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California Committee For Fair Practices

N.D.

California Committee For Fair Practices

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THE CIVIL RIGHTS AGENDA

IN THE 1961 CALIFORNIA STATE LEGISLATURE

(A summary of the California Committee for Fair Practices
December 3rd Conference on Civil Rights Legislative Priorities)

GENERAL PRINCIPLES

The provision for administrative enforcement of all anti-discrimination laws (as we have in the field of employment with the FEP Commission) was considered a basic goal.

The problem of discrimination in housing was considered the problem which solution would have the most impact in improving democratic practices in the State.

LEGISLATION

Our NUMBER ONE OBJECTIVE is a bill which will:

1. Place the law forbidding discrimination in the sale or rental of housing under the FEP Commission for enforcement, and, in the process, change the Commission to a broader Fair Practices Commission.
2. Extend the present law which prohibits discrimination in government-assisted housing to cover all housing.

-more-

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FIRST YEAR'S REPORT--CALIFORNIA F. E. P. C.

FEPC's work in this first year has involved three kinds of activity: First, the very formation, staffing, and organizing of new agency. Second, the investigation and, where warranted, conciliation of cases in which individuals have filed complaints of job discrimination or the Commission has initiated an investigation into apparent unlawful practices. Third, those services of the agency which do not involve cases--including a considerable range of information, educational, interpretive, and advisory work.

Concerning point one: The Division of Fair Employment Practices had to be organized, under the Commission and within the Department of Industrial Relations, simultaneously with the beginnings of enforcement and administration of the new law. Complainants, employers, unions, employment agencies, and interested public started coming through our doors and writing and phoning even as we began recruiting a couple of secretaries and searching for temporary investigative staffers pending the civil service examinations which would later give us our permanent staff. The new rights had to be--and were--served and the new responsibilities of management, labor, and placement people had to be explained and interpreted from September 18, 1959 forward, not after completion of the organizing phase. The finished product had to start coming off the line even while the plant was tooling up. Certain delays were, of course, inescapable; but through the Commission's wise policy direction and the prodigious labors of Commissioners and staff these were held to a strict minimum, and along a broad front the work went ahead.

The very heart of FEPC'S law enforcement task lies in dealing with cases, the second and main kind of activity engaging the Com-

mission and its staff to date. Please take that phrase, "engaging the Commission," quite literally. This is a working Commission. In addition to its policy-making and quasi-judicial functions, the individual members are each responsible for general direction of the investigation of particular cases assigned to them by the Chairman and for the informal determinations of fact and conduct of conciliation processes through which virtually all cases are resolved. The Commission is not full-time, but its meetings and the individual work on cases have occupied from seven to ten days per month.

The basic requirement of the fair employment law, as you know, is that all employment processes be free of discrimination because of race, religious creed, color, national origin, or ancestry. In some cases the allegations were proved in investigation; in some they were disproved; and in others evidence was insufficient to warrant a conclusive finding either way. In all cases but one where unlawful discrimination was found, satisfactory adjustment has so far been achieved through conference and conciliation--that is, without the necessity of formal hearing, without publicity emanating from FEPC, without the "punitive" action often so direly predicted in the years before FEP became law in California. Not "damages," not fines or jail terms, but practical redress to aggrieve individuals and elimination of discriminatory practices have made up the "conciliation agreements" which have closed these cases. This has always typified FEPC elsewhere, and comes as no surprise here to those who have studied the subject.

Generally, the employers, unions, and employment agencies against which complaints have been filed have cooperated with our investigations and conciliation endeavors. Such cooperation apparently often stems from a genuine desire to replace outworn practices, rooted in bias,

with a rational, up-to-date hiring-on-merit policy. In some instances this cooperation no doubt results from common-sense recognition that fair employment is now the law and is being enforced.

Now for a quick statistic or two. In the first twelve months of California's FEP law through the working day Friday, September 16, a total of 411 cases were received or undertaken by the Commission. 393 of these were complaints filed by individuals, and 18 were investigations initiated by the Commission, the latter typically concerning an industry or occupation as a whole in a certain area rather than a single company or organization. Of the 411 cases, 183 came from Southern California and 228 from the North.

