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THE BROTHERHOOD OF SLEEPING CAR PORTERS

RUMFORD FAIR HOUSING ACT

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State of California
Division of Fair Employment Practices

INFORMATIONAL MEMO NO. 12

Subject: FUNCTIONS AND RESPONSIBILITIES OF FEPC

Sources: FAIR EMPLOYMENT ACT, FAIR HOUSING ACT

The Division of Fair Employment Practices was created in 1959 through enactment of California's first fair employment practice law. The FEP Act declares that it is the public policy of California to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of race, religious creed, color, national origin, or ancestry, and recognizes equal opportunity as a civil right. It empowers the Fair Employment Practice Commission to administer its provisions.

On September 20, 1963, the Rumford Fair Housing Act became law. It empowers the FEP Commission to administer housing provisions in much the same way that it does those pertaining to employment. The Fair Housing Act declares that discrimination because of race, color, religion, national origin, or ancestry in housing accommodations is against public policy, and establishes methods of preventing and remedying violations.

THE COMMISSION

The Fair Employment Practice Commission, consisting of seven members appointed by the Governor, is the governing body of the Division. The commissioners serve part-time and are charged with the dual responsibility of enforcing the fair employment and fair housing laws and of bringing about the widest possible voluntary compliance through education, conciliation, and affirmative action. The Division chief, also appointed by the Governor, is the Commission's principal executive officer. The Division is the administrative agency which assists the Commission in the fulfillment of its responsibilities by providing essential staff services.

FAIR EMPLOYMENT LAW

Generally the law forbids private employers, employment agencies, labor organizations, and units of state and local government to make any discrimination or specification as to race, religious creed, color, national origin, or ancestry, in:

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|---------------------------|---------------------------------|
| *Hiring | *Help-wanted advertising |
| *Upgrading | *Classification of applicant |
| *Discharge | by employment agencies and |
| *Terms or conditions of | referral to openings |
| employment | *Admission to union membership, |
| *Job application forms or | dispatching, etc. |
| interviews | |

No person may aid, abet, incite, compel, or coerce the doing of any of these forbidden acts.

Exempted from the requirements of the FEP law are employers of domestic help; those who employ fewer than five persons; employers of agricultural workers residing on the farm where employed; social clubs and fraternal, charitable, educational, or religious associations or corporations not organized for private profit.

Filing of complaints. Complaints of unlawful employment discrimination may be filed by persons claiming to be aggrieved, by the State Attorney General, or by employers whose employees refuse to cooperate with the law. Complaints must be filed within one year after the alleged act of discrimination, except that an additional 90 days may be allowed if the aggrieved individual first obtained information concerning such act after expiration of the year. The Commission may initiate investigations of apparent unlawful practices and seek to eliminate them by conference, conciliation, and persuasion.

During its first four years, the Commission received more than 2,700 individual complaints of alleged employment discrimination and initiated nearly 100 investigations based on information of alleged violations of the FEP Act. Of the cases completed, approximately one-third resulted directly in corrective action.

Investigation procedures. Each case received is assigned to a member of the Commission, who, with the assistance of staff, conducts an investigation. If there is no evidence of discrimination, or insufficient evidence, the commissioner dismisses the case. If there is sufficient evidence the commissioner seeks, through conference and conciliation, to bring about acceptance by the parties of a just and practicable remedy. Such remedies may include cessation of the unlawful practice; instatement or reinstatement of the complainant in a job; pay for time lost; promise of hiring or upgrading in the next opening for which the complainant qualifies; written commitment by the respondent----subject to later review----as to explicit steps he will take throughout his organization to bring it into full compliance with the FEP Act; or admission or restoration to membership in a respondent labor organization. To enhance the possibility of solving without publicity or formal proceedings many of the cases brought to the Commission, the act provides that there shall be no disclosure of what has transpired in endeavors at conciliation.

Hearings and enforcement. If settlement is not reached through these informal processes, the assigned commissioner may call a public hearing. Such hearing is held before a panel of other commissioners. The assigned commissioner may appear only as a witness and may not participate in the deliberations of the Commission with regard to the case. The Commission may subpoena witnesses, compel their attendance, examine any person under oath, and require the production of any books or papers relating to any matter under investigation or in question before it.

If, after a hearing, the Commission makes a finding of unlawful discrimination, it may serve upon the respondent an order requiring him to take such action as it deems necessary to correct the practice complained of and to make his operation consistent with the law. The case goes no further if the respondent complies with this order. If he violates the order, the Commission may seek a superior court injunction in support of it.

Every final order or decision of the Commission is subject to judicial review in accordance with law.

Willful violation of a Commission order or willful interference with a commissioner or his agents in the performance of their duties is a misdemeanor punishable by up to six months' imprisonment or \$500 fine.

Affirmative action. Aside from complaints and investigations of alleged discriminatory practices, the Commission from time to time undertakes to implement the objectives of the fair employment law through conferences with employers, employment agencies, labor organizations, and units of government. By counseling them on methods of promoting equal opportunity in the work force, by agreements concerning wider recruitment, encouragement of minority youth, job seekers and employees, provision of opportunities for upgrading, promulgation of merit employment policy statements, and by other voluntary means, the Commission works in affirmative ways to spread the application of fair employment practices in California.

FAIR HOUSING LAW

The Fair Housing Act forbids the owners of most housing accommodations, and their agents, to refuse to sell, rent or lease to any person or group of persons because of race, color, religion, national origin, or ancestry. Banks, mortgage companies, other financial institutions, builders and developers, and others in the business of housing, are similarly forbidden to practice discrimination. It is unlawful for any person to aid, abet, incite, compel or coerce any such discriminatory act.

Coverage of the Fair Housing Act includes public and redevelopment housing; publicly assisted, owner-occupied, single-unit homes for sale and apartments in structures of three or more units; private apartment rentals in structures of five or more; all transactions by real estate brokers and salesmen; and, generally, transactions by persons or firms engaged in the business of housing or mortgage lending.

Among exempted housing accommodations are those operated by religious, fraternal, or charitable organizations not for profit; and sales of privately financed, single-family homes not involving a real estate office.

Filing of complaints. Any person claiming to be aggrieved may file a complaint. Complaints must be filed within 60 days from the date on which the alleged violation of law occurred, except that an additional 60 days may be allowed if the aggrieved individual first obtained information concerning such act after expiration of the original 60 days. A copy of the complaint must be given to the respondent without undue delay.

In order to file a complaint with FEPC, the person claiming to be aggrieved must waive any rights to recourse in the courts under Section 52 of the Civil Code, and must sign a written waiver to that effect.

Investigation procedures. Upon receipt of a complaint, the case is assigned to a commissioner. He proceeds, with the assistance of staff, in the same manner as with an employment case. Investigation must be prompt. If the commissioner determines after preliminary investigation that probable cause exists for believing the allegations of the complaint, he must immediately endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion.

If, after preliminary investigation, probable cause is not found, the commissioner must dismiss the complaint. Notice of dismissal is sent to the respondent and complainant, and the complainant then has 15 days to file an appeal.

After a complaint has been filed, and the preliminary investigation has been carried out----or after a 20-day period has elapsed from the filing of the complaint and the preliminary investigation has not been completed----the respondent may ask a superior court to order the Commission to give the respondent a copy of any documentary evidence relating to the merits of the complaint, or to a defense thereto.

As in employment cases, commissioners and staff may not disclose what transpires during endeavors at conciliation. All matters connected with any conference, conciliation, or persuasion efforts are privileged and may not be received in evidence. For this reason, when an owner is contacted by commissioners or staff, he must be informed whether the contact

is for the purpose of investigation or conference, conciliation and persuasion.

Hearings and enforcement. At any time after a complaint is filed and probable cause is found to exist, the Commission may bring action in superior court to enjoin the owner of the property from taking further action with respect to the rental, lease, or sale of the property until the Commission makes its determination. Such a temporary restraining order may not be in effect for more than 20 days.

If settlement of the case is not reached through the informal processes of conciliation the assigned commissioner may bring the matter to public hearing before a panel of other commissioners. If the panel finds that the respondent has engaged in an unlawful discriminatory practice, the Commission states its findings of fact and issues an order requiring the respondent to cease such practice and take one of the following affirmative actions:

1. The sale or rental of the housing accommodation to the aggrieved individual, if it is still available.
2. The sale or rental of a like accommodation, if one is available, or the next vacancy in a like accommodation.
3. The payment of damages to the aggrieved person, in an amount up to \$500, if neither of the previous remedies is available.

If, on the other hand, the Commission finds there has been no violation of the law, it must state its findings of fact and issue an order dismissing the accusation.

Any order issued by the Commission must include references to the rights of appeal of any party to the proceedings to whose position the order is adverse.

Affirmative action. Again, as with employment matters, the Commission undertakes to implement the objectives of the fair housing law through conferences with property owners, public agencies, real estate brokers

and associations, builders and developers, mortgage and financing companies, and others in the business of housing. By counseling them as to methods of applying equal standards to all home seekers, and by agreements concerning equal access to the purchase or rental of housing accommodations, the Commission seeks broad observance of fair housing practices in California.

EMPHASIS ON CONCILIATION

The Governor and the Commission have agreed that all possible emphasis is to be placed upon the educational and conciliation aspects of the FEP and fair housing programs, but that if necessary the Commission's power to call hearings and seek enforcement of orders will be exercised. Experience to date in California, and under similar legislation in other states indicates that a combination of education, conciliation, affirmative action, and enforcement yields significant progress toward full equality of employment and housing opportunity in California.

EDUCATIONAL PROGRAM

The FEP Act and Fair Housing Act place responsibility upon the Commission for the promotion of good will and understanding among all segments of the state's population, and for educational programming designed to minimize or eliminate discrimination because of race, religion, or ancestry. Such programming is not limited to audiences in the fields of employment and housing, but is intended also for the general public, whose understanding and acceptance of the two laws are essential to their wide observance and effectiveness. Considerable attention is given to informing minority groups and others of their rights and responsibilities, especially minority young people in schools and youth organizations who must prepare themselves for good jobs if the promise of fair employment and fair housing is to be fulfilled.

Among the methods used in the FEPC educational program are publications and reports, a bimonthly newsletter, digests of the fair employment and

fair housing laws, posters, news releases, exhibits and displays, television and radio announcements and appearances, participation in conferences and workshops, informational activities and a speaker service.

Establishment of advisory councils and cooperation with community organizations throughout the state help to increase the effective use of such materials and services, and to interpret the goals, methods and achievements of the Commission to an ever wider public.

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BRIEF SUMMARY
OF
STATE LAWS AGAINST DISCRIMINATION IN EMPLOYMENT

Fair Employment Practice Acts

U. S. DEPARTMENT OF LABOR
Bureau of Labor Standards
Division of State Services
Washington 25, D. C.

Fact Sheet No. 6 A
June 1964

STATE LAWS AGAINST DISCRIMINATION IN EMPLOYMENT

Fair Employment Practice Acts

State laws against discrimination in employment are designed to promote equal job opportunities among applicants of equal ability.

Mandatory laws against discrimination in private employment because of race, color, creed, or national origin, commonly called fair employment practice acts, have been passed in 25 States and Puerto Rico. These laws make it an unfair or unlawful employment practice for employers, labor unions, or employment agencies to practice such discrimination. The following jurisdictions have such laws:

Alaska	Minnesota
California	Missouri
Colorado	New Jersey
Connecticut	New Mexico
Delaware	New York
Hawaii (effective 1/1/64)	Ohio
Idaho	Oregon
Illinois	Pennsylvania
Indiana	Puerto Rico
Iowa	Rhode Island
Kansas	Vermont
Massachusetts	Washington
Michigan	Wisconsin

In two other States, Nevada and West Virginia, laws against discrimination in employment provide for voluntary rather than mandatory compliance.

MANDATORY LAWS

The first of the 26 current mandatory laws was passed in New York in 1945, following eight years of study and wartime regulation of discriminatory practices within the State. The New Jersey act was also passed in 1945. Massachusetts followed in 1946; Connecticut in 1947; New Mexico, Oregon, Rhode Island, and Washington in 1949; Alaska in 1953; Michigan, Minnesota, and Pennsylvania in 1955; and Colorado and Wisconsin in 1957. Colorado and Wisconsin had each previously had the voluntary type of law. California, Ohio, and Puerto Rico passed laws in 1959, and Delaware followed in 1960. In 1961 the Idaho, Illinois, and Missouri laws were enacted, and the Kansas law was changed from voluntary to mandatory. In 1963 the Indiana law was changed from voluntary to mandatory, and laws were enacted in Hawaii, Iowa, and Vermont.

Coverage

All of the laws except those of Delaware, Idaho, Iowa, and Puerto Rico contain exemptions. Among the most frequently exempted occupations are domestic service and employment by educational, social, religious, or other nonprofit organizations. In addition, 18 of the laws (all but those of Alaska, Delaware, Hawaii, Idaho, Iowa, Puerto Rico, Vermont, and Wisconsin) have numerical exemptions. Rhode Island, New Mexico, and Ohio exempt employers with 3 employees or less; California and Connecticut exempt employers with 4 employees or less; Colorado, Indiana, Massachusetts, New Jersey, New York, and Oregon, those with 5 employees or less; Kansas, Michigan, Minnesota, and Washington, those with 7 or less; and Pennsylvania, with 11 or less. Missouri exempts employers having less than 50 employees. Illinois exempts employers having less than 75 employees; after, January 1, 1965 it will exempt employers of less than 50.

Employment practices prohibited

All the acts specify certain employment practices as unlawful. Employers are usually forbidden to refuse to hire, discharge, or discriminate in wages or conditions of employment against any person because of race, creed, color, or national origin, and in Puerto Rico because of social position.

Under all but the Idaho law, labor organizations may not exclude or expel a person from membership or otherwise discriminate against him.

Most of the laws also prohibit employment agencies from discriminating among applicants for jobs. For example, 12 laws ^{1/} prohibit agencies from engaging in discrimination, or refusing to classify applicants properly or refer them for employment.

