

CARTON 9:7

THE BROTHERHOOD OF SLEEPING CAR PORTERS

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CHAPTER: FEPC 7/16/11, 9/3/11

The FEPC established by Executive Order 8802 was short-lived, but its existence even without enforcement powers, was a beacon of hope for those who believed that racial discrimination in America could be ended.

The executive order provided for a temporary committee as a wartime measure. The committee was discontinued in July, 1945. Several efforts to get a federal FEP law passed by Congress failed due to opposition from conservative Republicans and Democrats. Adding insult to injury, a bill introduced in 1949 by Congressman Adam Clayton Powell, jr., was stripped in the House of its enforcement powers and the toothless bill passed in 1950. The issue of enforcement became a central theme in debates about FEP legislation.

With the failure of efforts to pass a federal FEP law, the fight to get fair practice employment laws passed was taken up by groups in various states, including New York, Connecticut, Massachusetts, New Jersey, Oregon, and California. Within two years all of these states, except California, adopted FEP laws.

In 1945, one of the first and strongest state FEP laws was passed in New York. The "Law Against Discrimination" declared that "the opportunity for employment without discrimination (is) a civil right." (Brazeal article on FEPC, 383) It established a paid five member commission to administer the law. The commission was empowered to investigate complaints of discrimination, hold hearings, subpoena witnesses and require their attendance, and examine all records related to the case. Although resolution of cases through discussion, persuasion, and conciliation was encouraged, enforcement orders could be obtained from the courts. New York also appropriated the largest annual budget for FEPC operations of any state, \$357,000 in 1950. Dellums was impressed by the New York state law and saw it as a model for legislation in California. New York contrasted Oregon, which Dellums visited to help push for FEPC legislation. In 1947 Oregon passed a "Statement of Policy" but did not create a commission nor any mechanism for intervention. To Dellums such a law "wasn't worth a damn" (Dellums interview, 1987, p 7) because it lacked enforcement provisions. In 1949 Oregon passed a stronger law and set up a Fair Employment Practices Division in its Bureau of

Labor but only allocated \$15,000 a year for its operation.
(Merroe Berger, article on FEP legislation, p 38)

Initial efforts beginning in 1945 to get a FEP law passed in California failed. However, they set the stage for a long-hard-fought struggle to finally get a Calif FEP passed in 1959. C.L. Dellums, who led the fight, would be appointed as one of its first commissioners.

In California, a bill introduced in 1945 by Assembly member Augustus Hawkins was turned down. The following year activists organized a campaign to get a FEP proposition placed on the November ballot. The proposition was rejected by the voters. Dellums was involved in these early efforts but he had misgivings about the proposition campaign. He believe that certain rights were inalienable and not subject to abridgement by popular vote. "The rights I have been fighting for all my life." Dellums said later, "they are called civil rights, I call them human rights, God given rights. White people have been using their majority and their control of the law enforcing agencies and firearms to prevent us from exercising our God given rights." (DOH, 115) Dellums also worried that failure of the proposition to pass "would set

the fight for the FEP back at least a decade.” Legislators could claim that the matter had already been decided by popular vote.

At that time the California Legislature met in full session only in alternate, odd-numbered, years. Augustus Hawkins and Byron Rumford, who was elected to the Legislature in 1949, began alternating in sponsoring (with the other as co-sponsor) an FEP bill in odd-number years. Efforts were made in 1947, 1949, and 1951 to introduce a FEP bill in the legislature but they failed. In 1951 the FEP bill gained only three committee votes. To some it appeared that support for FEP was fading.

Rather than allow the FEP campaign to die, Dellums decided to step up the effort with greater public involvement. In late 1952 Dellums, with the help of Tarea Hall Pitman, field secretary of the NAACP, and Franklin Williams, region secretary, rallied NAACP chapters in statewide meetings to support FEP and make it a top priority for the NAACP. In 1953 Dellums, in his capacity as West Coast Region chairman of the NAACP, issued a call for a mobilization of supporters in Sacramento to rally and lobby for the FEP bill. In addition to the NAACP, he and his colleagues also sought and gained support from

religious, labor, social and civic groups. (PITTMAN OH, 86-7) Together with these supporters a conference was called to create a statewide organization to push for passage of FEP. The California Committee on Fair Employment Practices was founded with Dellums as its chairman.

The Cal Committee, as it was known, provided an umbrella under which to build a multiracial movement in support of FEP. Dellums and his NAACP leadership team of Pittman and Williams, systematically went about recruiting other organizations through their leadership to endorse and provide support to the Cal Committee FEPC campaign. In addition to Dellums as Chairman, other officers were (See DOH, 119)

Their efforts paid off when in March 1953 several hundred people mobilized at the state capitol in Sacramento. The demonstrators divided into teams according to assembly and senatorial districts to lobby legislators to support the FEP bill. Some legislators, like George Miller, were known to be staunch supporters. Others said they would support it but Dellums suspected at least some of these were in fact opposed to the bill.

For the first time, the bill was passed in the Assembly -- only to be sent to the state Senate where it was bottled up in a committee.

