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MS-4787: Abba Hillel Silver Papers, 1902-1989.

Series I: General Correspondence, 1914-1969, undated.

Sub-series A: Alphabetical, 1914-1965, undated.

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Fair Employment Practice Commission legislation, 1943-1947.

FEPC

BUREAU on EMPLOYMENT PROBLEMS

UNION COMMERCE BLDG. « CLEVELAND, OHIO » MAIN 1495

SPONSORED BY THE JEWISH WELFARE FEDERATION AND
JEWISH COMMUNITY COUNCIL

April 16, 1943

Rabbi A. H. Silver
The Temple
East 105th Street & Ansel Road
Cleveland, Ohio

Dear Rabbi Silver:

The Cleveland Metropolitan Council on Fair Employment Practice has requested the Bureau -- as an affiliated agency -- to urge the Ohio Legislature to bring out House Bill No. 11 for a hearing. The Metropolitan Council states that the only way to submit amendments to this Bill is to bring it out for a hearing first.

House Bill No. 11 reads as follows:

A BILL

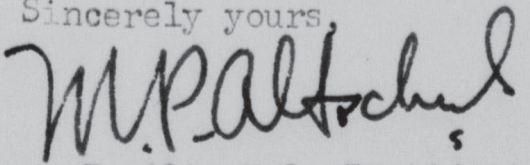
"To enact section 12957 of the General Code to provide against discrimination in hiring in defense industries.

"BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:
SECTION 1.

The section 12957 of the General Code be enacted to read as follows:

"Sec. 12957. It shall be unlawful for any person, firm or corporation engaged to any extent whatsoever in the production, manufacture or distribution of military or naval material, equipment or supplies for the State of Ohio or for the federal government to refuse to employ any person in any capacity on account of the race, color, creed, religion, or national origin of said person. For each violation of this section there shall be a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment at hard labor of not less than thirty days nor more than ninety days or both."

Our immediate response is requested because the Legislature adjourns May 1st. May I hear from you?

Sincerely yours,

M. P. Altschul, President

mpa:ss

« « TRUSTEES » »

M. P. Altschul, <i>President</i>	Maurice Bernon	George W. Furth	Ray D. Metzner	Jack E. Rosenthal	Max Simon
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Adolph Weinberger, <i>Treas.</i>	Arthur Friedman	Adolph Keller	L. W. Neumark	Rabbi Abba Hillel Silver	Harry H. Weiss

G. J. SEGAL, *Director*

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

A. N. WILLIAMS
PRESIDENT

1220

FEPC

SYMBOLS

DL = Day Letter
NL = Night Letter
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

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WA476

472 RU NL PD

WUX WASHINGTON DC 14

1945 JUN 15 AM 4 30

RABBI ABBA HILLEL SILVER=THE TEMPLE CLEVE=

FECP

FAILURE OF RULES COMMITTEE TO GRANT RULE SERIOUS THREAT TO BOTH APPROPRIATION AND PERMANENT BILL. PRESIDENTS COMMITTEE SCHEDULED TO DIE JUNE 30 UNLESS WE REDOUBLE ACTIVITY. SENATE CAN REPLACE APPROPRIATION. IT REQUIRES A 2/3 VOTE OF SENATE. EVERY SENATOR SHOULD BE CONTACTED IMMEDIATELY AND URGED TO USE EVERY LEGISLATIVE DEVICE TO MAKE CERTAIN FUNDS FOR FEPC ARE PUT BACK IN WAR AGENCIES APPROPRIATION BILL. CONGRESSIONAL SUPPORTERS URGE MORE EMPHASIS IMMEDIATELY ON RELIGIOUS SUPPORT FOR FEPC IN CONNECTION WITH DRIVE FOR PETITION SIGNATURES SINCE SIGNING IS INDICATIVE OF ATTITUDE TOWARD FEPC. URGENT YOU SEND LETTER TO EACH MEMBER OF HOUSE INDICATING SUPPORT FOR HR 2232 AND REQUESTING HE SIGN PETITION. EQUALLY URGENT YOU SEND MESSAGES TO KEY RELIGIOUS LEADERS THROUGHOUT COUNTRY SUGGESTING THEY INTENSIFY CAMPAIGN FOR SIMILAR LETTERS FROM THEIR AREAS TO THEIR OWN REPRESENTATIVES. INVESTIGATION HERE INDICATES EVIDENCE OF RELIGIOUS SUPPORT BEST METHOD OF INFLUENCING MANY REPRESENTATIVES WHO HAVE NOT YET SIGNED PETITION AND ARE NOT YET FEPC SUPPORTERS

ANNA ARNOLD HEDGEMAN EXECUTIVE SECRETARY.

