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A STUDY OF STATE AND LOCAL LEGISLATIVE AND ADMINISTRATIVE ACTS DESIGNED TO MEET THE PROBLEMS OF HUMAN RIGHTS

	page
Table of Contents - - - - -	1
Prefatory Statement - - - - -	3
Highlights of the Problem - - - - -	4
Civil Rights Legislation in the Field of Housing - - -	5
Municipal Fair Employment Practices Ordinances - - - -	9
State Fair Employment Practices Legislation - - - - -	12
Civil Rights Legislation in the Field of Public Accommodations - - - - -	19
Official Municipal Human Relations Agencies - - - - -	22
Appendices	
Housing	
A. Illustrations of State and Local Laws Relating to Discrimination in Public and Publicly-Aided Housing - - - - -	33
B. Experience in Newark, N. J. - - - - -	48
C. Examples of Restrictive Covenants and other Methods of Restricting Transfers of Property - -	55
Illustrations of Municipal Fair Employment Practices Ordinances and Resolutions Applicable to Public Employment	
D. Akron, Ohio - - - - -	56
E. Cincinnati, Ohio - - - - -	56
F. Denver, Colorado - - - - -	57
G. Phoenix, Arizona - - - - -	58
H. Richmond, California - - - - -	59
I. Sioux City, Iowa - - - - -	60
J. Seattle, Washington - - - - -	63
Illustrations of Municipal Ordinances Relating to Fair Employment Practices Applicable to Public and Private Employment, Unions and Employment Agencies	
K. Cleveland, Ohio - - - - -	64
L. Milwaukee, Wisconsin - - - - -	68
M. Minneapolis, Minnesota - - - - -	70
N. Philadelphia, Pennsylvania - - - - -	74
O. Hubbard, Ohio - - - - -	78
Statements Relating to Activities of Municipal Fair Employment Practices Agencies	
P. Minneapolis, Minnesota - - - - -	82
Q. Philadelphia, Pennsylvania - - - - -	87
Illustrations of State Laws Relating to Fair Employment Practices	
R. New York - - - - -	88
S. Colorado - - - - -	95
T. Wisconsin - - - - -	101
Illustrations of Statistics Relating to Activities of State Fair Employment Practices Agencies	
U. New York - - - - -	103
V. Connecticut - - - - -	104
W. Massachusetts - - - - -	105
X. Rhode Island - - - - -	107
Y. Washington - - - - -	108
Z. Oregon - - - - -	109
AA. New Jersey - - - - -	110
BB. Summary of Public Hearings Before FEPCs - - - - -	111

Civil Rights Legislation	
CC. New York Civil Rights Law - - - - -	113
DD. Statistics Relating to the Enforcement of the Connecticut Public Accommodations Law - - - - -	115
Illustrations of General Commissions Relating to Human Rights	
EE. Cleveland, Ohio - - - - -	116
FF. Chicago, Illinois - - - - -	117
GG. Evansville, Indiana - - - - -	119
HH. Jersey City, New Jersey - - - - -	120
II. Milwaukee, Wisconsin - - - - -	121
JJ. Philadelphia, Pennsylvania - - - - -	123
KK. Cincinnati, Ohio - - - - -	124
LL. Detroit, Michigan - - - - -	127
MM. Kenosha, Wisconsin - - - - -	129
NN. Portland, Oregon - - - - -	130
Miscellaneous Materials	
OO. Model Ordinance Relating to FEPC and Public Accommodations - - - - -	131
Sources of Information - - - - -	140
Table of Charts	
I. Comparative chart of State and Municipal Provisions Relating to Discrimination in Public Housing - - - - -	8a, 8b
II. Comparative Chart of Municipal Fair Employment Practices Provisions - - - - -	12a-12e
III. Comparative Chart of State Public Accommodations Statutes - - - - -	21a-21c
IV. Comparative Chart of Principal City Commissions on Human Rights - - - - -	30
V. Comparative Chart of Official and Semi-Official Commissions in Smaller Municipalities - - - - -	32

## PREFATORY NOTE

This study is the result of a request made of a state agency by a local unit of government. In October 1951, the Common Council of the City of Madison asked the Governor's Commission on Human Rights of Wisconsin to undertake an extensive piece of research for their information and guidance in formulating policies and handling ordinances for the preservation and extension of human rights. According to the resolution unanimously adopted on October 11, the Commission was asked to report to the Council within 3 months the results of its study, covering as completely as possible "state laws and city ordinances forbidding racial and religious discrimination in places of public accommodation and amusement, in employment, in labor organizations and in the sale and rental of real and personal property, on the methods of enforcement provided therein and on their effectiveness in combating racial discrimination against minority groups". At its annual meeting on October 17, 1951, the Governor's Commission on Human Rights voted to accede to this request, with the understanding that such help as it could give would be consistent with the fact-finding and with the community service functions of the Commission. The results are hereby presented to the Common Council of the City of Madison within the prescribed time. It is the hope that the data will prove useful not only to this Council but to many other governmental bodies and agencies.

Because of the comprehensive nature of the request it would have been impossible for the Commission to submit this report in the required time without the skilled services of the Wisconsin Legislative Reference Library. Including among its many functions the compiling of essential data for state agencies, this Library responded to the Commission's appeal for help with every facility at its disposal. The major part of the work was done by Pamela Rice and Milton Greenberg, graduate assistants in political science at the University of Wisconsin who were employed by the Reference Library as research assistants for this project and who worked long hours beyond the "call of duty". The gratitude of the Commission also goes to the Legislative Reference Library staff for their wise guidance of the over-all plan, their competent handling of details, and their patience under the strain and stress of a "rush order"!

Although no specific recommendations were asked and none are given in this report, it is natural that the Governor's Commission on Human Rights should hope that its services in the present instance will form a stepping stone toward increased opportunities for all citizens as individuals, according to merit and regardless of race, religion, color, or national origin. Only by facilitating such results can the Commission approximate its statutory duty to help make Wisconsin "a better place in which to live" and practice its sincere belief in the worth of every man, woman, and child.

GOVERNOR'S COMMISSION ON HUMAN RIGHTS  
State Capitol  
January 15, 1952

## HIGHLIGHTS OF THE PROBLEM

1. Most of the modern state and local actions to meet the problems of human relations are of recent origin.
2. The activities have been confined to the federal government, state governments and urban municipalities. There are no acts originating in counties or other political subdivisions.
3. By and large legislation relating to human rights is confined to the eastern, midwestern, mountain and Pacific states.
4. Eleven states and 28 cities have taken action relating to the establishment of fair employment practices.
5. As far as is known in those states having fair employment practice legislation or administrative organizations, which provide for enforcement by administrative agencies through cease and desist orders and fines and imprisonment, there are no municipalities with fair employment practices organizations with strong enforcement powers, municipalities having strong enforcement powers only in those cases where the state lacks such powers.
6. Thirteen cities and 9 states have legislation prohibiting discrimination in public or publicly aided housing. No state or municipal legislation appears to have been enacted prohibiting discrimination in private housing.
7. Eighteen states have civil rights laws which prohibit discrimination in public accommodations. No city ordinances prohibit such discrimination.
8. A substantial number of state and municipal agencies have recently been established without enforcement powers to promote amicable relations among the segments of the community by education, investigation, conciliation and other means of promoting good will.
9. The enforcement of human rights is handled through either the regular law enforcement authorities or administrative agencies created for the purpose. Recently the enforcement of human rights has been more frequently assigned to an administrative agency.
10. Of the 11 states with fair employment practices legislation, only Wisconsin and Indiana lack enforcement provisions.
11. Because of the recent origin of many of the agencies dealing with human rights, there is more evidence of problems emerging and of desirable procedures than of specific accomplishments which lend themselves to statistical enumerations. Substantial cumulative data on accomplishments do exist for some of the agencies with longer experience.

## CIVIL RIGHTS LEGISLATION IN THE FIELD OF HOUSING

Thirteen cities have passed ordinances and resolutions prohibiting discrimination in public housing. Starting with Pontiac, Michigan in 1943, and really getting underway with the Boston City Council's resolution in 1948, these 13 cities--Pontiac, Boston, San Francisco, Los Angeles, Cleveland, Philadelphia, Newark, Providence, St. Paul, New York, Hartford, Cincinnati and Pasco, Washington--have put themselves on record as opposing racial and religious discrimination in public housing.

Analysis of Ordinances

In more detail, 12 of the 13 make their resolution or ordinance applicable to discrimination based on race or color, (St. Paul's resolution by their housing authority mentions no cause for discrimination) and 11 include religion and creed. (St. Paul and Providence omit it.) A majority of the ordinances mention national origin and 3 list ancestry.

Only about half of the ordinances specifically list the kind of discriminatory housing practices that are illegal. Most commonly mentioned is a prohibition of segregation and the requirement that there be no discrimination in the selection of tenants. Also mentioned are a prohibition of discrimination in fixing rents, in maintaining or operating the housing projects or in selling or transferring property in redevelopment areas.

As has been said, all of these ordinances refer only to public housing or to publicly-aided housing, including redevelopment projects. Some of the state laws also cover veterans' housing projects. All but Cleveland, Providence, Los Angeles and Cincinnati cover public housing and the ordinances of the last 3 apply to redevelopment projects, or housing "supported by any public funds." The ordinances of Hartford, San Francisco and New York City concern both public and publicly-aided housing.

Only 2 cities provide penalties for violation or procedures for enforcement of these resolutions or ordinances. In San Francisco, the Housing Authority can conciliate where discrimination is alleged in redevelopment programs, and that failing, the aggrieved person may seek an injunction against the discriminator. New York City also provides that court action is available in the case of redevelopment programs, and permits a fine up to \$500. The city may also terminate tax exemptions if the State Supreme Court finds discrimination being practiced.

Analysis of State Laws

Nine states have adopted legislation against some aspect of discrimination in public or publicly-aided housing. All of these prohibit discrimination on the basis of race and religion with the exception of Minnesota whose law applies only to discrimination because of creed or religion. Public housing is covered in Connecticut, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, and Wisconsin. The laws of Indiana, Illinois, New Jersey, Pennsylvania, Wisconsin, and New York apply to publicly-aided housing.

What the latter includes is made explicit in the New York law, probably as a result of the experience with the Stuyvesant Town project in New York City. The Stuyvesant Corporation built a huge housing project, the city using its power of condemnation to take over 18 city blocks for the project and permitting the razing of schools and public buildings in the area, and as further incentive the project was given 25 years of tax subsidy. However, in a suit to require the corporation to accept qualified Negro tenants, a New York court held that the development was private in nature and could exclude Negroes. Whereupon the state passed a law making it perfectly clear what publicly-aided housing included. Any housing which is exempted from any taxes, which is located on land sold at below cost or acquired by the state or any sub-division thereof or for which the state or any sub-division thereof have spent money, is now covered by a nondiscrimination requirement.

The most novel method of enforcement is used in Connecticut and New Jersey where the Connecticut Commissions on Human Rights and the New Jersey Division Against Discrimination enforce public accommodations acts which include public housing. From October 1949 to July, 1950 there were 29 complaints filed under the Connecticut Housing Act of which the Commission settled 13, dismissed 5 because the complainant was not eligible for public housing, and 10 were pending. One was withdrawn. Court action is also possible in Connecticut. The New Jersey Division had but 2 complaints in 1950-51, one against a city housing authority and one concerned with the State Housing Authority, both of which were satisfactorily settled. Minnesota law provides that suit may be brought by a person discriminated against with damages up to \$500. New York allows suit by the aggrieved for damages and a request for injunction either by the aggrieved or by a taxpayer who has property assessed at more than \$1,000.

### Evaluation

In an effort to evaluate the effectiveness of these housing ordinances, letters were sent to the housing authorities of the 13 cities. The Pontiac Housing Commission reported that their housing program is still in the construction stage and, as yet, no evaluation of the non-discrimination resolution can be made although the Commission is actively publicizing the policy. New York City, with experience in integrated housing projects going back to 1939, concludes, in an article written by the chairman of the Authority that "interracial housing has succeeded beyond the hopes of legislators who drew the law and the pioneer tenants who were given the opportunity to make it work." (1)

The Philadelphia Housing Authority has appointed an Advisory Committee on Community Relations, one concern of which is the administration of Section 10 of the Cooperation Agreement between the City of Philadelphia and the Housing Authority which prohibits discrimination and segregation. None of the projects initiated since the passage of the 1949 Housing Act have reached the occupancy stage, so no information on experience is available.

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(1) P.J. Cruise, "Progress Against Prejudice" Apartment Life, Nov. 1951.

The Redevelopment Agency of San Francisco is also still in the planning state. "Since the nondiscrimination policy expressed in Resolution #8660 is limited to redevelopment project areas the major measure of effectiveness of such legislation is whether risk money will be available in the housing field for construction of new residential units which must be sold or rented under such provisions; and if such money is available, whether the objective of an integrated project can be accomplished thereunder... (W)e have had no opportunity to determine with any degree of assurance what the effect of this resolution will be at these later stages of redevelopment. The policy has not deterred a number of builders from expressing an interest in the project." (2)

### National Action

In passing these laws and ordinances, the states and cities are coinciding with a change in national housing policy. Programs for the development of low rent housing under the jurisdiction of the Housing and Home Finance Agency, "must reflect equitable provision for eligible families of all races determined on the approximate volume and urgency of their respective needs." The Federal Housing Authority announced in December, 1949 that they would no longer insure properties covered by recorded restrictive covenants and is now making commitments for the development of many integrated housing projects. In 1951 the F.H.A. announced that all projects to which the F.H.A. obtained title will be administered on a nonsegregated basis.

Delegates to the National Real Estate Boards convention in January, 1951, voted to eliminate the word "race" from Article 34 of their Code of Ethics which read, "a Realtor should not be instrumental in introducing into any neighborhood a character of property, or use (or race) which will clearly be detrimental to property values in that neighborhood."

### Problems and Prospects

The situation is changing rapidly both in public and private housing. Los Angeles and Newark have not only established nonsegregated patterns in new projects but have converted segregated projects to interracial occupancy. Many cities such as Milwaukee, Pittsburgh, Chicago, New York, have embarked on integrated housing projects.

Shelley v. Kraemer, a 1947 decision of the Supreme Court, declared that restrictive covenants would no longer be enforceable in the courts and subsequent federal and state decisions have upheld this ruling. However, it is generally conceded that this has not solved the problem of the need of minority groups for housing. As can be seen in the discussion of the work of the many city human rights commissions, one of their major activities is to try to reduce

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(2) Letter from James E. Lash, Director, January 3, 1952.

tension and avert violence when minority groups start buying and renting homes in what were formerly all-white neighborhoods.

How shall this problem be met? Some experts in this field, such as Thomas Wright, executive director of the Chicago Commission on Human Rights, feel segregation in private housing can best be corrected by the gradual introduction of minority group families backed by city commissions and a program of neighborhood education and support. The Pittsburgh Civic Unity Council, after a careful survey recommended a deliberate dispersal program. This is most easily done by scattered small developments, "in which the families will not have to face the travail of 'pioneering' all alone but not so large that normally gregarious people of each race have difficulty in becoming acquaintances and friends." (3)

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(3) "Report on Population Movements and Housing Trends" 1950, p. 60.

TABLE I - COMPARATIVE CHART OF STATE AND MUNICIPAL PROVISIONS RELATIONG TO DISCRIMINATION IN PUBLIC HOUSING

	Cities													
	Boston Mass.	Cleve. Ohio	Hart- ford Conn.	Newark N.J.	N.Y.C. N.Y.	Phila. Pa.	Pontiac Mich.	Prov. R.I.	SanFr. Cal.	LosAn. Cal.	St.Paul Minn.	Cincin. Ohio	Pasco Wash.	Char. N.C.(3)
<u>Form</u>														
Resolution	x 1948 <sup>1</sup>		x 1949	x* 1950			x 1943	x 1950	x** 1949		x* 1950	x 1951	x* 1951	
Ordinance		x 1949			x <sup>4</sup> '44, '49,'51	x 1950				x 1951				
<u>Basis of Discrimination</u>														
Race, color	x	x	x	x	x	x	x	x	x	x		x	x	
Creed, religion	x	x	x	x	x	x	x		x	x		x		
National origin	x	x	x	x	x	x	x		x	x				
Ancestry							x			x		x		
<u>Kinds of Discrimination</u>														
<u>Prohibited</u>														
Selection of tenant (occupancy)	x	x		x	x	x	x		x	x		x		
Fixing rents	x	x				x								
Maintenance, operation	x	x			x	x			x	x				
Lease, sell or transfer									x	x		x		
Segregation <sup>2</sup>	x	x				x		x	x	x	x***			
<u>Kinds of Housing</u>														
Public	x		x	x	x	x	x		x		x		x	
"Supported by any public funds"			x					x						
Redevelopment					x				x	x		x		
Veterans														
<u>Penalty</u>					x <sup>4</sup>				x <sup>5</sup>					

\*By housing authority.

\*\*Adopted by Redevelopment Agency.

\*\*\*None in specific projects named in resolution.

<sup>1</sup>The resolution is directed to the Boston Housing Authority forbidding it to make discriminatory contracts with the State Housing Board.

<sup>2</sup>Laws not specifically declaring segregation illegal, often do by implication.

<sup>3</sup>Charlotte is sometimes listed as having an anti-discrimination policy since the Public Housing Authority refused Federal aid for a Jim Crow housing project in January 1950, whereupon the City Council reversed its policy.

<sup>4</sup>Misdemeanor, fine \$500, also court action by aggrieved in redevelopment programs.

<sup>5</sup>In redevelopment programs, 1. Conciliation by Housing Authority, 2. Seek injunction.

TABLE I - COMPARATIVE CHART OF STATE AND MUNICIPAL PROVISIONS RELATING TO  
DISCRIMINATION IN PUBLIC HOUSING (Cont.)

	States								
	Conn.	Ill.	Ind.	Mass.	Minn.	N.J.	N.Y.	Penn.	Wisc.
<u>Form</u>									
Resolution									
Ordinance									
<u>Basis of Discrimination</u>									
Race, color	x	x	x	x		x	x	x	x
Creed, religion	x	x	x	x	x	x	x	x	x
National origin			x			x	x	x <sup>7</sup>	x
Ancestry						x	x <sup>6</sup>		
<u>Kinds of Discrimination Prohibited</u>									
Selection of tenant (occupancy)					x				
Fixing rents							x		
Maintenance, operation					x		x		
Lease, sell or transfer									
Segregation									
<u>Kinds of Housing</u>									
Public	x			x	x	x	x	x	x
"Supported by any public funds"	x <sup>8</sup>								
Redevelopment		x	x			x	x	x	x
Veterans						x		x	x
<u>Penalty</u>	x <sup>9</sup>				x <sup>10</sup>		x <sup>11</sup>		

<sup>6</sup>"Ancestry" is mentioned only in law covering publicly-aided housing.

<sup>7</sup>"National origin" included only in law covering public housing.

<sup>8</sup>The Conn. law covers only public housing but the State Commission on Civil Rights does enter the situation where public funds are used indirectly through the principle that public funds cannot be used where discrimination is present.

<sup>9</sup>Civil suit in court or investigation by Common Civil Rights.

<sup>10</sup>Religious restrictive covenant provision is void. Violator subject to civil action up to \$500 damages.

<sup>11</sup>Aggrieved person or tax payer on assessed property of more than \$1,000 value can seek injunction. Aggrieved person can sue for damages.

## MUNICIPAL FAIR EMPLOYMENT PRACTICES ORDINANCES

There are 28 cities in which the governing body has taken action relating to fair employment practices. It is noteworthy that 13 of the 28 have been passed in cities of Ohio despite the fact that the State of Ohio lacks such a law. These cities and the year of enactment are: Akron (1951), Campbell (1950), Cincinnati (1946), Cleveland (1950), Girard (1951), Hubbard (1950), Lorain (1951), Lowellville (1951), Niles (1951), Steubenville (1951), Struthers (1950), Warren (1951), and Youngstown (1950). In Pennsylvania, 4 cities have ordinances: Farrell (1951), Monessen (1950), Philadelphia (1948), and Sharon (1951). The remaining 11 are: East Chicago (1950) and Gary (1950), Indiana; Chicago (1945), Denver (1951), Milwaukee (1946), Minneapolis (1947), New York (1942), Phoenix (1948), Richmond, California (1949), Seattle (1946) and Sioux City (1951).

Applicability

The applicability of these ordinances vary. By and large, they tend to fall into two groups: (1) Those which apply only to employment by the city and city contractors, and (2) Those which apply to private employe labor unions and employment agencies, as well as to city agencies. In addition, some ordinances have specific provisions relating to licensees of the city.

The Cincinnati, Richmond, Sioux City, and Phoenix ordinances prohibit job discrimination by the city, its officers and agents and, as most of the 27 ordinances do, require that contractors and their sub-contractors follow a nondiscriminatory employment policy. All city contracts are required to include such a clause. Denver is concerned only with discrimination by the city or county. Akron and Seattle have only policy resolutions pertaining to public employment. New York City has two distinct sections of its Administrative Code, one of which applies to contractors and the other to employment agencies. Sioux City extends the requirement of a nondiscriminatory employment policy to city franchise holders or licensees. All other ordinances are applicable to private employers, too. The Chicago and Milwaukee ordinances include private employers but in much less detail than do the others and though they have been in effect longer than the others, appear never to have been invoked.

The applicability of these ordinances to private employers vary according to the number of employees, exclusive of members of the employer's immediate family. The Minneapolis ordinance covers employers of 2 or more. Campbell, Hubbard, Lowellville, Niles, Struthers, and Youngstown apply only to employers of 10 or more. Cleveland, East Chicago, and Warren apply to those who employ 12 or more. The others apply to those with even a single employee. The Campbell, Hubbard, Niles, Struthers, and Youngstown ordinances make the act specifically applicable to any franchise, license, permit, tax exemption, authorization or other permission granted by the city. All ordinances which extend coverage to private employers, except that of Milwaukee, apply to labor organizations, and all apply to employment agencies. Persons inciting to violation of these acts are usually subject to penalties.

Aside from exemptions based on the number of employees, the ordinances generally exempt fraternal, sectarian and charitable organizations as well as domestic servants and jobs of a personal nature. The Phoenix ordinance is not applicable to those who advocate violent overthrow of government. Some of the ordinances contain a general exemption clause to the effect that the act is not to apply to employment where race or religion would "usually and normally" be considered essential qualifications. The broadest exemption is that contained in the Philadelphia, Sharon, and Monessen ordinances which say that if the provisions of the ordinance are not otherwise violated, it shall not be an unfair practice for an employer to select any person who "possesses qualifications, training or experience which best adapts him for the welfare and interest of such employer's business or profession."

All ordinances mention race, creed, color, national origin and ancestry as prohibited grounds of discrimination except the Phoenix and Cincinnati ordinances which do not list ancestry and the Akron and New York ordinances which do not list national origin and ancestry. Some specifically mention religion or couple it with creed.

### Illegal Practices

Mention of specific illegal practices vary but in general are designed to cover any form of discrimination. Usually mentioned are such things as discriminatory advertising, inquiry into race, creed, etc. on application blanks or in interviews following a policy of denying employment through a quota system, and discrimination in hiring, tenure, pay, promotions, working conditions, privileges, or any matter related to employment. Persons actively opposing discrimination by the employer, bringing suit under the act or testifying are also protected. Labor unions are forbidden to discriminate as to membership or employment opportunities and employment agencies may not discriminate in referrals. New York City's ordinance permits employment agencies to discriminate if the employer so requests and may so advertise if the employer's name is listed, but this is nullified by the State F.E.P.A.

### Enforcement

Complaints must be brought within 30 days in Cleveland and East Chicago and within 60 days in Philadelphia, Sharon, and Monessen. The others mention no time limit. The latter three permit complaints to be filed either by the administering agency, the employee or any interested group. Chicago and Hubbard specifically empower the administering agency to initiate complaints.

Enforcement provisions are wholly lacking from the Akron, Denver, Seattle, and Phoenix ordinances. Chicago, Milwaukee, New York, and Richmond leave enforcement to the regular law enforcement agencies of the city. Cincinnati's ordinance provides only that any city official who discriminates shall be subject to dismissal. All other cities, including Denver, provide for special commissions charged with enforcing the ordinance and all, except Denver, declare violations punishable by fine, imprisonment or suspension of license or contract.

These commissions range in size from 3 to 15. In some instances they are part of a larger Community Relations Board, as in Warren. Most have 5 or 7 members appointed by the mayor with council approval for 3 to 5 years. The members serve without compensation except in Philadelphia where they are paid \$20 per meeting at a maximum of \$400 a year. Most are reimbursed for expenses. The commissions, generally, are empowered to receive and investigate complaints, to seek by persuasion and conciliation, adjustment of grievances, to conduct hearings, publish rules and regulations, publish findings of their investigations, issue reports and utilize other government or private agencies. All are charged with educational functions. Some are empowered to subpoena witnesses (in Youngstown, refusal to comply is subject to a daily fine up to \$100) and several may issue cease and desist orders (Philadelphia, Cleveland, Farrell, Gary, Monessen, Steubenville, Warren, Sharon, East Chicago) and refusal to obey is punishable. Other commissions are authorized only to certify cases to the prosecuting attorney of the city, who is, in some instances, an ex-officio member of the commission. In cases of discrimination by city agencies or officers, the commission is to refer the case to the mayor for appropriate action. In Minneapolis, the commission is to recommend prosecution to the municipal court or the clerk of that court. In Minneapolis and Sioux City, the rights of complainant are not limited to commission certification.

Penalties vary from a fine up to \$10 or up to 5 days in jail in Milwaukee to \$500 and 6 months in Richmond. Most ordinances provide penalties of \$100 fines and 30 days. In Minneapolis and Sioux City, penalties apply to those acting in a public or private capacity. Imprisonment is usually permitted after a prior conviction or refusal to pay a fine. A few ordinances provide that city contractors or subcontractors who discriminate commit a breach of contract. Some of the Ohio ordinances such as that of Hubbard (See Appendix O) provide the most severe penalties. These range from fines up to \$500, and 30 days after prior conviction. In addition they specifically require that the city may not enter into a contract with a contractor for one year if the contractor violates the ordinance twice. Furthermore, the commission is empowered to recommend to city licensing agencies, the suspension of a license up to 10 days and after prior conviction, suspension of one year is mandatory. New York provides for the suspension of the license of any employment agency that violates the ordinance. The ordinances require that before penal action is taken all possible attempts at conciliation be made and the Cleveland and East Chicago ordinances require the mayor to make a further attempt at conciliation if the commission fails.

#### Impact of F.E.P. Ordinances

Evaluation of the effectiveness of these ordinances is difficult. For one thing, most of them are very recent and reports are not available. Secondly, and more to the point, is that the true measure of its value, as the Minneapolis Commission reports, is in the observance of the ordinance and not in its violation. In the cases of Chicago, Milwaukee, Cincinnati, Phoenix and Richmond, none of which provide for a Commission on F.E.P., available information indicates that the ordinances

have never been invoked. Those commissions that have published reports indicate great improvements in employment patterns and the employment of minority groups in jobs which heretofore were closed to such groups. The commissions look upon their work as largely one of securing peaceful adjustments and all are carrying on comprehensive educational programs. As an example, the work of the Philadelphia Commission during 1950 will be briefly analyzed.

Since its inception in 1948, the Philadelphia Commission has called no public hearings. The report for 1950 notes that the success with conciliation would be less were it not for the sanction of a public hearing and possible penalty. Disbursements for 1950 totaled \$71,249.12. Its educational program has been very comprehensive through the use of speakers, conferences, the radio, schools, exhibits, pamphlets and "literally millions" of letters. During 1950, the commission closed 241 cases. Of these, 214 or 88% were initiated by an aggrieved person or an interested civic agency and 27 or 12% by the commission. Of the former, an unlawful practice was found and adjusted in 40% of the cases, no unlawful practice was found in 50%, 6% were dismissed for lack of jurisdiction and 4% were withdrawn by the complainant. Of those initiated by the commission, 74% were adjusted and in the remainder, no evidence of an unlawful practice was found. A breakdown of 215 cases received by the commission in 1950 reveals that complaints alleging discrimination on account of race or color comprised 65% of the total charges, 6% were on account of religion, 5% on account of national origin and the remaining 24% were concerned with unlawful application forms and advertisements. Nearly one-half of the cases charged refusal to hire, 15% charged discriminatory dismissals, 9% discriminatory employment conditions. The remainder dealt with unions, employment agencies and the above mentioned illegal advertising and application forms. Classification by respondents shows: manufacturing 32%, wholesale and retail trade 21%, public utilities 17%, city government 7%, hotels and restaurants 6% and 17% miscellaneous.

See Appendix Q for a statistical analysis of this information. Comparable information on the accomplishments of the Minneapolis Commission will be found in Appendix P. The appendix also contains illustrations of several ordinances as well as a copy of a proposed model ordinance for municipalities prepared by the American Jewish Congress.

COMPARATIVE CHART OF MUNICIPAL  
FEP PROVISIONS

	Akron O. 151	Chicago Ill. 145	Cincin. O. 146	Cleveland. O. 150	Denver Colo. 151	E. Chi'go. Ind. 150	Girard O. 151	Hubbard O. 150	Lorain O. 151	Milw. Wis. 146	Minneap. Minn. 147	Monessen Pa. 150	N.Y. City N.Y. 142	Phila. Pa. 148	Phoenix Ariz. 148	Richmond Cal. 149	Seattle Wash. 146	Sharon Pa. 150	Sioux Cy. Ia. 151	Yngstn. O. 150
<u>Basis for Discrimination</u>																				
Race	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Color	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Creed	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Religion	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
National Origin	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ancestry	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<u>Coverage</u>																				
Private Employers (of more than)		1		12		12	10	10	1	1	2	1		1				1		10
Public Employment		X	X	X	X	X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X <sup>b</sup>	X	X	X
City Contractors	X <sup>a</sup>	X	X	X	X	X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X	X	X	X
City Sub-contractors	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
License and Franchise Holders		X	X	X	X	X	X <sup>c</sup>	X <sup>c</sup>	X	X	X	X	X	X	X	X	X	X	X	X
Labor Organizations				X		X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X	X	X	X
Employment Agencies				X		X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X	X	X	X
Persons inciting to violation of act				X		X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X	X	X	X
Any employers subject to city legislation				X		X	X	X	X	X	X	X	X <sup>a</sup>	X	X	X	X	X	X	X
<u>Exemptions</u>																				
Fraternal Organizations				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Sectarian Organizations				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Charitable Organizations				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Parents, spouse, children				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Domestic servants				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
Jobs of a personal nature				X		X	X	X		X	X	X	X	X	X	X	X	X	X	X
<u>Illegal Practices (w)</u>																				
Advertising		X	X	X		X	X	X	X	X	X	X	X <sup>b</sup>	X	X	X	X	X	X	X
Application blank		X	X	X		X	X	X	X	X	X <sup>e</sup>	X	X	X	X	X	X	X	X	X
Inquiry into race, religion, etc.		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Use of quota system		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hiring or firing		X	X	X	X	X	X	X	X	X	X	X	X	X	X <sup>g</sup>	X	X	X	X	X
Pay		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Promotion		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Working conditions		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Privileges		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Training	X						X	X												X
"or any matter...related to employment"							X	X												X

COMPARATIVE CHART OF MUNICIPAL  
FEP PROVISIONS--(Cont.)

-120-

Illegal Practices (Cont.)

- Unions--membership
- Unions--employment opportunities
- Employment Agencies--referrals
- Discrimination against
  - Persons opposed to discrimination
  - Persons bringing suit
  - Persons testifying

Nature of Administering Agencies

- Number of Members(x)
- Compensation(h)
- Term of office--years

Powers of Administering Agencies (j)

- Initiate Complaints
- Receive and investigate complaints
- Conciliate
- Conduct hearings
- Subpoena witnesses
- Issue cease and desist orders

Time Limit for Bringing Complaint--days

Enforcement Methods

- Mayor to act where discrimination in public employment exists
- Case certified to city attorney for prosecution

Penalties

- Fine
- Imprisonment(r)
- Suspension of license
- Right to contract with city suspended

	Akron O. '51	Chicago Ill. '45	Cincin. O. '46	Cleveland. O. '50	Denver Colo. '51	E. Chi'go. Ind. '50	Girard O. '51	Hubbard O. '50	Lorain O. '51	Milw. Wis. '46	Minneap. Minn. '47	Monessen Pa. '50	N.Y. City N.Y. '42	Phila. Pa. '48	Phoenix Ariz. '48	Richmond Cal. '49	Seattle Wash. '46	Sharon Pa. '50	Sioux Cy. Ia. '51	Yngstn. O. '50	
Unions--membership				x		x	x	x			x	x		x				x	x	x	x
Unions--employment opportunities						x	x	x				x		x				x	x	x	x
Employment Agencies--referrals				x		x	x	x		x	x	x		x				x	x	x	x
Discrimination against																					
Persons opposed to discrimination							x	x				x		x				x	x	x	x
Persons bringing suit											x	x		x				x	x	x	x
Persons testifying											x	x		x				x	x	x	x
Number of Members(x)				i	11	5	7	5	10		5	5		5				5	5	7	
Compensation(h)							4	3	2		5	3		3				3	5	3	
Term of office--years											5	3		3				3	5	3	
Initiate Complaints				x								x		x				x			
Receive and investigate complaints				x	x	x	x	x	x		x	x		x				x	x	x	x
Conciliate				x	x	x	x	x	x		x	x		x				x	x	x	x
Conduct hearings				x	x	x	x	x	x		x	x		x				x	x	x	x
Subpoena witnesses				x							x	x		x				x	x	x	x
Issue cease and desist orders				x		x						x		x				x			x
Mayor to act where discrimination in public employment exists							x	x				x		x				x			x
Case certified to city attorney for prosecution				x		x	x <sup>n</sup>	x <sup>n</sup>	x		o	x		x				x	x <sup>o</sup>	x	x
Fine		x <sup>aa</sup>		x <sup>bb</sup>		x <sup>cc</sup>	x <sup>y</sup>	x <sup>y</sup>	x <sup>bb</sup>	x <sup>ddp</sup>	x <sup>ff</sup>	x <sup>z</sup>	x <sup>z</sup>	x <sup>z</sup>				x <sup>z</sup>	x <sup>z</sup>	x <sup>y</sup>	x <sup>y</sup>
Imprisonment(r)				x <sup>bb</sup>			x <sup>y</sup>	x <sup>y</sup>	x <sup>bb</sup>	x <sup>ddp</sup>	x <sup>ff</sup>	x <sup>z</sup>	x <sup>z</sup>	x <sup>z</sup>				x <sup>z</sup>	x <sup>z</sup>	x <sup>y</sup>	x <sup>y</sup>
Suspension of license							x <sup>tt</sup>	x <sup>tt</sup>		x <sup>ddp</sup>	x <sup>ff</sup>	x <sup>z</sup>	x <sup>z</sup>	x <sup>z</sup>				x <sup>z</sup>	x <sup>z</sup>	x <sup>y</sup>	x <sup>y</sup>
Right to contract with city suspended							x <sup>tt</sup>	x <sup>tt</sup>		x <sup>ddp</sup>	x <sup>ff</sup>	x <sup>z</sup>	x <sup>z</sup>	x <sup>z</sup>				x <sup>z</sup>	x <sup>z</sup>	x <sup>y</sup>	x <sup>y</sup>

COMPARATIVE CHART OF MUNICIPAL  
FEB PROVISIONS--(Cont.)