^{1/} Colorado, Connecticut, Delaware, Illinois, Michigan, Minnesota, Ohio, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

Prohibitions against discriminatory advertising or against asking pre-employment questions which express any limitation not based on bona fide occupational qualifications are common. Employers and employment agencies are prohibited from such advertising in 18 States^{2/}, and from asking such questions in 17 States^{3/}; labor unions in nine^{4/} and seven States^{5/} respectively.

Employers, labor organizations, and employment agencies are prohibited, in all the acts except those of Colorado, Idaho, Iowa, Puerto Rico, Vermont, and Wisconsin, from discriminating against a person because he has opposed unlawful employment practices, filed a complaint, or testified concerning such practices.

Prohibition against discrimination because of age or sex

Along with prohibiting discrimination in employment because of race, creed, color, or national origin, these laws also prohibit employment discrimination on the basis of age in 10 States (Connecticut, Delaware, Hawaii, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Washington, and Wisconsin) and Puerto Rico^{6/}; on the basis of sex in Hawaii and Wisconsin; and the Vermont law prohibits discrimination in rates of pay because of sex.^{7/}

^{2/} California, Colorado, Connecticut, Delaware, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Washington. In addition, such a prohibition in Vermont applies to applicants and employment agencies.

^{3/} California, Colorado, Delaware, Hawaii, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Washington.

^{4/} Colorado, Connecticut, Kansas, Michigan, Minnesota, Ohio, Pennsylvania, Rhode Island, and Vermont.

^{5/} Colorado, Kansas, Michigan, Minnesota, Ohio, Pennsylvania, and Rhode Island.

^{6/} In addition, Alaska, California, Colorado, Louisiana, Massachusetts, Nebraska, Ohio, and Rhode Island have separate laws prohibiting employment discrimination based on age. See Fact Sheet No. 6-B, Brief Summary of State Laws Against Discrimination in Employment - Older Workers, issued by the Bureau of Labor Standards.

^{7/} Altogether, 24 States have "equal pay" provisions, generally in the form of separate laws prohibiting discrimination in wages because of sex: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Hawaii, Illinois, Maine, Massachusetts, Michigan, Missouri, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin, and Wyoming. See Digest of Equal Pay Laws, October, 1963, published by the Women's Bureau.

Administration

Most of the States have placed administration of the laws in agencies created especially to administer them. In 14 States, (Colorado, Connecticut, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Mexico, New York, Ohio, Rhode Island, and Washington) these administrative agencies are independent commissions. In 6 other States, (California, Delaware, Hawaii, Oregon, Pennsylvania, and Wisconsin) and in Puerto Rico, administration is under the department of labor. In Alaska both the labor department and an independent commission have enforcement authority. In New Jersey, administration is vested in the Division on Civil Rights in the Department of Law and Public Safety. No administrator is named under the Idaho, Iowa, and Vermont laws.

Enforcement procedures are very similar in 21 of the States having mandatory laws (all except those of Delaware, Idaho, Iowa, Puerto Rico, and Vermont). These procedures provide for complaints to be filed by aggrieved persons. In 11 jurisdictions^{8/}, complaints may also be filed by the Attorney General of the State and in 12 jurisdictions^{9/} by the administrator himself. Upon receipt of a complaint, the administrator makes a preliminary investigation and, if he finds evidence of discrimination, attempts to eliminate any unlawful practice by confidential conference and conciliation. If conciliation fails, the administrator may hold hearings, issue cease-and-desist orders, and, in most of the States, require the persons complained of to take affirmative action, such as hiring or upgrading. Court review and enforcement are provided.

In the Puerto Rico law, the Secretary of Labor may order "the fulfillment of any right conferred" by the act. The act also authorizes civil suits for damages.

Under the Delaware act, the administrator may receive complaints of violations, for conviction of which penalties are provided. The Idaho law makes violation a misdemeanor, and the Iowa and Vermont laws provide penalties for violation.

^{8/} California, Colorado, Hawaii, Kansas, Massachusetts, Missouri, New Jersey, New Mexico, New York, Oregon, and Pennsylvania.

^{9/} Alaska, California, Colorado, Connecticut, Massachusetts, Minnesota, New Jersey, Ohio, Pennsylvania, Puerto Rico, Rhode Island, and Washington.

All of the laws except those of Delaware, Hawaii, Idaho, Iowa, Puerto Rico, and Vermont make provision for educational and research programs to supplement direct enforcement in cases of specific violation. Generally the laws authorize the administrator (sometimes an advisory committee) to conduct research, issue publications designed to promote equality of employment opportunity, submit regular progress reports, and make recommendations for improvements in the law. Citizen participation is encouraged both through advisory committees, and, in several States, by specific authorization to the administrator to make use of voluntary services offered by private individuals or organizations.

LAWS PROVIDING FOR VOLUNTARY COMPLIANCE

Antidiscrimination laws which rely on educational measures to obtain compliance were passed by Indiana and Wisconsin in 1945, by Colorado in 1951, by Kansas in 1953, and by Nevada and West Virginia in 1961. The Colorado and the Wisconsin acts were made mandatory in 1957, the Kansas act in 1961, and the Indiana act in 1963. Thus there are now two States--Nevada and West Virginia--that have "voluntary" laws, depending primarily upon educational measures for enforcement. The agencies administering these laws may investigate complaints and make recommendations to the parties, and are directed to make studies and plan educational programs.

FAIR EMPLOYMENT ORDINANCES

In addition to the State laws, many municipalities have fair employment ordinances.

THE RUMFORD FAIR HOUSING ACT--PROBABLE IMPACT ON CITIES

by

Edward Howden, Executive Officer
California Fair Employment Practice Commission
(Condensed text)

10/22/63
Cont League
of Cities

Mayor Oakes has provided a most useful background as to laws affecting human rights which are of present or potential interest to cities. The Rumford Fair Housing Act, as you see, is a logical development in a long series of decisions and enactments relating to equality of opportunity and treatment for minority group Americans.

I shall first emphasize certain main provisions of this new law, outline how it works, and indicate what -- contrary to miscellaneous misconceptions -- it does not do. Then we shall look at its implications for California's cities.

With some exceptions the Rumford Act says that the apartment house owner, home-builder, real estate broker, trailer court operator, mortgage lender, or other person or firm engaged in the business of housing must not discriminate by reason of color, creed, or national origin in their rentals, sales, or lending activities. Actually, this has been the public policy of our State since passage of the Hawkins Housing Act and the Unruh Civil Rights Act in 1959 -- especially since the courts last year interpreted the Unruh Act to apply to most people functioning in a business capacity in housing.

The Rumford Act does not alter this basic public policy or add much new substantive law to that under which brokers, homebuilders, and apartment owners have been living for some time. It does breathe more life and power into the State's nondiscrimination policy, in two main ways:

1. The family encountering apparent discrimination may now come to the FEP Commission for investigation of its complaint, followed, where warranted, by endeavors to correct the problem through conciliation, or, if necessary, through enforcement procedures. Formerly the aggrieved home- or apartment-seeker could secure redress only by retaining an attorney and going to court. Now he may choose between these two avenues of recourse. He must elect one or the other -- not both.
2. The Commission is directed to encourage, through informational and educational means, the widest possible voluntary observance of the letter and spirit of the law. Formerly no agency had this responsibility.

In this dual emphasis upon compliance and educational programming, the Rumford Act is similar to the fair housing statutes already in force in nine other states: Alaska, Colorado, Connecticut, Massachusetts, Minnesota, New Jersey, New York, Oregon and Pennsylvania. You will note the regional diversification of these states. And, incidentally, there are no reports of social upheaval, housing industry disruption, or other dire consequences in any of those states.

The basic rights and procedures are much the same here in California as elsewhere under this kind of legislation. Complaint processing is largely informal. If the commissioner in charge of a particular case determines, after investigation, that probable cause exists to believe the allegations of the complaint, he will

seek, through conference and conciliation, and without publicity, an agreement whereby the owner will do any of the following things which is applicable: (a) cease and desist from his restrictive practice; (b) rent or sell the dwelling in question, if available, or a like accommodation, to the complainant; or (c) if no such dwelling is available, then, in a clear and flagrant case, pay damages of up to \$500. The law is quite clear, incidentally, that you go along in this sequence of remedies if the dwelling is available or if a like accommodation is available. If such is the basis of settlement, no damages are assessed.

If the case is not settled through conciliation, the commissioner may bring the matter to public hearing before a panel of four other members of the Commission. He may not sit in judgment on it thereafter himself. Following this formal hearing, if the panel finds that unlawful discrimination did occur, it may issue an order requiring the owner to correct the situation through the terms cited above. This order is enforceable -- and appealable -- in court. If the court backs up the Commission order, the owner must either comply or exercise his right of appeal to a higher court.

May I emphasize that even after this formal order has been issued, if the owner complies that is the end of the matter. Unlike the most common kinds of law in our society, there is no necessary or automatic penalty upon a finding that an unlawful act has been committed. The objective is correction and compliance, not punishment.

It may be useful also to sum up what the Rumford Act does not do or require:

1. It does not require an owner to sell or rent to the first financially qualified applicant who comes along -- unless he meets all the standards, race aside, which the owner in fact demands of all tenants or applicants.
2. It does not force an owner to take any actually undesirable buyer or tenant.
3. It does not restrict a landlord's rights with regard to eviction. If a minority tenant were to complain that his eviction was racially motivated, FEPC would be impressed with the fact that the owner had rented to this tenant without discrimination in the first place.
4. It does not empower FEPC to pass judgment on the owner's tenant or buyer selection standards, except for the factors of race, religion, or ancestry. Section 35742 of the law is explicit on this point. Owners are of course at liberty to establish whatever criteria they wish as to numbers of people per apartment; children; pets; orderly behavior; financial status; or other factors presumably bearing upon "desirability" and responsibility.
5. It does not forebode legal harassment and litigation for the homeowner and landlord. Virtually all cases will be settled through conference and conciliation; without publicity; with or without legal counsel, as the owner prefers; and without court action.
6. It does not carry criminal penalties (as did the Berkeley fair housing ordinance).
7. It does not place the owner in double jeopardy. The complainant may not take his case up both to FEPC and under the Unruh Act. Choosing one line of recourse, he foregoes the other.

There are, it seems to me, two main kinds of predictable impact on California cities which the Rumford Act occasions. First are those direct and indirect consequences of the statute itself. It will unquestionably tend to eliminate housing discrimination and to do away with the meandering color barriers so unhappily familiar to most of our communities. Numerous clear benefits of the Rumford Act to cities are foreseeable. Secondly, however, there is the threatening prospect of actions by the anti-Rumford Act forces, principally those of the leadership of the California Real Estate Association. If, as announced, the CREA goes ahead with a mass ballot campaign to overturn the Rumford Act and to prohibit any future legislation of this nature, the negative impact upon human relations and upon housing and urban renewal programs in our respective communities will be extremely serious. Let us examine briefly each of these two kinds of impact.

First, here are some of the beneficial consequences which we may anticipate from the Rumford Act itself:

1. With easing of traditional residential discrimination in both central cities and suburbs, there will gradually come about a normal distribution of population, according to economic means and preference. Ethnic ghettos will slowly be reduced, their residents dispersing throughout our large city-suburb regions. Racial concentrations as such within the main cities will drift apart, not to regroup elsewhere but to allow natural and enduring integration, as persons and as families, into the mainstream of California life. This is of course not to suggest that most of the socioeconomic problems of our cities will thereupon vanish; but that those problems which remain will be seen in truer perspective and will become somewhat more amenable to solution.
2. There will be steady reduction of the interracial and interneighborhood tensions which resulted from former housing industry practices. The old cycle of restrictions, "blockbusting," nonwhite influx, and white exodus will lose force as people recognize that all neighborhoods are or will soon be racially open. Anxieties -- already diminished -- about "property values" will tend to disappear. Neighborhood stabilization and renewal will become more feasible.
3. Urban redevelopment and renewal programs will benefit through elimination of racial bars to adequate relocation housing and through reduced opposition from residents of project areas. Nondiscrimination policies in redevelopment, moreover, will no longer stand more or less alone in the market for new, private housing; now it will be but one expression of an overall public policy.
4. De facto school segregation will be materially eased as housing segregation, its principal source, gradually breaks down.
5. Local human relations commissions will have far better prospects for accomplishing their mission of preventing intergroup tension and strife than if there were no meaningful fair housing law on the books.

But the outlook on all the foregoing points becomes grim indeed with the advent of the CREA campaign, via mass ballot and constitutional amendment, against all fair housing legislation. Most serious are the aggravation and deepening of interracial tensions which will take place in the course of the petition gathering and the subsequent campaigning. The move will be seen by minority group Californians -- mainly Negroes, Mexican Americans, and Orientals -- as a patent effort by housing segregationists to turn the clock back in our State's race relations. Appeals for signatures and for votes against the Rumford Act will inevitably play

upon anti-minority fears and prejudices, enlarging and inflaming them. The opposing sides will soon polarize into warring camps, civil rights and minority group forces fighting to defend the hard-won right to equal opportunity in the housing market, and many real estate people insisting on the right to discriminate on grounds of race or ancestry.

The clash will be of tremendous magnitude, and its consequences for race relations in California's cities will be nothing less than tragic. The slow, often painful, yet discernible progress of recent years in bridging the communications gap between the principal racial and ethnic groups will grind to a halt. Bitterness will deepen and tensions rise as the campaigns for and against the CREA amendment to the State Constitution gain momentum. The extremists of both sides will have a field day -- a long series of them -- in the emotionally charged arena of the mass campaign.