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WESTERN UNION

A. N. WILLIAMS
PRESIDENT

JUL 9 1945

OD

906A

SYMBOLS

DL=Day Letter

NL=Night Letter

LC=Deferred Cable

ML=Cable Night Letter

Ship Radiogram

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WA303 NL PD=WASHINGTON DC 7

RABBI ABBA HILLEL SILVER, DELIVER MONDAY MORNING=

THE TEMPLE CLEVELAND OHIO

EAST 105 AND ANSEL RD

=REPRESENTATIVE KIRWAN ABSENT WHEN HOUSE APPROPRIATIONS

COMMITTEE VOTED ON FEPC THIS WEEK AND FORCED INTRODUCTION NEW

BILL NOW GOING TO SENATE. PROPOSES FOR SENATE AMENDING BILL

ABAIN TO INCLUDE FEPC EXCELLENT. THAT MEANS BILL MAY AGAIN

RETURN TO HOUSE APPROPRIATIONS COMMITTEE BEFORE COMING TO HOUSE

FLOOR IMPORTANT YOU INSTIGATE AVALANCH OF COMMUNICATIONS TO

THIS REPRESENTATIVE URGING HE BE PRESENT AND SUPPORT FEPC=

ANNA ARNOLD HEDGEMAN EXECUTIVE SECRETARY.

1BQA303 ABAIN PPC.

WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

DUPLICATE OF TELEPHONED TELEGRAM

call after 8:30 am 13.
10r 109 00 0150

AMERICAN JEWISH ARCHIVES

[1946?]

The National Council
for a
Permanent Fair Employment Practice Commission
is calling together
Leaders of National Organizations
and cordially invites you to an
Emergency Dinner Meeting
in the interests of
Permanent FEPC Legislation

Principal Speakers

The Honorable Harold E. Stassen
The Honorable Lewis B. Schwollenbach

Wednesday, January 23rd at 7:00 o'clock

Mayflower Hotel
Ballroom

RSVP
Enclosed Card

Couvert \$5.50
Informal

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WESTERN UNION

A. N. WILLIAMS
PRESIDENT

1201

SYMBOLS

DL = Day Letter

NL = Night Letter

LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

1946 JAN 27 AM 2 19

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WA5

(WA 4) 44 2/EX WUX WASHINGTON DC JAN 26 1946 1134P

RABBI ABBA HILLEL SILVER THE TEMPLE CLEVELAND

START SUNDAY REACHING EVERY PERSON YOU KNOW TO WIRE REPUBLICAN SENATORS WAYNE MORSE, JOSEPH BALL, AND ALEXANDER SMITH AND DEMOCRATIC SENATORS DENNIS CHAVEZ, FRANCIS MYERS, AND JOSEPH F GUFFEY COMMENDING THEIR COURAGEOUS LEADERSHIP IN THE FIGHT NOW BEING WAGED FOR PERMANENT FEPC ANNA ARNOLD HEDGEMAN EXECUTIVE SECRETARY NATIONAL COUNCIL FOR A PERMANENT FEPC.

D&A-1-NK-7 CPYS

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

CLASS OF SERVICE

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WESTERN UNION

A. N. WILLIAMS
PRESIDENT

1220

SYMBOLS

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Ship Radiogram

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JA16 NL PD=WASHINGTON DC 2

RABBI ABBA HILLEL SILVER:

1946 FEB 3 AM 3 26

=THE TEMPLE CLEVE=

SENATE CRISIS CREATED BY COMBINATION OF SENATOR MCKELLER'S
UNPRECEDENTED RULING THAT CLOTURE CANNOT BE APPLIED ON
S101 PLUS DRIVE TO SUBSTITUTE TAFT TYPE OF BILL. WE ARE
CALLING FOR INTERRACIAL, INTERFAITH, CIVIC UNION, BIPARTISAN
POLITICAL DELEGATIONS FROM THROUGHOUT NATION TO COME TO
WASHINGTON IMMEDIATELY TO VISIT THEIR SENATORS. PLEASE HELP

BY SENDING NATIONAL LEADERSHIP OF YOUR ORGANIZATION TO
COORDINATE AND STRENGTHEN DELEGATIONS EFFORTS=

A PHILIP RANDOLPH ALLAN KNIGHT CHALMERS NATIONAL COUNCIL
FOR PERMANENT FEPC.

S101 CLOTURE FEPC..

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WESTERN UNION

A. N. WILLIAMS
PRESIDENT

1220

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WA378

(WA371) 76 10 EXTRA WASHINGTON DC 11 1025P

RABBI ABBA HILLEL SILVER

THE TEMPLE CLEVE

SEVENTEEN DAY FILIBUSTER REVEALED MAJORITY SENATE FAVORED CLOTURE AND FEPC BILL. TRIUMPH OF SENATE MINORITY RULE DEFEATED OPPORTUNITY FOR IMMEDIATE CONSIDERATION S 101. WE NOW ACCEPT CHALLENGE TO TAKE ISSUES TO NATION AND WIN ADDITIONAL CLOTURE VOTES. STILL POSSIBLE TO BRING BILL TO FLOOR OF BOTH HOUSES BEFORE 1946 ELECTION CAMPAIGN. CAN YOU MEET IN WASHINGTON DC FEBRUARY 22 TO TAKE ACTION PLEASE REPLY AT ONCE

A PHILIP RANDOLPH
ALLAN KNIGHT CHALMERS CO-CHAIRMEN NATIONAL COUNCIL
FOR A PERMANENT FEPC.

