

Carton 11:39 THE BROTHERHOOD OF SLEEPING CAR PORTERS

Assembly bill 2000

1957

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The California Senate Vote on FEPC - 1957

12/31/57
An index only

Following is the vote on SB 1955 which was amended in the Assembly to include fair employment practices provisions. The amendments made it a misdemeanor to discriminate in employment and provided a \$200 fine for violation. The person discriminated against would have had to file a civil suit against the offending employer, union or employment agency. The 5-man commission which was in our original FEPC bill, AB 2000, was eliminated in order to prevent the amended SB 1955 from being sent to a Senate Committee. With the Commission, SB 1955 would have required an appropriation and any bill containing an appropriation would have required clearance first by Committee in the Senate. The objective in this case was to get FEP on the floor of the Senate, for a floor vote, and to prevent the Senate from again allowing a few men, in committee, to kill the bill.

The vote, on which the Senators can now face the voters, was made on John McCarthy's motion to table SB 1955 and thus to kill FEP for this session of the legislature. The vote is as follows:

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Senators voting
FOR F.E.P.C.
(against tabling)

Arnold (D) Madoc, Lassen & Plumas Counties
Beard (D) Imperial
Collier (R) Del Norte & Siskiyou
Coombs (R) Napa & Yolo
Dorsey (R) Kern
Farr (D) Monterey
Hollister (D) Santa Barbara
Rob't McCarthy (D) San Francisco
Montgomery (D) Kings
Regan (D) Trinity & Shasta
Richards (D) Los Angeles
Short (D) San Joaquin
Teale (D) Calaveras, Tuolumne & Mariposa

Senators either
Absent or not voting

Christensen (D) Humboldt
Cobey (D) Merced & Madera
Gunnigham (R) San Bernardino
H.T. Johnson (D) Sierra, Nevada & Placer
Miller (D) Contra Costa
Sutton (R) Tehama, Glenn & Colusa

Senators voting
AGAINST F.E.P.C.
(for tabling)

Abshire (R) Sonoma
Berry (R) El Dorado & Amador
Breed (R) Alameda
Brown (D) Inyo, Alpine & Mono
Burns (D) Fresno
Busch (R) Mendocino & Lake
Byrne (R) Butte
Desmond (D) Sacramento
Dilworth (R) Riverside
Dolwig (R) San Mateo
Donnelly (D) Stanislaus
Erhart (R) San Luis Obispo
Gibson (D) Solano
Grunsky (R) Santa Cruz & San Benito
Ed Johnson (R) Yuba & Sutter
Kraft (R) San Diego
McBride (D) Ventura
J. McCarthy (R) Marin
Lurdy (R) Orange
Thompson (R) Santa Clara
Williams (R) Tulare

Gunnigham San Bernardino
Johnson Riverside
Sutton X

SUBJECT: STATEMENT BY C. L. DELLUMS

CHAIRMAN, CALIFORNIA COMMITTEE FOR FAIR EMPLOYMENT PRACTICES
WEST COAST REGIONAL CHAIRMAN, N.A.A.C.P.
INTERNATIONAL VICE-PRESIDENT, BROTHERHOOD OF SLEEPING CAR PORTERS

TO THE CALIFORNIA STATE SENATE COMMITTEE ON LABOR:

Mr. Chairman and Members of the Committee;

I speak to you as one who has had nearly forty years experience in the field of Civil Rights and Human Relations. I speak as a Charter Member of the Movement for Fair Employment Practices, more than sixteen years ago;

I speak as one who had to council with parents and teachers on what kind of career I wanted, versus what would American discrimination permit;

I I speak as one who makes at least two trips each year all the way across the country and who visited most of the states which now have Fair Employment Practices Laws before they had them and now visit them while they are in effect. I know they work and they help. I speak with a great deal of experience and I think a little bit of knowledge, at least on this subject. We have volumes of documentation to prove that discrimination in employment is wide spread throughout California. We were prepared to prove that here in California thousands of Americans, among them Catholics, Jews, Mexican Americans, Orientals and Negroes are discriminated against in employment. But, after some sixteen years of proving, there is no need to burden you with our documentation. However, I may point out that these discriminated against minorities and others who believe in fair-play, in several Cities, including Fresno and Bakersfield and the Counties of Los Angeles and San Francisco, presented E.E.P. proposals to their City Councils and Supervisors with ample proof. Obviously, these places cover a majority of the population of California. These Bills were not passed because most of the City and County law-makers took the position that this is a State-wide problem and that therefore the State-Legislature should act. In these hearings and before the Assembly Committee on Governmental Efficiency and Economy, the Employer Representatives, after all these years admitted that there is much discrimination in employment and they now only disagree with us on how to eradicate. They plead now that there is no need for legislation and that they will be able to persuade the employers to stop discriminating. Experience teaches us that discrimination cannot be eliminated by persuasion alone. If the employers and the labor unions have not been

persuade one another to stop discriminating after all these years, why should any-
one believe they can now. This legislation is not new, it has been presented in the last
several sessions of the Legislature and all of these people concerned knew that it would be
presented again. Therefore, they have had ample time to persuade one another to stop dis-
criminating. I have been in the labor movement now for more than thirty years and during
all of that time, we haven't been able to persuade some of the labor unions to stop dis-
criminating, therefore, legislation is most definitely needed.

