

Human Relations In Retrospect

Louisville: Lessons Learned the Hard Way

“In the last half-century major strides have been made in the nation’s struggle to address issues that create racial conflict. The judicial system has affirmed constitutional guarantees for equal rights and equal protection for all people. Other advancements include the enactment of Federal civil rights laws, establishment of Federal agencies to enforce and protect civil rights, the increasingly active role of states and municipalities to protect civil rights and resolve racial conflict, and a general increase in tolerance on the part of the average American citizen.”

Despite these changes over the past several decades, racial and ethnic tension still arises.”

—U.S. Department of Justice Community Relations Service, “Avoiding Racial Conflict: A Guide for Municipalities.”

Human Relations Commission

Karla Burton—Advocacy

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As the gateway to the South, Louisville has played a vital role in the rich history of the United States. Much of this rich history has entailed violent conflicts between the many groups who have resided at the Falls of the Ohio.

From its birth, diversity was Louisville’s biggest challenge. The first settlers of Louisville lived in forts for protection from raids by the Native American “occupants”. These settlers brought African slaves with them—based on the 1820 census, over 50 per cent of white Louisville residents owned slaves. Many of these slaves, with the view of freedom across the big river, sabotaged their masters’ plans for prosperity by jumping the Underground Railroad.

As this shipping and trade metropolis began to flourish, so did the tensions between its ever growing and diversifying populations. These tensions, which tend to bubble below the surface, have, in a number of instances in Louisville’s colorful past, exploded and reverberated around the nation.

Louisville Lesson 1: Bloody Monday

On August 6, 1855, violent election riots broke out in Louisville, Kentucky—Germans and Catholics were the main targets for attack. In light of the radical, inflammatory anti-immigrant writings of the editor of the Louisville Daily Journal (predecessor to today’s Courier-Journal):

“...quite enough is known to demonstrate the imbecility of the city authorities and the fearful nature of such collisions as heated contests of race and religion are sure to provoke. The theory of our Government is that every citizen subject of the law has a right to a voice in making it; --and any attempt to exclude any class from the exercise of this right, on grounds either of race or religion, will inevitably arouse a passionate resentment, of which the natural result is just such collisions of bloodshed as have disgraced the city of Louisville.” (New York Times, August 15, 1855).

Wade, Richard C. Slavery in the Cities: The South 1820—1860. Oxford University Press

Yater, George H. (1987). Two Hundred Years at the Falls of the Ohio: A History of Louisville and Jefferson County (2nd ed.). Louisville, KY: Filson Club Incorporated. pp. 9–10.

“The Louisville Riots—The Tragic Side of Know-Nothingism. *New York Daily Times (1851-1857)*; August 15, 1855; ProQuest Historical Newspapers The New York Times (1851-2005), p. 4.

METRO CODE OF ORDINANCES § 92.01 DECLARATION OF POLICY: It is the policy of the Metro Government to safeguard all individuals within Jefferson County from discrimination in certain contexts because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation. Certain practices must be prohibited within the areas of employment, housing, public accommodation, resort or amusement as necessary to protect individuals’ personal dignity and insure freedom from humiliation; to make available to Jefferson County all full productive capacities; to secure Jefferson County against strife and unrest which would menace its democratic institutions; and to preserve the public safety, health and general welfare.

METRO CODE OF ORDINANCES § 32.761 LOUISVILLE METRO HUMAN RELATIONS COMMISSION-ADVOCACY: There is hereby created the Louisville Metro Human Relations Commission-Advocacy (“Human Relations Commission-Advocacy”). The Human Relations Commission-Advocacy shall be composed of ten members who shall be appointed by the Mayor with the approval of the Council and such members shall reside in Jefferson County and no more than one member shall reside within any council district.