	Campbell* O. 1950	Farrrel* Pa. 1951	Gary* Ind. 1950	Lowellville* O. 1951	Niles* O. 1951	Staubenville* O. 1951	Struthers* O. 1950	Warren* O. 1951
<u>Basis for Discrimination</u>								
Race	x	x	x	x	x	x	x	x
Color	x	x	x	x	x	x	x	x
Creed	x	x	x	x	x	x	x	x
Religion								
National Origin	x	x	x	x	x	x	x	x
Ancestry	x	x	x	x	x	x	x	x
<u>Coverage</u>								
Private Employers (of more than)	10	1	1	10	10	1	10	12
Public Employment	x	x	x	x	x	x	x	
City Contractors	x	x	x	x	x		x	
City Sub-contractors	x	x	x	x	x		x	
License and Franchise Holders	x <sup>c</sup>			x <sup>c</sup>	x <sup>c</sup>		x <sup>c</sup>	
Labor Organizations	x	x	x	x	x	x	x	x
Employment Agencies	x	x	x	x	x	x	x	x
Persons inciting to violation of act								
Any employers subject to city legislation								
<u>Exemptions</u>								
Fraternal Organizations	x	x	x	x	x	x	x	x
Sectarian Organizations	x	x	x	x	x	x	x	x
Charitable Organizations	x	x	x	x	x		x	
Parents, spouse, children								
Domestic servants	x	x	x	x	x	x	x	
Jobs of a personal nature		x	x			x		
<u>Illegal Practices (w)</u>								
Advertising	x	x	x	x	x	x	x	x
Application blank	x	x	x	x	x		x	x
Inquiry into race, religion, etc.	x	x	x	x	x	x	x	x
Use of quota system								
Hiring or firing								
Pay								
Promotion								
Working conditions								
Privileges								
Training								
"or any matter...related to employment"								
Unions---membership								
Unions---employment opportunities								
Employment Agencies---referrals								
Discrimination against								
Persons opposed to discrimination	x	x	x	x	x		x	x
Persons bringing suit								
Persons testifying	x	x	x	x	x		x	x
<u>Nature of Administering Agencies</u>								
Number of Members (x)	7	5	5	7	5	3	7	5
Compensation <sup>(h)</sup>								
Term of office								

\* Information incomplete; ordinance unavailable.

Source: Joint Memorandums of the American Jewish Committee and Anti-Defamation League, "Analysis of City Ordinances against racial and religious discrimination in employment", August 1, October 17, 1951.

COMPARATIVE CHART OF MUNICIPAL  
FEP PROVISIONS--(Cont.)

	Campbell O. 1950	Farrel Pa. 1951	Gary Ind. 1950	Lowellville O. 1951	Niles O. 1951	Steubenville O. 1951	Struthers O. 1950	Warren O. 1951
<u>Powers of Administering Agencies (j)</u>								
Initiate Complaints								
Receive and investigate complaints	x	x	x	x	x	x	x	x
Conciliate	x	x	x	x	x	x	x	x
Conduct hearings	x	x	x	x	x	x	x	x <sup>l</sup>
Subpoena witnesses								
Issue cease and desist orders		x	x			x		x
<u>Time Limit for Bringing Complaint</u>								
<u>Enforcement Methods</u>								
Mayor to act where discrimination in public employment exists	x	x	x	x	x		x	
Case certified to city attorney for prosecution	x <sup>n</sup>	x	x	x <sup>n</sup>	x <sup>n</sup>	x	x <sup>n</sup>	x
<u>Penalties</u>								
Fine	x <sup>y</sup>	x <sup>z</sup>	x <sup>cc</sup>	x <sup>y</sup>	x <sup>y</sup>	x <sup>gg</sup>	x <sup>y</sup>	x <sup>z</sup>
Imprisonment <sup>(r)</sup>	x <sup>y</sup>	x <sup>z</sup>		x <sup>y</sup>	x <sup>y</sup>		x <sup>y</sup>	x <sup>z</sup>
Suspension of license	x <sup>t</sup>			x <sup>t</sup>	x <sup>t</sup>		x <sup>t</sup>	
Right to contract with city suspended	x <sup>u</sup>			x <sup>u</sup>	x <sup>u</sup>		x <sup>u</sup>	

<sup>a</sup>Policy resolution, no enforcement.

<sup>b</sup>Resolution to the effect that the city council stands ready to investigate cases where evidence is furnished to show that discrimination is practiced in the hiring of city personnel. It is not clear whether the resolution applies to racial discrimination or discrimination in any form.

<sup>c</sup>Those operating under a "privilege" granted by the city and soliciting the custom of the public generally, meaning "any franchise, license, permit, tax exemption, authorization or other permission granted by the city".

<sup>d</sup>Two separate sections of the administrative code of the city apply. There is no FEP ordinance as such.

<sup>e</sup>Unless required for national security.

<sup>f</sup>Applies to employment agencies unless prospective employee specifies in writing and the advertisement must contain name of employer. Nullified by state FEP law.

<sup>g</sup>Ordinance not applicable to those who individually or as a group advocate violent overthrow of the government.

<sup>h</sup>Only the members of the Philadelphia Commission are paid. (\$20 per meeting at a maximum of \$400 a year). Most ordinances provide for reimbursement of expenses.

<sup>i</sup>Ordinance vests authority in the Community Relations Board, the nature of which is not given in the ordinance.

FOOTNOTES--Cont.

- <sup>j</sup> Only powers with respect to violations and complaints are listed. Generally, the agencies are given power to conduct educational programs in order to promote good will, publish rules and regulations, issue publications and reports, publish findings of investigations, make studies, appoint staffs, recommend legislation, utilize other governmental as well as private agencies, etc.
- <sup>k</sup> Before a hearing is called, the commission is to call on the mayor to make a further attempt at adjustment through conciliation.
- <sup>l</sup> The Committee on Employment Practices must report to the Community Relations Board of which it is a part, and the latter conducts the hearing and issues the order.
- <sup>m</sup> Refusal to comply subjects respondent to fines of up to \$100 daily.
- <sup>n</sup> City attorney is ex officio member of the administering agency.
- <sup>o</sup> In Minneapolis the agency is to recommend prosecution to a proper court. In both Minneapolis and Sioux City, the rights of the complainant are not limited to such certification.
- <sup>p</sup> Persons acting in either official or private capacities are subject to the penalties.
- <sup>q</sup> Any public official charged with personnel functions, who violates the act, is subject to dismissal.
- <sup>r</sup> Usually, imprisonment can follow only if fine is unpaid or after a prior conviction.
- <sup>s</sup> Employment agency license may be suspended or revoked by the Commissioner of Licenses.
- <sup>t</sup> Administering agency to report to the agency granting such "privilege". (See note <sup>c</sup>). Suspension may be up to 10 days for first offense and up to one year after second violation.
- <sup>u</sup> City may not enter into a contract for one year with any contractor who violates the ordinance twice. Most ordinances declare a violation by a city contractor to be a breach of contract.
- <sup>v</sup> In 1948 the Cleveland Board of Commerce was permitted by the city council to pursue a plan of voluntary conformance to the fair employment idea. At the end of a year's experience, the Board of Commerce requested adoption of the ordinance.
- <sup>w</sup> The mention of specific illegal practices does not preclude action on other forms of discrimination since most ordinances declare that the law should be liberally construed.
- <sup>x</sup> All are appointed by the mayor with or without council consent. In Girard, 4 are appointed by the council and 3 by the mayor; in Gary, 3 by the mayor and 2 by the council; in Philadelphia, 3 by the mayor and 2 by the president of the council; and in Warren, 3 by the council and 2 by the mayor.
- <sup>y</sup> \$50-\$500; to 30 days.                      <sup>z</sup> To \$100; to 30 days.
- <sup>aa</sup> \$200.                      <sup>bb</sup> To \$100; to 10 days.                      <sup>cc</sup> To \$300.                      <sup>dd</sup> \$10; 5 days.
- <sup>ee</sup> To \$500; to 6 months.                      <sup>ff</sup> To \$100; to 90 days.                      <sup>gg</sup> To \$100.

## STATE FAIR EMPLOYMENT PRACTICE LEGISLATION

Eleven states have enacted fair employment practices acts. The first of such laws were passed in 1945 in New York, New Jersey, Indiana, and Wisconsin. These were followed by Massachusetts in 1946, Connecticut in 1947, New Mexico, Oregon, Rhode Island, and Washington in 1949 and lastly, by Colorado in 1951.

In those states which provide for administrative agencies with power to enforce the acts through "cease and desist" orders, courts and the imposition of fines and imprisonment, no cities have passed similar acts. However, in Ohio 13 cities have enacted FEP ordinances although there is no FEP act on the state level and similarly, 4 cities in Pennsylvania have enacted enforceable FEP ordinances with none at the state level. The local situation in the above-named 11 states is as follows: The portion of the New York City Administrative Code relative to employment agencies is nullified by the State FEP Act and another section applies only to city contractors with enforcement left to regular authorities. Seattle, Washington has only a policy-resolution applicable to discrimination in public employment. Denver, Colorado has an ordinance concerned with discrimination by the City and County of Denver but it wholly lacks enforcement provisions.

In Indiana and Wisconsin, the situation is reversed. Neither of these states' laws has enforcement provisions. In Indiana, two cities, East Chicago and Gary, have comprehensive FEP ordinances which provide for an enforcement agency and penalties. Milwaukee, Wisconsin has an ordinance applicable to both private and public employment with penalties although enforcement is left to the regular law enforcement authorities. No cities in the other states mentioned have any such ordinances. (1)

As noted above, the laws of Indiana and Wisconsin lack enforcement provisions. Colorado's law has enforcement provisions applicable only to public employment; a public employer being defined so as to include the state and its political subdivisions except school districts, educational institutions and other political subdivisions employing less than 6 persons aside from elective officials. The Colorado Commission's power with regard to private employment is limited to conciliation and education. New Mexico's Commission has been inactive due to the failure of the legislature to appropriate funds. All of the remaining 8 states have provided for Commissions with substantial appropriations as well as enforcement powers.

#### Applicability

The Connecticut, Massachusetts, Colorado and New Mexico laws expressly make the state as an employer subject to the law. It should be noted, however, that many states prohibit discrimination in their civil service and furthermore, that all states are legally forbidden to discriminate by the "equal protection" clause of the 14th Amendment. With regard to private employment, the New Mexico and Rhode Island

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(1) See the report on Municipal Fair Employment Practices Acts for more information on those cities which have enacted ordinances and for the contents thereof.

statutes make employers of 4 or more subject to the act; Connecticut, 5 or more; New York, New Jersey, Oregon and Colorado, 6 or more; and Washington extends coverage to employers of 8 or more. Employment agencies and labor organizations are also subject to the acts, as well as any person inciting to violation of its provisions. All the laws except that of Connecticut expressly exempt social, fraternal, sectarian and charitable organizations not organized for profit, and all exempt domestic servants and those in the employ of parents, spouse or children.

In addition to forbidding discrimination based on race, color, religious creed, national origin or ancestry, unless based upon a bona fide occupational qualification, as all the statutes do, Massachusetts has amended its law to forbid discrimination because of age, which is defined as between the ages of 45 - 65, except with respect to the state and its political subdivisions.

### Illegal Practices

Specific unlawful practices as defined by the laws vary. The Indiana statute does not expressly define an illegal practice. The others declare discrimination in matters of hiring, tenure, compensation, terms, conditions or privileges of employment (Washington does not mention privileges) to be an unlawful practice. Discriminatory advertising and inquiries into race, creed, etc. are forbidden except in Washington, Connecticut and Colorado. Labor organizations are forbidden to discriminate against their members or applicants for membership, and except for the laws of New Mexico and Rhode Island, unlawful practices by labor organizations extend also to acts of discrimination against employers, employees who are not members or applicants for membership. Employment agencies are forbidden to discriminate in their application blanks, classifications or referrals and in general, unlawful practices applicable to employers apply to employment agencies. The laws also declare discrimination by the employer against persons opposing discrimination, bringing suit or testifying under the act as an illegal practice. In addition to the above-mentioned factors, Rhode Island's statute defines illegal practices so as to include the use of a quota system and discrimination on "any other matter directly or indirectly related to employment." Furthermore the Rhode Island law declares it unlawful for an employer in the recruiting of employees to knowingly utilize any employment agency, placement service, training school or center, labor union or any other employee-referring source which discriminates and these agencies in turn may not comply with any employer's request which is discriminatory. All these employee-referring sources are also forbidden to discriminate in advertising, interviews and application blanks and along with employers, may not make a record of the race, religion, etc. of an employee or member. New Mexico also has a provision with respect to the keeping of such records by employers or employment agencies.

It should be noted that most of these statutes call for the enforcing agency and the courts to liberally construe their provisions so that the omission of an illegal practice does not keep the enforcing authority from ruling on such matters.

Enforcement

All 11 states vest responsibility for the administration of the statute in an administrative agency. These vary greatly, not only in name but in composition and character. Some states, such as New York, have independent agencies charged with enforcement of the law. In other states, the agency is part of another department of the state such as New Jersey's Division Against Discrimination in the Department of Education, and this Division also enforces a general civil rights law. In Wisconsin, authority is vested in the Industrial Commission. The membership varies greatly from 3 in New Mexico and Massachusetts to 20 in Connecticut (10 commissioners and 10 hearing examiners). Indiana and Wisconsin vest authority in the Commissioner of Labor plus a 9-man advisory board and the Industrial Commissioner and a 7-man advisory board respectively. Salaries range from \$10,000 a year to each of New York's 5 commission members to \$2,500 for each of Rhode Island's 5 members. In Connecticut \$25 per diem is paid to the Hearing Examiners. No compensation is paid in New Jersey or New Mexico. All states reimburse for expenses. Usually, members are appointed by the Governor, generally with senate consent.

These commissions are empowered generally to maintain offices, appoint staffs, meet and function anywhere in the state, conduct educational programs, recommend policies and legislation, make rules and regulations, issue publications and reports, investigate discrimination in state agencies and recommend corrective measures, create advisory councils throughout the state and utilize the services of other departments. In line with enforcement of the laws, the commissions receive and investigate complaints (some may initiate complaints), attempt conciliation, conduct hearings, subpoena witnesses, issue cease and desist orders (exception Wisconsin and Indiana and only in cases of discrimination in public employment in Colorado) and appeal to the courts for enforcement. In New York, New Jersey, Massachusetts, Rhode Island, New Mexico and Colorado (public employment cases only) the commissions are not only empowered to issue cease and desist orders but may also order a respondent to take affirmative action such as hiring, reinstatement, upgrading back pay, restoration to membership in a labor union, etc.

Complaints must be filed within 90 days in New York and New Jersey, within 3 months in Colorado, within 6 months in Massachusetts, Connecticut and Washington and within one year in Rhode Island. No limitation is stated in the laws of Oregon, New Mexico, Indiana or Wisconsin. The Massachusetts, Connecticut, Washington and Rhode Island commissions may initiate complaints. In New York, the commission may do so but such cases are not enforceable by them. The commission may turn the case over to the Attorney General who is authorized to initiate a complaint.

The laws of New York, New Jersey, Washington, Massachusetts and Oregon contain penal provisions ranging from fines up to \$500 and/or one year imprisonment for resisting, preventing, impeding or interfering with the authorities in the performance of their duties or for violating an order of the commission. Massachusetts declares the filing of a false complaint to be a penal offense. In Washington, a violation is a misdemeanor. Massachusetts, New Mexico and Rhode Island provide penalties for any employer, employment agency or labor

union which refuses to post notices about the act, in a conspicuous place. Those laws providing for no specific penalty such as that of Connecticut. leave enforcement to the regular judicial process.

All (except Wisconsin, Indiana and Colorado in cases of private employees) provide for judicial review and enforcement of the rulings of the commissions. There are differences in the provisions concerning the procedures for court review which arise largely from the differences in the court systems of the states. Generally, the cases are to proceed in the same manner as any other case although some states require that such cases take precedence over others on the court's docket. The courts may take such steps as the fair administration of justice warrants although in some states, findings of fact by the enforcing agency are conclusive. Either party to a complaint may seek judicial review or enforcement.

### Effectiveness

Evaluation of the effectiveness of these laws is, as is indicated in the section on municipal ordinances, very difficult, even where accomplishments are statistically analyzed. The observance and not the violation of a statute is the true test of its value as the Minneapolis Commission notes. The state laws have been in effect longer than most of the local ordinances and therefore more information is available. It should be noted that, by and large, information comes from the reports of the agencies.

One general statement is pertinent, however. W. Brooke Graves, in his report on FEP legislation in the United States, notes the following:

"The Senate Committee in its report on S. 1728 in 1950 refers to the voluntary laws in Indiana and Wisconsin as 'already almost forgotten' and notes that the Indiana Commission has not even filed a report in over two years, while 'the FEPC Commissions in those states and municipalities whose statutes contain enforceable provisions . . . have compiled an impressive and irrefutable record of achievement. Statistics and other documented evidence,' continued the report of the Senate Committee, 'have been submitted showing that wherever such laws are in effect, Negroes and other minorities have found employment in industries previously closed to them. Questions about race, religion, national origin and other occupationally irrelevant data have disappeared from application forms, help-wanted advertisements, and employment agency registration. Minority group workers have increasingly been admitted to unions from which they were formerly excluded.'" (2)

Until recently, the commissions have avoided recourse to their coercive powers, but public hearings have now been held in Connecticut, Massachusetts, New York and Oregon and a few cases have reached the courts. A summary of these cases as reported in the NAIRO Reporter will be found in Appendix BB.

In the appendix will be found available statistical information on the cases handled by the states. Information is lacking from Indiana, New Mexico and Colorado, the latter being in effect only since July, 1951.

(2) Public Affairs Bulletin No. 93, Library of Congress, Legislative Reference Service, April 1951, p. 58.

The reports of these commissions indicate a common pattern of approach to their work. As the Oregon Commission reports, "The first 18 months of the Oregon Fair Employment Practices Act shows that an approach using conference and conciliation, backed up by legal penalties, combined with an educational program to reduce prejudice, is successful in eliminating discrimination in employment." (3) These reports (4) contain information on specific accomplishments, rulings on specific issues and information on the general activities of the commissions.

The activities of New York's Commission are typical. Educational work is a major function. Twelve community councils have been appointed as educational arms of the commission in the local community. Use of mass media of communication such as films, television, radio, newspapers, periodicals, exhibits and literature in all forms has increased each year. Work has been done in and with schools and colleges. Conferences have been held, speeches made, studies undertaken. Legislation has been recommended and 2 of these bills have been enacted, one relating to state and municipal contracts and the other to names of employment agencies. Over 3,000 application forms have been reviewed and discriminatory questions eliminated. From July, 1945 through December, 1950, 1860 verified complaints were handled besides hundreds of other regulatory matters such as informal complaints, commission initiated investigations, case reviews and application form reviews. See Appendix U for a breakdown of this material.

The work of the Rhode Island Commission since its inception in 1949 is similar. Pertinent literature has been distributed to all who are subject to the act. A library on human relations has been established as well as a film library, which has been made available to schools and interested groups. Blotters have been distributed among students. Posters have been placed on transportation media and the press and radio are used. Speaking engagements and conferences are common, not only with civic groups but with employers, unions, etc. Application blanks have been reviewed and the agency reports "complete success" in eliminating discriminatory questions from employment agency personnel forms. In line with its jurisdiction over state agencies, the Commission has secured cooperation on all levels. It has recommended a change in the FEP law to permit inquiry into race, creed, etc. after employment and this was passed in the 1951 Legislature. From July 1949 through December 1950, 58 complaints were received and adjusted.

In Wisconsin, the Fair Employment Division of the Industrial Commission is empowered to receive and investigate complaints, confer, furnish technical assistance, educate, and if necessary, subpoena witnesses, hold formal hearings and give publicity to its findings.

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(3) Report, 1950, p. 8.

(4) These reports are on file at the Wisconsin Legislative Reference Library, State Capitol, Madison, or may be obtained by request from the issuing agency.

No hearings have been called to date. There are no penal provisions or judicial review and enforcement. In the past, a sum of \$5,000 has been appropriated annually and the staff consists of one employee, namely, an administrative assistant. In 1951, the appropriation was increased to allow for an expanded staff. The Division employee has distributed posters, appeared on radio and television and has met many speaking engagements. A total of 319 individuals sought job counsel and assistance during the 1948-50 period. A statistical breakdown is not available; however, it appears that little work has been done outside of Milwaukee, where the Division employee is located.

## CIVIL RIGHTS LEGISLATION IN THE FIELD OF PUBLIC ACCOMMODATIONS

Laws prohibiting discrimination in places of public accommodation, such as hotels, parks, restaurants and bars, more commonly known as civil rights laws, are on the statute books of 18 states - California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington and Wisconsin. Louisiana also has a civil rights statute which is inoperative and a District of Columbia law, enacted after the Civil War, subsequently lost, and now found, has recently been upheld in the municipal court and is now being tested in a higher court. The attached chart indicates the coverage of these laws.

Although these laws all provide for enforcement by civil or criminal action and some specify both methods, they have not been widely used. For instance, Marshall Bragdon, Executive Director of the Mayor's Friendly Relations Committee in Cincinnati reports:

Civil rights in public facilities is one of the most difficult problems to deal with despite the state law. The Mayor's Committee has no powers of enforcement although we make many efforts to encourage compliance with the law, when cases of discrimination are brought to our attention. Sometimes this works; often it does not. When a restaurant owner, theater owner or place of public amusement refuses to admit a citizen because of race or creed, the latter's best recourse is to file a complaint with the prosecutor's office or to sue for damages. Unfortunately, no complainant has ever won a case under the state civil rights law in Hamilton County in the more than sixty years it has been on the books.<sup>(1)</sup>

A study made of the enforcement of Iowa's Civil Rights Laws from 1939-1950 showed 22 criminal prosecutions resulting in 4 convictions, 3 involving the payment of fines and one a suspended sentence. Eight of the 22 cases were dropped after the establishment agreed to refrain from repeating the offense. Of the 14 cases seeking damages, 8 were dropped when the defendant promised to cease discriminatory practices, 5 cases were decided for the defendant and in only one did the plaintiff win damages, damages of \$1.<sup>(2)</sup>

In an effort to make their state laws mean more, Illinois in 1935 directed local officials to aid in enforcement, ordered the state attorney in each county to prosecute diligently and the Attorney General to obtain evidence and see that complaints against violators were made. New Jersey (1944) and New York (1945) imposed the duty on the Attorney General to enforce civil rights laws.

In Wisconsin the Governor's Commission on Human Rights has interpreted its educational functions to include informal conciliation and mediation in cases where the denial of rights law seem to be violated. A special assistant attorney general was assigned to the commission for aid. Averaging 20 cases a year, the commission reports that solutions apparently satisfactory to both sides of controversies have been reached in most instances and without unfavorable publicity.

(1) Letter, November 7, 1951.

(2) Goostree, R.C., "Iowa's Experience with Civil Rights Legislation," 16 County Officer 170(July 1951) - 19 -

In two major cases involving state bowling practices under American Bowling Congress rulings and the use of a municipal swimming pool, the Governor's Commission on Human Rights, because of the extent of the problems involved, and because conciliation and mediation seemed ineffective, referred the issues to the Attorney General's office, asking that "appropriate action" be taken. In both instances the action of the Attorney General was instrumental in correcting the alleged discrimination policies and practices.

The Wisconsin Commission has also received the counsel of the Attorney General's office in implementing the state civil rights law in the resort industry. Its resultant educational campaign has included informal mediation; initiation of a regional resorts committee, together with commissions in Minnesota and Illinois; letters asking for cooperation in implementing the law sent to resort owners, district attorneys, and local law enforcement officials; widespread publicity through press, radio, and conferences, to show the moral and economic advantages of having Wisconsin "a vacationland for all"; and the proposal of recently passed legislation amending the law to include discriminatory advertising.

Recently 3 states have tried a new enforcement method, the use of an administrative agency. The approach is based on the theory that discrimination is a matter of public concern and emphasis is on compliance through conciliation. The New Jersey Division Against Discrimination in 2 years, from July 1949 to June 1951, has received 113 formal complaints of discrimination in public accommodations.<sup>(3)</sup> Of these, 62.9% concerned discrimination in services such as restaurants and taverns, 16.6% in accommodations, largely hotels and transportation, 15.7% in recreation, with swimming pools presenting the greatest difficulty, and 4.8% in training institutions. Ninety-nine of the cases were closed by June, 1951 and taken with the figures for fair employment practices cases, slightly over half the cases were adjusted and another 38.8% dismissed.

Since 1949 when the Connecticut Commission on Civil Rights started enforcing the state Public Accommodations Act, it has received 47 complaints, all but two of which were settled by conciliation.<sup>(4)</sup> Over half of these were concerned with resort hotels and camps, and 41 of the 47 were satisfactorily adjusted.

The Massachusetts Committee Against Discrimination was given the responsibility for handling cases of discrimination in public accommodation in August, 1950, thus missing the resort season, and the 1950 annual report lists only 4 complaints.

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(3) Biennial Report July 1, 1949-June 30, 1951. State of New Jersey Department of Education, Division Against Discrimination, 1951.

(4) Report of Activities, 1950-1951, State of Connecticut Commission on Civil Rights.

No city has a comprehensive civil rights ordinance. Philadelphia may lead the way in city enforcement in 1952, however, when a new Commission on Human Relations will be established. "Whether the new commission... will attempt to administer or enforce the state law prohibiting discrimination in public accommodations is a matter of conjectures", writes an official.<sup>(5)</sup> Toledo passed an ordinance March 22, 1948 which requires all concessionaires operating under franchise granted by the city to abide by the Civil Rights Statute of Ohio. New York City forbids city payments to private charitable institutions that discriminate. A few other cities have ordinances which are indirectly related to civil rights. For instance Miami Beach, Florida makes it unlawful to display any sign or advertisement which is discriminatory against persons of any religion, race or creed, in their use of public accommodations. Minneapolis, Seattle, Pittsburgh, and several other cities, prohibit the printing and distribution of literature which exposes any racial or religious group to hatred or ridicule.

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<sup>(5)</sup> Letter, December 11, 1951 from Burton I. Gordin, Research Associate, Philadelphia Fair Employment Practice Commission.

TABLE III - COMPARATIVE CHART OF STATE PUBLIC ACCOMMODATION STATUTES

	States																			
	Cal	Col	Conn	Ill	Ind	Ia	Kan	La*	Mass	Mich	Minn	Neb	N.J.	NY	Ohio	Pa	RI	Wash	Wis	Dof C**
<u>Persons Covered</u>																				
All persons		x <sup>1</sup>	x	x	x <sup>1</sup>	x	x	x	x	x	x	x	x <sup>1</sup>	x	x	x	x	x	x	
Citizens	x																			
<u>Basis for Discrimination</u>																				
Race, Color	x	x	x		x	x	x	x	x	x	x		x	x	x	x		x	x	x
Religion, Creed			x						x	x	x		x	x		x		x	x	
National Origin			x								x		x	x					x	
No Specified Grounds				x								x					x		x	
<u>Places Covered</u>																				
Airplanes				x						x	x		x	x	x	x				
Auditoriums									x				x					x		
Barber Shops	x	x		x	x	x			x	x		x		x	x				x	x
Saloons											x		x	x		x			x	x
Bath houses	x	x				x							x	x			x			x
Beauty Parlors									x				x	x						x
Boarding Houses							x						x	x						
Bowling Alleys													x	x						
Cemeteries			x <sup>2</sup>	x <sup>2</sup>									x	x						
Drug Stores																				
Elevators				x						x <sup>3</sup>										
Fairs & Circuses													x	x						
Funeral Hearses	x			x																
Garages													x	x						
Golf Courses													x	x						
Gymnasiums													x	x						
Hospitals													x	x						
Hotels	x	x	x	x			x	x		x	x		x	x						x
Inns, Taverns <sup>4</sup>	x		x	x	x	x	x	x	x	x		x	x	x			x		x	
Licensed Entertainment Houses							x		x								x			
Movie Theaters			x							x			x	x						
Museums	x																			
Musical Halls	x		x	x					x				x	x						
Other places of Pub. Amusement	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Parks	x												x	x						
Pool Halls										x			x	x						
Pub. Conveyances <sup>5</sup>	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Pub. Conveyances-Water		x		x	x		x	x	x	x		x	x	x	x	x	x		x	

TABLE III - COMPARATIVE CHART OF STATE PUBLIC ACCOMMODATION STATUTES (Continued)

	States																			
	Cal	Col	Conn	Ill	Ind	Ia	Kan	La*	Mass	Mich	Minn	Neb	N.J.	NY	Ohio	Pa	RI	Wash	Wis	Dof C**
Public Libraries													X	X		X				
Race Tracks	X													X		X				
Refreshments, where served						X				X	X									X
Rest rooms				X									X							
Restaurants	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X		X	
Road Houses			X	X										X		X				
Roof Gardens														X		X				
Shooting Galleries														X		X				
Skating Rinks	X			X					X					X		X				
Soda Fountains				X										X		X				
Stores				X <sup>6</sup>						X				X		X				X
Taxicabs			X							X				X	X					
Theaters	X	X	X	X	X	X			X	X	X	X	X	X	X	X	X			
<u>Miscellaneous</u>																				
Discriminatory advertising <sup>7</sup>		X		X					X	X			X	X		X			X	
Insurance:																				
Automobile											X							X		
Health & Accident			X										X							
Life			X						X	X	X		X	X	X					
<u>Enforcement</u>																				
<u>Procedure</u>																				
Civil Action Only	X																			X
Criminal or Civil		X			X														X	
Criminal & Civil				X			X		X	X	X		X	X	X	X	X	X		
Criminal only			X			X	X					X								
Administrative			X						X				X					X		
Other				X <sup>8</sup>					X <sup>9</sup>	X <sup>9</sup>			X							X <sup>9</sup>

Most of this information is taken from Murray, Pauli "States' Laws on Race and Color"  
(Women's Division of the Methodist Church, New York 1950)

(Footnotes on next page)

FOOTNOTES for Table III.

- <sup>1</sup>The statutes provide that all persons be covered, but the punitive sections forbid discrimination against citizens.
  - <sup>2</sup>Forbids discrimination in the price of cemetery lots.
  - <sup>3</sup>Escalators specified.
  - <sup>4</sup>California, Maine, Massachusetts, Montana, New York and Utah have additional statutes prohibiting refusal without reasonable cause by innkeepers.
  - <sup>5</sup>California, Montana, Illinois and New York have additional statutes prohibiting refusal to accept passengers by common carrier.
  - <sup>6</sup>Illinois specifies clothing stores, department stores, hat stores and shoe stores.
  - <sup>7</sup>In addition, Maine and New Hampshire forbid discriminatory advertising though they have no other civil rights law.
  - <sup>8</sup>Place of violation enjoined as a nuisance.
  - <sup>9</sup>License forfeited.
- \*This 1869 statute is a dead letter.
- \*\*These statutes are being tested in the courts at present. Passed in 1872 and 1873, they were omitted in the codification of D.C. laws in 1901, rediscovered in 1945 and upheld in a restaurant case in 1951. The decision is being appealed.

## OFFICIAL MUNICIPAL HUMAN RELATIONS AGENCIES

A large number of cities have established civil rights committees either by ordinance or executive action. Most of the early interracial agencies were prompted into being by the Detroit riots of 1943 or because of tense situations created by the war but the great increase in recent years is often explained as a reflection of a growing interest in civil rights and a recognition that local government has a positive role in the elimination of discrimination and the redirection of attitudes toward minorities. (1)

The attached tables indicate the general membership and finances of the organizations. Usually they are composed of approximately 15 members, appointed by the mayor and representing different racial, religious, ethnic and economic groups. Unless the city is very large, the staff is generally confined to one professional and one clerical worker and for many commissions, all work is done by volunteers. In those cities where the commission's expenditures are financed by city appropriations, there is a definite upward trend in the money allotted from year to year. The commissions here examined are in general without any enforcement power.

Methods--Education

Since these commissions are committed to a program of "energetic gradualism", as the Cincinnati group puts it, a primary job is education. A variety of media are used. All of the large commissions put out annual or more-frequent reports and in addition many publish reading lists, study guides, pamphlets, etc. The Toledo Board of Community Relations has used the printed word in a variety of ways - distributing 2,000 calendars to school teachers listing the days of religious and patriotic significance so that examinations and assemblies would not be scheduled when the children would be absent, distributing blotters emphasizing understanding to all 7th and 8th graders in parochial schools, and providing the libraries with 15,000 book-markers with a good-will message on them. Cincinnati distributed 4,000 book covers carrying a message for the promotion of better intergroup relations to school children. Detroit has used car cards.

Most of these agencies issue news releases and several are able to record many inches of "copy" written about their activities. The Cincinnati Mayor's Friendly Relations Committee has a weekly column in 3 Negro newspapers. The Manhattan Council has translated and distributed copies of reports and pamphlets of the New York State Commission Against Discrimination to the foreign language press.

Chicago and St. Louis each have put on series of broadcasts dealing with human relations. Toledo's series of programs were broadcast directly to the schools. Toledo also tried out spot announcements paid for by private firms. Manhattan and Kings County council members participated in radio programs in 6 languages.

(1) In addition to official agencies, there are scores of unofficial or semi-official city agencies for human rights in the United States. Wisconsin alone has 8 such groups, cooperating with the Governor's Commission on Human Rights in broad education programs, located in Appleton, Janesville, Kenosha, Madison, Oshkosh, Racine, Sheboygan, and Waupun.

Movies are considered a potent force for improving intergroup relations and while no city commission, as far as it can be ascertained, has produced a film of their own, they frequently make use of movies in their public relations programs. The Los Angeles group sponsored special showings of "Go For Broke", "The Well", and "Bright Victory" and Toledo showed "Gentlemen's Agreement", with the double value of education of viewers and the fact, as the 1949 annual report declared, that "The board gained status as the result of being able to sponsor a program of such excellence".

All human relations specialists devote a great deal of time to speech-making and apparently an unlimited number of church, youth, women's, fraternal and service groups want to hear about the subject. It would be futile to list the vast number of speeches given. What is interesting to note is the trend away from lectures and towards small conferences, "buzz sessions" and a mutual hashing out of problems. This is particularly noticeable in conventions and institutes sponsored by these human relations groups. Conventions, classes, regular meetings, etc. have been held with and for all sorts of groups from police officials, to teachers, parent groups, and clergymen. The Perth Amboy Civil Rights Commission has put on a "Rumor Clinic" which will be followed by 4 "Incident Control" programs.

Another allied activity of these commissions is to send other city employees or interested individuals to some of the many intergroup institutes as well as attending themselves. Some of the small New Jersey groups like Trenton and East Orange consider this one of their outstanding activities. Detroit educates by sponsoring "Friendship Tours" to visit organizations and neighborhoods of minority groups.

Another technique used is promotion of music and dance programs. Irvington, N. J. put on a "Songs of the People Program" and in connection with the visit of the Freedom Train the Toledo Board sponsored a program presented by many national and racial groups on the theme of appreciation of each other's contribution to America's culture. Pittsburgh has worked in a similar way through "Little Theater" groups.

The immensity of the problems and the lack of staff and finances leads these public agencies to work closely with many private agencies. For instance, many city groups refer the problems of individual Negroes seeking jobs to the Urban League; they count on the support of the National Association for the Advancement of Colored People where race tension exists; they call on Jewish, Protestant and Catholic groups for support for their policies, for information and for active assistance. In the case of Detroit, this relationship has been formalized and 50 agencies and organizations form a coordinating council. In others this cooperation is mostly based on personal friendship of the officials concerned.

#### Methods--Fact-Finding.

A second major area of activity is fact-finding. To be effective, these commissions must have information on local conditions, what discrimination there is in employment, in housing, in public services,

where the tension areas are and what population changes are taking place. The Minneapolis Mayor's Council bases its activities on a Community Self-Survey conducted in 1947. The Pittsburgh survey on housing conditions is outstanding; Cambridge has investigated employment, housing and recreational facilities for minority groups, New York discrimination in baseball, and nearly all agencies confronted by a problem, attempt to ascertain the facts, even though they may never be published.

Little basic research is undertaken by the agencies. They are likely to rely on state or national organizations or universities. Several city commissions have made use of existing educational facilities, with Cambridge calling on Harvard, Radcliffe and Wellesley students to do interviewing and Cincinnati in close contact with the clinical psychology and sociology departments of the University of Cincinnati so that research projects that would supply the Mayor's Friendly Relations Committee with needed data could be jointly planned.

### Methods--Tension-Control

Tension-control is an important activity for most of these commissions, especially in cities such as Chicago and Detroit where feeling runs high. Ideally the commission averts violence by combatting rumors, talking with local people, contacting community leaders (2) Far too often the interracial fight has occurred, or the home of the Negro has been attacked before the commission members arrive on the scene. Then their job is to quiet fears, and working through local individuals and agencies to try to remove the cause of tension.

Much of this work is done in cooperation with law enforcement officials. Fights at swimming pools, playgrounds and in the streets, which have a racial basis can be curbed by asking for police surveillance. In Chicago, the commission is frequently on the spot before the police, or at least is the first to notify the law.