I am quite well aware of how the Communists have used and are using racial and re-
ligious discrimination against our country, but in all these years I have never pleaded for
equality and fair-play because of what discrimination was doing to us abroad. I have al-
ways felt that our democracy is worth protecting and perfecting on it's merit. We have
felt that discrimination should be eliminated because it is wrong, it is unchristian,
and it is down-right evil. But how can we afford to ignore the warning of the Vice-Presi-
dent of the United States, who just recently, on returning from Africa, reported to the
President and urged that this discrimination be stopped. The Vice-President pointed out
that we cannot talk equality to the peoples of Asia and Africa while we practice inequality
in the United States. There is no question but that the existence of discrimination against
minority groups in the United States is a handicap in our relations with other countries.
How can any American close his eyes to this?

The moral significance of Americans discriminating amongst themselves on any lines
other than individual merit is basic. No man has the right to deny another of his rights
as a human being. To make such a denial on the basis of race, creed, color or national
origin does not ease the gravity of the situation. It is wrong, there is no other way to
look at it. Attempts at justification are hollow. Not much better than such attempts, is
lip service, that is followed by little or no action.

The F.E.P.C. has become not only a symbol of human dignity but a national reminder
about democracy that we are always forgetting. It reminds us also that every man has the
right to a job that he can do. It reminds us also that no other man has the right to keep
him from his job because of race, creed, color or national origin. It reminds us that in
America there should be no priorities, we should stand in line for the right to work. It
would send a lot of elbowing people back in line where they belong to take their turn as
do others. It would announce to the greedy and stubborn bargainers who would trade democ-

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for racial power that our way of life is not for sale. And it is a good reminder. We can't do without it. For the louder men scream against it the more apparent is the need. It is the folks who break democracy's rules who don't want democracy's policing. These men are the very people from whom Fair Employment Practices safeguards the whole nation. We believe that human beings have certain inalienable rights--that is, rights which can't be given or taken away, and that among these is the right to life, liberty and the pursuit of happiness. Pursuit of happiness, without the right to work, you may still have the right to pursue happiness but your ability to overtake it is certainly handicapped. The right to work is the right to live.

We have the unfinished task of democracy in industry. The reason the Fair Employment Practices Bill is so important, is because there is a basic respect for law in our culture. The cultural facts give law a significant role in the educating and the converting of the individual and the group. That in essence is why an F.E.P. law is so important. When we have such a law, however much some will dislike it, millions will feel a compulsion to obey. Law has a compulsive quality. Wherever we stand, all of us, we want the law on our side.

The moral fibre of society grows gradually. A law such as the F.E.P. law creates an atmosphere. It has a moral effect. It creates the conditions under which people are ashamed to act in an uncivilized manner.

The recommendation of our Assembly's overwhelming majority is before you. It is our belief that you must, therefore, feel a strong compulsion to give the impetus of your committee's authority to our democratic processes and permit this measure to go to the Senate floor where it will be voted up or down by a cross section of the senatorial representatives of our citizenry.

This is the least that is expected of you; this is the most that we ask.

I thank you.

ASSEMBLY BILL

No. 2000

Introduced by Messrs. Hawkins, Rumford, O'Connell, Weinberger, Bruce F. Allen, Don A. Allen, Beaver, Bee, Biddick, Brown, Burton, Busterud, Caldecott, Coolidge, Crown, Cunningham, Mrs. Davis, Mr. Dills, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Elliott, Frew, Gaffney, Ernest R. Geddes, Samuel R. Geddes, Henderson, Kilpatrick, MacBride, Masterson, McCollister, McMillan, Meyers, Miller, Munnell, Nisbet, Pattee, Porter, Rees, Thomas, Unruh, Wilson, and Winton

January 19, 1957

REFERRED TO COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

An act to add Part 4.5 (commencing with Section 1410) to Division 2 of the Labor Code, relating to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, religious creed, color, national origin, or ancestry, 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.