Louisville Lesson 2: Confronting Polite Racism

Experience indicates that outbreaks of civil disorder may be attributed to the existence of two volatile community dynamics known to create extraordinary tension and a triggering incident:

Perceived Disparity of Treatment:

The first community dynamic is a perception that severe inequities exist in certain areas of the social structure. Manifestations of this include: a) a minority group which believes that its rights are being neglected or violated; b) non-minorities who perceive that minorities have received social benefits at their expense; and c) hate groups that press for their superiority over other groups or races.

Lack of Confidence in Redress Systems:

The second community dynamic is the lack of group confidence in the interest or capability of government and other institutions to provide redress of grievances. If a group believes its rights are being abridged, the expected response from government is a critical factor in how the grievance is resolved. The perception that government or other institutions are unwilling or unable to respond effectively to the complaint aggravates the tension level.

—U.S. Department of Justice Community Relations Service, “Avoiding Racial Conflict: A Guide for Municipalities.”

Any person or persons claiming to be aggrieved by an unlawful practice of discrimination may file a written complaint in accordance with the rules and regulations of the Human Relations Commission - Enforcement.

1950s

*“This polite racism often deluded blacks and well-meaning whites into believing that real progress was being made in their city. This politeness allowed local whites to say that they were different from other whites—fairer in their dealings with blacks—yet it served to warn blacks that they should be appreciative of the treatment they received”. Wright, George C., *Life Behind a Veil: Blacks in Louisville, Kentucky, 1865-1930*. Louisiana State University Press (1985)*

April 20, 1950 — University of Louisville admits Negro Students

March 15, 1951 — The Southern Baptist Seminary admits Negro students for the first time in its ninety-second-year history

June 17, 1953 — The historic ban against admitting Negroes to Louisville’s white city parks was lifted temporarily last week to let both white persons and Negroes see “the Tall Kentuckian,” musical drama on President Lincoln’s efforts to free the Negro slaves of the South.

September 18, 1953 — Everett Lee, 37 years old, conducted a fifty-three-piece orchestra in what is believed to be one of the first concerts in which a Negro has led an orchestra of white musicians.

December 16, 1953 — Two Negroes, believed the first ever named to the faculty of a white medical school in the South, joined the University of Louisville.

The U.S. Supreme Court declares school segregation unconstitutional in *Brown v. Board of Education* (May 17, 1954)

December 13, 1954 — Following the bombing of a home, a newspaperman employed with the Courier-Journal, Carl Braden, his wife, Anne Braden, and four other white persons were indicted for advocating sedition and stirring up racial strife to promote communism by buying homes for Negroes in white neighborhoods.

April 21, 1956 — A group of Louisville residents filed suit in Franklin Circuit Court in an effort to compel Governor A. B. Chandler and other state officials to enforce racial segregation in public schools.

June 11, 1956 — White and Negro public school students attended classes together in Louisville for the first time.

May 24, 1957 — A Federal Court approved a plan for racial integration in public housing projects in response to an action brought on a suit filed by twelve Negroes, charging that the Municipal Housing Commission operated segregated housing projects and violated their civil rights.

New York Times (1857-Current File); ProQuest Historical Newspapers The New York Times (1851-2005)

METRO CODE OF ORDINANCES 32.760 LOUISVILLE METRO HUMAN RELATIONS COMMISSION-ENFORCEMENT: There is hereby created the Louisville/Jefferson County Metro Human Relations Commission-Enforcement. The Louisville Metro Human Relations Commission-Enforcement ("Human Relations Commission-Enforcement") shall be composed of seven members who shall be appointed by the Mayor with the approval of the Council.

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Louisville Lesson 3: The Struggle for Civil Rights

1960s

“Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.” National Advisory Commission on Civil Disorders (The Kerner Report), 1967.