### Activities

It is probably easier to understand the work of these city civil rights commissions by looking at their work in different areas where discrimination is practiced - employment, housing, recreation, education, law enforcement and public services and accommodations.

### Employment (3)

None of the commissions under consideration have any power of enforcement in the field of discrimination in employment; all they can do

(2) For instance, the Cincinnati committee realized that a pending slash in relief rolls might be misunderstood by the Negro community and met with Negro clergymen to explain the situation to them. The Chicago Commission has actively sought to avert strife when Negroes moved into predominantly white neighborhoods by a program of community preparation. Detroit has a net-work of listening posts throughout the city that report tension situations to the committee.

(3) City Fair Employment Practice Commissions are discussed in a separate report.

is investigate complaints and urge a nondiscriminatory hiring and promotion policy. The city, as an employer, is particularly vulnerable in this area and Denver and Cincinnati, among others, have urged the hiring of minority groups by the city. The Chicago Commission backed by an ordinance in this one instance, has looked into the employment practices of firms holding city contracts and, according to their reports, talks with officials have often resulted in openings for Negroes, Mexican-Americans and Japanese-Americans.

As for private employment, many commissions investigate complaints of discrimination, among them Pittsburgh, Toledo and Cincinnati. Chicago does even more, for it does not wait for complaints but examines the policies of employers of large numbers of workers and if minority groups are unrepresented, a staff member of the commission talks with personnel directors to show them the labor force and skills they are ignoring. Talks with business agents of unions have also been undertaken by the staff of Chicago Commission on Human Relations. The Los Angeles county conference interviewed top military and civilian personnel of procurement agencies of the federal government to urge the enforcement of the clause found in all defense contracts forbidding racial or religious discrimination in hiring.

The commissions are well aware of the limits of their approach and many hope that, like Cleveland, they may some day advance to the position of enforcing a fair employment ordinance. The Executive Director of the Pittsburgh Civil Unity Council writes "After some 5 years of experience with our ordinance, we have come to believe that the work requires more specific tools. We are, at the moment, urging adoption of a municipal fair employment practices ordinance. In the future, we may well find ourselves advocating similar ordinances in the fields of education and private housing. As a matter of general policy we would prefer that the State Assembly legislate in these areas, and advocate municipal legislation as an interim step only."<sup>(4)</sup> The Toledo Board of Community Relations urges enactment of a fair employment practice law now, while jobs are plentiful. Their 1950 annual report declares, "In talking with Clevelanders about their Fair Employment Practices law, members of the Chamber of Commerce and other social leaders were of the opinion that the work of the Boards of Community Relations only bear fruit as the direction they give to community thinking is formalized by positive legislation."<sup>(5)</sup>

### Schools

In the field of education, aside from working closely with the schools, holding conferences in conjunction with the Parent Teachers Association (Cincinnati) educating parents in human relations during Open School Week (Troy), putting on school assemblies (Cincinnati and New York), setting up a program of human relations in cooperation with the Board of Education (Buffalo), holding regular meetings of school and intergroup executives (Cincinnati), having the commission's annual report used as a text in high school sociology classes (Toledo) briefing

<sup>(4)</sup>Letter from C. F. Motz, Executive Director, Nov. 21, 1951.

<sup>(5)</sup>1951 Report "Our Community Strives for Unity", p. 6-7.

"Career Day" speakers in the local high schools on New York Fair Employment Practices law (Syracuse), and speaking to and working with many teachers and students, the commissions have also worked to eliminate discriminatory practices in the educational facilities.

In these Northern cities the primary problem lies with private institutions, though reports mention the difficulty of placing Negro teachers where there are few or no Negro students, or ponder how to get a better mixture of students when segregated neighborhoods determine the school population. Toledo and Cambridge have investigated the question of private business colleges which refuse to accept Negro students, and Toledo has taken the position that if private colleges will not take Negroes, business training may have to be provided under public auspices. Their reports indicate that if more clerical jobs were available for Negro graduates, these schools might be more willing to admit them. Toledo has been fairly successful in opening nursing schools to members of minority groups so that now 5 of the 7 schools there are unsegregated. Cincinnati has thus far been unable to open the doors of the College of Music and the Conservatory to Negro students. They are private schools but their affiliation with the University of Cincinnati in training school music teachers, may offer possible redress. Toledo met a potential segregation situation by conferring with leaders of the Singer Sewing Machine Company dress making classes, before the classes opened, so that classes that were originally scheduled to be segregated were made interracial.

Problems are also met within the public schools. Cincinnati finally abolished segregation in school swimming pools in 1950 and while the immediate response was a drop in enrollment, it is expected to rise again. Negro students at the Cincinnati Vocational School have trouble getting cooperative jobs, and correction of the situation is another task for the committee. In Albany, the council's work with department store owners resulted in a request for courses in retail selling in adult education classes which have been established and are well attended by Negro and white students. The Chicago Commission has urged the placement of students of the Chicago Teachers College for practice teaching in any school regardless of race. The Pittsburgh Commission is pleased to note the hiring of more Negro teachers and their greater dispersal in the system. Chicago, too, has seen more Negroes obtaining administrative positions in the school system.

### Recreation and Health

Potential and actual danger spots for arousing racial tension are the city parks and swimming pools. St. Louis and Cincinnati, in cooperation with city recreation officials, have set up training courses for playground leaders to prepare them to meet tension situations. St. Louis, without adequate preparation, attempted to make all swimming pools interracial but feeling was so great that the program got off to a bad start, but Cincinnati is gradually making the transition. Chicago's problem is to keep the pools nonsegregated. Denver eliminated segregation in the public bath house. The Evansville, Indiana Commission, finding that certain park facilities were segregated, called the attention of the Mayor and Park Department to the situation, who saw to it that integrated use was established.

Both Denver and St. Louis have made an attempt to see that all groups participate in city-wide athletic programs and St. Louis has ruled that no one may be considered a city champion unless he or she won the title in intergroup competition. The Toledo board, in much the same spirit, has compiled a list of Negro athletes willing to act as judges at public athletic events.

The Pittsburgh Commission has done a great deal of work in the summer camp activities field. Whereas two camps were interracial in 1940, in 1949, 23 were. Cincinnati has also worked on this problem and in 1950 helped the Girl Scouts erase the final traces of segregation in their camps, and held a conference with Girl Scout, Camp Fire and YW leaders to discuss interracial camping techniques. With the committee's prodding and encouragement, the YWCA opened up all their gym classes to Negroes in 1950. The Minneapolis Council reports conferring with the International Sunshine Society in regard to admittance of Negroes to their summer camps.

In the field of medicine, councils in Brooklyn and Winchester County have brought Negro doctors and hospital and medical society officials together. In Westchester County the hospitals agreed to ignore race and religion when making appointments with the result that several Negro physicians have since been appointed to the staffs. Minneapolis notes an increase in staff opportunity for minority physicians and a weakening of the practice to segregate patients.

#### Public Accommodations and Services

All the commissions are concerned about the refusal of some restaurants, hotels, bowling alleys, etc. to permit Negroes, Jews, Orientals or Mexicans to use their facilities, often in violation of state civil rights statutes. When the Buffalo Board has a complaint, it sends a form letter and a copy of the Civil Rights Law of New York State to the violator. The usual procedure is to follow up complaints and talking with the owner or manager. Sometimes reform is promised, but often the commissioners feel pretty discouraged. The reports of the Cincinnati, Denver, Pittsburgh, and Buffalo Commissions mention this type of activity.

That city services shall be equally available to citizens is also a concern of these commissions. Denver reports that improvement in street lighting, refuse disposal, street sanitation, etc. has relieved the tension of those who felt they were discriminated against in the basic city services. That commission has also concerned itself in helping members of minority groups makes applications for public welfare assistance, in investigating complaints of discrimination in city employment and see to it that a nondiscriminatory policy is practiced in the admission and treatment of patients at the Denver General Hospital.

#### Law Enforcement

One of the city services where there are often complaints of discrimination is in law enforcement. Since it is the attitude or ignorance of the individual policeman that usually determines his conduct

in cases involving members of minority groups or when racial tension is present, training classes for policemen is an important service of many city civil rights commissions. The commissions of Minneapolis, Milwaukee, Cincinnati, Denver, Pittsburgh, Detroit, Seattle and Chicago are among those that have worked with their police departments in developing a course in tension control, sometimes given to all men on the force, sometimes for a special group. Pittsburgh's in-service training program aims to show the social implications of police work. Chicago, while not overlooking the broader implications, from bitter experience has urged that policemen be taught how to disperse crowds.

Some commissions have also arranged conferences between minority groups and police and court officials where allegations of unwarranted arrests, police brutality and unfair court treatment have been widespread. Cincinnati and Denver both feel that this has created a new understanding, the latter reporting that a changed attitude toward minority groups in the Police Department has resulted in increasing confidence of these groups in the police force.

One way to increase the confidence of minority groups in law enforcement agencies is the hiring of some or more policemen who are members of those groups. Evanston and Chicago have both urged this method, and in addition have noted that the city cannot expect the best results from Negro policemen, for example, unless they are given equal rights and privileges of the white members of the force.

As has already been mentioned in the section on techniques, the human rights commission and police departments work closely together, notifying each other of trouble and jointly attempting to quell disturbances.

### Housing. (6)

Published surveys of the housing situation for minority groups have been made by Cambridge and Pittsburgh and the other city commissions are well aware of housing conditions through their efforts to see peaceful integration of minority group members in public housing and in private homes in predominantly white neighborhoods. The Detroit, Chicago and Toledo commissions work to prevent tension and open antagonism in integrated public housing projects, talking with residents and protecting the homes of Negroes or Orientals. Commissions in Cleveland, Portland, Oregon and Los Angeles claim partial credit for ordinances passed to prohibit discrimination in public or "publicly-aided" housing developments.

Nearly all these agencies are concerned with the problems of minorities moving into new neighborhoods. While Cincinnati, Denver, Milwaukee and Los Angeles mention this as a major problem, it is Chicago that has done the most in the area. That commission feels that it is not enough to rush to the rescue of a Negro family that is threatened or whose home is actually harmed when they move into a new neighborhood; the community must be prepared beforehand. The Hyde Park-Kenwood

(6) City ordinances and resolutions on public housing are discussed in a separate report.

community is an example where Negroes were beginning to move in and there was much feeling. The commission started an active program of education and reducing tension. First, conferences were held with University of Chicago officials, for the University owned much of the property, and the Hyde Park Improvement Association, a group of property owners. Contacts were made with "lighthouses", individuals who would relay information on racial tensions, movements and rumors in the area. Talks to church and synagogue groups were made and meetings which started with small church social-action committees grew to mass meetings of 1,000. At the same time commission officials were working out a covenant with real estate groups and home owners which stressed the conservation of property, particularly an agreement to restrict owners from turning their property into rooming houses. Through these organizations white residents were persuaded not to sell out and a way was paved to welcome Negroes into the community.

When sufficient interest was aroused a Hyde Park-Kenwood Community Conference was established by the residents of the area. They set up a block organization which worked to prevent bad conversions, allay panic, investigate and answer the rumors started by some real estate firms, and encourage neighborliness. Conferences with city officials resulted in better city services. The community was surveyed to ascertain discriminatory practices by restaurants and employment opportunities for Negroes in stores. The public schools, churches, synagogues, recreation agencies and Parent Teachers Associations were contacted and active community effort was instituted.

The Seattle Civic Unity Committee established an interracial housing bureau, and in Los Angeles, where the County Conference on Community Relations is essentially private in nature, they indicate their legal committee is considering bringing suits against real estate brokers who contract to sell property and then refuse to refer prospective non-Caucasian purchasers. The Cambridge Civic Unity Committee reports "We have been able to interpret the meaning and purport of a proposed urban redevelopment plan to many anxious Negroes, and in turn have explained their fears to the Housing Authority and suggested possible improvements in public relations."(7)

(7) Letter from Catherine T. Johnson, Executive Director,  
Nov. 9, 1951.

TABLE IV. PRINCIPAL CITY COMMISSIONS ON HUMAN RIGHTS

City	Date Established Or Ordinance Passed	Membership	Staff	Members Appointed by	Budget	Source
Akron, Ohio Advisory Council of Civic Unity	1948	16	Volunteers	Mayor	\$ 9,000 (1950)	City
Buffalo, N.Y. Board of Community Relations	1945	15	2	Mayor	11,000	City
Cambridge, Mass. Civic Unity Committee	1945	45	4	City Manager	6,500	Public Funds
Chicago, Ill. Commission on Human Relations	1943-mayor 1947-ordinance	15	10	Mayor, con- sent of city council	51,309 (1951)	City
Cincinnati, Ohio Mayor's Friendly Relations Commission	1943	Up to 150 members. 15-30 exec.bd.	3	Mayor	16,000 (3) (1951)	City
Cleveland, Ohio Community Relations Bd.	1945	16 (including mayor, coun- cil member)	4		26,000 (1951)	City
Denver, Col. Mayor's Committee on Human Relations	1948 reorganized 1951	13	2	Mayor	9,000 (1950)	City (?)
Detroit, Mich. Mayor's Interracial Committee	1944	13 (including 6 city dept. heads)	9	Mayor	53,393 (1951)	City
Evansville, Ind. Mayor's Commission on Human Relations	1948	45-60	Volunteers	Mayor	Contributions from civic groups and funds from City At- torney's Office	
Los Angeles, Cal. (1)			Half-time executive director		3,951	Agency & individual contribu- tions
Milwaukee, Wis. Mayor's Commission on Human Rights	1945	40	3	Mayor	14,000	City
Minneapolis, Minn. Mayor's Council on Human Relations	1946	27	2	Mayor	8,400 (1951)	City (rent, util- ities and equip.) Contributions

TABLE IV. PRINCIPAL CITY COMMISSIONS ON HUMAN RIGHTS--Cont.

City	Date Established Or Ordinance Passed	Membership	Staff	Members Appointed by	Budget	Source
New York, New York Mayor's Committee on Unity	1944	22	4	Mayor	?	City Private Contributions
Philadelphia, Pa. (2)	1952	9				
Pittsburgh, Pa. Civic Unity Council	1946	15	2	Mayor	12,000	City
Portland, Ore. Mayor's Committee on Inter-Group Relations	1950	11	1 clerk plus city officials	Mayor	Expenses defrayed by the Mayor's Office	
St. Louis, Mo. St. Louis Council on Human Relations	1949-mayor 1950-ordinance	15	2	Mayor	19,720	(approx. 2/3 city)
St. Paul, Minn. St. Paul Council on Human Relations	1943	12-36	2	Nominated by Mayor. Elected by members; membership open to all	14,000	(\$5,000 from city)
Seattle, Wash. Civic Unity Committee	1944	25 1,000 members at large	2	Mayor	11,220	Community Chest, pri- vate con- tributions
Toledo, Ohio Board of Community Relations	1946	25	3	Mayor	13,272 (1951)	City

- (1) The Los Angeles County Conference on Community Relations was used as an example, although it is a gathering of some 36 private agencies, rather than a municipal agency.
- (2) The Fair Employment Practices Commission became a Commission on Human Relations on Jan. 1, 1952. For more detail see the report on the Philadelphia F.E.P.C.
- (3) The Cincinnati ordinance is an unusual one in that the city contracts with the Mayor's Friendly Relations Committee for its services. See the Appendix for the Articles of Incorporation and the Agreement between the City and the Committee.

## Sources:

1. Reports of Commissions.
2. Gordin, Burtin, "Local Public Intergroup Agencies" Philadelphia Fair Employment Practice Commission, 1951.

TABLE V. OFFICIAL OR SEMI-OFFICIAL COMMISSIONS IN SMALLER MUNICIPALITIES

City or Town	Date	Members	Staff	Members Appted. by	Budget	Special Interests
Brookline, Mass.	1946	4	Volunteers			
East Orange, N.J.	1950		"	Mayor		
Highland Park, N.J.	1950	5	"	Mayor		
Jackson, Mich.	1948	15	"		Expenses paid by city	
Jersey City, N.J.	1950	10	"	Mayor		
Kenosha, Wis.	1949	12	"	City Mgr.	Expenses appro. by city council	
Lakewood, N.J.	1950	4	"			
Lynn, Mass	1946	27	"	Mayor	Appropriations, when necessary by city	
Newark, N.J.	1949			Mayor		
Oshkosh, Wis.	1945	43	"	Mayor		Interfaith Activities
Patterson, N.J.					\$1,200 from City	
Peoria, Ill.	Reorg. 1950	21	"	Mayor		
Perth Amboy, N.J.	1950	15	"	Mayor		
Racine, Wis.	1948	19	"	Mayor		
	1950	15				
Rapid City, S.D.	1950	20	"			Indians
Rockford, Ill.	1945	15	"	Mayor	\$500 from City	
	Reorg. 1950					
Waupun, Wis.	1949	15	"	Mayor		Texas-Mexican Migratory Workers
Wisconsin Rapids, Wis.				Mayor		

EXAMPLES OF NONDISCRIMINATION CLAUSES IN REGARD TO PUBLIC HOUSING AND URBAN REDEVELOPMENT UNDERTAKINGS\*

I. Statutory Provisions:

Connecticut: Public Housing. Public Act No. 291, Acts of 1949, approved July 13, 1949.

"AN ACT concerning discrimination on account of race, creed or color.

\* \* \* \* \*

"Section 1. Section 8375 of the general statutes is repealed and the following is substituted in lieu thereof: All persons within the jurisdiction of this state shall be entitled to full and equal accommodations in every place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons; and any denial of such accommodation by reason of race, creed or color of the applicant therefor shall be a violation of the provisions of this section. A place of public accommodation, resort or amusement within the meaning of this section shall include all public housing projects, inns, taverns, roadhouses, hotels, restaurants and eating houses or any place where food is sold for consumption on the premises; railroad cars and stations, street railway cars and stations, public service busses and taxicabs; and theaters, motion picture houses, music halls, amusement and recreation parks. Any person who shall violate any provision of this section shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not more than thirty days or both.

"Section 2. In addition to the penalties provided for violation of section 1 of this act and section 8374, any person claiming to be aggrieved by a violation of either section may, by himself or his attorney, make, sign and file with the interracial commission a complaint in writing under oath which shall state the circumstances of such violation and the particulars thereof and shall contain such other information as may be required by the commission. The commission may thereupon proceed upon such complaint in the same manner and with the same powers as provided in chapter 371 in the case of unfair employment practices, and the provisions of said chapter as to the powers, duties and rights of the commission, the complainant, the court, the attorney general and the respondent shall apply to any proceedings under the provisions of this section." (Underlining supplied)

NOTE: Section 8374, referred to in the above Section 2 states that "Any person who shall subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secure, or protected by the constitution or laws of this state or of the United States, on account of alienage, color or race, shall be fined not more than one thousand dollars or imprisoned nor more than one year, or both."

\* Extracted from Non-Discrimination Clauses in Regard to Public Housing and Urban Redevelopment Undertakings, prepared by the Division of Law and the Racial Relations Service, Housing and Home Finance Agency, November, 1950, mimeographed.

Illinois: Urban Redevelopment. Senate Bill No. 548, Laws of 1947, approved July 2, 1947.

Section 20 of the "Blighted Areas Redevelopment Act of 1947" contains an anti-covenant provision in the following paragraph relating to conveyances:

"The sale of any real property by a Land Clearance Commission where requested to be made for a statutory consideration, except public sales as provided in the last paragraph of Section 19, shall be subject to the approval of the State Housing Board and the governing body of the municipality in which the real property is located.

"All deeds of conveyances shall be executed in the name of the Land Clearance Commission by the Chairman and Secretary of the Commission and the seal of the Commission shall be attached thereto. Any deed of conveyance by the Commission may provide such restrictions as are required by the plan for redevelopment and the building and zoning ordinances, but no deed of conveyance either by the Commission or any subsequent owner shall contain a covenant running with the land or other provision prohibiting occupancy of the premises by any person because of race, creed or color."

Massachusetts: Public Housing. Section 26FF of Chapter 121 of the General Laws.

This section as amended by Chapter 51, Laws of 1948 approved February 11, 1948, and further amended by chapter 479, Laws of 1950, approved May 23, 1950, which relates to the selection of tenants for public housing projects contains the following prohibition:

"For all purposes of this chapter, no person shall, because of race, color, creed or religion, be subjected to any discrimination or segregation."

Minnesota: Public Housing and Urban Redevelopment. Chapter 487, Laws of Minnesota for 1947, as amended by Chapter 505, Laws of 1949, approved April 20, 1949:

Section 15 of Article 4 of the Municipal Housing and Redevelopment Act provides as follows:

"There shall be no discrimination in the selection of tenants because of religious, political, or other affiliations, but, if the number of qualified applicants for dwelling accommodations exceeds the dwelling units available, preference shall be given to inhabitants of the municipality in which the project is located, and to the families who occupied the dwellings eliminated by demolition, condemnation, and effective closing as part of the project, as far as is reasonably practicable without discrimination against families living in other sub-standard areas within the same municipality."

Section 47 of Article 9 provides as follows:

"Use of redevelopment projects. The project or projects of any redevelopment company shall be designed and used primarily for housing purposes, but portions of the project may be planned and used for

business, commercial, cultural, or recreational purposes appurtenant thereto as approved in the project. There shall be no discrimination in the use of projects, because of religious, political, or other affiliation."

New Jersey: Public Housing for Veterans. Chapter 323, Laws of 1946, approved October 1, 1946.

The statutory provision reads:

"For the purposes of the act, no person shall because of race, creed, color, national origin or ancestry be subject to any discrimination."

New Jersey: Regular Session, 1950. Approved - May 5, 1950.

Senate Bill No. 178  
(As amended 3/15/50)

A SUPPLEMENT to "An act to authorize housing authorities to clear blighted areas and prevent blight; to acquire real property and to make it available for redevelopment by private enterprise or by public agencies in accordance with approved redevelopment plans; and to confer necessary powers on housing authorities, cities and other public bodies, and to make obligations issued by housing authorities in connection with redevelopment projects legal investments and security for deposits; to enable the advance preparation of projects so they can provide jobs and stimulate industry when necessary in the period of reconversion; and to authorize the creation of an advisory board to housing authorities composed of representatives of business, real estate, home financing and other interests," approved June fourteenth, one thousand nine hundred and forty-nine (P.L. 1949, c. 300).

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. For all of the purposes of the act to which this act is a supplement, no person shall because of race, religious principles, color, national origin or ancestry be subject to any discrimination.

2. This act shall take effect immediately.

At the same legislative session New Jersey added the same supplement barring discrimination to the laws concerning (1) Defense housing (Senate Bill No. 179), (2) Redevelopment companies (Senate Bill No. 180), (3) General 1949 housing act (Senate Bill No. 181), (4) Local Housing Authorities Law (Senate Bill No. 182), (5) Housing Co-operation Law (Senate Bill No. 183), (6) Limited dividend housing corporations (Senate Bill No. 184), (7) Urban Redevelopment Law (Senate Bill No. 185).

New York: Public Housing. Laws of New York, 1939, Chapter 808, as amended. (Article XI, Section 223, of Chapter 44A of the Consolidated Laws.)

The following prohibition, contained in the public housing law, appears to be applicable to limited-dividend housing as well as to public housing projects:

"For all the purposes of this Chapter, no person shall because of race, creed, color or national origin, be subjected to any discrimination."

New York: Public Housing, Chapter 287, Laws 1950. Senate Int. No. 2068, Print 2219. Approved March 30, 1950; effective July 1, 1950.

AN ACT to amend the civil rights law, in relation to prohibiting discrimination and segregation because of race, color, religion, national origin or ancestry in housing accommodations acquired, constructed, repaired or maintained, in whole or in part, with the assistance or support of the state or any of its political subdivisions.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil rights law is hereby amended by inserting therein a new article, to be article two-A, to read as follows:

#### Article 2-A

#### Equal Rights to Publicly-Aided Housing

##### Section 18-a. Findings and declarations of policy.

1. This article shall be deemed an exercise of the police power of the state for the protection of the welfare, health and peace of the people of this state and the fulfillment and enforcement of the provisions of the constitution of this state concerning civil rights.

2. The practice of discrimination because of race, color, religion, national origin or ancestry in any publicly assisted housing accommodations is hereby declared to be against public policy.

##### Section 18-b. Definitions. When used in this article:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any buildings, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious or denominational organization as part of its religious or denominational activities.

3. The term "publicly assisted housing accommodation" includes any housing accommodation to be constructed within the state of New York.

(a) which is to be exempt in whole or in part from taxes levied by the state or any of its political subdivisions;

(b) which is to be constructed on land sold below cost by the state or any of its political subdivisions or any agency thereof, pursuant to the federal housing act of nineteen hundred forty-nine;

(c) which is to be constructed in whole or in part on property acquired or assembled by the state or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction; or

(d) for the acquisition, construction, repair or maintenance of which the state or any of its political subdivisions or any agency thereof supplies funds or other financial assistance.

4. The term "owner" includes the lessee, sub-lessee, assignee, managing agent, or other person having the right of ownership or possession or the right to rent or lease housing accommodations and includes the state and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

Section 18-c. Discrimination prohibited. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation to refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any person to cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to rent or lease any publicly assisted housing accommodation.

Section 18-d. Restraint of discrimination; damages for violations.

1. Any person aggrieved by a violation of section eighteen-c of this chapter and any person whose assessment shall amount to more than one thousand dollars and who shall be liable to pay taxes on such assessment in any county, town, village or municipal corporation in the state or who has been assessed or who has paid taxes upon any assessment of the above-named amount within one year previous to the initiation of an action under this section shall have a right of action in any court of appropriate jurisdiction for restraint of such violation and for other equitable remedies including such affirmative relief as may be necessary to undo the effects of such violation.

2. Any person aggrieved by a violation of section eighteen-c of this chapter shall in addition have a right of action in any court of appropriate jurisdiction for damages caused by such violation.

Section 18-e. Applicability. The provisions of this section shall not apply to privately owned housing accommodations which are not publicly assisted within the meaning of section eighteen-b (3) of this chapter.

Section 2. This act shall take effect July first, nineteen hundred fifty.

Pennsylvania: Urban Redevelopment Act. No. 385, Laws of 1945. Approved May 24, 1945.

Section 11 of the Urban Redevelopment Law, which relates to provisions of urban redevelopment contracts, states:

"(a) The contract between the Authority and a redeveloper shall contain without being limited to the following provisions.

"(1) A legal description of the redevelopment area covered by the contract and a covenant running with land to the effect that no person shall be deprived of the right to live in the redevelopment project or to use any of the facilities therein by reason of race, creed, color or national origin and such other easements or other rights as are to be reserved therein by the Authority.

\* \* \* \* \*

"(8) Prohibition against discrimination in the use, sale or lease of any part of the project against any person because of race, color, religion or national origin."

Pennsylvania: Public Housing for Veterans. Act No. 549, Acts of 1947.

Section 12 of the act, which created Veterans' Housing Authorities and authorized the provision of public housing for veterans, states:

"Any real property acquired by an Authority under the provisions of this act shall be rented only to veterans of World War II and their families at such a rent and upon such terms and conditions as such Authority by regulation shall prescribe IN RENTING ANY SUCH REAL PROPERTY IT SHALL BE UNLAWFUL TO MAKE ANY DISCRIMINATION WHATSOEVER ON ACCOUNT OF RACE, CREED OR COLOR. The Authority shall operate and maintain such temporary emergency housing facilities for so long a period as the housing conditions in the area in which such Authority operates shall require Provided however That no Authority shall continue for a longer period than hereinafter provided."

Pennsylvania: Public Housing and Urban Redevelopment. Act No. 493, Acts of 1949, approved May 20, 1949.

Section 4 of an Act providing and regulating state assistance for housing, including slum clearance and urban redevelopment, provides:

"There shall be no discrimination against any person because of race, color, religion or national origin in the rental or occupancy of any housing constructed under the provisions of this act."

Wisconsin: Public Housing and Urban Redevelopment. Chapter 592, Laws of 1949, approved August 2, 1949.

This statute amended the public housing law, the blighted areas law, and the urban redevelopment law (See Code sections 66.40(2m), 66.43(2m), and 66.405(2m), respectively by adding the following language to each statute.

"Persons otherwise entitled to any right, benefit, facility or privilege under this section shall not, with reference thereto, be denied them in any manner for any purpose nor be discriminated against because of race, color, creed or national origin." - 38 -

## II. City Ordinances and Resolutions:

Boston: Resolution - Boston City Council, Approved June 28, 1948.

"Be it resolved by the Boston City Council that the Boston Housing Authority be, and hereby is, requested to include in its applications for contracts and contracts with the State Housing Board, the following provision: 'that the Boston Housing Authority covenants and agrees that there shall be no discrimination or segregation because of race, color, creed, religion or national origin in the selection of tenants, fixing of rentals, maintenance, and operation of the project, or otherwise.'"

Cleveland: Ordinance No. 2139-49, Passed December 21, 1949.

An emergency ordinance providing for the cooperation of the City of Cleveland with the Cleveland Metropolitan Housing Authority in the elimination of unsafe and insanitary dwellings and the development of housing for low-income families and authorizing the execution of an agreement with respect thereto.

Amended by inserting new paragraph as follows:

"10. Within any project undertaken under this agreement, or any amendment, modification or extension of this agreement, or any new agreement for a like purpose, there shall be no discrimination or segregation in the selection of tenants, the fixing of rentals, or in the construction, maintenance and operation of any such project, because of race, color, creed, religion or national origin."

Hartford, Conn.: Resolutions Passed by the Court of Common Council, January 24, 1949.

"RESOLVED, That whereas, it is a fundamental principle of our democracy that all men are created equal, and

"WHEREAS, discrimination against any person because of his race, national origin, political or religious opinions or affiliations is a negation of this principle, and

"WHEREAS, the City of Hartford, in the case of any public or private housing development within our City, in which it has financial interest, as described below, has likewise a moral obligation to prevent such discrimination or segregation,

"THEREFORE, BE IT RESOLVED, That no applicant for quarters in any such housing development, constructed with the aid of city funds, whether through tax waiver or abatement, land grant or land development, or through any other assistance from the City of Hartford, shall be subject to discrimination or segregation because of his race, national origin, political or religious opinions or affiliations, and

"BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Chester Bowles with a recommendation that a similar resolution relating to such housing developments in the State of Connecticut be adopted by the General Assembly of the State of Connecticut."

Newark, N. J.: Resolution - Newark Housing Authority, adopted September 14, 1950.

Declaration of Policy Regarding Allocation of Dwelling Accommodations:

Be it resolved by the Commissioners of the Housing Authority of the City of Newark:

1. Dwelling accommodations shall be allocated on the basis of need without regard to race, religious preference, color, national origin or ancestry.

2. This resolution shall take effect immediately.

New York City: Urban Redevelopment. On July 3, 1944, New York City passed an ordinance, No. 20, Title J, Article A (J.41-1.2), relating to discrimination in tax exempt urban redevelopment projects which reads as follows:

"No exemption from taxation, for any project, other than a project hitherto agreed upon or contracted for, shall be granted to a housing company, redevelopment company or redevelopment corporation, which shall directly or indirectly refuse, withhold from or deny to any person any of the dwelling or business accommodations in such project or property, or the privileges and services incident to occupancy thereof on account of race, color or creed of any such person.

"Any exemption from taxation hereafter granted shall terminate 60 days after such finding by the Supreme Court of the State of New York that such discrimination is being or has been practiced in such project or property; if within said 60 days such discrimination shall have been ended then the exemption shall not terminate."

New York-City: Administrative Code Of The City of New York - Sec. 384-16.0, Passed by City Council and the Board of Estimate, December 16, 1949, and Approved December 23, 1949.

"Every deed, lease or instrument made or entered into by the city, or any agency thereof, for the conveyance, lease or disposal of real property or any interest therein for the purpose of housing construction pursuant to the provisions of section seventy-two-k of the general municipal law and laws supplemental thereto and amendatory thereof shall provide that no person seeking dwelling accommodations in any structure erected or to be erected on such real property shall be discriminated against because of race, color, religion, national origin or ancestry."

Philadelphia: Ordinance, Public Housing, passed by City Council and approved by the Mayor on May 19, 1950.

"10. That there shall be no discrimination or segregation in the selection of tenants, the fixing of rentals, conditions of occupancy, or in the construction, maintenance and operation of any housing project because of race, color, creed, religion or national origin."

Pontiac, Michigan: Resolution, Public Housing, Pontiac City Commission, adopted December 14, 1943.

"BE IT FURTHER RESOLVED, that all public housing projects or programs developed and operated in the City of Pontiac must be open for occupancy without distinction as to creed, race, color, religion or national origin."

Providence, Rhode Island: Resolution, Public Housing, Providence City Council, No. 724, Approved October 10, 1950.

"RESOLVED, THAT the City Council opposes racial discrimination or segregation in housing projects supported by any Federal, State or City Funds, and

BE IT FURTHER RESOLVED, That a duly certified copy of this resolution be transmitted to The Housing Authority of the City of Providence."

San Francisco: Urban Redevelopment - Resolution No. 8660 Adopted by Board of Supervisors of the City and County of San Francisco, May 16, 1949, approved by Mayor Elmer E. Robinson, May 17, 1949, and adopted by the Redevelopment Agency of the City and County of San Francisco May 17, 1949 by unanimous vote. ...

"BE IT RESOLVED:

1. We declare as a matter of general policy that the right to buy, lease, sublease, use or occupy land in redevelopment projects without discrimination or segregation based upon race, color, creed, national origin or ancestry, should properly be considered in the nature of a civil right and that appropriate steps should be taken to safeguard and protect that right.

2. We recommend that every tentative plan submitted by the Planning Commission and every redevelopment plan submitted by the redevelopment agency or any person, firm, association or corporation or any public or private agency qualified so to do for approval of the Board of Supervisors pursuant to the Community Redevelopment Act contain, in addition to the other requirements set forth in said Act, adequate provisions precluding direct or indirect discrimination against or segregation of any person or group of persons on account of race, color, creed, national origin or ancestry, in connection with the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of land or of any interest therein within the redevelopment project which is acquired or to be acquired by the Redevelopment Agency.

3. We further recommend that each tentative plan and each redevelopment plan submitted to the Board of Supervisors for approval shall require that express provisions be included in deeds, leases and contracts entered into by the Redevelopment Agency in substantially the following form, to wit:

(a) In deeds, "The grantee herein covenants by and for himself, his heirs, executors, administrators and assigns, and this conveyance is made and accepted upon and subject to the following conditions:

"(1) That there shall be no discrimination against or segregation of any person or group of persons on account of race, creed, color, national origin or ancestry in the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of the premises herein

conveyed, nor shall the grantee himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sub-lessees or vendees in the premises herein conveyed.

"(2) The foregoing covenant shall run with the land and shall bind the grantee, his heirs, executors, administrators and assigns and all persons claiming under or through them.

"(3) In the event of any breach of the foregoing covenant by any party bound thereby, it shall be the duty of the Redevelopment Agency to endeavor immediately to remedy such breach by conference, conciliation and persuasion. In case of failure so to remedy such breach, or in advance thereof, if in the judgment of the Redevelopment Agency circumstances so warrant, said breach shall be enjoined or abated by appropriate proceedings brought by the Redevelopment Agency."

(b) In Leases. "The lessee herein covenants by and for himself, his heirs, executors, administrators and assigns, and this lease is made and accepted upon and subject to the following conditions:

"(1) That there shall be no discrimination against or segregation of any person or group of persons on account of race, creed, color, national origin or ancestry, in the lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of the premises herein leased, nor shall the lessee himself or any person claiming under or through him establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, or vendees in the premises herein leased.

"(2) The foregoing covenant shall bind the lessee, his heirs, executors, administrators and assigns and all persons claiming under or through them.

"(3) Any breach of the foregoing covenant by any party bound thereby may be enjoined or abated by appropriate proceedings brought by the immediate lessor of the person committing such breach or, in the event of his failure to act, it shall be the duty of the Redevelopment Agency, as agent and on behalf of said immediate lessor, and said lessor does irrevocably appoint the Redevelopment Agency as his agent for this purpose, to endeavor immediately to remedy said breach by conference, conciliation and persuasion, or, in the event of failure so to remedy such breach, then said breach shall be enjoined or abated by appropriate proceedings brought by the Redevelopment Agency."

