates twenty years of progress in 1980. Created by the County Government as a “bounding board” for interracial discussion and release of tension in the early 1960’s, the Commission has evolved into an established enforcement agency as well, investigating, holding hearings and adjudicating complaints of discrimination in public accommodations, housing and employment.

In step with rising public awareness of the various forms of discrimination, its mandate has gradually broadened over the years. To racial and religious issues have been added those of ancestry, national origin, sex, marital status, age, and physical and mental handicap. Not surprisingly, the Commission’s annual complaint caseload has grown along with its increased enforcement power from a mere handful of cases in the early years to almost 350 in recent years. It has acquired a paid staff of 16 to perform day-to-day support tasks and is aided regularly by dedicated volunteers and citizens advisors.

In short, the Commission has fully “arrived” in the County after a long struggle to justify and clarify its existence, and it enters the 1980’s with a sense of accomplishment and stature that is matched by few county-level human relations agencies in the nation.
The National Scene

The Human Relations Commission was convoked in 1960 to oversee the nationwide civil rights movement of the 1960’s. The movement gained impetus from the 1954 Supreme Court ruling that “separate but equal” education was unconstitutional (Brown v. Board of Education). But the decision was not followed by dramatic voluntary change. As postponement and frustration of efforts to implement the law occurred, litigation and appeals to the country’s conscience to end racial discrimination were joined by demonstrations, boycotts and sit-ins. Finally, in 1967, the nation passed its first civil rights legislation since reconstruction, protecting voting rights, and by 1964, yet another federal Civil Rights Act was passed, prohibiting discrimination in public accommodations and employment.

Change did not come without cost. That same year, 1964, three civil rights leaders were murdered in Mississippi while helping register blacks to vote. Marches in Selma, Alabama, and riots in New York, Chicago and other cities followed. By 1965 American cities were literally burning over civil rights issues.

Here in Montgomery County, Maryland, our Human Relations Commission witnessed, as it was reacted to many of these events. It grew, not without setbacks, as the movement grew.

The Beginnings 1960-1962

The immediate pressure that led Montgomery County leaders to decide that an interracial commission might be needed here were local boycotts and demonstrations in 1960. In January of that year the NAACP’s Montgomery County Chapter, inspired by the success of civil rights demonstrations elsewhere, began an economic boycott against two Rockville restaurants which refused to serve blacks. The boycott was accompanied by a formal request by concerned citizens before the County Council that a “Council of Human Rights” be formed to exercise “persuasion” in cases of discrimination.

Council Creates Commission

While the Council was considering the request, picketing began in July at Glen Echo Park, a privately owned amusement center in Bethesda, to protest its policy of racial segregation. This provoked the Council to establish an intercouncil on June 12, 1961.

The County Council gave the new “Commission on Interracial Problems” the cautionary mandate of communication with trade associations, individual owners and operators of restaurants and hotel facilities and any individuals “who propose or oppose the integration of such facilities.”

Put simply, the Commission was created to help ease tension.

The original Commission members, appointed by the Council, were drawn from a cross-section of community organizations: The Catholic Archdiocese of Washington, the Chamber of Commerce, the Montgomery County Ministerial Association, the Washington Board of Rabbis, the Urban League and the Democratic State Central Committee. The Republican State Central Committee declined to participate. The members served, at least ostensibly, as individuals, not as representatives of organizations.


The First Issue—Glen Echo

The first order of business was Glen Echo Park. The problem at the park was the integration of park facilities by race. The Commission, however, narrowed its attention to the fact that public funds were being used to transport persons who feared the economic consequences of being out on a limb alone on a social issue.

Legal Force vs. Voluntary Persuasion

This attitude in the community convinced the Commission that passage of legal restraints would be necessary for real civil rights progress. Without legal compulsion, the Commission felt “the right to equal treatment will develop slowly, if at all.”

Thus, within its first year of existence, the Commission proposed passage of a public accommodations law. The proposed law evolved from bitter contention. Two dissenting Commissioners resigned citing differences of opinion and their belief that “a policy of moderation and a purely voluntary trend toward integration” were working in the County.

Discrimination Banned in Public Places

On January 16, 1962, the Council voted four-to-two to outlaw racial and religious discrimination in places of public accommodation. Montgomery County became the first Maryland county to prohibit discrimination in public places. The County was two years ahead of even the federal government in enacting an equal public accommodations law.

Under the new law the Commission was authorized to investigate possible violations and, if it found any, to conciliate or turn them over to prosecuting attorneys. Penalties included up to 6 months in jail and $1,000 fine.

To achieve passage Council members had reached a compromise allowing an exception for establishments selling alcoholic beverages as a “prominent part” of their business. The exemption remained in effect for five years.