Substantial resources will, no doubt, be brought into the battle by both sides. Make no mistake about it: the stakes will be very high ones for civil rights organizations and their friends; the commitment will be total, the priority all-out. For the CREA amendment flies in the face of the history of the '60s with regard to human rights. It seeks to freeze a license for discrimination into the State Constitution for the first time in 40 years. The realtor spokesmen, despite their fine-sounding words, have declared war upon the legitimate housing aspirations of millions of minority group Californians. It would be the height of folly to assume that anything less than a massive counterattack will be mounted by those whose dreams of decent homes, in this generation, are now gravely threatened.

In the end, even if the CREA initiative should succeed at the polls, the odds are strong that it would be declared unconstitutional. But consider the costs to all concerned of the wide-ranging battle which would have been fought! Apart from the heavy dollar burden on both sides, consider the community-level turmoil in intergroup relations, the anger and the scars which would be with us for years to come. Today, in many of our cities, after years of painstaking effort to overcome old race barriers and establish meaningful communication, we have woven a precious web of good-faith relationships. But this is still a fragile thing. It may be torn beyond ready repair by the now-threatening initiative campaign. Much of the good work of two decades and the high promise of the period just ahead would be severely damaged.

Already you can picture the fear-inducing slogans on the billboards and the airwaves; the joining in of the sorry specialists in bigotry; the smears and wild charges; and the confusion of otherwise decent white people by cries such as "forced housing" until Negro and other minority group Californians despair of achieving reasonable redress for their grievances and fall back on bitterness and reverse racism. Organizations such as the Black Muslims will enjoy rapid growth. Demonstrations will become more frequent and militant. Increasing violence across racial lines is surely to be expected.

Your children and mine, meanwhile, will be growing up in cities whose inner tensions and outward eruptions will have been exacerbated by this recklessly conceived mass ballot battle. No matter which side "wins" at which stage of this struggle -- the ultimate victory, I am confident, will be that of fair housing law -- we shall all bear the hard local costs for a long time to come.

It is a dangerous road which lies ahead. Perhaps it is not too late to

chart another course. Perhaps the voices of realtors and builders now silent will be heard before it is too late. Perhaps those city administrations which are getting new human relations commissions under way will see this looming jeopardy to their best hopes, and will take steps to discourage local support for the CREA campaign and to alert their people to the nature of this threat. Perhaps the implications, one way or the other, for vital programs of urban renewal and for problems such as defacto school segregation will be seen clearly and will move you to decisive action.

The beneficial effects of the Rumford Fair Housing Act upon our cities will be extremely significant -- if the Act is permitted to function and survive. The impact upon our cities of the pending anti-Rumford initiative campaign threatens to be disastrous.

The time is short. The stakes are very high. The challenge to community leadership, official and otherwise, is virtually unprecedented. Can any city afford to sit by while a handful of benighted but determined men seek to turn back the clock of modern history in race relations in California?



League of California Cities

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HUMAN RELATIONS

POSITION OF THE CITY

Papers Presented at the 65th Annual Conference
October 22, 1963

Message from Governor Edmund G. Brown to Third Anniversary Luncheon and Conference, California Fair Employment Practice Commission, Wednesday, 19 September 1962, Hotel Mark Hopkins, San Francisco

Since the law is my profession I know, as do you, the good or evil which may flow from law, depending upon the wisdom of its conception and the strength and decency of its administration. The law for fair employment -- for job opportunity free of the barriers of racism -- was the first objective in my first legislative program as Governor. And it was the first enactment to come to my desk from the new Legislature in the spring of 1959.

Since author Byron Rumford in the Assembly and George Miller Jr. in the Senate took AB 91 through their respective houses, still more states -- the total is now 20 -- have joined the roster of those with meaningful FEP laws -- those who really mean business when they cite the proud American doctrine of equality of opportunity. In this good company we must of course include our colleagues of the President's Committee on Equal Employment Opportunity, greatly strengthened and energized under President Kennedy, and ably represented at this conference today by its dynamic executive director, John Feild.

Now that California's FEPC has come through its first main testing period to this third anniversary, the Commission has wisely called this open conference -- not as a celebration, not in self-congratulation,

but in order ~~first~~ to offer an accounting of its activities, in some depth, to all who may be interested, and ~~secondly~~ to receive whatever inquiries, criticisms, or suggestions for improved law or administration anyone may wish to offer. I understand that in the workshops which will immediately follow this luncheon a full two hours will be devoted to free-flowing discussion. I urge you to take this opportunity to contribute your thinking to this vital program.

I think you will find, as I have, that your State FEPC has made solid and extensive advances in the struggle against job discrimination. You will hear, if you wish, case after case in which an injustice or misunderstanding was corrected -- quietly, firmly, in the spirit of conciliation called for in the Act, and usually with lasting effect. You will hear of widening areas of cooperation to these ends among forward-looking leaders of business, labor, education, government, and civic and minority group organizations.

You will examine this relatively young agency's twin programs of compliance and education. I hope you will review -- and later put to effective use -- its excellent set of informational pamphlets. Note especially the latest booklet in this series, titled: "Success Story." Just off the press, here is a picture account of some of the jobs which are opening in California these days to qualified persons without regard

to their race or religion or ancestry. It is directed mainly to minority-group youth, and to their parents, teachers, and counselors. This injunction to aspire, to study, to train -- without inhibition as to creed or color -- cries for communication *to every young person*

I am sure that every thoughtful Californian shares a sense of the tremendous urgency which attaches to our unfinished business in the realm of human rights. Our FEP Commission is ~~aware~~ aware that tasks of great magnitude and complexity lie ahead. They -- and I -- know that this is no time for rejoicing; only for analyzing and measuring what we have done so far, the better to get on with the job.

The challenge remaining is clear enough -- and on this there is substantial agreement among people experienced in the field of civil rights and inter-group relations. In California, the needs still facing us in this field suggest at least three areas of action:

1. To strengthen still further our FEPC, principally ^{by enlarging its} ~~in terms of~~ capacity to mount ~~and sustain~~ major programs ~~of the field of information and education~~

~~and recording~~ of affirmative compliance *and of information and education.*

2. To open all the doors to technical, vocational, and professional training and education throughout the State.

3. To strengthen and extend the State's existing

*person in
Crescent
City to
Chula
Vista,
from
Needles
to Bishop
to Susan-
ville.*

law against discrimination in housing.

Finally, apart from legislative objectives such as these, we have been doing many things through executive action -- within the structure of State administration -- to cinch up the safeguards against discrimination and to promote fair practices. Even now we are engaged in intensive study of possible new lines of action which may be open to the Governor and his principal agency administrators.

I trust you will join me in the solemn pledge that as California becomes the first among the states in the numbers of her people, she will also move rapidly into first place in achievement of full equality of opportunity for every member of this richly variegated family -- Californians all!

EDMUND G. BROWN, Governor



Dellums p. 2

Few Homeowners Affected By Rumford Act

Most of the housing discrimination complaints filed with the California FEPC continue to be concerned with apartment rentals, while only a few deal with efforts of minority families to purchase single-family homes.

"This indicates to me that the proponents of Proposition 14 are misleading the people when they talk about 'protecting' home owners, said Mrs. Carmen H. Warschaw, FEPC Chairman. "The truth is that the law

mainly affects two categories of housing---first, property financed with government assistance, such as FHA and VA loans, and second, transactions by those in the business of housing, such as tract developers, brokers, and apartment owners and managers.

"To claim that the fair housing law 'invades the rights' of individual home owners is nonsense.

"What the existing law does is protect the right of every Californian to acquire, hold and dispose of housing property without discrimination as to race, creed, or ancestry. Proposition 14 in changing the Constitution would eliminate that right," Mrs. Warschaw said.

Since the effective date of the Rumford Act, September 20, 1963 through July 31, 1964, 159 housing discrimination complaints were filed with FEPC throughout the State; 24 were received during July---the largest number in any month.

Discrimination was found and corrective action taken in more than 60 percent of the completed cases. Only one case required formal public hearing and a Commission order; all the others in which discrimination was found were settled through conference and conciliation.

Seventy-five complaints were filed in Northern California, 84 in Southern California. Thirty cases involved real estate brokers, but many of these were in their capacity as rental agents or managers. Only 19 complaints had to do with alleged bias in the sale of single-family homes.

Discrimination in apartment rentals was charged in 123 of the cases. Attempts to purchase homes in tract developments resulted in 11 complaints.

FEPC and U.S. Rights Law

Title VII of the new Federal Civil Rights Act establishes a U.S. Equal Employment Opportunity Commission to receive, investigate, and seek to settle complaints of job discrimination because of race, color, religion, national origin, or sex.

The Federal law does not supersede the California FEP law, which continues in effect. Title VII authorizes the Federal commission to enter into cooperation agreements with State agencies in the handling of complaints filed with the U.S. commission, and such an agreement may eventually be made with the California FEPC.

Meanwhile passage of the Civil Rights Act strengthens related efforts in all the States, as the seven members of the California FEPC told President Lyndon B. Johnson in a letter pledging their "earnest efforts and constant support as you move to carry out the provisions of this wise and necessary law."

Mrs. Warschaw Appointed To U.S. Advisory Group

FEP Chairman Carmen H. Warschaw has been named by President Lyndon Johnson to serve on the advisory committee to the National Community Relations Service which will work with citizens in all states to foster voluntary observance of the new laws set forth in the Civil Rights Act.

Other Californians named were Leon Washington, publisher of the Los Angeles Sentinel, and Dionicio Morales, of Pico Rivera, a founder of the Equal Opportunity Foundation.

Mrs. Warschaw was first appointed to the Commission in 1959 and succeeded John Anson Ford as chairman in January 1964.

NLRB Acts on Union Bias

A labor union found practicing racial discrimination is guilty of unfair labor practices and can be stripped of bargaining rights, according to the ruling of the National Labor Relations Board in a case involving a Houston, Texas union charged with failing to process a Negro worker's grievance at being eliminated from a list of employees who had applied for apprenticeship training.



E. FRED MORROW, administrative assistant to the President during the Eisenhower administration, has joined Bank of America as an assistant vice president. Author of the Book, Black Man in the White House, Morrow holds a law degree from Rutgers University. He is a former field secretary for the NAACP. Prior to entering government service he was a press writer for the Columbia Broadcasting System.

NEW MAYOR of Richmond, California and first Negro mayor of a major American City, is George D. Carroll. The 41 year old attorney is a graduate of Brooklyn Law School and has practiced law in Richmond since 1953. Elected to the City Council in 1961, he sponsored the city ordinance establishing a Human Relations Commission in Richmond.



Dellums is Vice Chairman

Commissioner C. L. Dellums has been designated vice-chairman of the FEPC.

Governor Edmund G. Brown took the action at the request of Chairman Carmen H. Warschaw who urged the appointment of a permanent vice chairman to preside over commission meetings when it is necessary for her to be absent.

Brief Items About FEPC

Mrs. Audrey Kaslow, FEP Special Representative, received an Annual Achievement Award from the League of Mexican American Women....FEP Northern Area Consultant Delmar Williams was elected president of the Berkeley Human Relations

and Welfare Commission....Fred Gunsky, FEP Education Officer, is the new chairman of the California League for American Indians....Commissioner Clive Graham and executive officer Edward Howden represented California at the annual Conference of Commissions for Human Relations held at Brainard, Minnesota....Newly appointed as consultants were Adrian Dove, James H. Mason and Earl Walter in the Southern Area office, and Fritjof Thygeson in the Northern Area office....

Members of FEP staff were consulted by the Marin County Administrator and County Counsel in drafting an employment non-discrimination clause for all county construction contracts. The clause was adopted by the Marin County Board of Supervisors on July 28.

FAIR EMPLOYMENT PRACTICE COMMISSION

State of California, Edmund G. Brown, Governor
Department of Industrial Relations, Ernest B. Webb, Director

Carmen H. Warschaw, Chairman

Elton Brombacher, C. L. Dellums, John Anson Ford,
Louis Garcia, Clive Graham, Dwight R. Zook, Commissioners
Edward Howden, Division Chief

FEPC

FAIR PRACTICES NEWS

DIVISION OF FAIR EMPLOYMENT PRACTICES
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Conciliation Settles Most Housing Cases

Fifty-six percent of the cases decided during the first seven months of the Rumford Fair Housing Act involved discrimination and were settled through conciliation. All but one of the other cases were dismissed for lack of sufficient evidence of discrimination, according to a review of individual complaints of racial and other discrimination in the rental or sale of housing accommodations.

Of the total of 97 complaints received by the FEPC between September 20, 1963, and April 17, 1964, 49 reached a determination as to discrimination. Twenty-seven were settled satisfactorily through conciliation

and 21 were dismissed for lack of sufficient evidence of discrimination. Five additional cases were closed with a finding of no jurisdiction or because the complainant withdrew. Forty-three are still pending.

Fifty-four complaints were filed in Southern California and 43 in Northern California.

Seventy-eight cases (80.4 percent) had to do with private rentals, and 12 cases (12.4 percent) concerned single-family home sales. Fourteen cases involved real estate brokers (some in management rather than sales).

The single case brought to public hearing, involving an apartment rental in San Fernando, resulted in a Commission order that the next vacancy be made available to the complainants, a Negro couple.

The majority of the cases (nearly 90 percent) were concerned with refusal to show property or to rent or sell to Negroes because of their race.

"The record shows no punitive action against any landlord, manager or broker," FEPC chairman Carmen H. Warschaw emphasized.

"We have succeeded in applying the methods of conference, conciliation and persuasion to cases in which minority individuals and families were denied access to housing. Sometimes the persons accused were ignorant of the law or its application to them, and changed their position after we explained it. Sometimes they were fearful of renting or selling to the first Negroes in all-white neighborhoods.

"With only one exception, those cases in which we had evidence of discrimination were settled through conciliation."

On November Ballot

An initiative amendment to the State Constitution will be on the November general election ballot. It would nullify all existing State laws against discrimination in the sale or rental of housing, and would prohibit enactment of any such laws---State or local---in the future.

If approved by California voters the proposed amendment would be added as Section 26 of Article I of the State Constitution. Its key provision reads:

"Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses."