(D&A66-V-9)

CLASS OF SERVICE

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WESTERN UNION (19)

A. N. WILLIAMS
PRESIDENT

1220

SYMBOLS

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LC = Deferred Cable

NLT = Cable Night Letter

Ship Radiogram

The H27 NL PD=WASHINGTON DC FEB 7

RABBI ABBA HILLEL SILVER=

1946 FEB 8 AM 9 22

THE TEMPLE=

oint of origin. Time of receipt is STANDARD TIME at point of destination

CLOTURE PETITION WAS RECOGNIZED TODAY BY DEAL BETWEEN
FILIBUSTERS AND DEMOCRATIC AND REPUBLICAN LEADERS. S
SOUTHERNERS AGREED ONLY BECAUSE THEY HAD RECEIVED
ASSURANCES TWO THIRDS WOULD NOT SUPPORT CLOTURE. ISSUE
OF SOUTHERN DOMINATION OF SENATE HAS NOT BEEN RESOLVED.
ONLY REAL FIGHT WAS MADE BY ORGANIZED SOUTHERN OPPOSITION.
WE HAVE BETWEEN NOW AND SATURDAY AFTERNOON TO ROUND UP
NECESSARY TWO THIRDS VOTE. WIRE OR PHONE YOUR SENATORS
TO BE PRESENT FOR CLOTURE. TELL THEM YOU WILL JUDGE
THEM ON THEIR TOTAL ROLE IN FLOOR FIGHT AND NOT ON
CLOTURE VOTE ALONE. SEND SIMILAR MESSAGES TO TRUMAN,
HANNEGAN, BROWNELL, WHITEW. BARKLEY=
ANNA ARNOLD HEDGEMAN.

CLASS OF SERVICE

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WESTERN UNION

A. N. WILLIAMS
PRESIDENT

1220

1946 MAR 22 PM

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FEPC

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WA2 NL PD=WASHINGTON DC 22

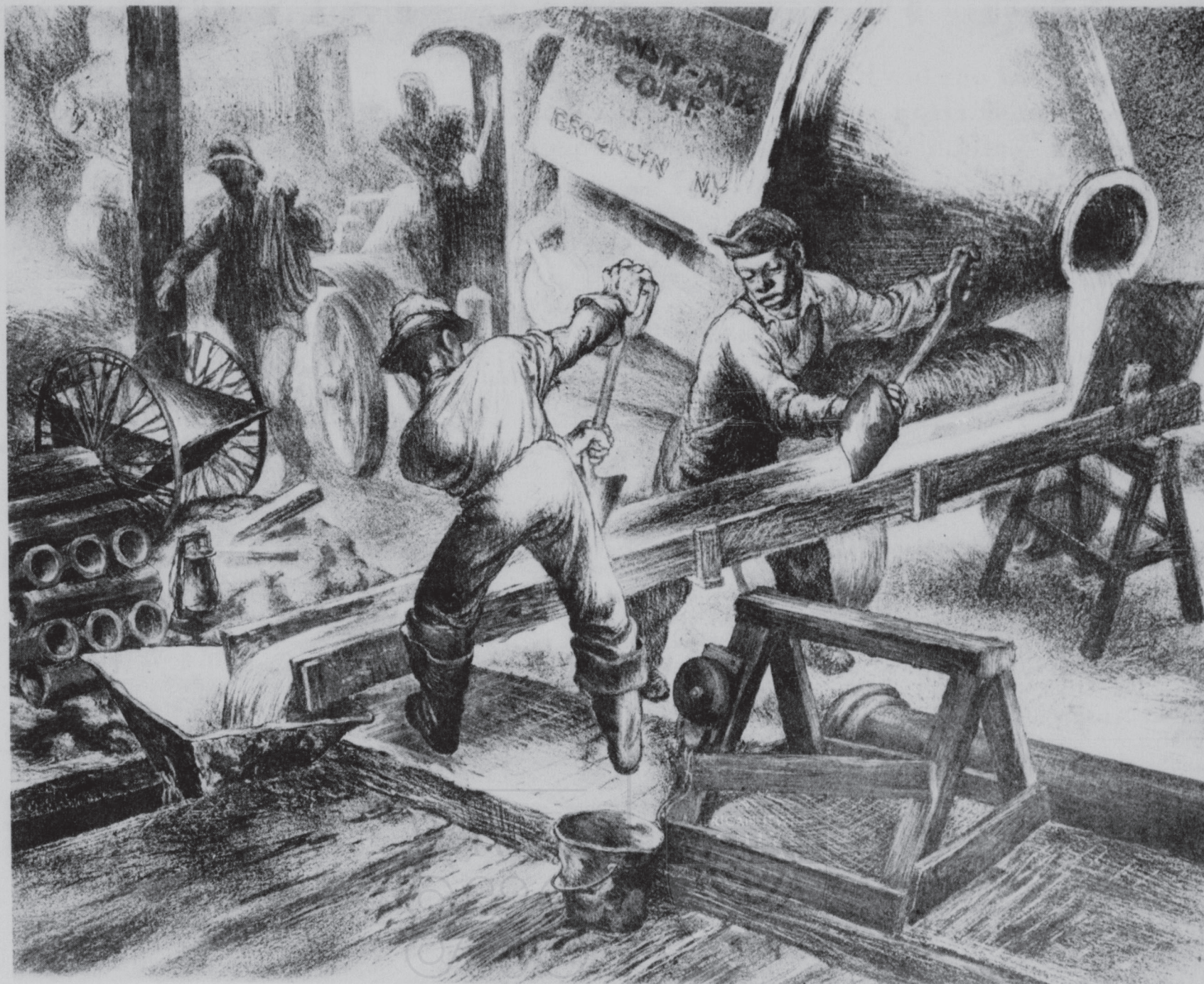
RABBI ABBA HILLEL SILVER NATL PRESIDENT=

