

EQUAL EMPLOYMENT OPPORTUNITY

1999-6

HEARINGS

BEFORE THE

GENERAL SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS

FIRST SESSION

H.R. 405^{ON 2999, 4031} and Similar Bills

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT IN CERTAIN
CASES BECAUSE OF RACE, RELIGION, COLOR, NATIONAL
ORIGIN, ANCESTRY, OR AGE

HEARINGS HELD IN TEANECK, N.J., APRIL 22, 1963;
WASHINGTON, D.C., APRIL 30; MAY 3, 7, 21, 24, 27, 28, 29,
AND JUNE 6, 1963

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ADAM C. POWELL, *Chairman*



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EQUAL EMPLOYMENT OPPORTUNITY

MONDAY, APRIL 22, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR.
Fairleigh-Dickinson University, Teaneck, N.J.

The subcommittee met at Fairleigh-Dickinson University, Teaneck, N.J., Hon. Roman C. Pucinski presiding.

Present: Representatives Pucinski, Daniels, Hawkins, Gill, and Martin; Jay Foreman, counsel for the subcommittee.

Mr. PUCINSKI. We are indeed very happy to be here today to open the hearings being conducted by the General Subcommittee on Labor, the general subcommittee of the parent committee, the House Committee on Education and Labor, whose chairman is Congressman Adam Clayton Powell from the city of New York.

The chairman of our subcommittee is the Honorable James Roosevelt who, unfortunately, could not be with us today and I would like to emphasize, and I am sure my colleagues would be very happy to support me in this statement that this is one of the most disappointing experiences in Mr. Roosevelt's life. He had been looking forward to this visit here today particularly in view of the fact that this is a somewhat new departure from our normal proceedings and we are bringing the hearings of this committee here to Fairleigh-Dickinson University because we know the intense interest that exists in the legislation that is before us. And so, Congressman Roosevelt had asked me to extend to all of you his deepest regrets that for reasons certainly beyond his control, the mumps, he is unable to be here this evening.

I should like to introduce to our spectators, the members of the subcommittee who are here on my right. The Democratic members of the committee are—Congressman Dominick Daniels, of New Jersey, Congressman Augustus Hawkins, from California; Congressman Thomas Gill, from Hawaii; and on my left, the Republican member on our committee, the Honorable Dave Martin, from Nebraska.

We are here to begin hearings. This is the first of a series of hearings that this committee will conduct both in Washington and throughout the country on H.R., House Resolution, 405 which has been introduced by the chairman of our committee, Congressman Roosevelt. There were several other companion resolutions introduced, including one by Congressman Hawkins, a member of this committee. House Resolution 4031, which is to be known as the Federal Equal Employment Opportunity Act.

We have had previous efforts at this very important legislation and we are indeed very happy to be here this evening because certainly the young people of America have as much at stake in this legislation,

in my judgment, as all Americans. This legislation's primary purpose is to set up procedures under which it would become a violation of the law to discriminate in the hiring of people in this country because of their race, religious background, color, national origin, ancestry, or age.

I have here a statement that the chairman of our subcommittee had asked me to read this evening into the record at the opening of our proceedings. This is a statement prepared by Congressman Roosevelt and had he been here personally this evening, he would have read this statement to begin these hearings.

Quoting from the statement by Congressman Roosevelt, it reads as follows:

These hearings by the General Subcommittee on Labor have been called for the purpose of considering legislation which would prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, or age. Specifically the bill before us is H.R. 405, which I have introduced.

Regarding the significance of the issue to be considered, it is difficult to keep from appearing repetitious, sounding sanctimonious or, on the other hand, to stress materialistic values beyond their relevancy.

It is scarcely worth recapitulating the motivation and rationale for a public policy of equal employment opportunity for every individual in the society. The debate is an ancient one and within our society the opponents of equalitarian practices are relatively few, at least publicly. However, briefly stated, equal opportunity as a right to be guaranteed to every member of our polity is dictated by at least five major factors.

First and foremost, is the dictate of conscience as molded by centuries of moral inquiry and teaching by our ancestors. It is evidenced in the great documents of our Nation—our Declaration of Independence and the U.S. Constitution.

Second, and closely related to the first point, is psychological and sociological responses to invidious discrimination.

Third, the distressing costs of employment discrimination in terms of school dropouts, juvenile delinquency, welfare costs, crime, slums, health, hostility, and cynicism are too enormous a burden for a society to bear.

Fourth, and of vast significance in this period of fierce international competition, is the necessity for reaping the product of the full contribution of each member of our society. Irrational discrimination deprives the American people of the opportunity of benefiting from the manpower resources which are available. The failure to utilize this potential when challenged by the economic and political strength of the Communist bloc, dedicated to world supremacy, is intolerable. Apathy with regard to the waste of potential resources in the face of economic competition by the rapidly developing Common Market is unacceptable.

Fifth, we are engaged in a mortal ideological conflict on the international scene in which the commitments of many new nations are in the balance. Last year the Honorable G. Mennen Williams, Assistant Secretary of State for African Affairs, stated that in his travels he discovered a particular sensitivity to racial inequities or color barriers.

Another dimension of the denial of equal employment opportunity, similarly wasteful and insidious, is unreasonable discrimination due to age. Based upon outdated concepts many workers, unemployed due to technological developments, are refused employment because they have passed an arbitrarily established birthday, frequently their fortieth. Such an absurd distinction cannot be supported.

In opening these hearings, I cannot help but feel a sense of historical urgency. Our subject matter is not new. Today we feel the urgent hand of time pressing upon us. We must get on with the task of enacting meaningful equal opportunity legislation.

And so ends the statement by Congressman Roosevelt.

I am very grateful to the faculty and the student body for inviting us here to start these historic hearings.

I should like to add one more point as a technicality. The gentleman on my immediate right is Mr. Jay Foreman, the counsel of this committee.

(The text of H.R. 405 follows:)

[H.R. 495, 88th Cong., 1st sess.]

A BILL To prohibit discrimination in employment in certain cases because of race, religion, color, national origin, ancestry, or age

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Equal Employment Opportunity Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation, the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, ancestry, or age is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

(b) The Congress, therefore, declares that the right to employment without discrimination of the types described in sections 5, 6, and 7 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(c) The Congress further declares that the succeeding provisions of this Act are necessary for the following purposes:

(1) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(2) To insure the complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided*, That during the first year after the effective date prescribed in subsection (a) of section 21, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation

committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 19, (B) fifty or more during the second year after such date, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" with the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zones, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

(j) The term "Commission" means the Equal Employment Opportunity Commission, created by section 8 of this Act.

EXEMPTION

SEC. 4. This Act shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society.

DISCRIMINATION BECAUSE OF RACE, RELIGION, COLOR, NATIONAL ORIGIN, OR ANCESTRY

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, religion, color, national origin, or ancestry; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, religion, color, national origin, or ancestry.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against,

any individual because of his race, color, religion, national origin, or ancestry, or to classify or refer for employment any individual on the basis of his race, color, religion, national origin, or ancestry.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, religion, color, national origin, or ancestry;

(2) to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, religion, color, national origin, or ancestry; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training programs to discriminate against any individual because of his race, religion, color, national origin, or ancestry in admission to, or employment in, any program established to provide apprenticeship or other training.

DISCRIMINATION BECAUSE OF AGE

SEC. 6. (a) It shall be an unlawful employment practice for an employer to fail or refuse to hire any individual, or to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, otherwise unlawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; but no discrimination arising by reason of the operation of a bona fide seniority system shall be deemed an unlawful employment practice.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to classify or refer for employment, or otherwise to discriminate against any individual because of his age, or to classify or refer for employment any individual on the basis of age, when the reasonable demands of the position or positions involved do not require such an age distinction.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude from its membership or to discriminate against any individual because of his age, if the reasonable demands of the position or positions involved do not require such an age distinction, or

(2) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training programs to discriminate against any individual in admission to or employment in any program established to provide apprenticeship or other training because of his age, where the reasonable demands of the position being trained for do not require such an age distinction.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) It shall be an unlawful employment practice for an employer, employment agency, or labor organization to discriminate in any manner against another person because he has opposed any practice made an unlawful employment practice by this Act, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, religion, color, national origin, ancestry, or age, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion when religion is a bona fide occupational qualification for employment, or based on age when the reasonable demands of the position require such a preference, limitation, specification, or discrimination.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 8. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members 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, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of \$20,000 a year, except that the Chairman shall receive a salary of \$20,500.

(f) The Commission shall maintain separate divisions within its staff, each of which shall be assigned responsibility for processing all cases involving one of the major categories of unlawful employment practices through the stage of conference, conciliation, and persuasion. The Commission shall, in addition, maintain such other divisions within its staff as it deems necessary or desirable.

(g) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place. The Commission may establish such regional offices as it deems necessary, and shall establish at least one such office in each of the major geographical areas of the United States, including its territories and possessions.

(h) The Commission shall have power—

(1) to cooperate with and utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or an order issued thereunder;

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(6) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this Act, and the Commission may empower them to study the problem of discrimination forbidden by this Act and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances.

Such advisory and conciliation councils shall be composed of representative citizens resident of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2), for persons serving without compensation. The Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance. Members of such councils shall be exempt from the operation of title 18, United States Code, sections 281, 283, 284, 484, and 1914, and section 190 of the Revised Statutes of the United States (5 U.S.C. 99).

(i) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(j) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 9. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 5, 6, or 7.

(b) Whenever a written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the Act has engaged in any unlawful employment practice, the Commission shall notify the person charged with the commission of an unlawful employment practice (hereinafter referred to as the "respondent") of such charge and shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding.

(c) If the Commission fails to effect the elimination of such unlawful practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances warrant, the Commission shall have power to issue and cause to be served upon the respondent a complaint stating the charges in that respect, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than ten days after the service of such complaint. No complaint shall issue based upon any unlawful employment practice occurring more than one year prior to the filing of the charge with the Commission unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the period of military service shall not be included in computing the one-year period.

(d) The respondent shall have the right to file a verified answer to such complaint and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or a member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision and copies thereof shall be served upon the parties. The Commission, or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If, upon the preponderance of the evidence, including all the testimony taken, the Commission shall find that the respondent engaged in any unlawful

employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order requiring such person to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the discrimination), as will effectuate the policies of the Act: *Provided*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. Such order may further require such respondent to make reports from time to time showing the extent to which it has complied with the order. If the Commission shall find that the respondent has not engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person and other parties an order dismissing the complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of section 5, 6, 7, 8, and 11 of the Administrative Procedure Act.

JUDICIAL REVIEW

SEC. 10. (a) The Commission shall have power to petition any United States Court of Appeals or, if the court of appeals to which application might be made is in vacation, any district court within any circuit or district, respectively, wherein the unlawful employment practice in question occurred, or wherein the respondent resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and 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 a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) The findings of the Commission with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(e) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent, and to be made a part of the transcript.

(f) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

(g) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district

court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(h) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person resides or transacts business or the Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsections (a), (b), (c), (d), (e), and (f), and shall have the same exclusive jurisdiction to grant to the petitioners or to the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(i) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(j) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(k) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order on the Commission, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101-115).

(1) Petitions filed under this Act shall be heard expeditiously.

EFFECT ON STATE LAWS

SEC. 11. (a) Nothing in this Act shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this Act.

(b) Where there is a State or local agency which has effective power to eliminate and prohibit discrimination in employment in cases covered by this Act, and the Commission determines the agency is effectively exercising such power, the Commission shall seek written agreements with the State or local agency under which the Commission shall refrain from filing a charge in any cases or class of cases referred to in such agreement. No person may file a charge under section 9(b) in any cases or class of cases referred to in such agreement. The Commission shall rescind any such agreement when it determines such agency no longer has such power, or is no longer effectively exercising such power.

INVESTIGATIONS, INSPECTIONS, RECORDS

SEC. 12. (a) In connection with any investigation of a charge filed under section 9, the Commission or its designated representative may gather data regarding the practices of any person and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as may be appropriate to determine whether the respondent has committed or is committing an unlawful employment practice, or which may aid in the enforcement of this Act.

(b) With the consent and cooperation of State and local agencies charged with the administration of State fair employment practices laws, the Commission may, for the purpose of carrying out its functions and duties under this Act and within the limitation of funds appropriated specifically for such purpose, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered to assist the Commission in carrying out this Act.

(c) Every employer, employment agency, and labor organization subject to this Act shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order as reasonable, necessary, or appropriate for the enforcement of this Act or the regulation or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this Act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this Act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship it may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment service, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

INVESTIGATORY POWERS

SEC. 13. (a) For the purposes of any investigation provided for in this Act, the provisions of sections 9 and 10 of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

(b) The several departments and agencies of the Government, when directed by the President, shall furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

EMPLOYMENT PRACTICES OF GOVERNMENTAL AGENCIES AND OF CONTRACTORS WITH THE GOVERNMENT

SEC. 14. (a) The President is authorized and directed to take such action as may be necessary to provide protections within the Federal establishment to insure equal employment opportunities for Federal employees in accordance with the policies of the Act.

(b) The President is authorized to take such action as may be appropriate to prevent the committing or continuing of an unlawful employment practice by a person in connection with the performance of a contract with an agency or instrumentality of the United States.

NOTICES TO BE POSTED

SEC. 15. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts of the Act and such other relevant information which the Commission deems appropriate to effectuate the purposes of this Act.

(b) A willful violation of this section shall be punishable by a fine of not less than \$100 or more than \$500 for each separate offense.

VETERAN'S PREFERENCE

SEC. 16. Nothing contained in this Act shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 17. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this Act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this Act if he pleads and proves that he published and filed such information in good faith, in conformity with the instructions of the Commission issued under this Act regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 18. The provisions of section 111, title 18, United States Code, shall apply to officers, agents, and employees of the Commission in the performance of their official duties.

APPROPRIATIONS AUTHORIZED

SEC. 19. There is hereby authorized to be appropriated not to exceed \$2,500,000 for the administration of this Act by the Commission during the first year after its enactment, and not to exceed \$10,000,000 for such purpose during the second year after such date.

SEPARABILITY CLAUSE

SEC. 20. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

EFFECTIVE DATE

SEC. 21. (a) This Act shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this Act other than sections 5, 6, 7, and 9 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this Act, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this Act to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this Act when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this Act.

Mr. PUCINSKI. And now, we have two witnesses scheduled for this evening.

I would like to call upon the very distinguished member of our committee, Congressman Daniels, to introduce our next witness, the Honorable Harrison A. Williams, Jr., U.S. Senator.

Mr. DANIELS. Mr. Chairman, members of the committee, ladies and gentlemen and members of the faculty of Fairleigh-Dickinson Univer-

sity, and particularly Dr. San Martino, it is my pleasure to introduce to you the next witness, the Honorable Harrison A. Williams, Member of the U.S. Senate.

Mr. Williams is presently serving his first term and during the past 4 years I think his record speaks greatly for this witness. He has done a tremendous job particularly in the area of civil rights and he has been the champion of legislation with respect to our migratory laborers who have been—as they travel from State to State—exploited and deprived of their civil rights.

Our Senator has for the past 4 years worked most diligently in endeavoring to get this legislation passed by the U.S. Congress and I think that this year his efforts in that direction will meet with success.

The Senator is also the champion of other legislation which seriously affects our urban areas and presently is the sponsor of the mass transit legislation which only last week just immediately before Congress recessed successfully passed the Senate.

The Senator has been doing a tremendous job and the people of the State of New Jersey and the entire Nation are grateful to the Senator.

It is my pleasure to present the Senator from the State of New Jersey, Senator Harrison A. Williams.

Mr. PUCINSKI. It is a distinct privilege to have you here at Fairleigh-Dickinson University.

I notice that your statement is brief and, therefore, I was wondering if perhaps you would like to read your opening statement in its entirety before we proceed to questioning, if that is agreeable to you.

Senator WILLIAMS. Yes, Mr. Chairman, I would like to.

STATEMENT OF HON. HARRISON A. WILLIAMS, JR., U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator WILLIAMS. Mr. Chairman, members of the committee, and my colleague and great friend, Dominick Daniels, I am sort of overwhelmed. I have never been introduced at a committee hearing with such undeserved eloquence, I might say, and of course the applause is something we don't normally hear in Congress.

This is a unique occasion and I am personally humbly pleased.

This is a unique approach and, I think, a very good approach to the committee hearing process and I am particularly proud that it is being undertaken here at Fairleigh-Dickinson University, one of the most vital centers of learning in the State and I am happy to be here testifying in my home State on H.R. 405.

I believe that the subcommittee's visit to New Jersey will help dramatize the fact that the bill will not only serve social justice generally by combatting discrimination, but will also meet the special needs of the urban North.

I'd like to discuss this point—the problems of Negroes in the urban areas of our Nation because I think we should be absolutely clear in our thinking about the nature of the job discrimination problem in the United States today.

Many persons apparently believe that the Negro today faces his worst problems in the South, and in many ways he does.

But I think that we in the North should realize that the steady migration of Negroes has continued for several decades into major

areas of new development in the northern and western urban industrial areas of the Nation. Some 73 percent of the Negro population is now living in urban areas.

This means that, in the areas most in need of job skills and a steadily increasing number of well-trained workers, a large percentage of our labor force is being wasted because of discrimination. It is high time that we act to prevent such waste.

At the moment, as this subcommittee well knows, the number of unemployed nonwhites in this Nation now stands at about 15 percent, more than twice the percentage of whites. In New Jersey, affected as it is by seasonal increases, about 18.2 percent of the nonwhite labor force is unemployed.

One of the major causes in the difference between white and nonwhite unemployment is, of course, the denial of equal opportunity of nonwhite workers to work at their highest skill. The second factor, which is related to the first, is that there is a disproportionate number of Negroes in the unskilled work force. Unemployment is regularly heavier, and the frequently lower seniority rating of Negroes is caused by their relatively recent entry into factory and office work.

A national fair employment practices act would go a long way in reducing the gap between work and relief. I believe that it would help reduce the current waste of talent in the United States today. As President Kennedy said in his historic report on manpower this year, our underuse of human and physical capacity is costing us some \$30 to \$40 billion of additional goods and services annually. Discrimination is causing a large part of that waste.

We've already seen, in one important area, that a deliberate program against discrimination can yield important results. I'm referring to the experience we've had in the Federal Government.

Although the U.S. Government has over the years maintained a policy of equal opportunity for all citizens regardless of race, creed, color, or national origin, it has only been within recent years that nonwhites in this country have felt this policy of employment in Federal agencies. The first was Executive Order S802 by Franklin D. Roosevelt, establishing the first Fair Employment Practices Committee. The second was by President Truman who issued Order 9980 in 1948 to set up a Fair Employment Practices Board in the Civil Service Commission to review complaints and discrimination. President Truman also issued Executive Order 11590, which created the President's Committee on Government Employment Policy to help Federal agencies carry out policies of equal opportunity in the Federal service without discrimination based on race, color, religion, or national origin. These committees were continued under President Eisenhower and in 1953 additional responsibilities and standards of nondiscrimination were provided by Executive Order 10557. The present Executive order of President John F. Kennedy of March 6, 1961—10925—combined the old committee's objectives and the present ideals of the President into one operation.

The new committee has had wider responsibilities and authority in seeking to eliminate discrimination from Government-connected work than previous committees, and in addition has the responsibility to promote equal opportunity for all qualified persons without regard to race, creed, or color. Vice President Lyndon Johnson, Chair-

man of the present Committee, in reporting to the President on progress made, revealed that since 1961 while the total Federal employment has increased only 1.03 percent, Negro employment has increased 3.6 percent.

I believe we could have a similar increase in our manpower utilization if there were a national fair employment practices act.

There are those that will argue that the Negro has made rapid improvement in his standard of living and has made it at a faster rate than most other groups in the same short span of 100 years. I believe we still find too large a segment of the Negro population deprived economically and socially. I further believe that this deprivation of so large a segment of the population has had an adverse effect on this Nation which we can no longer afford. I believe that the American Negro is seeking to identify with the mainstream of American life and does not believe in separating himself from the major economic and social atmosphere of the entire community.

I have heard the argument advanced that Negroes have made outstanding progress in educational attainment, but I should like to call attention to the point that too large a segment of the Negro population is still below the level of educational attainment of the whites.

Although 40 percent of the nonwhite population has acquired some high school or college education, this compares to 62 percent of the white population. I say that America cannot afford this differential and that it does not meet today's needs, for the amount of formal education which a person receives influences the occupation for which he will be employed. The Department of Labor Bureau of Labor Statistics points out that in the decade of the 1970's there will be a 40-percent growth in the professional and technical classifications. This is the highest of any occupational group. These are the people that business and Government will want to hire. I think if we are to meet our responsibilities in this decade, we must solve the problem of equal opportunities in this decade for as our production processes become more sophisticated, greater demands will be made on workers for more education and training.

Information has come to me, for example, that the vocational schools in our State have approximately 60,000 enrollees, but only 3 percent of those are Negroes.

This is far too few for the skills needed in the labor market of this State.

We in Congress have acted to provide some new opportunities to those now lacking in skills. The Manpower Training Act provides ways and means by which workers can obtain training which will enable them to contribute to a growing economy by putting them in productive jobs.

However, far too few workers will come from this end of the funnel to supply today's needs. We must also have action that will widen the range of jobs now open to those who now suffer from discrimination.