Bank Agreement--Jobs For Minorities

On June 1 the California FEPC and the Bank of America, one of the State's largest employers, signed an agreement for a "dynamic, comprehensive program of affirmative opportunity" aimed at increasing the number of minority individuals at all levels of the Bank's work force.

The program announced by FEPC Chairman Carmen H. Warschaw and the Bank's board chairman, Jesse W. Tapp, has received wide attention and favorable comment from public officials, business and community leaders, and news media throughout the state. It involves submission of personnel data to be evaluated by FEPC, continuing review by FEPC of the Bank's equal employment policy and practices, joint consultation as to means of improving the program, and periodic public reporting by FEPC.

(Text of the Memorandum of Understanding is reprinted in this newsletter.)

The Bank of America opened correspondence with FEPC in mid-March when it rejected demands by the Congress of Racial Equality for such an agreement. Following a series of meetings with CORE, the Bank offered to provide FEPC--rather than CORE--with statistical information about its personnel. Mrs. Warschaw replied that FEPC would accept the responsibility upon agreement as to what data would be meaningful in evaluating the Bank's practices.

A series of intensive FEPC-Bank discussions followed, resulting in the June 1 pact. The Bank's first ethnic survey of its more than 28,000 employees will be made as of July 31, and FEPC's public report will be issued several weeks thereafter. It is the Commission's policy not to publish unevaluated personnel statistics, but the report will contain whatever data is

necessary to support its conclusions.

Later surveys of Bank employment will be made at four-month intervals. Meanwhile, FEPC staff has been assigned to conduct spot checks of the Bank's administrative departments and more than 850 branches and to consult with William R. Layfield, human relations coordinator, and other Bank officials concerning all phases of implementation of the affirmative opportunity program.

Mrs. Warschaw, in Los Angeles, and Commissioner Louis Garcia, in San Francisco, are in charge of this FEPC "affirmative action" with the Bank.



THIS NEW FEPC photo-mural exhibit, "Equal Opportunity--Employment and Housing," has been seen by thousands of Californians since it first went on display earlier this year.

FEPC Urges Recruiting For San Diego City Jobs

A positive policy of recruiting, hiring and upgrading Negro, Mexican American and other minority employees in the City of San Diego's civil service system was urged by FEP Commissioner Dwight R. Zook in a report to the City Council on June 23.

San Diego's civil service procedures were studied by FEPC at the city's request. Although they were found to be not inherently discriminatory, Commissioner Zook said the City had failed to project a strong image of equal opportunity in the minority community, resulting in a small number of applicants and an uneven distribution of minority employees in various departments.

Negroes and Mexican Americans hold City jobs in approximate proportion to their numbers in the total population, Mr. Zook found. But most of them at the time of the survey were in menial, unskilled and service positions.

Only 2.2 percent of the Negroes employed by the City were in clerical positions; 0.7 percent held professional or technical jobs; 69.1 percent worked in labor or trades and 6.8 percent in custodial or guarding positions.

Of Mexican American employees, 4.7 percent were in clerical positions; 0.8 percent held professional or technical jobs; 58.3 percent worked in labor or trades and 1.6 percent did custodial or guarding work.

In discussion with members of the City Council, Commissioner Zook said that many qualified Negroes and Mexican Americans fail to apply for upper-level civil service jobs "because they don't think they have a chance.

"It is not enough for you to say you have done all you can to eliminate discrimination by keeping your doors open," he continued. "You must go out into the community and promote recruitment to overcome years of deprivation of minorities."

The investigation, under Section 1421 of the FEP Act, was the first to be requested by a California city. A limited number of copies of the report, "City of San Diego Employment," are available on request to FEPC, Box 603, San Francisco 1.

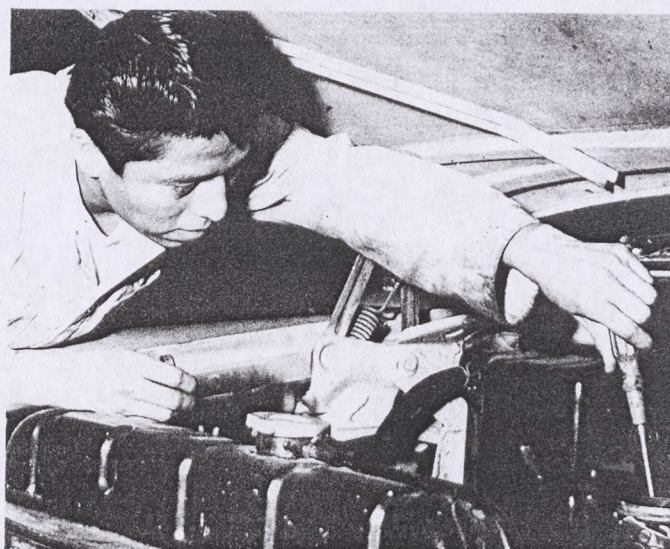


Photo by O.C.C., Laney Campus

Harold Bagody, American Indian student in the auto mechanics class at Laney Campus, Oakland City College.

Proposition 14 Questioned By State Supreme Court

Ultimate constitutionality of the California Real Estate Association's initiative constitutional amendment, to appear on California's November ballot as Proposition 14, was questioned in a decision of the State Supreme Court on June 3.

In denying a petition to block the amendment, which would nullify existing fair housing law and prohibit future passage of such measures, the Court said:

"Although there are grave questions whether the proposed amendment to the California Constitution is valid under the Fourteenth Amendment to the United States Constitution, we are of the view that it would be more appropriate to pass on those questions after the election, should the proposed amendment be adopted, than to interfere with the power of the people to propose laws and amendments to the Constitution, and to adopt or reject the same at the polls."

NOW AVAILABLE: "Fair Housing--What the Law Does," a new flyer covering essential provisions of the Rumford Fair Housing Law, plus detailed questions and answers; "Opening the Door," a folder describing nine case histories from FEPC housing files. Write FEPC, Box 603, San Francisco 1, Calif.

Oakland School Attitudes Criticized

The Oakland Unified School District has hired Negro teachers principally to fill vacancies in predominantly Negro schools; few teachers of Spanish surname are employed; promotion is slower for Negro teachers than for others; and predominantly Negro schools seem to provide less opportunity for learning and career preparation than do schools which are racially mixed.

These and other findings were presented by FEP Commissioner C. L. Dellums to members of the school district board at a conference in Oakland on June 16. The comprehensive report, with seven main recommendations, was the first to be published by FEPC.

Main emphases of the long investigation, during which staff consultant Hugh Taylor observed conditions and conferred with faculty at every one of Oakland's 88 public schools, were on the district's role as an employer and on its attitude toward minority group students and their preparation for employment careers.

In commenting on placement policies of the school, the report said "Negro teachers have heretofore been assigned to schools with a large number of Negroes in the student body and were not considered on an equal basis for schools without a significant number of Negroes in the student body. An inescapable conclusion, it seems, would be that Negro teachers are hired principally to fill vacancies in Negro schools."

Survey of Teachers

Of the 1,158 teachers in Oakland elementary schools during 1962-63, 164 were Negro, 10 had Spanish surnames, and 54 were Oriental. At that level, 78.1 percent of the Negro teachers were at predominantly Negro schools, 1.2 percent were at predominantly Caucasian schools, and 20.7 percent were at racially mixed schools.

In the junior high schools, with 643 teachers, 105 were Negro, 17 had Spanish surnames, and 12 were Oriental. Sixty percent of the Negro teachers were at predominantly Negro schools, 2.8 percent at Caucasian schools, 37 percent at mixed schools.

Senior high schools had 524 teachers, of whom 44 were Negro, eight had Spanish

surnames, and 11 were Oriental. Forty-one percent of the Negro high school teachers were at predominantly Negro schools, 22.7 percent were at Caucasian schools, and 36.4 percent were at racially mixed schools.

Attitudes of school personnel toward Negro students varied with the composition of the student body. In predominantly Negro schools, concern for the children and their educational achievement was often subordinated to an emphasis on discipline. In some schools, administrators and counselors had prejudged the potential abilities of minority individuals, and failed to encourage students to seek higher education.

Principal Recommendations

Commissioner Dellums's principal recommendations to the Oakland school board, pending further discussions and review, were:

1. Dismissal, if necessary, of any principal, administrative head, counselor or teacher whose educational approach to minority-group students is limited by prejudice as to their possible achievement;
2. An intensive program for all certificated personnel of inservice training in human relations;
3. Hiring of teachers on merit, without regard to their race, creed, or ancestry; and assignment of minority-group teachers to all schools, avoiding any concentration in particular areas;
4. Equal promotional opportunities for all teachers, without regard to race, creed, or ancestry;
5. Use of the list of substitute teachers as a recruitment source;
6. A conscientious effort to employ Spanish-surname teachers or others with a knowledge of conversational Spanish;
7. Closer surveillance by the Board of hiring practices with respect to classified personnel.

A limited number of copies of the "Report on Oakland Schools" are available on request to FEPC, P. O. Box 603, San Francisco 1.

Memo of Understanding

Full Text of Agreement Between California State Fair Employment Practice Commission and Bank of America National Trust and Savings Association, June 1, 1964

The Bank of America recognizes that a sincere and dedicated attempt to improve the economic opportunities of minority groups should continue to be part of its civic responsibility, and that there is legitimate reason for the public to be informed as to the Bank's progress in discharging this responsibility. In order to maximize its contribution to overcome the cancerous moral evil of inequities based on race, religion, or ancestry, the Bank believes that more than passive compliance with the letter of the fair employment law is essential--that a dynamic, comprehensive program of affirmative opportunity must be sustained on a high-priority basis. The Bank is deeply committed to such a program.

To these ends the Bank has expressed its willingness to confer with minority group organizations as to progress being made and to entertain their suggestions for improved practices, has accepted a number of such suggestions, has sought the counsel of the State Fair Employment Practice Commission (FEPC), and has offered to submit periodically to FEPC vital information reflecting the status and accomplishment of the Bank's affirmative opportunity program.

Recent discussions between the Bank and the Fair Employment Practice Commission have led to this Understanding, embracing three principal dimensions of the cooperative working relationship agreed to: (1) submission of significant personnel data to FEPC,

(2) continuing review by FEPC of the Bank's affirmative policy implementation and joint consultation concerning its effectiveness, and (3) periodic public reporting by FEPC on pertinent aspects of the personnel data and management action in service of the foregoing objectives.

1. Personnel Data To Be Submitted To FEPC Every Four Months

a. In addition to total employment figures, racial or ethnic groups according to which reports of work force components will be submitted are: Negro, Oriental, other nonwhite, and Spanish surname.

b. By job classes.

Class I. Normal in-hire or entrance positions generally designated as clerical. Typical positions are proof machine operator, credit checker, typist, PBX operator, statement clerk, safe deposit attendant, and teller. The teller position will be separately analyzed as a subgroup within the total. Approximately 50 percent of all Bank personnel fall within Class I.

Class II. Included here are positions immediately senior to those in Class I, e.g. first-line supervisor, senior clerical, and note teller. This class comprises about 29 percent of all personnel. In addition to the total, two sub-groups will be distinguished according to levels of responsibility.

Class III. The next higher 15 percent. Typical positions include branch operations officer, lending officer, small branch manager, administration specialist, department head.

Class IV. The highest group, comprising about 6 percent. Positions included are managers of intermediate to large branches, operations officers of major branches, heads of large administrative departments, administration specialists, supervisors of groups of branches, and senior management.

c. By location. State totals, plus each of 10 geographic areas exclusive of administration staff, and administration staff according to each of the three major locations in the San Francisco and Los Angeles areas, respectively. ERMA centers and district trust offices, although part of administration staff, will be reported for the areas in which they are situated, since their entrance staff is employed in the local market. In addition, the Bank will provide information relating to racial and ethnic distribution of personnel within the two major metropolitan areas.

d. By job opportunities..

(1) For the first reporting period, the percentages of total hires represented by each of the component minority groups as follows: San Francisco and Los Angeles central hiring offices, Sacramento, and San Diego. It is understood that virtually all hires take place in Class I, except those which occur through the several training programs. The desirability of continuing this report with respect to Sacramento and San Diego will be reappraised by the Bank and FEPC after evaluation by FEPC of the first report.

(2) For occasional, selected reporting periods:

Comment By Major Newspapers

In editorial comment on the FEPC-Bank of America agreement the San Francisco Chronicle said, "other banks and probably other industries will use this as a guide...for opening up minority group employment." The Los Angeles Times said, "the precedent set by the Bank of America could conceivably influence the state's entire business community." The Los Angeles Herald-Examiner said the agreement should have "a favorable and far-reaching influence in the solution of similar problems." The San Francisco News-Call Bulletin cited the agreement as "major recognition that extraordinary measures are required in today's civil rights climate."

numbers of applicants and of hires, by racial and ethnic breakdowns, for selected cities or other areas.

(3) For the formal training programs: numbers of entrants employed for these programs and successful completions, by racial and ethnic breakdowns.

e. Applicant tallies. Tallies of applicants at the point of first interview, by racial and ethnic breakdowns will be carried out from time to time, as requested by FEPC, for limited periods, e.g. one week. Initially this will be done only at the central hiring offices in San Francisco and Los Angeles, later perhaps in other locations. It is expressly understood that no such studies will entail any form of specification or designation of individual applicants by race or ancestry.

f. If further data or additional means of spot-checking or otherwise verifying certain types of information later appear to FEPC to be necessary or desirable, the Bank will cooperate in facilitating detailed examination of such data or augmenting its reporting.

g. Apart from such statistical information, the Bank will keep FEPC advised as to any significant activities or developments relating to recruiting, training, upgrading, or other personnel processes which might have bearing on the general subject of this Understanding.

2. Policy Implementation:

Continuing Review And Consultation

While the personnel data to be reported as described above are essential to the advancement of equal employment opportunity, such data alone will not provide an adequate basis for appraisal and strengthening of the Bank's overall employment practices. There will also be thoroughgoing study of all the policies and processes bearing upon recruitment, selection, training, and promotion of personnel, from which may emerge, in joint consultation, ideas and recommendations for increasingly effective practices. FEPC's examination of the Bank's practices affecting personnel will be as comprehensive as deemed necessary.