CENTRAL CONFERENCE OF AMERICAN RABBIS THE TEMPLE CLEVELAND

AS YOU WERE ADVISED IN OUR MARCH 4 BULLETIN, FEBRUARY 22
CONFERENCE REPRESENTING 43 NATIONAL ORGANIZATIONS AND 28
LOCAL COUNCILS RECOMMENDED AS A MAJOR SUGGESTION SINCE
POLITICAL STALEMATE SEEMS TO BE AT TOP THAT WE HAVE A MARCH
ON WASHINGTON. WE DESIRE EXPRESSIONS OF ALL COOPERATING
NATIONAL ORGANIZATIONS AS TO ADVISABILITY AND SIGNIFICANCE
YOU BELIEVE SUCH A MARCH MIGHT HAVE AT THIS TIME. FOR THESE
REASONS WE ASK THAT PRESIDENTS AND/OR EXECUTIVE SECRETARIES
MAKE EVERY EFFORT TO BE PRESENT AT A MEETING WEDNESDAY MARCH
27 AT TWO PM AT BROADWAY TABERNACLE CHURCH, 211 W 56TH
STREET, NEW YORK, TO DISCUSS THE MATTER=

ALLAN KNIGHT CHALMERS A PHILIP RANDOLPH CO-CHAIRMEN NATL
COUNCIL FOR A PERMANENT-FEPC.

.4 22 43 28 27 PM 211 W 56..



FROM A LITHOGRAPH BY CHARLES KELLER

NEW YORK'S "FEPC" PAYS OFF

by Irwin Ross

NEW YORK'S "FEPC" PAYS OFF

For a year our law has prevented employers from considering race, creed or color when hiring — and many agree it's good business

AN AD appeared recently in a New York City newspaper for a night clerk in a hotel. Among the applicants was a young Negro who had had the necessary experience and provided good references. But the manager visibly was not impressed. He asked the applicant whether he could speak French and Spanish and whether he could do some book-keeping on the side. The answer was no. "Sorry," the manager said, with a relieved smile, "you can't meet the qualifications for the job."

Thinking these qualifications rather unusual, the Negro applicant promptly filed a complaint with the State Commission Against Discrimination, charging that he had been denied a job because of his color — a penal offense in the State of New York.

An investigator for the Commission interviewed the hotel manager, who stoutly denied ever having discriminated against anyone. He had merely not been impressed with the Negro's qualifications: the man lacked enough experience.

Then the investigator asked whether any of his other clerks spoke Spanish or French and doubled as bookkeepers. The manager hesitated, but had to admit that they did not. He was also forced to admit, when the investigator asked to see his employment records, that the hotel hadn't hired a Negro in 10 years. The investigator left and filed his report with the Commission.

Now Mrs. Caroline K. Simon, the lone woman member of the Commission, took over. She reviewed the facts with the hotel manager, who finally admitted that to an outsider they seemed to add up to discrimination. But this was sheerest accident, he insisted; it was firmly against his principles to discriminate against anyone on racial or religious grounds. Mrs. Simon emphasized that the man, after all, was a night clerk of demonstrable skill and experience.

At this point the manager suddenly shifted his ground. "Let me be honest," he said. "Perhaps I did discriminate. But I had no alternative — my guests would object to a Negro behind the desk."

Diplomacy Versus Discrimination

WHEREUPON Mrs. Simon gently and quite disarmingly unlimbered her arguments. Other hotels—indeed, hundreds of concerns throughout the state — which had previously discriminated against Negroes were now hiring them. Their business had not suffered.

As a matter of fact, the law helped an employer — it made for efficiency, allowing him to select the best man for a job regardless of his color or religion or the birthplace of his parents. Further, the manager wasn't being asked to employ just any Negro, but only a qualified person, whether Negro, Jew, Catholic, Seventh Day Adventist, American Indian or whatever. And only if a vacancy existed, of course.

Finally, Mrs. Simon proffered the thought that a policy of nondiscrimination was the American way. It was also the law of New York State. Although she trod softly, the manager understood her: the Commission had the legal power to force him to do what she was diplomatically suggesting. He agreed to hire the Negro as a night clerk.

Before July 1, 1945, when New York State's Law Against Discrimination went into effect, the Negro applicant would have had to accept the manager's word with as much stoicism as he could muster. The new law, the first of its kind to be enacted in the United States, has worked a minor revolution in employment practices in New York — a revolution that may spread to many other states.

In brief, the statute outlaws discrimination in employment based on race, creed, color or national origin. It covers not only hiring and firing, but conditions of work, upgrading, and the practices of employment agencies and trade-unions. And it applies to all employers of six or more people, with a few minor exceptions, such as charitable and religious organizations.