The bill under consideration today will help achieve that result. Those who believe in developing a constructive and sound economy should favor this type of legislation.

Mr. Chairman, I'd also like to ask that a statement given by Arthur Chapin, special assistant to the Secretary of Labor, be added to the

record. Mr. Chapin made his remarks at the community leaders' conference sponsored by the President's Committee on Equal Employment Opportunity last May. I believe it clearly describes some of the opportunities offered by apprenticeship and training programs, and some of the problems caused by discrimination.

Mr. PUCINSKI. Without objection, so ordered.
(The above-mentioned statement follows:)

APPRENTICE AND TRAINING—AN ECONOMIC KEY

(By Arthur Chapin, special assistant to the Secretary, U.S. Department of Labor, Washington, D.C.)

Apprenticeship is a very vital and necessary asset to our economic development in terms of advancing technical knowledge and in proper utilization of our available manpower. The necessity for training or replacement for skilled artisans has been recognized since the very beginning of civilization. The practice of indenturing apprentices was common in the days of Michaelangelo and throughout the Middle Ages in Europe and was brought to America by early settlers.

Present-day conception of the conduct of apprenticeship programs is generally confined to the knowledge that it is the schooling of employed workers. Because of the effective promotional role the Bureau of Apprenticeship and Training has played, in establishing sound principles of training and conduct of effective programs, its role has often been misunderstood. The Bureau of Apprenticeship and Training does not exercise any regulatory power. It does not tell any employer or union how many apprentices must be started or employed; it does not prescribe wages; nor does it subsidize apprenticeship in any way. The Government Organization Manual describes the Bureau in these words:

"The Bureau of Apprenticeship and Training provides stimulation, promotion, and technical assistance for the organization of programs to improve and broaden the skills of the work force. Services are provided to industry, management, labor, community groups, and others concerned with manpower development.

"In accordance with the act of August 16, 1937, primary emphasis is placed upon promoting the development of skilled craftsmen through apprenticeship."

This description of the Bureau together with the definition of an apprentice as "a person of employable age who has been carefully selected and who has been placed in a training situation where over a period of years he will be trained in all the skills of a craft," as described in an official apprenticeship handbook, gives us some background for discussion of equal employment opportunity in apprenticeship.

The apprenticeship programs conducted by employers and unions in the building and construction trades are probably most familiar to all of us, although many, many manufacturing plants and unions conduct outstanding training programs. In either case the standards of the apprenticeship program are established to meet local needs, and within the standards and requirements for registration with the Bureau. While such registration is voluntary it is similar to the accreditation in the field of general education. With this in mind, the importance of the announcement of the Department of Labor that inclusion of a specific non-discriminatory statement would be required in all apprenticeship standards of firms handling Government contracts, can readily be seen. Important as this announcement may be, it is only the first step and will require time for inclusion in many local agreements now in effect. The electricians and the bricklayers have included the equal employment opportunity clause in their national standard in recent months and the plumbers and steamfitters recently signed a national working agreement which provide for referral to all jobs without regard to race, creed, or color. We believe that this will carry over into apprenticeship training programs.

These changes which have been made are primarily changes of attitude and are important as such. Practical advances in equal opportunity will be much harder to attain as could be expected. The waiting lists for admission to many apprenticeship programs and the limited number of new admissions each year present a very formidable problem.

Even when jobs are opened up to minority groups, in some cases, the lack of a trade tradition makes qualified applicants in minority groups hard to find. In

some localities, particularly in the South, there is organized opposition to the admission of minority groups to apprenticeship programs—this opposition being a part of the social and economic structure prevailing.

The need for adequate counseling of potential apprentices and the need for education in the necessity of using all of our available manpower will require the cooperation of all segments of the community.

In New York, practical progress is evident in the opening of the apprenticeship program of local No. 3 IBEW California's State Apprenticeship Council has an excellent program for providing equal employment opportunity in all trades and crafts. The District of Columbia Apprenticeship Council requires that all programs seeking their approval and registration must contain a clause of nondiscrimination and effectively operate in keeping with such a clause. An increasing number of local standards being submitted to the Bureau now contain the required clause of nondiscrimination.

In summary, a start has been made. The changing attitudes and the definite awareness of the Government's intention of assuring equal opportunity are beginning to be felt. An effective program will not be accomplished overnight. Much hard work, interest, patience, and understanding will be expended before our goals are accomplished. The important thing to remember is that they can be and will be reached.

Mr. PUCINSKI. We are very grateful to you for coming before this committee, particularly since you have cosponsored Senate bill 773 which is the Senate version of this legislation and the fact, I think, is of importance to the people of this community that while you had worked very hard to get this very important legislation through the Senate and steer it through very troubled waters there to successful passage, you would now take the time to exert your good judgment and influence on the House side to help us get this legislation to the President for signature and so we are very grateful to you.

Senator WILLIAMS. Mr. Chairman, I hope some of the other bills that we are working on in the Senate, dealing with migratory worker problems, will shortly be before you, too, and if there is anything I could do at that point, I would certainly be happy.

Mr. PUCINSKI. I would add here that I am cosponsoring your mass transportation bill and in my judgment this is the most important piece of legislation ever adopted, if we get it through, and the credit goes to you completely for having started it.

I have often said, if I may add, that instead of staging any secret attack on the United States as our enemy did on December 7, 1941, on a Sunday morning, anybody that wants to knock out 70 percent of America's laborers in one fell swoop would do it any morning in the rush hour when half the population is stuck hopelessly on the expressways of America in the rush hours.

Certainly the bill you have sponsored—and it is certainly becoming known as the Williams bill on mass transit—is going to help a great deal in alleviating that situation.

Mr. Daniels.

Mr. DANIELS. Senator, at the outset, I want to thank you for a very fine, outstanding statement.

Now, I realize that you do not have too much time. You have to get to another meeting and the other members of the committee would like to present some questions to you. So, therefore, I shall be very, very brief.

You know, and I know, many States, including the State of New Jersey, have laws prohibiting discrimination because of race, religion, and color or national origin. Do you think that these laws have been

very, very effective and have they been endorsed and carried out by the governments of these States?

Senator WILLIAMS. I cannot speak on many States, other than our own. I think that there has been increasing attention to the administration of the legislation here and I think we are doing better each year implementing what we do have in the State of New Jersey.

Mr. DANIELS. Of course, as lawyers, both you and I realize that State laws can only affect intrastate commerce—but this bill that we have under consideration before this committee, H.R. 405, deals with interstate commerce which is the only reason why the Federal Government would have jurisdiction.

Do you feel that there is a need for such legislation today?

Senator WILLIAMS. Oh, absolutely.

Mr. DANIELS. And you base that upon the fact that such discriminatory practices because of race, color, religion, age, and so forth, has taken place and it is well known to you and to me as legislators?

Senator WILLIAMS. It certainly is and right now the only handle the Federal Government has on the problem is where there are Federal governmental contracts and that, of course, gives the Government the opportunity to deal with discrimination.

But we have seen the big cases of discrimination just recently and we know that it exists here even where there are contracts and these are being dealt with, but where the Federal Government does not have the handle for action, there is a grave, grave need.

Mr. DANIELS. So, in other words, you are telling us this evening this legislation is necessary to implement whatever laws presently on the book and whatever powers the Executive may have?

Senator WILLIAMS. That's my feeling completely.

Mr. PUCINSKI. Mr. Martin.

Mr. MARTIN. Thank you.

First of all, I should like to express my thanks for the very kind hospitality shown by you people this evening. It's been a pleasure to be here and take part in this hearing and I am glad to have Senator Williams here as a witness in regard to this legislation. I know he has been vitally interested in this subject for some time, although he and I disagree as to methods to achieve a goal at times.

I think perhaps we can bring some of these points out in questioning.

Do you feel, Senator, that this bill—and I assume that the bill which you have introduced is identical to the one that Congressman Roosevelt has introduced in the House—

Senator WILLIAMS. Very similar.

Mr. MARTIN. Do you feel that this legislation gets at the root of the problem?

Senator WILLIAMS. It deals with the problem as legislation can. It doesn't deal with the state of men's minds and, indeed, that we cannot do with legislation, but the manifestation of the disease of discrimination in employment is adequately dealt with within this bill, in my judgment.

Mr. MARTIN. Well, for instance, you say in your statement on page 2—and I quote:

The second factor, which is related to the first, is that there is a disproportionate number of Negroes in the unskilled work force.

Well, now, how is this type of legislation going to correct that situation?

Senator WILLIAMS. Other measures that I would consider almost companion pieces to this, the manpower training and retraining bill, for example, greater attention to vocational education. These are the measures that will deal with increasing the numbers who are now unskilled who can then be considered part of the skilled work force.

Mr. MARTIN. Isn't part of the reason why there is a disproportionate number of skilled workers among the Negro group, isn't it because they have not had the same amount of education as have other races

Senator WILLIAMS. I think that in part—

Mr. MARTIN. This doesn't correct that situation at all. This isn't an education bill.

Senator WILLIAMS. No, it isn't. We have other bills that are educational bills, but the lack of opportunity in education, it seems to me, relates to the fact that there is a low ceiling on opportunities for Negroes in this country and they are in an economic state of depression.

You don't have the money equal to others for equal educational opportunities. If job opportunities are there, if the ceiling of the Negro's hopes is raised, I think we will start the forces at work giving them an opportunity for equality in education. It starts with jobs. That is where we make our money and money has a great deal to do with how much education, training, and our other chances for the full, complete, good life.

Mr. MARTIN. Well, I would agree with you in part, that one of the basic differences in this field goes back to the fact that the people of the Negro race are not adequately educated or do not have an opportunity to receive an adequate education in the United States, but I think that's one of the basic problems we have at one of the roots of these problems that's generated in this country.

And I don't think that we are getting to the source, to the root of the problem with this type of legislation.

Now, let me quote again from your testimony at the bottom of page 6. I quote:

Information has come to me, for example, that the vocational schools in our State—

That's New Jersey—

have approximately 60,000 enrollees, but only 3 percent of those are Negroes.

Well, now, it is beyond me how this legislation is going to correct a situation that is quite obviously a State problem and up to your Governor and education board here in the State of New Jersey. Why should Washington come in and interfere with the operation of your government?

Senator WILLIAMS. Well, this bill, as you say, doesn't deal with education. You are making one of my favorite speeches in favor of Federal aid to education in this country and I am for that, too.

Mr. MARTIN. I am opposed to that. That's what I am driving it.

Senator WILLIAMS. You are giving the best arguments for it, however, and I appreciate the strength of your reasoning and I would apply it to a general need in this country of greater attention to education.

Education is and has been a matter of Government sponsorship since George Washington, and I don't fear using our National Government as an aid to our communities in its responsibilities at the local level to furnish an education to everybody.

This is not an omnibus bill. This deals with job discrimination and I believe it would be unwise in a Fair Employment Practices Act also to include a broad, general education program.

We have an awful lot of problems with that. The bill which is too omnibus now is the education bill, its opponents say. We will probably have to take that apart and do it piece by piece. I am sure this committee will be part of the honored process of at long last bringing national recognition of the needs of national support for local education.

Mr. MARTIN. Let me quote from the bill, section 2, as follows:

The Congress hereby finds that despite the continuing progress of our Nation, the practice of discriminating in employment of thoroughly qualified persons—

And these are the ones so-called discriminated against because of their race, religion, color, national origin, ancestry, or age.

How come we left out sex?

Senator WILLIAMS. I think we are arriving at that with another piece of legislation.

Mr. MARTIN. Why not include it in this and we wouldn't have so many hearings and consider so many types of legislation?

Senator WILLIAMS. Well—

Mr. MARTIN. I mean, we are considering the equal-pay bill.

Senator WILLIAMS. I would amend it to include that, if we could get your vote for the bill.

Mr. MARTIN. I have introduced a bill, Senator, in regard to equal pay and I think it is a good bill. I think it is a better bill than some of the others which have been introduced on our side—I mean in the body.

Senator WILLIAMS. Well, we have the equal rights amendment. The women in some departments are in a favored position. Some of us wonder if they want to lose that position.

Certainly, on equal pay, I agree with you.

Mr. MARTIN. It has been pointed out by the previous witness, Reverend Hildebrand, in his statement that the then Senator Kennedy as a candidate in 1960 made the statement in one of his campaign speeches that this type of legislation was going to be the first order of business of his administration after he was elected President.

Now, here we are in the third term of President Kennedy's administration and it seems to me the administration has not pushed very diligently for the enactment of this type of legislation. Could you give us an alibi or an answer to why the President has not fulfilled his campaign promises in 1960?

Senator WILLIAMS. I rather like your Freudian slip. You said, "the third term of the Kennedy administration." I hope he will have it. I am against that constitutional amendment that only limits him to two.

But at any rate, no, there are no excuses or alibis.

Mr. PUCINSKI. Excuse me for one second.

I know that there is a great deal of enthusiasm on both sides here, but I wonder if our spectators would be good enough to confine their enthusiasm to their own thoughts. Normally, we do not admit ap-

plause in our hearings in Washington and in order to preserve a full decorum of these hearings, would you be good enough to confine your enthusiasm to yourself?

Will you proceed, Senator?

Senator WILLIAMS. Yes.

I was going to say that I think it was the fact that discrimination in employment was one of the very first orders of business under President Kennedy and I don't believe anybody could deny the effectiveness of the committee he created under Vice President Johnson. I cited the figures here to show the substantial increase of employment of Negroes in the Federal Government and we do know how effective this committee has been in equality of job opportunity under Federal contracts.

Mr. MARTIN. Committees don't get any action and we haven't had any action on this and President Kennedy was very direct and dogmatic in his statement that it was going to be the first order of business.

Senator WILLIAMS. Well, I think—

Mr. MARTIN. He hasn't come through with it.

Senator WILLIAMS. One of the Nation's greatest companies, Lockheed, will probably tell you that they felt the force of vigorous compliance with equality in employment and they weren't complying. Now they are complying. That's just one example, but we know there are many others, too.

Mr. MARTIN. If we have that compliance, perhaps we don't need this legislation.

Senator WILLIAMS. That's, of course, only where the Federal handle is in employment under defense contracts.

Mr. MARTIN. I am making the point here—and just a moment, Mr. Chairman—in a dispute with the steel companies approximately a year ago in regard to the proposed increase which some of the steel companies started to inaugurate of \$6 a ton, the President reacted quite vigorously in opposition to that. It was pointed out in the press that the President had the power to wave a big stick over the steel companies in that he could issue an Executive order that steel from these companies would not be purchased by the U.S. Government in any of their construction.

Well, now, here we are. We have discrimination within the Government itself, within the Federal Government in regard to what you are trying to get at in this type of legislation and yet we do not have an Executive order from the President, nor does the President take any positive action such as he did in that steel dispute to correct this situation that you are attempting to do in this bill.

Senator WILLIAMS. I don't agree with your statement. I think that where the President now has authority, and he does in employment within the Federal establishment, he has it in regard to contracting Federal projects. He has done exactly what we say he has done. He has used his authority to deal with discrimination, in my judgment.

Mr. MARTIN. In your construction industry, as was pointed out by the previous witness, the discrimination particularly against Negroes is most rampant and he pointed out several of the unions which do not allow Negroes to become members of the union and they do not

accept them out on construction jobs and much of this work is being done for the Federal Government, and yet they are still being discriminated against.

Look at Cape Canaveral down in Florida, the testimony before Senator McClellan's committee, of the United Electrical Workers—

Senator WILLIAMS. I thought this bill dealt with discrimination within a union.

Mr. MARTIN. That is correct, but the point I am making is that the President could correct some of these inequities on this Government work as on the cape and construction and military bases and other Federal installations if he so desired.

Senator WILLIAMS. Now, I have a feeling that he is just doing day by day as much as he can with the present authority and we know there is discrimination in some of the unions, fortunately very few of them. Where it exists it could be rooted out by the bill that is under consideration here this evening because unions are clearly under the interdiction of this bill.

Mr. MARTIN. Just a few more minutes and I will be through.

Mr. PUCINSKI. It is all right.

Mr. MARTIN. Section 9 of this bill still has the same weakness that the legislation had that we considered in the last Congress. That is that the Commission itself who finds someone guilty of a violation of this act then sits as the judge over actions taken by themselves. Then the one condemned or found guilty can after that hearing appeal to the U.S. district court.

I object to this type of feature in legislation where our Federal bureau who finds someone guilty then sits in judgment on that same person. I don't think that is the American system. I think it should go directly to the court for judicial review and I object very strenuously to this type of procedure in legislation.

Senator WILLIAMS. Well, there is always that opportunity for anyone feeling aggrieved to end up in the district court.

I imagine that the explanation for this procedure is what they say downtown in Washington, "administrative ease." I tell you, I have a caveat on administrative ease once in awhile myself in certain areas.

But I believe anyone aggrieved here has the protection of court action.

Mr. DANIELS. Will the gentleman yield?

Mr. MARTIN. Yes.

Mr. DANIELS. Didn't the bill provide that the Commission must give notice of the charges to the respondent and the facts upon which it is based which thereby affords to the respondent an opportunity to come before the court and be heard?

Mr. MARTIN. No, no.

Mr. DANIELS. Well, what does paragraph C say?

Mr. MARTIN. You are ahead of yourself. It gives him an opportunity, then, to come before the Commission to be heard and then if they find him guilty after that hearing, then the person originally charged may then take it into the U.S. district court, but not before. In other words, if Senator Williams, who sits on the Commission, finds me and notifies me that I am guilty of unfair practices here, they set up a hearing. He is the one who sits as judge over me at the hearing.

Mr. DANIELS. No.

Mr. MARTIN. If he finds me guilty, I have the opportunity to appeal to a higher court.

Mr. DANIELS. Mr. Martin, I respectfully disagree with you. The man bringing charges cannot sit on the hearing board or sit on the board.

Mr. MARTIN. That one man, that is correct, but there is more than one man on the board and the other members of the board.

Mr. DANIELS. He must disqualify himself.

Mr. PUCINSKI. Would the witness care to comment on this?

Senator WILLIAMS. My lawyer is Congressman Daniels.

Mr. MARTIN. The fact still remains, Mr. Daniels, that—

Mr. DANIELS. The same thing—

Mr. MARTIN. If you were tried by the Commission, whether it is the actual specific Commissioner who investigated your case and found you guilty in the first place—

Mr. DANIELS. I might say to you, Mr. Martin, that prior to coming to Congress I sat as the assistant chairman to the Civil Rights Commission of Jersey City which was created under a law which had a similar provision as this bill and where a party came in and complained and the committee tried to correct the complaint, if the party did not desist from his alleged illegal action, then the commission prosecuted the complaint and I have not heard any uncomplimentary or derogatory references to the procedures of this law in the State of New Jersey. It has worked most effectively in the State of New Jersey and this bill here is patterned somewhat to our New Jersey law and if it can work in the State of New Jersey, I see no reason why it cannot work on a Federal basis.

Mr. MARTIN. Well, your commission is evidently not doing an outstanding job in enforcement here because of the Senator's testimony that in your vocational schools you have 60,000 enrollees, but only 3 percent are Negroes.

Mr. DANIELS. You have to study the vocational pattern of the State of New Jersey. I was reading yesterday in the New York Times which said that in Hudson County we had five vocational schools and today we have two.

If those were located in areas which afforded Negroes the opportunity of attending them, we would have a much larger attendance in vocational schools. That is one of the problems in urban areas.

Mr. PUCINSKI. Gentleman, as I had indicated earlier, the Senator does have an engagement.

Mr. MARTIN. One more.

Mr. PUCINSKI. Go ahead, Mr. Martin.

Mr. MARTIN. Age is included in this bill, Senator. Do you think that can be effectively enforced by Washington? Do you mean to tell me if a man comes in seeking employment with me and I don't want to hire him that they can come in and say, Here's a man that applied to you for a job. He is 55 years of age. You didn't take him because of his age. You hired a man that is 30.

Do you think Washington, the Federal Government, can come in to all the towns in the country and enforce that type of legislation?

Senator WILLIAMS. I would suggest that the age aspect of this bill would be the hardest to administer and, yet, we all know the fact of discrimination because of age and where there is equal ability and

a man is discriminated against because he is over 40. I think that probably it would be in those cases that are most manifest, and the clear cases will be the deterrent for those that are not so clear.

Mr. MARTIN. Well, I would disagree with you. It is a general rule, but, Mr. Chairman, I thank you.

Mr. PUCINSKI. Mr. Hawkins.

Mr. HAWKINS. Senator Williams, isn't it a fact that section 9 of the bill which was referred to is standard language included in practically every one of the administrative agency type of laws that we have, the Federal Trade Commission, the National Labor Relations Act, the Interstate Commerce Commission, all of these agencies following the same procedure, basically?

Senator WILLIAMS. It is analogous. Even the FEPC has it.

Mr. HAWKINS. I suspect a hundred others that we can't think of at the moment.

This is the point I was trying to make, to ask you your opinion, whether or not section 9 is something new that this bill seems to have selected out of the air or whether or not its language is very familiar to persons in legislative procedure?

Senator WILLIAMS. It seems that way to me. There must be an opportunity for administrative action and decision and not every situation should go to court because it won't be necessary to. That's the long, hard road, but the avenue is there for anyone aggrieved, as I understand it, but yet the Commission is given the power to make decisions.