The spirit in which this work proceeds will be that of a cooperative, affirmative endeavor, seeking full realization of the basic purpose of the Bank's policy on equal employment opportunity and of the intent of President Peterson's strong declarations on this subject.

In general, the main features of an affirmative program of this nature are set forth in the FEPC brochure, Promoting Equal Job Opportunity: A Guide for Employers. Features which, it is anticipated, will be applicable and useful in the Bank's program--to be supplemented by others resulting from experience, from consultation with FEPC, or from suggestions by concerned minority group organizations--are the following:

Policy. The Bank will continue to make every effort to ensure that its statement of equal employment policy as it affects hiring, promotions, training, and assignment carries the full force and effect of a major policy promulgated by the highest authority in senior management, and is carried out at all levels.

Recruiting. The Bank utilizes the services of the minority specialists in the various California State Employment Service offices throughout the State.

The Bank will expand its efforts to make its policies and personnel needs known to churches, school principals, teachers, counselors, and to other organizations, agencies and individuals which may provide communication or access to prospective minority applicants. Minority employees will be encouraged to refer qualified friends and relatives.

The Bank will participate with school districts in distributive education programs potentially leading to Bank employment and will provide speakers or other assistance to "Career Day" and similar activities.

Hiring. The FEPC employment poster is displayed at all Bank installations. Personnel, medical, and security procedures will be continuously reviewed to eliminate any possible discrimination, actual, inadvertent, or apparent.

Tests and standards have

been and will be reviewed to make sure that they are valid for the positions, uniformly applied, and free of inadvertent bias. Special efforts will be made to ensure that personnel involved in hiring will be thoroughly aware of the problems of minority applicants.

Training. Special efforts will be made to recruit minority persons for training programs which lead to higher-skilled, supervisory, and executive responsibilities. Minority employees will be encouraged, along with others, to participate in American Institute of Banking courses, and will be counseled regarding methods of personal and career advancement.

Transfer and promotion. Promotional channels and decision-making will be continuously reviewed to make certain that minority employees have equal opportunity and are fully aware that advancement will take place on merit alone.

Advertising. Advertising of employment vacancies will be carried in minority news media among others and will emphasize the Bank's equal opportunity policy. Minority group persons will be among those portrayed in the Bank's general advertising in mass media.

3. Public Reporting

FEPC has the right and responsibility to determine what information should be released in the public interest and will accordingly prepare and issue occasional public reports summarizing and critically appraising main features of the Bank's equal opportunity policies and practices. Normally included, it is anticipated, will be discussion of areas of strength or weakness in the Bank's practices, with illustrative instances of progress or problems; appraisal of activities such as recruiting for entrance positions and for training programs; appropriate statistics and other supporting data and suggestions or recommendations which FEPC may wish to offer. It is FEPC policy not to disclose unevaluated personnel pattern information. Any views which the Bank may have as to the validity of FEPC's observations in a given report will receive serious consideration prior to its release.

Fair Housing Cases Show No Move-Outs By Whites

When Negroes have moved into a new neighborhood as the result of FEPC conciliation efforts, white residents have not moved out, an analysis of housing cases through June has shown.

The FEPC received 135 complaints of alleged discrimination in housing between September 20, 1963, when the Rumford Act became effective, and June 30. Ninety-two of these were decided, and 43 were still under investigation or conciliation at the end of June. Of all completed cases, 61.4 resulted in corrective action after conference and conciliation.

The majority of all cases involved refusal to show property or to rent or sell to Negroes. In closed cases, FEPC conciliation resulted in 42 complainants being permitted to inspect the dwellings they were initially refused. Fourteen of the 42 moved in, while the remainder found that they preferred to take other accommodations.

None of the complaints were filed against the owners of single-family, owner-occupied homes that were privately financed. The majority involved complaints against firms or individuals in the business of housing, such as managers, agents or real estate brokers, and most concerned apartments or other multiple dwellings.

FAIR EMPLOYMENT PRACTICE COMMISSION

State of California, Edmund G. Brown, Governor

Department of Industrial Relations, Ernest B. Webb, Director

FEPC

FAIR PRACTICES NEWS

DIVISION OF FAIR EMPLOYMENT PRACTICES

455 Golden Gate Ave.

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CALIFORNIANS AGAINST PROPOSITION 14 is the new name of Californians for Fair Housing, the campaign group opposing the realtor's initiative amendment to the State Constitution. Northern California headquarters has moved to 48 Second St., San Francisco.

Advisory Groups Meet

Carrying forward plans made in an organizational meeting with Governor Edmund G. Brown last April, the new Women's Advisory Council to FEPC met in two regional meetings during June. Mrs. Ruth W. Avakian, Northern California Co-chairman, and Mrs. Jonas Salk, Southern California Co-chairman, presided at the meetings, held in Berkeley and Los Angeles, respectively.

Formation of the first FEP local advisory group was also completed when Commissioner Elton Brombacher announced appointment of Horace Marshall of San Mateo as chairman of the 16-member San Mateo Area Advisory Committee.

Employment Cases

Since passage of the FEP Act in 1959 through June 1964, the received number of complaints alleging discrimination in employment numbered 3534. Of these, 2712 have reached final disposition, and of this number about one-third have resulted in corrective action. Additionally, the Commission has undertaken 101 investigations under its Section 1421 authority, and initiated 26 affirmative action programs.

Carmen H. Warschaw, Chairman

Elton Brombacher, C. L. Dellums, John Anson Ford,
Louis Garcia, Clive Graham, Dwight R. Zook, Commissioners
Edward Howden, Division Chief

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FAIR EMPLOYMENT PRACTICE COMMISSION

C. L. Dellums, Mrs. Carmen H. Warschaw, Dwight R. Zook, Commissioners

John Anson Ford, Chairman; Elton Brombacher,

Edward Howden, Division Chief

No. 14 (July-August 1963)

Governor Issues Code of Fair Practices

A sweeping executive order by Governor Edmund G. Brown, issued July 24, directs California officials to end "any and all vestiges of discrimination in all operations of State government."

The new Governor's Code of Fair Practices, first in California history and the strongest yet promulgated in any state, contains 15 articles which spell out a comprehensive policy of nondiscrimination. Personnel practices of State government are covered, and State licensees and persons having business with the State are directed to follow policies of nondiscrimination.

State agencies have already undertaken far-reaching programs to carry out the Governor's order, as reported elsewhere in this newsletter.

In a statement issued with the code, Governor Brown said that "although it has long been the policy of this State not to discriminate on the basis of race, color,

FAIR HOUSING ACT

The Rumford Fair Housing Act (AB 1240) becomes effective September 20, 1963. The Fair Employment Practice Commission will be enlarged by the appointment of two additional members, and staff will be increased to enable the agency to administer the law against discrimination in the sale or rental of housing accommodations on account of race, color, religion, national origin, or ancestry. For an article on "Fair Housing and the Role of Law," turn the page.

or creed, this policy has never been codified.

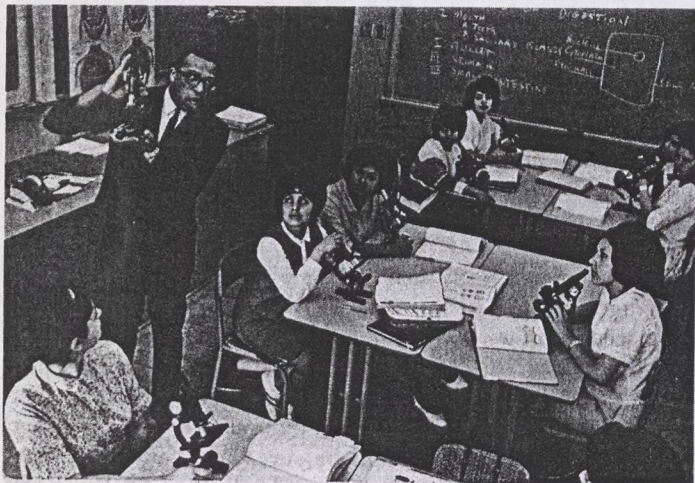
"The Code of Fair Practices will serve as a guide of conduct to all departments of the State in their relations with minority groups and individuals."

The 15 articles of the code cover employment policies, State services and facilities, contracts, employment services, educational programs and institutions, licensees and regulatory agencies, housing, schools, law enforcement, and recipients of benefits, loans and grants.

Annual progress reports to the Governor are required, and the code must be posted in conspicuous locations in all State facilities.

Governor Brown met with Attorney General Stanley Mosk and his department heads during July to outline in broad terms the problems and objectives of State government in eliminating discrimination both in its own activities and in public areas.

The Attorney General will head a statewide civil rights task force to insure compliance with the code and to coordinate all civil rights activities of the State.



Richard Persoff photo

Biology teacher Robert J. Washington demonstrates microscope to students at James Garfield High School, Los Angeles

Across the Nation

CALIFORNIA GOVERNOR Edmund G. Brown, supporting President Kennedy's proposed Civil Rights Act, told the U.S. Senate Commerce Committee: "The Negro, the Mexican American and other minority groups no longer can be put aside with the words, 'wait a little longer.' History has shown that 'wait a little longer' really has meant 'never'."

A FEDERAL FEPC LAW is long overdue, another U.S. Senate group was told by Edward Howden, California FEPC executive officer. The proposed Federal commission would cooperate with existing agencies in California and 21 other FEP states, and would operate alone in 28 states which do not have enforceable FEP laws.

THE CIVIL RIGHTS COMMISSION created by Michigan's new state constitution will have the duty and power to stop discrimination in the sale and rental of private housing.

STATE AND LOCAL GOVERNMENTAL agencies were brought under provisions of the Illinois FEP law, which was strengthened by various amendments.

THIRTEEN OF THE LARGEST companies in New Jersey, employing more than 100,000 persons, subscribed to a pledge against racial discrimination in hiring.

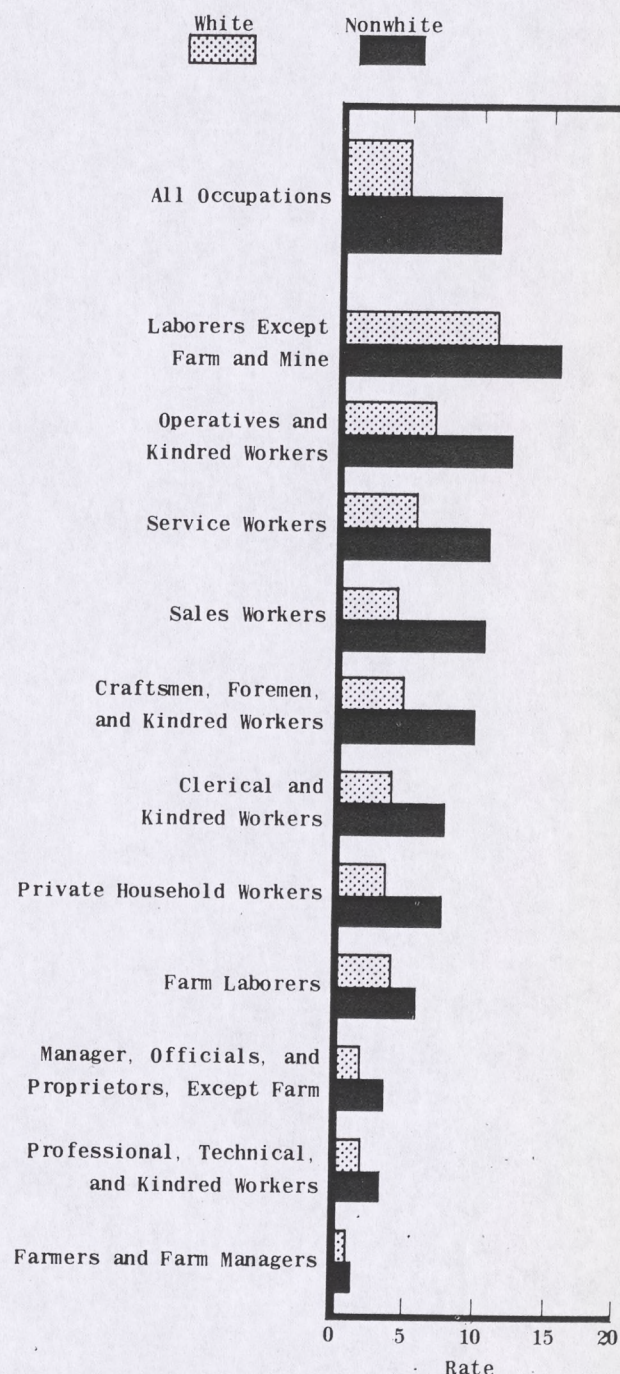
A NEW LAW IN HAWAII prohibits employers and labor unions from discriminating against an employee or union member because of age, race, sex, color, or ancestry.

THE U.S. POST OFFICE Department, called the world's largest employer of Negroes, has undertaken an intensive drive to become a model of complete integration. Postmasters have been told to hire and promote more qualified Negroes and to abolish all segregated facilities and practices.

AN ORDER TO END discrimination in businesses licensed by the state in Indiana will apparently apply to every retailer, since the state's 150,000 retail merchants are required to receive certification under tax regulations.

THE CITY FAIR HOUSING ORDINANCE of Toledo, Ohio, was ruled a constitutional and valid exercise of the police power of the city council, and a court injunction against its enforcement (in effect since 1961) was dissolved.

Unemployment Rates by Color and Occupation, 1962



Employment Security Review,
U.S. Department of Labor, June 1963

Among these rights...