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

1 SECTION 1. Part 4.5 (commencing with Section 1410) is
2 added to Division 2 of the Labor Code, to read:

3
4 PART 4.5. FAIR EMPLOYMENT PRACTICES

5
6 1410. This part may be referred to as the "California Fair
7 Employment Practice Act."

8 1411. It is hereby declared as the public policy of this
9 State that it is necessary to protect and safeguard the right and
10 opportunity of all persons to seek, obtain, and hold employ-
11 ment without discrimination or abridgement on account of
12 race, religious creed, color, national origin, or ancestry.

1 It is recognized that the practice of denying employment
2 opportunity and discriminating in the terms of employment
3 for such reasons, foments domestic strife and unrest, deprives
4 the State of the fullest utilization of its capacities for develop-
5 ment and advance, and substantially and adversely affects the
6 interests of employees, employers, and the public in general.

7 This part shall be deemed an exercise of the police power of
8 the State for the protection of the public welfare, prosperity,
9 health, and peace of the people of the State of California.

10 1412. The opportunity to seek, obtain and hold employment
11 without discrimination because of race, religious creed, color,
12 national origin, or ancestry is hereby recognized as and de-
13 clared to be a civil right.

14 1413. As used in this part:

15 (a) "Person" includes one or more individuals, partner-
16 ships, associations or corporations, legal representatives, trus-
17 tees, trustees in bankruptcy, or receivers.

18 (b) "Employment agency" includes any person undertak-
19 ing for compensation to procure employees or opportunities to
20 work.

21 (c) "Labor organization" includes any organization which
22 exists and is constituted for the purpose, in whole or in part,
23 of collective bargaining or of dealing with employers concern-
24 ing grievances, terms or conditions of employment, or of other
25 mutual aid or protection.

26 (d) "Employer," except as hereinafter provided, includes
27 any person regularly employing five or more persons, or any
28 person acting as an agent of an employer, directly or indi-
29 rectly; the State or any political or civil subdivision thereof
30 and cities.

31 "Employer" does not include a social club, fraternal, char-
32 itable, educational or religious association or corporation not
33 organized for private profit.

34 (e) "Employee" does not include any individual employed
35 by his parents, spouse or child, or in the domestic service of
36 any person in his home.

37 (f) "Commission," unless a different meaning clearly ap-
38 pears from the context, means the State Fair Employment
39 Practice Commission created by this part.

40 1414. There is hereby created a State Fair Employment
41 Practice Commission. Such commission shall consist of five
42 members, to be known as commissioners, who shall be ap-
43 pointed by the Governor, by and with the advice and consent
44 of the Senate, and one of whom shall be designated as chair-
45 man by the Governor. The term of office of each member of
46 the commission shall be for four years; provided, however, that
47 of the commissioners first appointed two shall be appointed
48 for a term of one year, one for a term of two years, one for a
49 term of three years, and one for a term of four years.

50 1415. Any member chosen to fill a vacancy occurring other-
51 wise than by expiration of term shall be appointed for the
52 unexpired term of the member whom he is to succeed. Three

1 members of the commission shall constitute a quorum for the
2 purpose of conducting the business thereof.

3 1416. The members of the commission shall not practice in
4 their respective professions or callings but shall devote their
5 entire time to the duties of their respective offices. Each mem-
6 ber of the commission shall receive a salary of ten thousand
7 five hundred dollars (\$10,500) a year and shall also be entitled
8 to his expenses actually and necessarily incurred by him in
9 the performance of his duties.

10 1417. Any member of the commission may be removed by
11 the Governor for inefficiency, for neglect of duty, misconduct
12 or malfeasance in office, after being given a written statement
13 of the charges and an opportunity to be heard thereon.

14 1418. The commission shall formulate policies to effectuate
15 the purposes of this part and may make recommendations to
16 agencies and officers of the state and local governments in aid
17 of such policies and purposes.

18 1419. The commission shall have the following functions,
19 powers and duties:

20 (a) To establish and maintain a principal office and such
21 other offices within the State as it may deem necessary.

22 (b) To meet and function at any place within the State.

23 (c) To appoint such attorneys, clerks and other employees
24 as it may deem necessary, fix their compensation within the
25 limitations provided by law, and prescribe their duties.

26 (d) To obtain upon request and utilize the services of all
27 governmental departments and agencies and to utilize such vol-
28 untary and uncompensated services by private agencies and
29 individuals as may from time to time be available and needed.

30 (e) To adopt, promulgate, amend, and rescind suitable
31 rules and regulations to carry out the provisions of this part.

32 (f) To receive, investigate and pass upon complaints alleg-
33 ing discrimination in employment because of race, religious
34 creed, color, national origin or ancestry.