Mr. MARTIN. Would the gentleman yield?

Mr. HAWKINS. Yes.

Mr. MARTIN. I would like to point out that the Secretary of Labor has been denied this investigative power that you give him in this type of legislation in the Welfare and Pension Plans Disclosure Act and also it has been denied to the National Labor Relations Board under the Taft-Hartley Act, so this type of legislating is not general in this field.

Mr. HAWKINS. Well, it may not be general in every field. I think the point is that in the instances that we named, it is general and that in some instances, the ones you name, I believe that at least one of the instances, the judicial review is not allowed either so that there is an additional safeguard in section 9 of this bill that is not in the instance in which you enumerated.

In addition to that, I think that it should be pointed out that despite the fact that this provision is in some 20 laws throughout the country in State acts, that since 1945 there has been no one who would attack the validity of it in court and in only one instance has it ever come to trial in the Supreme Court and that was in a Michigan case. It was upheld, so we are not talking about an unconstitutional provision, a provision that has deprived anyone of any constitutional rights as you would imply.

But I would like to ask the Senator another question because of a question you asked, and that is, that there was an implication made that all the Negroes who are unemployed happen to be unskilled or not qualified by education.

Now I would like to ask Senator Williams whether or not that statement is absolute, whether or not there may be many Negroes who are

qualified who are still unemployed because of discrimination, which would be reached by this bill?

Senator WILLIAMS. Yes; I am sure that's true. The Negro is said to be the last hired and the first fired. While my personal experience is limited, I have seen this to be the fact even though the individual himself had full qualifications for the job that took some skill.

Mr. PUCINSKI. Would my colleague yield on that?

Mr. HAWKINS. Yes; certainly.

Mr. PUCINSKI. Isn't the very heart of this legislation, Senator, the fact that we now deny people who are qualified, who do have educational qualifications, we deny them job opportunities because of the color of their skin or the church to which they belong or because of the nation of origin?

This legislation is not designed to guarantee a man a job if he is not qualified in the first instance. Uncle Sam is not saying to an employer, "you have to hire this man whether he is qualified or unqualified." This is forward moving legislation. This legislation says that you cannot deny a man an opportunity, an employment, if he does meet all the other qualifications simply because of the color of his skin or the church he belongs to.

Isn't that the emphasis in this legislation?

Senator WILLIAMS. Exactly, yes.

Mr. HAWKINS. Just one final question, Senator. Isn't it also true through the long experience that you had in the Senate that those who use the argument that we should provide an education rather than an antidiscrimination act of this nature, of a punitive character, isn't it usually true that those who oppose fair employment practice also oppose education and any attempt to provide antidiscrimination in education also?

Senator WILLIAMS. I think that's probably a fair statement. It is probably a matter of voting record. There may be one or two exceptions, but as a general proposition, I think it is true. I know those who are proponents of the so-called right-to-work laws at the State level frequently are found to be opponents of fair employment practices.

It consistently is notable in its absence.

Mr. HAWKINS. Thank you. That's all.

Mr. PUCINSKI. Mr. Gill.

Mr. GILL. I wasn't aware, Mr. Senator, that right-to-work laws had anything to do with the right to work.

Senator WILLIAMS. That's why I said so-called.

Mr. GILL. I wonder if we could point up one point you made on section 10-A of the act which is entitled "Judicial Review."

It states that the Commission shall have the power to petition U.S. court of appeals or a district court for the enforcement of such order.

In other words, there is no enforcement of the Commission's order until they go before either the court of appeals or the district court. Isn't that correct?

Senator WILLIAMS. Well, of course, other than the voluntary—the informal approach—

Mr. GILL. But that is voluntary. There is no sanction attached to it.

Senator WILLIAMS. That's the way I read it.

Mr. GILL. Therefore, there would be no action taken against anyone without a proceeding in court.

Senator WILLIAMS. To enjoin action, if it is not voluntary, you have to. You have to go to court.

It looks like I am being summoned to court right now.

Mr. PUCINSKI. Would you advise the caller that we will be through in just a moment.

Senator WILLIAMS. My office is calling.

Mr. PUCINSKI. Senator, we will have you out.

Mr. GILL. I will release the Senator.

Senator WILLIAMS. I am very much impressed with the quality of the hearing process.

Mr. PUCINSKI. Just one second. Counsel Foreman—

Mr. FOREMAN. Under the circumstances, no questions.

Mr. PUCINSKI. Just one question.

Because you have nursed this legislation through the Senate successfully, reference was made here earlier about the fact that this is the third year of President Kennedy's administration and nothing has been done on this legislation.

Isn't it a fact that we reported this bill out of our committee last year in a second year and it died in the Rules Committee where we have a coalition of six Republicans—or five Republicans and two Democrats?

I am always impressed by the fact that our colleagues on the other side of the aisle have the impression that they can completely abdicate their responsibility to this very important legislation. We have problems with our own party and they have problems in their party, but it is my judgment that they cannot abdicate their responsibility in this very important social legislation and this legislation can pass in this session, in this session of Congress, if we will have a bipartisan understanding of this great injustice that is being done to millions of Americans.

Would you share in that view, sir?

Senator WILLIAMS. I think it is time for the party of Lincoln to join with forces with us, yes.

Mr. PUCINSKI. Thank you very much, Senator.

Did you have any other?

Mr. MARTIN. No more comments.

Mr. PUCINSKI. Thank you very much, Senator, and I regret only that your time does not permit, because, as you can see, there were many other questions to ask here and I am sure you have the answers for us. I would certainly have liked to share in your experiences and judgment in this important legislation.

Thank you very much for being with us.

Senator WILLIAMS. I want to say that as a spokesman from New Jersey—and I am sure Congressman Daniels feels the same way—we are highly honored to have this subcommittee sitting here.

Mr. PUCINSKI. Our second witness is a distinguished citizen of this community who has certainly carried on a magnificent and heroic fight in bringing about a greater dignity to man, not only in this area, but throughout the country, the Reverend Richard Allen Hildebrand, president of the New York City Branch of the National Association for the Advancement of Colored People.

If Dr. Hildebrand is here, we will proceed with him as our second witness of this evening's proceedings.

Doctor, will you be good enough to take the witness chair, identify yourself for the record, and then we will proceed.

**STATEMENT OF REV. RICHARD ALLEN HILDEBRAND, PRESIDENT,
NEW YORK CITY BRANCH, NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

Reverend HILDEBRAND. My name is Richard Allen Hildebrand. I am minister of the Bethel A.M.E. Church in New York City and also president of the New York Branch of the National Association for the Advancement of Colored People.

Mr. PUCINSKI. Dr. Hildebrand, before you proceed, I wonder if I might make this observation.

We are committed to leave this building at 9:30 and no later than 9:40. We have your own testimony and the testimony of Senator Williams and then it is my understanding that the faculty has expressed a desire that we allow some time after the conclusion of our formal proceedings to permit time for some questions from the floor from perhaps some of the members of the student body. So, within those time limitations, I might ask you, Dr. Hildebrand—your statement, I notice, is unusually brief and for that, I want to congratulate you right now. I am sure that you have already won 95 percent of your argument because of the brevity of your statement. I am sure that because it is brief, it is no less compelling in its argument.

So perhaps you would like to proceed to read your statement or digest it.

Reverend HILDEBRAND. I will read it, if you have no objection.

In behalf of the NAACP and with particular reference to the thousands of Negro residents in the New York City community, I appreciate this opportunity to appear before this committee to present our view and recommendations in support of H.R. 405, dealing with equal employment opportunity.

The position of the Negro in relation to employment, income, and jobs not only in New York City must be considered grave. Unemployment confronts the Negro double as it confronts the white worker simply because of discrimination. The unemployment rate between the white and nonwhite worker is the greatest and most serious in the 14-19 age group. I quote from a statement of Mr. Robert C. Goodwin, Administrator of the Bureau of Employment Security:

Many Negro families are trapped in what can only be called a vicious circle: Job discrimination and lack of educational opportunity or educational quality limit their employment opportunities and result in low and unstable incomes. Low incomes, combined with discrimination, reduce attainable levels of health and skills and thus limit occupational choice and income in the future. And limited job opportunities result in limited availability of education and apprenticeship training, thus completing the circle.

Since Negroes now constitute about 10.5 percent of our population, it is obvious that this restrictive circle must be broken, and that the economic and social deprivation of so large a segment of our population has an adverse effect on our entire Nation.

The effects of automation added to the already existing severe discriminatory practices which are directed against Negro workers serve to compound his economic misery.

On July 6, 1961, the National Association for the Advancement of Colored People filed complaints against major textile manufacturing companies with the President's Committee on Equal Employment Opportunity. But because of the intransigence of the owners of the southern textile manufacturing industry no change has taken place in the systematic pattern of discrimination in this industry.

Herbert Hill pointed out that—

As a result of these discriminatory provisions, white persons are usually hired initially into production and skilled craft occupations which are completely closed to qualified Negro workers.

The Negro worker who is hired as a laborer in the "maintenance department" or "yard labor department" is denied seniority and promotional rights into production classifications and is also denied admission into apprentice and other training programs. In these situations Negro seniority rights are operative only within certain all-Negro departments and Negro workers therefore have an extremely limited job mobility. Thus a Negro worker with 20 years' seniority in a steel mill, papermaking factory, tobacco manufacturing plant, or oil refinery, may be "promoted" only from "toilet attendant" to "sweeper." In addition, because of the operation of separate racial seniority lines the Negro worker is frequently the victim of dishonest and inaccurate job classifications, wage differentials, and denial of the right to develop job skills based upon seniority promotion.

Today in New York City, Negro workers are denied employment in the major industrial and residential construction projects because they are with some few exceptions barred from membership in the building trades craft unions. These include the International Brotherhood of Electrical Workers, the Operating Engineers, Iron & Structural Steel Workers, Plumbers & Pipe Fitters Union, Plasterers and Lathers, the Sheet Metal Workers Union, the Roofers, the Boilermakers, and others. Since the National Labor Relations Board has done little to enforce the anti-closed shop provision of the Taft-Hartley Act, building trades unions are therefore, in most instances, closed unions operating closed shops.

The exclusion of Negroes from membership in building trades unions or limiting their membership to an all-Negro unit means in practice that qualified Negro construction workers will be denied access to the union-controlled hiring hall and, therefore, will be denied employment opportunities in the well-paid craft jobs in both public and private construction projects.

Those Negroes who belong to segregated locals often find themselves completely excluded from the major construction projects as most contractors use the hiring halls controlled by the white locals as the basic source for labor recruitment. This is especially true in Federal construction projects and here the Federal Government bears a direct responsibility for not insisting that building contractors operating with U.S. Government funds bypass the lily-white union-controlled hiring halls and instead pursue a policy of recruitment from the open labor market based on skill and ability rather than that of race and color. The power of building trades unions to operate such hiring halls and to maintain a very high degree of job control clearly derives from the National Labor Relations Act and it is evident that protections for the Negro worker must be added to the law in the very near future.

Therefore, we believe that it is absolutely essential for trade unions to be fully included in the coverage of any national fair employment practices law. Discrimination against minority groups in employment has been a subject of increasing public concern over the past 20 years. Numerous government agencies, Federal, State, and municipal, have been established for the purpose of combating job discrimination.

In our opinion there are two basic questions before this congressional committee. Would a national fair employment practices law be more effective than State and municipal fair employment practices laws in achieving maximum progress toward the full equality of employment opportunity for all the American people and at the same time create significant improvement in the utilization of minority group manpower? And, No. 2, should the emphasis of a Federal fair employment practices commission be upon the processing and resolution of individual complaints or upon assuming on its own initiative, affirmative action based on company and industrywide patterns of employment discrimination?

Some important employment gains made during the wartime economic expansion and in the immediate postwar period, especially in heavy industry, have in many instances been all but totally wiped out. In the North as well as in the South there is a direct relationship between poverty and discrimination, and the Federal Government must intervene to eliminate both of these related evils which endanger the American society.

For the Negro wage earner in America and indeed for all who are advocates of civil rights, the passage of FEPC is today urgently needed. Nothing should be regarded as a substitute for this legislation; by and large their effectiveness has been negligent. May I emphatically state that unemployment is today a major crisis facing the Negro community. During 1960 Senator Kennedy in his campaign pledges around the country stated that this legislation would be one of the first orders of business. I urge its enactment. More than ever today several Southern State employment offices still maintain segregated assignment patterns which directly mean that Negroes are referred to the lower paying jobs. What the administration does on the issue of fair employment practices will be long remembered and will be the decisive issue in determining the civil rights record of this Congress and the Kennedy administration.

Thank you.

Mr. PUCINSKI. Thank you very much, Dr. Hildebrand, for your truly outstanding statement.

Dr. Hildebrand, we will move right into interrogation.
Congressman Daniels.

Mr. DANIELS. Reverend Hildebrand, I note that most of your testimony here this evening concerned the question of discrimination in the area from which you come, New York City. I presume, however, that you are familiar with the problem of discrimination in other parts of the country.

Now, would you say that the question of discrimination is purely a local one as it affects industry, job opportunities, education, and so forth, or would you say it is something which is a national problem?

Reverend HILDEBRAND. No, by no means would I consider it a local problem. It is a national problem throughout the entire United States, as far as I can observe.

Mr. DANIELS. Well, from your knowledge and experience with this situation, can you cite any facts upon which you base that opinion?

Reverend HILDEBRAND. I am not in a position to pinpoint any particular actual cases.

I know from observation and from contacts that have come to me from just ordinary living and operating, that there is discrimination throughout and I feel that it is a national problem that needs some type of legislation like this to give it some kind of remedy.

Mr. DANIELS. Would you say there is any causal relationship between the lack of job opportunities because of discrimination and the opportunity of the members of the family of that individual who is discriminated against to obtain an education?

Reverend HILDEBRAND. I think there is some definite relationship. It is very complex.

In the first place, I think someone asked the question, "Wouldn't it help the situation if vocational and educational opportunities were provided for the people who were discriminated against?"

This is true—it would help. But there is very little incentive to a Negro to prepare to be an electrical engineer when he knows to begin with that he is going to have a very tough time getting a job in that area. That's why I think it is vitally necessary that the opportunity be opened up, that legislation be passed and the Negro youngster would know that at least he has an opportunity, his Government is behind him and there will be some incentive for him to go to a vocational school and take advantage of the educational opportunities that exist.

Mr. DANIELS. And if he doesn't have that opportunity of not only getting an education, but of securing employment in his chosen field, then that deprives him of affording his children the opportunity to get an education.

Reverend HILDEBRAND. That's true.

Mr. DANIELS. So there is a causal relationship between the two?

Reverend HILDEBRAND. By all means.

Mr. DANIELS. Thank you, sir.

Mr. PUCINSKI. Mr. Martin.

Mr. MARTIN. On page 3 of this bill, under "Definitions, paragraph B," the U.S. Government is exempt from this bill.

What do you think of that provision?

Reverend HILDEBRAND. I wondered myself why the U.S. Government should be exempt from the bill.

I am not a lawyer and I presumed that the originators of the bill, the authors of the bill, must have had some technical reason beyond my comprehension for eliminating the U.S. Government.

Mr. PUCINSKI. Would my colleague yield?

Mr. MARTIN. I will yield.

Mr. PUCINSKI. On page 27, section 14 of the act, we provide for employment practices of governmental agencies and of contractors with the Government. The President has authorized and directed to take such action as may be necessary to provide protection within the Federal establishment to insure equal employment opportunities for Federal employees.

So we do set it up as a separate, special entity, in view of all the case history and the case law that already exist in the Federal Government's dealing with this problem and the Federal Government's efforts to eliminate and reduce discrimination because of race, religion, or ethnic background.

Isn't that correct?

Mr. MARTIN. Partially. It does not make it mandatory upon the operation of the Federal Government and all of its bureaus to follow out the provisions of this act because they are specifically exempt, the Federal Government is.

Under section 3, paragraph B, there is a specific exemption granted to the Federal Government.

Mr. PUCINSKI. On page 27, section 14 of the act, we would be happy to accept the gentleman's amendment if it would get his support for the bill, to change the bill from "The President is authorized," to "The President shall." But the language here seems to me to be sufficient now, which says, "The President is authorized and directed to take such action as may be necessary."

If there is some ambiguity in this language, I am sure there will be no opposition on this side of the aisle to amending that language and making sure it says exactly what we mean and what we mean to say is that we don't want any discrimination, certainly at the Federal level in Government.

Mr. MARTIN. I think one of the President's committees only in the last 2 days made a report in regard to a situation in Mississippi and recommended that all Federal funds be withheld from that State, but the President in reply to a press conference, I believe yesterday, stated that he did not plan to withhold Federal funds from the State of Mississippi because of discrimination in that State.

Mr. PUCINSKI. Will the gentleman yield?

Mr. MARTIN. Do you think, Reverend Hildebrand, that by the enactment of that legislation that you are automatically going to cure this discrimination?

Now, remember, it applies to many besides just colored. It is not only race, but it is also religion, color, national origin, ancestry, and age. You see, there are many factors involved here.

Do you think the passage of this bill is going to get at the causes of this thing?

Reverend HILDEBRAND. It will move in that direction. I think it would be very foolish to say that any one bill would cure all of the ills inherent in discrimination, but this is moving in that direction.

I think to have a bill at least is somewhat of a leavening influence. So long as the employer knows the heavy hand of the Government is over his head, there may be an inclination on his part to escape and following discriminatory practices, but he is going to be more careful about it and not so flagrant as he is with the absence of such legislation.

Mr. MARTIN. We had a prohibition law, you know, in this country for several years, but there were a lot of ways to get around that prohibition law on the statutes.

Reverend HILDEBRAND. A lot of people got in jail, too.

Mr. MARTIN. As you pointed out in your testimony, there is a great deal of discrimination against your people by several labor unions which you pinpointed in your testimony.

Reverend HILDEBRAND. Against Negro people?

Mr. MARTIN. That is correct.

Reverend HILDEBRAND. All people are my people.

Mr. MARTIN. Do you think that this type of legislation is going to induce Mr. Carey who is head of the Electrical Workers' Union—

Mr. HAWKINS. Wrong union.

Mr. MARTIN. To train them.

Reverend HILDEBRAND. Someone says that you have the wrong union.

Mr. MARTIN. No, it is the United Electrical Workers.

Reverend HILDEBRAND. Oh, the United Electrical Workers.

I think it will have some definite influence in that direction. You must remember that you cannot legislate righteousness. A person must have in his own heart the desire and the will to do right. He must have integrity within.

Mr. MARTIN. I agree with you a hundred percent.

Reverend HILDEBRAND. But externally there is some pressure that can be exerted and, as I stated before, with the presence of the law, whether a person wants to do right or not, if he is prohibited from doing wrong by the power of the law, he is not going to flout it to the extent that he does now.

This is not going to be any cure-all. I realize that, but it is going to be a cure-some.

Mr. MARTIN. Do you think this is a problem for the Federal Government and properly should come within the scope of the activities of our Government in Washington?

Reverend HILDEBRAND. I certainly do.

Mr. MARTIN. On that point, I disagree with you because I am a very strong States righter and I think our problems, most of which—most of our problems, I think, can be solved at the State and local level and I think our country and our economy would be in much better shape if Washington would leave our people alone and quit trying to regulate their lives and telling them what they can and cannot do.

That's all, Mr. Chairman.

Mr. PUCINSKI. Did you care to comment on that, Reverend?

Reverend HILDEBRAND. I wish that all of the States did have the integrity to go ahead and solve these problems themselves, but no use for us to be naive about it. We know that the States won't do it. Many States have no desire to do it, no will, no intention whatsoever to do it, and then I think it becomes the responsibility of the Federal Government.

If the Federal Government lets us down, to whom shall we go?

Mr. PUCINSKI. Mr. Hawkins.

Mr. HAWKINS. Reverend Hildebrand, on page 4 of the statement which you have distributed to us, you make this statement:

Though several States have enacted equal employment legislation, by and large their effectiveness has been negligent.

Now, I notice that most of the cases that you have cited have taken place in the State of New Jersey. May I ask you whether or not the act in the State of New York, which, of course, is the first one, has been effective and whether or not you believe that a Federal act would be more effective or would supplement the State act?

In view of the statement that you have made that State acts have not been effective, I am a little confused as to whether or not you are in effect indicating that the law in the State which you represent has not been effective or whether or not it needs to be strengthened by a Federal act as well. Now, would you clear this statement for us?

Reverend HILDEBRAND. I did not intend to impress you that the State laws have been totally ineffective. They have had some effect, but I am certain with the Federal law buttressing and supporting the State laws that the situation would be greatly—the situation of discrimination would be greatly reduced.

Mr. HAWKINS. So that you actually, by that statement, intend to support a Federal—believe that a Federal act would supplement the State act? Is that the position that you have?

Reverend HILDEBRAND. I suppose—I don't like to say the Federal Government supplements the State act.

Mr. HAWKINS. Acts cooperatively with the State?

Reverend HILDEBRAND. That is correct. The State act would supplement the Federal act.

Mr. HAWKINS. That's all.

Mr. PUCINSKI. Mr. Gill.

Mr. GILL. As a matter of just keeping the record straight, I think in your testimony, Reverend, you mentioned the IBEW, and Mr. Martin was talking about the IUE. They are two different entities.

Reverend HILDEBRAND. Thank you for the correction.