Since New York's statute went into effect, discrimination in employment has undergone a noticeable decline throughout the state. The change has been most apparent in banks and insurance companies, which for the first time are employing Negro clerks; in certain public utilities, which have discovered that having Jews and Negroes on their payrolls results in no loss of efficiency or decorum; and in large New York City department stores, many of which now have Negro salesgirls behind the counters.

In one retail store the employees signed a statement that they would resign if any Negroes were hired. The store's owner posted the provisions of the law all over the employees' locker room. Then he called a meeting of his entire working force.

"Read the law for yourselves," he said. "Anyone who objects to working alongside a Negro can resign immediately. But I'm not going to jail for violating the law." Nobody resigned. Several Negroes came on the payroll. A fortnight later harmony was almost completely restored. To their amazement, the irate whites discovered that the Negroes weren't so bad after all.

Commissioners Get \$10,000

THE law is administered by a five-member Commission appointed by the governor. The Commissioners, serving for five years, are paid annual salaries of \$10,000 plus expenses. Henry C. Turner, a 63-year-old lawyer and former president of the New York City Board of Education, is chairman. The other Commissioners are Elmer A. Carter, veteran Negro journalist and teacher; Edward W. Edwards, former secretary-treasurer of the New York State Federation of Labor; Julian J. Reiss, well-known Catholic layman; and Mrs. Simon,

a lawyer, former member of the State Workmen's Compensation Board and a prominent figure in Jewish activities.

The Commission operates with a staff of 13 field representatives, three legal assistants and 24 clerical and stenographic workers. It has three offices — in New York City, Albany and Buffalo — where complaints may be filed, either in person or by mail. Its annual budget is \$319,000.

In its first year of operation the Commission has investigated 477 cases of alleged bias. Approximately 50 per cent of these cases charged discrimination on the basis of color; creed was the next largest cause of complaint; national origin the third. Of the 477 cases, 355 had been settled by July 1 — either dismissed or the discriminatory practices eliminated — and 122 still remained in the active file.

In handling a case the Commission faces two primary jobs: proving that discrimination took place, and inducing the delinquent to mend his ways. Once it succeeds in the former task, the latter is comparatively easy. Although the law provides penalties up to a \$500 fine and a year's imprisonment, the Commission is proud of the fact that to date these have not had to be imposed.

Employer Traps Himself

SOME acts of discrimination are so blatant that the Commission has little trouble establishing a case. A Negro engineer, for instance, noticing the ad of a large manufacturing plant in the newspaper, wrote a letter to the firm. The same day he applied in person. He was politely informed that the job had just been filled.

Two days later he received an answer to his letter — a cordial invitation to come in for a talk. When he walked in again on the personnel manager, the man insisted that the job was still filled and that the letter had been a mistake.

After the engineer filed his complaint the Commission soon backed the employer into a corner. Faced with the telltale letter, he admitted an injustice had been done and was easily persuaded to give the Negro engineer the job.

Not every case of discrimination is that clear-cut. Recently an Italian workman filed a complaint with the Commission charging that his foreman had provoked him into quitting his job. This was the complainant's story: he had gotten along well in his job until the advent of a new foreman, who had the poor taste to proclaim a congenital dislike for Italians.

The foreman harassed him at his workbench, ridiculed his efficiency, taunted him by mispronouncing his name. This went on for weeks. One day the foreman denounced him for a full 10 minutes in front of the whole shop. Enraged, the workman spat in his tormentor's face and quit his job. Two days later he had quieted down sufficiently to want his job back.

The Commission's investigator went to see the employer. Here the story was different. According to the employer, the workman had

simply quarreled with his foreman and walked off the job. Wherein lay the discrimination?

The investigator said he would have to see. He talked to the foreman, interviewed a dozen workers who had seen the final altercation and previous incidents. When he had pieced together all the facts — it took him three days — he reported a "clear case of provoked resignation resulting from discrimination." The Commission held that the man should get his job back. And the employer, after hearing the full story, agreed.

The Yom Kippur Case

MANY of the complaints that come before the Commission have unexpected wrinkles. A man of German extraction, a non-Jew, worked nearly a year for a Jewish firm. He got along swimmingly with his employers, was praised for his work, received a raise. All along he had a sneaking suspicion that they thought he was Jewish, but he couldn't be sure. Then just before the Jewish high holidays he was asked whether he wouldn't be absent for Yom Kippur. "Why should I?" he asked. "I'm not Jewish."

There followed a moment of shocked silence. And then, he later alleged, the attitude of his employers toward him swiftly changed. His work began to be criticized, he was subjected to endless harassment. In a couple of weeks he was demoted, and was eventually fired for incompetence. He came to the Commission alleging discriminatory dismissal.

To settle the case, a brief investigation and a single interview with the employer were all that was necessary. The employer was so shamefaced at the approach of the Commissioner that he overwhelmed him with apologies. After a half-hour's chat he agreed to take the man back. The whole incident, he vowed, was a grievous misunderstanding.