As of September 16, 215 cases statewide has been, or were in process of being, closed. In a number of cases where discrimination was found and its correction agreed to, the closing was subject to later review by the assigned Commissioner as to full compliance. The closed cases break down this way: lack of jurisdiction or failure of complainant to proceed: 26; dismissed for insufficient evidence or related reasons: 126; discrimination found and remedy effected through conference and conciliation: 63.

The parties against whom these cases were brought include: private employers, 223; among public employers, city or county agencies, 74, and State agencies, 29; private employment agencies, 15; union organizations, 31; individuals (e.g. employees), 19; other, 20.

A large majority of the complaints charged discrimination on grounds of Negro racial identification; a scattering were from persons of Spanish-speaking background or Asian ancestry; 13 alleged anti-Semitic action; and there were 8 cases charging racial discrimination brought by caucasians. In one instance a non-Jewish former executive has alleged that he was discharged because he opposed a com-

pany quota policy governing the hiring of persons of the Jewish faith.

Time will not allow any interpretation of these unevaluated figures, and I would caution against easy inferences on this basis alone. Without interpretation, however, we may point out that this case total of 411 is, we believe, the largest number received by any state FEPC in any of its early years, and larger than the load received by most in later years. We estimate that for the present fiscal year the case total will rise to 650, and for the following year, 850. Even so, we know that great numbers of persons among minority groups are not yet informed as to their rights under FEP law, just as many employers, agencies, and organizations are not entirely clear as to their obligations. A good beginning has been made in this respect--and I come here to the third, the informational function of the Commission.

There have been notable contributions by various management, labor, and civil rights agencies to the educational task, but a tremendous job lies ahead. The Commission's own basic literature--pamphlets, posters, and the like--will very soon be off the press. A major dimension of our program will, properly, entail the broadest possible promotion of observance of fair employment practices throughout all the strata and sectors of the economic life of California. In this first year, much of our informational work was done in response to the specific requests of employer and labor and governmental organizations for speakers and informal conferences. Such service will of course continue, augmented by an increasingly active, outreaching educational program, limited only by budget, the modest size of our staff, and the time availability of Commissioners.

None of us can say exactly how much the FEP law has meant to minority-group Californians and to employers in this first year. There is no comprehensive measurement of its effect. But each of us

First year's report - Calif. F. E. P. C.

REPORT BY EDWARD HOWDEN, Chief, Division of Fair Employment Practices at California FEPC First Anniversary Luncheon, September 21, 1960
Biltmore Hotel, Los Angeles (Condensed in actual delivery for time reasons)

Chairman Ford, Governor Brown, distinguished guests, ladies and gentlemen:

Today your one-year-old California FEPC offers an informal, summary report of its stewardship. The formal first annual report will be published toward the end of the year and will give the thorough accounting not possible here today.

FEPC's work in this first year has involved three kinds of activity: First, the very formation, staffing, and organizing of the new agency. Second, the investigation and, where warranted, conciliation of cases in which individuals have filed complaints of job discrimination or the Commission has initiated an investigation into apparent unlawful practices. Third, those services of the agency which do not involve cases -- including a considerable range of informational, educational, interpretive, and advisory work.

Concerning point one: The Division of Fair Employment Practices had to be organized, under the Commission and within the Department of Industrial Relations, simultaneously with the beginnings of enforcement and administration of the new law. Complainants, employers, unions, employment agencies, and interested public started coming through our doors and writing and phoning even as we began recruiting a couple of secretaries and searching for temporary investigative staffers pending the civil service examinations which would later give us our permanent staff. The new rights had to be -- and were -- served and the new responsibilities of management, labor, and placement people had to be explained and interpreted from September 18, 1959 forward, not after completion of the organizing phase. The finished product had to start coming off the line even while the plant was tooling up. Certain delays were, of course, inescapable; but through the Commission's wise policy direction and the prodigious labors of Commissioners and staff these were held to a strict minimum, and along a broad front the work went ahead.

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which virtually all cases are resolved. The Commission is not full-time, but its meetings and the individual work on cases have occupied from seven to ten days per month.