Mr. GILL. Of course, sometimes it is easier to lump all unions together and tar them with one brush.

I wonder if we could explore this last answer you gave a little more fully.

If there are some two dozen States that have FEPC laws at the present time, what is it that is preventing these laws from being reasonably effective? Is it some mechanical failing? Is it a lack of power? Is it a lack of State appropriations, or what is it? Do you have any reasons for this apparent failing?

Reverend HILDEBRAND. I suppose it would be a combination of reasons. Most of these acts are in Northern States and there is the tendency in Northern States to feel that there is more or less an absence of discrimination. At least, it is reduced to a minimum. And this really is not true.

In the Northern States, a person may go and ask for a job and when he gets there the job might have been advertised in a paper or the radio or through some other media of communication. When a person gets there, they tell them that the job is filled when they discover he is a Negro. A white person can go right behind him and get the job. It is a matter of subtle discrimination.

I guess it is kind of difficult for any agency to ferret out the cases of infraction, but on the whole, the agencies have not been as effective as we would like to see them and somehow I feel that with a little—with some Federal legislation in this direction, the States would be encouraged to enforce the law a little more than they do now.

Mr. GILL. Isn't the same problem of enforcement inherent in the proposed Federal law as in the State laws? In other words, the law can be evaded or made difficult to enforce by this very subtle type of discrimination that you just described, regardless of whether it is administered by a Federal or State agency?

Reverend HILDEBRAND. That's true. And I suppose that there will be some of that, but with two laws, two forces on their heads, it may be lessened.

Mr. GILL. In other words, your statement stands, "It is not a cure-all; it is a cure-some?"

Reverend HILDEBRAND. That's right.

Mr. GILL. I wonder if you would give further thought to your statement on page 2 wherein you mention discrimination in certain building trade unions and consider the possibility that even if a bill of this sort did not pass, the National Labor Relations Board could have the power to either remove or modify the certification of those unions under the National Labor Relations Act which practice discrimination. Is that an approach which has been studied?

Reverend HILDEBRAND. That has been given some consideration, but that doesn't seem to work too well, either. It has some force, but there is still a great deal of discrimination among contractors that have contracts with the Government. Maybe this law would help in that case also.

Mr. GILL. Perhaps I didn't make myself clear. I was wondering if we could beef up the National Labor Relations Act to allow the Board under that act to have some function in the civil rights field.

Mr. PUCINSKI. Would my colleague yield?

Mr. GILL. Surely.

Mr. PUCINSKI. Reverend Hildebrand, I think I am correct in advising you that within the last week or 10 days the National Labor Relations Board has moved in that direction. It has handed down some rulings which undoubtedly are going to be appealed, but at least it is moving in a direction that it is not going to certify for purposes of collective bargaining unions that do engage in discriminatory practices.

Are you aware of this? I am reasonably sure I am correct. I thought you might have some information that is more current than my own.

Reverend HILDEBRAND. I saw some reference to it in the newspaper and that is the extent of my information.

Mr. GILL. I believe, Mr. Chairman, that there is some basis for their ability to do that, but they have not done it. I wonder, Reverend, if you could dwell a little more on the relationship between employment opportunities and training and educational opportunities.

You mentioned that it was not too helpful for a person to have educational opportunities if he can never put the education to good use in the employment market. Do you feel that these two things, though, are very closely related? Do these things go hand in glove or are they properly separate problems?

Reverend HILDEBRAND. I think they would go hand in glove.

I know this bill doesn't particularly provide for the educational phase, but I don't know if there is that much exclusion educationally in this area anyhow. I am sure in the Southern States there is a great deal of discrimination in schools in spite of the Supreme Court's 1954 decision against discrimination in schools.

I think the greatest problem is the fact that these youngsters feel that they are wasting their time to get an education. It is a great problem on the part of the leaders to get them to prepare themselves and hope for a chance to exercise their abilities.

Mr. GILL. It may be a small straw and perhaps one which doesn't really exist, but we were told this morning by the head of the technical and vocational schools in the State of Georgia that they felt their new area vocational centers in that State would not be segregated. He said it in a very small voice, so I am not sure, but nevertheless, there seems to be some movement in that direction.

Reverend HILDEBRAND. Unless there is some hope, well—

Mr. GILL. Thank you, Mr. Chairman.

I am sure with the help of others like this witness we might even pass an education bill and an FEPC.

Thank you.

Mr. FOREMAN. Reverend Hildebrand, it has been suggested that this legislation doesn't get to the crux of the matter. I suppose the crux would be prejudice and all its ramifications.

Do you believe a declaration of policy by Congress in the form of something of this nature would have effect in this particular problem of prejudice?

Reverend HILDEBRAND. I don't know why everybody is so anxious to deal in totalities. I am sure that this alone would not eliminate the problem, but it would have an educational value and would move in the direction of eliminating the problem.

Mr. FOREMAN. Also, in my judgment, this bill would prohibit discrimination on the basis of race or other ethnic factors totally.

Do you believe there are any cases where such a distinction can be made legitimately?

Reverend HILDEBRAND. I didn't grasp your question.

Mr. FOREMAN. Do you believe that race as a factor in employment is ever legitimate?

Reverend HILDEBRAND. Ever legitimate?

Mr. FOREMAN. For example, in a motion picture production where the schematic theme might include a particular period—

Reverend HILDEBRAND. Oh, I would have to agree with you in rare cases like that.

Mr. FOREMAN. How about in certain atmospheric conditions such as in restaurants, an Armenian restaurant or—

Reverend HILDEBRAND. I beg your pardon?

Mr. FOREMAN. In certain cases where you might want to create an atmosphere such as oriental, do you think this distinction would be relevant?

Reverend HILDEBRAND. Well, you are dealing on marginal areas there. I would rather see no discrimination in cases like that.

Mr. FOREMAN. This bill would exclude religious association. Do you think this is a valid exemption?

Reverend HILDEBRAND. I think that religious people as well as non-religious people should avoid discrimination.

Mr. FOREMAN. Thank you.

Mr. PUCINSKI. Reverend Hildebrand, there has been quite a bit of discussion right here this evening and in your own statement about the condition of our vocational training schools. We have had testimony previously and the AFL-CIO, which supports this legislation unequivocally, has urged its adoption on the theory that this really reduces itself in many instances to the case of which came first, the chicken or the egg. You educate youngsters on a nondiscriminatory

basis at the high school level. You train them into certain vocations, only to find upon graduation that they cannot find job opportunities and this frequently is a very cruel trick to play upon a young man. So, the AFL-CIO, in supporting this legislation, unequivocally has taken the position that take discrimination out of the hiring practices and those who today conduct discrimination in vocational training and apprentice programs would not be able to continue these practices any more because of the need and demand for trained people.

Do you feel that by removing the discriminatory practices now prevalent at the hiring level that this would indeed then open up the apprentice programs for all youngsters regardless of race, color, or religious background?

Reverend HILDEBRAND. Do I believe that it would?

Mr. PUCINSKI. Yes.

Reverend HILDEBRAND. Open it up?

Mr. PUCINSKI. Yes; is there any merit to the position taken by the AFL-CIO? It has criticized very severely these discriminatory practices at the vocational apprentice level. It has asked the unions to stop this practice. The unions have said, "Well, what's the sense of training a young man if he can't get a job when he comes out and completes the course?"

And so, the AFL-CIO takes the position that by removing the discriminatory practices at the hiring level that this will in itself eliminate discriminatory practices at the training level.

Is there merit to that position, in your judgment?

Reverend HILDEBRAND. I don't think that of itself would eliminate discriminatory practices at the training level. I think it is sound to eliminate it at the hiring level, and that may be the chicken instead of the egg, but I think the AFL-CIO is going to have to do a little more than give lipservice to eliminating discrimination at the training and apprenticeship level and really bring some punitive action upon its locals that still practice it.

Mr. PUCINSKI. Now, Reverend, you are the president of the New York City NAACP, aren't you?

Reverend HILDEBRAND. That is correct.

Mr. PUCINSKI. A statement was made here a little while ago about States rights. If my judgment and memory is correct, the State of New York was the first State in the Union to adopt an FEPC law which has been and to this day held out in many areas of the country as a model State law. Is that correct?

Reverend HILDEBRAND. That is correct.

Mr. PUCINSKI. Now, last year when we heard testimony in the city of New York, we found that in many areas under the present practices of administration of this act in New York, that actually your FEPC legislation was almost indeed bordering on mockery. We found widespread discrimination in hiring practices because of race. We found pitiful conditions of brutal discrimination in some sectors of industry and commerce in New York because of religious backgrounds.

I at that time was moved to make the observation that the apparent lack of administration at the State level of the State law had made the whole act somewhat of a mockery. Has the situation improved any in the State of New York?

Reverend HILDEBRAND. I unfortunately am not in a position to say it has.

Mr. PUCINSKI. You are not in a position to say it has?

Reverend HILDEBRAND. There is nothing wrong with the law itself. It is all right. It is a matter of enforcing it. It is a matter of getting employers to honor it. If there has been any improvement since the testimony to which you referred was presented, I must feel that it is negligible.

Mr. MARTIN. Would the gentleman yield on that point?

Mr. PUCINSKI. Go ahead.

Mr. MARTIN. I would like to point out in the year 1961, the State of New York had 7,497 cases reported to the commission and of the 12 States who have State laws in this regard, there were a total of 19,394, which is quite a large percentage. So, from the figures themselves it appears that the State of New York is doing something about it when they have almost 7,500 cases that the commission called in for hearings.

Those statistics are, of course, from last year.

Mr. PUCINSKI. Of course, you will realize that when you consider the total labor force in the State of New York as against the rest of the country, with the exception of California and the State of Illinois, and you study the number of cases brought to the commission, then, indeed that record for a State that has tried to create the impression that it leads the way in job opportunities and lack of discrimination, that certainly doesn't look to me like a record that would bring in any great pride to anyone.

Mr. MARTIN. If the gentleman will yield further, the State of California which now boasts to being the largest State in the Union only had 1,014 cases. So, evidently, the law was not administered too well in California, which I would like to point out, is ruled by a Democratic government.

Mr. PUCINSKI. Well, the fact of the matter is that the number of complaints brought to the attention of the State commission, Dr. Hildebrand, does not necessarily mean that this represents the number of successful prosecutions, does it?

Reverend HILDEBRAND. No. I should like to point out, too, that I am not partisan in any presentation of this situation on both. I am an unhappy Democrat and a dissatisfied Republican.

What I am interested in is the facts in the case of the employment situation. As far as discrimination in New York is concerned, it is very unsavory.

Mr. PUCINSKI. Why is that, Reverend?

If my memory serves me correctly, your New York State FEPC law, the enforcement of that law rests with the State attorney general, doesn't it?

Reverend HILDEBRAND. That's right.

Mr. PUCINSKI. And if my memory serves me correctly, the prosecution of violations of the State law is initiated by the State administration. Is that correct?

Reverend HILDEBRAND. That is correct.

Mr. PUCINSKI. If my memory serves me right, it is their responsibility. They don't have to wait until somebody else does it. They don't have to wait until the NAACP or somebody else files a complaint.

It is their responsibility. When violations of this law come to their attention—or, I believe they even have a staff to go out and see if there are any violations, don't they?

Reverend HILDEBRAND. Violations are presented in both manners. People may, who have been aggrieved, may present their complaints and then it is the duty of the commission, Human Rights Commission, to go out and if it finds cases of discrimination, to prosecute.

Mr. PUCINSKI. Well, now, the only reason I am questioning you on this subject is that we hear so frequently that because the States in some instances have adopted this legislation that this is really a matter that we can trust to the good judgment and sincerity of the States and that we don't need Federal legislation.

I am intrigued by the fact—I won't use the word intrigued—I am alarmed by the fact that in the State that pioneered in this whole concept of legislation, to bar discrimination in hiring practices some 15 years ago—I can understand shortcomings in California and in Illinois and some of the other States which have just recently adopted these laws and they are going through their shakedown period, so to speak, to get the kinks out of the administration—and I can see where these States are going to need a little time to get themselves adjusted to have the machinery operating efficiently, but here we are talking about a State which has had this law on the books, if my memory serves me correctly, for 15 years and holds itself out as a pioneer, and yet to have a distinguished witness like yourself come here and say they are not doing the job is perhaps the most compelling and persuasive argument that I have heard today that there is Federal legislation necessary. Am I correct in that assumption?

Reverend HILDEBRAND. You are quite correct. Evidence and history have proved that legislation on the part of the State is not sufficient.

Mr. PUCINSKI. All right.

Dr. Hildebrand, there is one final question I want to ask you. It was asked of Senator Williams. We should like to get your view on the subject, too, because we frequently hear this point raised, that it is really to a great extent the lack of educational standard, the lack of educational ability, the lack of education that creates this unfortunate situation in denying job opportunities to the people of the Negro race and as I had stated here earlier, this legislation is not designed to compel any employer anywhere in the United States to hire an incompetent worker.

If a worker doesn't have the qualifications, this law is of no avail to him. This law is designed to guarantee that the American worker who has taken the trouble to bring his qualifications up to an acceptable standard shall not be denied the opportunity to have fine employment because of the color of his skin, the church he belongs to or the country that his parents came from to this country. Am I correct in that assumption?

Reverend HILDEBRAND. You are quite correct. It might be pointed out that I think the average minority person has a little more confidence in his Federal Government than his State government and to induce him to get the type of education that would equip him to make a meaningful and creative contribution on the labor market, he needs to be assured that he will be able to get a job once he has trained him-

self for the job. I think if he knows that the Federal Government stands behind him and guarantees him that right, that he will be induced to go ahead and prepare himself.

Mr. PUCINSKI. And my final question Reverend Hildebrand, you will notice that in this House version, we have the provision of age. Now, the Senate version has left age out. I am strongly in favor of leaving age in because in many areas of discrimination, particularly, for instance, in the Negro community, the unemployed Negro worker has really two strikes on him in many, many instances under prevailing hiring practices in America; No. 1, because of the color of his skin; but, No. 2, on top of that to compound the inequity, if he is of an older age, in his forties or fifties, even if he can transcend through some magic the discrimination because of the race, he frequently finds himself caught in the second plateau of discrimination and hiring practices and that is age.

Therefore, do you feel that we ought to leave the age factor in this bill?

The question was asked, can you discriminate—can you enforce age? Well, I don't see whether there is any more difficulty in enforcing the age provisions of this law than there is the other provisions of this law and, therefore, it would seem to me if you really want to get at the heart of this matter, we ought to have age in there, particularly today where many people are being dislocated because of automation at the age of 38, 40, 42, 45. Statistically, we can show that once an American worker loses his initial employment and he has reached the age of 40 or better, his chances of obtaining a second job in the same class, in the same category of employment, are about 6 to 1 against him because of the age factor.

Would you, therefore, sir, comment on whether or not we should leave the age in this along with other provisions?

Reverend HILDEBRAND. Well, am I permitted to ask you a question?

Mr. PUCINSKI. Yes, please.

Reverend HILDEBRAND. Is there any designation of what age in the bill or does it just cover discrimination against any age?

Mr. PUCINSKI. Any age where the question is—certainly the Congress is not going to try to ascertain a minimum age, a maximum age. This is something for the employer, but the purpose of this legislation is to make sure that when two men come to apply for a job, one man who is 48, the other one who is 22, that both of them have the same vigor, same health, same qualifications, all the other things, and one might have a little more experience because of his advanced age, but in so many instances the first question is asked of a potential employee: How old are you? He says, I am 42 or 45 or 47 and even though he meets all other qualifications, he is denied a job opportunity simply because in the judgment of this employer he is too old for the job and so the law does not set any standard of minimum or maximum. It merely provides that if age is the only factor, all other factors being equal, age shall not be used as a bar to the hiring of an otherwise qualified worker.

Reverend HILDEBRAND. I thought I could interpret the law in that way. I must be honest. While I am anxious to see this bill passed, it seems to me as a layman in the field that there could be instances where a person's age would render him unfit to perform certain kinds of jobs.

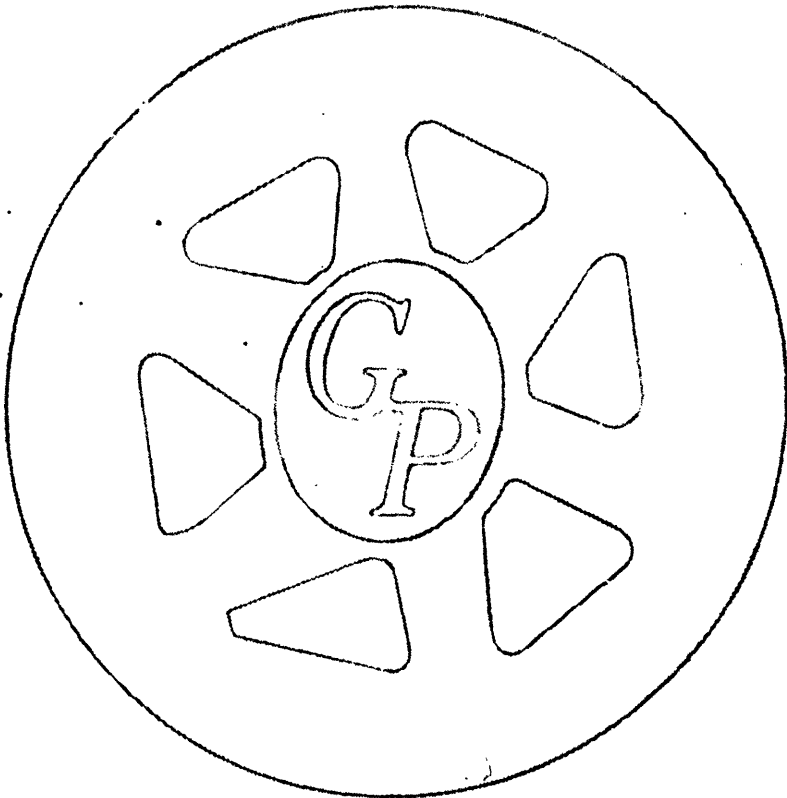
You must admit that with the advance of years a person's alertness and his muscular mobility decreases and it just seems to me that there might be some instances where denying a person a job because of his age might be justified.

Mr. PUCINSKI. Thank you, very much, Reverend Hildebrand.

We are now going to conclude these hearings. However, I should like to advise the audience that Congressman Hawkins and Congressman Gill are going to remain. Mr. Martin and Mr. Daniels and I have to leave for another engagement here in town, but Mr. Gill and Mr. Hawkins are going to remain to answer any questions you might have, either on this legislation or on other legislation in which they are interested.

We would like to take this opportunity to thank Dr. Peter San Martino, the president of Farleigh-Dickinson University, the faculty, the staff, and also you, ladies and gentlemen, for helping us provide such a very interesting experience here in New Jersey.

The hearing will stand adjourned subject to the call of the Chair.



EQUAL EMPLOYMENT OPPORTUNITY

TUESDAY, APRIL 30, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met at 10 a.m., pursuant to call, in room 362, Cannon Building, Hon. Augustus F. Hawkins presiding.

Present: Representatives Daniels, Hawkins, Ayres, and Martin.

Also present: Jay Foreman, counsel.

Mr. HAWKINS. The meeting will come to order.

This is the meeting of the General Subcommittee on Labor of the Committee on Education and Labor. It is a hearing on H.R. 405, the proposed Federal equal employment opportunity act; and in the absence of the chairman of the committee, Mr. Roosevelt, and also the senior member of the committee, I have been asked to preside this morning.

We have also with us Mr. Ayres, the ranking minority member of the committee. The first witness is Hon. Charles Joelson, Representative from the State of New Jersey.

Mr. Joelson, we are very pleased to have you as our first witness this morning. You may proceed to either read your statement or to make any such remarks as you care to make before the committee.

Mr. AYRES. Mr. Chairman.

Mr. HAWKINS. Mr. Ayres.

Mr. AYRES. I would like to say that Mr. Joelson is a former member of the Education and Labor Committee, a very valued member, and I know we shall be interested in his testimony.

Mr. HAWKINS. Thank you for those remarks, Mr. Ayres.

Mr. Joelson.

STATEMENT OF HON. CHARLES S. JOELSON, REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. JOELSON. Thank you, sir.

I may say, though I have moved over to the Appropriations Committee, I do miss the excitement and controversy that I suppose is necessarily a part of the Education and Labor Committee.

I am going to be very brief. I don't have a prepared statement. But I do want to indicate for the record my very real interest in the legislation, H.R. 405.

I feel that our Negro citizens will really be on the way to solving their problems when they get the unqualified right to vote and to

work. And, of course, H.R. 405 concerns itself with their right to work.

I feel once they have political justice and economic justice, everything else will follow.

Now, it is very fine to talk about giving our Negro citizens housing opportunities and a college education, but unless they have the economic opportunity of taking advantage of new housing or educational opportunities that might become available to them, then it is just a pious hope.

And I believe that once our minority groups, not only Negroes but all minority groups, have equal employment opportunities, we are going to be on our way. And I would say that it seems to me that some people who sponsor civil rights amendments, social legislation, are strangely silent when it comes to basic civil rights legislation such as this.

Now, last week we had the aid to medical colleges bill and, of course, a civil rights amendment was offered and it got sizable support. And, yet, the very people who supported it on the floor are not in the forefront of the fight for H.R. 405. Some of them are, a handful of them are, but if those people were really concerned about civil rights legislation they would be here before this committee filing statements, testifying, because that is the way the solution can be obtained in basic civil rights legislation.