(c) In contracts entered into by the Redevelopment Agency relating to the sale, transfer or lease of land or of any interest therein acquired by such Agency within any redevelopment area or project, the foregoing provisions, in substantially the form set forth, shall be included, and the contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any sub-contracting party or parties or other transferee under said instruments.

4. We do further recommend that every tentative plan and every redevelopment plan which be submitted to the Board of Supervisors for approval shall declare it to be the duty of the Redevelopment Agency to exercise the rights, powers and privileges in respect to the prevention of discrimination and segregation granted by said tentative plan and redevelopment plan to be inserted in deeds, leases and contracts relating to any interest in land which shall have been acquired by the Redevelopment Agency.

San Francisco: Public Housing. Resolution No. 9268 Adopted by Board of Supervisors of City and County of San Francisco, November 21, 1949.

..."(5) That the Board of Supervisors of the City and County of San Francisco declares that the best interests of the community will be served by an administration of all low-rent housing projects or developments which results in integrated or non-segregated occupancy by families, otherwise eligible, of all groups comprising the City's population, and that in the development and/or administration of each and all housing projects or developments under the jurisdiction of the Housing Authority of the City and County of San Francisco said Housing Authority shall avoid or refrain from any policy or practice which results, directly or indirectly, in discrimination or any form of segregation by reason of race, color, religion, national origin or ancestry, provided that nothing herein would require the Authority to relocate any tenant presently occupying a dwelling unit.

"(6) This resolution shall take effect immediately."

\* \* \*

The Cooperation Agreement between the Housing Authority and the City and County includes:

\* \* \*

"(9) In respect to the development and/or administration of each Project the Local Authority shall avoid or refrain from any policy or practice which results, directly or indirectly, in discrimination or any form of segregation by reason of race, color, religion, national origin or ancestry."

San Francisco: Public Housing Resolution No. 10352 (Series of 1939) Adopted by Board of Supervisors of City and County of San Francisco, September 25, 1950. Approved by Mayor, September 27, 1950.

...Now, therefore, be it resolved that the Board of Supervisors of the City and County of San Francisco does hereby specifically approve the request of the Housing Authority of the City and County of San Francisco as set forth in said Resolution for the transfer of the projects specified therein, pursuant to Title VI, Public Law 849, 76th Congress, as amended, otherwise known as Lanham Act, provided that such approval is hereby made and given subject to the terms and conditions of the contract between the City and County of San Francisco and the Housing Authority authorized by Resolution No. 10353 (Series of 1939), a copy of which is contained in File No. 6118.

FURTHER RESOLVED, That in the administration of each Project the Housing Authority of the City and County of San Francisco shall avoid or refrain from any policy or practice which results, directly or indirectly, in discrimination or any form of segregation by reason of race, color, religion, national origin or ancestry; provided that

nothing herein would require the Authority to relocate any tenant presently occupying a dwelling unit.

St. Paul, Minn. Resolution, Public Housing, Housing Redevelopment Authority of St. Paul, adopted April 1950.

RESOLVED, that the policy of the Authority be that it is unequivocally opposed to segregation and that no segregation will be countenanced or permitted in either the Wheelock Parkway Site, known as Project Minn-1-1, or the Maryland Avenue Site, known as Project Minn-1-2.

Non-Discrimination Clauses in Regard to Public Housing and Urban Redevelopment Undertakings

Los Angeles: Ordinance No. 97536. Passed by City Council January 3, 1951, approved January 12, 1951.

An Ordinance recommending certain standards and policies relating to conditions to be inserted in redevelopment plans submitted to the Council for approval, pursuant to the provisions of the Community Redevelopment Act, so as to provide for the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of any land in any redevelopment project without discrimination or segregation based upon race, color, creed, national origin or ancestry.

...

NOW, THEREFORE, THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. It is hereby found and determined by the City Council of the City of Los Angeles, that it is to the best interest of the City to recommend certain standards and policies to agencies and persons desiring to submit redevelopment plans for approval to the City Council relating to conditions to be inserted in tentative plans and redevelopment plans, pursuant to the authority vested in the City Council by Sections 69 and 70 (b) of the Community Redevelopment Act, and in particular standards and policies concerning discrimination or segregation with respect to the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of any land in a redevelopment project, based upon race, color, creed, national origin or ancestry, which will be a guide for agencies and persons submitting redevelopment plans, so that the submission and ultimate approval of said redevelopment plans will be facilitated and substantial sums of money will be saved and delays which might be occasioned by the preparation and submission of amendments thereto will be prevented.

Section 2. It is further found and determined that discrimination or segregation with respect to the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of any land in a redevelopment project based upon race, color, creed, national origin or ancestry, is not in the public interest, and that all redevelopment plans approved by the City Council should contain provisions prohibiting such discrimination.

Section 3. It is further found and determined that it is desirable that tentative plans and redevelopment plans submitted to the Council for approval, contain adequate provisions prohibiting direct or indirect discrimination against, or segregation of, any

person or group of persons based upon race, color, creed, national origin or ancestry, in connection with the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of any land in a redevelopment project, and it is recommended that express provisions be included in all deeds, leases and contracts which the redevelopment agency proposes to enter into with respect to the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of any land in a redevelopment project, in substantially the following form, to wit:

(a) In Deeds - "The grantee herein covenants by and for himself, his heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against, or segregation of, any person or group of persons on account of race, color, creed, national origin or ancestry in the sale, lease, sub-lease, transfer, use, occupancy, tenure or enjoyment of the premises herein conveyed, nor shall the grantee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sub-tenants, sub-lessees or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In Leases - "The lessee herein covenants by and for himself, his heirs, executors, administrators and assigns, and all persons claiming under or through them, and this lease is made and accepted upon and subject to the following conditions:

(1) That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin or ancestry, in the leasing, sub-leasing, transferring, use, occupancy, tenure or enjoyment of the premises herein leased, nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sub-lessees, sub-tenants or vendees in the premises herein leased."

(c) In Contracts entered into by the Redevelopment Agency relating to the sale, transfer or leasing of land, or any interest therein acquired by such agency within any redevelopment area or project, the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any sub-contracting party or parties, or other transferees under said instrument.

New York City: Local laws of the City of New York for the year 1951, No. 41. Passed by City Council February 16, 1951, approved March 14, 1951.

A LOCAL LAW

TO AMEND THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK  
IN RELATION TO DISCRIMINATION AND SEGREGATION IN CITY-  
ASSISTED HOUSING.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is hereby amended by the addition of a new title and section, title W,

chapter forty-one, to read as follows:

TITLE W  
DISCRIMINATION AND SEGREGATION IN CITY-ASSISTED HOUSING

§W41-1.0 Certain acts prohibited; penalties.--a. In the city of New York, with its great cosmopolitan population consisting of large numbers of people of every race, color, religion, national origin and ancestry, many persons have been compelled to live in circumscribed sections under substandard, unhealthful, unsanitary and crowded living conditions because of discrimination and segregation in housing. As a result, the peace, health, safety and general welfare of the entire city and all its inhabitants are threatened. It is hereby declared to be the policy of the city to assure equal opportunity to all residents to live in decent, sanitary and healthful living quarters, regardless of race, color, religion, national origin or ancestry, in order that the peace, health, safety and general welfare of all the inhabitants of the city may be protected and insured.

b. No individual, partnership, corporation, or association shall discriminate against or segregate any person hereafter seeking dwelling accommodations in any structure heretofore or hereafter erected because of that person's race, color, religion, national origin or ancestry, (a) if such structure or the property on which it is situated is exempt in whole or in part from taxes levied by the city; or (b) if such structure is situated on property (1) which was sold by the city below cost pursuant to the Federal Housing Act of 1949; or (2) which was acquired or assembled by the city or any agency thereof through the power of condemnation or otherwise for the purpose of erecting such structure; or (c) if the city or any agency thereof has supplied funds or other financial assistance for the acquisition, construction or maintenance of such structure; provided, however, that this section shall not apply to any dwelling accommodation operated by a religious or denominational organization as part of its religious or denominational activities or to a property exempt under section 4 subdivision 5 of the State Tax Law.

c. Every violation of subdivision b. hereof shall be a misdemeanor punishable upon conviction thereof by a fine of \$500. In addition, any person discriminated against or segregated in violation of subdivision b. hereof may bring an action in the supreme court to enjoin such discrimination or segregation.

§2. This local law shall take effect immediately.

Cincinnati, Ohio: Declaration of Urban Redevelopment Policy, City Council of Cincinnati, adopted September 5, 1951.

...BE IT RESOLVED:

That City Council hereby adopts this declaration of policy as conditions to be followed in the promotion of any approved redevelopment project;

1. That in the acquisition of property the City shall pay the fair market value based upon current appraisals at the time of purchase; and to that end, the City would welcome the co-operation of the Bar Association and Real Estate Board to establish, in the public interest, a method of reviewing City appraisals, before resorting to eminent domain proceedings.

2. That no families will be required to move from a project area until there are available in reasonably accessible locations decent, safe, and sanitary dwellings at rents or prices within their financial means in number equal to the number of families to be displaced.

3. That in the development and operation of plans for the temporary relocation or permanent re-housing of families displaced from a project area there shall be no discrimination or segregation based upon any reasons other than their financial means.

4. That persons or families displaced from a project area shall be entitled to a first preference to rent and occupy dwelling units within the redeveloped area.

5. That no private developer of a project area shall be permitted to establish or practice any method of restricting or limiting the sale, rental or occupancy of dwellings in the redeveloped area for any reasons other than the financial means of the applicant or such standards and qualifications as may be applied to all persons or families, irrespective of race, religion, or ancestry.

Los Angeles: Resolution, Public Land Use, Board of Supervisors of Los Angeles County, California, adopted July 3, 1951.

...  
BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LOS ANGELES COUNTY: that as a restatement of policy this Board of Supervisors is committed to the policy that there shall be no discrimination in the use of any land owned by the County against persons because of race, color, creed, national origin or ancestry;

That no official or employee of the County of Los Angeles, nor any person acting on-behalf of the County shall attempt by deed, contract, regulation, statement or any other act to affirm or enforce any restriction recorded on land deeded to the County limiting the use of the land by any person because of race, color, creed, national origin or ancestry.

Pasco, Washington: Resolution No. 114, Public Housing Authority of the City of Pasco, Washington, adopted May 24, 1951.

WHEREAS, the Housing Authority of the City of Pasco, Washington, is a public body with public obligations and there is a substantial need for decent housing for all races;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF PASCO, WASHINGTON as follows:

That the Local Authority shall in the selection of tenants reflect equitable provision for eligible families of all races without discrimination, determined on the approximate volume and urgency of their respective needs for such housing within contractual and statutory preferences.

The Experience of Newark, New Jersey, Under the State Law Forbidding Discrimination in Public Housing.\*

Thirteen years ago when the first low-rent development program was proposed in this city, the issue of establishing an all-Negro project was debated vigorously. A compromise was reached whereby it was decided to build a project which would house whites and Negroes, but in separate buildings. As a result, the first project allocated one building to Negro families, and the other three buildings to white families.

And after seven additional projects were built in this city immediately before and during World War II, the Newark Housing Authority wound up with: Four projects all white; two projects which segregated whites and Negroes by buildings where the proportions were approximately 25% Negro to 75% white; one project which segregated Negroes not only by buildings but, in addition, by a playground separating these buildings with a fifty-fifty allocation of units by race; and one project which segregated Negroes from the whites by buildings and a heavily trafficked one-way street, Negroes constituting 70% of the population.

This Authority was now faced with the necessity of complying with the State laws which require that all existing housing projects conform to practices of non-discrimination and non-segregation. In addition, important community groups, all of whom were supporters of public housing, insisted that the Housing Authority comply immediately. Confronted with these pressures, in addition to developing a new program, the Housing Authority director now wanted the answers on "how to do it?" No actual blueprints were available, but there were experiences of other Authorities which could be helpful so long as there was the will to achieve integration.

To do it now or wait until the new program was developed no longer was debated. It was a question of when to announce the new policy, when to put the policy into practice, and on which projects to begin with integration.

The ten principles provided the Director of the Authority with the essential guides he needed to embark on a program of integration. Using these guides he could accomplish integration. This is how the Authority did it:

#### 1. Policy Statement

After a series of meetings with various community organizations, the Director of the Authority agreed at a final meeting with these groups that the Authority would commit itself to a policy of integration on all existing projects. Shortly after this meeting the Authority unanimously adopted a strong resolution stating that a policy of non-discrimination and non-segregation "shall take effect immediately." This resolution was widely publicized in the local press and in newspapers throughout the State and nearby states.

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\* Report taken from "Integration of Racial Minorities in Public Housing Projects, A Guide for Local Housing Authorities." Edward Rutledge, Racial Relations Officer, New York Field Office, Public Housing Administration. No Date.

## 2. Putting Policy Into Effect--When and Where

The question of when to announce the policy had now been resolved. It was already an accomplished fact. Now arose the question of precisely when and where to begin. It was determined on the basis of an evaluation of the effects on the tenants of the newly-announced policy that the Authority ought to DO IT IMMEDIATELY in order to avoid misleading rumors and opportunity for agitation by those tenants opposed to the new policy of the Authority. But still unresolved was the question of which project to select for the introduction of this policy. Should it be introduced in one of the projects with segregated buildings, or all four of them, or should it begin with an all-white project? The advisability of introducing families in all eight projects at approximately the same time became clear once it was recognized that some project managers might feel penalized in bearing the brunt of this program. It was also recognized that white tenants would resent the singling out of their particular projects while others remained untouched.

Thus, after careful deliberation, the Executive Director decided to put the new policy into effect in all projects within two weeks after its announcement.

## 3. The Executive Director's Forthright Position

When the Executive Director had decided what, when, and where, he held a meeting with all his housing managers, tenant selection staff and other key personnel. At this meeting he outlined the background of the decision of the Housing Authority to abolish segregation and the reasons for establishing a policy of integration. He made it clear to all that he expected full and wholehearted cooperation from every member of his staff and that no obstruction of any type would be permitted; that he did not want the "buck passed" to "upstairs"; that he expected the managers to "carry the ball" and assume full responsibility for carrying out the program as they had in carrying out all other management functions; that those who could not go along with the program should submit their resignations now; and that if they treated this program lightly and shrugged it off, he would consider it insubordination. His whole thesis was: This job has to be done. He expected it to be done with their full cooperation.

## 4. Staff Responsibilities

After the Executive Director held the meeting with his staff, plans were drawn up for an intensive staff training program aimed toward having the managers apply their trade skills and know-how in the introduction of the program of integration on their projects. Meetings with each manager were arranged at his project to be attended by the Director of Management, representatives of the PHA Racial Relations Branch and the Authority Tenant Selection Supervisor. At each of these meetings the characteristics of each project were analyzed informally, the manager being encouraged to set forth his ideas and plans for introducing integration. As a result, concrete suggestions were developed about each of the projects and other suggestions or techniques were developed to be used in all the projects.

For example, it was decided that in the first few months of this new program the manager should concentrate on interviewing all prospective tenants, white and non-white, who had been referred and cleared by the Tenant Selection Office. In addition, he should take it upon himself to show these families the apartments available to them. In the course of personally escorting the tenant, he should introduce him to the neighbors.

It was also decided at these conferences that once the policy had been clearly presented to prospective tenants and applicants, if an apartment adjacent to a Negro family were offered to a white family and it was refused on that ground, or vice versa, the refusing family should not be accorded the opportunity to choose another apartment, if such were available. The manager had performed his obligation when he offered the apartment to the family.

It was further established at these conferences that the manager wanted the full responsibility of undertaking this program after the tenant had been referred to him. As part of that responsibility he felt it necessary to instruct his entire staff, his watchman, laborers, maintenance men, bookkeepers, and interviewers that he expected full compliance from them in regard to the spirit and letter of the Authority's policy. The general feeling of the manager was that if any questions were raised with his staff by neighbors or tenants, they should not get involved in any discussion of the policy but should refer all inquiries to him.

The managers also felt that there should be close liaison with Tenant Selection, particularly in the initial stages, to aid in the selection and placement of the proper type of tenants. In this connection the managers agreed that a control chart should be maintained, in order to avoid congregation of Negro families in any one building.

These individual meetings culminated in a meeting of all the managers and other key personnel to review the general conclusions drawn and also to hear a talk given by a housing manager with long experience in interracial management practices with another Authority. His general conclusions were that once you decide not to discriminate you don't discriminate and that if you are going to integrate, you just go ahead and integrate.

##### 5. Tenant Orientation

The managers found that much gossip and rumor were spreading among the tenants in regard to the policy of the Housing Authority. Ever since the State law had been enacted there had been expectations among the tenants that some change would occur, but they did not know when, how, or where. Therefore, it was decided to post a bulletin in the management office which recited the State law and Housing Authority resolution. However, in a few days, upon further checking, this was found to be inadequate. Therefore, it was agreed to use the unusual expedient of addressing a letter directly to the tenant, attaching a copy of the law and Housing Authority resolution, together with a highly favorable editorial in a major newspaper praising the Authority "for a forward, progressive action."

In addition to this direct approach which had extraordinarily satisfactory results in tenant relations, it was deemed advisable to incorporate the Housing Authority policy statement in the preliminary application just above the applicant's signature and also to have the Tenant Selection stationery carry this policy as part of the letterhead. These measures were designed to facilitate the operations of the Tenant Selection staff and to more fully acquaint the tenants with the policy of the Authority before they were referred to the manager's office for assignment to apartments.

## 6. Community Relationships

When the Authority announced its policy publicly, it immediately received not only wide publicity in the press but received commendation from all the public interest groups which had been concerned with its former segregated program. The Executive Director also kept in frequent touch with key representatives of these groups informing them of progress made. Immediately before initiating the program of integration, representatives of inter-group organizations arranged jointly with the Executive Director to hold a conference with the Department of Public Safety. At this conference, attended by representatives of the inter-group organizations, the Executive Director and Chairman of the Authority, and the Racial Relations Officer of PHA, the program was explained to the Commissioner so that in the event difficulties were to arise when Negro families arrived at the projects where agitation had been heaviest, the police would be available to handle the situation. Agreement was reached whereby proper arrangements would be made to alert the police. Suffice it to say, their intervention was not found necessary, but the patrol cars were readily and deliberately available at the time of some of the first move-ins.

Only one or two of the eight projects contained the possibility of racial difficulties. These projects were all white and were located in neighborhoods which had resented and resisted the building of the public housing projects in their respective areas.

Another example of how closely the intergroup organizations worked with the Local Housing Authority was a conference with the Superintendent of Schools about breaking down the barriers on the segregated project where the preponderant Negro population was separated by a one-way street from the white tenants. Here it was found that the school districting followed by coincidence the racial lines, so that most of the Negro children went to a school on one side of the project and white children walked in another direction to another school. Both schools, however, were interracial, yet the districting separated the project children along racial lines. The Authority and the inter-group representatives recommended that the School Board consider the possibility of redistricting so that the project would not remain so artificially divided. This proposition was considered favorably by the School Board which was at that time drawing up plans for redistricting the city. In addition, the Authority and community groups have considered plans which would eliminate the one-way street to make it a play street and facilitate movement back and forth, particularly of children. This is in view of the fact that the playground is on one side of the street located in the area occupied by Negroes and thus automatically used only by Negro children.

Thus, in various joint efforts and through good public relations, the Authority has let the public interest groups know that it is interested in their cooperation. It kept them informed of the progress made toward integration.

## 7. Tenant Selection

Initial steps taken by the Authority in tenant selection were reflected by the nature and characteristics of the projects to which tenants were to be referred.

The Authority was faced with a variety of occupancy patterns and a variety of neighborhoods. In regard to the project located in the most "unfriendly" neighborhood, unfriendly both to Negroes and public housing, the Authority took exceptional care in the selection of the first tenants. This project was occupied by a heavy preponderance of members of one religious faith in a neighborhood of the same religious character. Many of these tenants were early in-migrant war workers and seemed to feel that the Authority breached an agreement with them. It was at this project that the tenants' association had threatened a march on City Hall and had also held some provocative meetings. This was the one project where the Executive Director had felt compelled to call in the tenant association representatives and spell out in unequivocal language the policy of the Authority, reminding the tenants that they were expected to cooperate fully.

Therefore the first two Negro families selected were GI students attending the college administered by this faith. A number of the GI students' colleagues were living in this project also. Shortly before the first Negro family moved in, a window was broken in their apartment. This was repaired by the management without comment. The Negro housewife was aware, however, of some mishap, for she observed the newness of one window pane as compared to the others. She made no comment on this matter until some time later, when a tenant selection staff member talked with her.

Apparently no special situation developed as a result of this first move-in. Shortly after the family was established there, however, the President of the tenant association visited the family and warmly welcomed them to the project. A few weeks later, on Halloween, the Negro family prepared a table full of candy, nuts, etc., and when a few white children knocked on the door, they were invited into the apartment. Soon, about ten white children were there enjoying themselves, playing with the young Negro child. They remained about an hour. The next day a neighbor dropped in, told the Negro housewife that her child had reported to her about how good a time he had at their home. She asked whether the Negro woman's child could be allowed to go upstairs to play with her child. During the same period one neighbor walked over to her at the washline, informed her that she had not wanted to appear obnoxious or obvious by visiting her too soon, but she wanted the Negro housewife to know that she was happy to have her as a neighbor. Meanwhile, another Negro GI family with a small baby moved in. That same day a neighbor knocked on the door, greeted her and invited her to use her phone in case of an emergency, such as if the baby got sick. By Christmas, three Negro families had been moved into this project in three

different buildings in different parts of the project. All three families attended the Christmas party and were accepted freely.

Another project which presented a completely different situation was the one which was segregated on a 70% Negro to 30% white ratio. This project was located in a mixed neighborhood, yet the color line had held fast only on the project until the new policy was put into effect. In this instance a greater effort had to be exerted by Tenant Selection and Management to secure the type of white families which would move into vacancies in the Negro buildings. By careful selection and good judgment this situation was overcome. Within a period of several months, five white families were moved into several formerly all-Negro buildings, and four Negro families were moved into four different white buildings on the other side of the project. The facility with which this was accomplished could be attributed not only to the excellent management and tenant selection practices in this initial stage, but also to the fact that the tenants were aware of the over-all interest of the Authority and the community groups as expressed in their meetings with the local school and civic officials. The experience was repeated in one form or another in the other six projects. Only carefully selected tenants were housed during this initial period, so that in a period of three months it had begun to put its policy into practice in all eight projects. The Authority realized that this crucial period should be short and not prolonged. Now that the eight projects have moved toward full integration, the need for high selectivity has lessened.

#### 8. Public Facilities

The Authority has accepted fully the principle that the public facilities of the public housing project must be open to all tenants without regard to race, creed, color or national origin. It has reviewed the use of its public facilities with the view toward establishing these facilities for the full use of all tenants. In this regard, the public interest groups and the Authority have expressed interest in securing recreational supervision on these projects.

#### 9. Staff Integration

The Authority is in the process of analyzing its job classifications. During 1950 a Negro economist was appointed to the staff. Another Negro has been assigned to training for management operations. One of the recent Negro employees is a civil engineer. The Authority has one Negro manager, and one Negro is a member of the Authority itself. A Negro is in the key position of Tenant Selection Supervisor. The Executive Director is conscious of the need to carry out this phase of the Authority's operations and obviously is actively putting the policy into practice.

#### 10. Wholehearted Interest of Housing Authority

The staff members of the Authority expressed their wholehearted interest in a meeting held early in 1951 of all tenant selection personnel and management personnel, including the Executive Director and

the PHA Racial Relations Officer. At this meeting, each manager reported on the success the program had achieved on his project; the tenant selection people referred to the positive attitudes expressed by prospective tenants and applicants to this program. The staff asked for more regular meetings to review the programs and the progress made on each project.

The Executive Director urged acceleration of the program, pointing out that all the groundwork laid in the early months probably was responsible for the smooth operations. He noted further that as a result of the positive steps taken, public housing had won the strong friendship and support of more groups than it had before, that the Housing Authority had won state and nation-wide acclaim for doing a job honestly and forthrightly, and that all groups recognized the Authority's sincere interest in achieving full integration by going ahead with the job and doing it.

Examples of Restrictive Covenants and Other Methods of Restricting Transfer of Property.

1. No person of African descent shall ever be allowed to buy or hold in any way title or control of any lot in this subdivision.

2. This lot or any improvements that shall be erected thereon shall never be sold, rented, leased, assigned, transferred or conveyed to anyone who is not of the Caucasian race, nor to any person of the Polish, Italian or Jewish race.

Since the decision of the U. S. Supreme Court in 1947 making restrictive covenants unenforceable in the federal courts a variety of ways have been devised for avoiding the ruling. These are some of the methods:<sup>(1)</sup>

1. The "Van Sweringer covenant".  
Long used in Cleveland, it prevents sale of property without consent of the original owner of the land.
2. Club membership.  
No one may buy into the neighborhood unless acceptable to the community.
3. Leasehold system.  
Occupant does not buy but leases land for 99 years and may not sell without consent of the community overseers.
4. The Cooperative.  
Directors limit membership in the apartment or housing project.
5. The Brokers Agreement.
6. The Mortgagers Agreement.
7. The Reversion clause.  
Here a deed will provide that in the event of sale to prescribed minorities, the title reverts to a prior grantor. The prospective buyer thereby faces an unmarketable title.
8. The Escrow Agreement.  
A deed is deposited in escrow with a third party as escrowholder to assure against violation of a covenant. The escrowholder, not the courts, would then be called upon to decide whether the covenant is violated.
9. Deposit.  
A deposit or bond is required from the buyer which is forfeited if he sells to a minority group member.

<sup>(1)</sup> Listed by Charles Adams, "Human Relations in City Planning" Chicago Council on Civic Unity, November, 1948.  
O. Max Gardner, "Judicial Enforcement of Racial Restrictive Covenants", 27 N. Car. L. Rev. 224 (Feb. 1949).

Resolution of City of Akron, Ohio Relating to Discrimination  
in Public Employment.

RESOLUTION NO. 10-1951 requesting that in all future contracts, purchase orders, and franchises of The City of Akron, any firm doing business with The City of Akron shall cooperate to eliminate discrimination as to color, race, or creed in employment.

BE IT RESOLVED by the Council of The City of Akron:

Section 1. That in all future contracts, purchase orders, and franchises of The City of Akron, the following clause shall be printed or typewritten in the contracts, purchase orders, and franchises:

"It is the desire of The City of Akron that any firm doing business with the City of Akron cooperate to eliminate discrimination as to color, race, or creed in employment".

Passed January 9, 1951, C.M. Butler, Clerk of Council; Francis J. Greissing, President of the Council; Approved: January 10, 1951, Chas. E. Slusser, Mayor.

Ordinance of City of Cincinnati, Ohio Relating to Discrimination  
in Public Employment.

AN ORDINANCE No. 196-1946

To prohibit discrimination in the appointment promotion or grading of employees, and in recommendations for increases or reductions in compensation by ordaining supplementary Section 308-19 of the Code of Ordinances.

Be It Ordained by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Code of Ordinances is hereby supplemented by ordaining Section 308-19 to read as follows:

Sec. 308-19. Fair Employment Practices. In the appointment, promotion or grading of employees, and in recommendations for increases or reductions in compensation, there shall be no discrimination for or against any person because of race, color, creed or national origin. A violation of this section by any officer charged with the duty of appointing, promoting or grading any employee or employees, or making recommendations as to employment or compensation, shall be considered a failure of good behavior, justifying his dismissal from city employment.

Section 2. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 5, A.D. 1946.

JAMES G. STEWART, Mayor.

Attest: AL J. BECHTOLD, Clerk.

A copy of this ordinance is on file in the office of the Clerk of Council for public inspection.

Ordinance of Denver, Colorado Relating to Discrimination in Public Employment and in Services Provided by the City and County.

BY AUTHORITY  
ORDINANCE NO. 11

COUNCILMAN'S BILL NO. 12, SERIES OF 1951. INTRODUCED BY COUNCILMEN MARRANZINO, CAVENDER AND McWILLIAMS.

A BILL

FOR AN ORDINANCE ESTABLISHING A COMMISSION ON HUMAN RELATIONS; PRESCRIBING THE POWERS AND DUTIES OF THE SAID COMMISSION; AND PROVIDING FOR THE APPOINTMENT OF A DIRECTOR AND OTHER EMPLOYEES.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Establishment; Membership. There is hereby established a Commission which shall be known as the Commission on Human Relations, hereinafter referred to by the single term "Commission", consisting of eleven members to be appointed by the Mayor. Members of the Commission shall serve without compensation.

Section 2. Employees. The Commission shall appoint and prescribe duties of a Director of Human Relations and such other employees as may be necessary from time to time.

Section 3. Chairman; By-Laws. The Commission shall adopt its own by-laws and rules of procedure and shall elect its own officers except the chairman, who shall be appointed by the Mayor. Such by-laws and rules of procedure shall prescribe the times and places of meetings and the manner of keeping records of such meetings.

Section 4. Powers and Duties. The Commission shall, as directed by the Mayor and City Council:

(a). In cooperation with the other departments of the City seek to promote the employment and promotion of all employees in the City and County Government and the provision of County and City services to the public without discrimination on account of race, religion or national origin; and

(b). Act as an advisory, conciliatory, and investigating agency on all matters threatening the general welfare by reason of such discrimination.

Section 5. Emergency Clause. In the opinion of the Council this Ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience, and general welfare, and it is enacted for that purpose and shall be in full force and effect immediately after its passage and final publication.

Passed by the Council and signed by its President this 29th day of January, A.D. 1951.

JAMES FRESQUES  
President

Ordinance of Phoenix, Arizona Relating to Discrimination in Public Employment Except for Those Advocating Overthrow of Government by Force.

ORDINANCE NO. 4810

AN ORDINANCE RELATING TO THE HIRING OF AND THE APPLICATION FOR EMPLOYMENT OF PROSPECTIVE EMPLOYEES OF THE CITY OF PHOENIX.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF PHOENIX as follows:

SECTION 1. It shall be unlawful for any person, employee, department head, or other person acting in behalf of the City of Phoenix who has the authority to accept applications or hire employees on behalf of the City of Phoenix to discriminate against any applicant or prospective employee because of his or her race, creed, color or national origin, with respect to his or her hiring or application for employment.

SECTION 2. All contracting agencies of the City of Phoenix, or any department thereof, shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color or national origin and shall require him to include a similar provision in all sub-contracts.

SECTION 3. The provisions of Sections 1 and 2 shall not apply to applicants or prospective employees who individually or as a member of a group subscribe to a program that advocates the overthrow by force of the United States Government in a manner declared illegal by the appropriate courts.

PASSED by the Commission of the City of Phoenix this 27th day of April, 1948.

APPROVED by the Mayor this 27th day of April, 1948.

RAY BUSEY  
Mayor.

Seal

ATTEST:

AARON KINNEY  
City Clerk

Approved as to form:

JACK CHOISSER  
City Attorney

Ordinance of Richmond, California Relating to Discrimination in Public Employment and Contracts awarded by the City.  
(Note heavy penalty)

## ORDINANCE NO. 1303

AN ORDINANCE DECLARING THE POLICY OF THE CITY OF RICHMOND IN REGARD TO DISCRIMINATION IN EMPLOYMENT, AND MAKING UNLAWFUL SUCH DISCRIMINATION BY THE CITY OF RICHMOND AND PERSONS HEREAFTER ACQUIRING CITY CONTRACTS OR FRANCHISES

The Council of the City of Richmond do ordain as follows:

Section 1. It is hereby declared to be the policy of the City of Richmond to promote and to encourage good will and understanding within the various racial, religious and national groups within the City, and to oppose discrimination based on race, creed, color, national origin or ancestry.

Section 2. It shall be unlawful for any department head, official, agent or employee of the City of Richmond, or any commission, department, division, board or agency thereof, acting for or on behalf of said City, in any matter involving employment by said City, to discriminate on the ground or because of race, color, creed, national origin or ancestry, against any person otherwise qualified, in employment or in tenure, terms or conditions of employment; or so to discriminate in promotion or increase in compensation; or to adopt or to enforce any rule or employment policy which so discriminates between employees or prospective employees; or to seek information relative to race, creed, color, national origin or ancestry, from any person or employee as a condition of employment, tenure, terms or conditions of employment, promotion or increase in compensation; or so to discriminate in the selection of personnel for training.

Section 3. Said City and all of its contracting agencies and departments shall include in all contracts and franchises hereafter negotiated, let or awarded by or on behalf of the City of Richmond, a provision obligating the contractor in the performance of such contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry against any employee of, or applicant for employment with, such contractor, and shall require such contractor to include a similar provision in all sub-contracts let or awarded thereunder.

Section 4. This ordinance shall be deemed an exercise of the police power of this City for the protection of the public welfare and the peace and security of the inhabitants thereof.

Section 5. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding \$500.00, or by imprisonment in the city jail of the City of Richmond, or in the county jail of the County of Contra Costa for a period not exceeding six (6) months, or by both such fine and imprisonment.

Section 6. This ordinance shall take effect and be in force on and after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held May 9, 1949, and finally passed and adopted as read at a regular meeting thereof held May 16, 1949 ...

Ordinance of Sioux City, Iowa Relating to Discrimination in Public Employment, and Employment by Contractors, Licensees and Franchise Holders of the City.

ORDINANCE NO. Q- 34826

AN ORDINANCE TO PROHIBIT DISCRIMINATORY PRACTICES IN EMPLOYMENT BASED UPON RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, OR ANCESTRY, IN EMPLOYMENT OR MUNICIPAL EMPLOYEES AND EMPLOYEES OF CONTRACTORS, SUB-CONTRACTORS, LICENSEES, AND FRANCHISE HOLDERS OF THE CITY; TO CREATE A COMMISSION ON JOB DISCRIMINATION; PRESCRIBING ITS DUTIES AND POWERS; AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF

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...  
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, AS FOLLOWS:

Section 1. DEFINITIONS.

A. The word "discriminate", "discriminates", or "discrimination", wherever used in this ordinance, is hereby defined and declared to mean and include discrimination on the grounds or because of race, religious creed, color, national origin, or ancestry.

B. The word "employee", wherever used in this ordinance is hereby defined and declared to include only employees of the City of Sioux City, employees of contractors engaged upon city projects, and employees of sub-contractors of the City of Sioux City, and all licensees and franchise holders of said City of Sioux City, as herein provided.

C. The word "employer", wherever used in this ordinance is hereby defined and declared only to include the City of Sioux City, contractors engaged upon projects of said City and sub-contractors acting for or with the City of Sioux City, and all licensees and franchise holders of said City of Sioux City, as herein provided.

Section 2. UNFAIR EMPLOYMENT PRACTICES PROHIBITED.

A. It shall be unlawful for the head of any department, official, or agent or employee of the City of Sioux City, or of any department thereof, acting for or on behalf of said city, in any manner involving employment of said city, to discriminate against any person otherwise qualified, in employment or in tenure, terms, or conditions of employment; or to discriminate in promotion or increase in compensation; or to publish offers of or to offer employment based upon such discrimination; or to adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or to discriminate in the selection of personnel for training.

B. Said city and all of its contracting agencies and departments thereof shall include in all contracts hereafter negotiated and in all franchises and licenses hereafter granted a provision obligating such contractor, or sub-contractor, franchise holder or licensee, not to discriminate against any employee of, or applicant for employment with, such contractor, sub-contractor, franchise holder or licensee in or of the City of Sioux City, and shall require such contractors to include a similar provision in all sub-contracts to be performed in the City of Sioux City; and the provisions hereof shall be applicable, and it shall be unlawful for any such contractor, sub-contractor,

franchise holder, or licensee to violate the terms and provisions of this ordinance.

C. It shall be unlawful for any employer covered by this ordinance to penalize or discriminate in any manner against any individual because he has opposed any practice forbidden by this ordinance or because he has made a charge, testified or assisted in any manner in any investigation or hearing hereunder.

D. It shall be unlawful for any person to aid, abet, incite, compel or coerce the doing of any act declared herein to be an unfair employment practice or to obstruct or prevent any person from complying with the provisions of this ordinance or any order or ruling issued thereunder or to attempt directly or indirectly to commit any act declared by this ordinance to be an unfair employment practice.