The basic requirement of the fair employment law, as you know, is that all employment processes be free of discrimination because of race, religious creed, color, national origin, or ancestry. ~~In a moment you will hear from the Commissioners and Assistant Chief a rapid-fire series of actual case summaries which, I think, will tell you about the core of FEPC's work in a way that no generalizations or statistics can approach. You will note that~~ In some cases the allegations were proved in investigation; in some they were disproved; and in others evidence was insufficient to warrant a conclusive finding either way. In all cases but one where unlawful discrimination was found, satisfactory adjustment has so far been achieved through conference and conciliation -- that is, without the necessity of formal hearing, without publicity emanating from FEPC, without the "punitive" action often so direly predicted in the years before FEP became law in California. Not "damages," not fines or jail terms, but practical redress to aggrieved individuals and elimination of discriminatory practices have made up the "conciliation agreements" which have closed these cases. This has always typified FEPC elsewhere, and comes as no surprise here to those who have studied the subject.

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None of us can say exactly how much the FEP law has meant to minority-group Californians and to employers in this first year. There is no comprehensive measurement of its effect. But each of us sees many signs, hears of changes made, notices new faces appearing in many places. My guess is that there may be growing compliance and considerable adoption of new practices, even without direct contact with

the FEPC Commission through the complaint process -- though often largely as a result of the knowledge that fair employment is indeed the law of this great State, and that it is being administered with determination that its magnificent promise shall become working reality among all Californians without one day of unnecessary delay.

FEPC cannot do this alone. All groups, organizations, ~~and firms such as represented here today~~ are of course essential to the task. We hope you will initiate or redouble your work toward truly equal opportunity for all.

I cannot close without a final word of tribute for their continuing and unstinting backing of FEPC's needs as a working agency, to Governor Brown and his staff, to Assemblymen Rurford, Hawkins, Unruh, Rees, and others, to Senators George Miller Jr. and Richard Richards; to Al Gruhn, Tom Pitts, Bill Becker, Max Mont, and Bill Bassett; to the civil rights organizations here and elsewhere in the State; and to each of you who is also genuinely committed to and assisting toward the total elimination of employment discrimination in California.

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STATEMENT to the U. S. COMMISSION on CIVIL RIGHTS

BY: WILLIAM BECKER, Secretary, CALIF. COMMITTEE for FAIR PRACTICES

The California Committee for Fair Practices was until December of 1959 called the California Committee for FAIR EMPLOYMENT PRACTICES, first organized in 1955 for the purpose of achieving an FEPC law in California. The Committee was successful in achieving not only an FEPC Law, but several other basic civil rights laws as well, in 1959. It is continued now, under a broader name, to continue to coordinate the efforts on behalf of civil rights legislation in California. The Committee is based on organizations, the most important being state-wide groups such as the NAACP, the California Labor Federation, the Community Services Organization, the Jewish Labor Committee, the various church and religious bodies, the Japanese-American Citizens League, and numerous Jewish, Negro and Mexican-American intergroup-relations agencies.

The purpose of this paper is to outline, briefly, the politics of civil rights in California.

The rejection of our FEPC bills in 1955 and especially in 1957 made FEPC an issue in the 1958 elections. This was especially true for the State Senate and for the state-wide offices, since the Assembly had twice voted for FEPC. After the election of November, 1958, we were able to summarize the new State Senate as follows:

"Six Senators who had voted against FEPC will no longer be in the State Senate.

Nine men, elected for the first time, pledged to support FEPC."

These two statistics illustrate dramatically a political fact of life, that civil rights is, in general, good politics. These nine new FEPC Senators, were not the only new officers who supported FEPC. The state-wide officers elected, including the Governor, the U.S. Senator, the Lieutenant-Governor, the Attorney General, the Controller and Treasurer all supported FEPC. In one of these contests, a sharp issue was made on civil rights and it is considered by many, to have won the election for the non-incumbent, who supported civil rights.

In general, in our recent history, no candidate has been defeated because of support of civil rights and a number have been defeated, in part, because of their opposition.