So, gentlemen, I merely want the record to indicate that I feel that H.R. 405 is one of the most vital pieces of legislation that is before the Congress at the present time and I certainly wish that it could get out of this committee to the Rules Committee where, of course, it would have a very rocky path but I think, I know, that the first step is action by this committee which I urge you gentlemen to take, and I thank you for your courtesy.

Mr. HAWKINS. Thank you, Mr. Joelson.

The Chair would like to defer to the senior member from New Jersey, Mr. Daniels, to preside.

Mr. Daniels, I was merely presiding in order to await your appearance. Would you take over the chair, please?

Mr. DANIELS. Mr. Joelson, I apologize to you for not being here at the time you commenced your testimony, but I was tied up in my office talking to a constituent, which was the reason why I was tardy this morning.

Mr. JOELSON. I think you will survive without the benefit of my remarks.

Mr. DANIELS. However, I did hear part of your testimony and am very happy to hear of the stand you have taken on this civil rights bill. I know that you have been a leader and in the forefront in this type of legislation.

I recall your interest in the impacted area legislation and the fact you have been the first to file a bill with respect to the elimination of discrimination in that area. So, I want to compliment you for the stand you have taken.

Mr. JOELSON. Thank you, Mr. Daniels.

Mr. DANIELS. Mr. Ayres?

Mr. AYRES. Mr. Joelson, you mentioned that some of the people will support amendments, but when it comes to supporting bills they don't care to come before the committee.

Do you feel that amendments are really the way to determine whether or not there is sentiment in the Congress for such legislation?

Mr. JOELSON. No, Mr. Ayres. I really do not, because I think it is undisputed that many people support civil rights amendments to kill the bill under consideration.

We had a refreshing display of candor last week when one of the gentlemen—I forget who it was—got up and admitted to the House of Representatives that he was backing the civil rights amendments offered last week in order to kill the bill. And I think he only differed from many of his colleagues in his candor. But I think many of them back civil rights amendments just for that purpose and if they were really sincere they would be backing basic civil rights legislation such as we have today before this committee.

But I don't hear them making statements or see them filing statements. Their silence is deafening and I think it is very revealing.

Mr. AYRES. Well, I think the remark made by the gentleman you referred to was unfortunate. I don't think he intended to say that. What he intended to say was he was against the bill, anyway.

Mr. JOELSON. Maybe it was what we call a Freudian slip.

Mr. AYRES. But I do think the amendment offered the other day was more basic to the problem than many other amendments offered in the past.

Mr. JOELSON. There is no question about it. And that is why it is so difficult to vote on for me, because I am in favor of these amendments, but it is a deep problem for me because I know that. You take a housing bill. If the housing bill is passed, all citizens can benefit by it, white citizens, Negro citizens, in most sections of our country. And that is why it is so difficult for me to decide how to vote because, on the other hand, I see that passage of the bill will result in added opportunities for all of our citizens.

Yet, at the same time, philosophically, and in my conscience, I am in favor of the amendment. But I believe the way to do this thing is, first, to pass the legislation, get the legislation on the books, and then to offer civil rights measures which I did last year, for instance, on the impacted areas bill. I voted for the impacted areas bill, but then I offered a separate bill which would bar impacted areas' money to districts which failed to obey the mandate of the Supreme Court concerning integration.

And the strange thing is that all these people who offer civil rights amendments to social legislation failed to support this rather simple and direct approach that I had offered. So therefore I question their good faith and I am not—I might say—I want the record to indicate that I am not referring to our chairman of this committee, because the chairman of the committee favors not only the so-called Powell amendment but he favors civil rights legislation generally.

I am talking to the people who favor only the Powell amendment but fail to support general civil rights legislation.

Mr. AYRES. But I think it is unfortunate when we have those arguing that the answer to this problem is education and then we fail to guarantee these citizens the right to that education where Federal funds are involved. So I think the Congress has been a little inconsistent in many of its views a majority of the members have accepted in the final analysis because that is the way the vote has come out.

That is all I have, Mr. Chairman.

Mr. DANIELS. Mr. Hawkins, any questions?

Mr. HAWKINS. Mr. Joelson, I assume what you are saying is that, regardless of whether or not a person might have been sincere in supporting the so-called Powell amendment the other day, or to any other bill, that the bill before us, H.R. 405, is at least a bill which the honest supporters of civil rights have the opportunity of supporting and that those individuals who, in all sincerity, regardless of who they may be, have this opportunity, that your experience has been, in the past at least, that they have not come forward on this occasion. Is that the situation?

Mr. JOELSON. That is it exactly. I feel that this bill presents an undiluted test of whether or not a Congressman is a friend of civil rights or is not a friend of civil rights, extraneous of side issues. It is a purely civil rights bill.

Mr. HAWKINS. Would it be your conclusion that an individual who supports the so-called Powell amendment and who then opposes this approach more or less convicts himself as not being sincere?

Mr. JOELSON. Yes. I would concur there and I would use the word "hypocrisy."

Mr. HAWKINS. Fine. Thank you.

Mr. DANIELS. Thank you, Mr. Joelson.

It is a pleasure to have you here.

Our next witness will be Congressman Ogden Reid. Mr. Reid represents the 26th Congressional District of New York. We will be glad to hear your testimony at this time.

STATEMENT OF HON. OGDEN R. REID, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. REID. Mr. Chairman, as former chairman of the New York State Commission for Human Rights and as Representative from the 26th Congressional District of New York, I am happy to have the opportunity to testify on behalf of fair employment practices legislation. It is clear that we need equal opportunity—based on merit—for all Americans in employment and in apprenticeship training.

The State of New York, on July 1, 1945, was the first State in the Nation to pass FEPC legislation.

Since that time, more than 20 other States have adopted legislation in this field.

It is of interest, I believe, to note that in the State of New York some 7,725 cases in employment have been brought before the State commission. I include a chart to show the commission's success in conciliating and resolving the vast majority of these cases where probable cause was found to exist.

State commission for human rights employment complaint statistics, July 1, 1945, to Dec. 31, 1962

Total number of employment complaints filed.....	7,725
Probable cause found:	
(a) Adjusted by conference and conciliation (18.8 percent).....	1,405
(b) Complaints ordered for public hearing and consent orders issued (0.0 percent).....	04
No probable cause and no other discriminatory practice found by investigating commissioner (51.1 percent).....	8,811
Lack of jurisdiction found (5.2 percent).....	387
Withdrawn by complainant (2.3 percent).....	171
No probable cause but other discriminatory practices found and adjusted by investigating commissioner (21.7 percent).....	1,620
Complaints ordered for public hearing and consent orders issued.....	04
* In the 37 cases ordered for public hearings, the following statistics are pertinent:	
Complaints settled before or during hearing after having been ordered for public hearing.....	27
Hearing completed and order entered.....	4
Ordered for hearing and still in process.....	3
Suspended.....	3

The State of New York also enacted on March 20, 1962, the first State statute in apprenticeship training.

The case here for Federal action is equally persuasive. The best available estimates indicate that only 2 percent of those undergoing apprentice training in the United States are Negro and that out of a Negro work force of some 7 million—11 to 20 percent are unemployed—twice that of other workers.

Apprentice training in all its respects covers well over one-half million jobs a year. Where discrimination exists in this area it prejudices American society from the home to the school and wastes some of our best human resources.

It is my hope that the Congress will enact this legislation, as the right—on merit—to seek gainful employment is basic to our concept of democracy and the denial of this right to join a union or to participate in joint labor-management programs hurts the individual, family, and community.

Mr. DANIELS. Thank you. I am sure that you have made a fine contribution to the deliberations of this committee.

We will now hear the statement of the Honorable Clifford Case, a Senator from the State of New Jersey. Senator it is a pleasure to welcome you at this time.

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator CASE. On behalf of myself and several colleagues, I have introduced three bills which aim at elimination of discrimination in employment.

Survey after survey has confirmed what has long been obvious. The nonwhite is the last hired and the first fired. The recent Manpower Report of the President contains some telling figures on this point.

According to the report, "In 1962 nonwhites (nine-tenths of whom are Negroes) made up 11 percent of the labor force and 22 percent of the unemployed. On the average, there were 900,000 nonwhite workers without jobs in 1962, with an unemployment rate of 11 percent, more than twice that for white workers."

The difference is even more striking among adult men. The unemployment rate for the nonwhite adult was two and one-half times (9.4 percent) higher than the rate (3.6 percent) for the white worker.

Some of the difference is undoubtedly due to the fact that Negroes are concentrated in occupations—unskilled farm and nonfarm labor, semiskilled production and service jobs—especially vulnerable to unemployment.

Limited education and training are also a factor. Discrimination in the educational opportunities available to the nonwhite handicaps him for life, putting him at the bottom of the ladder in the job world. Small wonder that the achievement of equal educational opportunities is a matter of overriding concern to our Negro citizens. But, while it is difficult to overestimate the urgency of rectifying this basic injustice, better educational opportunities are not the whole answer to the problem. With all due allowance for lesser education and training, the fact remains that all too often the Negro finds the door to employment closed to him simply because he is a Negro.

It is at this situation that the bills I now introduce are aimed.

The first bill would prohibit discrimination in employment because of race, religion, color, national origin, or ancestry and would establish a Federal Commission on Equality of Opportunity in Employment.

The second bill would establish a Commission on Equal Employment Opportunity to encourage and enforce a policy of equal opportunity in Federal employment and employment under Government contracts and subcontracts, applicable to both employers and labor organizations. It would also withdraw Federal support and approval from apprenticeship and worker training programs which deny individuals equal opportunity to participate therein and from State employment services which are operated on a segregated basis. Finally, it would authorize the National Labor Relations Board to set aside representation elections in which resort is made to appeals to race prejudice by either management or labor.

The third bill would establish a Commission on Fair Employment Practices in the District of Columbia.

The need for each of these measures has been fully demonstrated. They are generally in accord with the recommendations of the Civil Rights Commission, recommendations based on painstaking investigation and hearings in virtually every section of the country. They would provide a statutory basis for action long overdue, not to speak of the vindication of the platforms of both political parties.

Mr. DANIELS. Senator Case, it has been a pleasure to hear your testimony. Thank you for appearing here today.

Our next witness is the Honorable Jeffery Cohelan. Congressman Cohelan represents the Seventh Congressional District of California. Congressman, will you have a seat at the witness table.

STATEMENT OF HON. JEFFERY COHELAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. COHELAN. Mr. Chairman, I appreciate this opportunity to state my full and complete support for this legislation which you are considering. In my judgment, there is no more important task confronting us than to insure that all Americans—regardless of their race, religion, color, national origin, or ancestry—have equal opportunities for equal treatment. This legislation to further prohibit discrimination in the matter of employment is vital to the achievement of this end, and I am pleased to have introduced one of the bills before the committee today.

There can be little question that during the last decade, and particularly during the past 2 years, we have made progress in insuring equal opportunities in employment. The President's Committee on Equal Employment Opportunity has taken significant steps to eliminate racial discrimination by those who do business with the Federal Government. As the President reported to Congress in March, hundreds of companies—covering 17 million jobs—have agreed to stringent nondiscriminatory contracts; 104 industrial concerns have signed agreements calling for an affirmative attack on employment discrimination, and 117 labor unions have signed similar agreements.

The President's Committee on Equal Employment Opportunity has received over 1,800 complaints and corrective action is reported to have been achieved in 72 percent of the cases processed.

More than 20 States, my own State of California included, have established fair employment practices commissions, and in many of these States, again including California, constructive progress has been made.

This does not mean, of course, that our task is completed or that the end is in sight. Many members of minority groups are not covered by the actions taken to date, and in many of the cases reviewed, the action taken has, unfortunately, been limited.

Mr. Chairman, the hearings conducted by your committee during the last 2 years have produced strong evidence that—

Employment discrimination of some type continues to exist in almost every industry; discrimination not only in initial employment, but advancement opportunities as well;

Employment discrimination continues to plague organized labor, particularly in the area of apprenticeship training;

Employment discrimination adversely affects nearly 50 percent of our population;

Employment discrimination contributes both to our school dropout problem and to the cost of welfare assistance.

The U.S. Commission on Civil Rights has reported that the limitations on employment opportunities for Negroes are reflected in their earnings; that where the heads of families have received equivalent formal education, the median income of Negro families is considerably less than that of white families. President Kennedy has stated that the earning prospects are only half as much.

Mr. Chairman, with such conditions, it is obvious that we cannot be complacent—that a very real gap continues to exist between our goals and our realizations. The record indicates, furthermore, that

this legislation we are considering can be effective; that it can enable us to take one more important step toward insuring the true equality of all Americans.

During the last 2 years—1961 and 1962—more than 1,500 cases of alleged discrimination in employment were filed with the California Fair Employment Practices Commission. During the same period, more than 1,300 investigations were completed, only 3 of which required public hearings and formal orders. On the other hand, in the 414 investigations which produced evidence of discriminatory practices, corrective action was achieved in each case through conciliation.

It is obvious, however, that even if effective fair employment practices commissions, such as California's, existed in every State, which of course they do not, that there still would be a gap and necessary role for a Federal Equal Employment Opportunities Commission. I am referring, of course, to Federal installations and to our ever-increasing percentage of interstate commerce which must, of necessity, be dealt with on a national level. Even on the intrastate level, members of the California Fair Employment Practices Commission have made it clear that Federal legislation would be an important supplement, particularly in these areas where interstate and intrastate commerce begin to merge.

Mr. Chairman, in conclusion, let me emphasize that there is no question here of an untried, experimental, pioneering statute such as we must from time to time consider. The experience compiled in the more than 20 States and several cities which have fair employment laws on their books is conclusive—first, it accomplishes significantly the purposes for which it is established, and second, the safeguards in State and city statutes, similar to those in this proposed Federal legislation, prevent abuse of powers. As a matter of fact, the California Fair Employment Practices Commission reported just last month that it never yet has had to invoke the enforcement powers provided in its enacting law.

Mr. Chairman, discrimination in employment is injurious to the individual. It is damaging to our national economy and to our position in the world community. Above all, it is morally wrong. With this legislation we have a further opportunity to remove the dread disease of discrimination from our society, and I urge that it be promptly approved so that true equality of opportunity may not only be an American promise, but an American reality.

Mr. DANIELS. Thank you, Congressman Cohelan, for appearing before this subcommittee.

At this time we will call upon the Honorable Jacob Gilbert, Representative of the 22d District of New York, who will present testimony on this legislation. Mr. Gilbert, we welcome you here.

STATEMENT OF HON. JACOB H. GILBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. GILBERT. Mr. Chairman and members of the General Subcommittee on Labor, you have under consideration legislation to prohibit discrimination in employment because of race, color, religion, national origin, or ancestry. I am gratified to have the opportunity to

speaking on this legislation; in January of this year, I reintroduced my bill, H.R. 380, a "Federal Equality of Opportunity in Employment Act" and I have introduced such legislation ever since coming to Congress.

In my opinion, civil rights and equality of opportunity in employment are the most vital issues which we face on the home front today, and inasmuch as the Emancipation Proclamation was signed 100 years ago, it is high time that we stop being laggards and that we proceed, with alacrity, to do the job that should have been done generations ago.

The malicious, destructive, discriminatory practices which now abound in all fields of employment throughout our country, affecting millions of our people, must be brought to an abrupt halt. We must not continue to ignore the terrible degradation suffered by those who are victims of discrimination in employment because of race, color, religion, national ancestry, for this anguish is visited upon their children and continues on and on. All hope is killed in the very young; they know that although they have a high degree of intelligence, are ambitious and industrious, there is no point in pursuing higher education or looking for jobs which are commensurate with their abilities; they are not given such jobs; they know that they will be denied advancements to which they are entitled in any jobs they hold, because they are of a minority group. We must also keep in mind that discrimination is directed against not only Negroes, but against Puerto Ricans, Mexicans, orientals, American Indians, as well as other, in our land.

The problems of joblessness and juvenile delinquency go hand in hand, and the evils of discrimination are major factors in minority group joblessness. In one of our most sadly blighted areas in New York which has a predominantly nonwhite population, the percentage of high school dropouts by graduation time runs from 33 to 60 percent. These young children leave school, in most instances, not because their parents wish them to go to work, but because their motives have been destroyed and the will to advance deadened by the malignancy of discrimination; the denial of hope for equality, for advancement, and for equality of opportunity has taken its toll.

When discrimination in employment is prevalent, the blight spreads to all other facets of the community; increased juvenile delinquency, and crime result. Ever-increasing taxes are imposed to meet ever-increasing welfare assistance costs.

This is a national problem, and it must be solved by national policies and laws. Many States have already enacted fair-employment practices laws, the great State of New York among them. However, the problem is so complex and overwhelming, that Federal action is necessary in order to help the 100 million people not now protected by State laws, and to meet other complexities of the situation.

We owe it to ourselves and to our Nation to eliminate the treacherous practices of discrimination in employment and other fields; the prestige of our Nation is at stake. How can we, in good conscience, promote the ideals of democracy throughout the world, when such evil conditions flourish here at home and when so many of our people are denied the rights guaranteed them under our Constitution? How can we close our eyes to the sickness of despair suffered by mil-

lions of the youth of our Nation? How long will we continue to allow discrimination to undermine the foundations of our Government and the economic structure of our country? Those who would continue to impose discrimination and foster cruel prejudices must be saved from their sins against humanity; we must halt their evil ways which are having such a dastardly effect upon our entire Nation and which cause grave concern to all right-thinking Americans who deplore the cruelties inflicted upon their fellow man.

Congress must discharge its responsibility and pass strong, effective legislation which will provide complete coverage and assure equal employment opportunity to all citizens of our country.

Mr. DANIELS. Congressman Gilbert, it has been a pleasure to hear your testimony. Thank you for appearing here today.

We will now hear the statement of our colleague, the Honorable Joseph Minish, of the State of New Jersey.

STATEMENT OF HON. JOSEPH G. MINISH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. MINISH. Mr. Chairman and members of the subcommittee, I am pleased that your subcommittee has scheduled hearings on the Federal Equal Employment Opportunity Act. My sponsorship of H.R. 1938, which was among the first measures introduced by me as a freshman Member of the 88th Congress, indicates my conviction as to the urgent need for Federal legislation to prohibit discrimination in employment because of race, color, religion, national origin, or ancestry. I have fought discrimination in employment as a member of the IUE-AFL-CIO since the post-World War II days, and I am proud of my union's record in combating this evil practice which is still all too common in this country. It is an evil that we can no longer tolerate, and I welcome the opportunity to speak out in behalf of the pending legislation which will, I am sure, go a long way toward eliminating discrimination.

While the United States is looked to by untold millions throughout the world in admiration for its leadership in the free world and while the standard of living of its people is the envy of toiling workers everywhere, we, as a nation, find ourselves the subject of unrelenting criticism in the whole area of race relations. I realize that often this criticism is ill informed and far wide of the mark. Nonetheless, we are, all of us, too aware of examples of widespread discrimination in housing, in education, and in job opportunities, to be able to refute this criticism as effectively as we should. We need to be able to demonstrate to the world that we are bending every effort to see to it that all of our people, regardless of color, race, or religion, have the full exercise of the rights and privileges which are considered the rightful heritage of every American. We want to make certain that a person's home or the school or college his children attend are not determined, in the first instance, by the color of his skin. We want to make certain that persons of very race have a fair and equal opportunity in competing for jobs. We want to see to it that membership in a labor union is not restricted to persons of one particular race.

We want to do these things, not merely to show the world that America believes in the slogans of liberty and justice for all that she professes. We want to do them because they are the right things to do.

Let me outline, in summary, what H.R. 405 and the similar measures will do. And let me emphasize, at the outset, that this legislation will not, in itself, solve the problem of discrimination in employment opportunity, let alone discrimination in other fields. But it does offer a positive step in the direction we want to go.

One of the most basic things in the bill, in my judgment, is its declaration of policy which sets forth the problems this bill is designed to help solve in an admirably clear and concise fashion:

SEC. 2(a). The Congress hereby finds that, despite the continuing progress of our Nation, the practice of discriminating in employment against properly qualified persons because of their race, religion, color, national origin, ancestry, or age is contrary to the American principles of liberty and of equality of opportunity, is incompatible with the Constitution, forces segments of our population into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects the domestic and foreign commerce of the United States.

Specifically, the following practices are declared illegal by this act:

(1) For an employer of 25 or more persons and engaged in interstate commerce to fail or refuse to hire, or to discharge any individual, or otherwise to discriminate against him with respect to compensation, terms, and conditions of employment, because of his race, religion, color, national origin, or ancestry; (2) for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against any individual because of his race, color, religion, national origin, or ancestry; and (3) for a labor union of more than 25 members in an industry affecting interstate commerce to exclude or to expel from its membership or otherwise to discriminate against any individual because of his race, religion, color, national origin, or ancestry, or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive any individual of employment opportunities for the same reasons.

Enforcement of the law would be vested in an Equal Employment Opportunity Commission to be composed of five members appointed by the President, with not more than three of the same political party. The principal function of the Commission would actually be to use its powers and influence to obtain voluntary compliance with the law. It would cooperate with and utilize regional, State, local, and other agencies, both public and private in the field. It would not intervene where State or local agencies were in existence with effective power to eliminate and prohibit discrimination in employment in cases covered by this act.