Section 3. COMMISSION ON JOB DISCRIMINATION. There is hereby created a permanent Commission on Job Discrimination, which shall consist of a chairman and four other members, to be appointed by the Mayor and to be confirmed by the City Council. Any three members of the Commission shall constitute a quorum. The first chairman shall be appointed for a term of five years, and the remaining four members shall be first appointed for terms respectively of four years, three years, two years and one year. Each of said appointees shall serve for his respective term and until his respective successor has been appointed and has assumed office. After the expiration of the initial term each of the members shall be appointed and shall serve for a five-year term, and until his respective successor has been appointed, and has assumed office. Any member of the commission may be removed by the appointing power. They shall serve without compensation but shall be reimbursed for all expenses necessarily incurred, provided, however, that no such expense shall be incurred without prior approval of the City Council. Said Commission shall be charged with the duties of;

A. Effectuating the intent and purposes of this Ordinance.

B. Receiving complaints of violations of this Ordinance, investigating the merits thereof, and to adjust them by conciliation wherever possible.

C. Promoting cooperation among all groups for the purpose of effectuating the purposes and policies of this Ordinance.

D. Conducting investigations relating to job discrimination studies, surveys, and projects and disseminating information concerning job discrimination and related problems.

E. Aiding in the enforcement of this Ordinance.

F. Making reports of its activities to the City Council annually or more often, as requested by said City Council.

G. Adopting such rules and regulations as may be necessary to carry out the functions of the commission and effectuate the purposes and provisions of this ordinance not inconsistent with the Statutes of the State of Iowa, and the ordinances of the City of Sioux City.

The Commission shall hear all complaints on violations and shall

after said hearing certify and recommend to the City Solicitor for prosecution those complaints which in the judgment of said Commission are deemed to be violations of this Ordinance.

The rights of any person to file complaint with the Commission on Job Discrimination as herein provided shall not be exclusive, and any person having cause for redress under and pursuant to the provisions of this Ordinance may proceed in any manner by law provided.

Section 4. PENALTY.

A. Any person, whether acting in an official capacity, or in a private capacity, who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and shall be punished by a fine of not more than \$100 or by imprisonment in the city jail for a period of not to exceed thirty (30) days.

Section 5. SEVERABILITY. The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstance such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons and circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence clause, section or part had not been included therein and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Section 6. REPEAL. All Ordinances or parts of Ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

(Signed) Dan J. Conley  
MAYOR

Read First Time: February 16, 1951.

Rules Suspended And

Read Second Time: February 16, 1951.

Read Third Time: February 23, 1951.

ATTEST:

(Signed) C. A. Naubom  
(Seal) CITY CLERK

PASSED AND APPROVED:

February 23, 1951

Published in The Sioux City Journal-Tribune March 6, 1951.

Resolution of Seattle, Washington Relating to Public Employment.

RESOLUTION NO. 14192

WHEREAS Article XVI, Section 6, of the City Charter of Seattle declares as follows:

"All applicants for offices or places in the classified Civil Service shall be subject to examination, which shall be public, competitive and open to all citizens of the United States with specified limitations as to residence, age, health, habits and moral character.";

WHEREAS United States citizenship recognizes no distinction because of race, creed or color;

WHEREAS it has come to our attention that assertions are being made to the effect that discrimination has and is being practiced in the employment and assignment of personnel by the City of Seattle; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE; THE MAYOR CONCURRING:

That the City Council stands ready to investigate any and all cases where specific evidence is furnished to show that discrimination has been practiced, or is being practiced, in the employment and assignment of city personnel, with a view to enforcement of the clear intent and purpose of Article XVI, Section 6, of the City Charter which guarantees equality to all citizens applying for employment by the City; and

BE IT FURTHER RESOLVED,

That we request the Mayor, through his department heads, to investigate employment practices by the City and to instruct said department heads that any evidence of unfair practices or discrimination in contravention of Article XVI, Section 6, of the City Charter be reported to the City Council.

ADOPTED BY the City Council this 28th day of January, 1946, and signed by me in open session in authentication of its adoption this 28th day of January, 1946.

James Scavotto, President of the City Council

Ordinance of Cleveland, Ohio Relating to Discrimination in Public and Private Employment, by Labor Organizations and by Employment Agencies.

ORDINANCE NO. 1579-48

AN ORDINANCE TO SUPPLEMENT THE MUNICIPAL CODE OF CLEVELAND OF 1924 BY ENACTING NEW SECTIONS 2999-2 TO 2999-9 INCLUSIVE, PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, OR ANCESTRY BY EMPLOYERS, EMPLOYMENT AGENCIES, OR LABOR ORGANIZATIONS.

Whereas, the Community Relations Board has heretofore made and filed with this Council a report and recommendations on legislation to prohibit employment discriminations in Cleveland in which the practice of discrimination was found to exist in Cleveland and,

Whereas, subsequent to this report this Council has held public hearings on employment discrimination in Cleveland and,

Whereas, experience has proved that legislative enactment prohibiting employment discrimination removes some of the sources of economic inequality and would directly promote the general welfare and good order of this city; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council hereby determines that discriminatory employment practices exist in the City of Cleveland which are inimical to the public welfare and good order of the City of Cleveland and require the exercise of the police power residing in the Council to prevent the continuation of such discriminatory employment practices, and therefore the Municipal Code of Cleveland of 1924 be and the same is hereby supplemented by enacting new Sections 2999-2 to 2999-9 inclusive, to read respectively as follows:

Section 2999-2. Definitions.

(a) The words "discriminate," "discriminates," or "discrimination" wherever used in this ordinance are hereby defined and declared to mean and include discrimination solely on the ground or because of race, religious creed, color, national origin or ancestry.

(b) The word "employee" wherever used in this ordinance is hereby defined to include all persons except those engaged in domestic service, personal service or an employee of an organized religious congregation or an employee of an organization or institution limited to members of a single religious faith.

(c) The word "employer" wherever used in this ordinance is hereby defined as a person, one or more individuals, a partnership, association, or corporation hiring employees unless exemption is provided in Section 2999-5.

(d) The term "labor organization" wherever used in this ordinance is hereby defined as any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of

dealing with employers concerning grievances, terms or conditions of employment, or of mutual aid or protection in connection with employment.

(e) The term "employment agency" wherever used in this ordinance is hereby defined as any person, company, partnership, association, or corporation, which undertakes with or without compensation, to procure opportunities to work, or to procure, recruit, refer, or place employees.

#### Section 2999-3. Discrimination in Employment Practices Prohibited.

It shall be unlawful for employers, employees, labor unions, employment agencies or others subject to this ordinance to:

(a) Discriminate against any person with regard to hire, discharge, tenure, upgrading, terms or conditions of employment or union membership solely on grounds of race, religious creed, color, national origin or ancestry.

(b) Publish or cause to be published any notice or advertisement relating to employment or membership which contains any specification or limitation as to race, religious creed, color, national origin or ancestry.

(c) Require of any applicant as a condition of employment or membership any information concerning his race, religious creed, color, national origin or ancestry.

(d) Aid, abet, encourage or incite the commission of any discrimination in employment practice prohibited by this ordinance.

#### Section 2999-4. Discrimination in Employment Practices Prohibited in City Employment and Public Works Contracts.

The City of Cleveland shall prohibit all of the discriminatory practices set forth in Section 2999-3 in all of its departments, divisions, boards, and commissions; or the commission of said discriminatory practices by any city officials, their agents or employees acting for or on behalf of said city.

The City of Cleveland and all of its contracting agencies and departments shall include in all public works contracts hereafter negotiated a provision obligating the public works contractor not to commit any of the discriminatory practices set forth in Section 2999-3 and shall require such contractor to include a similar provision in all sub-contracts.

This provision shall apply to all public works contracts and said sub-contracts carried on by said city on property under its ownership or control.

#### Section 2999-5. Authorized Exemptions.

Exemptions from the requirements of this ordinance shall be:

(a) Any employer of less than twelve persons; nor shall members of the immediate family of an employer be included in determining the number of employees.

(b) Any religious organization or institution whose membership or service is limited to persons of a single religious faith.

(c) Any private organization having a purely social or fraternal purpose.

(d) Any type of employment where religion, religious creed, or nationality would usually and normally be considered an essential qualification of employment.

#### Section 2999-6. Administration.

The administration of this ordinance shall be the responsibility of the Community Relations Board.

In addition to any powers heretofore conferred in this board, said board shall have the power to:

(a) Formulate a plan of education to promote fair employment practices by employers, employees, employment agencies and the general public to eliminate employment discrimination based on race, religious creed, color, national origin or ancestry.

(b) To confer and co-operate with and furnish technical assistance to employers, labor unions, employment agencies and other public and private agencies in formulating educational programs for elimination of employment discrimination based on race, religious creed, color, national origin or ancestry. In connection herewith, the Board may stimulate the establishment of committees in industry, labor and other areas.

(c) To make technical studies and prepare and disseminate educational material relating to discrimination and ways and means of reducing and eliminating it.

(d) To make specific and detailed recommendations to the interested parties as to the method of eliminating discrimination in employment.

(e) Receive, investigate and seek to adjust all complaints of discriminatory employment practices prohibited by this ordinance. Such complaints shall be properly verified and filed by the person discriminated against within 30 days after the alleged discriminatory act is committed.

(f) Render to City Council and the Mayor from time to time or upon request, but not less than annually a report of its activities.

(g) Adopt such reasonable rules and procedures as are necessary to effect the broad purposes of this ordinance.

#### Section 2999-7. Compliance and Enforcement.

(a) In the consideration of a complaint, the Board shall determine the facts and if there appears to be probable cause for the complaint,

the Commission shall use its offices to attempt an adjustment by education, persuasion, conciliation and conference. A reasonable time shall be allowed for this purpose.

(b) If in the opinion of a majority of the members of the Board, the efforts to settle any complaint by education, persuasion, conciliation and conference have not adjusted the specific complaint the Board may certify the complaint to the Mayor who shall make a further effort to adjust said complaint. If the Mayor is unable to adjust the complaint to the satisfaction of the Board, the Board shall cause a public hearing to be held. A notice of the particulars of the complaint shall be sent to the respondent by registered mail not less than ten days prior to the day set for the hearing. The hearing shall be held before the Community Relations Board.

(c) The respondent shall have the right to file an answer to the complaint and appear at such hearing to testify in his own behalf, or be represented by counsel or otherwise, and to examine and cross-examine witnesses.

If upon all the testimony taken, the Board by a majority vote of the members thereof shall determine that the respondent committed the discriminatory practice set forth in the complaint, the Board shall issue an order directing the respondent to cease such discriminatory employment practice so found to be engaged in. The Board shall have power to require proof of compliance.

(d) In the event respondent fails or refuses to comply with the order of said board, the fact of said refusal together with the verified complaint and the record of the proceedings of the public hearing shall be certified to the director of law for prosecution. No prosecution under this ordinance shall be brought except after certification to the director of law.

Section 2999-8. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed one hundred dollars or imprisoned for not more than ten days if said fine is not paid within 30 days or the execution thereof stayed by appeal or order of the court.

Section 2999-9. Severability.

Section 2999-2 to 2999-8, inclusive, and each part of such sections, are hereby declared to be independent sections and parts of sections, and notwithstanding any other evidence of legislative intent it is hereby declared to be the controlling legislative intent that if any provision of said sections, or the application thereof to any person or circumstance, is held invalid, the remaining sections or parts of sections, and the application of such provision to any person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared that this ordinance would have been passed independently of such section, sections or parts of a section so held to be invalid.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed January 30, 1950. Effective March 12, 1950.

Ordinance of Milwaukee, Wisconsin Relating to Discrimination in Public Employment, Certain Types of Private Employment, and Employment Agencies.

22--AN ORDINANCE

To create Sections 106-24, 106-25, 106-26, 106-27, 106-28 and 106-29 of the Milwaukee Code, relating to fair employment practices.

WHEREAS, The State of Wisconsin, through its duly elected representatives, has set forth a policy against discrimination in public and private employment; and

WHEREAS, The City of Milwaukee, desiring to grant to all its citizens the basic democratic right of earning their livelihood without being discriminated against because of race, creed, color or national origin, enacts this ordinance to be known as the Fair Employment Practices Ordinance:

THE MAYOR AND COMMON COUNCIL OF THE CITY OF MILWAUKEE DO ORDAIN AS FOLLOWS:

Part 1. There are hereby created six new sections of the Milwaukee Code to read:

Section 106-24. It shall be unlawful for any department of the City of Milwaukee; or any city official, his agent or employe, for or on behalf of the City of Milwaukee; or any private employer performing work within the City of Milwaukee, involving any public works of the City of Milwaukee; to wilfully refuse to employ or to discharge any person otherwise qualified because of race, color, creed, national origin, or ancestry; to discriminate for the same reasons in regard to tenure, terms or conditions of employment; to deny promotion or increase in compensation solely for these reasons; to publish offer of employment based on such discrimination; to adopt or enforce any rule or employment policy which discriminates between employes on account of race, color, religion, national origin, or ancestry; to seek such information as to any employe as a condition of employment; to penalize any employe or discriminate in the selection of personnel for training, solely on the basis of race, color, religion, national origin, or ancestry.

Section 106-25. All contracting agencies of the City of Milwaukee, or any department thereof, shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any qualified employe or qualified applicant for employment because of race, creed, color or national origin and shall require him to include a similar provision in all sub-contracts.

Section 106-26. No person properly qualified shall be wilfully discriminated against by reason of race, creed, color, or national origin in the hiring, receiving of applications for employment or in tenure, terms of conditions of employment.

Section 106-27. It shall be unlawful for any employment agency operating in the City of Milwaukee to wilfully refuse to refer any person properly qualified for employment because of his race, creed, color or national origin.

Section 106-28. Any person, firm or corporation who shall wilfully violate or fail to comply with any of the provisions of this ordinance shall be punished by a fine not exceeding \$10.00, and in default of payment thereof, by imprisonment in the House of Correction for not exceeding five days.

Section 106-29. If any part of this ordinance shall be declared invalid, the balance shall remain in full force and effect.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

Passed May 13, 1946.

Ordinance of Minneapolis, Minnesota Relating to Discrimination  
In Public and Private Employment, by Labor Organizations and by  
Employment Agencies.

AN ORDINANCE

An ordinance to prohibit discriminatory practices in employment and in membership in labor unions, based upon race, color, creed, national origin, or ancestry; to create a commission on job discrimination, prescribing its duties and powers; and for other purposes; and providing penalties for violations hereof.

Section 1. FINDINGS AND DECLARATION OF POLICY:

a) -Discrimination in public and private employment on the grounds of race, creed, color, national origin, or ancestry, with consequent arbitrary denial of job opportunities to large groups of inhabitants of this City, foments strife, creates unrest, disturbances, disorders and group tensions, and substantially and adversely affects the general welfare and good order of this City.

b) Such job discrimination tends unjustly to condemn large groups of inhabitants of this City to depressed living conditions, which breed vice, ignorance, disease, degeneration, juvenile delinquency and crime, thereby causing grave injury to the public safety, general welfare and good order of this City, and endangering the public health thereof.

c) Such job discrimination and the resulting effects on the community and the inhabitants thereof tend to impose substantial financial burdens on the public revenues for the relief and amelioration of conditions so created.

d) Experience has proved that legislative enactment prohibiting such job discrimination removed some of the sources of strife, unrest, poverty, disease, juvenile delinquency and crime, and would directly promote the general welfare and good order of this City.

e) The right of every inhabitant of this City to job opportunities without being subjected to such discrimination is hereby declared to be a civil right.

f) This ordinance shall be deemed an exercise of the police power of this City, for the protection of the public welfare and the health and peace of the inhabitants thereof.

Section 2. DEFINITIONS:

a) The words "discriminate," "discriminates," or "discrimination" wherever used in this ordinance are hereby defined and declared to mean and include discrimination on the ground or because of race, creed, color, national origin or ancestry.

b) The word "employee" wherever used in this ordinance is hereby defined and declared not to include an employee in domestic service, or an employee of an organized religious congregation or an institution limited in its membership to persons of a single religious faith.

c) The word "employer" wherever used in this ordinance is hereby defined and declared to include only employers of two or more employees within the City of Minneapolis.

### Section 3.

It shall be unlawful for any head of department, official, or agent or employee of the City of Minneapolis, or of any department thereof, acting for or on behalf of said City, in any manner involving employment by said City, to discriminate against any person otherwise qualified, in employment or in tenure, terms or conditions of employment; or to discriminate in promotion or increase in compensation; or to publish offers of or to offer employment based upon such discrimination; or to adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or to seek information relative to race, creed, color, national origin or ancestry from any person or employee, as a condition of employment, tenure, terms, or in connection with conditions of employment, promotion or increase in compensation; or to discrimination in the selection of personnel for training.

### \* Section 4.

Said City and all of its contracting agencies and departments thereof shall include in all contracts hereafter negotiated a provision obligating the contractor not to discriminate against any employee of, or applicant for employment with, such contractor in the City of Minneapolis, and shall require such contractor to include a similar provision in all sub-contracts to be performed in the City of Minneapolis.

### Section 5.

a) It shall be unlawful for any employer within said City to discriminate against any person in connection with any hiring, application for employment, tenure, terms or conditions of employment.

\* b) It shall be unlawful for any person, firm or corporation engaged in the business of or acting as an employment, referral or vocational placement agency or bureau within said City, to discriminate against any person in connection with any application for employment, referral for employment, hiring, tenure, terms or conditions of employment.

\* c) It shall be unlawful, with respect to employees covered by this ordinance within said City, for any employer covered by this ordinance, or labor union, or any person, firm or corporation engaged in the business of or acting as an employment, referral or vocational placement agency or bureau, or any agency engaged in whole or in part in the investigation of applicants for employment or in the investigation of employees, to include in any application form or biographical statement relating to employment, any question or statement designed to elicit or record information concerning the race, creed, color, national origin, or ancestry of the applicant. However, this section shall not prohibit any employer from securing, or any employee from furnishing, information concerning the national origin or ancestry of an employee or applicant for employment when such information has been required by the Government of the United States, the State of Minnesota,

or any political subdivision thereof, for the purpose of national security.

Section 6.

It shall be unlawful for any labor union within said City to discriminate against any person with respect to membership in such labor union.

\* Section 6 1/2.

It shall be unlawful for an employer, labor union, employment agency, or investigating agency to discharge, expel, or otherwise discriminate against a person because that person has filed a complaint, testified, or assisted in any proceeding under this ordinance.

Section 7.

There is hereby created a permanent commission on job discrimination, which shall consist of a chairman and four other members, to be appointed by the Mayor and to be confirmed by the City Council. The first Chairman shall be appointed for a term of five years, and the remaining four members shall be first appointed for terms respectively of four years, three years, two years and one year. Each of said appointees shall serve for his respective term and until his respective successor has been appointed, and has assumed office. After expiration of the initial term, each of the members shall be appointed and shall serve for a five-year term and until his respective successor has been appointed and has assumed office. They shall serve without compensation. Said commission shall be charged with the duties of:

- a) Effectuating the purpose and policies of this ordinance.
- b) Receiving complaints of violations of this ordinance and investigating into the merits thereof.
- c) Promoting cooperation among all groups for the purpose of effectuating the purposes and policies of this ordinance.
- d) Conducting studies, surveys and projects and disseminating information concerning job discrimination and related problems.
- e) Aiding in the enforcement of this ordinance.
- f) Make reports of its activities to the City Council annually or more often, as requested by said City Council.

The commission shall hear all complaints on violations and shall, after said hearing, certify and recommend to the Municipal Court or the Clerk of the Municipal Court for prosecution those complaints which in the judgment of said commission are deemed to be violations of this ordinance.

Nothing in this section contained shall be construed to limit the right of a complainant to make and file a complaint without such certificate or recommendation by said commission.

Section 8.

Any person, whether acting in an official capacity or in a private capacity, who shall violate or fail to comply with any of the provisions of this ordinance, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding \$100.00. or by imprisonment in the Workhouse for a period of not to exceed ninety (90) days.

Section 9.

If any provisions of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the remainder of such ordinance or the application of such provision to persons or circumstances other than those to which it has been held invalid, shall not be affected thereby.

Section 10.

This ordinance shall take effect and be in force from and after its publication.

\* Note: This Minneapolis Fair Employment Practice Ordinance was originally passed by the Minneapolis City Council by a vote of 21 to 3 on Friday, January 31, 1947. It was approved by the Mayor the same day. The ordinance was published and put into effect on Wednesday, February 5, 1947.

On Friday, October 29, 1948, the City Council passed amendments which added the words underlined in Section 4 and added Paragraphs b and c to Section 5.

On Friday, May 25, 1951, the City Council passed amendments which added the words underlined in Paragraph c of Section 5 and added Section 6 1/2.

Ordinance of Philadelphia, Pennsylvania Relating to Discrimination in Public and Private Employment, Employment Agencies and Labor Organizations.

FAIR EMPLOYMENT PRACTICE ORDINANCE. Approved March 12, 1948  
Amended March 29, 1950

AN ORDINANCE

Prohibiting discrimination in employment because of race, color, religion, national origin or ancestry by employers, employment agencies, labor organizations and others; providing for the creation of the Philadelphia Fair Employment Practice Commission; prescribing its duties and powers; and providing penalties.

WHEREAS, Discrimination in employment due to race, color, religion, national origin or ancestry has prevented and threatens to prevent the gainful employment of large segments of the people of Philadelphia and has created and tends to create breaches of the peace; and has been and will continue to be detrimental to the health, welfare and safety of the City of Philadelphia and its inhabitants.

SECTION 1. The Council of the City of Philadelphia ordains, That this ordinance shall be known as "The Philadelphia Fair Employment Practice Ordinance."

SECT. 2. Declaration of Policy. It is hereby declared to be the policy of the City in the exercise of its police power for the protection of the public welfare, health, safety and peace of the City and the inhabitants thereof, to prohibit unfair employment practices as hereinafter defined and to establish the Philadelphia Fair Employment Practice Commission as an administrative agency charged with the duty of effectuating the provisions and purposes of this ordinance.

SECT. 3. Definitions. The term "person," as used in this ordinance, shall include an individual, partnership, corporation, union or association, including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. Whenever used in any clause prescribing and imposing a penalty, the term "person," as applied to partnerships, unions or associations, shall mean the partners or members thereof and as applied to corporations, the officers thereof. The singular shall include the plural and the masculine shall include the feminine and neuter.

The term "employer," as used in this ordinance shall include every person, as hereinabove defined, who employs one or more employees, exclusive of parents, spouse or children of such person. The term, however, shall not include fraternal, sectarian, charitable or religious organizations, but shall include any governmental unit, agency or employee as to which the City has the power to legislate.

The term "labor organization" shall include any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

The term "employment agency" shall include every person, as hereinabove defined, regularly undertaking in this City, with or without compensation, to procure opportunities to work or to procure, recruit, refer, or place employees.

The term "employment" shall not include the employment of individuals as domestic servants nor the employment of individuals to serve in personal and confidential positions.

The term "commission" means the Philadelphia Fair Employment Practice Commission created herein.

SECT. 4. Unfair Employment Practices Prohibited. Unfair employment practices are hereby prohibited.

It shall be an unfair employment practice, except where based on a bona fide occupational qualification certified by the commission:

(a) For any employer, because of the race, color, religion, national origin or ancestry of any individual, to refuse to hire, or otherwise to discriminate against him with respect to hire, tenure, promotions, terms, conditions or privileges of employment or any matter directly or indirectly related to employment.

(b) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, employment or membership opportunities of any group or individual because of race, color, religion, national origin or ancestry.

(c) For any employer, employment agency or labor organization prior to employment or admission to membership to:

1. Make any inquiry concerning, or record of, the race, color, religion, national origin or ancestry of any applicant for employment or membership.

2. Use any form of application for employment of personnel or membership blank containing questions or entries regarding race, color, religion, national origin or ancestry.

3. Cause to be printed, published or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination, based upon race, color, religion, national origin or ancestry.

(d) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of his race, color, religion, national origin or ancestry.

(e) For any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment or would affect adversely his wages, hours or employment conditions, because of such individual's race, religion, color, national origin or ancestry.

(f) For any employer, employment agency or labor organization to penalize or discriminate in any manner against any individual because he has opposed any practice forbidden by this ordinance or because he has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing thereunder.

(g) For any person to aid, abet, incite, compel or coerce the doing of any act declared herein to be an unfair employment practice or to obstruct or prevent any person from complying with the provisions of this ordinance or any order issued thereunder or to attempt directly or indirectly to commit any act declared by this ordinance to be an unfair employment practice.

(h) It is specifically provided, that if the provisions of this ordinance are not otherwise violated, it shall not be an unfair employment practice for any employer to select for employment or employ any person who possesses qualifications, training or experience which best adapts him for the welfare and interest of such employer's business or profession.

SECT. 5. Fair Employment Practice Commission. Amended March 29, 1950.

(a) There is hereby established the Philadelphia Fair Employment Practice Commission which shall consist of five members, three of whom shall be appointed by the Mayor and two of whom shall be appointed by the President of Council. Any three members of the commission shall constitute a quorum. Each member of the Commission shall be paid the sum of twenty (20) dollars for each meeting of the Commission attended by him: Provided, however, That no payment shall be made to any member who holds any office, position or employment of profit under the government of the City or County of Philadelphia other than the office of member of the Commission: And provided further, That no member shall be paid or shall receive a total of more than four hundred (400) dollars for his attendance at meetings in any one calendar year. Each member of the commission shall serve for a period of three years, and until his successor is duly appointed and qualified. The members of the commission shall annually elect a chairman and secretary. Any member of the commission may be removed by the appointing power.

(b) The commission shall appoint such personnel at such compensation as may from time to time be authorized by Council.

SECT. 6. Duties of the Commission. The commission is authorized to and shall:

(a) Receive and investigate and seek to adjust all complaints of unfair employment practices forbidden by this ordinance, but no complaint shall be received unless made to the commission within sixty days of such alleged unfair practice.

(b) Make and publish appropriate findings as a result of its investigations.

(c) From time to time but not less than once a year, render to the Mayor and Council a written report of its activities and recommendations.

(d) Formulate and carry out a comprehensive educational program designed to eliminate and prevent prejudice and discrimination based upon race, color, religion, national origin or ancestry.

(e) Adopt such rules and regulations as may be necessary to carry out the functions of the commission and effectuate the purposes and provisions of this ordinance.

SECT. 7. Investigations, Hearings and Enforcement. (a) Upon its own initiative or whenever a charge has been made either by an aggrieved individual or by an organization which has as one of its purposes the combating of discrimination or of promoting full, free or equal employment opportunities, that any person has engaged or is engaging in any unfair employment practice, the commission shall have power to issue and cause to be served on such person a complaint stating the charges in that respect and containing a notice of public hearing before the commission at a place therein fixed, to be held not less than ten days after the service of said complaint. The respondent shall have the right to file an answer to the complaint and to appear at such hearing in person or by attorney or otherwise to examine and cross-examine witnesses. If upon all the testimony taken the commission shall determine that the respondent has engaged or is engaging in any unfair employment practices, the commission shall state its findings of fact and shall render such decision or enter such order as the facts warrant.

(b) In the event the respondent refuses or fails to comply with any such order issued by the commission, the commission shall certify the case and the entire record of its proceedings to the City Solicitor who shall invoke the aid of an appropriate court to impose the penalties provided in Section 8 of this ordinance and by appropriate action secure enforcement of the order.

(c) Whenever the commission finds that any official, agent, or employee of this City, or any contractor or sub-contractor doing work for this City, has engaged in any unfair employment practice, it shall make a report thereof to the Mayor for appropriate action.

SECT. 8. Penalty. Any person who shall violate any of the provisions of this ordinance or any of the rules and regulations adopted thereunder or who shall fail, refuse, or neglect to comply with any decision or order of the Philadelphia Fair Employment Practice Commission shall be subject for each violation to a fine not exceeding one hundred (100) dollars together with judgment of imprisonment not exceeding thirty days if the amount of said fine and costs shall not be paid within ten days from the date of the imposition thereof: Provided, That prosecutions under this ordinance shall be brought only by the City Solicitor, and such prosecutions shall be brought only after certification of a case to him by the commission.

SECT. 9. Severability. The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstance such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to other persons and circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein and if the person or circumstances to which the ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

Ordinance of Hubbard, Ohio Relating to F.E.P.C. (Representative of Ohio Ordinances Other Than Cleveland and Cincinnati)

AN ORDINANCE DEFINING UNFAIR EMPLOYMENT PRACTICES; PROHIBITING THE SAME; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND CREATING FAIR EMPLOYMENT COMMISSION.

SECTION I: That the fair employment practices hereinafter defined and established are hereby prohibited.

SECTION II: DEFINITIONS, When used herein:

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, or other organized groups of persons.

(b) The term "employer" means (1) all departments, officials, agents or employees of this city and its instrumentalities; (2) all persons operating enterprises which solicit or accept the custom of the public generally and which are operated under a privilege granted by this village; (3) all contractors and their sub-contractors engaged in the performance of any contract entered into with this village or any of its contracting agencies; (4) all private employers having ten or more employees in this village, exclusive of the parents, spouse or children of such employer. The term, however, shall include religious, charitable, fraternal or sectarian organizations.

(c) The term "employee" does not include any individual employed in the domestic service of any person.

(d) The term "labor organization" means any organization in this Village which exists for the purpose, whole or in part, of collective bargaining or of dealings with employers concerning grievances, terms or conditions of employment or of the other mutual aid or protection in relation to employment.

(e) The term "employment agency" means any person regularly undertaking in this Village, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(f) The term "privilege granted by this village" means any franchise, license, permit, tax exemption, authorization or other permission granted by this village.

SECTION III: UNFAIR EMPLOYMENT PRACTICE. It shall be unfair employment practice:

(a) For any employer, because of the race, color, religion, ancestry or national origin of any individual, to refuse to hire or otherwise to discriminate against him with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment.

(b) For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or

limiting through a quota system or otherwise, employment of membership opportunities to any group because of its race, color, religion, ancestry or national origin.

(c) Except where based on a bona fide occupation qualification for any employer, employment agency or labor organization prior to employment or admission to membership to:

(1) Make any inquiry concerning, or record of, the race, color, religion, ancestry or national origin of an applicant for employment or membership.

(2) Use any form of application for employment or personnel, or membership blank containing questions on entries regarding race, color, religion, ancestry or national origin.

(3) Cause to be printed, published or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination, based upon race, color, religion, ancestry or national origin.

(d) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of his race, color, religion, ancestry or national origin.

(e) For any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would tend to deprive such individual of employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment or would affect adversely his wages, hours or employment conditions, because of such individual's race, religion, color, ancestry of national origin.

(f) For any employer, employment agency or labor organizations to penalize or discriminate in any manner against any individual because he has opposed any practice forbidden by this ordinance.

(g) For any persons to aid, abet, incite, compel or coerce the doing of any act declared herein to be an unfair employment practice, or to obstruct or prevent any person from complying with the provisions of this ordinance or to attempt, directly or indirectly, to commit any act declared by this section to be an unfair employment practice.

SECTION IV: PENALTY. Any person who shall commit any unfair employment practice as herein defined, shall be guilty of a misdemeanor and shall be punished by a fine of not less than FIFTY (\$50.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS. For any violation committed after a prior conviction, such person shall, in addition, be liable to imprisonment for not more than thirty (30) days.

#### SECTION V: FAIR EMPLOYMENT PRACTICE COMMISSION.

A. A Fair Employment Practice Commission of the Village of Hubbard, is hereby created and shall consist of five (5) electors of Hubbard, to be appointed by the Mayor. The Village Solicitor shall be an ex-officio member of the commission. The members of the Committee shall serve without compensation but shall be reimbursed for all expenses

necessarily incurred. Each member of the commission shall serve for a period of three (3) years and until his successor is duly appointed and qualified; provided, however, that two (2) of the original members of the commission shall be appointed for a term of one (1) year and two (2) years. Any member of the Commission may be removed by the Mayor upon notice for hearing for neglect of duty or malfeasance in job but for no other reason.

B. The Mayor shall provide such personnel as may be necessary and required for the enforcement of all provisions of this ordinance and whatever facilities, services and supplies may be necessary to the Commission for the carrying out of its duties and functions as herein prescribed.

C. The Commission may use the services and facilities of other departments of the Village and other agencies for such voluntary and uncompensated service and facilities as may from time to time be needed and offered.

D. The Commission is authorized to and shall:

(a) Receive, investigate and seek to serve all complaints of unfair Employment Practices forbidden by this ordinance.

(b) Make and publish appropriate findings as a result of its investigation.

(c) Study the problems of discrimination, employment because of race, color, religion, or ancestry; foster to community efforts or otherwise, good-will, cooperation and affiliation among the group and elements of the population and formulate and carry out a comprehensive, educational program designed to eliminate and prevent prejudice and discrimination based upon race, color, religion or ancestry.

(d) Elect its own officers and adopt such regulations as may be necessary to create the functions of this committee and effectuate the provisions of this ordinance.

E. INVESTIGATE, HEARINGS AND ENFORCEMENT.

(a) In the performance of the duties of this ordinance, the committee may request, by subpoena, the attendance of any Village official or employee or other person under the same terms and conditions as the Council of the Village of Hubbard might.

(b) Whenever it is charged or the committee has reason to believe that any person has engaged or is engaging in any unfair employment practices it shall have the power to issue and call for service of such person hereinafter referred to as the respondent or complainant. Should the charges in that respect have contained a notice of public hearing or requesting the complainant or respondent before the committee of a report thereof, at a place therein fixed, to be held in less than 10 days after service of said complaint, the respondent shall have the right to file an answer to the complaint and to appear at such hearing in person, or by attorney to examine and cross-examine witnesses. If upon all the testimony taken, the Committee is determined that the respondent has engaged or is engaging in any unfair employment practice,

the committee shall state its findings of the facts and shall certify the case and entire record of its proceedings to the Village Solicitor. This shall provide further to invoke against the respondent, the sanction provided in Section 4 of this ordinance. If the Committee prior to the commencement of proceedings of Section 4 as a result of its effort of adjustment or otherwise find that the respondent is no longer engaging in unfair employment practice no such proceedings shall be insisted by the Solicitor.

(c) Whenever the Committee finds that any official or employee of this Village has engaged in any unfair employment practice it shall recommend action to the Mayor.

(d) Whenever the Committee finds that any person operating in enterprise which solicits or accepts the custom of the public generally and which is operated under a privilege hereafter granted by this Village has engaged or is engaging in any unfair employment practices with respect to members of such enterprise, the agency of the Village which granted such privilege may suspend it for not more than ten (10) days. When the Committee finds that such person has committed further unfair employment practice subsequent to such findings it shall be mandatory for the agency of the Village which granted such privilege to suspend it for one (1) year.

(e) If contracts herein awarded by this Village or any other contracting agency shall contain provision obligating the contractor and sub-contractor not to engage in any conduct defined as unfair employment practice in Section 3 hereof. Breach of the covenant may be regarded as material breach of this contract. Whenever the Committee finds that any such contractor or sub-contractor has engaged or is engaging in any unfair employment practice subsequent to a prior finding by the Committee that such person has engaged in such practice, the Village and its contracting agencies shall have no power to enter into any further contracts with such persons for a period of one (1) year subsequent to such a finding.

SECTION VI: SEPARABILITY. If any provision of this ordinance of the application of such provision to any person or circumstance shall be held invalid, the remainder of such ordinance or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION VII: That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 4th day of December, 1950.

Joseph J. Baldine

Mayor

A. J. O'Brien

Clerk

Statement of Results of Minneapolis FEPC Operations\*  
June 1, 1947 - December 31, 1950

Since the Commission began its work there has been a gradual but marked improvement in employment patterns in Minneapolis. There has been no general study upon which to base a complete measurement of this progress. Our report can only be based on the specific instances of expanding employment opportunities which have come to our attention. Progress in the field of employment cannot be attributed to the Commission alone. It is the combined result of all the forces that have been at work in the field including the Joint Committee for Employment Opportunity, the Urban League, the Minnesota Jewish Council, the Japanese-American Center, the National Association for the Advancement of Colored People, the Placement Service of the Bureau of Indian Affairs, the United Labor Committee for Human Rights, the Mayor's Council on Human Relations and other agencies. Each of these groups has reported that their work has been made more effective by the adoption of the Ordinance and the establishment of the Commission. It has served to overcome the apathy and the indifference of persons concerned with employment policies and has caused them to give serious attention to the arguments in favor of a policy of employment on merit.