This is true not only for the urban areas in which most of our minority people live; it is also true for the rural areas. Many of the nine new Senators mentioned above came from rural areas. We know their election was not based on large minority populations. It was, apparently, based on another factor, in so far as civil rights was an issue in their district:

In many rural areas, clergymen, farmers, professional people and the few trade unionists in those areas became the spokesmen for a basic and already existing public conscience that had not formerly been expressed in any way.

Few Americans are actively opposed to fair treatment for all. Where there is no positive concern, and no active opposition, there is, instead, a large body of neutrality which doesn't seem to have much spontaneous concern, but which does follow the leadership of the individuals and organizations to whom it looks for leadership.

The growing number of people of aroused conscience are becoming increasingly active on behalf of civil rights, and are providing some of the leadership which the neutral group had not found before this.

We should point out, too, that this leadership function in those areas without a sizeable minority population, was made easier and more effective by the role of the Governor of California, Pat Brown, who actively campaigned for FEPC before election and who made it the first item on his legislative agenda.

I have talked with numerous legislators and other politicians who have been surprised at the favorable response their support of civil rights legislation received. I can only say that events proved us to be right because by the leadership which these legislators exerted in the community as a whole and by the votes which they cast, they helped to create the political climate of enthusiasm for civil rights. We believe that this kind of progress towards democracy can be duplicated in many other parts of America, if the leadership is given.

A brief review of the votes cast on civil rights measures will indicate the broadness of this movement.

The FEPC law was adopted in the Assembly 65 to 14, and in the Senate 30 to 5. The high point of opposition was in a Senate vote on amendments which FEPC forces won 23 to 14.

The fair housing law, prohibiting discrimination in publicly-assisted housing was adopted by the Assembly 67 to 9, and the Senate 34 to 0.

The civil rights law prohibiting discrimination in public accommodations passed the Assembly 45 to 17 and the Senate 26 to 4.

The old law prohibiting inter-marriage was repealed by a vote of 50 to 8 in the Assembly and 24 to 1 in the Senate.

I have reviewed the political aspects of civil rights legislation in California because I believe that every legislator or other public official wants to feel that he is representing the best intentions of most of the people. He wants to feel that the people will support, or at least not oppose him for what he has done. In this, of course, the government official cannot represent the desires of all the people, because people differ and some people are obviously in opposition to the laws of our society.

When the official finds opposition from people who violate the law (and this is especially true of the generally accepted moral laws of our civilization) he says, in effect, "You are wrong. Our laws are right. We cannot permit you to act in a way contrary to these laws." When he says this he is making the issue one of right and wrong, he is giving leadership to the side he considers right, and he invariably finds support in the community for this position, sometimes not as much as he would like, but always some.

I do not believe that the American people in any community in any part of the country should be downgraded as supporters of democracy in the political judgment of the lawmakers. We cannot tell how people will react, how they will vote on the civil rights front, until they have been given a chance to choose between different leaderships. If, in any area, they have received a negative, or weak, or even anti-democratic leadership, how can we tell that they are opposed to the death?

The scientific disciplines of sociology and psychology have provided abundant substantiation for the fact that the American people do not spontaneously indulge in prejudiced acts (even when they hold some prejudices) if the atmosphere in which they live is one in which the weight of the community does not expect them to indulge in

the prejudiced act. On which side will the weight of the community be? This question can be answered in part by the enactment of sound, strong civil rights legislation and in part by clear, uncompromising leadership from the government officials who can do so much to create the community atmosphere.

It is especially true that children must get their prejudices, or their healthy attitudes instead, from the community which the adults create for them. To the extent that the community either through deliberate laws compelling segregation or the absence of anti-discrimination laws, say to the child, "Discrimination is the accepted way we do things", that community turns out prejudiced individuals.

The philosophy of the civil rights movement in California has been to say "The institutions of government must be placed clearly on the side of democratic practices. This will be the most important long-term educative force possible. As fewer people practice discrimination (because of the laws prohibiting such un-American acts) fewer people will learn these patterns of prejudiced behavior. It is the responsibility of government actively on the side of the democratic way of life."