Excluded from coverage of the act would be employers with less than 25 employees, those engaged wholly in intrastate business, labor unions with less than 25 members, or religious corporations, associations, or societies.

Thus we can see that this bill is a very reasonable beginning of effective Federal action in dealing with an important and difficult problem. It is not a case of Federal usurpation of State and local powers. On the contrary, wherever the basic aims of this bill are being effectively dealt with at a State and local level, no Federal action at all will be taken. Even where such State and local agencies are lacking or are ineffective, the role of the Federal Government in the first instance would be primarily advisory and conciliatory, designed to bring about voluntary compliance. Only thereafter would

the way be open for court action, procedures for which are also detailed in this bill.

This, as I have said, is a reasonable, moderate bill. It is not, of course, the first time that the Federal Government has entered into the field of employment discrimination. As you are no doubt aware, President Kennedy's Executive Order 10925 of March 6, 1961, establishing the President's Commission on Equal Employment Opportunity, was designed to assure freedom from discrimination in employment on Federal Government contracts. In this area progress has unquestionably been made. But even in the area of Government contracts we still find all too frequently that discrimination in employment still persists. As recently as mid-April, the New York Times (April 17) reported that investigations by the Army, Navy, and Air Force of the Atlanta, Ga., branches of 24 companies having Federal Government contracts disclosed that only 4 had specifically complied with the President's Executive order.

In fact, the problem of employment discrimination cannot be resolved on such a piecemeal basis. It must be attacked throughout the Nation. Only in this way can we face not only the world with pride but ourselves with a clear conscience. Therefore, I most strongly urge immediate favorable consideration of the Federal Equal Employment Opportunities Act.

Mr. DANIELS. Thank you, Congressman Minish, for appearing before this subcommittee.

Our next witness is Mrs. Cernoria D. Johnson, Washington representative of the National Urban League.

Would you step forward, Mrs. Johnson?

STATEMENT OF MRS. CERNORIA D. JOHNSON, WASHINGTON REPRESENTATIVE, NATIONAL URBAN LEAGUE

Mr. DANIELS. Mrs. Johnson, I note you have a prepared statement. You may read from your statement, or you may summarize and make any other statement that you desire to supplement the written statement.

Mrs. JOHNSON. Mr. Chairman and members of the committee, my name is Cernoria D. Johnson. I am employed as Washington bureau representative of the National Urban League.

Our agency appreciates your invitation to present testimony before the committee. The information and evidence we offer has been accumulated over the years by experts in racial matters.

The National Urban League has affiliates in 65 cities and 30 States and the District of Columbia. In each of these major industrial areas, a trained staff of more than 500 paid employees conducts the day-to-day activities of the Urban League. Their efforts are reinforced by 6,000 volunteers who bring their knowledge, leadership, and experience to the task.

The history of America is replete with the dreams held by the Founding Fathers who came to these shores seeking a bold, new freedom and a destiny denied them in the land from whence they came. The national documents that emanated from their experiences—past and present—enunciate the basic principles and ideals we cherish.

The struggle of these early Americans for liberty and justice for all presents new and disturbing dimensions in our time. Discrimina-

tion in employment alone as suffered by the Negro in 1963 is an affront to human dignity. The 1961 U.S. Commission on Civil Rights report on employment states:

Denial of employment because of color of a person's skin, his faith, or his ancestry is a wrong of manifold dimensions * * *. On the legal plane, in many cases, it is a violation of the Constitution, of legislation, or of national policy. On the economic and social plane, discrimination may result in a waste of human resources and an unnecessary burden to the community.

Our national economic picture today urgently calls for the Nation to act in two fundamental areas; namely, (1) to meet the challenge of chronic unemployment; and (2) to supply trained manpower to fill existing shortages in the labor market. President Kennedy continues to state that "the task of abating unemployment and achieving a full use of our resources remains a serious challenge."

In a recent speech before the New York Careerists Society, Inc., Mr. M. T. Puryear, National Urban League's associate director, stated:

Discrimination in any form in America is against the basic principles of every national document and ideal we cherish * * *. Accordingly, it seems very strange to me that it would be necessary to devote so much attention to the subject of discrimination in employment in 1963, for this is a situation which would not have arisen if community leadership had exhibited more genuine and sober interest over the intervening years.

Discrimination in employment has been more pronounced than in many other areas of American life. Throughout the years of our economic history, references to "Negro jobs," "white jobs," "Negroes need not apply," "for white only," "our union contract will not permit us to employ Negro workers in categories other than maintenance and janitorial occupations," and "management does the hiring, so we don't have anything to do with discriminatory hiring practices," have been, and, unfortunately to a regrettable extent, still are the standard cries.

These practices have resulted in producing a large and easily identifiable group of underprivileged, undereducated, underemployed, underpaid, and underutilized Americans. Without immediate assistance, these can only serve to be a continuing deterrent to our goals of liberty and progress for all.

The problems of population increase, migration to urban areas, and educational levels all have implications for Negroes in employment, and levels of income. But the disadvantage which the Negro faces in finding employment is perhaps shown clearly in the studies cited in the U.S. Department of Labor brochure, *America Is for Everybody*. It states that the occupational distribution of racial groups in the labor force reveals the discriminatory hiring practices. Here the Negro is restricted to unskilled, semiskilled, and menial jobs.

Figures reveal that only 20 percent of the Negro work force is engaged in clerical, professional, technical, and managerial fields, compared to 60 percent of the white labor force. This disproportion is too great to be blamed on the increasingly smaller gap between the educational levels of the two races. A similar disproportion exists in unskilled and semiskilled occupations. Seventy-five percent of all male Negro nonfarmworkers are engaged in jobs in those categories, while only 38 percent of all white male nonfarmworkers are employed in those occupations.

Figures on unemployment also give a very clear indication of the job disadvantages faced by Negroes. Unemployment rates are generally higher for them than for whites. One factor contributing to these high unemployment rates is the disproportionate number engaged in unskilled work, where unemployment is regularly heavier. Another factor is the frequently lower seniority of Negro workers because of their more recent entry into the work force of a particular factory or office.

In the 1958 recession, unemployment rose in all groups, but it continued to be roughly twice as high among Negroes as among whites. Nearly 14 percent of nonwhite male workers * * * a large proportion of them from unskilled and semiskilled occupations * * * were unemployed and seeking work in 1958, compared with an average of about 6 percent of white male workers. By 1961, both rates were lower, but nearly 13 percent of nonwhite men were still unemployed, compared with 5.7 percent of white men. This percentage comparison remains today.

A National Urban League survey of the employment situation among Negroes, nationally and locally, reveals the crucial areas of concern as follows:

1. The present intolerable plight of the Negro worker in America is becoming worse and will become permanent unless constructive measures are immediately undertaken.

2. Critical areas exist in every census region.

3. Current and projected unemployment trends are such that little hope of better times ahead can be held out for Negro workers who look to us for improvement of their lot.

4. Repeatedly from our local affiliates comes the phrase, "little is being done." This phrase represents a reporting of fact, not a desire to defame character or to disparage the positive accomplishments of government, industry, labor, and education thus far. We cannot state too strongly, however, our conviction that all good work to date, however lofty in motives, however progressive in intentions, however effective in accomplishments, is not yet enough.

Another dramatic, but tragic, illustration of the impact of the rising unemployment rate among Negroes, and what it means to the national economy, is depicted in an Urban League brochure: "Industry's Most Undeveloped Resource." From documented information gathered from the Departments of Labor and Commerce and the Harvard Business Review, it has been revealed that the potential spending power of the Negro, if his earnings matched the earnings of other Americans, would amount to \$14,275 million. This amount is lost to the American economy. First, the loss in personal income alone is estimated to be \$11,850 million. The disparity or inequities, in his earning power can be noted in the fact that the Negro male workers' median annual income is \$3,075 as compared to \$5,137 for the white worker.

According to the Negro's present buying habits, it has been estimated that if their earnings were equal to that of others, they could increase their spending for food up to \$3.6 billion; for clothing \$1.7 billion; for housing \$1.5 billion, and in other categories of need up to a total amount of \$11.8 billion.

As high as the loss in personal income may seem to be, the dollar waste caused by unequal job opportunity climbs even higher when considered in terms of national income and the gross national product. The additional waste in these two categories lifts the total annual dollar loss to at least \$14,275 million. (See attached addendum, p. 61.)

In view of this great loss to our national economy, the Federal Equal Employment Opportunity Act, if enacted by the 88th Congress, could lend some dynamism and a forward thrust to gaining the ground we have lost in this phase of American life. The legislation, if enacted, would serve to again remind a democracy of its responsibility to guarantee the rights of every citizen. More specifically, these guar-

antees are embodied in the act in succinct, but clear cut, language. Our reason for itemizing them is to focus attention upon them as strengths in the bill:

1. The declaration of policy which beautifully bespeaks our democratic philosophy.

2. The inclusion of "the U.S. Employment Service and the system of State and local employment services receiving Federal assistance" among the agencies held accountable.

3. The inclusion of labor unions and other specified labor organizations as partners in this search for equality.

4. The clarification of roles and functions and the pinpointing of responsibilities of all individuals, business enterprises, governmental and private groups, who are involved (or will become involved) in the important task of eradicating discrimination in employment among Negroes.

5. The provision for judicial review and a guarantee of the right of freedom to protest for all parties concerned further strengthens the bill.

6. The provision for teamwork between State and Federal Government is sound, especially where "there is a State or local agency which has power to eliminate and prohibit discrimination." This provision for entering into agreements with States is desirable—while permitting them to continue their regulatory power—if it does not "require or permit the doing of any act which would be unlawful employment practice under this act."

7. The provision for reporting, inspecting, investigating—and most valuable of all—for acting decisively in the areas of apprenticeship and training program seem to be a step in the right direction.

H.R. 405 possesses these and many other desirable elements, and is conceded to be a decided improvement over the makeshift machinery now available for enforcing Federal policy for nondiscriminatory employment. Yet a critical appraisal of training and employment in this technological age is mandatory. Manpower needs and manpower capabilities have become dynamic components in the Nation's economy. These impelling forces have given a thrust to the emergence of such systems in Federal Government as the manpower retraining program, ARA, the public works acceleration projects and others. With them has come the reorganization of the U.S. Department of Labor.

This pressing need for reexamination of traditional practices in Federal agencies dealing with training and employment, and the old patterns of relationships and decentralization between State and Federal Governments, raises these questions:

1. Is not the size of the problem too vast to be adequately handled by a Commission?

2. Could not the network of existing Federal and State agencies, if strengthened by such legislation as recommended here, meet the challenge of discrimination in employment?

3. Would not the newly established Office of Manpower Automation and Training, and the other divisions of the U.S. Department of Labor, provide the most effective machinery for guaranteeing change in this area as it influences the total manpower problem in America? Should not the power be invested in existing manpower machinery?

4. In view of the exploitations faced by migratory laborers in certain sections of America as a source of cheap labor, and the impact of Cuban refugees in Florida on the employment of Negroes, should not this act be amended to give relief to minority group workers in such situations?

5. Finally, should not revisions be urged in existing Employment Service policy to eliminate (a) the need to fulfill a placement quota as a requirement; and (b) to free the agency through increased Federal support?

May we conclude by reemphasizing that this bill does represent a step in the right direction. When viewed in historical perspective, with the knowledge that social change is often slow, its enactment could be conceded to mean progress in some quarters. But the committee, I believe, will agree that the evidence offered concerning the plight of the Negro in the American work force today calls for not traditional but bold and courageous approach to the problem.

In closing, Mr. Chairman, we want to express our thanks to the committee for the opportunity to present this statement. The National Urban League assures you that within the limits of its resources we stand ready to render any service or assistance that will facilitate the development of full and equal employment opportunities for America's largest minority—the Negro.

Mr. DANIELS. Thank you, Mrs. Johnson, for a very fine statement. The members of the committee may desire to ask you some questions, so I shall call upon Mr. Hawkins. Do you have any questions to present?

Mr. HAWKINS. Mrs. Johnson, I know that it is generally said that this type of legislation is designed to benefit Negroes. And I think the statement is generally made, or at least the statement implies, that legislation is of personal benefit, apparently to only one group.

Now, may I ask you: Is it the position of the league that this type of legislation is of general benefit to the population, that it is not designed specifically to obtain jobs for any group as such other than to set up the machinery for the selection of individuals on the basis of their qualifications, and that as such it could be used by a white person who considered himself discriminated against in relationship to any minority groups?

Mrs. JOHNSON. Sir, I appreciate your raising the question, because, fundamentally, the Urban League realizes—that as a social welfare agency acting through an interracial board—the most dynamic force that moves them forward and impels them to act is the knowledge that equal opportunity for this minority group and increased services for them, increases and raises the standards for all who live in the community, guarantees for all of us our rights. I appreciate your projecting this point.

There is alive in American today a great debate. It is around the concept of compensatory activity. This concept is embedded in the belief that with the lack of progress and the inequities suffered through the years by the Negro that this is the time in history for a redoubling of effort and the exertion of more power to wipe out these injustices of the past.

And we can begin to see consolidation of forces to really move forward in the climate that has been created, not only in this administra-

tion, but in this period of history. And, so, if we seem to be accentuating the Negro, the Negro, the Negro, it is because the problem is not being resolved fast enough.

While this minority group, among other less-privileged groups in America, seem to be speaking more loudly, we consider this to be our privilege and our platform and we have to keep accentuating the cause. Fundamentally, we realize that once the level of any community is raised for the least of its citizens the level of life is raised for all. Therefore, our efforts to guarantee justice and equality assures these privileges to every American.

Mr. HAWKINS. Mrs. Johnson, do you consider this legislation gives to the Negro a special benefit that it does not give to anyone else?

Mrs. JOHNSON. No, sir.

Mr. HAWKINS. Would it, for example, lead to the employment of a Negro who is not as qualified as other applicants?

Mrs. JOHNSON. No, sir. It does not. In fact, it would provide the Negro with the same opportunity to stand at the bar of justice in employment, and have it meted out according to the law, as it is measured to everyone else. No special favors. And when we refer to compensatory action, we are thinking in terms of accelerated machinery to guarantee the conferring of justice only on the basis of qualifications and merit. No special favors. This would carry the Negro back to the time of slavery should he find himself standing around asking for special favors.

Mr. HAWKINS. Mrs. Johnson, from the statement, I assume it is your position that certain of the existing programs have shortcomings in connection with the employment of Negroes. Specifically, you have referred to Manpower Retraining, to the Area Redevelopment Act, to the Public Works Acceleration Act, and others.

Now, is it your position that these acts, while they may be desirable, are not specifically geared to include all groups or to at least lead to the employment of Negroes and other minorities?

Mrs. JOHNSON. May I answer that, sir, by saying that the answer is as different as there are different communities in America. The Urban League is now conducting a study from which we wish we had the facts available today. However, stories we are receiving from many large industrial areas in regard to the manpower retraining bill are a sad disappointment. Seemingly, not only the Negroes, but many whites, are disillusioned about the limited training opportunities. It is worse for the Negro citizen.

We are sold this bit of legislation—the Manpower Retraining Act—and stood in these halls and supported it with the understanding that it would provide training for people who needed it. Then to receive information from throughout the country that in most cities the Negro is being trained to be a service station operator, hospital orderly, etc., is more frustrating. Now, do not misunderstand. The Urban League recognizes that some of them will never be capable of being more than a good service station operator. But the awarding of the \$400 million was meant to do more than menial training.

In the matter of obtaining skills through training—when the Negro has to utilize the Employment Service as a portal of entry—by and large this becomes one of his greatest blocks in America. We could name city after city where the old pattern is, “We send men out ac-

ording to what we think the employer wants." "Did he ask you for a white man?" "Well, no, but we know they don't hire Negro bricklayers."

This attitude can be documented. As previously stated, the Urban League is conducting a study and would rather share the facts more fully later. But we are prepared today to express our disappointments with the outcome of the manpower training bill.

May we state that presently, we are getting great cooperation from the Department of Labor, especially the Bureau of Employment Security, in an effort to alleviate some of these conditions, but here is the trouble. It is all right in Washington, in the Labor Department, to want to improve conditions and to write new procedures and regulations. When channeled, they might reach the regional level. But the local employment service manager is dominated by his political structure and other forces in his community. Thus the Federal program so often does not flow down to the local and State level.

We do not mean to say that nothing is being done. We enjoy a good working relationship with Federal agencies in Washington, but we and they often find the channels are clogged.

Mr. DANIELS. At this point, Mrs. JOHNSON, if the gentleman will yield—

Mr. HAWKINS. Certainly.

Mr. DANIELS. Can you document what you are saying about the Manpower Retraining Act?

Mrs. JOHNSON. I can, sir. I said we are having an exhaustive survey made, but it is not completed.

Mr. DANIELS. How soon do you think the survey will be completed?

Mrs. JOHNSON. On March 21, I sat in on a staff meeting in New York where the questionnaire to be sent out was appraised. Confidence was expressed for an early return, not a 20- or 30-percent response. We are aiming for a full return, which when compiled can be shared with this committee.

Mr. DANIELS. I would be interested in getting a copy of the report and if you could furnish it we would be very happy to have it.

Mrs. JOHNSON. We would be very happy to do so, since this will be a potent, factual documented statement.

Recently we sat in a conference where one of the suggestions for making a great thrust forward was for the establishment of training opportunities for household workers; that is, setting up federally supported training facilities for household workers among Negroes. Again, we admitted that there is need for such training in view of the hard-core unemployment found among people who either have not had the advantages of an education or did not take those opportunities that were available. The urban league was asked what would be its position on this question. We went on record as not being willing to support or be a partner in any household workers training project, not because it is not needed, but until more attention and more effort and more activity is expended in getting trained, skilled, semi-professional and professional Negroes placed in jobs today in America, we will concentrate our efforts there. Getting the well-qualified Negro applicant properly placed and obtaining for him the privilege of moving as freely in the labor market, as anyone else, is a paramount responsibility of the league, Government, and private enterprise. Un-

til there is balance in our undertaking—that is, employment and promotion of those already employed—we would not go in business to promote household training.

Mr. HAWKINS. Mrs. Johnson, just one statement to see if you agree with us or not, just as a conclusion.

Would you agree, then, that such a program as manpower training is perhaps a good program but that it is training those who perhaps while they need training need it the least and that it is failing to train those who need it the most, those who constitute the hard core of the unemployed group? Secondly, is it not true that Negroes are finding it very difficult because they do not get the training for the jobs that are actually appearing in the automated society, but rather for the jobs that are fast disappearing, that many of them experience the difficulties of lack of basic education and training which in turn may be a question of discrimination and for that reason are not being retrained as other groups?

Now, do you agree generally with these statements of situation?

Mrs. JOHNSON. We agree thoroughly, especially as the statements concern the plight of the Negro. The league is not in a position to speak relative to the overall activities of the manpower retraining program, as to whether it is training those who need it least and leaving out others, but we can heartily endorse your second statement 100 percent; namely:

That Negroes are finding it very difficult to get the training because they do not get the training for the jobs that are actually appearing in the automated society, but rather for the jobs that are fast disappearing, that many of them experienced the difficulties of a lack of basic education and training which in turn may be a question of discrimination and for that reason are not being retrained as other groups.

Mr. HAWKINS. Thank you.

Mr. DANIELS. Mr. Martin, a question?

Mr. MARTIN. No, sir.

Mr. DANIELS. Mr. Ayres?

Mr. AYRES. Mrs. Johnson, I have enjoyed your testimony. Just out of curiosity, are you any relation to Jimmy Johnson, the Negro boy I got into page school?

Mrs. JOHNSON. No, sir. I don't know how many million Johnsons there are in America, but I am not related to that one.

Mr. AYRES. You state here that you are the Washington representative of the National Urban League. Are you separate from Sterling Tucker's operation?

Mrs. JOHNSON. Yes, sir. Mr. Tucker is the executive director of the local Washington Urban League in the District, responsible for handling District matters, although how one keeps the District separate from the Federal is a real chore. But the bureau functions, more or less, as an arm of the New York headquarters. We sit and consult with bodies such as this committee and with Federal agencies in an effort to carry their story to the 65 league cities.

Mr. AYRES. The reason I asked, Mr. Tucker came from my hometown originally.

Mrs. JOHNSON. He is a very able urban league executive.

Mr. AYRES. Yes, he is.

Now, I notice in your question here that you stated that the urban league—and I assume this is true in all of the cities, I know it is

true in my city—that you do have an interracial board which is an advisory board to the local urban leagues. Is there a similar national board?

Mrs. JOHNSON. Yes; there is, composed of about 36 or 38 persons, rather equally divided between the two racial groups. Among the persons who now serve or have been on the board are Mr. Winthrop Rockefeller, Elmo Roper, Robert Dowling, and other prominent leaders. They represent a cross-section in labor, management, and other pursuits in America. We might add that local urban leagues are not only sponsored and directed by interracial boards in local communities, but they are largely supported financially by United Fund and Community Chests and are an accepted and valued part of the community welfare planning structure in each city.

This means they are members of the professional social work organizations and agencies. When they find it necessary to speak out and plan programs to improve conditions, they use the methods and techniques of the profession of social work to bring about social change.

Mr. AYRES. You are somewhat in disagreement in the policy of the National Urban League with the chairman of our committee, Mr. Powell, who has stated that he does not feel that any white people should be on the board of the NAACP.