NEWSLETTER

To secure essential American rights and opportunities denied because of race, religion, or ancestry

of the COUNCIL FOR CIVIC
UNITY of San Francisco
437 MARKET ST. SAN FRANCISCO

A SPECIAL MESSAGE FROM EDWARD HOWDEN

Note: Concluding almost 13 years as the Council's executive director, Edward Howden resigned effective September 16 to become the first permanent staff head of the San Francisco Commission on Equal Employment Opportunity, the city agency charged with administration of the 1957 fair employment practices ordinance. Mr. Howden was chosen by unanimous vote of the commission from among a large group of candidates. The nonpolitical appointment, which had the hearty approval of Mayor George Christopher, was widely hailed as reflecting the intention of the new commission and of the Mayor to foster vigorous and fully professional administration of the job equality ordinance. . . . Following is Mr. Howden's message to the CCU Board and membership in connection with his resignation:



8 September 1958

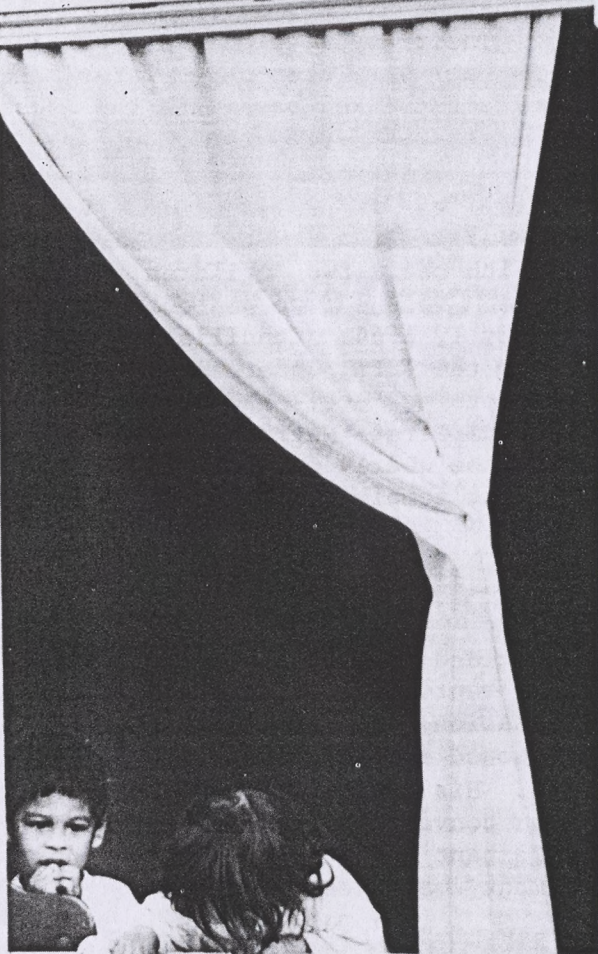
DEAR FRIENDS AND COLLEAGUES:

ON AUGUST 12 I was informed of my appointment as first executive director of the City's Commission on Equal Employment Opportunity, and immediately called CCU president Ed Osgood to submit my resignation, effective September 16, from the position of the same title with the Council. The intervening days have been crowded with "must" Council work -- both urgent, ongoing program activities and matters relating to the impending staff transition period -- and I am turning only now to this written message of resignation.

The things I should like to say are inextricably both personal and programmatic or organizational. It was difficult for me to make the decision for a change mainly because I was (and remain) acutely conscious of the compelling and attainable concrete objectives immediately before the Council and because of the dedicated and congenial character of CCU's Board and general membership. At such a time one is painfully aware of the tasks still undone. On unfinished business, more in a moment.

FIRST, RECALL BRIEFLY several aspects of the Council's history since the end of 1945. The organization has played a significant -- often leading -- role on issues which included public housing segregation, urban redevelopment nondiscrimination policy, equal employment opportunity, hospital practice, and restrictions in private housing, while carrying on a continuing information-education program seeking to interpret these and related issues to a wide public and to key community leaders. Although minimal attention was devoted to membership promotion and fund-raising over many of these years -- I found it hard to pull away from program for these admittedly essential activities -- the Council has survived and grown steadily on both scores

OPENING THE DOOR



**Nine Cases
from
F E P C Files**

FAIR HOUSING

1. "Waiting List" for Negroes

On December 2, 1963, Mr. and Mrs. A., a Negro couple in their thirties and parents of two young children, saw a newspaper advertisement for two-bedroom apartments in the "children section" of a large apartment complex in Los Angeles. The advertised rent was within their means and the location was suitable.

But when Mr. A. inquired personally at the rental office he was told no such apartments were available and that in fact there was a waiting list. His question as to why the management continued to advertise nonexistent vacancies was shrugged off.

A week later, on December 8, Mr. A., together with his wife, returned to the rental office and received the same story-- "no vacancies." However, they wrote their name on a slip of paper, the so-called waiting list.

On December 12 Mrs. A. telephoned the rental office without identifying herself and was told to come out at any time to inspect vacant apartments. Nothing was said about a waiting list or any other qualifications. She was told that application must be made in person.

Two days later a Caucasian couple, Mr. and Mrs. B., visited the rental office and were shown several vacant units, one of them a two-bedroom apartment ready for immediate occupancy. In conversation with Mr. and Mrs. B. the rental agent disclosed that the apartment complex consisted of nearly 600 units and that not one was rented to a Negro. He said that all applications must be made in person and if Negroes did come in, "we tell them there are no vacancies---it's a company policy." He went on to reveal that if a potential Negro client persisted, the agent would take an application and put the name on a "waiting list."

Just a few minutes after Mr. and Mrs. B. had received this information and seen for themselves that apartments were indeed vacant, Mr. and Mrs. A. again called at the rental office, only to be told there were still no vacancies. They did elicit from

AIR EMPLOYMENT PRACTICE COMMISSION - STATE OF CALIFORNIA

the agent a promise to have the manager call them, which he did early the next morning. He told Mr. and Mrs. A. that there did happen to be one vacancy among the nearly 600 units---a one-bedroom apartment into which he himself was planning to move at once. But, he said, 'if the A.s were interested they could file an application by mail. The couple did not agree to this, preferring to first see the apartment they were applying for.

On December 23, Mr. and Mrs. A. filed a complaint of discrimination with the Fair Employment Practice Commission. An FEPC staff member visited the rental office and talked with the agents with whom the A.s had been in touch. They said they could not remember the couple and claimed to have no knowledge of any available apartments.

The FEPC consultant, acting under direction of the Commissioner assigned to the case, then met with the operating manager of the company that owned the apartments, and the firm's attorney. These representa-

tives disclosed that 14 two-bedroom apartments accepting children were currently vacant. They advised the consultant that Mr. and Mrs. A. could inspect an apartment immediately and file an application---which they promised would be evaluated without discrimination and handled in just the same manner as all other applications.

The consultant advised the A.s to do this. Their application was at last filed on January 4. Three days later the FEPC consultant checked back with the apartment manager to make sure that the application was being processed. He was told that an apartment was being made available to the A. family.

With their two children Mr. and Mrs. A. moved into a two bedroom apartment on February 1, 1964. Conciliation and persuasion by the FEPC, under provisions of the Fair Housing Act, had resulted in their being the first Negroes to occupy a dwelling in the nearly 600 rental units of the apartment complex.

2. Rent Goes Up When Owners Find Applicant is Negro

Having seen an "apartment for rent" advertisement in a newspaper, a Negro mother called to inspect the dwelling and offered to rent it once. She was put off with vague and unsatisfactory excuses for not renting at that time. The next day she telephoned again to offer to rent the apartment and was informed that the owners

had decided to furnish it and hold it for a higher rent. She filed a complaint of discrimination. The assigned FEPC consultant telephoned the respondent to determine the facts. His conciliatory efforts in the ensuing conversation were successful. The complainant and her child moved into the apartment immediately thereafter.

3. "Neighborhood Isn't Ready"

A Negro woman in San Francisco made arrangements by telephone with an agent to examine an apartment that had been advertised. When she met the agent at the building he made a number of stipulations regarding rental that contradicted statements he had made in the phone conversation. When the woman mentioned this, the agent said he hadn't realized then that she was Negro, and that he didn't think the neighborhood was ready for Negroes. The woman filed a complaint with FEPC. The respondent admitted to the investigator that he had refused to rent for reason of race. Since the apartment in question had since been rented and the rate of turnover was very slow, the case was settled with an award of damages to compen-



sate the complainant in part for lost time, inconvenience and humiliation caused her by the obviously discriminatory action of the rental agent.



4. Question on Race Dropped

A Negro woman charged she had been unable to rent an apartment because of discrimination by a building owner. FEPC investigation upheld her charge, and a meeting was arranged with the owner. He admitted the allegations, agreed to stop asking for racial identification, and decided to apply consistently a standard tenant application form that included rental conditions. After conciliation the complainant inspected the apartment and found it unsatisfactory for her needs. The owner's improved practices nevertheless remained in effect.

5. Apartment Case Dismissed

A real estate agent tried to help a Negro construction worker obtain an apartment by contacting another firm and placing a deposit on an apartment for him. When the prospective tenant, who was identified as "colored," prepared to move in he found the apartment had been rented to another person. The second agent claimed he had stipulated that the remainder of the first month's rent be paid by a certain date and that on that date, when the rent was not forthcoming, he had turned over the keys to the next-door tenants---a Mexican American family---with instructions to rent to the first likely prospect; no restrictions were mentioned regarding race. In investigating the construction worker's complaint, FEPC determined that denial of the dwelling had not been discriminatory but had resulted from a misunderstanding. The case was dismissed. With the help of the first agent, other suitable quarters were soon found for the complainant.

6. "No Vacancies" to Students

Four Negro college students sought to rent apartments in a large apartment complex where many of their classmates lived. But the manager of the apartments refused to provide them with application forms. She told them as well that the "students' area" had no vacancies and named rental figures higher than those paid by classmates. Believing they were being discriminated against because of their race, the students filed a complaint with FEPC. In attempting his investigation, the FEPC consultant was unable to obtain information from the manager. He spoke with the apartment owner who, while he denied knowledge of any vacancies, agreed to permit the consultant to determine vacancies for himself. With the help of the Negro students' Caucasian classmates it was disclosed that vacancies existed throughout the complex---including the "students' area." In a final conciliation conference, the owner met with the FEP Commissioner and consultant and agreed to rent to the complainants. As a result, two of the students moved into an apartment within a few days, and the other two made plans to move as soon as convenient.



PHOTOGRAPHY by Gini Leonard

Photos do not illustrate actual FEPC cases.

7. Owner Directs Open Rentals

A rental agency in a large city referred a Negro woman to an apartment. When she arrived at the building and asked to see the place, the building manager told her it already had been rented. A friend of the woman later phoned the manager and discovered the apartment was still vacant. The woman filed a complaint with FEPC. Investigation bore out her charge of discrimination. FEPC's contact with the owner of the building brought about an offer of an apartment, along with a directive from the owner to the manager spelling out an open occupancy policy. The complainant is now living in the apartment.

8. When Law is Explained

A Negro tabulating machine operator responded to an advertisement to rent an apartment in a large building. He was told there were no vacancies. A friend who is not Negro visited the building and found this to be untrue. The Negro filed a complaint with FEPC, charging the apartment manager with discrimination. In talking to the manager, the FEPC consultant explained provisions of the Fair Housing Act, and through conciliatory efforts quickly obtained agreement by the manager to rent to the complainant, who moved into the apartment without further difficulty.



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State of California
Edmund G. Brown, *Governor*

Department of Industrial Relations
Ernest B. Webb, *Director*



9. Purchase of a Homesite

Late in September 1963 a woman negotiated for purchase of a lot in a home tract in a Northern California mountain area. She paid a deposit, but it was returned a few days after the real estate agent met her husband and learned he was Negro. The agent said the lot had already been sold. Feeling that they were victims of racial discrimination, the couple filed a complaint with FEPC. Investigation bore out the real estate company's explanation that the lot had been sold to another buyer at or about the time the deposit was being taken. Available evidence did not support a finding of overt discriminatory practices. The couple later were shown other lots by the same real estate firm and purchased one of them in early November 1963.

THE FAIR EMPLOYMENT PRACTICE COMMISSION administers the Fair Employment and Fair Housing Laws. Through its educational program the Commission issues publications, disseminates information, offers a speaker service and participates in programs to promote equal opportunity for all.

For more information or to file a complaint, contact the nearest FEPC office:

San Francisco: P.O. Box 603, 455 Golden Gate Avenue
(phone UNDERhill 1-8700, extension 3167)

Los Angeles: 322 West First Street (phone MADison 0-2610)

Fresno: 2550 Mariposa Street (phone AMHerst 8-7151,
extension 277)

San Diego: 1350 Front Street (phone 232-4361,
extension 285)

Fair Employment Practice Commission

Carmen H. Warschaw, *Chairman*; Elton Brombacher, C. L. Dellums, John Anson Ford, Louis Garcia, Clive Graham, Dwight R. Zook, *Commissioners*. Edward Howden, *Executive Officer*

Willie Mays Case

HOUSING A GIANT

MEMORANDUM ON THE WILLIE MAYS INCIDENT

From Edward Howden, Director, Council for Civic Unity of San Francisco

27 November 1957

437 Market Street, San Francisco 5

Note: Inquiries from members and friends, both here and across the country, indicate that many people are interested in knowing more about the Willie Mays housing case and CCU's role in its resolution. Here is a background account.

KNOWING REAL ESTATE PRACTICES as we do, it came as no surprise when even a celebrity such as baseball's great Willie Mays ran into the color bar in one of our "better" neighborhoods. Sometimes the seller is solely responsible for such a rejection, but typically the real estate broker either fends off nonwhite buyers or strongly advises the seller against the transaction. If the house is actually shown to a nonwhite family, protest sometimes arises from neighbors When a case of this sort reaches CCU in time, we try to talk with the seller or broker -- and perhaps neighbors -- in an effort to ease anxieties about "property values" and to remove other obstacles to a normal transaction.