35 (g) To hold hearings, subpoena witnesses, compel their at-
36 tendance, administer oaths, examine any person under oath
37 and, in connection therewith, to require the production of any
38 books or papers relating to any matter under investigation or
39 in question before the commission.

40 (h) To create such advisory agencies and conciliation coun-
41 cils, local or otherwise, as in its judgment will aid in effectuat-
42 ing the purposes of this part, and may empower them to study
43 the problems of discrimination in all or specific fields of human
44 relationships or in specific instances of discrimination because
45 of race, religious creed, color, national origin, or ancestry, and
46 to foster through community effort or otherwise good will, co-
47 operation, and conciliation among the groups and elements of
48 the population of the State and to make recommendations to
49 the commission for the development of policies and procedures
50 in general and in specific instances. Such advisory agencies and

1 conciliation councils shall be composed of representative citi-
2 zens, serving without pay; but the commission may make pro-
3 vision for technical and clerical assistance to them.

4 (i) To issue such publications and such results of investiga-
5 tions and research as in its judgment will tend to promote
6 good will and minimize or eliminate discrimination because of
7 race, religious creed, color, national origin, or ancestry.

8 (j) To render annually to the Governor and biennially to
9 the Legislature a written report of its activities and of its
10 recommendations.

11 1420. It shall be an unlawful employment practice:

12 (a) For an employer, because of the race, religious creed,
13 color, national origin, or ancestry of any person, to refuse to
14 hire or employ him or to bar or to discharge from employment
15 such person, or to discriminate against such person in compen-
16 sation or in terms, conditions or privileges of employment.

17 (b) For a labor organization, because of the race, religious
18 creed, color, national origin, or ancestry of any person, to
19 exclude, expel or restrict from its membership such person, or
20 to provide only second class or segregated membership or to
21 discriminate in any way against any of its members or against
22 any employer or against any person employed by an employer.

23 (c) For any employer or employment agency to print or
24 circulate or cause to be printed or circulated any publication,
25 or to use any form of application for employment or to make
26 any inquiry in connection with prospective employment, which
27 expresses, directly or indirectly, any limitation, specification or
28 discrimination as to race, religious creed, color, national origin,
29 or ancestry or any intent to make any such limitation, specifi-
30 cation or discrimination.

31 (d) For any employer, labor organization or employment
32 agency to discharge, expel or otherwise discriminate against
33 any person because he has opposed any practices forbidden
34 under this act or because he has filed a complaint, testified or
35 assisted in any proceeding under this part.

36 1421. The commission is empowered to prevent discrim-
37 inatory employment practices. When it shall appear to it that
38 a discriminatory employment practice may have been commit-
39 ted, the commission shall hold a hearing, giving proper notice
40 to all who have a legitimate interest therein. Such hearing may
41 be held before hearing officers, appointed by the commission
42 who shall have full authority to hear the evidence and recom-
43 mend a decision thereon.

44 1422. In making its decision and order, the commission
45 shall not be bound by technical rules of evidence. If the com-
46 mission shall be satisfied that a discriminatory employment
47 practice has existed, exists, or is threatened, it may issue any
48 order which is appropriate to correct the effect of the dis-
49 criminatory employment practice or prevent its occurrence.
50 The order may require the making of periodic reports showing
51 the extent to which it has been complied with.

*Power to hold
hearing
with order*

1 1423. Every final order of the commission is subject to
2 judicial review in accordance with law.

3 1424. The court must enforce the commission's order unless
4 it is contrary to law or unsupported by substantial evidence.
5 If the court shall find that it would be enforceable, if modified,
6 the court must make the appropriate modification and enforce
7 the order as modified.

8 1425. Upon the written agreement of the party against
9 whom the order will run, a consent order may be entered by
10 the commission without a hearing.

11 1426. No objection or argument not urged before the com-
12 mission can be urged before the court except where the court
13 specifically excuses the failure to urge the objection or argu-
14 ment for reasons which it finds to be extraordinary.

15 1427. Disobedience of an order of the court enforcing a
16 commission order, shall be punishable as contempt of court.

17 1428. The court shall have power to grant appropriate re-
18 lief to the commission while the review is pending.

19 1429. The filing of a petition in the court shall not operate
20 as a stay of the commission's order.

21 1430. The court must render a final decision within five
22 months after the petition is filed.

23 1431. No court of this State shall have jurisdiction to issue
24 any restraining order or preliminary or permanent injunc-
25 tion, or any other restraint, preventing the commission from
26 performing any of its functions; nor shall any court have ju-
27 risdiction to make any order affecting the commission or its
28 orders, except as specifically provided in this part. This sec-
29 tion does not prohibit any court from exercising any appro-
30 priate constitutional jurisdiction vested in it.