Mrs. JOHNSON. Well, sir, we are here to answer any questions the committee wishes to ask us, if we are capable, but I think this is a bit irrelevant to the question.

Mr. AYRES. I don't think it is, Mrs. Johnson.

Mrs. JOHNSON. We stated that we are willing to answer any question. In fact, we have a copy of the speech by Whitney Young, our national executive director, which has been widely circulated. He spoke out against Mr. Powell's thrust. In addition, it has been conceded by most of the leaders in America this is not a job the Negro can do alone. This is not only because we need the support of the white man or because he represents the power structure and the wealth of America, but because this country was built by teamwork and there is no other acceptable American way. We cannot live according to the philosophy of peaceful coexistence in America, one race alongside the other. So, we must lock arms with each other and find the way to a fair and equitable solution.

Mr. AYRES. My feeling, Mrs. Johnson, is that if there is division within your ranks, it would be impossible to unite the other ranks.

Mrs. JOHNSON. Yes, but you are asking for the impossible. Look how many different splinter groups and factions you have in the majority group. Although you possess the strength and wealth of the Nation, it does not forestall such differences of opinion and action. It is not only impossible but unwise to expect every group, every leader of any group, to think the same way. We were not cast in the same mold and thus do not think nor perform alike.

Mr. Powell, as we have already said, is entitled to his opinion. We are just happy that it is not an opinion that is widely accepted in America. May we express it that way? In fact, we are confident that Mr. Powell has found in many instances he stands alone and yet we think he is a wonderful gentleman. When we review his record of achievement, we regret that he has chosen this path.

Mr. AYRES. Our chairman is a pretty powerful gentleman not only in the legislative field.

Mrs. JOHNSON. We realize that.

Mr. AYRES. One other question, Mrs. Johnson.

Do you have any knowledge of how many domestics in the country today are Negro?

Mrs. JOHNSON. We could give the statistics, in terms of the 1960 census, but do not have them readily available.

Mr. AYRES. But it is fairly high.

Mrs. JOHNSON. Yes; it is. I would say the ratio would run 4 Negro women to every 1 white woman who is engaged in domestic service, perhaps 5 to 1. It is important to note that the median income for Negro women workers stood at \$1,276 as compared to \$2,537 for the white female worker.

Mr. AYRES. In view of so many perhaps they are qualified for some other work. I am not saying they are domestics because that is all they can do. In view of the fact that the percentage is that high, why would you object to people who wanted to be trained in that field to take the training?

Mrs. JOHNSON. My statement was that we would not sponsor or back such training although we recognize the need for it. That means that somebody else should do it. We are going to take our major time and money to fight on the front for young people coming out of colleges, people already employed in Federal Government right now who are eligible for promotion, and for those who are qualified to work in industry, but find the doors closed to them.

I must say there is encouraging movement upward, but it is not fast enough to compensate for these past failures. Because we have limited resources in the Urban League, we cannot work on every front. So, we say here to help our semiskilled and skilled people. Every time we channel them into a better job, we help raise the economic level of the Nation.

Mr. AYRES. You feel that there is something desirable in this program?

Mrs. JOHNSON. Definitely; for those who need it. I said because of the lack of education or because of their failure to utilize opportunities that were available to them they need the training. This is a necessary and important part of our economy.

Mr. AYRES. Thank you, Mrs. Johnson.

Mr. DANIELS. Thank you, Mrs. Johnson.

Mrs. JOHNSON. Thank you, sir.

(The following addendum was submitted for the record:)

AN ADDENDUM

INDUSTRY'S MOST UNDERDEVELOPED RESOURCE

THE LOSS IN PERSONAL INCOME, \$11,889 MILLION

Although no one can measure the cost of race discrimination in human terms, it is possible to measure at least some of its burdensome economic cost. So let's begin by looking at one part of the cost—the substandard Negro market. The following figures taken from the latest studies made by the U.S. Department of Labor, illustrate clearly the annual loss to the Nation in terms of personal income.

Fact No. 1: Today there are a total of 65 million American men and women employed within the country's major occupation groups. Of this number, the nonwhite working force represents approximately 11 percent of this total or 7 million people.

Fact No. 2: Latest available figures also show that for Negro male workers the median annual income was \$3,075 as compared to \$5,137 for the white male worker. For Negro women workers the figure stood at \$1,276 as compared to \$2,537 for the white female worker.

Thus, by using these statistics as a base it is possible to determine that if the Nation's 7 million nonwhite working force were earning the same medium income as the white working force, the yearly personal income for Negroes would be increased \$12 billion or nearly double its present level.

What would this annual increase of almost \$12 billion mean to the Nation's business and industrial community? We present figures which show the added amounts which American Negroes would spend each year if their earnings matched the earnings of their fellow citizens.

This is how Negroes would probably spend their new personal income if their earnings equaled the earnings of other Americans:

<i>Budget</i>	<i>Increase over present spending</i>
Food, up to.....	\$8, 600, 000, 000
Clothing, up to.....	1, 700, 000, 000
Housing, up to.....	1, 500, 000, 000
Household operation, up to.....	1, 800, 000, 000
Automobiles and transportation, up to.....	1, 200, 000, 000
Recreation and amusement, up to.....	1, 200, 000, 000
Utilities, up.....	500, 000, 000
Personal care, up.....	400, 000, 000
Other spending, up.....	400, 000, 000
Total increase in spending, up.....	11, 800, 000, 000

Source: U.S. Departments of Labor and Commerce, and Harvard Business Review survey of current Negro spending.

THE LOSS IN NATIONAL INCOME AND THE GNP

As high as the loss in personal income may seem to be, the dollar waste caused by unequal job opportunity climbs even higher when considered in terms of national income and the gross national product. The additional waste in these two categories lifts the total annual dollar loss to at least \$14,275 million.

Thus, according to the most cautious estimates that can be made, the overall earning loss during 1962 alone looked like this:

Loss to individuals.....	\$11, 850, 000, 000
This figure represents personal income loss—the amount which would have been available in wages to individuals.	
Added loss to industry.....	850, 000, 000
This figure includes losses based on corporate profits, dividends, inventories, net interest, wage accruals, etc.	
Total national income loss.....	12, 200, 000, 000
Product losses.....	2, 075, 000, 000
This figure includes losses based on indirect business taxes, business transfer payments, subsidies, capital consumption allowances, etc.	
Gross national product loss.....	14, 275, 000, 000

HOW MUCH DID RACE DISCRIMINATION COST INDUSTRY LAST YEAR?

Using official breakdown figures for the 1962 national income, it's even possible to determine the cost of race discrimination on an industry-by-industry basis. Last year the national income was at least \$12.2 billion less than it would have

been had equal job opportunity existed for all citizens. Because this income was not available, here is what it cost the Nation's major industries :

<i>Industry</i>	<i>Income loss</i>
Manufacturing.....	\$3,400,000,000
Wholesale and retail trade.....	2,100,000,000
Government enterprises.....	1,700,000,000
Services.....	1,500,000,000
Finance, insurance, real estate.....	1,400,000,000
Contract construction.....	600,000,000
Agriculture, forest, fisheries.....	550,000,000
Transportation.....	450,000,000
Communications, public utilities.....	450,000,000
Mining.....	100,000,000
Other.....	50,000,000
Total loss to industry.....	12,200,000,000

Sources : U.S. Departments of Labor and Commerce, Office of Business Economics, "1963 World Almanac," and National Urban League economic surveys.

Mr. DANIELS. Our next witness is Mr. James B. Carey, president of the International Union of Electrical, Radio & Machine Workers.

Do you have a prepared statement, Mr. Carey?

Mr. CAREY. Yes, sir, and we have additional copies available.

STATEMENT OF JAMES B. CAREY, PRESIDENT, INTERNATIONAL UNION OF ELECTRICAL, RADIO MACHINE WORKERS, AFL-CIO; SECRETARY-TREASURER, INDUSTRIAL UNION DEPARTMENT, AFL-CIO

Mr. CAREY. My name is James B. Carey. I am president of the International Union of Electrical, Radio & Machine Workers, AFL-CIO, which represent 425,000 workers in the electrical manufacturing industry.

I am also vice president of the AFL-CIO and secretary treasurer of the AFL-CIO Industrial Union Department, which is composed of more than half the AFL-CIO affiliates and membership.

I am grateful for the opportunity to appear before you today in support of H.R. 405, an equal employment opportunity bill.

To place my credentials properly before you, permit me to put a bit of biographical data into the record.

In September 1942, as secretary-treasurer of the CIO, I became the first chairman of the CIO Committee To Abolish Discrimination. Later, I served as a member of President Truman's Civil Rights Committee which wrote the now famous report, "To Secure These Rights," in 1947.

Following merger of the CIO and AFL, I became the first chairman of the AFL-CIO Civil Rights Committee. My own union, the IUE, has been on record, since its founding, in militant support of equality of employment opportunity for all people. The IUE was the first union in the United States to endorse President Kennedy's equal employment opportunity pledge by convention action.

This year, 1963, our union, together with virtually all other sections of the labor movement, celebrates the centennial of the Emancipation Proclamation. We think that a century after that commitment to

economic, political, and social justice, is more than long enough for our society to wait to redeem our pledge. To our brothers and sisters of minority groups, we must apologize for the unconscionable delay.

To those who are still unready to accept the principles and practices of equality, we say: If you have not learned this with 100 years to prepare yourselves, you are incorrigible and further delay can be of no avail. Genuine equality is 100 years overdue; it should not—and cannot—be further postponed.

The Nation's industrial unions and their leaders have long been active in this effort. We have been singularly successful in our efforts to secure nondiscrimination clauses in collective bargaining agreements. Our civil rights committees on both local and regional levels have supported State and municipal fair employment practices commissions; and in turn we have used their facilities to advantage.

We have watched the AFL-CIO's efforts, frequently successful, to eliminate segregation from the structure and functions of its affiliates. We have applauded and endorsed the President's Committee as it used the power of Federal contracts to enforce a policy of equality of opportunity on Government work.

However, despite these and other valiant efforts, we find that discrimination against minority groups in areas of employment opportunity is still pernicious and widespread. The unemployment rate among nonwhites today is double that of whites.

In 1959, 22½ percent of the white work force was employed in clerical or sales jobs, while less than 7½ percent of the nonwhite work force was so employed. Almost one-third of the Nation's Negro workers are service workers, in contrast to only 10 percent of the white workers.

The percentage of the Negro work force in unskilled jobs—15.4 percent—is more than three times that in the white work force—4.6 percent.

Despite the successes of various devices used to combat discrimination (and their success is quite limited even within the field of their operation), more remains undone than has been done. In Houston, Tex., as late as November 1961, Negroes were barred from the only vocational high school. Atlanta, Ga., employment in April 1962 was governed by two cardinal principles:

1. Negroes must not work on an equal status with whites.
2. Negroes must not—if it can at all be avoided—supervise whites.

Mr. AYRES. If you don't mind, Mr. Carey, I am not going to be able to stay through your entire testimony.

On this vocational training program in my hometown of Akron, we are looking for 200 students to enter our vocational schools. I know how closely you have worked with this.

Is it true across the country, and I am not speaking of the South, across the country, that in our northern cities our vocational schools are not filled, or are you familiar with that phase of it? I know in Akron we are looking right now for 200 students. In other words, our capacity is there but we don't have the applicants.

Is that true in our vocational setup throughout the country, to your knowledge?

Mr. CAREY. Well, generally, to my knowledge, there is discriminatory practices in schools of a vocational nature. Much to my regret,

some of the unions that engage in a lot of placement of the graduates of vocational schools continue to practice discrimination in their apprenticeship training programs.

This is unfortunate, not in Akron, but in nearby Cleveland, as an example. Some local unions are still in violation of the AFL-CIO policy. They foster and permit discriminatory practices in, say, training programs. That is a nondemocratic practice. I would not seek to defend it on the part of unions or on the part of employers.

Mr. AYRES. I am getting into the situation in Akron to find out why, with the need for more skilled workers, that we have the capacity but still we can't find 200 more students that the school is ready to train.

Now, it may be that there is a problem similar to what you mention that has existed in Cleveland but my main concern was whether or not we have the facilities across the country and we are not being able to get students in. Why? That is my main concern.

Mr. CAREY. I do know that in Akron, as well as in other industrial cities, we are training people for jobs that will not exist by the time that they complete their training.

It is unfortunate, that business does not give the educators the advantage of their planning to anticipate what the needs will be of business and finance and the jobs that require skills.

The result is a feeling on the part of many people that they don't know what their future will be in terms of what jobs will be available in the areas that require vocational training and experience. This is a very unfortunate thing to people, especially qualified students in our schools and colleges. It is accentuated in our vocational schools. The students lack any assurance that they will be able to secure employment in the areas that they have invested training time.

This is due to automation and new developments that should be beneficial.

I notice that we are training people in areas of accounting and other areas, where there will be little opportunity, upon completion of their training, to secure jobs.

Mr. AYRES. Do you mean, then, Mr. Carey, there is perhaps not enough coordination between the jobs that are going to be needed and the type of training we are giving these people in various areas and various fields?

Mr. CAREY. I feel there is not sufficient planning and coordination; yes.

Mr. AYRES. Thank you very much.

Thank you, Mr. Chairman.

Mr. DANIELS. Yes, sir.

You may proceed, Mr. Carey.

Mr. CAREY. In Chattanooga, Tenn., 65 percent of the Negro high school graduates leave the city to find advancement opportunities.

And so it goes. In city after city, the Negro is denied the chance to get the training needed for better job opportunities and even if he can get the training he is denied equality of treatment.

Employment agencies in New Jersey, despite its FEPC law, were found to be coding job applications so that minority group members could be identified and denied employment even on job application forms that appeared to preclude discrimination.

In other localities, an employer denies upgrading to a Negro because the cardinal rule against having a Negro supervise a white would be violated. A union-management apprenticeship program is kept lily-white. The utility company refuses to hire any people of Italian origin. The bank won't hire Jews. The Mexican-American finds department store counters available to her only as a customer, not as a salesgirl.

Our industrial unions aren't impressed when people tell us in shocked tones about how many Negroes are on the relief rolls when the average Negro is twice as likely to find himself involuntarily unemployed as is the average white.

We are not appalled by the school dropout rate of nonwhites when the training offered is inferior to that available to white students who will be competing for scarce jobs. Unless and until true equality of employment opportunity is made a reality, we should be amazed if minority groups do not experience greater economic-linked social problems than do white Protestants of Anglo-Saxon origin.

The dislocation to our citizenry as the result of employment discrimination injures not only minority group members—though they bear the greatest burden—but the rest of the community, as well. We all pay the price. We bear the moral guilt of betraying freedom's last best hope to prove herself. We also pay the social price of anti-social attitudes and behavior by some of those who feel this betrayal most directly.

We carry the economic burden of relief rolls, slum clearance and the like. A recent study by the Southern Regional Council contains a cost figure for underutilization of nonwhites' potential and the failure to develop fully the capacities of nonwhites. This computation indicates that as much as 2½ percent increase could be achieved in our gross national product—\$13 billion—from a correction of this social ill. We are wasting about one-third of the potential contribution of the Nation's nonwhite workers.

The Washington Post, on April 22, 1963, reported on job prospects of students graduating from college this June. While prospects were brightest for the male mathematics or science-trained student, they were good for white liberal arts students. For the Negro liberal arts student, the article noted, "The world has shrunk to the size of a local high school." Imagine what it is for the Negro who has no college degree, who has no special talents.

Frequently, unions are blamed for discrimination which is the fault of the employer. Other times, we sadly admit, discrimination is jointly perpetrated and perpetuated by unions and employers. Moreover, no matter how well meaning may be some of the leaders of discriminating organizations, they face pressures from within their own groups should they attempt to alter the pattern. For them, a law requiring integration and equal opportunity is protection. For those who are apathetic in the face of injustice or who actively promote it, the law is necessary as a bridle on their immorality.

There is still another fact to employment discrimination which warrants special attention. It has been our experience that racism as an antiunion weapon exploits job discrimination with particular viciousness.

First, there are employers who neatly balance their work forces, half Negro and half white, and then pit one group against the other

so that unionization is rendered nearly impossible because each group is told that if the other gets "control" of the union there will be accentuated discrimination.

Second, there are the lily-white employers who tell white employees that if the union secures bargaining status, preferential treatment of whites will end.

In Jackson, Miss., on the day before an important National Labor Relations Board election, the local daily newspaper published a photo of me dancing with a Negro lady. The photo happened to have been taken a long time previously in Geneva, Switzerland, while I was representing the United States at a meeting of the International Labor Organization. But the newspaper didn't mention this nor the fact that the lady was the wife of an African diplomat.

Our union won the election that time, but often unions are defeated by such outrageous racism.

A manufacturing company executive in Bay Springs, Miss., told the workers before a National Labor Relations Board election that our union comprised a bunch of "nigger lovers" and that if we won the election, Negroes would work alongside white women employees. We lost the election and the National Labor Relations Board refused to enjoin such conduct. The Board subsequently agreed to set aside elections corrupted by such appeals. An enforceable Equal Employment Opportunities Act would prevent the exploitation of race hate as an antiunion weapon.

We support H.R. 405 because we find that the existing programs in this field are inadequate. For example, there are only 17 million jobs covered by the President's Executive order dealing with Government contracts. FEPC laws are not sufficient; in States with the greatest need, these laws do not even exist. Private collective bargaining contracts answer only part of the problem; there aren't enough of them yet and they cannot, by the nature of employer-union relations, cover an employer who refuses to hire minority group members.

The only type of measure which can approach this national problem is a national law covering tens of millions of jobs.

Let us turn now to some of the specifics of H.R. 405. First, let me say that it is far preferable to the comparable bill in the 87th Congress which did not grant authority to the Commission to issue cease and desist orders. However, I believe that H.R. 405, even if it specifically covers those of Puerto Rican origin (who desperately need such protections) still suffers in that it exempts an employer of fewer than 25 workers. Social security stipulates no such minimum figure.

Further, H.R. 405 does not explicitly include applicants for employment in section 3(f) although I assume they are meant to be included in the term "employee."

Sections 5(a)(1) and 6(a) of the act should include the word "opportunities" as well as "privileges of employment" so that chances for training, transfers, and the like are clearly covered.

Section 5(c)(1) should have the word "or" inserted to show that the various provisions operate disjunctively and need not be conjunctive.

Section 5(d)—which I hope covers informal training efforts as well as formal—should specify clearly that it will be illegal to attempt to cause discrimination as well as prohibiting its actual operation.

Section 7(a) prohibits discrimination against workers for conduct in opposition to illegal acts. It should similarly forbid favoritism to employees for support of illegal acts. The 1951 hearing on the southern textile industry revealed employer support on antiunion conduct by employees. We don't want to encourage a comparable pattern here. We know, through bitter experience, that some employers accomplish illicit acts through employees when the employer, himself, cannot commit the improper acts through his officials and subordinates.

Although section 7(b) of H.R. 405 prohibits advertisements stating racial, religious, national origin, or age preferences, there is no prohibition against asking questions concerning race, religion, or national origin. There is no reason not to prohibit such questions on employment application forms as they are prohibited by many State laws.

We have serious reservations about the provisions of section 8(f) regarding the staff of the proposed Commission. There is a requirement of division of staff along the lines of types of violations. This can be unduly restrictive, particularly in field offices, where a pattern of discrimination involves more than one type of party or one type of conduct.

Similarly, the requirement in section 9(h) that a party which has had a hearing shall be entitled to be heard again before the Commission, itself, is unduly restrictive. It may be possible that no useful purpose is served by a second hearing.

It would be better to say that a second hearing "may" be held so that the NLRB practice of affording oral hearings at the Board level is limited to cases of special circumstances. We think that internal procedures of the Commission should be established by the Commission, itself.

We also take strong exception to the provision in section 9(b) that restricts charges to situations in which the victim can be specifically identified. This section provides that a charge must be filed "by or on behalf of any person claiming to be aggrieved."

Inasmuch as we are concerned with public policy and antisocial conduct, it would be better, again, to use the National Labor Relations Act formulation that enables "any person" to file a charge whenever it is believed that the law has been violated.

Similarly, we see no reason why the Commission cannot compel production of evidence or attendance of witnesses outside the State where the evidence is kept or where the witness resides, is found, or transacts business, as provided in section 13(a). We would prefer to see this left to the discretion of the Commission.

We assume that section 9(j), which sets forth such remedies as back pay and hiring or reinstatement of a victim of discrimination, does not preclude additional relief such as requiring training, permitting transfers, and so on, if such was involved in the discrimination.

Finally, section 21 provides that only certain selected portions of the act shall go into effect upon passage of the law and the remainder will go into effect a year later. We think the whole law should become effective upon its passage.

Early this month Pope John XXIII issued an encyclical, "Pacem in Terris," dealing with the establishment of universal peace in truth,

justice, charity, and liberty. In the encyclical, His Holiness declared that every man has the right—

to the means which are necessary and suitable for the proper development of life * * *

He stated further that—

human beings have the natural right to free initiative in the economic field—

And that—

from the dignity of the human person there also arises the right to carry on economic activities according to the degree of responsibility of which one is capable.

