



OFFICE OF
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CITY OF SAN DIEGO

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SAN DIEGO, CALIFORNIA

December 4, 1935.

To the Honorable, The Mayor and Council
Of The City of San Diego, California.

Gentlemen:

By authority of Document No. 295411, under date of November 19, 1935, your Honorable Body referred to this office for investigation and report a communication from the San Diego Race Relations Society, requesting the adoption of an ordinance prohibiting the display of certain signs in public places in San Diego, which tend to indicate an intention to discriminate against citizens of the negro race.

Investigation reveals that the practice complained of exists in certain places in The City of San Diego.

Section 51 of the Civil Code of California provides as follows:

"All citizens within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of inns, restaurants, hotels, eating-houses, place where ice cream or soft drinks of any kind are sold for consumption on the premises, barber shops, bath houses, theaters, skating rinks, public conveyances and all other places of public accomodation or amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens."

Section 52 of the Civil Code provides that whoever

violates the provisions of Section 51 shall be liable in damages in an amount not less than One Hundred Dollars (\$100.00) for each offense.


It is therefore apparent that discrimination against any race is forbidden in the State of California. While no evidence exists that the business places using these signs have actually refused service to any one requesting it, the purpose of the signs is to discourage trade from colored persons. There is some doubt whether the display of signs which are designed to discourage colored trade is an offense under Section 51 of the Civil Code. However, it has been argued in some of the decisions that such signs so displayed for the purpose indicated, sometimes have a tendency to stir up racial feeling and perpetrate quarrels and breaches of the peace which might result in some serious disturbances.

The above reasoning is perhaps the only justification for the regulatory ordinance desired. Therefore, if your Honorable Body finds and determines that the signs and notices intending to discourage colored trade have resulted in a tendency to stir up racial feeling and might cause riots, breaches of the peace or similar disturbances, you then probably have jurisdiction to curb or prohibit the use of such displays.

Council--12/4/35--3

I hand you herewith a form of ordinance for your
consideration.

Respectfully submitted,


C. L. Byers,
City Attorney.

CLB/M

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ORDINANCE NO. _____
(New Series)

AN ORDINANCE PROHIBITING THE DISPLAY OF CERTAIN SIGNS IN ANY RESTAURANT, HOTEL, EATING-HOUSE, PLACE WHERE ICE CREAM OR SOFT DRINKS ARE SOLD FOR CONSUMPTION ON THE PREMISES, BARBER SHOP, BATH HOUSE, THEATRE, SKATING RINK, PUBLIC CONVEYANCE, AND ALL OTHER PUBLIC PLACES OF ACCOMMODATION OR AMUSEMENT.

WHEREAS, certain signs and notices have been posted and displayed in various places of accommodation for the public of such a nature that they have resulted in a tendency to discriminate in service to members of the colored race; and

WHEREAS, the display of such signs would seem to result in a tendency to stir up racial feeling and precipitate quarrels and breaches of the peace and/or similar disturbances; and

WHEREAS, it is deemed for the best interests of the City of San Diego that such practice should be prohibited in order to eliminate the danger connected with racial troubles; NOW, THEREFORE,

BE IT ORDAINED By the Council of The City of San Diego, as follows:

Section 1. That it shall be unlawful for any person to display in any restaurant, hotel, eating-house, place where ice cream or soft drinks are sold for consumption on the premises, barber shop, bath house, theatre, skating rink, public conveyance, and all other places of public accommodation or amusement, any sign, written or printed, or notice of any kind whatsoever, which attempts to discourage patronage of members of any certain race or color and/or which tends to discriminate ⁱⁿ the public service offered against any person because of race or color.

Section 2. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed One Hundred

Dollars (\$100.00), or by imprisonment in the City Jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 3. This ordinance shall take effect and be in force on the thirty-first day from and after its passage.

I Hereby Certify that the above and foregoing is a full, true and correct copy of Ordinance No. 793, of the ordinances of the City of San Diego, California, as adopted by the Council of said City

DEC 10 1935

ALLEN H. WRIGHT

City Clerk of the City of San Diego, California

CLARK M. FOOTE, JR.

By _____ Deputy.

DOCUMENT No. 295672

Filed DEC 10 1935

ALLEN B. WRIGHT
FRED W. SICK City Clerk

By Deputy

COMMUNICATION

FROM

City Attorney
sub. form of Ord.
Re Race Discrimin-
ation

File

DEC 11 1935

500-793