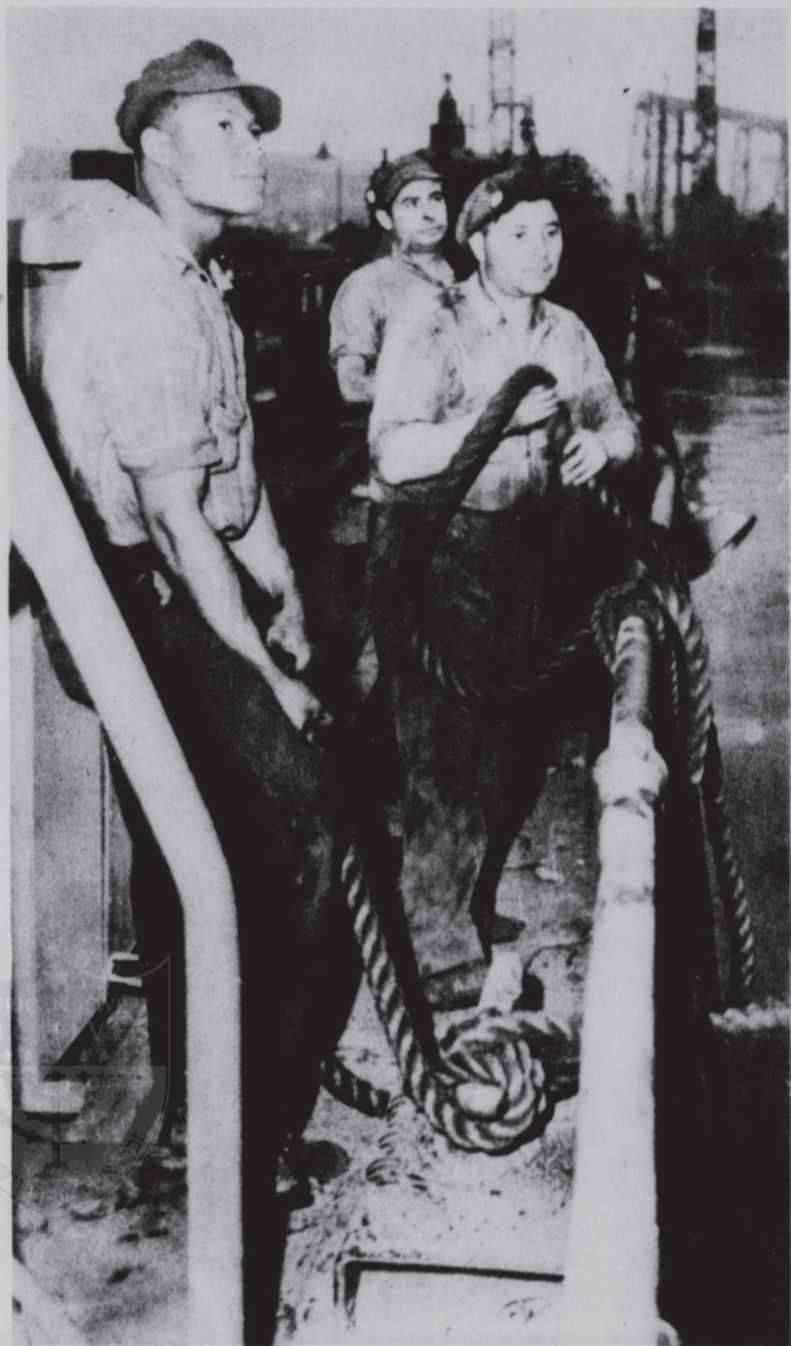
A company's "employment pattern," as the Commission calls it, is frequently the most significant evidence in determining whether discrimination took place in a specific instance. When a Jewish girl, for instance, complains that a dress shop refused her a job because she was too tall, and it develops that the store hasn't hired a Jew in 20 years, the presumption is strong that she was rejected because of her religion and not her height.

Another situation involving "employment pattern" was recently encountered in a case of discrimination in working conditions. A group of Negro waitresses in a chain restaurant were suddenly transferred from the dining room to the kitchen. They received the same wages, the employer reimbursing them for the tips they lost, but the girls felt that they had been demoted—for reasons that were patently illegal. The employer ridiculed the notion, but investigation disclosed that the same exile of Negro waitresses to the kitchen had occurred in every one of the chain's restaurants. The employer was forced to shift the girls back to their old jobs.

Latins in Manhattan

NOT every case brought before the Commission represents a bona fide grievance, but all must be carefully investigated. One conundrum involved an Irish bartender who was hired by an uptown Manhattan tavern run by a Jew. After a week on the job he was fired because he couldn't speak Spanish. At first sight the Commissioner assigned to the case thought it was a clear example of discrimination. The man had the necessary experience, and who ever heard of a New York bartender who had to know Spanish?