THERE WAS, AS IT HAPPENS, a sort of "warm-up" problem one week before the case of Willie Mays and the Miraloma Drive house hit the headlines. On Friday, November 8 our office was informed that the newspapers were about to publish a report of a discriminatory turn-down encountered the preceding day by the famous centerfielder of the San Francisco Giants. This concerned a house which was withdrawn from the market while Mr. and Mrs. Mays were about to make their second offer on it. Although the circumstances strongly suggested discrimination, neither our investigation nor those of the newspapers turned up proof, and there were no press stories the following day. (For which the State Department was no doubt deeply grateful, since in San Francisco that same Saturday morning a four-day UNESCO conference on what Americans can do to promote better Asian-American relations was still in process, with many distinguished Asians in attendance. So the nation and the host city were spared -- for a few days -- the embarrassment of an incident of racial discrimination against a prominent new resident. The later story undoubtedly reached the Asian conferees on their return to their homelands.)

THE CITY'S LUCK on this score was running out, however. The Mays^{es} had found the new Miraloma Drive home for sale by small builder Walter A. Gnesdiloff and had offered him, cash, his full price of \$37,500. But nearby residents, including one who was also a homebuilder in the area, immediately began to make their objections felt. Gnesdiloff wanted to sell the home; he saw no intrinsic objection on racial grounds; but he did not wish to alienate the peoples in the neighborhood or in the improvement associations covering sections in which he anticipated building single homes on speculation in the future. He feared, among other things, that some improvement groups which have power to disapprove house plans would give him trouble in future building operations, that he would have difficulty purchasing lots, and that the nearby builder for whom he sometimes worked as a carpenter would no longer hire him. He apparently

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OUR INVOLVEMENT in the situation began late Saturday evening, November 9, when the Mays' broker, Charles Turner, called this writer. It was agreed that we would

discuss the matter with Gnesdiloff the next day in an effort to interpret the significance of the case and give him information which might enable him to withstand the mounting pressures against the deal.

A long Sunday conference ensued, in the course of which CCU (a) appealed to Gnesdiloff in terms of civic pride and patriotism, pointing out that a rejection of the Mays' offer would unquestionably produce a headline news story around the world, to America's and the city's serious detriment; (b) presented evidence refuting fears about decline of property values; (c) cited experience in the Bay Area showing the easy, friendly adjustments which typically occur when the first nonwhite family comes into a neighborhood; and (d) offered to talk with the more disturbed neighbors who had called Gnesdiloff.

At no time in this or subsequent conversations did Gnesdiloff give evidence of race prejudice. At the same time, his experience did not appear to be such as to equip him to recognize the full significance, or to appreciate the potent news value, of such an incident. He and his wife did not know how to cope with the barrage of telephone calls assailing them. He said that he wanted especially to mollify the immediate neighbor to the house in question and the nearby builder. It seemed that if this could be done the main obstacles to the transaction would be removed. At our suggestion, then, Gnesdiloff telephoned the next-door neighbor and arranged a joint conference for that same evening. Later in the day we spoke briefly with this resident by telephone, but on arrival that evening she had decided not to answer her doorbell; nor did she respond the next day to a note left for her.

ON MONDAY A HEAVY SCHEDULE of meetings precluded our canvassing the neighborhood. We worked at the problem by telephone, talking with Gnesdiloff and with representatives of the Mayses. Gnesdiloff was still undecided. In some quarters the suggestion arose that indirect means of purchasing the home might be necessary. We advised that first there should be exhaustion of the efforts at suasion.

At this point we decided to request Mayor George Christopher to make a personal appeal to Gnesdiloff. The Mayor was arriving home that evening from an extensive overseas trip, coming into a hectic political situation, complete with a late press conference and various conversations. Rather than telephone him that evening, we gave the story to an assistant close to the Mayor with the understanding that it would be communicated either during the evening or first thing in the morning.

TUESDAY MORNING GNESDILOFF again expressed special concern for the views of the two builders in the neighborhood. At our suggestion, he agreed to try to set up a meeting with these two that evening in which CCU would participate. Gnesdiloff did not succeed in arranging this meeting.

Checking later in the day, we learned that on the Mayor's instructions his staff had attempted to talk with Gnesdiloff, but had been obliged to leave word of his interest in the matter with Mrs. Gnesdiloff. We were told also that Supervisor Francis McCarty had conferred with both Gnesdiloffs. At one point it was said that the problem had been solved by the suggestion of another home which was available. Finding that the Mays^{es} still wanted the Miraloma house, we renewed our request that the Mayor personally speak with Gnesdiloff.

BY WEDNESDAY MR. and MRS. MAYS and their host, Dr. Herbert Henderson, were understandably impatient. Mrs. Mays looked at another home but was not interested in it. We maintained contact with the Mayor's staff. Someone had suggested another house in a good neighborhood but on a short street which is heavily Negro in ownership; not everyone in official circles understood why Mrs. Mays did not respond enthusiastically to the implication that this was the only street in their price bracket where they could have a home. We gathered, too, that the Mayor had received some

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We began to doubt that Gnesdiloff would finally decide to sell to the Mayses. He indicated that since the initial weekend protests no further objections had been expressed by members of two quite prominent families in the immediate neighborhood - families connected with conspicuous public-serving businesses in the city. But he was still worried about the two builders and about the calls from improvement association people. (Concerning the latter there was some confusion at the height of the issue. Later, as Mr. and Mrs. Gnesdiloff compared notes on calls received, it seemed that the only direct ones from persons mentioning neighborhood associations were actually favorable to a nondiscriminatory sale.)

We warned again that the story might break at any time in the press, producing unfortunate nationwide publicity for the city and working against the United States' best interests. Gnesdiloff did not disagree with this prediction, but seemingly was

unaware of the actual magnitude which such a news story would assume, of the spotlight which would be turned on him, or of the strong stand against this particular discrimination which the newspapers and civic leaders would take. He still wished that the builders and others could be placated and his wife's worries eased. We said we would try to see the main builder-resident, Martin Gaehwiler, that same day.

An appointment with the Gaehwilers was arranged for the end of the day, and it was understood that we would be most willing to have other neighbors included in the conversation. Meanwhile, we met Mr. and Mrs. Mays (for the first time), and ascertained that they still wished, if at all possible, to go through with purchase of this Miraloma home. Only this and one other home -- the one mentioned above as having ostensibly been taken off the market -- had appealed to them. They had no taste for a fight, but neither were they inclined to back away from the reported opposition. Mays said he hardly anticipated much in the way of neighborly contact, but added -- no doubt in recollection of long experience with his not-so-color-conscious baseball public -- that when the kids came around he would not be turning them away.

We then kept our appointment with builder-resident Gaehwiler. No other neighbors had been called in, so it was just husband and wife, a couple in their early or mid-thirties. They apparently do well as homebuilders, producing and selling about four high-priced homes each year. They planned to sell the Miraloma home in which they were living, and apparently had some others on the market or about to be completed in the neighborhood. They were positive that a sale to Mays would cause them grievous financial loss. The husband, moreover, was quite direct in his deprecation of "colored people" generally. Reminded that at least one Chinese and one Filipino family were already in the area, he drew a sharp distinction between these and the allegedly undesirable Negro. We went at the subject from many angles, but found no indication that the couple might reconsider. After our representations had become obviously futile, we closed with two final points: (a) a flat prediction that, assuming the Gnesdiloff house were sold to the Mays, five years later it would be found that sales prices in the neighborhood had not been adversely affected by this transaction; and (b) a gentle suggestion that the Gaehwilers might wish to consult their religious adviser on the case.

RETURNING HOME LATE, we learned that the Chronicle was about to break the story the next morning. We so informed Gnesdiloff and suggested that here was his last chance to give the opening story a happy ending. He preferred a sort of wait-and-see position. We wrote a short statement, gave it to the paper, and terminated operations for that day. Our statement read:

This shocking rejection of Mr. and Mrs. Willie Mays as neighbors by a handful of Miraloma Drive residents is nothing less than a civic disgrace. Regrettably, it is typical of practices in a large portion of the private housing market.

Last week San Francisco hosted a major UNESCO Conference on what Americans can do to improve Asian-American relations. Now it will seem that we have reverted to business-as-usual in indiscriminating against fellow Americans solely on grounds of race. Now our city will once again receive worldwide publicity as one whose reputation for hospitality and decency in race relations does not yet extend to the housing industry.

CCU will continue to do its utmost to persuade the owner to reconsider. We will also continue to urge real estate people, builders, lenders, and homeowners' associations to take a lesson from baseball and end their senseless resistance to equal opportunity in housing.

For this first story Mayor Christopher made the following statement:

indication that the sale was obviously futile, we closed with two final points: (a) a five years later it would be found that the Gnesdiloff house were sold to the Mays; and (b) a gentle suggestion that the Gaehwilers might wish to consult their religious adviser on the case.

RETURNING HOME LATE, we learned that the Chronicle was about to break the story the next morning. We so informed Gnesdiloff and suggested that here was his last chance to give the opening story a happy ending. He preferred a sort of wait-and-see position. We wrote a short statement, gave it to the paper, and terminated operations for that day. Our statement read:

This shocking rejection of Mr. and Mrs. Willie Mays as neighbors by a handful of Miraloma Drive residents is nothing less than a civic disgrace. Regrettably, it is typical of practices in a large portion of the private housing market.

Last week San Francisco hosted a major UNESCO Conference on what Americans can do to improve Asian-American relations. Now it will seem that we have reverted to business-as-usual indiscriminating against fellow Americans solely on grounds of race. Now our city will once again receive worldwide publicity as one whose reputation for hospitality and decency in race relations does not yet extend to the housing industry.

CCU will continue to do its utmost to persuade the owner to reconsider. We will also continue to urge real estate people, builders, lenders, and homeowners' associations to take a lesson from baseball and end their senseless resistance to equal opportunity in housing.

For this first story Mayor Christopher made the following statement:

San Francisco is a very understanding city and it's not our practice to preclude anyone's living where he wants to, regardless of his race. On the other hand, no law requires an owner to dispose of his property. What's happened is not in accordance with San Francisco's traditions.

And Supervisor Francis McCarty -- who, with the Mayor, had worked long and hard to bring the Giants team to San Francisco -- commented:

I don't believe this incident typifies the feeling of the overwhelming majority of our people. I feel confident that there will be a number of offers to sell a home to Willie Mays and his family. He has a wonderful reputation as a gentleman and a family man, equal to his reputation as a ball-player. He would be an asset to any community.

Said Willie Mays:

I'd sure like to live in San Francisco. But I didn't want to make an issue about it. I've never been through this kind of stuff before, and I'm not even mad about it now. I figure if a guy has his own problems he's got to lick them himself, and if neighbors don't want you, what's the good of buying. But talk about a thing like this goes all over the world, and it sure looks bad for our country.

Mays said he might decide to keep his home in Manhattan's Washington Heights, a "mixed neighborhood," and come to San Francisco only for the baseball season. He added:

But this is where I'm going to play ball, and I'd sure like to live here, too.

Mrs. Mays was less gentle:

Down in Alabama where we come from, you know your place, and that's something, at least. But up here it's all a lot of camouflage. They grin in your face and then deceive you.

WITH THE STORY BREAKING Thursday morning (November 14), press, radio, and television reporters descended in force on the Mayses. Several offers of fine homes for sale began to come in. A new and stronger statement (copy appended) came from the Mayor, including an invitation to the Mayses to be his house guests.

Reporters began calling Gnesdilloff, and around ten that morning he telephoned us. At first it seemed that this was merely an extension of our numerous inconclusive conversations, then we sensed that he was willing now to proceed with the sale but tired with days of talk and confused as to just what steps to take. "Do you mean," we asked, "that you have now decided to sell the home to Mr. and Mrs. Mays?" "Well, yes, I think so," was the reply, but there was still an edge of uncertainty. We suggested that a next step might be to communicate with his broker, Village Realty, to inform them of his decision and get the sale under way. (Peter Morgan, owner of Village Realty, had told Gnesdilloff that his firm would have nothing to do with a sale to a Negro and had refused to take an offer for the full price tendered by Charles Turner on behalf of the Mayses.) At this point Gnesdilloff wondered whether, as hinted to him earlier, there might be alternative offers, matching that of Mays, among which he would have to choose. We countered with the thought that if there were any such offers he would seem to have a moral obligation to the Mays, since theirs was first; and that, in any event, Village Realty would certainly have transmitted immediately to him any new, matching offer.

Finally, Gnesdilloff authorized the writer to tell Mr. and Mrs. Mays of his willingness to sell and said that he would immediately inform Village Realty of his decision.

BECAUSE OF THE TELEPHONE JAM at the Henderson residence, where the press-radio-TV corps was interviewing the Mayses, it took us almost twenty minutes to get through with the announcement of Gnesdilloff's decision. This came while all the news services were still on the spot, permitting transmission of word of the decision in time for afternoon papers and radio and TV newscasts during the rest of the day and evening. Thus, within a few hours of release of the original Chronicle story the follow-up news of Gnesdilloff's final, favorable action was widely disseminated.

This writer of course took the conscious risk, in transmitting Gnesdilloff's decision, that there might be a last-minute reconsideration before the deal was made formal. We had a few uneasy moments when we learned, shortly after this announcement, that Gnesdilloff had gone over to speak once again with Gaehwiler. Talking

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Morgan of Village Realty failed to fill his appointment with Gnesdiloff. While waiting for him (the news corps in full attendance), the Gaehwilers came for an urgent, last-ditch conference in private with Mr. and Mrs. Gnesdiloff. One exchange from that conference was reported by the Chronicle. Gaehwiler was quoted as shouting, "Do you realize how much money you'll lose? There's thousands of dollars here." At another point Gnesdiloff replied: "But just think of what you're trying to do to San Francisco. It looks bad."

Finally this back-room conference ended and Gnesdiloff emerged, his decision unshaken. He again tried unsuccessfully to reach Morgan, then telephoned Willie Mays to give him direct word of his decision. As the TV cameras ground away, Gnesdiloff said:

Mr. Mays, I want to tell you my decision personally. I am very happy to have you buy my home. The majority of the people of San Francisco want it that way, and I want it too.