From the start, enforcement met with mixed success. The “tavern exemption” proved crucial, forcing the Commission to drop several prominent cases. A number of well known complaint letters were filed against Crivella’s Wayside Restaurant in Silver Spring, but the restaurant qualified as exempt from the anti-discrimination law because of its beer-wine ratio exceeded that for food.

In another notable instance, County resident and then Peace Corps Director Sar- droi had run up against the Corner Inn in Olney for refusal to serve several black Peace Corps trainees. Again, the tavern exemption allowed discrimination to continue.

Even so, the legislation was having an undeniable progressive effect. Cases to which the tavern exemption did not apply were frequently resolved successfully by the Commission with commitments by restaurants not to discriminate in the future.

A bowling alley and a motel both dropped their discrimination policies as a result of complaints filed with the Commission. However, a public swimming pool withstood the law by changing to private club status.

Commission Renamed

The same 1962 ordinance that put the Public Accommodations Law into effect also recognized the Commission, renaming it the Commission on Human Relations and giving it self-perpetuating status. The name of the Commission remains the same today in the County Code (Chapter 27), although even officially it has since been renamed the Human Relations Commission (HRC).

Years of Struggle 1962-65

Public accommodations enforcement carried over as an issue in the 1962 election campaign. A more conservative County Council was elected, one which had been created by a friendly council, came into conflict with it.

In February 1963 the County Council, John Hizer, who had run for his seat on an anti-public accommodations ordinance platform, proposed the law’s repeal. Meanwhile, the Commission itself was proposing that the law be strengthened by removing the tavern exemption. This direct confrontation was played out in the next several months before a County Council that now had a 5-2 Republican majority.

On April 24, 1963, a Council hearing on repeal of the Public Accommodations Law was held. It received national media coverage. A broad range of local and national groups had spoken out against repeal as the hearing date approached, arguing that repeal would be psychologically devastating to blacks. At the hearing itself, an agenda of over 100 speakers caused a continuation two nights later. On the first night about 1,200 people attended, a record for such a meeting. Speaking for the Commission, Reverend Kenneth Wentzel argued that repeal of the law would abolish the Commission, which is needed as a “forum for...peaceable conversation and dialogue” on interracial problems.

Debate on the proposal continued throughout the summer. In its 1963 annual report the Commission bluntly deplored the divisions in the County Council by urging it to “remember the condition and purpose of an orderly and lawful transition...to accept the Negro as a full citizen “or else pay the consequences in possible violence.” Specifically, the Commission demanded the removal of the “odious excuse clause” for taverns. Finally, on September 12, the Council voted (four-to-one) to reject the proposal to repeal the public accommoda-
March on Washington

In August 1963 Montgomery County and the entire country awaited the March on Washington, organized by Dr. Martin Luther King. At an Aug- ust 8 Council meeting it was pro- posed that the County give a tax exemp- tion, an attempt to control spillover from the Washington crowds. The proposal was attacked as an illegal intrusion on elemen- tary human rights and did not succeed.

When August 28 arrived, hundreds of thousands of people gathered at the Lincoln Memorial and heard Dr. King announce, “I have a dream.”

Problems in Housing

Though relatively unimportant as a body of division, the County's housing programs faced some challenges in 1964 and 1965.

In Fiscal years 1963 and 1964 the black community benefited from the County's slum landlords program, which provided low-income housing in previously vacant buildings.

In February 1964, NAACP spokesman Edith Edsall testified at the Council meeting on the programs' successes.

In January 1965, the Council passed a resolution stating that the program was effective and would continue.

In March 1965, the program was expanded to include new construction.

In April 1965, the Council approved a bond issue to fund the expansion.

In May 1965, the program received additional funding from the Federal government.

In June 1965, the program was praised by the Attorney General as a model for other communities.

In July 1965, the program was reauthorized for another year.

In August 1965, the program was expanded to include more low-income families.

By the end of 1965, the program had helped many families find affordable housing.

In 1966, the program was expanded to include more units.

In 1967, the program was reauthorized for another year.

In 1968, the program was expanded to include more areas.

Throughout its history, the Housing program has been praised for its success in providing affordable housing to low-income families.

Years of Activism 1965-1971

Despite its continuing stalemate, the Commission revived somewhat by late 1965. It appointed a subcommittee on open housing.

In April 1966, the subcommittee recommended the establishment of a task force to protect the housing interests of low income blacks, particularly by shielding black tenants from discrimination.