31 1432. The preceding provisions on enforcement and re-
32 view will not apply to any order of the commission insofar
33 as it runs against the State of California, its subdivisions, any
34 agencies of the State, or any of their subdivisions. As to such
35 orders or portions of orders, they may be appealed to the
36 Governor, if done within 20 days after the order is entered.
37 Upon an appeal to him, the Governor shall set aside, modify,
38 or confirm the commission's order. Any officer, agent, or em-
39 ployee who shall violate an order of the commission, shall, if
40 not prohibited by the State Constitution, be removed from
41 office. An order for removal from office shall be entered by the
42 commission and enforced by it in the manner proper for any
43 other order.

44 1433. Any person who shall wilfully resist, prevent, im-
45 pede or interfere with any member of the commission or any
46 of its agents or agencies in the performance of duties pursuant
47 to this part, or who shall in any manner wilfully violate an
48 order of the commission, shall be guilty of a misdemeanor,
49 punishable by imprisonment in a county jail, not exceeding
50 six (6) months, or by a fine not exceeding five hundred dollars
51 (\$500), or both.

1 1434. The provisions of this part shall be construed lib-
2 erally for the accomplishment of the purposes thereof. Noth-
3 ing contained in this act shall be deemed to repeal any of the
4 provisions of the civil rights law or of any other law of this
5 State relating to discrimination because of race, religious
6 creed, color, national origin or ancestry.
7 1435. If any clause, sentence, paragraph, or part of this
8 part or the application thereof to any person or circumstance,
9 shall, for any reason, be adjudged by a court of competent
10 jurisdiction to be invalid, such judgment shall not affect, im-
11 pair, or invalidate the remainder of this part and the appli-
12 cation thereof to other persons or circumstances, but shall be
13 confined in its operation to the clause, sentence, paragraph, or
14 part thereof directly involved in the controversy in which such
15 judgment shall have been rendered and to the person or cir-
16 cumstances involved.

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9. WHAT DO LABOR LEADERS THINK OF THE LAW?

The State Federation of Labor (A. F. of L.) and the State C. I. O. Council both unanimously passed strong resolutions in their 1954 conventions for this law.

The State C. I. O. and the State A. F. of L. are both affiliated with this State Committee for Fair Employment Practices.

10. WHAT DOES THE GENERAL PUBLIC THINK OF THE LAW?

The most recent scientific poll taken of California opinion two years ago, revealed that 61% of the voters favored fair employment legislation (by the California Poll, sponsored by a group of Metropolitan California Newspapers). Favorable public opinion, since that time, has, if anything, increased as witness the increased formal support of the labor movement.

11. WHAT DO THE REPUBLICAN & DEMOCRATIC PARTIES THINK OF THE LAW?

The current party platform of the California Republican Party states that it is the Party's commitment "to insure and safeguard for all our citizens the opportunity to obtain and hold employment on a merit basis, without discrimination because of race, religion, color, national origin or ancestry."

The current party platform of the California Democratic Party states that the state government "has the responsibility to implement civil rights by the enactment of legislation to secure to all people regardless of race, color, religion or national origin equal opportunities in employment."

FOOTNOTE ON THE COMMUNIST PARTY: One of the main props of the Communist party would be knocked out with the enactment of this law, and therefore, they oppose it, although very often they have to pay lip service to it. It is significant that the most important FEP drive in this country (leading to our first FEP regulation, the wartime executive order) was violently opposed by the Communist party.

Documentation: The original documents on which all the factual material in this sheet are based, are all immediately available from this committee on request.

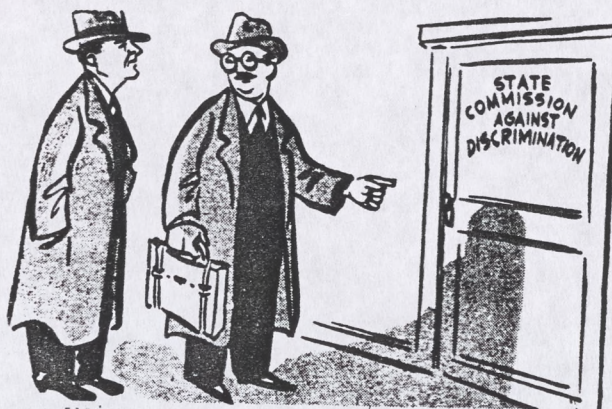
CALIFORNIA COMMITTEE FOR FAIR EMPLOYMENT PRACTICES

LABOR TEMPLE - Room 101 - Market 1-7742
2940 - 16th ST., SAN FRANCISCO, CALIF.