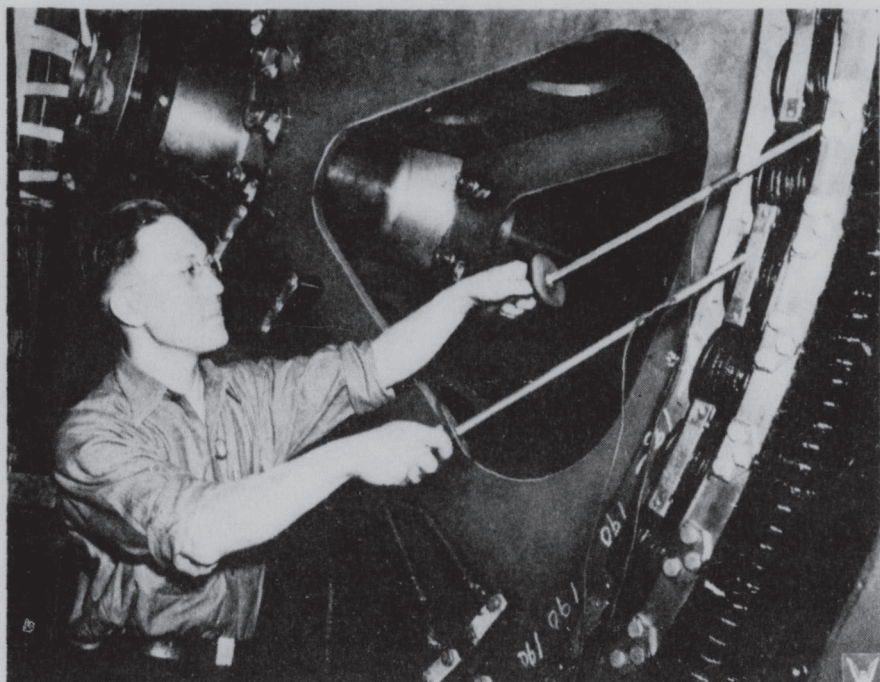
Upon investigation, however, it was discovered that the bar was in a Spanish-speaking section of town, that most of its customers spoke



SHIPYARDS: They discarded Jim Crow when they learned it slowed vital war work



COMMISSION: Edward W. Edwards, Caroline K. Simon, Henry C. Turner (chairman), Julian J. Reiss and Elmer A. Carter



Men of all races and creeds fought an enemy that capitalized on discrimination



The law gives all a chance to learn skills like welding

Spanish, and that the proprietor, having just bought the place, was unaware of the language considerations when he hired the bartender. The complaint was dismissed.

The Commission recently discovered a novel solution to the job-qualification problem. A Negro workman charged he was fired as a result of racial discrimination. The investigation tended to show that the man had been inefficient and had spoiled a lot of material. As a testament to his sincerity, the employer made an offer: let the Negro give a demonstration of his work before any group of his fellows who were qualified to judge him. The test could be held anywhere. The complainant refused. Case closed.

Some Questions Banned

THE Commission has left its impress in one very crucial way on practically all business concerns in the state. It did this by cleaning up job-application forms. It is now illegal for an employer to ask the place of birth of the applicant or his parents, his parents' residence, his mother's maiden name, as well as anything concerning the church he attends, the religious holidays he observes, or his descent, nationality, color or complexion. The same ban covers newspaper want ads.

The voluntary cooperation of many employers has greatly helped in this. Nearly 1,000 concerns have asked the commission to review their employment policies, to insure that they are in line with the law. A number of firms entering the state have consulted the Commission before recruiting any labor. Other nation-wide

companies, having had their job-application forms renovated in New York, have adopted the same questionnaires throughout the country.

Before the anti-bias act was passed, horrendous tales were heard of the concerns that would leave the state, and of the hordes of white employees who would quit their jobs rather than work with Negroes. The Commission has not encountered one instance where either of these predictions came true. Nor has it received a single complaint from an employer that compliance with the law has turned away customers or caused a loss of revenue.

On the contrary, increasing numbers of concerns agree that the law helps business by promoting the more efficient utilization of labor. As one executive put it, "Some of the new people I've hired are outstanding. You ought to point out to employers the benefits they get from an increased labor market, where they have access to so many more qualified workers."

In addition to enforcing the law against bias in employment, the Commission is undertaking an extensive investigation of discrimination in all phases of human activity.

To Study Public Reaction

WITHIN the next few months it will launch three state-wide studies: a survey of the economic costs of discrimination, a study of the extent to which discrimination has decreased since the passage of the law, and an analysis of consumer reaction to Negro salesgirls in department stores. The information thus gathered will be invaluable to the Commission's efforts.

The Commission is also responsible for developing voluntary community activities to combat discrimination. In Buffalo and Syracuse it has established Community Councils, composed of prominent business, educational, trade-union and professional leaders. These are embarked on local educational campaigns to combat discrimination in employment, housing, education, recreation and assorted fields. The Council program, just now getting under way, will eventually embrace every part of the state.

Other States Following

NEW YORK's experiment in outlawing discrimination has caught the imagination of other states. Massachusetts recently passed a similar anti-bias bill; another was introduced this year in the Rhode Island legislature. Delegations from California, Illinois, Michigan and Washington have journeyed east to study New York's efforts.

New Jersey possesses a fairly effective law, but it is weaker than New York's because one agency is responsible for the enforcement aspect of the work and another for research and community activity. Indiana and Wisconsin also have laws on the books, but they lack enforcement provisions and adequate appropriations.

How far discrimination can be curbed by legislation has long been a moot point. New York's experience, over more than a year, has been distinctly favorable. The ball is now passed to the rest of the country.

The End

Reprinted from
THIS WEEK Magazine
August 25, 1946

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Printed in U.S.A.

For additional copies, write to
Community Relations Service
386 Fourth Ave.
New York 16, N. Y.

S. B. NO. _____

H. B. NO. _____

MR. _____

A BILL

To enact a law to prevent and eliminate the practice of discrimination in employment against persons because of race, religious creed, color, national origin or ancestry, and to create a commission to enforce the same and to define its powers and duties.