The Commission has felt a special responsibility for the practice of non-discrimination by the City government itself. A policy of selection and placement of workers on merit had been established by the Civil Service Commission before the Ordinance was passed. However, the Fair Employment Practice Commission has helped to implement this policy and a number of City departments have hired minority workers for the first time since the adoption of the Ordinance.

The Minneapolis Public Schools had no Negro teachers at the time the Ordinance was passed. There are now four Negro teachers, a Negro psychologist and a number of clerical workers on the staff, and for two years, a Negro educator held one of the top policy-making positions in the school system by serving as curriculum consultant. The schools and the other city government agencies have also substantially increased their utilization of workers of Japanese-American and American Indian ancestry and of the Jewish and Catholic faiths since the adoption of the Ordinance.

Minneapolis department stores had no Negro sales clerks at the time the Ordinance was passed. Now all of the major stores have Negro clerks and also employ minority workers in other positions on the basis of their individual qualifications. Much of this progress has been due to the excellent work of the Joint Committee for Employment Opportunity. The first case brought to the attention of the Fair Employment Practice Commission was against a department store. The successful adjustment of this case served to focus the attention of all the department store managements on their employment policies and contributed to the progress outlined above. Similarly, the adjustment of one or two cases in each of the several other fields has had a marked effect in improving employment practices by other concerns in the same field.

This has been true in insurance and finance, in wholesale distribution, in hotel and restaurant management, and in manufacturing. For example: Some of the principal insurance companies and banking institutions have begun to hire Jewish workers for the first time within the

\*Taken from Report on Operations, Minneapolis FEPC, June 1947-Dec. 1950

past three years. A number of the same concerns have begun the employment of Negro workers in responsible office and clerical jobs for the first time within the past year.

The major manufacturing concerns in the city now hire minority workers in production jobs in accordance with their skills. Some of these concerns gained favorable experience in the employment of minority workers during the war. However, most of these workers were laid off during reconversion because of their low seniority and have been rehired in substantial numbers only since the adoption of the Ordinance. A number of important manufacturing concerns have begun to hire minority workers for the first time since the Ordinance was passed and new employers are added to this list from week to week.

Substantial progress has also been made in service trades during the past three years. For example, at least two leading beauty salons serving primarily white customers have employed a Negro operator with entirely favorable results. A number of other beauty shops have hired Japanese-American beauty operators for the first time. Through the intervention of the Commission one of the leading hotels gave its first opportunity to a qualified Negro cook. A photographic studio reversed its original decision and offered employment to a Jewish applicant for home portrait work. An architectural firm has hired Negro applicants as architects and draftsmen. A number of concerns have given opportunities to accountants of Negro and Japanese ancestry. Skilled jobs in the laundry and cleaning industry have been generally opened to minority workers.

In the construction field, Negro and American Indian workers have been hired for the first time as brick layers and their opportunities for employment as carpenters and cement finishers have been improved.

The general policy of labor unions, as expressed by top union management, was to admit workers to membership without discrimination before the Ordinance was passed. In fact, the support of the Hennepin County Council of the CIO and of the Central Labor Union of the AFL was one of the most important factors in securing the adoption of the Ordinance. However, the Commission has helped to overcome some attitudes of prejudice on the part of individual union members and officers. One of the building trades unions improved its integration of Negro members as the result of the Commission's work. Another is considering a Negro applicant for an apprenticeship training program for the first time. A union of postal service workers has recently taken its first Negro worker into membership by a unanimous vote after having conferences with representatives of the Commission.

All employment agencies have now removed questions on race, religion, national origin and ancestry from their personal data forms. This has resulted in a reduction of discrimination by employment agencies on the basis of religious faith. The Commission does not believe that

corresponding progress has been made in overcoming discrimination by employment agencies against members of minority racial groups. When such discriminatory job orders are received by employment agencies, they apparently are tacitly honored. The Commission believes it has made progress toward solving this problem by persuading some major employers to specify that they will hire without discrimination when they give their orders to employment agencies.

The results of the Commission's work cannot be measured by the number of complaints accepted and adjusted. It is not the violation of the Ordinance, but it is its observance which is the measure of its value. Substantial changes in employment policies, including many of those outlined above, have been achieved through voluntary action by employers apart from any cases presented to the Commission.

Perhaps the most important effect of the Commission's work has been to get major employers seriously to review their employment policies in regard to minority workers. When they do, they inevitably conclude that employment on merit is the only sound policy. Furthermore, when they examine the experience of other employers they find that the feared adverse reactions by other employees or customers have not materialized or have been readily overcome.

## CASES HANDLED FROM JUNE 1, 1947 - DECEMBER 30, 1950

<u>Disposition of Cases</u>	<u>Number</u>	<u>Percent</u>
Cases in Process of Adjustment	11	7.9
No Final Determination Made		
Action Deferred Pending Further Evidence	21	15.1
Favorable Settlement Achieved by:		
Commitment to Follow Non-Discrimination Policy	38	27.3
Satisfactory Adjustment of Complaint	19	13.7
Dismissed because:		
No Discrimination Found	42	30.2
Commission Lacked Jurisdiction	8	5.8
	<hr/>	<hr/>
Total	139	100.0

Nature of Cases

## Discrimination because Complainant Was:

Of the Negro Race	99	71.2
Of the American Indian Race	6	4.4
Of Japanese Ancestry	1	.7
Of Mexican Ancestry	1	.7
Of Jewish Ancestry	24	17.3
Of the Catholic Faith	3	2.2
Not a Lutheran	1	.7
Not a Jew	1	.7
Not a Catholic	1	.7
Foreign Born	1	.7
Partner in an Interracial Marriage	1	.7
	<hr/>	<hr/>
Total	139	100.0

## Party Charged Was:

Private Employer	108	77.6
Government Agency	19	13.7
Labor Union	3	2.2
Employment Agency	8	5.8
Investigating Agency	1	.7
	<hr/>	<hr/>
Total	139	100.0

## Complaint Based upon:

Refusal to Hire	104	74.9
Discharge	10	7.2
Working Conditions, Wages or Upgrading	10	7.2
Denial of Training Opportunity	1	.7
Refusal to Register and Refer	10	7.2
Disciplinary Action	2	1.4
Denial of Union Membership	2	1.4
	<hr/>	<hr/>
Total	139	100.0

## CLASSIFICATION OF PARTIES CHARGED WITH DISCRIMINATION

<u>Private Employers</u>	<u>Number</u>	<u>Percent</u>
Hotels	11	7.9
Beauty Shops	6	4.4
Launderers and Cleaners	7	5.0
Restaurants	8	5.8
Hospitals	4	2.9
Public Utilities	1	.7
Other Service Industries	6	4.4
Manufacturing	15	10.7
Insurance and Finance	16	11.4
Wholesale	12	8.6
Retail	11	7.9
Construction	5	3.6
Transportation	4	2.9
Communication	2	1.4
 <u>Government Agencies</u>		
Local	11	7.9
State	4	2.9
Federal	4	2.9
<u>Employment Agencies</u>	8	5.8
<u>Labor Unions</u>	3	2.2
<u>Investigating Agencies</u>	1	.7
	<hr/>	<hr/>
Total	139	100.0

## CASES HANDLED BY YEARS

June, 1947 - June, 1948	30
July, 1948 - June, 1949	46
July, 1949 - June, 1950	46
July, 1950 - December, 1950	17
	<hr/>
Total	139

City of Philadelphia  
Fair Employment Practice Commission  
Room 395-A, City Hall, Philadelphia 7, Pa.

STATISTICAL SUMMARY\*

	June 1, 1948 to May 31, 1949		June 1, 1949 to May 31, 1950	
<b>I. Number of Charges:</b>				
Received.....	205		241	
Closed.....	155		214	
Under investigation.....	50		77	
<b>II. Analysis of Charges Received:</b>				
<b>A. Sources:</b>				
Individuals.....	156	76%	186	77%
Civic Organizations.....	24	12%	35	15%
Labor Organizations.....	8	4%	0	0
F.E.P.C.....	17	8%	20	8%
Total Cases Received...	<u>205</u>	<u>100%</u>	<u>241</u>	<u>100%</u>
<b>B. Bases of Alleged Discrimination:</b>				
<b>Employment:</b>				
Race or Color.....	125	61%	131	54%
Religion.....	11	5%	20	9%
National Origin.....	3	2%	15	7%
Other.....	2	1%	0	0
Application Forms.....	50	24%	25	10%
Advertisements.....	14	7%	50	20%
Total Cases Received...	<u>205</u>	<u>100%</u>	<u>241</u>	<u>100%</u>
<b>III. Analysis of Charges Closed:</b>				
Satisfactory Adjustment...	83	54%	109	51%
No evidence.....	37	24%	45	21%
Insufficient Evidence.....	14	9%	41	19%
No jurisdiction.....	16	10%	11	5%
Withdrawn.....	5	3%	8	4%
Total Charges Closed...	<u>155</u>	<u>100%</u>	<u>214</u>	<u>100%</u>

\*From Toward A Fair Employment Practice Conscience--Through Education, Fair Employment Practice Commission, City of Philadelphia, Sept. 1950, p.29.

## Data concerning Activities of Philadelphia FEPC.

## I. NUMERICAL SUMMARY OF CASES HANDLED DURING 1950.

Cases open as of January 1, 1950 - 39    Cases closed during 1950 - 241  
 Cases rec'd during year 1950 - - 215    Cases open as of Dec. 31, 1950-13

## II. ANALYSIS OF CASES RECEIVED IN 1950 BY SOURCE

Cases initiated by Complaint of Aggrieved Person\* - 186 (86% of Total)  
 Cases Initiated by Commission Action - - - - - 29 (14% of Total)

## III. ANALYSIS-CASES REC'D IN 1950 BY BASIS OF ALLEGED DISCRIMINATION

Basis of Alleged Discrimination	No.	% of Total
Unlawful Employment Practice		
Race or Color.....	140	65
Religion .....	14	6
National Origin .....	11	5
Other .....	1	1
Unlawful Application Forms .....	20	9
Unlawful Advertisements .....	29	14
<u>Total.....</u>	<u>215</u>	<u>100</u>

## IV. ANALYSIS OF CASES REC'D IN 1950 BY TYPE OF DISCRIMINATORY ACT CHARGED

Act Charged	No.	%	Act Charged	No.	%
Refused to employ.....	99	46	Conditions of membership...	9	4
Dismissed from employment...	33	15	Agency referral withheld...	1	1
Conditions of employment...	19	9	Unlawful application forms...	20	9
Union membership withheld...	5	2	Unlawful Advertisements....	29	14
<u>Total.....</u>	<u>215</u>	<u>100</u>			

## V. ANALYSIS OF CASES RECEIVED IN 1950 BY TYPE OF RESPONDENT.

Type of Respondent	Number	% of Total
Manufacturing.....	69	32
Wholesale & Retail Trade.....	45	21
Transportation, Communication & Public Util.	37	17
Hotels & Restaurants.....	12	6
Finance, Insurance & Real Estate.....	7	4
Construction.....	6	3
Employment Agency.....	4	2
City Government.....	3	1
Labor Organization.....	16	7
Others.....	16	7
<u>Total.....</u>	<u>215</u>	<u>100</u>

## VI. SUMMARY OF CASES CLOSED IN 1950 BY SOURCE AND BASIS OF CLOSING

Source and Basis of Closing	No.	% of Total
Initiated by Complaint of Aggrieved Person*.....	214**	100 (Total)
Unlawful Employment Found & Adjusted.....	85	40
Dismissed-Unlawful Employ'm't Practice not Est. .	106	50
Dismissed-Lack of Jurisdiction.....	13	6
Withdrawn by complainant .....	10	4
Cases Initiated by Commission Action.....	27***	100 (Total)
Unlawful Employ'm't Practice-Found & Adjusted....	20	74
No evidence of Unlawful Employ'm't Practice.....	7	26
**88% of Grand Total    ***12% of Grand Total	241	100 (Grand Total)

## VII. ANALYSIS OF CASES OPEN AS OF DECEMBER 31, 1950 BY SOURCE.

Cases Initiated by Complaint of Aggrieved Person* .....	11
Cases Initiated by Commission Action .....	2
<u>Total.....</u>	<u>13</u>

\* Includes Cases Initiated by Civic Agencies.

## FAIR EMPLOYMENT PRACTICES ACT OF NEW YORK STATE

STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
STATE COMMISSION AGAINST DISCRIMINATION

## LAW AGAINST DISCRIMINATION

Laws 1945, Chapter 118

Became a law March 12, 1945, Effective July 1, 1945

AN ACT to amend the executive law, in relation to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color or national origin, creating in the executive department a state commission against discrimination, defining its functions, powers and duties and providing for the appointment and compensation of its officers and employees.

## ARTICLE 15\*

## STATE COMMISSION AGAINST DISCRIMINATION

- Section 290. Purposes of article.  
 291. Opportunity for employment without discrimination a civil right.  
 292. Definitions.  
 293. State commission against discrimination.  
 294. General policies of commission.  
 295. General powers and duties of commission.  
 296. Unlawful employment practices.  
 297. Procedure.  
 298. Judicial review and enforcement.  
 299. Penal provision.  
 300. Construction.  
 301. Separability.

§ 290. Purposes of article. This article shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with power to eliminate and prevent discrimination in employment because of race, creed, color or national origin, either by employers, labor organizations, employment agencies or other persons, and to take other actions against discrimination because of race, creed, color or national origin, as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 291. Opportunity for employment without discrimination a civil right. The opportunity to obtain employment without discrimination because of race, creed, color or national origin is hereby recognized as and declared to be a civil right.

\*Formerly Executive Law, Article 12, Sections 125-136; renumbered Article 15, Sections 290-301 by L. 1951, C.800, eff. July 1, 1951.

§ 292. Definitions. When used in this article:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.
2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.
3. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.
4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section two hundred ninety-six of this article.
5. The term "employer" does not include a club exclusively social or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ.
6. The term "employee" and this article do not include any individual employed by his parents, spouse or child, or in the domestic service of any person.
7. The term "commission" unless a different meaning clearly appears from the context, means the state commission against discrimination created by this article.
8. The term "national origin" shall, for the purposes of this article, include "ancestry."

§ 293. State commission against discrimination. There is hereby created in the executive department a state commission against discrimination. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate, and one of whom shall be designated as chairman by the governor. The term of office of each member of the commission shall be for five years, provided, however, that of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.

Each member of the commission shall receive a salary of ten thousand dollars a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

Any member of the commission may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

§ 294. General policies of commission. The commission shall formulate policies to effectuate the purposes of this article and may make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes.

§ 295. General powers and duties of commission. The commission shall have the following functions, powers and duties:

1. To establish and maintain its principal office in the city of Albany, and such other offices within the state as it may deem necessary.
2. To meet and function at any place within the state.
3. To appoint such attorneys, clerks and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.
4. To obtain upon request and utilize the services of all governmental departments and agencies.
5. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this article, and the policies and practice of the commission in connection therewith.
6. To receive, investigate and pass upon complaints alleging discrimination in employment because of race, creed, color or national origin.
7. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners.

No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the commission or of any individual commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

8. To create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, creed, color or national origin, and to foster through community effort or otherwise good-will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursements for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

9. To issue such publications and such results of investigations and research as in its judgment will tend to promote good-will and minimize or eliminate discrimination because of race, creed, color or national origin.

10. To render each year to the governor and to the legislature a full written report of all its activities and of its recommendations.
11. To adopt an official seal.

§ 296. Unlawful employment practices. It shall be an unlawful employment practice: 1. For an employer, because of the race, creed, color or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

2. For a labor organization, because of the race, creed, color or national origin of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

3. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

4. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this article or because he has filed a complaint, testified or assisted in any proceeding under this article.

5. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this article, or to attempt to do so.

§ 297. Procedure. Any person claiming to<sup>be</sup> aggrieved by an unlawful employment practice may, by himself or his attorney-at-law, make, sign and file with the commission a verified complain in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The industrial commissioner or attorney-general may, in like manner, make, sign and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this article, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

After the filing of any complaint, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation and per-

suasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before three members of the commission, sitting as the commission, at a time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberation of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing the commission shall find that a respondent has engaged in any unlawful employment practice as defined in this article, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgement of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the industrial commissioner, the attorney-general, and such other public officers as the commission deems proper. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination.

§ 298. Judicial review and enforcement. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the supreme court of the state within any county wherein the unlawful employment practice which is the sub-

ject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and the issuance and service of a notice of motion returnable at a special term of such court. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters. The jurisdiction of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided in the civil practice act for appeals from a final order in a special proceeding. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the commission. The appeal shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

§ 299. Penal provision. Any person, employer, labor organization or employment agency, who or which shall wilfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under this article; or shall wilfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such wilful conduct.

§ 300. Construction. The provisions of this article shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of race, creed, color or national origin; but, as to acts declared unlawful by section two hundred ninety-six of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual

concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, he may not subsequently resort to the procedure herein.

§ 301. Separability. If any clause, sentence, paragraph or part of this article or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this article.

Fair Employment Practices Act of Colorado with Power of Enforcement Limited to Public Employment (Enacted in 1951)

(Senate Bill No. 228.  
By Senator Gill)

A N A C T

CONCERNING DISCRIMINATION IN FAIR EMPLOYMENT PRACTICES.

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. Short Title. This Act may be known and may be cited as the Colorado Anti-Discrimination Act of 1951.

Section 2. Definitions. When used in this Act:

(a) "Court" shall mean the District Court in and for the judicial district of the State of Colorado in which the asserted unfair employment-practice occurred, or if said Court be not in session at that time, then any Judge of said Court.

(b) "Person" shall mean one or more individuals, partnerships, associations, corporations, legal representatives, trustees, receivers, the State of Colorado and all political subdivisions and agencies thereof.

(c) "Employment Agency" shall mean any person undertaking for compensation to procure employees or opportunities to work for any other person, or the holding itself out to be equipped so to do.

(d) "Labor Organization" shall mean any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employment.

(e) "Public Employer" shall include the State and every County, City and County, City, Town or other political subdivision thereof except school districts, educational institutions and other political subdivisions regularly employing less than six persons in addition to elective officials.

(f) "Private Employer" shall mean any person, other than a Public Employer, employing for compensation six or more employees.

(g) "Employee" shall mean any person employed by an employer, whether public or private, save and except a person employed by his parents, spouse or child, or in the domestic service of any person or corporate directors not devoting full time to the company's business and non-salaried officials.

(h) "Unfair employment practice" shall mean those practices specified as discriminatory or unfair in Section 5 of this Act.

(i) "Commission" shall mean the Industrial Commission of the State of Colorado, and the term "Commissioner" shall mean a member of said Commission.

(j) "Director" shall mean the Director of Fair Employment Practices, which office is created by this Act.

Section 3. Anti-Discrimination Division. There is hereby created within the Division of Industrial Relations under the jurisdiction and direction of the Industrial Commission of Colorado a division known and designated as the Anti-Discrimination Division of the Industrial Commission of Colorado, which said Division shall have as its immediate supervisory head a Director of Fair Employment Practices. Such Director shall be appointed by the Governor of Colorado for a term of two years; provided, however, that the Director of Fair Employment Practices first appointed under the terms of this Act shall serve from the effective date of this Act to and including January 15, 1953. Each Director so appointed shall be under the direct supervision and control at all times of the Industrial Commission of Colorado, which Commission, in addition to all other powers now given and granted to it by law, shall have the following powers:

(a) To appoint such investigators and other employees and agents as it may deem necessary for the enforcement of this Act, to prescribe their duties, and, within the limits of any appropriations made therefor, to fix the compensation of such investigators, employees and agents.

(b) To adopt, publish, amend and rescind regulations consistent with and for the enforcement of this Act.

(c) To receive, investigate and pass upon complaints alleging discrimination in employment or the existence of an unfair employment practice by a Public Employer.

(d) To investigate and study the existence, character, causes and extent of discrimination in employment in this state by Public and Private Employers, and to formulate plans for the elimination thereof by education or other practicable means.

(e) To hold hearings upon any complaints against a Public Employer, and in connection therewith to subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require such Public Employer or official thereof or other person to produce for examination any books and papers relating to any matter involved in such complaint. Such hearings may be by the Commission itself or by any member of the Commission or by the Director or by any hearing examiner appointed by the Commission. A refusal to obey a subpoena pursuant to this section shall constitute contempt punishable by any District Court sitting in and for the City and County of Denver or by the District Court of the District wherein the discriminatory or unfair labor practice occurred or where the hearing is being held, upon application of the Commission or any Commissioner thereof. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to a subpoena in any such matter, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he shall be compelled to testify or produce evidence after having claimed his privilege against self-incrimination except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Section 4. Governor's Human Relations Commission. There is hereby established the Governor's Human Relations Commission composed of seven members to be appointed by the Governor of the State of Colorado. Members shall serve at the will of the Governor and without compensation other than necessary traveling expenses for attendance at meetings. Said commission is specifically charged with the duty of preparing and planning an educational program to carry out purposes of this Act, said plan to be presented to the Commission through the Director of the Anti-Discrimination Division, and shall from time to time present such additional amendments to this plan or revisions thereof as it may deem necessary. Said Human Relations Commission shall have full access to any and all of the files, proceedings, complaints, and other records filed with the Anti-Discrimination Division and may recommend policies to the Director and to the Governor, and shall submit to the next General Assembly any and all changes deemed necessary by it for the successful accomplishment of this Act.

Section 5. Discriminatory and Unfair Employment Practices. It shall be a discriminatory and unfair employment practice:

(a) For an employer, whether public or private, to refuse to hire, to discharge, promote or demote or discriminate in matters of pay against any person otherwise qualified solely because of race, creed, color, national origin or ancestry.

(b) For an employment agency to refuse to list and properly classify for employment and to refer an individual for employment in a known available job for which such individual is otherwise qualified, solely because of race, creed, color, national origin or ancestry.

(c) For a labor organization because of race, creed, color, national origin or ancestry, to exclude any individual otherwise qualified from full membership rights in such labor organization or to expel any such individual from membership or otherwise to discriminate against any of its members in the full enjoyment of work opportunity on any of said grounds or otherwise.

(d) For any group of employees, whether or not organized, by concert of action to prevent the employment or continuance in employment, or obtain the discharge of or discriminate in any manner against an individual or employee because of race, creed, color, national origin or ancestry.

Nothing in this section contained shall be deemed to authorize the Commission to prohibit any employer or employment agency or labor organization by appropriate questions to ascertain the nationality, ancestry and family associations and employments of any individual applicant for employment or for membership in such labor organization nor from ascertaining by appropriate questions the organizations, political, social, fraternal, trade or otherwise, to which such individual applicant belongs or has belonged. Refusal of the applicant truthfully to answer any such question shall constitute sufficient cause for denial of employment.

Section 6. Educational Program. In order to eliminate prejudice as to and among the various national, religious and ethnic groups of this state and to further not only good will among such groups but enlargement of employment opportunities of the members of any

such group, the Commission, through the Anti-Discrimination Division thereof and its director, is authorized, within the limits of any appropriation made therefor, to cooperate with other agencies of government in the establishment of a comprehensive educational program designed to eliminate national and religious prejudices.

#### Section 7. Prevention of Unfair Employment Practices.

A. Work opportunities with a Public Employer, as defined in this Act, are made-available and supported by public money or funds raised by taxation, as to the fruits of which all citizens are entitled to share in accordance with their qualification and need. The Commission, therefore, is empowered and directed as hereinafter provided to prevent any Public Employer from engaging in unfair employment practices, in the manner following:

(a) Any person claiming to be aggrieved by an alleged discriminatory and unfair labor practice of any Public Employer, all as defined in this Act, may by himself or his attorney, make, sign and file with the Commission, a complaint in writing under oath, which shall state the name and address of the Public Employer alleged to have committed the discriminatory and unfair employment practice and which shall set forth the particulars thereof, together with such other information as the Commission by its rules and regulations may require. After the filing of the complaint it shall be referred to the Director, who shall make or cause to be made prompt preliminary investigation thereof. Said Director shall report the results of his investigation to the Commission, and if such preliminary investigation, in the opinion of the Commission, shows reasonable cause for believing that an unfair employment practice has been or is being committed, as alleged in said complaint, the Commission shall refer the same back to the Director, who thereupon, shall immediately endeavor to eliminate the unfair employment practice complained of by informal methods of conference, conciliation and persuasion. For the purpose of assisting and furthering successful conciliation efforts, neither the Commission nor any Commissioner nor the Director, nor any agent, attorney or employee of said Commission, Commissioner or Director shall publish or disclose the filing of any such complaint, the results of the preliminary investigation or the efforts of conciliation and persuasion. If the said Director shall fail to conciliate and adjust the said alleged discriminatory and unfair employment practice, he shall so certify to the Commission and to the Attorney General of the State of Colorado. The Commission may, on its own motion, set the complaint down for formal hearing if it shall be the opinion of the Commission that further efforts for conciliation are likely to be successful in eliminating the unfair employment practice complained of, such hearing in such event to be held pursuant to such rules and regulations as the Commission may prescribe, and at a date not later than ten days after the report of the Director aforesaid. If the Commission shall be of the opinion that the complaint is well grounded and that further conciliatory efforts through a formal hearing as aforesaid are not likely to eliminate the unfair employment practice complained of, the Commission shall so inform the Attorney General of the State of Colorado, and shall instruct him to file the said complaint in the name of the Industrial Commission of Colorado on the relation of the complaining person as plaintiff against the Public Employer involved, as defendant, in the District

Court of the City and County of Denver, if the State of Colorado be such Public Employer, or if the Public Employer be other than the State of Colorado then in the District Court of the county in which such Public Employer is located or exercises its public functions. The case shall thereupon proceed the same as any other civil matter in accordance with the Rules of Civil Procedure for Courts of Record in Colorado, save and except upon good cause shown the case may be advanced by the Judge upon the docket of said court as a matter of public importance. The Attorney General of Colorado in all such cases shall be the attorney and counsel for the Commission.

(b) If upon all of the evidence, the Court finds the defendant Public Employer has engaged in the discriminatory and unfair employment practice charged in said complaint, it shall so state its findings of fact and conclusions of law based thereon, and shall enter its decree in favor of the plaintiff and against the defendant and shall order the defendant to cease and desist from such discriminatory and unfair employment practice. The Court may grant such other and further relief as to it may seem proper under the circumstances, including expressly the employment or re-instatement, as the case may be, of the relator and such order may be made retroactive to the date when such discriminatory and unfair employment practice occurred. If, upon all the evidence the Court finds that the defendant Public Employer has not engaged in any alleged unfair employment practice, it shall dismiss the complaint at the costs of the Commission or of the relator, as the Court may deem proper under the circumstances disclosed.

(c) The findings, decree, judgment and order of the Court shall be final and conclusive, save and except that the same shall be subject to review by the Supreme Court on writ of error in the same manner and form and with the same effect as is provided under the Rules of Civil Procedure for Courts of Record in Colorado in other cases, save and except printing of the transcript and briefs shall not be required.

(d) Any complaint filed pursuant to this section must be so filed within three months after the alleged act of discrimination or commission of the alleged unfair employment practice.

B. It is declared that under the American system it is equally discriminatory of the rights of the Private Employer to require any such Private Employer to employ one who such Employer conscientiously feels for any reason would not fit into his business or make a desirable employee for him. The elimination of racial and religious prejudices on the part of the Private Employer and of the general public which he serves, is a matter of education and intelligent and far-sighted methods of conciliation and persuasion. Therefore:

(a) The Commission may receive complaints charging discriminatory and unfair employment practices as defined in Section 5 of this Act, on the part of any Private Employer, Employment Agency or Labor Organization. Every such complaint shall be in writing, state the name and address and nature of the business of the Private Employer, or the name of the Employment Agency or of the Labor Organization complained of, as the case may be, and shall set forth clearly, succinctly, with reasonable detail the discriminatory and unfair employment practice with which said Private Employer, Employment

Agency or Labor Organization is charged, and the time when and the place where the same is alleged to have occurred. Each and every such complaint shall be signed under oath by the person claiming to have directly suffered the discriminatory and unfair employment practice complained of, and one executed original and two conformed copies of said complaint shall be tendered for filing with the Commission. Any complaint tendered for filing pursuant to this section must be so tendered and filed within three months after the alleged discriminatory and unfair labor practice occurred.

(b) Every such complaint, if and when filed with the Commission, shall be referred to the Director, who shall forthwith mail a copy thereof to the Private Employer, Employment Agency or Labor Organization involved, at the address stated in the complaint. The Director shall investigate the allegations of the complaint and determine if probable cause exists for the same, and if satisfied thereof, shall forthwith require that the Private Employer, Employment Agency or Labor Organization answer the complaint within twenty days thereafter in writing under oath, and shall file one executed original and two conformed copies of said Answer with the Commission. All proceedings under this Subdivision B of this Section 7 shall be handled in the same confidential manner as required in paragraph (a) of Subdivision A of this section in the case of preliminary investigation of complaints against Public Employers, provided, however, that if the Private Employer, Employment Agency or Labor Organization shall fail or refuse to answer the complaint within the twenty day period aforesaid and no extension of time for answer has been granted by the Commission or by the Director on behalf of the Commission, then the Commission may give full publicity to the complaint as filed.

(c) The Private Employer, Employment Agency or Labor Organization having answered the complaint within the twenty day period or such extended period as the Commission or the Director may have allowed, the Director shall investigate and weigh the facts as disclosed by the complaint and answer, and if, in the opinion of the Director and of the Commission, a discriminatory and unfair employment practice, as defined in this Act, has been or is being committed the Director shall endeavor by methods of conciliation to insure future compliance with the spirit of this Act or the present adjustment and elimination of the unfair employment practice and future compliance with the Act, all as the case may be. If the Commission shall be of the opinion that the allegations of the complaint are not sustained, and that no discriminatory, and unfair employment practice has been or is being committed, the Commission shall dismiss the said complaint. The Commission may publish the facts of any complaint which has been dismissed and the terms of conciliation when a complaint has been adjusted; provided, however, the name of the complainant and the Private Employer, Employment Agency or Labor Organization, as the case may be, or both said names shall be withheld from any such publicity upon request of the party or parties affected.

Section 8. Reports. The Commission shall biennially, transmit to the Governor and to the General Assembly its report...

Section 9. Separability. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act or its application to other persons or circumstances.

WISCONSIN  
Fair Employment Act\*

111.31 DECLARATION OF POLICY. (1) The practice of denying employment and other opportunities to, and discriminating against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, is likely to foment domestic strife and unrest, and substantially and adversely affect the general welfare of a state by depriving it of the fullest utilization of its capacities for production. The denial by some employers and labor unions of employment opportunities to such persons solely because of their race, creed, color, national origin, or ancestry, and discriminating against them in employment, tends to deprive the victims of the earnings which are necessary to maintain a just and decent standard of living, thereby committing grave injury to them.

(2) It is believed by many students of the problem that protection by law of the rights of all people to obtain gainful employment, and other privileges free from discrimination because of race, creed, color, national origin, or ancestry, would remove certain recognized sources of strife and unrest, and encourage the full utilization of the productive resources of the state to the benefit of the state, the family, and to all the people of the state.

(3) In the interpretation and application of this subchapter, and otherwise, it is declared to be the public policy of the state to encourage and foster to the fullest extent practicable the employment of all properly qualified persons regardless of their race, creed, color, national origin, or ancestry. All the provisions of this subchapter shall be liberally construed for the accomplishment of this purpose. [1945 c. 490]

111.32 DEFINITIONS. When used in this subchapter: (1) The term "labor organization" shall include any collective bargaining unit composed of employes.

(2) The term "employes" shall not include any individual employed by his parents, spouse or child.

(3) The term "employer" shall not include a social club, fraternal or religious association, not organized for private profit.

(4) The term "commission" means the industrial commission of the state of Wisconsin.

(5) The term "discrimination" means discrimination because of race, color, creed, national origin, or ancestry, by an employer individually or in concert with others against any employe or any applicant for employment in regard to his hire, tenure or term, condition or privilege of employment, and by any labor organization against any member or applicant for membership, and also includes discrimination on any of said grounds in the fields of housing, recreation, education, health and social welfare. [1945 c. 490]

111.33 INDUSTRIAL COMMISSION TO ADMINISTER. Sections 111.31 to 111.37 shall be administered by the industrial commission. The com-

\* Wisconsin Statutes, ch. 111.31-37, July 25, 1945

mission shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out this subchapter. The commission may, by one or more of its members, or by such agents or agencies as it may designate, conduct in any part of this state any proceeding, hearing, investigation or inquiry necessary to the performance of its functions. The commission shall at the end of every year make a report in writing to the government, stating in detail the work it has done and its recommendations, if any. [1945 c. 490, 536]

111.34 ADVISORY COMMITTEE. The governor shall appoint an advisory committee consisting of 7 members. Two shall be representatives of labor organizations, one to be chosen from each of the 2 major labor organizations of the state, 2 members shall be representatives of business and industrial management, and the remaining 3 members shall be representative of the public at large. The term of members shall be for 3 years. The members of the committee shall elect their own chairman. The commission may refer to such committee for study and advice on any matter relating to fair employment. Such committee shall give consideration to the practical operation and application of this subchapter and may report to the proper legislative committee its view on any pending bill relating to the subject matter of this subchapter. Members of the committee shall receive no salary or compensation for services on said committee, but shall be entitled to reimbursement for necessary expenses. [1945 c. 490]

111.35 INVESTIGATION AND STUDY OF DISCRIMINATION. The commission shall: (1) Investigate the existence, character, causes and extent of discrimination in this state and the extent to which the same is susceptible of elimination.

(2) Study the best and most practicable ways of eliminating any discrimination found to exist, and formulate plans for the elimination thereof by education or other practicable means.

(3) Publish and disseminate reports embodying its findings and the results of its investigations and studies relating to discrimination and ways and means of reducing or eliminating it.

(4) Confer, co-operate with and furnish technical assistance to employers, labor unions, educational institutions and other public or private agencies in formulating programs, educational and otherwise, for the elimination of discrimination.

(5) Make specific and detailed recommendations to the interested parties as to the methods of eliminating discrimination.

(6) Transmit to the legislature from time to time recommendations for any legislation which may be deemed desirable in the light of the commission's findings as to the existence, character and causes of any discrimination. [1945 c. 490]

111.36 COMMISSION POWERS. (1) The commission may receive and investigate complaints, charging discrimination or discriminatory practices in particular cases, and give publicity to its findings with respect thereto.

(2) In carrying out the provisions of this subchapter the commission and its duly authorized agents are empowered to hold hearings, subpoena witnesses, take testimony and make investigations in the manner provided in chapter 101. The commission or its duly authorized agents may privilege witnesses testifying before them under the provisions of this subchapter against self incrimination. [1945 c.490]

111.37 Separability Clause.

## DATA ON ACTIVITIES OF NEW YORK STATE COMMISSION AGAINST DISCRIMINATION\*

Basis for Alleged Discrimination	1950		7/45-12/50	
	No.	%	No.	%
Color.....	166	65	1295	70
Creed.....	51	20	305	16
National origin.....	21	8	115	6
Other.....	19	7	145	8
<b>Alleged Discriminatory Act</b>				
Application for employment denied.....	111	43	823	44
Dismissed from employment.....	65	25	390	21
Conditions of employment.....	28	11	220	12
Employment agency referral withheld.....	27	11	123	7
Union membership withheld.....	2	1	50	3
Conditions of union membership.....	6	2	122	6
Other.....	18	7	132	7
<b>Type of Respondent</b>				
Employer.....	215	84	1512	81
Employment agency.....	31	12	144	8
Labor union.....	8	3	172	9
Other.....	3	1	32	2
<b>Occupation of Complainants</b>				
Professional workers and managers.....	38	15	- -	- -
Salesworkers.....	28	11	- -	- -
Clerical and kindred workers.....	76	30	- -	- -
Craftsmen and foremen.....	14	6	- -	- -
Operatives.....	54	21	- -	- -
Service workers.....	39	15	- -	- -
Laborers.....	5	2	- -	- -
<b>Closing</b>				
Probable cause found.....	64	22	437	25
No probable cause found, other practices eliminated.....	73	25	403	23
No probable cause found.....	123	43	723	42
Withdrawn by complainant.....	8	3	42	2
Lack of jurisdiction.....	20	7	136	8
Ordered for hearing.....	1	- -	2	- -

\*From Report of Progress, 1950, New York Commission Against Discrimination, p.99-102.