We recognize that such laws are only the first step. They merely make possible some of the next steps, such as an upgrading of educational goals and standards among minority groups for whom an education was of limited value so long as job discrimination was rampant. We caution that these civil rights laws will not in themselves solve many of the problems which have grown large in generations of impoverished education, and segregated-ghetto living for large numbers of people. But such legislation is an essential first step.

The great need on the civil rights front in America today is leadership, from people already established in positions of status, on behalf of legislation to implement the American Constitution. The lack of such leadership in some areas is the major drag on our progress.

Testimony by Dallas
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STATEMENT OF DISCRIMINATION IN EMPLOYMENT
IN THE SAN FRANCISCO-OAKLAND AREA

Bay District

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Racial hiring practices in San Francisco vary from good to bad in the various industries, occupations and crafts as well as in the particular firms and unions involved. As compared to a few years ago, there is a significant falling off of cases of discrimination which have been referred to community agencies. This does not necessarily mean that there is less discrimination, but that employers and employing agencies have become more careful in the methods of their discrimination and in the words they use to refuse a Negro applicant. A few years ago it was not unusual for an employer to tell a Negro applicant specifically that he was not hired because he was a Negro. Today such frank statements are the exception rather than the general rule. All kinds of subterfuges are used but the upshot of it is that the Negro applicant leaves without a job. X

In the absence of specific complaints of discrimination there must be other criteria to determine whether a given industry or employer is discriminating against Negroes and other non-whites. One important criteria is whether in fact an industry or a business employs Negroes at all. In instances where no Negroes are employed, or very few are employed and those usually in menial and other lowly capacities, the question can very well be raised whether such a condition is due to accident or to the deliberate policy of management or those who carry out management's policies. For example, some of the largest employers of labor in the San Francisco area have no Negroes, or very few, in their employ. Among these giants of industry we must list the various oil companies. While here and there one will find a few Negroes working, usually in capacities as messengers or cleaners, the industry as a whole is noted for its lack of Negro employees than for any positive steps which it might have taken to overcome this deficiency. It is significant that, to our knowledge, there are no Negroes employed as filling station attendants in any of the stations operated directly by the oil companies.

The insurance companies and banks, with few exceptions, practice discriminatory hiring. In the skilled trades the situation is somewhat spotty. Negroes are fairly well represented in some of the building trades notably the carpenters, painters and cement layers, but are not represented at all in others such as the electricians. The difficulty here is essentially one of union control since contractors are accustomed to employing those men referred to them by the respective skilled unions. The metal trades unions have been particularly exclusive and discriminatory in their policy toward the acceptance of Negro members. Other unions which are known to discriminate against Negroes are the bartenders, the machinists, the automotive machinists, and many unions within the printing trades.

In the area of transportation Negro employees of Southern Pacific Railroad are restricted pretty much to the dining car service and to jobs as track laborers. The Yellow Cab Company in San Francisco is not known to have any Negro employees though qualified Negroes have applied. It is apparent that discrimination in this instance is practiced both by the management and the union.

X Information listed below is in a general sense true of the East Bay employment pattern. It is increasingly difficult to prove racial discriminatory practices because employers and unions engaged in such practices have become artful in the hiring procedures. It is also true that minority group applicants and organizations working in their behalf are to a greater extent handicapped in proving discrimination.

1. Complaints have been directed against various public agencies. In these instances it would appear that the privilege of the assigning units to choose one of the top three persons on the certified list of eligibles permits excellent opportunities for the practice of racial discrimination. Notable among these offenders are Oakland Naval Supply (Stenographic and Clerical force) and the East Bay Municipal Utilities District.

To our best knowledge the latter has never employed Negroes in clerical capacities despite the fact that some to my knowledge have been sufficiently high on the eligibility list.

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2. BANKING AND FINANCE

Almost four years of conferring with the Bank of America and the Central bank has resulted in the Bank of America hiring a teller in its South Berkeley Branch and a stenographer in its West Oakland Branch. A large number of qualified applicants have been referred only to have them turned down. This continues to happen despite the high turnover of clerical help. Of course it is never admitted that racial discrimination is practiced.