To the press he added:

San Francisco is proud to have Willie Mays here, and I will be proud to have him in the house I built ... I'm relieved now that the pressure is over. The people of the city seem to be back of me, and I hope some of the neighbors will too.

Observing Gnesdiloff, there could be no doubt as to the relief and pleasure which he felt at having shaken off the objections of the Miraloma Drive people and having elected to do "the right thing" despite lingering fears of adverse effect on his business. But Mrs. Gnesdiloff - who, it will be recalled, had been on the receiving end of most of the objecting telephone calls of recent days - still had misgivings. She seemed to feel guilty of a wrong against the Miraloma residents and was worried about possible business retaliation against her husband. The writer talked with her about these questions, perhaps partially easing her fears. Several sets of reprinted articles on race and property values were provided for her own study and for acquaintances in the Miraloma district.

AS FOR THE MIRALOMA NEIGHBORS, ten nearby households were canvassed that morning by the Call-Bulletin. None of the respondents expressed objection. Seven indicated varying degrees of acceptance and accommodation with respect to their new neighbors. One had not "talked about it too much" or "given it any thought." One said, "I don't know anything about it, but I guess it's all right." Only one struck a negative note, but even in this instance adjustment to the new idea was taking place: "I never can understand how they can live among other people ..." But (said the Call) this lady added quickly, "I'm not going to chase him out, and I'm sure he's not going to chase me out. He's got to have a roof over his head."

Later it was evident that several of these respondents were persons who had earlier voiced opposition to Gnesdiloff. To what extent there was real change of heart or adjustment to the situation, and to what extent these responses merely reflected a desire to give the "right" answers to a newspaper reporter, we do not know. But it is significant that all of the residents seemed to recognize that the only publicly acceptable stand was for nondiscrimination. Meanwhile, other Miraloma and St. Francis Woods homeowners wrote or telephoned to Gnesdiloff or the Mays expressing warm approval and welcome.

IT WAS BETWEEN TWO AND THREE that afternoon when the last of the newsmen left the Gnesdiloff living room, and there remained the business of finding Morgan, of Village Realty, who had been due at noon. Telephone calls and a visit to the office were fruitless. Finally, Gnesdiloff gave the realty office an ultimatum: he was proceeding with the sale and would assume that the broker was not interested if he did not appear at the Henderson home where the papers were to be signed, in an hour. We went with Gnesdiloff to the Hendersons shortly before four - carrying an autograph book of his teen-age daughter and an inquiry as to what could be done about tickets for the Giants' first San Francisco season.

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Again the newsmen and the cameras. Now there was less confusion and no longer uncertainty in the atmosphere. Gnesdiloff had met Mrs. Mays when she inspected the house; now he met her husband for the first time. There followed an interlude of waiting for the Mays' attorney to arrive to assist in the contract of sale. Now, privately, Mrs. Mays told Gnesdiloff of a call from a major tract builder offering to sell a home, and of her having secured from him a promise to try to give work to Gnesdiloff should he need it in consequence of his sale to the Mays. A few minutes later Walter Gnesdiloff and Willie Mays were observed earnestly discussing ideas for development of the rumpus room in the new home. Types of wood and finishes were occupying both homebuyer and homebuilder -- two men who had neither sought nor expected the sudden glare of limelight into which the irrelevant race factor had thrust them.

The attorney arrived, standard forms were quickly filled in, a deposit check written, and signatures affixed -- all at angles acceptable to the cameramen. Then, shortly after this ceremony, Morgan of Village Realty arrived, asked to speak privately with Gnesdiloff, and returned to him the Village's brokerage contract.

Morgan preferred to forego his \$1,125 commission rather than to seem connected any way with the transaction.

The last of the reporters and heavily laden cameramen cleared out, and the Henderson-Mays menage began to settle back toward normality. Dr. Henderson prepared for his evening round of patients. Gnesdilloff said he thought he and his wife would get away for a few days.

Driving home for dinner, we heard a Los Angeles radio newscaster give one of the hundreds -- perhaps thousands -- of summaries of the Willie Mays story which were aired that day and the next. This particular broadcast closed with the conjecture that Soviet Russia would find Part One of the story, the rejection of Mays, quite useful, and would ignore Part Two, the favorable conclusion.

BACK IN THE OFFICE next morning, we heard of various ways in which Bay Area people, reading the first story Thursday, had tried to help. In addition to the offers of specific homes mentioned earlier, we found that the American Friends Service Committee regional office had volunteered to circularize their membership for listings of housing available without restriction. The Mid-Peninsula Council for Civic Unity and a Friends Committee staff man in that area had tried -- unsuccessfully -- to persuade the real estate boards of San Mateo-Burlingame and of Redwood City to issue an offer of housing hospitality to the Mays^s (the Redwood City board would "think it over"; an officer of the San Mateo-Burlingame Realty Board was vehemently opposed to the idea).

More words of welcome came to the Mays from Miraloma residents. An attorney, who identified himself and his address on the same street, wrote in part:

Welcome to Monterey Heights . . . Please rest assured that any detrimental comments that you may have heard . . . do not represent the opinion of all the residents of Miraloma Drive. . . We are proud that Mayor George Christopher persuaded the New York Giants and you to move to San Francisco. . . we are sure that you will find this a friendly place to live.

If there is anything we can do to help you get settled in your new home, please feel free to call on us.

And Mrs. Mays, who had been quoted in the press as saying that she was not moving to Miraloma Drive to have "tea and crumpets" with the neighbors, was telephoned promptly by one of these neighbors who extended an invitation to tea and crumpets.

Several dozens of letters came to the Mays^s and to Gnesdilloff. At this writing we have seen only those to the latter, which numbered 18. Of these, only three opposed his selling to Mays: one was an abusive letter from Texas, one a packet of lurid literature issued by a well-known Southern California anti-minority professional and one simply an envelope, mailed in San Francisco, containing antiNegro and anti-Semitic printed matter purporting to be an excerpt from a book but known to competent authorities as a hoax. Thus only one adverse piece of mail came to Gnesdilloff from San Francisco, and this, like the one from Southern California, was not a letter but printed material issued by professional hate workers. The 15 favorable letters -- virtually all from persons indicating they were white, including two native Southerners -- were made up of 12 from San Francisco and the Bay Area and one each from Denver; Elmira, New York; and Miami, Florida.

Clippings and messages which came in later from many cities strongly suggested that the story must have appeared in almost every community in the country.

IN SAN FRANCISCO THE MORNING AFTER you could almost hear a collective sigh of relief. The city -- which articulately prides itself on "tolerance," "cosmopolitanism," and a sophisticated international outlook, which hosts many an Asian notable, and warmly embraces a Negro opera star -- had suffered an ugly

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Perhaps many felt, with Mayor Christopher, that the community had been "vindicated in every way" by Walter Gnesdilloff's ultimate decision. The Chronicle held a different view. While "relieved" and "grateful" at the outcome of this particular case, the paper warned editorially against "an attack of smugness":

We cannot ignore the circumstance that the central figure in this episode is one Willie Mays, a celebrity . . . whose stature elicited the kind of front-page publicity that is usually fatal to the offshoots of prejudice and discrimination.

We strongly suspect that the outcome might have been less happy, less comforting to the city's self-esteem, had the house-hunter been an obscure and unsung -- though equally exemplary -- member of Mays' race, whose rebuffs drew no public notice and aroused no public outcry.

The pressures brought to bear upon Gnesdilloff are irrefutable evidence that some intolerance, some racial bigotry, still reside in cosmopolitan, enlightened, understanding San Francisco. The proof may sadden but ought not to surprise us. . . .

Referring to Mrs. Mays' remark that in the North "it's all a lot of camouflage; they grin in your face and then deceive you," the editorial concluded:

She was not, as it now appears, speaking truly of Walter Gnesdilloff, nor of a substantial majority of his fellow townsmen. But indisputably the indictment is valid for some of the people in our town.

The NAACP noted that "segregated islands of residency are springing up all over this city," and added,

...the case of Willie Mays seeking a home is dramatically enacted daily by hapless Negro families whose lack of prominence does not command the attention of the press and official San Francisco.

The Association said that the incident focused attention on "the need for some type of official concern and action ... to deal with this widespread problem."

WE AGREE WITH BOTH the Chronicle and the NAACP. Let us, however, be more specific about the "indictment" which is in order. It is common knowledge among minority and intergroup agencies, as well as among the major business elements which make up the housing industry, that the kind of discrimination initially encountered by Willie Mays is standard practice; that realtors generally are afraid of the consequences of violating their gentlemen's agreement not to introduce nonwhite buyers into certain neighborhoods or streets; that most homebuilders will not sell to Negro (nor some to Oriental) families; that discrimination in rental dwellings is widespread; that home financing is much more difficult for nonwhite than for white buyers; that the vicious myth of property value decline as a result of nonwhite residency is constantly disseminated by real estate brokers and others prominent in the industry; and that some commission-hungry brokers even stoop to efforts to panic white families into quick sales in blocks which the first nonwhite is entering. In the face of these practices on the part of the controlling elements in the housing industry, small wonder that many in the general public have acquired the fears they hold about property value loss and about the other alleged consequences of a minority family coming into a neighborhood! How understandable that Walter Gnesdilloff should be assailed with worries about defying the established rules of the game, or that Peter Morgan of Village Realty should sacrifice a \$1,125 commission rather than touch the Mays deal.

The prime responsibility for a Willie Mays case and for all the others which go unheralded lies not with the general public nor even with any single seller, builder, broker, or banker. It lies, we suggest, with the operating assumptions and gentlemen's agreements which are well understood and largely adhered to as people in each of these groups play their respective roles in the housing industry. Unless these rules of the game are changed and the racial anachronisms abandoned, there is little hope that San Francisco -- or any other city -- will begin to spare either her nonwhite citizens the affront of rejection in the housing market or herself the occasional eruption of a Willie Mays case.

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At this writing it appears that the Mays case has made only the limited contribution to the solution of this problem which was mentioned by Mays himself when a reporter asked him whether he thought the incident would make it easier for others facing similar barriers to buy homes. He answered:

I think it will. I mean, I can say this: I know that the next fellow who wants to buy a home, they will think twice before saying, "I can't sell it to you." I will say that, yes.

Now, no doubt, more people will "think twice" before turning down someone who gives an indication of being a prominent person. Perhaps, here and there, some practices will change. Others will take greater pains not to have their discriminatory behavior detected or publicized. But the odds are that, except for a Willie Mays, individual cases of racial turn-down will not command press attention, and will be lost. Then, when the frustrated minority family finally resorts to an intermediary purchase

through a nonminority friend, there will be the usual headwagging disapproval by observers of this "subterfuge."

IT IS HARD, THEREFORE, to see that the city is yet "vindicated" on the question of housing opportunity for nonwhite residents. As of this writing, the Mays case solved only the Mays family housing problem. There is, so far, no evidence that the case has prompted the housing industry here to take a fresh look at its customary ways of dealing with Negro and Oriental home-seekers. Perhaps such a self-examination, long overdue, is in the offing. We are sure that some -- perhaps many -- individuals in the industry would prefer to function without regard to the old restrictions, without the damage to their own sense of decency which they now experience regularly. But their voices have not yet been heard.

If the Mays case leads to critical reappraisal and reform of the old color barriers in the housing market it will have had tremendous value. If not, it will stand simply as a demonstration of the power of persuasion and press to overcome those barriers in special instances. This is something, but hardly grounds for self-congratulation unless a strong and sustained drive is mounted which leads finally to a complete rewrite of those rules in housing which now make mockery of the old-fashioned American principle of equal opportunity.

In our opinion the "city that knows how" should, at the very least, call together housing industry leaders to sit down with minority and intergroup organization people for an exchange of ideas on these matters. (A proposal to this effect was still under official consideration at this writing.) We believe, too, that the press of San Francisco -- which rises so magnificently to a Sammy Lee or Willie Mays incident -- could, if it chose, bring its traditional techniques of exposure to bear and, in effect, knock heads together until the shabby practices which produce these cases were fully remedied.

THE NAACP, MEANWHILE, has announced that it will seek enactment of a city ordinance designed to prevent at least a good portion of the discrimination now common in housing. The proposed San Francisco ordinance was still being drafted at this writing, and no details were available as to its final form.

QUOTES AND COMMENT

Mayor George Christopher, November 14, after news of initial turn-down:

"Dear Mr. and Mrs. Mays:

"Words cannot express my deep feelings of regret at this most unfortunate occurrence. Mrs. Christopher and I extend to you our warmest invitations to be our guests in our home until you find suitable housing. I sincerely trust that you will not feel that this incident portrays the sentiment of San Francisco. You may feel that the vast majority of our citizens want to welcome you here."

The Washington Post, editorial, November 16:

"... It is shameful that a handful of bigots should have clouded a city's welcome to the brilliant Negro center fielder of the San Francisco Giants ... Plainly the North and West can take little pride in this shabby incident, which dramatizes the ambiguous treatment accorded minorities outside the South.

"But there is more to the story. The community did not acquiesce passively to this show of bigotry ... Here, surely, is the difference in attitude which die-hard white supremacists invariably ignore. Bigotry may exist in San Francisco, but it finds no sanction in law or the conscience of the community; it is the difference between trying

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Edward P. Morgan, American Broadcasting Network, November 15:

"It seems that some of the citizens of San Francisco, often called the country's most sophisticated city, dwell behind picture windows which do not conceal their prejudices. For them, apparently, neighborliness consists of encouraging Willie Mays at home plate but when the Giants' Negro star moves next door his welcome is the rude counsel to get farther away than the outfield ... If we can appreciate ... the universality of the problem ... perhaps then the South will be somewhat less inclined to assume that hurt, self-righteous look and other areas of the country will be slower to don the mask of hypocrisy every time the racial question is raised, and we can tackle it ... together, with mutual responsibility ..."