## SUMMARY OF F.E.P. COMPLAINTS TO SEPTEMBER 15, 1950\*

## Complaints Filed by (Complainants)

Individuals .....	155
Commission .....	22
Employers .....	6
Total	<u>177</u>

## Complaints Filed Against (Respondents) Type of Business

Agriculture .....	5
Construction .....	1
Employment Agency .....	9
Finance and Insurance .....	2
Hospital .....	15
Labor Organization .....	14
Manufacturing .....	67
Newspaper .....	1
Public Employment .....	5
Public Utilities .....	8
Restaurant .....	11
Sales .....	28
School .....	2
Service .....	8
Transportation .....	1
Total	<u>177</u>

## Type of Discrimination Alleged

Employment and Separation	
Refusal to employ on account of race .....	99
Refusal to employ on account of religion .....	1
Employment restricted on account of race (Policy or regulation)	2
Employment restricted on account of religion " " "	1
Discharged or laid-off on account of race .....	25
Discharged or laid-off on account of religion .....	1
Refusal to refer for employment on account of race .....	7
Refusal to refer for employment on account of religion ....	1
Refusal to refer for employment on account of national origin	1
Conditions and Privileges of Employment	
On account of race .....	23
On account of religion .....	2
On account of national origin .....	1
Membership in Labor Organization	
Denied on account of race .....	13
Total	<u>177</u>

## Status of Complaints

Dismissed .....	151
Lack of jurisdiction .....	1
Withdrawn at request of complainant .....	4
Withdrawn by Commission .....	3
No adjustment possible--respondent out of business .....	1
Court appeal pending .....	1
Under investigation .....	16
Total	<u>177</u>

## Disposition of Dismissed Complaints

Satisfactorily Adjusted .....	90
Complainant employed, re-employed, offered employment or referred for employment .....	57
Discriminatory practices eliminated (no individual complain- ant, or complainant unavailable) .....	31
No evidence of alleged discrimination .....	61
Total	<u>151</u>

\*Report of the Conn. Inter-racial Commission, 1949-1950.

SUMMARY OF THE ACTIVITIES OF THE MASSACHUSETTS COMMISSION  
AGAINST DISCRIMINATION 1950-1951

During the past year some very significant responsibilities have been added to the Massachusetts Commission Against Discrimination. In fact, these changes brought about a change of name. The Massachusetts Fair Employment Practice Commission in August of 1950 became The Massachusetts Commission Against Discrimination, and at that time assumed responsibility for handling cases of discrimination based upon religion, color or race, in places of public accommodation and public housing. In the first of these amendments concerning public accommodations, such accommodations are defined as including:

Any inn, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, any restaurant, eating-house, public conveyance on land or water or in the air, bathhouse, barber shop, theatre and music hall.

In regard to public housing the amendment makes very clear that discrimination is forbidden and segregation is forbidden as well.

The third important amendment to the original FEP Act became effective October 30 and refers to age; age being defined as between forty-five and sixty-five.

In regard to the first of these three amendments, the Commission has had little demand made upon its time until recently because the period when discrimination was most likely to occur during 1950 was largely over by the time the amendment became effective. Some evidences of discrimination in resort hotel advertising were reported but these evidences had taken place before the passage of the law. In each one of these instances the Commission, being unable to handle the matter as a case, held an educational conference with the hotel concerned and received a promise of compliance with the law. In addition the Commission members met with the heads of various hotel associations and discussed the provisions of the new amendment which prohibited not only discrimination itself but any evidence of an intent to discriminate which might be revealed in advertising. It was felt that this was an effective approach to the problem and it would seem that that thought was justified because the discriminatory phrases used in hotel advertising this spring have been less evident than last year.

The Commission has sent out about 350 letters chiefly to resort hotels, asking that they send to the Commission for examination any advertising material that they are using. Up to date four complaints have come to the Commission based upon denial of public accommodations.

Very much the same approach has been made to the public housing problem. The Commission has been in correspondence with 95 housing authorities and has examined all the material used in their tenant selection. It has also met with the chairmen and members of the housing authorities in Boston, Cambridge, Springfield, Worcester, New Bedford and some of the other larger cities throughout the state. In every instance the Commission has received promises of cooperation and up to date there have been no complaints received. Boston is showing an integrated pattern in its new housing developments. In the City of Boston a social survey study showed that out of the number of families needing low income housing about 87% are white and 13% colored. In

the new housing developments for low income groups just about this percentage is now being established without segregation. This has not been true in the past and is a move which has been applauded by His Honor Mayor Hynes, the chairman of the Housing Authority, this Commission, and many other interested civic organizations.

During the last three months, March, April and May, the Massachusetts Commission Against Discrimination has checked about 1,000 advertisements which in some manner specified age. In some instances age was specified indirectly as would be indicated through the use of such words as "young", "girl", or "boy." In other instances age was specified directly as "employees wanted 21-35." Many of the larger newspapers themselves inserted an ad in their classified advertising section which read: "EMPLOYERS, PLEASE NOTE

"The Massachusetts Fair Employment Practice Law has been amended to prohibit discrimination in employment against qualified persons between the ages of 45 and 65.

"The Commission Against Discrimination has determined that age may be asked or specified in Help Wanted advertising only when it is a bona fide job qualification.

"The law does not apply to Domestic Help nor to persons or businesses employing less than six people. Further information may be obtained by calling Mass. Commission Against Discrimination at CA 7-3111, or by writing to the Commission at 41 Tremont Street, Boston."

Despite this rather unusual publicity, only four cases have been brought to the Commission based on discrimination because of age.

It is apparent that the largest number of cases are still in the field of employment and are based on alleged discrimination because of race, color, religious creed, national origin or ancestry. The Commission has been able to handle all of the cases brought to it up to date, with one exception, in the initial period of conference, conciliation and persuasion. If a Commissioner is not able to satisfactorily adjust a case during this conference period, the case is then referred to the other two Commissioners for a hearing and may possibly be referred to the courts.

The statistical record of the Massachusetts Commission Against Discrimination shows that by far the largest number of cases are based upon discrimination because of race or color. They are chiefly directed against employers and in about two-thirds of the cases some evidence of discrimination has been found and corrected. The other third has been dismissed for lack of probable cause. The total number of cases since the beginning of the Commission up to the present time is 667. In addition to these cases which are based upon complaints, the Commission has handled 201 educational investigations. In these educational investigations the Commission depends entirely upon voluntary compliance. In fact, it is made very clear to anyone who is invited to an educational conference that attendance is voluntary. It is interesting to note, however, that no one has ever refused.

It records again with pleasure that the climate of public opinion becomes increasingly favorable. Massachusetts supports civil rights.

June 1, 1951

## Data on Activities of Rhode Island F.E.P.C.\*

CASES AND OPINION

During the eighteen months of operation, the Commission has received and adjusted a total of 58 complaints of alleged discrimination. These included those of the three separate categories: Formal; Informal; and Commission Instigated Complaints. 23 were Formal Complaints wherein the complainant filed a Statement of Complaint and supported same with an affidavit. 17 were of the Informal fashion wherein the individual supplied the information; desired that the case should be investigated; but did not desire the use of his name. The remaining number of 18 cases were Commission Instigated based on the belief of an unlawful practice which needed correction.

Of the Formal and Informal cases resulting from complaints made by individuals, 75% were against employers; 10% against employment agencies; 5% against labor organizations; and 10% against other parties. The majority of such cases or 63% were based on color; 7% were based on religion; 17% were based on nationality groups; and 13% on other grounds. Of the respondents who were private employers, 30% were in industrial establishments; 37% in other fields of manufacture; 3% in transportation; 10% in retail stores; 3% in construction work; and 17% in other business areas.

In 48% of the cases, the complaints were based on refusal to hire for employment; 10% on working conditions or upgrading; 15% related to discharge; 3% refusal to accept in membership; 10% refusal to register and refer for employment; 10% in other fields; and on 4% jurisdiction was lacking.

Unlawful practices were found to exist in 40% of the cases so filed, and 60% of the complaints when investigated revealed that no discrimination was found to exist.

STATISTICAL SUMMARY

(Including Commission Investigated)

I.	<u>Number of Charges</u>	
	Cases recorded-----	58
	Cases closed during period -----	58
	Under investigation -----	0
II.	<u>Analysis of Charges</u>	
	Individuals -----	37
	Civic Organizations-----	3
	Commission -----	18
III.	<u>Basis of Alleged Discrimination</u>	
	Race or color -----	27
	Religion -----	3
	National or ancestral origin -----	10
	General non-compliance with Law -----	18
IV.	<u>Analysis of Cases Closed</u>	
	Satisfactory adjustment -----	31
	Lack of evidence -----	21
	Lack of jurisdiction -----	3
	Withdrawn -----	3

\* Taken from 1950 Annual Report of Rhode Island Fair Employment Practices Commission, p. 21-22.

STATISTICS ON ACTIVITIES OF WASHINGTON STATE BOARD AGAINST  
DISCRIMINATION IN EMPLOYMENT\*

As of June 30, 1951 a total of 100 formal and informal complaints have been filed since the passage of the law:

FORMAL COMPLAINTS

Total Number of Complaints filed to July 1, 1951		71
Total Number of Complainants		53
Total Number of Respondents		62
Complaints Initiated by the Board		3
<u>Alleged Discrimination because of:</u>		
Color	53	
Creed	2	
Race	<u>16</u>	71
<u>Complaints Against:</u>		
Employers (Various Businesses)	41	
Employment Agencies	13	
Labor Organizations	9	
City Agencies	6	
County Agencies	1	
State Agencies	<u>1</u>	71
<u>Disposition:</u>		
Pending	2	
Closed	<u>69</u>	71
<u>Closed by Reason of:</u>		
Probable Cause Found - Specific Complaint Sustained - Unlawful Employment Practice Eliminated by Conference, Conciliation and Persuasion	20	
No Probable Cause Found as to Specific Complaint - Other Discriminatory Practices or Policies Found and Eliminated	19	
No Probable Cause Found - Specific Complaint Dismissed - No Other Discriminatory Practices or Policies Found	23	
Lack of Jurisdiction	5	
Statute of Limitations Had Run	<u>2</u>	69

INFORMAL COMPLAINTS

Total Number of Informal Complaints filed to July 1, 1951		29
Total Number of Respondents		28
<u>Alleged Discrimination Because of:</u>		
Color 23 - Race 2 - Creed 4	Total	29

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\* Taken from 4th Semi-Annual Report June 30, 1951, p. 2-3.

## REPORT ON COMPLAINTS, OREGON FEPC\*

The number of complaints filed during the first 18 months of the Oregon Fair Employment Practices Act has been small. This is in line with the experience of other states:

A total of 27 complaints were filed between July, 1949 and January, 1951:

25 alleged discrimination because of race.

2 alleged discrimination because of religion.

21 complaints were filed against employers:

14 alleged refusal to hire.

3 alleged discrimination in terms of employment.\*\*

4 alleged discriminatory discharge.

6 complaints were filed against labor organizations.

4 alleged exclusion from membership

2 alleged refusal to refer for employment.

7 complaints are still pending.

20 complaints have been closed:

10 adjusted by conference and conciliation.

6 no discrimination found.

2 general discriminatory practices corrected.

2 closed for lack of jurisdiction.

All complaints filed with the Bureau of Labor are thoroughly investigated by the deputy commissioners. Every effort is made to settle the complaint through conference and conciliation. Should conciliation fail, the Commissioner of Labor is directed to call a public hearing. If an unlawful practice is found, a cease and desist order is issued by the commissioner. Violation of this order is punishable by fine and/or imprisonment.

Because of the success of conference and conciliation no public hearings have been required up to this time.

\* From A Law in Action, Oregon's Fair Employment Practice Act, p. 3.

\*\* Terms of employment include pay, working conditions, promotions, etc.

Statistical Data on Complaints Handled by New Jersey Division  
Against Discrimination\*

Table I. Formal Complaints Received and Disposed of by Type of Complaint

Formal Complaints:	Employment	Public Accommodations	Total
Received 1949-50	130	56	186
" 1950-51	140	52	192
Total	270	108	378
Closed 1949-50	137	44	181
" 1950-51	174	55	229
Total	311	99	410

Table II. Analysis of Formal Complaints Received

Employment	1949-50	1950-51	Total	% of Total
Hiring Practice	100	109	209	77.4
Dismissal	14	20	34	12.5
Upgrading	1	3	4	1.5
Working Conditions	5	5	10	3.7
Union Privileges	8	2	10	3.7
Other	2	1	3	1.2
Total	130	140	270	100.0%
Public Accommodations -				
Services (Restaurants, taverns, etc.)	33	35	68	62.9
Recreation	11	6	17	15.7
Institutions	3	2	5	4.8
Accommodations (Hotels, transportation)	9	9	18	16.6
Total	56	52	108	100.0%
Formal Complaint-Total	186	192	378	

Table III. Analysis of Formal Complaints Closed Including Employment and Public Accommodations

	1949-50	1950-51	Total	% of Total
Adjusted	94	117	211	51.4
Dismissed, no cause	59	96	155	37.8
Withdrawn	13	13	26	6.3
No Jurisdiction	15	3	18	4.5
Total	181	229	410	100.0%

Table IV. Classification of Formal Complaints by Cause

	Four Years	1949-50	1950-51	Total
Race or Color	423	175	181	779
Creed or Religion	16	10	10	36
National Origin	2	1	1	4
Total	441	186	192	819

Table V. Summary of Six Years' Experience-All Complaints Received

	1945-46	1946-47	1947-48	1948-49	1949-50	1950-51	Total
Employment							
Formal	56	123	127	117	130	140	693
Informal	51	38	47	59	31	20	246
Total							939
Public Accommodations							
Formal ** (131 "Misc." Complaints)				18	56	52	126
Informal (Reported prior to adoption of Ch. 11, P.L. 1949)				8	27	17	52
							178
							**131
Total							309
Grand Total-All Complaints received							1,248
Special Investigations							62
							1,310

\*Taken from Biennial Report of Division Against  
Discrimination of State of New Jersey Department  
of Education 1949-1951, p. 5 and 6. - 110 -

## Summary of Public Hearings Before State FEP Commissions\*

## PUBLIC HEARINGS BEFORE STATE FEP COMMISSION

For five years following the enactment of the Ives-Quinn Act in New York--a period which saw the adoption of FEP laws in other states and in many cities--the administering agencies avoided resort to their coercive powers. Instead, they relied upon the processes of conciliation and persuasion, which the laws require to be exhausted before recourse is had to sanctions. The commissions prided themselves upon their records of securing voluntary compliance, in fact, while emphasizing that the existence in the law of powers to enforce compliance was a basic factor in their success.

In view of this record, the increasing recourse during the past year to public hearings and the issuance of cease and desist orders is noteworthy.

The first discrimination case noticed for public hearing by a state fair employment practice commission (New York SCAD v. George H. Flinn Corp. Oct. 31, 1949) was settled by agreement of all parties on the morning of the date fixed for the hearing.

## CASES IN CONNECTICUT

The first case actually to come to a hearing was in Connecticut upon the complaint made by a Negro against Clark Dairy, Inc. on the ground that he had been refused employment because of his race (Draper v. Clark Dairy, Inc.). The dairy company entered a denial. After a public hearing, the Inter-racial Commission of Connecticut, on March 8, 1950, issued an order requiring the respondent corporation to cease and desist from refusing to employ complainant. On appeal by the dairy, the Connecticut Superior Court affirmed the order with a slight modification.

Two other cases which could not be settled by the methods of conciliation and mediation were called to hearings before the Connecticut commission, now known as the Connecticut Commission on Civil Rights. One case involved a charge by Mrs. Mildred Young that she had been refused employment with the Travelers Insurance Company solely because she was a Negro. The other case involved a charge by two Negroes that Local 35 of the International Brotherhood of Electrical Workers had refused to admit them to membership on account of their race.

In both cases, public hearings have been concluded and final decisions handed down by the Commission. The Commission found the charges of discrimination against the union well-founded and ordered the admission to membership of the complainants. In the other case, the Commission found that the evidence did not establish the existence of any intention to discriminate on the part of the respondent insurance company and, therefore, dismissed the complaint.

\* From NAIRO Reporter, Vol. II, No. 1, October, 1951.

## NEW YORK, MASSACHUSETTS

The New York State Commission Against Discrimination issued its first cease and desist order on November 27, 1950, five and one-half years after it had begun operations. It directed the Kirk Lucas Agency to discontinue making any inquiries concerning race, creed, color or national origin of any applicant for employment.

The complaint in this case was made by a World War II military intelligence officer who charged that the agency had asked him illegal questions concerning his national background when he sought to register with it. (It is worth noting that the agency had failed to abide by the terms of a settlement reached earlier the same year in a similar case). The commission's order was challenged in the New York courts by the Association of Private Office Personnel Agencies. The suit was dismissed. An appeal is pending.

The Massachusetts Commission Against Discrimination issued its first cease and desist order on March 27, 1951 in a case charging the United Employment Bureau of Boston with refusing to refer a Negro applicant to a bartender's job because of his color. The respondent denied the allegation. After a public hearing, the commission issued a cease and desist order against the employment agency and also ordered it to file a monthly report for six months detailing the manner in which it was complying. The complainant had asked for compensation for lost pay. No such compensation was ordered by the commission and the complainant applied to the Massachusetts Superior Court for judicial review. The case is awaiting trial.

## OREGON

In Oregon, a lodge of the Brotherhood of Railway Carmen, AFL, was found guilty of race discrimination in violation of the Oregon law against employment discrimination and ordered to cease and desist from such discrimination. The decision was the result of a two-day public hearing at which it was disclosed that five Negroes had been barred from the lodge. On the basis of the evidence, the Commissioner found that there was "a definite prejudice against members of the Negro race by some of the members of the respondent union, and that . . . the history of the policies and practices of the respondent has been, persistently and continuously, from the time of its organization, one of entire exclusion from membership of Negro persons." The union has failed to appeal to the courts within the time allowed for such action. If the union fails to comply, the Commissioner may now apply to the courts to compel compliance.

## Civil Rights Law of State of New York

ARTICLE IV

## EQUAL RIGHTS IN PLACES OF PUBLIC ACCOMMODATION AND AMUSEMENT

Section 40. Equal rights in places of public accommodation, resort or amusement. All persons within the jurisdiction of this state shall be entitled to the full and equal accommodations, advantages, facilities and privileges of any places of public accommodations, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to all persons. No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any such place shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color or national origin, or that the patronage or custom thereof, of any person belonging to or purporting to be of any particular race, creed, color or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person. A place of public accommodation, resort or amusement within the meaning of this article, shall be deemed to include inns, taverns, road houses, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; retail stores and establishments, dispensaries, clinics, hospitals, bath-houses, barber-shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses, and all educational institutions under the supervision of the regents of the state of New York; and any such public library, kindergarten, primary and secondary school, academy, college, university, professional school, extension course, or other educational facility, supported in whole or in part by public funds or by contributions solicited from the general public, garages, all public conveyances, operated on land or water, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. With regard to institutions for the care of neglected and/or delinquent children supported directly or indirectly, in whole or in part,

by public funds, no accommodations, advantages, facilities and privileges of such institutions shall be refused, withheld from or denied to any person on account of race or color. Nothing herein contained shall be construed to modify or supersede any of the provisions of the children's court act, the social welfare law or the domestic relations court act of New York city in regard to religion of custodial persons or agencies or to include any institution, club, or place of accommodation which is in its nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.

No institution, club, organization or place of accommodation which sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a New York state championship contest or uses the words "New York state" in its announcements shall be deemed a private exhibition within the meaning of this section.

(As last amended by L. 1945, C. 292, Sec. 3, effective March 27, 1945.)

Section 41. Penalty for violation. Any person who or any agency, bureau, corporation or association which shall violate any of the provisions of sections forty, . . . . . shall for each and every violation thereof be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars, to be recovered by the person aggrieved thereby or by any resident of this state, to whom such person shall assign his cause of action, in any court of competent jurisdiction in the county in which the plaintiff or the defendant shall reside; and such person and the manager or owner of or each officer of such agency, bureau, corporation or association, and such officer or member of a labor organization or person acting in his behalf, as the case may be shall also, for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned not less than thirty days nor more than ninety days, or both such fine and imprisonment.

(Last amended by L. 1942, C. 478, Sec. 1, effective April 17, 1942.)

Data on Activities of Connecticut Commission on Civil Rights  
Relating to Public Accommodations.

Summary - Total Public Accommodations Complaints made  
to the Commission (other than public housing complaints)  
(October 1, 1949 to June 30, 1951)

<u>Complaints Filed Against</u>		<u>Disposition</u>	
Barber shops	2	Satisfactorily adjusted	41
Dancing school	1	No evidence of discrimination	1
Hotels	2	Lack of jurisdiction	2
Railroad	1	Pending	3
Restaurants	5		
Resort hotels and camps	28		Total-----47
Roller skating rinks	2		
Taverns	6		
Total-----	47		

\* \* \* \* \*

Summary - Public Accommodations Complaints for the fiscal  
year 1950 - 1951 (other than public housing complaints)

<u>Complaints Filed Against</u>		<u>Disposition</u>	
Dancing school	1	Satisfactorily adjusted	5
Hotel	1	No evidence of discrimination	1
Restaurants	4	Pending	3
Rest hotels and camps	3		Total-----9
Total-----	9		

\* \* \* \* \*

Summary - Total Housing Complaints Made to the Commission  
(October 1, 1949 to June 30, 1951)

<u>Type of Complaint</u>		<u>Disposition of Complaints</u>	
Public housing project	20	Satisfactorily adjusted--com-	
Private development with state subsidies	9	plainant housed or pur-	13
		chased home	
Total-----	29	Not eligible for public housing	5
		Withdrawn	1
		Pending	10
		Total-----	29

Note - only 3 of the above complaints were filed prior to  
June 1, 1950.

Summary - Other Complaints alleging Racial, religious or Nationality  
Discrimination not Covered by Law for Fiscal Year 1950-1951

<u>Type of Complaint</u>		<u>Disposition of Complaints</u>	
Educational opportunities	1	Satisfactorily adjusted	37
Employment	45	No evidence of discrimination	23
Housing	5	Unable to adjust	6
Newspaper	8	Complaint withdrawn	9
Miscellaneous	23	Referred to other agency	4
Total-----	82	Pending	3
		Total-----	82

Cleveland, Ohio, Ordinance Establishing Community Relations Board  
in Office of Mayor.

Ordinance No. 240-45. Passed March 5, 1945, and as amended Feb. 6, 1950.

Be it ordained by the council of the city of Cleveland:

Section 71-2. Community Relations Board. There shall be and there is hereby established in the office of the Mayor a board known as the "Community Relations Board," consisting of the Mayor, as chairman ex officio, two members of Council of different political affiliations chosen by Council for a term of two years, and fourteen persons broadly representative of the social, economic and cultural interests of the community, appointed by the Mayor, with the approval of Council, for four-year terms, except that of the original appointment three shall be appointed for one year terms, three shall be appointed for two-year terms, three shall be appointed for three-year terms, and five shall be appointed for four-year terms, and provided further that not less than five shall represent organized industry; not less than three shall represent organized labor, and not less than five shall be public members. A member of the board may be removed for cause by the Mayor but only after opportunity has been afforded for a public hearing before the Mayor within ten days after written charges have been given such member by the Mayor and a copy filed with the Clerk of Council. Such member shall be heard in person or by counsel and action of the Mayor shall be final unless not later than the second meeting of council thereafter, the Council shall disapprove such removal by the affirmative vote of two-thirds of the members elected thereto.

Section 71-3. Duties. It shall be the duty of the Community Relations Board to promote amicable relations among the racial and cultural groups within the community; to take appropriate steps to deal with conditions which strain relationships; to aid in the coordination of the activities of private organizations concerned with these relationships; to assemble, analyze, and disseminate authentic and factual data relating to interracial and other inter-group relationships. It shall have power to publish and distribute at public expense such factual material as it shall deem necessary or desirable and to make such investigations, surveys and studies as are pertinent to the performance of its duties. The Board shall administer and enforce any Fair Employment Practice legislation enacted by Council and perform such other duties as Council may from time to time require.

Section 71-4. Executive Director. The board shall nominate and the mayor shall appoint an executive director who shall serve until removed by the mayor with the concurrence of a majority of the board. Upon nomination of the executive director the board shall appoint as its staff such technical and office personnel and assistants as it may deem necessary within the appropriation made available for such purpose. All such appointments, except one assistant and one secretary to the executive director, shall be made in conformity with the civil service provisions of the charter.

Section 71-5. Duties of Executive Director. Under the direction of the board the executive director shall supervise and control the staff. He shall:

1. Serve as secretary of the board and of any advisory committee or sub-committee which may be created.
2. Maintain contacts with the thirty and more groups throughout the community which are concerned with interracial understanding, report to the board regarding the activities of these groups, and in turn be a source of accurate and reliable data on the acute problems in the field of interracial understanding.
3. Implement the decisions of the board and on the advice of the

board (a) shall work in cooperation with the directors of all departments of the municipal government in the improvement of services to eliminate whatever sources of interracial friction may exist; (b) work to remove inequalities which may be related to minority group status on such important problems as housing, recreation, education, employment, law enforcement, vocational guidance and training and related matters; (c) conduct such educational activities, institutes meetings, and prepare such reading materials as will lead to better public relations.

Chicago, Illinois, Ordinance Creating Commission on Human Relations.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

Section 1. Chapter 21 of the Municipal Code of Chicago is amended by adding thereto four new sections to be known as Sections 21-49 to 21-52, both inclusive, under the title of Commission on Human Relations as follows:

COMMISSION ON HUMAN RELATIONS

Section 21-49. Declaration of Policy -- Establishment of Commission.) The City Council finds that prejudice and the practice of discrimination against any individual or group because of race, color, creed, national origin or ancestry menace peace and public welfare; that to eliminate such prejudice and discrimination an instrumentality should be established through which citizens of Chicago may be kept informed of developments in human relations, the officers and departments of the City may obtain expert advice and assistance in ameliorative practices to keep peace and good order and private persons and groups may be officially encouraged to promote tolerance and good will toward all people.

There is hereby established a commission to be known as the Commission on Human Relations consisting of fifteen members, one of which members shall be designated as Chairman, to be appointed by the Mayor by and with the advice and consent of the City Council. They shall serve without compensation but may be reimbursed for any personal expense incurred in the performance of their duties. The Commission shall appoint, according to law, an executive director and such other persons as are provided for in the annual appropriation ordinance to direct its activities.

Section 21-50. Duties and Functions.) The commission shall cooperate with the Mayor, City Council, city departments, agencies and officials in: securing the furnishing of equal services to all residents, and where the need is greater, in meeting that need with added services; training city employees to use methods of dealing with intergroup relations which develop respect for equal rights and which result in equal treatment without regard to race, color, creed, national origin or ancestry; assuring fair and equal treatment under the law to all citizens; protecting the rights of all persons to enjoy public accommodations and facilities and to receive equal treatment from all holders of licenses, contracts or privileges from the city; and maintaining equality of opportunity for employment and advancement in the city government.

The services of all city departments and agencies shall be made available by their respective heads to the Commission at its request, and information in the hands of any department or agency shall be furnished to the Commission when requested. Upon receipt of recommenda-

tions

In writing from the Commission, each department or agency shall submit a reply in writing indicating the disposition of and action taken with regard to such recommendations.

The Commission shall advise and consult with the Mayor and City Council on all matters involving racial, religious or ethnic prejudice or discrimination and recommend such legislative action as it may deem appropriate to effectuate the policy of this ordinance. The Commission shall render an annual report to the Mayor and City Council which shall be published.

Section 21-51. Cooperation with Civic Groups and Governmental Agencies.) The Commission shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, labor and business organizations, fraternal and benevolent societies, veterans organizations, professional and technical organizations, and other groups in the City of Chicago in carrying on its work. The Commission may aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve understanding in the community.

The Commission shall cooperate with State and Federal agencies whenever it deems such action appropriate in effectuating the policy of this ordinance.

Section 21-52. Investigations, Research and Publications.) The Commission shall receive and investigate complaints and initiate its own investigations of tensions, practices of discrimination and acts of prejudice against any person or group because of race, religion or ethnic origin and may conduct public hearings to ascertain the status and treatment of racial, religious and ethnic groups in the city, and the best means of progressively improving human relations in the entire city; and issue such publications and such results of investigations and public hearings and make such recommendations to the Mayor and City Council as in its judgment will effectuate the policy of this ordinance.

Section 2. This ordinance will be effective upon its passage.

(The ordinance was passed by the City Council on December 12, 1947. There were 47 yeas and no nays.)

## Evansville, Indiana, Municipal Commission on Human Relations

## AN ORDINANCE ESTABLISHING THE MAYOR'S COMMISSION ON HUMAN RELATIONS, PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS, AND DEFINING ITS DUTIES AND FUNCTIONS.

WHEREAS, there exists a need in the City of Evansville for the establishment of a body of citizens to study the problems of the relationships of the various races, colors, creeds and nationalities living within the community and to advise with and assist the Departments of the City Government on problems involving differing racial groups.

Now, Therefore, be it ordained by the Common Council of the City of Evansville:

Section 1. There is hereby established in the City Government of the City of Evansville a Commission to be known as the Mayor's Commission on Human Relations, which Commission shall consist of not less than forty-five (45) nor more than sixty (60) representative citizens to be appointed by the Mayor of the City of Evansville and to serve at his pleasure for a term of four (4) years... The Mayor of the City of Evansville shall also appoint a Chairman of said Commission, a Vice-Chairman of said Commission, and a Secretary for said Commission, each of which said officers shall serve in his respective office for a term of one (1) year or until his successor shall have been appointed and qualified. The officers and members of said Commission shall serve without compensation.

Section 2. It shall be the duty of the Commission to study problems of race relationships within the City, particularly as such problems may effect, or be affected by the Government of the City and to advise with and cooperate with the Mayor, the City Council, and all other City Departments, agencies and officials with relation to any such problems. The Commission shall further make recommendations to the Mayor, the City Council, City Departments, agencies and officials, for the betterment of intergroup relationships within the community and for the education and training of City employes where such education and training may be beneficial. The services of all City Departments and Agencies shall be made available by their respective heads to the Commission at its request and information in the hands of any City Department or Agency shall be furnished to the Commission when requested. Upon receipt of recommendations in writing from the Commission each City Department or Agency shall submit a reply within a reasonable time indicating the disposition of and action taken with regard to such recommendations.

The Commission shall render an annual report of its doings to the Mayor and to the City Council.

Section 3. The Commission shall invite and enlist the cooperation of all racial, religious and ethnic groups and all other community organizations in carrying on its work and shall act as a coordinating agency among such other groups in the establishment and maintenance of educational programs in the community with a view to bringing about better intergroup and racial relationships. The Commission shall also cooperate with State and Federal agencies wherever such cooperation is appropriate in effectuating the policy of this Ordinance.

Section 4. This ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor.

Passed by the Common Council of the City of Evansville, Indiana, on this 1st day of March, 1948, and on said day signed by the President of the Common Council and attested by the City Clerk.

## Jersey City, N.J. Civil Rights Commission\*

## ORDINANCE NO. K-1277

AN ORDINANCE CREATING A CIVIL RIGHTS COMMISSION OF THE CITY OF JERSEY CITY; AND PROVIDING FOR THE APPOINTMENT OF MEMBERS THEREOF, AND THEIR TERMS OF OFFICE; AND OUTLINING AND DEFINING THE FUNCTIONS, POWERS AND DUTIES OF SAID COMMISSION.

Be it Ordained by the Board of Commissioners of the City of Jersey City that:

Section 1. Pursuant to the provisions of the Revised Statutes of 1949, 18:25-10 and the amendments thereof and supplements thereto, the Civil Rights Commission of the City of Jersey City (hereinafter referred to as the Civil Rights Commission), consisting of ten (10) members, be and it hereby is created.

Section 2. The members of the said Civil Rights Commission shall be appointed and shall serve for such period of time as may be fixed by their appointment, in accordance with the terms and provisions of R. S. 18:25-10, and they shall be citizens and shall reside in the City of Jersey City, New Jersey.

Section 3. The Civil Rights Commission shall organize itself and conduct its business in accordance with the terms and provisions of R. S. 18:25-10, excepting that no committee, corporation, or other person or persons or agency, or employe or employes, shall be appointed or employed by the said Civil Rights Commission without the formal consent of the officer appointing said Commissioners.

Section 4. The Civil Rights Commission shall have the powers and duties and be subject to the same limitations as set forth in the Revised Statutes aforesaid.

Section 5. The Civil Rights Commission shall make recommendation to the Commissioners of Jersey City for the development of policies and procedures in general, and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin or ancestry.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication according to law.

PASSED: February 7, 1950.

JAMES A. TUMULTY, JR.  
City Clerk.

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\* Thirty-three New Jersey communities have ordinances similar to this.

Milwaukee, Wisconsin Ordinance Creating Mayor's Commission on Human Rights.

AN ORDINANCE

To create Sections 106-30 to 106-34 of the Milwaukee Code, relating to the establishment of the Mayor's Commission on Human Rights.

The mayor and the common council of the City of Milwaukee do ordain as follows:

Part 1. There are hereby created five new sections of the Milwaukee Code to read:

Section 106-30. THE MAYOR'S COMMISSION ON HUMAN RIGHTS, ESTABLISHMENT AND MEMBERSHIP. There is hereby established the Mayor's Commission on Human Rights, hereinafter referred to as the Commission, which shall consist of not more than 42 members to be appointed by the mayor. The members shall be appointed on the basis of their interest in civic, labor, religious, industrial, social or welfare activities. All newly-appointed members of the Commission shall be residents of the City of Milwaukee.

The initial terms of the members shall expire at the end of one, two, and three years, respectively. Following the completion of the initial terms, the terms of office of such members shall be three years. Vacancies on the Commission shall be filled for the unexpired term in the same manner as the office was previously filled.

The Commission may designate an executive committee according to such rules and regulations as the Commission shall adopt. Such committee may be empowered to act in any emergency. When so acting, it shall give a full report to the Commission at its next regular meeting.

Section 106-31. EMPLOYEES. The Mayor's Commission on Human Rights may employ technical and clerical, stenographic and other personnel and fix their compensation when they are to be compensated, subject to the consent and approval of the common council. Such technical, clerical, stenographic, and other personnel, excepting in cases of emergency, shall be chosen from eligibility lists established by the City Service Commission. All officers shall be elected by the membership at large and must be members of the Commission.

Section 106-32. EXPENDITURES. The Commission may make such expenditures, within the appropriation therefor, or from other funds made available to them by the common council, for the purposes of human rights as may be necessary to carry out the purposes of this ordinance.

Section 106-33. BYLAWS, RULES, AND REGULATIONS OF PROCEDURE. The Commission shall formulate and adopt its own bylaws and establish its own rules and regulations of procedure. In addition to other bylaws which the Commission may set up, such bylaws shall prescribe the time and place of meetings of the Commission and the method of notifying members of the Commission of such meetings. The bylaws shall also prescribe that minutes and records shall be kept reporting fairly the action taken at such meetings and that the mayor and any appropriate

committee of the common council shall have access to such records at any reasonable time.

Section 106-34. POWERS AND DUTIES. (1) The Commission shall be an advisory body to the mayor and the common council and may study and investigate problems relating to discrimination and denial of rights by reason of race, creed, color, national origin or ancestry, and may make such recommendations as it may deem necessary to carry out the purposes of this ordinance.

(2) The Commission may act as a conciliator in matters involving the discrimination and denial of rights by reason of race, creed, color, national origin or ancestry, but no decision by the Commission shall be binding upon any of the parties to the conciliation.

(3) The Commission may cooperate with any organization or body having similar aims or purposes, or with the city departments and public bodies, county government, state government or federal government, or any departments or agencies thereof, when such cooperation would have the effect of limiting or lessening discrimination or denial of rights by reason of race, color, creed, national origin or ancestry.

(4) The Commission shall have any further powers which may be given to it by the common council from time to time.

(5) The Commission shall submit to the mayor and the common council an annual report outlining its activities for the previous year not later than January 1 of the year following.