Generally speaking, insurance companies and other commercial and financial houses have not employed Negroes in other than menial capacities.

3. PRIVATE EMPLOYMENT AGENCIES

These agencies freely tell Negro applicants that they cannot refer them to job openings other than domestic, common labor and janitorial.

4. RESPONSE TO NEWSPAPER JOB ADVERTISING

As frequently reported, Negroes applying for jobs in response to newspaper ads are told in almost every instance that the jobs are filled. In most instances the ads continue to appear.

5. SERVICE-TRADES-CRAFTS

(3)

In these fields a spotty pattern exists. For the most part the employer gets his personnel directly from the union. In many instances Negroes are in the union locals but are referred only to selected firms or employers. The union claims that many employers will not accept Negroes and employers claim that the union just does not refer Negroes to them. Some employers who do use Negroes claim that unions send only Negroes to them-this causing certain operations to be completely manned by Negroes.

6. PUBLIC AGENCIES

Merritt Business School and Laney Trade School admit that in the greater number of instances they are unable to place Negro students or graduates. They admit that this is for no other reason than racial hiring restrictions. (4)

Parole officers for the California State Adult Authority, Youth Authority and Alameda County Boy's Camp freely admit that racial identity adversely affects the placement of their Negro parolees.

Local offices of the California Division of Employment have on occasion stated that some employers have evidenced discriminatory hiring practices in that they consistently refuse to hire qualified Negro applicants whom they have referred.

Signed, C. L. Williams
Chairman, Calif. Comm. for
F. C. P.

D but since the people have ~~become~~ become
conscious of everyone's right to work and
the call for F. E. P. Legislation,

(2) Porters, Car Cleaners, shop laborers

(3) How often do you see a Negro sales
girl in a Department store or a Negro
Salesman in a shoe store?

(4) Almost all private Business Schools
refuse to accept Negroes. They claim
the reason is because it is nearly
impossible to get them jobs after
they graduate.

Statement a L. J. J. 1955?

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TENTATIVE PROPOSAL

CALIFORNIA STATE FAIR EMPLOYMENT PRACTICE COMMISSION

An act relating to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color or national origin, creating a State Commission on fair employment practices, defining its functions, powers and duties, providing for the appointment and compensation of its officers and employees and making an appropriation for the purposes of this Act.

The people of the State of California do enact as follows:

Findings and Policy

It is hereby declared as the public policy of this State that it is necessary to protect and safeguard the right and opportunity of properly qualified persons of this State to seek, obtain or hold gainful employment without discrimination or abridgement on account of race, creed, color or national origin.

It is recognized that the practice of denying employment opportunities to, and discriminating in employment against, such properly qualified persons foments domestic strife and unrest, deprives the State of the fullest utilization of its capacities for development and advance, and substantially and adversely affects the interests of employees, employers and the public in general.

This Article shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State of California

Sec. ____ 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.

Sec. ____ 1. The term "person" includes one or more

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individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

2. The term "employment agency" includes any person undertaking for compensation 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.

4. The term "unlawful employment practices" includes only those unlawful employment practices specified in section 131 of this article.

5. The term "employer", except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting in the interest of such employer, directly or indirectly, with or without his knowledge; the state or any political or civil subdivision thereof.

The term "employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

6. The term "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home.

7. The term "commission", unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this article.

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STATE FAIR EMPLOYMENT COMMISSION

Sec. _____ There is hereby created a State Fair Employment Practice Commission. 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 four years, provided, however, that of the commissioners first appointed two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four 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.

The members of the commission shall not practice in their respective professions or callings but shall devote their entire time to the duties of their respective offices. Each member of the commission shall receive a salary of Six Thousand Dollars (\$6,000.) 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, for neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

Sec. _____ 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.

Sec. _____ 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 Sacramento, 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 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 and to utilize such voluntary and uncompensated services by private agencies and individuals as may from time to time be available and needed.

5. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this article.

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, examine any person under oath and, in connection therewith, to require the production of any books or papers relating to any matter under investigation or in question before the commission.