Despite appeals, Earl Warren, then Governor of California, did not support the FEP bill. Warren had asked Walter Gordon, an NAACP official appointed by Warren to state agency, visit New York while on an official trip back east and make an assessment of how the FEP law was working in that state. Gordon's report was laudatory and pointed out that Governor Dewey of New York had supported the FEP bill and helped get it through the New York Legislature. Gordon told Dellums he thought that Warren would endorse the California FEP bill after reading the report - but to Dellums annoyance Warren remained silent. (DI, 12)

Nevertheless the bill passed in the Assembly but was stalled and simply allowed to die without coming up for a vote in the Labor Committee of the Senate. However, Assemblyman Gus Hawkins made a deft move and attached the key parts of the bill as an amendment to "must" pass Senate bill that was being considered in the assembly. As expected the amendment was voted off the

bill in the Senate in a roll call vote. But for the first time Dellums and Cal Committee supporters got to see during the roll call vote exactly who were the opponents of the FEP bill. They could now target the opponents and work against their re-election. With the help of volunteers and funding from the California labor movement the Cal Committee activists demonstrated their power when subsequently they helped to defeat FEP opponent Senator F. Presley Abshire's bid for re-election. (DOH, 120-21) The Cal committee also encouraged friendly senators to seek membership on the Labor committee. Their strategy was to "reconstruct" the membership of the Labor committee (DOH, 123)

All of this activity meant that Dellums was frequently on the road all over California in his beloved Model T Ford. These road trips were long and tiring with few places where black people could stop for food or rest without being concerned about their safety. Dellums recalled a scary incident that occurred on one occasion when he drove with a friend, E.S. Thomas, to a meeting in Los Angeles. They left from Oakland at daybreak.

By the time we got to Bakersfield we were hungry. The highway went right down the main street of all those valley towns. So when we got to Bakersfield, we decided to get breakfast. We spotted a diner and we stopped and we went in. We sat at the counter because we just wanted a quick breakfast and to keep going. I had had a lot of experience by then, and there was a mirror behind the counter, facing the counter, so I could see through the mirror what the waitress was doing. I saw the waitress picking up all the menus off the tables, and she took them all off the counter, and took them all into the kitchen. So I'm watching everything now. And then in a few minutes here comes a guy out of the kitchen with a meat cleaver, a big old cleaver, in his hand. The longer that guy stood there looking at us, and I'm looking at him, the bigger he got and the bigger that meat cleaver got. Finally, Thomas noticed him. He leaned on me and said, "C. L., I think we'd better get out of here." I said, "Well, yeah, but let's take our time." We got out without any trouble, but I was nervous all the way to Los Angeles. I told the people down there about it at one of the conferences that I spoke to. I wondered how many accidents have happened on public highways because one of the drivers was tired and hungry because they couldn't find a place to sleep or eat. How many people, including white people, have died because the other driver was denied rest and food. Nobody knows. But I could have been one of them.. If I'd been alone, you see, I might have nodded off. But with Thomas there with me, he knew to just keep talking and keep me awake. (DI, 24-26)

In 1954 the U.S. Supreme Court, with Earl Warren as Chief Justice, issued its historic decision requiring desegregation of the public schools. Warren was appointed Chief Justice in 1952 by President Dwight Eisenhower. Because of Warren's failure to support FEPC, Dellums had been skeptical of the appointment. Years later Dellums said that his opposition to Warren's appointment was the biggest mistake of his life (REPHRASE). By 1955 public opinion in California had swung in favor of FEP legislation, with one poll showing as many as 61 percent of Californians approving FEP. Yet racial discrimination in employment remained widespread. Many employers objected to FEPC claiming that it would become a "policeman with a club." Dellums responded that FEPC was "not a monster" and that its goal was only to "establish a floor of decency on which workers may stand together. . . as good citizens." (BTM, Intro to DFEH and FEHC, 7/01/93, p. 2) Once again, the FEPC bill passed in the Assembly, only to be blocked by the Senate Labor Committee.

The outcome in 1957 was a reprise of earlier efforts. The FEPC bill passed in the Assembly but was stalled in the Senate. Again Hawkins attached the core of his bill as an amendment to another bill, this time to a child labor bill

that had passed in the Senate. Because of the amendment the bill had to return to the Senate for review. The Senate killed the bill rather than accept the amendments.

The California state midterm elections in 1958 resulted in many older conservative Republican legislators like Abshire being swept out of office and replaced by younger liberal Democrats. The change played out dramatically in the gubernatorial race when liberal Edmund G. "Pat" Brown defeated ultraconservative U.S. Senator William F. Knowland for the governorship. In the process the entire Senate was being "reconstructed" not just the Labor Committee. Dellums and his Cal Committee network of well placed allies and supporters throughout the state could claim to have played a part in this change. For the FEP bill it meant there were now the votes on the Labor Committee to force a fight and a vote.

In January, 1959. newly elected Gov. Brown made passage of the FEP bill a prime objective of the legislative program he presented to the California Legislature. The bill, AB 91, passed the Assembly 64 to 14 and was sent to the Senate where it was subject to a bitter battle. Finally, a compromise bill was sent to the Senate where it passed by

a vote of 30 to 5. The bill was signed into law by Gov. Pat Brown on April 15, 1959, to become effective in September. Although it may not have been as forceful as Dellums might have wanted, nevertheless it represented the institutionalization of a government requirement for fair treatment in employment. Dellums himself would soon be involved in trying to make it work.

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