

initiative, I think we must be sure that we avoid the kind of local pressures which undoubtedly cause blight and deterioration in areas we are trying to save.

Now, Mr. Chairman, we in our organization have been willing to spend money to try to protect neighborhoods against blight, and I will offer for the record the case of the *City of Baltimore, The Schneider Bedding Company v. The National Association for the Advancement of Colored People*, which was in the Maryland Court of Appeals January 22, 1960.

In this case, we are face to face with the kind of problem that individuals must meet in local communities. It involves a residential area that was not high class, but the people living there were happy, some were homeowners, and that sort of thing.

The Planning Commission of the city said that a petition to build a mattress factory next door to one of their residents should not be granted, but the zoning board said that it should be granted, and the city council subsequently approved the zoning board's position, with the result that unless the persons involved had carried that matter to the court of appeals, the property would have been used for a factory. Well, it costs money to go to the court of appeals, but we spent it, and the case was won there, with the court holding that this came under the arbitrary capricious administrative rule, and that it was not proper for the city council to have approved use of the property as a factory, especially since the Planning Commission had said that it was not the thing to do.

Well, that kind of experience is what many people who live in these blighted areas have to face all the time. They either put up with the blight or they spend their money to get redress in court.

Now, your bill reaches into that matter and I hope that we will have some pretty firm standards so that when we clean up these places and try to make them better for individuals, that we will not have somebody coming in with a junkyard or a nice go-go dance operation—not that I have anything against those. I am not sure I know what they are, but the fellows who have the go-go dance places and the junkyards and the things of that sort usually have a lot of political influence locally, and they can get into the nicest neighborhoods through using that influence.

I think if we are going to spend Federal money, we ought to be sure that we do not get either these exotic or more pedestrian types of deviations from zoning into the residential neighborhoods.

Senator MUSKIE. Thank you very much, Clarence. We appreciate having your testimony.

(The documents and correspondence above referred to by Mr. Mitchell, follow:)

CLARENCE MITCHELL,
NAACP, Washington, D.C.:

Several years ago the Alabama Highway Department was considering the route for Interstate 85 from Ann Street west to the downtown area in the city of Montgomery, Ala. The initial plan calls for Interstate 85 to take an area which would have included the parsonage of First Baptist Church, the church where Dr. Ralph D. Abernathy was the pastor. After a substantial protest, the route was changed so as to exclude the parsonage of the First Baptist Church, however, the route still included a substantial number of residences of Negroes, which residences were some of the best Negro residences in the city of Montgomery. There was a great deal of protest to this route suggesting that an