No person shall be excused from attending and testifying or

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from producing records, correspondence, documents or other evidence in obedience to the subpoena of the commission, 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 or otherwise, as in its judgment will aid in effectuating the purposes of this article and of section _____ of article _____ of the Constitution of this State, and 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 to make recommendations to the commission for the development of policies and procedures in general and in specific instances. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay; but the commission may make provision for technical and clerical assistance to them.

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 written report of its activities and of its recommendations.

Sec. _____ 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 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.

Sec. _____ Prevention of Discriminatory Employment Practices:

1. The Commission is empowered, as hereinafter provided, to prevent any employer from engaging in any discriminatory employment practice. This power shall be exclusive and shall not be affected by any other means of adjustment or provision that has been or may be established by agreement, code, law or otherwise.

2. Whenever a charge has been made that any employer has engaged in or is engaging in any discriminatory employment practice, the Commission shall have the power to issue and cause to be served upon such employer a complaint stating the charges in that respect, and containing a notice of hearing before the Commission or a member thereof or before a designated agent or agency at a place therein fixed, to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the Commission, or its agent conducting the hearing, at any time prior to the issuance of an order based thereon. The employer so complained of shall have the right to file an answer to the original or amended complaint not less than five days after the service of such original or amended complaint, and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of a member or agent conducting the hearing, or of the Commission, any other person or agency may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the Commission or its agent shall not be bound by any technical rules of evidence prevailing in the courts of law or equity.

3. The testimony taken at the hearing shall be reduced to writing and filed with the Commission. Thereafter, in its discretion, the Commission upon notice may take further testimony or hear argument. If, upon all the testimony taken, the Board shall be of the opinion that any employer named in the complaint has engaged in or is engaging in any discriminatory employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such employer an order requiring such employer to cease and desist from such discriminatory employment practices and to take such affirmative or other action as will effectuate the policies of this article, including, but not limited to (a) awarding of back pay; (b) reinstatement with or without back pay of any employee discriminated against in violation of this article; (c) reinstatement with or without back pay of any employee whose work has ceased, or whose return to work has been delayed or prevented as the result of any discriminatory employment practice. Such order may further require such employer to make reports from time to time showing the extent to which he has complied with the order. If, upon all the testimony taken, the Commission shall be of the opinion that the employer named in the complaint has not engaged in or is not engaging in such discriminatory employment practices, then the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

4. Until a transcript of the record in a case shall be filed in a court, as hereinafter provided, the Commission may at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside in whole or in part any finding or order made or issued by it.

Sec. _____ Judicial Review and Enforcement: Any complainant, respondent or other person aggrieved by a final order of the Commission may obtain judicial review thereof and the Commission in the event of failure of compliance with a final order issued by it may obtain an order for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the superior court of the State within any county wherein the unlawful employment practice which is the subject of the 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 serving of a notice of motion, to be heard at a time to be fixed by the court, not less than _____ () days from the date of the filing of the transcript. The matter shall be deemed a special proceeding and all provisions of the Code of Civil Procedure applicable to such proceedings shall govern. 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. The findings of the Commission as to the facts, if supported by evidence, shall be conclusive. All such proceedings shall be heard and determined by the court as expeditiously as possible. The jurisdiction of the superior court shall be exclusive and its judgment and order shall be final, subject to review by the District Court of Appeal, upon an appeal to be prosecuted in the same manner and

form and with the same effect as provided by law for appeals from a final order in a special proceeding.

Sec. _____ Punitive Provisions: Any person who shall wilfully resist, prevent, impede or interfere with any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this article, or who shall in any manner interfere with the equal opportunity of employees for gainful employment regardless of race, color or religion, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail, not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars (\$500.), or both.

Sec. _____ 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 of any other law of this State relating to discrimination because of race, creed, color or national origin.

Sec. _____ Separability: If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstance, 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 and the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

Sec. _____ Out of any money in the State treasury not otherwise appropriated, there is hereby appropriated the sum of _____ Dollars to carry out the provisions of this act.