Be it enacted by the General Assembly of the State of Ohio.

SECTION 1. This act shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health and peace of the people of this state and to promote the common good; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, religious creed, color or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.

The right to work without discrimination because of race, color, religious creed, national origin or ancestry is hereby declared to be a right and privilege of the inhabitants of the state.

SECTION 2. There is hereby created an Ohio Fair Employment Practice Commission, and by that name this commission is to be known and cited.

Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the Senate, and one of whom shall be designated by the governor as chairman. The term of office of the commissioners first appointed shall be as follows: one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter each member of the Commission shall be appointed for five years.

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

The chairman of the commission shall receive a salary of six thousand five hundred dollars per year, and each of the other members of the commission shall receive a salary of five thousand dollars per year and each member shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

No more than three of said commissioners shall belong to or be affiliated with the same political party.

The governor may remove any commissioner for inefficiency, neglect of duty, or malfeasance in office, giving to him a copy of the charges against him and an opportunity to be publicly heard, in person or by counsel, in his own defense, upon not less than ten days' notice. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings, and decision therein shall be final.

remunerative Each commissioner shall not, during the term of his office, hold any other office under the government of the United States, or of this state, or of any political subdivision thereof,

The attorney general shall be the legal adviser of the commission, but shall designate, subject to the approval of the governor, one or more of his assistants, to perform the services and discharge the duties of attorney to the commission. Such specially designated counsel shall receive such salary as may be fixed by the commission and approved by the governor.

SECTION 3.

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and the state and all political sub-divisions, boards, and commissions thereof.

2. The term "employment agency" includes any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

3. The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of mutual aid or protection in connection with employment.

4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section six.

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, provided such association or corporation does not receive state aid, and provided such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than twelve persons in his employ, but shall include the state and all political subdivisions, boards, departments, and commissions thereof.

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

7. The term "commission", unless a different meaning clearly appears from the context, means the Ohio Fair Employment Practice Commission.

SECTION 4. The commission shall formulate policies to effectuate the purposes of this Act and may make recommendations to agencies and officers of this state or its political subdivisions in aid of its policies or purposes.

SECTION 5. The commission without in any way limiting the generalities of the powers of the commission, shall have the following functions, powers and duties:

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

If a person disobeys an order of the commission or a commissioner, or a subpoena, or if a witness refuses to testify to any matter regarding which he may be lawfully interrogated, on application of a commissioner, the court of common pleas of a county or a judge thereof shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

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

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

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

10. To render each year to the governor and to the general assembly a full written report of its activities and of its recommendations.

11. To adopt an official seal.

SECTION 6. It shall be an unlawful employment practice:

1. For an employer, by himself or his agent, because of the race, color, religious creed, national origin, or ancestry of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation, upgrading, or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

2. For a labor organization, because of the race, color, religious creed, national origin, or ancestry of any individual to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification.

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

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

5. For any person, whether or not an employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this Act or to attempt to do so, or to obstruct or prevent any person from complying with the provisions of this Act or any order issued thereunder.

SECTION 7. Any person claiming to be aggrieved by an alleged unlawful employment practice may, by himself or his attorney, make, sign and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The attorney general may, in like manner, make, sign and file such complaint. The commission, whenever it has reason to believe that any person has been or is engaging in an unlawful employment practice, may issue such a complaint.

Any employer whose employees, or some of them, refuse or threaten to refuse to co-operate with the provisions of this Act, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

Such complaint may also be filed with the commission by any association, organization or society sympathetic with the purposes and aims of this act and interested in the enforcement thereof.

After the filing of any complaint, the commission shall cause prompt investigation to be made in connection therewith; and if the commission shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, it shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of. In case of failure so

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

SECTION 8. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the court of common pleas, or before a judge thereof within Franklin County or any county wherein the unlawful employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceedings shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and issuance and service of an order of notice. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission with full power to issue injunctions against any respondent and to punish for contempt thereof.

No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive and shall not be set aside if supported by substantial evidence. All such proceedings shall be heard and determined by the court as expeditiously as possible and shall take precedence over all other matters before it, except matters of like nature.

The jurisdiction of the court of common pleas shall be ~~exclusive~~ and its judgment and order or decree shall be subject to review by the courts of appeal and the supreme court in the same manner and form and with the same effect as provided by law for appeals from a final order. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the commission. The review shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

SECTION 9. Every employer, employment agency and labor union subject to this Act, shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this Act and such other relevant information which the commission deems necessary to explain the Act. Any employer, employment agency or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

SECTION 10. Any person, employer, labor organization or employment agency, who or which shall wilfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under this Act, or shall wilfully violate an order of the commission, or shall wilfully aid, abet, incite, compel or coerce the doings of any of the acts forbidden under this Act or to attempt to do so, shall be guilty of a misdemeanor and be punishable by imprisonment in the county jail, for not more than six months, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such wilful conduct.

SECTION 11. The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this act shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin or ancestry; but, as to acts declared unlawful by section six of this Act, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this act, he may not subsequently resort to the procedure herein.

SECTION 12. If any clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act.

SECTION 13. This act shall take effect July first, nineteen hundred forty-seven.