- April 25, 1961 — A total of 162 Negroes was arrested during a protest against segregation in eating places.
- March 10, 1961 — 250 Negroes paraded through the business district to protest their dissatisfaction with the city’s “slowness” in wiping out segregation.
- June 14, 1961 — Louisville’s Board of Alderman rejected a proposed ordinance that would have banned racial discrimination by places of public accommodation such as restaurants and theaters.
- March 25, 1962 — Nineteen persons, most of them teenage Negroes, were arrested during a desegregation demonstration at a privately owned skating rink.

The Louisville Human Relations Commission (vigorously backed by Mayor Cowger, Louisville’s first Republican mayor in 28 years) was unanimously established by the Board of Alderman to put into effect a constructive approach to the problems involved in improving intergroup and interracial relations leading to the end of discriminatory practices. (March 27, 1962)

- May 14, 1963 — The Board of Alderman passed a city ordinance, sponsored by **The Commission**, barring discrimination in public accommodations, from hotels and restaurants to barbershops and bowling alleys.
- July 13, 1963 — Acting on the recommendation of **The Commission**, Mayor William Cowger issued an order banning discrimination by contractors doing business with the city.

President Johnson signs the Civil Rights Act of 1964 (July 2, 1964)

- February 9, 1965 — The Board of Alderman approved, unanimously, an ordinance, drafted by **The Commission**, prohibiting racial discrimination in employment practices and charging **The Commission** to serve as the enforcement agent for the Federal law.
- April 11, 1967 — Led by Dick Gregory (Negro comedian) and Rev. A.D. Williams King (brother of Rev. Dr. Martin Luther King Jr.), 350 persons alternately walked and sat in the street to protest the defeat of a local open housing ordinance.
- May 2, 1967 — The 12th Annual Pegasus Parade was cancelled because of fear of racial violence.
- December 16, 1967 — An open housing ordinance passed by the Board of Alderman became law—Mayor Schmied chose to let it take effect without his signature.

Triggering Incidents:

A triggering incident is a tension-heightening event that catalyzes discontent and turns it into civil disorder.

When one or both community dynamics indicate that a high level of tension exists, a volatile atmosphere marked by frustration and anger may develop. Common to this kind of environment are displays of antagonism, acts of exclusion, and displays of lack of respect for a particular race or group(s) of people that, at times, include instances of physical confrontation. These public displays of superiority, antagonism, and sometimes confrontation are tension-breeding incidents with the potential of becoming triggering incidents, since any one of them is capable of sparking social disorder.

When indicators of tension are extremely high, any rancorous encounter between groups and/or with the police has the potential of becoming a triggering incident that can spark disruption.

—U.S. Department of Justice Community Relations Service, “Avoiding Racial Conflict: A Guide for Municipalities.”

New York Times (1857-Current File); ProQuest Historical Newspapers The New York Times (1851-2005)

METRO CODE OF ORDINANCES § 37.67 EXPENDITURES

The Metro Government, by and through its agencies and individual departments, adopts the following minimum goals for the utilization of certified minority, certified female, and certified handicapped owned businesses: 15%, certified minority owned businesses; 5%, certified female owned businesses; 0.5%, certified handicapped owned businesses, of its annual procurement expenditures.

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Louisville Lesson 4: The Next Chapter

Louisville Riots of 1968:

The riots, which lasted almost a week, started with a gathering of 400 people in the Parkland neighborhood to protest the possible reinstatement of a white officer who had been suspended for beating a black man some weeks earlier. Fueled by rumors and an ineffective response by a small, unprepared group of officers, the crowd became unruly and by midnight rioters had looted stores as far east as Fourth Street, overturned cars and started fires. Mayor Kenneth A. Schmied requested 700 Kentucky National Guard troops and established a city-wide curfew. Two years after the riots and after two changes of venue, six Negroes were charged (and later acquitted) with conspiracy to destroy private property during the racial disorders.