CHAIRMAN: C. L. Dellums

CO-CHAIRMEN: Nathaniel S. Colley, John Despol,
C. J. Haggerty, Rt. Rev. Msgr. Thomas J. O'Dwyer,
Judge Isaac Pacht, Irving Rosenblatt, Jr.,
Edward Roybal

TREASURER: Mrs. Josephine Duveneck
SECRETARY: William Becker



IN A NUTSHELL

THE PROPOSED FAIR EMPLOYMENT PRACTICES LAW, ASSEMBLY BILL 971

1. WHAT IS IT?

It declares that discrimination in employment because of race, religion or national origin is against public policy.

It provides for conciliation and educational services to implement that public policy.

It provides for fines (up to \$500) and sentences (up to 6 months) to enforce that policy through regular judicial process, (if ever necessary).

It provides for a full-time 5 man commission (appointed by the Governor) to administer the program.

2. HOW DOES IT WORK?

The Commission is empowered to hold full investigations and hearings on any complaint.

If the complaint is valid, the commission will conciliate with the offender (and will almost always succeed, judging by the history of similar laws elsewhere.)

In the rare instance that consultation doesn't succeed, the matter will be brought to the courts for judgment.

Meanwhile, the commission will carry on a continuous educational campaign.

3. IS IT NEEDED IN CALIFORNIA?

There are in California: about 500,000 Negroes, 800,000 Mexican-Americans, 85,000 Japanese Americans, 60,000 Chinese-Americans, 400,000 Jews, over 2 million Catholics and a million foreign born. There are some employment restrictions against all of these groups in California.

The records of the California State Employment Service in Los Angeles three years ago showed that 67.5% of all job orders were discriminatory. Such records are no longer kept, but there is no evidence that there has been

a substantial, if any, decrease in discrimination since that time, e. g.: In January, 1955, a check of over 100 private employment agencies in the same area revealed that 20% of the agencies automatically asked for racial, religious or nationality preferences, as a reflection of prevailing community practices.

A survey by a community-wide committee in Richmond in 1954, resulted in an estimate that 70% of the area's employers discriminate in employment. (30% will not hire minority group workers under any circumstances; 40% will hire them only for certain jobs, with no chance for advancement).

The latest official U. S. Census showed that in the West (Mainly California), 13% of the non-white labor force was unemployed as against only 7% of the total labor force; the same official census revealed that the median wage of the non-white in this area was only 52% of the median white wage.

4. WHAT IS OUR STAKE IN FAIR EMPLOYMENT?

Discrimination is economically wasteful, robbing our general and defense production of untapped and needed skills.

Discrimination stunts our prosperity, cutting down consumer ability as well as production. Elmo Roper estimated it cost our nation a billion dollars a year.

Discrimination belittles America, and our keystone idea that men are to be judged because of individual merit, rather than because of royal or other ancestry.

Discrimination weakens California and America, causing unneeded tensions and division.

Discrimination aids Communism, being prime propaganda for the Kremlin here and abroad.

Discrimination is anti-religious, violating the moral tenets of every faith.

Discrimination creates social problems, such as juvenile delinquency, crime, divorce, welfare status, all costly blots on our state.

5. BUT IS A LAW PREFERABLE TO EDUCATION?

Law IS education! One of the purposes of all laws is to set public policy so that people will learn what is expected of them from society.

Enforcement provisions are necessary to underline the seriousness of the public policy. (Which is why they are effective, even though rarely invoked).

General education and so-called "voluntary plans" not backed by enforced law, have simply proved insufficient. There have been many such programs in the last 6 years without substantial success.

If education, not backed by enforceable law, is only effective way to control behavior, why did we ever bother with Bill of Rights—or any law?

It is not designed to assault a man's mind and interfere with his personal attitudes—but like other laws, only to govern his social behavior.

6. DOES THE LAW INTERFERE WITH THE RIGHTS OF EMPLOYERS OR LABOR UNIONS?

No more than, say the public sanitation laws. A businessman has to install required plumbing because of the larger public good, and other people's prior rights. This FEPC law is a matter of social sanitation, required for the larger public good, and the protection of other individual rights.

The employer retains full authority to set his own job-connected standards and qualifications for employment. The law merely requires that no one be given separate treatment because of irrelevant standards of race, religion or ancestry.

Employers and unions in states where there is such a law, affirm that their rights have not been interfered with. (See below).

7. HOW HAS THE LAW WORKED ELSEWHERE?

An official report of the U. S. Senate Committee on Labor and Public Welfare (#22988) says that in seven states and two municipalities studied which have an enforceable law, "some form of discrimination has been found and eliminated in nearly 2800 specific cases." (The states: Connecticut, Mass., New Jersey, New York, Oregon, Rhode Island, Washington. The cities: Minneapolis and Philadelphia.)