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EAST BAY ORGANIZES FOR FEPC

An East Bay Campaign Committee for state FEPC was organized Monday night at the YWCA, 16th & Webster Streets, Oakland. This Committee was formed for the purpose of placing an initiative measure for fair employment practices on the state ballot in 1946. In order to place the initiative on the ballot it will be necessary to secure about 180,000 names of registered voters with each name filed according to the precinct in which they live. The names must be collected during a ninety days period, January to March. This means a large corps of voluntary petition circulators will be essential for the success of such an undertaking.

The meeting was well attended and the people were enthusiastic over the right of everyone to have a job based upon his ability and not prevented from employment because of race, creed, color or national origin. Among the many organizations represented were noted NAACP, Brotherhood of Sleeping Car Porters, ILGWU, Machinist, CIO, East Oakland Democratic Club, Fellowship of Humanity, Berkeley Interracial Committee, Inter-Denominational Ministerial Alliance, 17th Assembly District Citizens League. Rev. Edward Stovall was elected temporary chairman and Mrs. Joy Williams, Secretary.

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support idea of
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RESOLUTION ON PROPOSITION #11--44th ANNUAL CONVENTION of the
CALIFORNIA STATE FEDERATION of LABOR

RESOLUTION NO. 98--Presented by Clarence E. Brown, et al, Dining
Car Cooks and Waiters Union No. 582, Los Angeles.

Whereas, The industries of the State of California are now
engaged in an extensive program in converting production from
material of war to peacetime production of consumer goods and
other articles necessary to maintain and improve the American
standards of life; and

Whereas, Many such industries discriminate against capable
working men and women because of religion, color or nationality,
thus retarding the conversion program; and

Whereas, This undemocratic procedure tends to separate
working people and puts a weapon in the hands of employers, and
this vicious part of discrimination repudiates all of the
sacrifices of our Army, Navy and Merchant Marine, the efforts of
labor and the people of this country generally, in defeating all
enemies of our democratic way of life, by continuing here at home
the policies of the Hitlerite forces by denying certain of our
citizens the right to work, to life, and the pursuit of happiness
through the security of employment under trade union agreements,
and

Whereas, The Hotel and Restaurant Employees International
Alliance and Bartenders International League of America in execu-
tive session and the Executive Council of the American Federation
of Labor has gone on record as being in accord with the principles
embodied in passage of this type of legislation; now, therefore,
be it

Resolved, That the 44th Annual Convention of the California
State Federation of Labor go on record as having active support
to the referendum to be submitted to the voters of the State of
California in the elections to be held in November, 1946, estab-
lishing a Fair Employment Practices Act for this State, and that
all affiliated unions, be urged to adopt similar resolutions in
their respective meetings and to take such steps to insure the
passage of such legislation.

Referred to Committee on Resolutions.

PASSED BY MAJORITY VOTE OF CONVENTION

at the June 21, 1946 session.

P.S. Among the organizations endorsing this proposition are:

California State Federation of Labor
State Methodist Convention
Christian Church Convention
San Francisco Council of Churches
Young Mens' Christian Association
Young Womens' Christian Association
California C.I.O. Council
Bnai Brith
Northern California Council of Churches
East Bay Ministerial Alliance
Baptist Union
California League of Women Voters
Council of Jewish Women
National Association for the Advancement of Colored People.

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Legislature (cont'd)

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In addition, we will be supporting bills to:

- Make it possible for non-citizens, who have lived here for at least 25 years to receive old-age assistance. This will finally give equal treatment to people (mostly Mexican-Americans) who have paid taxes and sent children into the armed forces but are now unable to receive state-aid because of problems which have prevented them from completing their naturalization.
- Provide that non-discrimination shall be a condition for holding a business or professional license from the State of California, and that the licensing agency shall suspend or revoke a license if its holder persistently discriminates.
- Protect the families who are displaced by Urban Redevelopment so that these families (usually of minority people) will have adequate housing at prices they can afford, if they are forced to move.
- Provide for some recourse for the arrested citizen in cases which are commonly referred to as "police brutality". So often the people who have suffered in these cases have been members of minority groups.
- Amend the "vagrancy laws" to make clear that a person may be arrested, tried, etc., for his illegal conduct or actions, but not merely because of his status in life.