New York Times (1857-Current File); ProQuest Historical Newspapers The New York Times (1851-2005)

Louisville Riots of 1975:

Kentucky National Guardsmen were called to Louisville after a night of rioting, violence and vandalism associated with the start of school busing of black and white students between the city and its suburbs. About 50 persons were reported injured, a few of them seriously, in the rioting at two locations in white working class suburbs south and southwest of downtown Louisville. Nearly 200 persons were arrested. Days following the unrest, 8,000 anti-busing demonstrators, led by an elderly woman in a wheel chair, staged a mass march in downtown Louisville.

New York Times (1857-Current File); ProQuest Historical Newspapers The New York Times (1851-2005)

Fairness Ordinance of 1999:

On February 1, 1999, the City of Louisville amended its ordinances to extend anti-discrimination provisions relating to public accommodations and employment to include the following: 1) "an individual's actual or imputed heterosexuality, homosexuality, or bisexuality" and 2) those who manifest an identity not traditionally associated with one's biological maleness or femaleness."

Courier-Journal, The (Louisville, KY) - October 13, 1999

Police Protests of 2000:

Scores of officers deserted their beats, startling residents, to protest the mayor's firing of the police chief, who without the mayor's knowledge had approved valor awards for two officers at the heart of a simmering racial controversy. This controversy led to the creation of a civilian review board. In addition to civilian oversight, the Citizen Advocate, who is housed in **The Commission**, assists and counsels individuals who believe they have been improperly treated by the police.

Courier-Journal, The (Louisville, KY) - March 18, 2000

McDonald's Settlement of 2009:

The ACLU filed a complaint with **The Commission** against McDonald's, which alleged that an employee at a McDonald's restaurant in Louisville called a group of gay customers a series of anti-gay slurs. McDonald's agreed to a cash settlement and diversity training for management at its restaurants.

Courier-Journal, The (Louisville, KY) - May 7, 2009

Louisville follows the Prescriptive Model for Avoiding Racial Conflict:

Given the heavy costs of current litigation, however, there is an emerging pattern by local governments to work diligently toward identifying and curbing all practices and policies that form the basis for acts of discrimination.

✓The protection of civil rights and promotion of harmonious race relations manifested in the enactment of ordinances and the promulgation of policies.

✓Establishment of a Human Relations Commission (HRC) as the central instrumentality to monitor the municipality's commitment to equal rights and assure its conformity with the Constitution and Federal and state civil rights laws while at the same time promoting the goals of equality, justice, and harmony.

✓Demonstration of its concern about the safety and security of its citizens by establishing an ordinance against hate crime activity.

✓Passage of their own municipal ordinances based on Title VIII making it eligible to receive a "substantial equivalent" determination from the U.S. Department of Housing and Urban Development (HUD), granting the right to adjudicate local fair housing complaints that would otherwise be subject to the jurisdiction of HUD.

✓Ensuring that all entities doing business with the local government are required to comply with all aspects of the municipality's commitment to fairness and equal opportunity.

—U.S. Department of Justice Community Relations Service, "Avoiding Racial Conflict: A Guide for Municipalities."

METRO CODE OF ORDINANCES § 37.25 FINDINGS, PURPOSE AND POLICY: It is the legislative finding, policy and purpose of the Metro Government that in order to assure employment opportunities generated directly or indirectly by the Metro Government are equally available to all citizens without regard to such factors as race, color, religion, national origin, marital status, handicap, sex, or age, it is desirable and beneficial that contractors and vendors shall be approved prior to the awarding of any contract, lease or other agreement with the Metro Government that requires an expenditure in excess of \$10,000.

METRO CODE OF ORDINANCES § 92.40 POLICY: It is hereby declared to be the policy of the Metro Government for the preservation of the peace, protection, comfort, health, safety, and welfare of persons in Jefferson County to protect all persons from tortious acts of interference with their person and/or their property motivated by hate or bias directed at classes of persons which historically have been victimized by such acts, as specifically set forth in Section (b)(1) of the federal Hate Crimes Statistics Act (Public Law 101-275) and, in addition, classes of persons identifiable by gender and/or disability or health related condition.