In addition, the report states that FEP laws have "opened many opportunities for workers previously barred because of race, religion or national origin" as a specific result of educational impact.

In this connection, the report further states: "the laws with enforcement provisions have been more effective in reducing discrimination in employment than those without such provisions."

In seven years of operation the various commissions administering these laws have found it possible to settle by conciliation all but 6 out of about 5900 cases.

8. WHAT DO EMPLOYERS THINK OF THE LAW?

The above report states that the laws have been "accomplished to the satisfaction of employers, workers, and labor unions. Although employers generally opposed the enactment of an enforceable FEP law, many of them have since expressed their belief that such legislation has had positive beneficial effects."

Business Week Magazine asked employers what they thought of the enforceable laws in their states, with this summary: "Even those who opposed an FEPC aren't actively hostile now."

Hundreds of important business organizations have formally testified that none of the feared "interference" resulted, including the Aluminum Company of America, Prudential Insurance Co., Hat Corporation of America, Western Electric, Pitney-Bowes, Inc., N. J. Bell Telephone Co., N. Y. Shipbuilding Corporation, General Electric Co., General Mills, Sears-Roebuck & Co., Provident Mutual Life Insurance Co., Yale & Towne Mfg. Co., etc. Most of these companies and many others, where an enforceable law operates, have gone out of their way to testify that the law has not been a burden, but rather a positive benefit.

STATEMENT:

May 13, 1957

Policy Committee, West Coast Region
National Association for the Advancement of Colored People

TO: California Senate Labor Committee

RE: NAACP Position on A. B. 2000 and Senate Constitutional Amendment 41

The Senate Labor Committee, now having under consideration two fair employment practices measures, is hereby apprised of the position of the National Association for the Advancement of Colored People.

A. B. 2000, as amended by its authors, successfully embodies, just, equitable, and workable provisions and guarantees for setting up a fair employment practices commission and establishing a state law creating and protecting equal job opportunities for all California citizens. A. B. 2000 has met all legal and constitutional requirements, and is, in keeping with prescribed legislative procedure, now before the appropriate senate committee.

This Association registered its strong support of A. B. 2000 in committee hearings in the lower house. We now reiterate that position for the edification of the Senate Labor Committee. This position is unequivocal and unaltered, despite the recent introduction of another measure in this field.

Relative to our position on Senate Constitutional Amendment 41, we raise these vigorous objections.

We believe that this measure would destroy what A. B. 2000 has patently and successfully avoided: intergroup and interracial animosities and antagonisms.

The proposed referendum would fire the shot signaling a state-wide propaganda, publicity, and advertising war on the part of the numerous hate groups operating and seeking to establish a foothold in California. The NAACP can document the fact that activities of the so-called White Citizens' Councils have spread to this state. S. C. A. 41 would lend such groups the weapon they do not now possess--an issue in the public forum; around which these extremist organizations could create and inflame racial and religious tensions and possible violence.

May 13, 1957

The serious question of extending equal job opportunities to all Californians would become submerged, distorted, and perverted in the slogans and propaganda directed at the general public in a referendum campaign. FEP would become secondary and incidental to high pressure campaign techniques. The provisions and objective of S. C. A. 41 would serve only as a vehicle for racists and their causes.

They would pit race against race and single out certain religious and national groups as the target of their venom. In the atmosphere created by a referendum on FEP, the agents of racial and religious bigotry could stir up dormant hatreds and tensions to the degree of their ability and resources. There would be possible control over these forces by the state or any other law enforcement agency or arm of the government. Violence could easily result from the slightest provocation or instigation by zealots from inside or outside our state. California would open itself to the worse kind of exploitation and the stigma might never be removed. The harm done by irresponsible groups and individuals in an FEP referendum would take years of deliberate and hard work to undo.

The NAAACP and other groups representing responsible organizations among California minorities would not welcome the racial trouble an FEP referendum would likely bring down upon us. We do not believe that any group, whether it favors FEP or not, wants to hand a ready-made weapon to the bigots in this state.

There will, no doubt, be presentations made to this committee by groups opposed to A. B. 2000 who will claim they favor S. C. A. 41 as an acceptable alternative measure. These groups are opposed to any type of FEP law, and we are not so naive as to be led to believe that they allege support of S. C. A. 41 for reasons other than that a referendum forebodes the defeat of fair employment practices. These forces merely want another opportunity, in the less restricting sphere of a public forum, to strike another blow at this type of legislation.

No doubt they have not fully considered the prospect of the hate-group, bedfellows they will attract and become allied with in the public mind.