Not later than the regular date of filing of each year the Commission shall submit to the board of estimates a budget outlining its proposed expenditures for the next fiscal year's operation upon such forms and in such manner as prescribed by the budgetary procedure used by the other city departments or boards or commissions or as the board of estimates may direct, and the common council shall appropriate such funds as it may deem necessary to carry out the provisions of this ordinance in the same manner as all other appropriations for departments, boards, and commissions are made and carried out.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. This ordinance shall take effect and be in force from and after its passage and publication.

Ordinance Creating General Commission on Human Relations for Philadelphia, Pennsylvania.

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Section 3-801. Commission on Human Relations. The Commission on Human Relations shall be composed of nine members.

Section 4-700. Powers and Duties. The Commission on Human Relations shall administer and enforce all statutes and ordinances prohibiting discrimination against persons because of race, color, religion or national origin, and shall also exercise the powers and perform the duties heretofore exercised and performed by the Philadelphia Fair Employment Practice Commission. The Commission shall institute and conduct educational programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion or national origin. Such programs shall include the promotion of understanding among persons and groups of different races, colors, religions and national origins. In the performance of its duties the Commission may cooperate with interested citizens and with public and private agencies.

Section 4-701. Investigation. The Commission on Human Relations shall receive and may investigate complaints of, and may initiate its own investigations of, practices of discrimination against any person because of race, color, religion or national origin. It may hold public hearings for such purposes and make public its findings.

ARTICLES OF INCORPORATION OF THE MAYOR'S FRIENDLY RELATIONS  
COMMITTEE - AND AGREEMENT WITH CITY OF CINCINNATI  
January 12, 1949 and January 17, 1949

THIRD. The purpose or purposes for which said corporation is formed are:

1. To advise, consult with and assist the Mayor, City Council and the City Manager, and all Departments of the City of Cincinnati, on all matters involving racial, religious or ethnic prejudice or discrimination.
2. To do everything practicable which, in the judgment of the Board of Trustees, should be done to eliminate prejudice and the practice of discrimination against individuals or groups because of race, color, creed, national origin or ancestry, in the City of Cincinnati, and to adjust frictions in human relations in the interests of the public welfare of the City of Cincinnati.
3. To enlist the cooperation of the various racial, religious, and ethnic groups, community organizations, labor organizations, business and industrial groups, fraternal and benevolent associations and other groups in the City of Cincinnati in the program and purposes of the Committee.
4. To promote the establishment of local community organizations within the City of Cincinnati, when and where it is deemed desirable by the Board of Trustees, and to plan and carry out and assist in programs of such organizations to reduce group prejudice, tensions, disorder and discrimination in said communities.
5. To cooperate with State and Federal agencies whenever the Board of Trustees deems such action appropriate in effectuating the amelioration of prejudice, tensions, disorder and discrimination in the field of human relations.
6. To publish and distribute such materials as may be deemed necessary and appropriate by the Board of Trustees for the education of the community to the end that there shall be a reduction of group prejudice, tensions, disorder and discrimination.
7. To receive and investigate complaints and initiate its own investigations, as it is deemed advisable, of (a) racial, religious and ethnic group prejudice, tensions, and discrimination and disorder occasioned thereby; (b) practices of discrimination against any persons because of race, color, creed, racial origin or ancestry.

FOURTH. The corporation shall be authorized and hereby is authorized to raise funds and moneys for its expenses by making such contracts with the City of Cincinnati or other organizations, which in the judgment of the Board of Trustees should be made, to render expert services; or to raise funds by membership dues, public subscription, or otherwise as the Board of Trustees may determine from time to time.

FIFTH. The organization of the Mayor's Friendly Relations Committee shall make provision and shall not be inconsistent with the following:

1. That the committee shall consist of not more than one hundred and fifty (150) members, each of whom shall serve for a term of one (1) year, and who shall be appointed by the Mayor of the City of Cincinnati, Ohio. One of said members shall be designated as chairman by the said Mayor of the City of Cincinnati, Ohio. The committee and the chairman shall serve without compensation but may be reimbursed for any personal expenses incurred in the performance of their duties.
2. That there shall be a Board of Trustees of not less than fifteen (15) and not more than thirty (30) members, each of whom shall serve for a term of one (1) year, and who shall likewise be appointed by the Mayor of the City of Cincinnati, Ohio. Said Board of Trustees shall administer the affairs of the committee, and with the advice and consent of the Mayor of the City of Cincinnati, Ohio, it may appoint an executive director and such additional personnel as it may deem necessary and to fix their compensation within the limitations of any funds made available to the Committee.

#### A G R E E M E N T

THIS AGREEMENT, entered into by and between the city of Cincinnati and the Mayor's Friendly Relations Committee, WITNESSETH:

WHEREAS, it is of the highest importance to the welfare of the city of Cincinnati and its people, that strife and tension among racial, religious and ethnic groups in the city be avoided and that prejudice and discrimination in attitudes and practices toward any such groups be alleviated and prevented to the greatest degree possible; and

WHEREAS, the Mayor's Friendly Relations Committee, a corporation under the laws of Ohio, not for profit, has been organized and is qualified to assist the official authorities of the city in the matter of making studies as to intergroup problems and using its facilities and influence in connection with such problems, to the end that all groups within the city may enjoy fair and equal treatment, and live in peace and harmony; now, therefore,

IT IS AGREED BY AND BETWEEN the city of Cincinnati, hereinafter called the "City", and the Mayor's Friendly Relations Committee, hereinafter called the "Committee", as follows:

(a) The services of the Committee shall be used and be available to the City in the following matters:

1. Offering expert advice to any city agency or department whose regular functions are hindered or complicated by intergroup problems.
2. Collecting information on local conditions to facilitate positive constructive handling of intergroup problems.

3. Stimulating cooperative efforts among government offices, social agencies and private organizations to improve intergroup relations generally in Cincinnati.

4. Preparing and distributing educational materials throughout the community.

5. Working closely with schools, churches and other institutions having a special interest in promoting democratic citizenship.

6. Collecting information on intergroup activities throughout the country, with special regard for techniques applicable in Cincinnati.

7. At request of Council, the Mayor, the City Manager or any department head, making studies and recommendations with reference to any situation involving intergroup relations.

8. Watching for tension situations in the city and taking remedial action to avert strife and, where possible, to remove the causes of tension.

(b) In consideration of the services to be rendered by the Committee, the City agrees to pay the Committee the sum of fifteen thousand dollars (\$15,000.00) for the year 1949, payable seven thousand dollars (\$7,000.00) on or after the 15th day of January, 1949, four thousand dollars (\$4,000.00) on the 15th day of May, 1949, and four thousand dollars (\$4,000.00) on the 15th day of September, 1949.

(c) The work of the Committee, in accordance with the terms of this contract, shall at all times be subject to the supervision and direction of the Mayor, and vouchers for payments hereunder shall be approved by him.

(d) This agreement may be terminated by either party on thirty (30) days notice prior to any of the payment dates noted in paragraph (b).

IN WITNESS WHEREOF, the City of Cincinnati, by Albert D. Cash, its Mayor, thereunto duly authorized, and the Mayor's Friendly Relations Committee, by Karl T. Finn, Chairman of its Board of Trustees, thereunto duly authorized, have hereunto subscribed their names this 17th day of January, 1949.

Proposed Ordinance for Detroit, Michigan Establishing Commission on Human Relations.

April 11, 1951.

AN ORDINANCE to create a Commission to be known as the "Commission on Human Relations," and to prescribe its powers and duties, said Commission to replace the present Interracial Committee.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. There shall be a Commission on Human Relations, which commission as hereby established shall replace the present Interracial Committee.

Section 2. Said Committee on Human Relations shall consist of fifteen members, eight of which shall be representative citizens of the community, to be appointed by the Mayor, and six shall be the executive heads of City departments, viz., the Commissioner of Police, the Commissioner of Health, the General Superintendent of the Department of Parks and Recreation, the General Superintendent of the Department of Public Welfare, the General Manager of the Department of Street Railways, and the Director of the Housing Commission. The Superintendent of Schools shall be asked to serve as a member of the Commission. The Commission shall each year elect one of its members as chairman.

Section 3. Seven members of the commission shall hold their office by virtue of their position as heads of City Departments or boards or as Superintendent of Schools, and their terms of office shall coincide with their terms in those positions. The remaining eight members shall hold office for terms of three years, except that of those first appointed the terms shall expire as follows: three on December 31, 1951; three on December 31, 1952; and two on December 31, 1953. Members of the commission shall serve without compensations but may be reimbursed for any personal expense incurred in the performance of their duties. The citizen members of the commission may be removed by the Mayor without cause assigned.

Section 4. The commission shall appoint a director who shall serve as secretary and, subject to the provisions of the Charter of the City of Detroit relative to Civil Service, such other employees as may be necessary to carry on the work of the commission. The Commission shall prescribe the duties of the director and other employees, and shall, subject to the provisions of the Charter of the City of Detroit and the approval of the Common Council, fix their compensation. The commission may remove the director without cause assigned.

Section 5. The commission shall hold meetings regularly at least once in each month, and shall designate the time and place thereof, and shall adopt its own rules of procedure and keep a record of its proceedings. Proper accounts shall be kept of the receipt and expenditure of money in accordance with established City procedure. Eight members shall constitute a quorum for the transaction of business. All regular meetings, records and acts of the commission shall be public.

Section 6. The powers and duties of the commission which shall be exercised and performed as herein provided, and in conformity with the laws and ordinances of the City of Detroit, shall be as follows:

a. The commission shall independently and in cooperation with other governmental, educational, civic, community, business labor and

religious agencies and organizations plan, organize and conduct community educational and informational programs designed to increase mutual understanding among the many residents of the community, to promote goodwill, to eliminate economic discriminations, to promote and protect civil rights and to cultivate citizen responsibility for the common welfare.

b. The commission shall receive and investigate claims and reports, and shall institute its own investigations of tension, conflict and practices of discrimination or of efforts or activities of individuals or groups to incite discord, tension, hate and suspicion, or to place at disadvantage persons or groups because of race, color, origin or ancestry. After investigation of the facts the commission shall inform the Mayor, the Common Council or the proper public officials or private agencies or individuals, of any findings together with recommendations for action. The commission shall seek to correct situations which it finds to be endangering the peace and welfare of the community or to be unjust and discriminatory through negotiation and education, by recommending legislation or action by public officials, or where violations of law are involved to place the information before the proper law enforcement agencies.

c. The commission shall, when requested by the Mayor, the Common Council or by any commission or department, act in an advisory capacity in respect to City plans or the operations of any City department where questions of the race or differences between citizens are involved. All commissions and departments of the City government shall inform the commission of any problem involving community relationships among racial or other groups which arise in their operations and cooperate with the commission when called upon to render such assistance as may be reasonably required.

d. The commission shall perform any other services as directed by the Common Council or the Mayor which are deemed to be necessary for the promotion of goodwill and understanding among groups or for the development of greater citizen responsibility.

7. The commission shall provide through the Purchasing Department of the City all necessary materials and supplies for the use of the department.

8. The commission shall have such other powers as are herein prescribed or may be necessary hereunder for the proper discharge of its duties.

9. Nothing herein contained shall be presumed to infringe upon the powers or duties of other City departments or to in any way relieve any other City department of its responsibilities under the terms of the Charter of the City of Detroit or under the laws.

10. The commission shall transmit in duplicate to the City Controller its estimate of the amount of money required for its purposes for the ensuing fiscal year, in accordance with established City procedure.

11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Proposed Ordinance Establishing a Commission on Human Relations  
for Kenosha, Wisconsin.

Be it enacted by the Council of the City of Kenosha, Wisconsin:

Section 1. ESTABLISHMENT; MEMBERSHIP. There is hereby established a Commission which shall be known as the COMMISSION ON HUMAN RELATIONS, hereinafter referred to by the single term "Commission", consisting of fifteen members to be appointed by the City Manager and confirmed by the City Council. All members appointed to the Commission shall be appointed for a three (3) year term excepting initial appointments for the establishment of the Commission which appointments shall be as follows: Five (5) members for a term of one (1) year; five (5) members for a term of two (2) years, and five (5) members for a term of three (3) years. Members of the Commission shall serve without compensation.

Section 2. OFFICERS; BY-LAWS. The Commission shall adopt its own by-laws and rules of procedure subject to Council confirmation and shall elect its own officers. Such by-laws and rules of procedure shall prescribe the times and places of meetings and the manner of keeping records of such meetings.

Section 3. POWERS AND DUTIES. The Commission shall, as directed by the City Manager and the City Council:

(a). In co-operation with the other departments of the City seek to promote the employment and promotion of all employees in the City Government and the provision of City services to the public without discrimination on account of race, religion, color or national origin; and

(b). Act as an advisory, conciliatory, and investigating agency on all matters threatening the general welfare by reason of discrimination.

Section 4. APPROPRIATION AND ALLOTMENT OF FUNDS TO THE COMMISSION. There is hereby appropriated the sum of \_\_\_\_\_  
\_\_\_\_\_ DOLLARS annually and allocated to said Commission for the purpose of carrying on its functions.

Section 5. The City Manager shall be an ex officio member of the Commission.

## ORDINANCE OF PORTLAND, OREGON RELATING TO PUBLIC ACCOMMODATIONS\*

## ORDINANCE NO. 91214

An Ordinance amending the Police Code by adding a new section relating to discrimination in certain places and by certain types of business on account of race, color, religion or national origin.

The City of Portland does ordain as follows:

Section 1. The Council finds that to further the objectives contained in the Constitution of the United States and the Constitution of the State of Oregon, and as an exercise of the police power of the City of Portland, provision should be made against discrimination on account of race, color or religion in public or quasi-public places; that in the interest of public health and as an exercise of the police power of the City such regulations should also extend to hospitals, ambulances, mortuaries, funeral conveyances and cemeteries; that civil rights of all persons within the police jurisdiction of the City should be safeguarded as provided herein; now, therefore, Article 27 of Ordinance No. 76339 (Police Code) hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

Section 16-2703. PLACES OF PUBLIC ACCOMMODATION SHALL BE OPENED TO ALL PERSONS WITHOUT DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION ANCESTRY OR NATIONAL ORIGIN. All persons within the police jurisdiction of the City of Portland shall be entitled to full and equal accommodation, advantages, facilities and privileges in all places or businesses offering or holding out services or facilities to the general public, including but not limited to hotels, lodging houses and rooming houses as defined in the License and Business Code of the City of Portland, restaurants or other places where food or drink are offered to the public generally for consumption upon the premises, theaters or other places of amusement, public transportation carriers, public facilities in office buildings or other places open to the general public, retail stores, hospitals, ambulances, mortuaries, funeral conveyances and cemeteries. It shall be unlawful for the owner, lessee, manager, or proprietor of a place of business within the City offering or holding itself out as affording services or facilities to the general public including but not limited to the businesses mentioned in this section to discriminate against any person in such service or sale of privilege, facility or commodity on account of race, color, religion, ancestry or national origin.

Passed by the Council February 21, 1950

\*This ordinance was passed unanimously by the City Council; however in a referendum, Nov. 7, 1950, it was defeated by a vote of 77,084 to 60,969.

## MODEL ANTI-DISCRIMINATION ORDINANCE FOR MUNICIPALITIES\*

Sec. 1. Finding and Policy

(a) In the City of \_\_\_\_\_ with a population consisting of people of every /insert name of city/ race, color, religion, ancestry and national origin, the peace, good order, security and welfare of the city and its inhabitants are threatened by the existence within it of groups antagonistic to one another and prejudiced against each other because of differences of race, color, religion, ancestry or national origin.

(b) The \_\_\_\_\_ hereby finds and declares that prejudice and bigotry and the discrimination and disorder occasioned thereby, threaten not only the rights and privileges of its inhabitants but menace the institutions and foundations of a free, democratic state. To the end that such prejudice, bigotry, discrimination and disorder shall be reduced or eliminated, this local law is enacted to provide instrumentalities through which the city of \_\_\_\_\_ may give effect to the guarantee of equal rights for all assured by the Constitutions and the laws of \_\_\_\_\_ and the United States.

Sec. 2. Discrimination in Employment and Public Accommodations Prohibited.

All persons shall be entitled, without discrimination because of race, religion, color, ancestry or national origin, to employment and to the accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement, within this city, subject only to conditions and limitations applicable alike to all persons.

Sec. 3. Definitions.

As used in this ordinance, unless a different meaning clearly appears from the context:

(a) The term "person" includes one or more individuals, partnerships, associations, corporations or legal representatives.

(b) The term "employer" includes any person who employs one or more employees, including any governmental unit, subdivision, board, department, school district or employee as to which the city has the power to legislate but shall not include sectarian or religious organizations.

(c) The term "labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.



applicant for employment or membership;

b) Use any form or application for employment or personnel or membership blank designed to elicit information regarding race, color, religion, ancestry or national origin;

c) Cause to be printed, published or circulated any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religion, ancestry or national origin.

(4) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of race, color, religion, national origin or ancestry.

(5) For any labor organization to discriminate against any individual or to limit or qualify its membership in any way which would tend to deprive such individual of employment opportunities or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment or would affect adversely his wages, hours or employment conditions, because of such individual's race, color, religion, ancestry or national origin.

(6) For any employer, employment agency or labor organization to penalize or discriminate in any manner against any individual because he opposed any practice forbidden by this ordinance or because he has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing thereunder.

(7) For any employment agency or individual seeking employment to cause to be published any advertisement which specifies race, color, religion, ancestry or national origin or in any manner expresses a limitation or preference as to the race, color, religion, ancestry or national origin of any prospective employer or employee.

(8) For any person, whether or not an employer, employment agency or labor organization, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful employment practice or to obstruct or prevent any person from complying with the provisions of this ordinance or any order issued thereunder or to attempt directly or indirectly to commit any act declared by this section to be an unfair employment practice.

(b) None of the above prohibitions shall be applicable where the Commission shall have certified that a particular occupation or position reasonably requires the employment of a person or persons of a particular race, color, religion, ancestry or national origin and that such qualification is not adopted as a means of circumventing the purposes of this ordinance.

## Sec. 5. Unlawful Accommodation Practice

It shall be an unlawful accommodation practice for any owner, agent or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, or ancestry of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin or ancestry is unwelcome, objectionable or not acceptable, desired or solicited.

## Sec. 6. Commission on Civil Rights

There is hereby created the \_\_\_\_\_ Civil Rights

/insert name of city/

Commission which shall consist of nine members, serving without compensation, broadly representative of the racial, religious and ethnic groups in the community, to be appointed by the Mayor with the advice and consent of the city council. One of said members shall be designated by the Mayor as its chairman. Of the nine members first appointed three shall be appointed for one year, three for two years, and three for three years; thereafter, all appointments shall be for three years. In the event of the death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

## Sec. 7. Functions of the Commission

(a) The Commission shall foster mutual self-respect and understanding among all racial, religious and ethnic groups in the City of \_\_\_\_\_, discourage, prevent and eliminate discrimina-

/insert name of city/ tory practices against any such group or its members; cooperate with state and Federal agencies and non-governmental organizations having like or kindred functions; and make such investigations and publish such studies in any field of human relationship as in the judgment of the Commission will aid in effectuating its general purposes.

(b) The Commission shall also:

(1) Receive and investigate complaints and initiate its own investigation of racial, religious and ethnic group tensions, prejudice, bigotry, discrimination and disorder occasioned thereby because of race, color, religion, ancestry or national origin.

(2) Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and in connection therewith require the production of any evidence relating to any matter under investigation or in question before the Commission. The powers enumerated in this

sub-section may be exercised by any one or more members of the Commission so authorized by it.

(3) Make and publish findings and conclusions based on such hearings, reports of investigations and research.

(4) Appoint an executive director and such additional personnel as it may deem necessary and to fix their compensation within the limits of the funds made available to it. The expenses for the carrying on of the Commission's activities shall be paid out of the funds in the city treasury but the Commission shall in addition be authorized to accept contributions from non-governmental sources to carry on its work generally or earmarked for a particular function.

(5) Create or promote the establishment of such advisory committees or community organizations as in its judgment will aid in effectuating the purposes of this local law and to empower them to study the problems of prejudice, bigotry, discrimination and disorder in any human relationship.

(6) Recommend to the Mayor and the city council legislation to aid in carrying out the purposes of this local law.

(7) Submit an annual report to the Mayor and the city council.

(8) Adopt, amend and rescind regulations to effectuate the purposes and provisions of this ordinance.

#### Sec. 8. Investigations, Hearings and Enforcement

(a) Any person claiming to be aggrieved by an unlawful employment or accommodation practice or any organization which has as one of its purposes the promotion of human rights (hereinafter called the complainant) may file with the Commission a verified charge stating the name and address of the person alleged to have committed such practice (hereinafter referred to as the respondent) and shall set forth the details thereof and such other information as may be required by the Commission.

(b) After the filing of any such charge or whenever the Commission has reason to believe that an unfair employment or accommodation practice has been committed, the chairman of the Commission shall designate one of the commissioners to make, with the assistance of the Commission staff, a prompt investigation thereof.

(c) If such commissioner shall determine after such investigation that no probable cause exists to credit such charge, the Commission shall within ten days from the date of such determination cause to be issued and served upon the complainant and the respondent written notice of such determination. If such commissioner shall determine after such investigation that probable cause does exist for crediting such charge, he shall immediately endeavor to eliminate the unlawful employment or accommodation practice complained of by informal methods of persuasion. The members of the Commission and its staff shall not disclose what



## DIGEST OF MODEL ANTI-DISCRIMINATION ORDINANCE FOR MUNICIPALITIES\*

Introduction

The attached model anti-discrimination ordinance is being circulated for use as occasion may suggest. It is a composite of (1) a fair employment practices ordinance, (2) a public accommodations ordinance and (3) a group relations ordinances. There are at present 22 cities with FEPC ordinance and 61 with Mayor's Committees on Group Relations. There seem to be fewer municipal ordinances, however, on the subject of places of public accommodation. These include a Miami Beach ordinance which forbids places of public accommodation to advertise "restricted", "gentile" and "Gentiles only"; a similar ordinance in Surfside, Fla.; a Norfolk, Va. ordinance forbidding discrimination in hotel advertising; and a Cleveland, Ohio ordinance forbidding discrimination by licensed amusement parks.

The chief value of such an ordinance will be in those areas where no State FEPC law or public accommodations law is in effect or where the existing laws are ineffective or limited in scope. It should be understood that a city ordinance on these subjects cannot be considered an adequate substitute for State laws. This is true, not only because State laws have wider application, but also because the limited legislative powers of municipalities make it impossible to insert the same effective enforcement procedures which a state legislature may adopt.

However, an ordinance can play a useful role where State legislation is virtually impossible of attainment. It can also be important in States where it is believed that an FEPC law or a comprehensive public accommodations law can be obtained ultimately but not immediately. For example, the enactment of FEPC ordinances in Philadelphia, Cleveland and Youngstown in the past years will quite probably advance the enactment of State Laws in Pennsylvania and Ohio in the future.

One further caution is needed. City legislative and "home rule" powers vary greatly depending on State constitutional and statutory provisions and the terms of individual city charters. Before planning any use of the attached model ordinance the local law should be studied and necessary changes should be made in the model bill.

Purposes

The purposes of the proposed ordinance are to prevent discrimination in employment and in places of public accommodation because of race, color, religion, national origin or ancestry; to establish machinery to handle complaints arising from such discrimination; and to settle intergroup tension and combat prejudice. The existence of such discrimination, tension and prejudice is declared to be of serious concern to the well-being of the entire city. It keeps the city from using the productive capacities of its inhabitants to their fullest extent; deprives large segments of the population of rights assured them by the state and federal Constitutions; and intensifies group conflicts resulting in grave injury to the public safety, health and welfare.

Scope

a) The fair employment provisions of this ordinance apply to employers of one or more persons, labor unions and employment agencies. They are also applicable to governmental agencies, boards, departments, and school districts and their employees. Exempt from its provisions are sectarian and religious organizations and domestic servants.

\*Prepared by Commission on Law and Social Action, American Jewish Congress, Dec. 1951. - 137 -

The ordinance prohibits employers from refusing to hire qualified job applicants because of their race, color, religion, national origin or ancestry and prohibits discrimination (and segregation) on the job for such reasons. Employment agencies are forbidden to engaged in discriminatory practices in the classification or referral of job applicants. Labor unions are forbidden to discriminate against any person or to limit or classify their memberships in any way which would deprive a person of employment opportunities or equal treatment on the job because of race, color, religion, national origin or ancestry. All persons, including individuals seeking employment are forbidden to publish any advertisement which specifies race, color, religion, national origin, ancestry, or expresses a limitation or preference as to the race, color, religion, national origin or ancestry of any prospective employer or employee.

The following are also declared to be unfair employment practices:

- (1) Eliciting information or keeping records regarding race, color, religion, national origin or ancestry.
- (2) Using job application forms calling for such information.
- (3) Printing or publishing discriminatory advertisements relating to employment or membership.

None of these prohibitions are applicable where the commission certified that a particular occupation or position reasonably requires the employment of a person or persons of a particular race, color, religion, national origin or ancestry.

b) The public accommodation provisions of this ordinance apply to any place, whether licensed or unlicensed, open to the general public, which solicits or accepts the patronage of the general public. It does not apply to private clubs. The latter are defined as clubs whose policies are determined by their members and whose facilities and services are available to members and their guests only.

The ordinance prohibits any owner, agent or employee of any place of public accommodation from refusing or denying to any person because of race, color, religion, ancestry or national origin, the accommodations, advantages or privileges thereof, or, from publishing or circulating any discriminatory notices or advertisements.

#### Administration

The ordinance creates a civil rights commission of nine members including a chairman, appointed by the mayor with the approval of the municipal legislative body. The commission is charged with the administration and enforcement of the ordinance and the fostering of an educational program to create and maintain better community understanding. The commission is also empowered to issue publications and reports of its investigations and research; to create advisory agencies and conciliation councils to aid in effectuating the purposes of the ordinance; and to subpoena witnesses and take testimony on any matters which it is investigating.

Procedure

When a charge of unfair employment or accommodation practices is filed by an aggrieved individual, the chairman of the commission designates one of the commissioners to investigate the charge. Complaints may also be filed by the commission itself or by any organization which has as one of its purposes the promotion of human rights. If the investigation discloses no probable cause to believe the charge, the commission dismisses the case. If the commissioner does find probable cause to believe the charge, he attempts to eliminate the unlawful practice by conciliation and persuasion.

If conciliation fails, the commission issues a formal complaint and holds an open hearing with opportunity for both the complainant and the person charged with discrimination to present testimony under oath. After hearing all the evidence, the commission determines whether the charge of unfair employment or accommodation practices has been substantiated and enters whatever order the findings warrant.

If the respondent refuses or fails to comply with any order issued by the commission, the commission certifies the entire record to the city prosecuting officials. They may invoke the aid of an appropriate court to impose the penalties provided for in the ordinance: a fine of not less than \$100 or more than \$500, or 30 days imprisonment or both.

If any officer or employee of the city or any contractor or subcontractor is found guilty of engaging in unfair employment practices, the commission recommends appropriate action to the mayor.

December 21, 1951.

## SOURCES OF INFORMATION

Here listed are (1) general references containing analyses and compilations of relevant materials, (2) a list of agencies from which materials were received and (3) a list of cities which are known to be active in this field but from which no information was received.

The agencies responding to requests for information sent a wide variety of materials. These include statutes, ordinances, resolutions, annual reports of activities, analyses of results of research and surveys, pamphlets, posters and other promotional literature illustrative of their activities, reprints of newspaper and magazine articles and court decisions. In addition, much information was gathered from personal correspondence.

Several national civic agencies provided general materials. These include the American Veteran's Committee, the American Jewish Congress, the American Jewish Committee, the Anti-Defamation League of B'Nai B'Rith, the Urban League and the National Association of Intergroup Relations Officials (NAIRO).

All materials used in compiling this report are on file at the Legislative Reference Library and the Wisconsin Governor's Commission on Human Rights, State Capitol, Madison, or may be had upon request from the issuing agencies.

General Sources

American Jewish Committee and Anti-Defamation League of B'Nai B'Rith, Joint Memorandums

"Analysis of City Ordinances Against Racial and Religious Discrimination in Employment," Aug. 1, 1951, Oct. 17, 1951, Nov. 30, 1951.

"State Civil Rights Laws", Aug. 8, 1951.

"Aftermath of Supreme Court Decisions on Restrictive Covenants", Aug. 15, 1951.

"Final Report on Civil Rights Legislation in the States in 1951", Oct. 26, 1951.

American Jewish Congress, "Model Anti-Discrimination Ordinance for Municipalities", Dec. 1951.

"Digest of Model Anti-Discrimination Ordinance for Municipalities", Dec. 1951.

"Check-List of State Anti-Discrimination and Anti-Bias Laws", Oct. 1948.

Anti-Defamation League of B'Nai B'Rith, Memorandum

"Comparison of Fair Employment Practice Laws of N.Y., N.J., Mass., Conn., Wash., Ore., N.H., and R.I.", May 20, 1949.

"Public Human Relations Agencies - A Guide to Their Status and Operations", June, 1951.

Carr, Robert K., Ed. "Civil Rights in America," 275 Annals, May 1951.

Gordin, Burton, "Local Public Intergroup Agencies - An Analysis of Published and Unpublished Reports of Local Public Human Relations Agencies", Philadelphia Fair Employment Practice Commission, Sept. 1951.

Graves, W. Brooke, Fair Employment Practice Legislation in the United States, Federal, State, Municipal, Public Affairs Bulletin No.93, Legislative Reference Service, Library of Congress, April 1951.

Housing and Home Finance Agency

"Integration of Racial Minorities in Public Housing Projects - A Guide for Local Housing Authorities on How to do it," n.d.

"Non-Discrimination Clauses in Regard to Public Housing and Urban Redevelopment Undertakings", Nov.1950 and supplement.

"Principles of Law and Public Policy and Other Statements Significantly Relevant to Current Racial Considerations in Housing and Land Use", Nov. 1951.

"Selected References on Housing of Minorities", April 1950.

Murray, Pauli, States' Laws on Race and Color, Womens Division of Christian Service, 1950.

Note: The source of many laws and ordinances which were otherwise unavailable.

National Association of Intergroup Relations Officials (NAIRO), Reporter, March - Dec. 1951.

Note: Published monthly, The NAIRO Reporter, is the best source of current information and developments in intergroup relations.

AGENCIES FROM WHICH MATERIALS WERE RECEIVED

\* Indicates private civic agency

\*\*Indicates that only an ordinance or resolution was received from the City Council

California

State --

Los Angeles -- Committee on Human Relations, 205 S. Broadway

\*County Conference on Community Relations, 3125 W. Adams Blvd.

San Francisco -- \*Council for Civic Unity, 101 Post Street

Redevelopment Agency, 512 Golden Gate Ave.

Richmond\*\*

Colorado

State -- Anti-Discrimination Division of the Industrial Commission of Colorado, 1065 Broadway, Denver 3

Denver -- Commission on Human Relations

Connecticut

State -- Commission on Civil Rights, 500 Capitol Ave., Hartford

Hartford\*\*

Illinois

State -- Illinois Commission on Human Relations 160 N. LaSalle St., Chicago 3

Chicago -- Commission on Human Relations, 54 W. Hubbard St.

Rockford -- Interracial Commission

Springfield --\*Commission on Human Relations

Waukegan -- Mayor's Commission on Government Relations

Indiana

State --

East Chicago\*\*

Evansville -- Mayor's Commission on Human Relations, 510 Old National Bank Bldg.

Iowa

State --  
Sioux City \*\*

Massachusetts

State -- Commission Against Discrimination, 41 Tremont St., Boston 8  
Fair Employment Practice Commission, 41 Tremont St. Boston 8  
Cambridge -- Civic Unity Committee, 489 Broadway

Michigan

State --  
Detroit -- Mayor's Interracial Committee, 720 Transportation Bldg.,  
131 W. Lafayette Ave.  
Pontiac -- Housing Commission, 313 Hubbard Bldg., 18 S. Perry St.

Minnesota

State -- \*Minnesota Council for Fair Employment Practice, 412  
Palace Bldg., Minneapolis 1  
Minneapolis -- Fair Employment Practice Commission, 407 A, City Hall  
Mayor's Council on Human Relations, 607 3rd Ave., So.  
St. Paul -- Housing and Redevelopment Authority, 1745 City Hall

Missouri

State --  
St. Louis -- Council on Human Relations, Office of the Mayor

New Jersey

State -- Department of Education, Division Against Discrimination,  
1060 Broad St., Newark 2  
East Orange -- Civil Rights Commission, City Hall  
Highland Park \*\*  
Jersey City \*\*  
Lakewood \*\*  
Newark \*\*  
Perth Amboy -- Civil Rights Commission, City Hall

New York

State -- Commission Against Discrimination, 212 State St., Albany 6  
Buffalo -- Board of Community Relations, City Hall  
New York City -- Housing Authority, 63 Park Row  
Mayor's Committee on Unity, Rm. 705, Municipal  
Bldg., Brooklyn 2

Ohio

State --  
Akron -- Advisory Council of Civic Unity, Rm. 201, Municipal Bldg.  
Cincinnati -- Mayor's Friendly Relations Committee, Rm. 105, City Hall  
Cleveland -- Community Relations Board, Rm. 123, City Hall  
Girard \*\*  
Lorain \*\*  
Toledo -- Board of Community Relations, 565 Erie St.  
Youngstown -- Fair Employment Practice Committee

Oregon

State -- Fair Employment Practices Division, Bureau of Labor,  
615 S. E. Alden, Portland 14  
Portland -- Mayor's Committee on Intergroup Relations, 721 S. W.  
Columbia St.

Pennsylvania

State --  
Monessen \*\*  
Philadelphia -- Fair Employment Practice Commission, Market St. Na-  
tional Bank Bldg.  
Pittsburgh -- Civic Unity Council, Office of the Mayor  
Sharon \*\*

Rhode Island

State -- Fair Employment Practice Commission, State House, Providence  
Providence \*\*

Washington

State -- State Board Against Discrimination in Employment, 905  
Dexter Ave., Seattle 9

Seattle -- \*Civic Unity Committee, 417 East Pine Bldg.

Wisconsin

State -- Fair Employment Division of the Industrial Commission,  
794 N. Jefferson St., Milwaukee 2  
Governor's Commission on Human Rights, Rm. 404 E., State  
Capitol, Madison 2

Kenosha -- Committee on Human Rights, c/o George Poreden,  
2225 - 63rd St.

Madison -- \*Council on Human Rights, c/o Fred Risser, 109 W. Main

Milwaukee -- Mayor's Commission on Human Rights, City Hall

Oshkosh -- Committee on Interfaith Unity, c/o Simon Horwitz,  
National Bank Bldg.

Waupun -- Community Council on Human Relations, c/o Mrs. Harmon  
Hull, 630 South Madison St.

Wisconsin Rapids -- Mayor's Committee on Human Rights, c/o A. W.  
Zellmer, Wood County Normal School

Available information indicates that these municipalities have estab-  
lished human rights commissions or have passed civil rights ordinances,  
but have not been heard from.

Appleton, Wis.	Lower Pennsneck, N.J.	Plainfield, N.J.
Bayonne, N.J.	Lynn, Mass.	Phoenix, Ariz.
Bridgeton, N.J.	Montclair, N.J.	Portland, Ore.
Brookline, Mass.	Moorestown, N.J.	Racine, Wis.
Camden, N.J.	Morris Plains, N.J.	Rapid City, S. D.
Campbell, Ohio	Morristown, N.J.	St. Paul, Minn.
Edgewater, N.J.	Mount Holly, N.J.	Sheboygan, Wis.
Farrel, Pa.	Niles, Ohio	Somerville, N. J.
Galesburg, Ill.	North Bergen, N.J.	Steubenville, Ohio
Gary, Ind.	Orange, N.J.	Struthers, Ohio
Harrison, N.J.	Passaic, N.J.	Upper Pennsneck, N.J.
Jackson, Mich.	Patterson, N.J.	Warren, Ohio
Kearny, N.J.	Paulsboro, N.J.	Weehawken, N.J.
Lodi, N.J.	Penns Grove, N.J.	W. New York, N.J.
Lowellville, Ohio	Peoria, Ill.	Woodstown, N.J.