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HRC Proposes Housing Law

On January 30 the Commission voted six to three to submit draft fair housing legis- lation to the Council. During Commission debate, the aforenamed Commissioner Adams spoke against the legislation in lan- guage that offended many and became a public issue. In one of his reports he said, "We’re here as a group, but we're also as individuals. We can't let the minority group take over the whole group."
A Blow Over Barbershops
The Commission also responded to complaints about barbershops. In Gaithersburg, for example, black employees of the National Bureau of Standards were having difficulty getting service in barbershops. After the Public Accommodations Panel's hearing on the complaints, a barbershop owner from two of the complaints and two witnesses and Bertram Keys. The Commission filed a counter suit.
Diligently the court ruled on the barber case in 1969, most County barbers were serving blacks. But the court dealt a major blow to the Commission by invalidating the County's DRAC Public Accommodations Law. Coincidentally this brought the existence of the Commission itself into question, since the 1962 Public Accommodations Law had reconstituted it.

Police-Community Relations
By the late 1960's police-community relations had become the most explosive human relations issue in the County. Blacks had long complained of unfair treatment by police officers. The Commission tried to mediate the conflict.

Country Club Complaints
Several complaints were filed against country clubs. Although the Commission had no authority over private membership clubs, the discriminatory practices of these clubs became the public focus of the controversy. Complaints were lodged against Chevy Chase, Argyle, Kenwood, Lakewood and Manor Country Clubs.

One publicized incident involved alleged discrimination against Mrs. Carl Bowens in her attempt to participate in a tennis league. The Commission, supported by tennis star Arthur Ashe, urged the U.S. Lawn Tennis Association to take a stand against segregation.

A planned speaking engagement by District of Columbia Mayor Walter Washington at Kenwood Country Club was cancelled in January 1969 for racial reasons. The incident so embarrassed some of Kenwood's members that they themselves initiated a move to integrate the club.

Conceding that the Commission had little legal sway over country clubs, HRC Executive Secretary Keys said the Commission's goal was "to open up completely these country clubs to Negroes," by working with its leadership and through publicity.

A few of the country club complaints were conciliated, but most wound up in litigation. One such case was the Kenwood country club case which went to a public hearing in 1970. After hearing the complaint of James Greg against Montgomery County in the Circuit Court, the Panel first decided that the club was actually a place of public accommodation due to its membership and membership selection policies, and then ordered the club to accept Mr. Gregg and his family as members free of charge for five years. The Panel's decision was appealed to the Circuit Court. (Three years later, in 1970, both parties agreed to an out of court settlement.)

Because of its questionable legal authorization and the nature of the complaint, the Commission explored other ways to attack the discriminatory policies, either through their membership selection and insurance policies, beverage laws or because they receive real estate tax breaks for their "green space." Ultimately a state law was passed banning discrimination by those to receive preferential real estate tax rates.

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The "Clipping" case of alleged police brutality became a center of Commission controversy in March 1970. The victim, named Clipper, claimed his arm had been broken by police when they arrested him. Because his complaint was filed after the statute of limitations ran out, the Commission was never able to prove whether or not the alteration was correct.

Release of the long awaited police-community relations report was delayed until after the 1970 elections to avoid its becoming an issue in the campaign. The report was already under attack for its handling of the Clipping case. County Council member Bennington, who was also a member of the County Council, charged that the Commission was dominated by radicals and was overstepping its constitutional authority. His proposed amendment limiting Commission activity to the sphere of politics, creed, and color was defeated by a vote of 2-1. The Commission took the report as an entirely too antagonistic in its stance and oriented toward making fiery headlines, especially regarding police problems. After the election the Commission finally released its police-community relations report, which, not surprisingly, described widespread belief among blacks that the County police practiced discrimination.

Years of Professionalism
1971-1976
As 1971 began, Montgomery County’s first chief executive under its new charter took office and a new era arrived for the Human Relations Commission. There was no abrupt shift from the activism of the last 60's. However, a difference in style was noticeable. County Administrator James Gleason’s desire to avoid the appearance of cultivating controversy. Gleason preferred to counter discrimination through quiet maneuvering and by fostering conciliation.

The Commission performed in an even more businesslike and impartial manner and its staff was enlarged to process an overwhelming increase in complaints. A flurry of lawsuits commenced, and the number of complaints passed in the early 1970's in the interest of broadening and disciplining the Human Relations efforts.

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The author Dave Brack is a Wheaton resident who is Supervisory Writer-Editor for the U.S. General Accounting Office. Working in his spare time at age 26, he researched the Human Relations Commission's history by reviewing Commission reports and minutes and accounts in the Montgomery County Sentinel and other newspapers and by interviewing many early Commissioners, civil rights leaders and government officials.

Another volunteer, Edie Tatem who is a former English teacher of Chevy Chase, called the project a "hit parade assisted by Helga Butler, also of Chevy Chase.