May 15, 1957

Assuming that an FEP statute could be secured by referendum, its desired benefits to our economic and social progress could be completely negated and possibly destroyed because of the damaging campaign to which it had been subjected.

We cannot believe that those who proposed the referendum-type approach are fully aware of these explosive potentialities. We feel certain that no Senator will knowingly help create a weapon that can so readily be turned against the people of this state.

At this point, the Senate Labor Committee should be reminded that none of the several states where FEP laws are presently in effect has employed use of the referendum to secure passage of this legislation. In each instance, avoiding the inherent dangers we cite, the orderly consideration and procedure accorded A. B. 2000 has prevailed.

Orderly consideration and procedure are worth repeating because these terms mark the course of A. B. 2000. At all times, those opposing and those in favor of this measure have been given ample opportunity and time to be heard. Both positions were duly represented at assembly hearings, after which 61 Assemblymen voted for passage of the bill. It should be emphasized that no widely representative citizens' groups appeared in opposition to A. B. 2000. There was a singular absence of church, civic, labor and fraternal groups represented in the opposition. What is more significant is the fact that these groups are found, and represented so, in favor of A. B. 2000. The opposition is almost solely represented in the several employer's groups who make no claim that they represent the sentiments of California's general citizenry.

Further, there has been no indication that any sizable segment of the people of this state desire an alternate legislative course for this type of measure. The numerous groups favoring A. B. 2000 have not requested a referendum, nor have we been apprised of other representative groups having made such a request.

There being no popular request or movement for an FEP referendum, we feel it ill-advised that several Senators have taken the apparently, poorly-supported initiative to introduce S. C. A. 41.

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Our opposition to S. C. A. 41 is also couched in the fact that a referendum would needlessly delay Senate consideration of state machinery poised to effect the economic emancipation of this state and its people. For more than 15 years, this matter has been periodically presented in one form or another to the California Legislature. During this time, our minority population has increased by nearly 100 per cent. Due to our failure to deal conclusively with employment discrimination, the attendant problems have also increased. The phenomenal growth of our population daily inflates this problem and enlarges the latent, labor reservoir employment discrimination creates. We cannot solve or even begin to tackle these problems by postponement and delay of tested and time-proven methods. Solution should not be waylaid and stymied in deference to esoteric and nebulous "voluntary" plans the opposition dusts off for each session of the Legislature. They have no plan, and the truth, if they would admit it, is that they have no plan in the offing.

Our multi-racial population should not be left to place its hopes of economic enfranchisement on the mirage employers call a "voluntary plan". They merit something more substantial, they need and must have a workable and effective solution posthaste. They should not be penalized with even one more year of the crippling infirmity discriminatory employers have forced upon them, and, therefore, upon our state.

Federal, state, and local legislative and judicial measures and decisions have struck down, even in the Deep South, racial and religious discrimination in vital areas of community life. Discrimination is now no longer banished from our moral and religious concepts only, it is specifically outlawed in the legal and constitutional policy and practices of this nation.

An opportunity for California to take another step toward strengthening these policies and practices is envisaged in A. B. 2000. We cannot afford to refuse or fail to seize this occasion to right one of the great wrongs of our society.

May 13, 1957

The only logical and moral alternative open to this senate committee is to permit the full Senate body to perform its constituted duty and responsibility toward legislation, in this case, A. B. 2000. No member of this committee, regardless of his feelings on A. B. 2000, should permit his final position on this measure to abort our democratic processes. No member of this committee should take unto himself the awesome authority and dubious privilege of denying the expression of the will of a vast majority of the voters, as reflected through their elected representatives in the lower house. Their mandate demands that A. B. 2000 pursue the normal legislative course and be voted up or down in the full Senate body. At that moment comes the proper and appropriate time and place for the expression of the position of each of the members of this committee. No member of this committee should bow to or be guided by forces or factors which suggest or seek the contrary.

In conclusion, we hold that despite the apparent similar qualities and provisions contained in A. B. 2000 and S. C. A. 41, the latter constitutes a unilateral threat to the very legislation it ostensibly embodies. S. C. A. 41 is no benevolent twin of A. B. 2000; rather it fills fully the capacity to supplant and destroy the high objectives set forth in its provisions.

Therefore, we shall consider a vote for S. C. A. 41 to be as conclusively a vote against an FEP law as would be a vote against A. B. 2000.

Respectfully submitted,

Lester P. Bailey
Field Secretary

Joseph G. Kennedy
Northern Area Conference

Loren Miller
Legal Redress

C. L. Dellums
Chairman

Nathaniel S. Colley
Central Area Conference

Tarea H. Pittman
Field Secretary

West Coast NAACP Policy Committee