There is nothing uniquely new in the age-old Judao-Christian tradition about this concept. In fact, it is the timeless obligation of any society, which calls itself free, to establish an order in which every man will be judged solely on the basis of ability, integrity, and application. We believe that H.R. 405 is essential in such an effort and respectfully urge its adoption.

Thank you.

Mr. DANIELS. Mr. Carey, I want to thank you for a very fine presentation and the views you express here. Your statement indicates that you have very, very carefully examined the bill before us, H.R. 405, and we appreciate the views that you have expressed and the views that you are giving this committee with respect to the various provisions thereof.

As president of the IUE, can you tell us whether or not your union engages in equal and fair opportunities to all members?

Mr. CAREY. Yes, sir; we do, and we are rather proud of our record in that regard. We employ, on our organization staff, people of the minority groups, such as Negroes, and they are paid equal to whites—and their performance is generally equal to or better than the whites on our staff.

The same thing goes for our professional and semiprofessional and clerical staff at our headquarters here in Washington. I might suggest that has been true since the beginning of our organization.

Mr. DANIELS. How about your apprenticeship programs? Has there been any discriminatory practices engaged in?

Mr. CAREY. In our own industry, where we represent workers, we don't permit the practice of discrimination in the apprenticeship program.

As I mentioned, in response to a question of Congressman Ayres, there are discriminations that apply in apprenticeship programs. Some exist within our industry and related to our industry. We offer no defense and we act to remove those discriminatory practices when we get bargaining rights.

Mr. DANIELS. A great deal of testimony has been taken with respect to this act, but there has been no testimony before presented with reference to discrimination because of age.

What is the position of the AFL-CIO with regard to that point?

Mr. CAREY. Well, my experience runs largely to the discrimination by reason of race or religion and related factors. The AFL-CIO, of course, like any section of our society, would be opposed to discrimination based on age, and that is contained in the bill.

Mr. DANIELS. Are you concerned about it?

Mr. CAREY. Very much concerned about it.

Mr. DANIELS. Do you feel this bill should contain a provision with respect to age?

Mr. CAREY. I certainly do, sir.

Mr. DANIELS. In the course of your testimony you made some reference to the State of New Jersey which is the State from which I come and you said that, in spite of the Fair Employment Act there, it is known that certain discriminatory practices have been participated in. Do you refer to any particular industry?

Mr. CAREY. Sir, that is where my family resides, as well. I have seven sisters and three brothers and I am one of the few who does not reside in the State of New Jersey. The State agency found 60 companies using a code in 1962 to implement discrimination in hiring through employment agencies.

Mr. DANIELS. I was very proud of the fact that New Jersey did adopt such a law and was one of the early States to do away with such discriminatory practices. Of course, I was a bit shaken by your testimony this morning with reference to New Jersey still engaging in such activity in spite of the law.

Do you know whether or not any steps have been taken in the State of New Jersey?

Mr. CAREY. The fact is that there is implementation of this very law. We both have reason to be proud of it and proud that it has been in operation. It was by sympathetic enforcement of the Administrator, that some things have been exposed. I would set New Jersey up as one of the fine examples of State action contrasted, if you will, with, say the State of Nebraska where they have no such law.

Yet, we have people of Nebraska, leaders of groups, who contend that this is a matter that ought to be left to the State.

In New Jersey it is in the normal operation of this very law that we found that there were subtle ways of practicing discrimination in terms of some industries. Now, it is a spotty situation in New Jersey where we find in referral of people to employment by subtle practice. It is engaged in flagrantly in other States.

Mr. DANIELS. The previous witness, Mr. Carey, made some reference to the Manpower and Retraining Act and of discriminatory practices being followed in the administration of that law.

Are you familiar with any such discriminatory practices and what they are?

Mr. CAREY. Well, we found that the program, itself, is insufficient and inadequate to meet our problem. In the questioning with the previous witness, Congressman Ayres, I believe, pointed out it does not meet the hard-core unemployment. I have not examined the Manpower Development and Training Act from the standpoint of discrimination.

Now, discrimination is practiced particularly when there is a scarcity of employment opportunities. You get an intensification of attitude by the whites seeking to discriminate against the Negroes because there are too few jobs to go around. Of course, some will create artificial differences of race or religion to try to allege a superior claim to employment.

Until we get this question of unemployment solved, we cannot expect perfection anywhere. I would hope that we would put into operation the principles contained in, say, the Full Employment Act of 1947. That would, in itself, be helpful in eliminating some of the practices of discrimination in employment.

Now, we have labor unions that don't want apprentices to come on the jobs because they don't feel that there is enough work to employ the present members of the union.

So, I would suggest that considerable attention ought to be given to enlarging the opportunity for employment of all people on a nondiscriminatory basis.

Now, the weight of unemployment falls, as my testimony indicates, and as we all know, pretty heavily on the minority groups. There is an intense feeling that women should not work in industry while there are men that are unemployed. All of this is antidemocratic and against the best interests of our Nation.

I would hope that Congress, as well as the executive branch of the Government, would give attention to some of these serious problems.

Now, there is a training program to train people that are displaced by the importation of goods. There is another training program that is engaged in for the purpose of training people to meet the future needs of American industry. But these programs, all of them so far, are inadequate to meet the need, including the good beginning we have in the form of an internal Peace Corps.

Mr. DANIELS. Why are they inadequate to meet the need?

Mr. CAREY. Because they do not cut in sufficiently to the hard core of unemployment.

Mr. DANIELS. Well, do you think the hard core of the unemployed are capable and able and are qualified to be trained for the higher skills for which there is a need?

Mr. CAREY. Certainly, especially the large part of the hard core of unemployed represented by such large percentages of the minority groups.

Mr. DANIELS. That was an interesting statement you made a few moments ago that where you have an excess of unemployment existing, then and there you will find discriminatory practices engaged in more actively.

Now, today, in view of the fact that we have approximately 5 million unemployed, we are faced with this situation where we can expect discriminatory practices to be participated in by employees as well as other people. Do you feel that there is an urgent need today for the enactment of this legislation?

Mr. CAREY. It is especially necessary.

Mr. DANIELS. Thank you.

Mr. HAWKINS.

Mr. HAWKINS. Mr. Carey, I assume from the statement that you believe that there is substantial discrimination in the trade union movement which would be subject to action under H.R. 405.

Mr. CAREY. Yes, sir. Speaking as a labor leader of 80 years' standing and during that whole period interested in this subject, I would suggest that we need the kind of instrument that the enactment of H.R. 405 would provide so that the labor unions can play their proper

role in our society. To be against injustice in one of its worst forms—the discrimination that takes place.

Mr. HAWKINS. Would you amplify somewhat the union policy in the deep south? Is it generally the policy of unions in the Deep South to discriminate?

Mr. CAREY. It is not their policy to discriminate, but in the application of their programs they tend to adopt the community patterns. In other words, they seek to be “respectable” in the eyes of the community leaders and so they don’t intensively resist and oppose discriminatory community patterns that have existed in the South.

The unions that carry on aggressive campaigns against discrimination, like my own, become the victims by employers of race-hate material. I cited one of the horrible examples in Bay Spring, Miss.

Now, I was not ashamed of the picture that I was dancing as a guest of the Swiss Government on a boat on Lake Geneva, but the way that paper in Jackson, Miss. played it, (there was a four-column-wide proposition under the title, “President Carey Dances With Lady Friend”) you would think that that was taking place in Jackson, Miss.

As I cited, we won that election, but with another employer, an officer of the Northern Electric Products Co. (out of Chicago and operating a runaway operation in Bay Spring, Miss.) blew that picture up and placed it in the ladies’ room in this plant. It incited tremendous race-hate feelings in that community and we lost the election. There was a high percentage of women workers in the Bay Spring plant but there were no women employed in the Jackson City plant.

These are the results of the use of that kind of race-hate material. We have contended that that should be an unfair labor practice. It certainly deprives the people of the freedom of choice whether they want a union or whether they don’t.

Insofar as the South is concerned, I would say that Mississippi is a good example of problems we face in organizing. Because we refuse to accept the backward community patterns for IUE. We face greater difficulty in organizing. They will use another union which does not fight these patterns against us.

Mr. HAWKINS. Do you think the NLRB has the authority under that situation to take action?

Mr. CAREY. Yes; it has.

Mr. HAWKINS. Do you think it should?

Mr. CAREY. I think it should. I think it is right that it take on that issue, Congressman, which is important. It should not find some other reason to set aside an election.

Mr. HAWKINS. We are confining it to that specific situation.

Mr. CAREY. The law should apply to unions as well as to employers. If a union uses race-hate material in competing with another organization, that offensive union should not be accorded benefits as a result of that action. The same applies to employers.

Mr. HAWKINS. I assume that you do not believe that voluntary efforts in education can reach the situation that we have been discussing today?

Mr. CAREY. Certainly in part. However, where State action or community action or places that we need an effective law properly administered most is the last place it could receive them, and we certainly need something more than the voluntary action, especially where you

have one economy that is frequently confronted with large-scale unemployment. We need a Federal law.

Mr. HAWKINS. Thank you, Mr. Carey.

Mr. Chairman, I should just like to make this statement. I wish to commend Mr. Carey for the statement he has made today. I think that the record should indicate that those who ordinarily oppose legislation of this type have been invited to these hearings, and I, for one, have looked for the opportunity of questioning some of those who oppose this legislation.

I understand that these hearings are publicized in the Congressional Record, that all newspapers, press services are given notices of these hearings, and that an invitation has been extended to the chamber of commerce and the Association of Manufacturers and so far they have not testified.

I hope that before these hearings are concluded that we will have the opportunity of questioning some of these individuals who represent these organizations that ordinarily oppose this type of legislation and who often assert that this legislation would deprive individuals of constitutional rights and due process of law. This is the opportunity for them to come before this committee and to make these statements so that they can be questioned. I think they should take this opportunity to do so.

I hope that sometime before these hearings are concluded that they will also testify before this committee.

Mr. DANIELS. Mr. Hawkins, you are absolutely correct.

The chairman, Mr. Roosevelt, has issued releases to the press and TV, and I am sure it has been mentioned over the radio as well, that this committee would meet to take testimony on this bill, and invitation has been given to the public generally to participate in these hearings. So you have stated it exactly correct. Everybody is welcome to appear here if they desire to testify. They will be given a full opportunity to testify.

Now, unfortunately, Mr. Roosevelt is ill, but I am sure that he fully agrees with the statement you have made and with the statement I have just uttered, and we welcome anybody to appear here to give this committee their views. We would like to hear both sides of the question, even those who disagree with this law. So far, to my knowledge, nobody has asked to appear to voice opposition to this bill.

Am I correct?

Mr. FOREMAN. Quite correct.

Mr. DANIELS. Mr. Carey, I wish to thank you for coming here again.

Mr. CAREY. I wish to thank you, Mr. Chairman and Mr. Hawkins and counsel for the committee, on behalf of the department; it represents over 6 million. These are our studied views. I am so much for the bill as IUE is and all its affiliates that I have suggested some, what might be called very specific technical matters in the drafting of the bill. It is because we consider it so important that we made this very careful study of the bill in its details.

Mr. DANIELS. We shall give your suggestion very careful study and consideration when the committee meets in executive session to write the bill.

Mr. CAREY. Thank you very much.

Mr. DANIELS. Our next and final witness is Robert E. Jones, executive director, Unitarian Fellowship for Social Justice.

**STATEMENT OF ROBERT E. JONES, EXECUTIVE DIRECTOR,
UNITARIAN FELLOWSHIP FOR SOCIAL JUSTICE**

Mr. JONES. I shall be very brief, Mr. Chairman, as the hour is late. My name is Robert E. Jones. I am executive director of the Unitarian Fellowship for Social Justice, a national organization which represents the social concerns of Unitarians and Universalists. Unitarians and Universalists have long worked for the elimination of discrimination against members of minority ethnic or religious groups. At our most recent general assembly of the Unitarian Universalist Association, delegates endorsed a resolution which read in part:

Whereas segregation and discrimination, wherever practiced, continue to be a matter of major national and international concern and reflect attitudes contrary to moral, religious, and ethical commitments; and

Whereas such discrimination is economically wasteful and psychologically destructive to members both of majority and minority groups; * * * ; Be it further

Resolved, That the Unitarian Universalist Association urge the Congress of the United States to fulfill the civil rights commitments of the Republican and Democratic Party platforms of 1960 for meaningful civil rights legislation * * *

The resolution urged adoption of several civil rights reforms including the establishment of a Fair Employment Practices Commission.

In spite of the many obstacles confronting passage of such a bill, you do the country a great service, Mr. Chairman and members of the committee, by holding hearings on equal employment opportunity and keeping this issue alive before the Congress and the country. For this problem of job discrimination lies at the very root of the evil of discrimination.

If a man is denied equal opportunity to a job commensurate with his skill, he is then denied the income with which to settle in a decent home in a decent neighborhood and have the opportunity to educate his children to their fullest. All other discriminations—personal, social, educational—flow from the economic discrimination.

Though we would not discount discrimination on the grounds of religion, national origin, age, or sex, job discrimination on account of race and color is by far the most serious and widespread.

Job discrimination weighs most heavily on our Negro citizens. The latest Department of Labor unemployment statistics for March 1963 show that unemployment for whites was 5.6 percent while it was 12 percent for nonwhites.

The Labor Department average, for the past 5 years, shows that the nonwhite jobless rate has never been less than double that for the whites. Unemployment for the Negro, furthermore, lasts longer and partly because of his lack of seniority and partly because of prejudice, he finds himself frequently the first to be laid off in times of business recession.

We note with particular satisfaction that H.R. 405 would make it an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise discriminate against, any individual because of race, color, religion, national origin, or ancestry; and that the bill also makes it an unlawful employment practice to discriminate against any individual in apprenticeship or other training programs.

Referrals from employment agencies and apprenticeship training are two points which have a critical bearing on the whole picture of job discrimination. As the U.S. Commission on Civil Rights pointed out in its 1961 study of employment—

• • • equality of employment opportunity cannot be achieved merely by eliminating discrimination in hiring. To be considered for jobs on a nondiscriminatory basis, members of minority groups must first have equal opportunities to obtain training and to apply for jobs.

The U.S. Commission on Civil Rights found that—

The nationwide paucity of participation by Negroes in apprenticeship training programs is caused by lack of qualified applicants and also by discriminatory practices of both labor organizations and employers, who control admission to such programs.

This report also found that—

Although the Federal Government bears the entire cost of administering State employment offices, it has done little to assure that the policies of the program—to encourage merit employment and to discourage employment discrimination—are being effectuated.

The President's Committee on Equal Employment Opportunity and the Department of Labor should be commended for striving to overcome inequalities, but their powers are severely limited. Clear, forthright legislation is needed.

Employers and labor unions have nothing to fear from an Equal Employment Opportunity Commission any more than they have to fear from the procedures of the National Labor Relations Board which has done so much to bring about industrial peace in our economy.

As Dr. Dana McLean Greeley, president of the Unitarian Universalist Association, commented last January in endorsing similar legislation before this committee, this bill embraces—

just the right sort of combination of voluntarism and compulsion which will make it work.

It provides ample room for use of the arts of persuasion and conciliation. Only if these methods fail will the Equal Employment Opportunity Commission move to issue formal complaint of an unfair employment practice. All the safeguards of due process of law are in this bill and every opportunity is afforded the accused employer or labor union to be heard. You have been most scrupulous, Mr. Chairman, in insuring that administrative procedures are fair to complainant and respondent alike, and that the respondent has a clear right to judicial review.

The Unitarian Fellowship for Social Justice urges upon this committee and the Congress the passage of H.R. 405 to insure equal employment opportunity for all our citizens.

Mr. DANIELS. Thank you, Mr. Jones.

Mr. HAWKINS, any questions?

Mr. HAWKINS. No questions.

Mr. DANIELS. No questions.

We appreciate your coming here.

This concludes the taking of testimony today and we adjourn. The committee will meet at the call of the Chair.

(Whereupon, at 11:50 a.m., the committee adjourned, to meet at the call of the Chair.)

EQUAL EMPLOYMENT OPPORTUNITY

FRIDAY, MAY 3, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 429, Cannon Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Pucinski, Hawkins, and Bell.

Also present: Jay Foreman, counsel; Richard Burrell, minority counsel; and Adrienne Fields, clerk.

Mr. ROOSEVELT. The committee will come to order, please.

The committee continues this morning its hearings on H.R. 405 and related bills.

The chairman would at this time like to have the record show his appreciation to the members of the subcommittee and to the staff and others and especially for the witnesses who were good enough to cooperate in the hearings held at Teaneck, N.J., at Fairleigh-Dickinson University, approximately a week ago. These hearings resulted in not only a splendid presentation but a very good exposition of the subject matter which received very favorable comments not only from the point of enlightenment to the students who had never had an opportunity to view a congressional hearing, but also from the point of view of the information which was brought to light in a most important area where understanding of the importance of this bill is certainly paramount.

This morning, the committee has the pleasure of welcoming Mr. Thomas E. Harris, associate general counsel of the AFL-CIO.

Mr. Harris, would you come forward, sir.

We are most happy to have you and to have the opportunity of placing in the record the views and position of the AFL-CIO with respect to this important measure.

I notice you have a prepared statement. You may proceed in any manner, that is convenient to you.

STATEMENT OF THOMAS E. HARRIS, ASSOCIATE GENERAL COUNSEL OF THE AFL-CIO

Mr. HARRIS. Mr. Chairman, with the indulgence of the committee, I think I would prefer to read the prepared statement as it does not lend itself very well to summarizing.

Mr. ROOSEVELT. You certainly may do so.

Mr. HARRIS. Let me first express to the committee the regrets of our President, George Meany, that he was not able to appear before you today. As you know, he has an intense and unflagging interest in the cause of equal opportunity, and customarily delivers our testimony himself. I assure you that his inability to be here today does not represent any lessening of his personal conviction that the legislation you are considering is urgently needed and long overdue.

Every American knows that discrimination is still deeply embedded in our national life. In some quarters, there is religious discrimination, aimed mostly at Jews and Catholics. In others, there is discrimination based on national origin, directed mostly at those with non-Anglo-Saxon forebears. There is discrimination based on age—absurdly branding workers of 35 or 40 as “too old” to be hired. Indeed, the airlines think that stewardesses over 32 are too old, not only to be hired but to be retained.

Mr. ROOSEVELT. If the gentleman would not mind a slight interruption, I was rather amused at part of the defense when somebody pointed out if they enforced that present discrimination that Mrs. Kennedy would not be eligible to be an airline hostess.

Mr. HARRIS. I think the chairman is correct, that this illustrates the ridiculousness of the age barrier, although I don't suppose it will work a hardship in that particular case.

But by far the most widespread and most agonizing discrimination is perpetrated against Negroes. The bulk of my testimony, therefore, will be devoted to that aspect.

Negroes suffer the worst forms of discrimination on every front—education, housing, public accommodations. This is true in every State—in Massachusetts, as well as Mississippi, though the degree may differ. All forms of discrimination are evil, no matter where they occur. But the type of discrimination that does the most damage, both to its victims and to the Nation, is job discrimination. It is not too much to say that this is the key to all the rest.

I am not minimizing education as a fundamental factor. Much has been said—and rightly so—about the need for equal educational opportunities as a basis for equal employment opportunities. However, what we find, in any number of cities where the schools have been segregated, is that young Negroes drop out before they graduate because there is no believable possibility that graduation will do them any good. This city, the Nation's Capital, might serve as exhibit No. 1.

And for those who persist, who cling to their hopes, who finish high school or even go on to college, the reward is in too many cases rejection in the very places for which they prepared themselves.

To put it another way, a vital element in education is motivation. The Nation cannot expect to create a body of eager, ambitious students unless it provides them with adequate job opportunities. This is exactly what the AFL-CIO has consistently said about school drop-outs in general and it applies with even greater force to those groups that suffer from job discrimination.

I am not going to burden the record with statistics that have already been recited by other witnesses. It should be noted, however, that unemployment among Negroes is twice as great as for whites. Educational deficiencies and other factors undoubtedly contribute to this, but

I submit that the one most important reason for the Negro's higher unemployment rates is his color.

When we turn to housing we find similar circumstances. The President's Executive order, barring the use of Federal funds for segregated projects, and the antidiscrimination statutes of several States are slowly but surely beginning to open up new residential opportunities for Negroes. There are well-founded complaints, however, about the slowness of the process.

The President's order, and the handful of State laws, help the middle-income Negroes who are now trapped in city ghettos which they could well afford to leave. They are entitled to that opportunity. It is a matter of simple justice to enable them to buy any house that is within their means.

But most Negroes are not only trapped by exclusion practices; they are trapped by their own poverty, which is in turn brought about by limited job opportunities. The most enlightened reform of housing practices cannot fully meet their need.

I could go on down the list of other facets of discrimination, but I think I have made the point. Equal employment opportunity is at the root of them all.

True, we have made considerable progress toward equal employment opportunity in the last two decades. More than 20 States have enacted fair employment practices laws. Innumerable union contracts now contain nondiscrimination clauses relating to both hiring and promotion.

President Kennedy and President Eisenhower both issued Executive orders forbidding Government contracts to companies that practice discrimination; some 88,000 firms that do business with the Federal Government, and which employ 15½ million workers, are required to make annual reports to the President's Committee on Equal Employment Opportunity describing what progress they have made toward this goal.

In the trade union movement, ancient citadels of racial discrimination—which, though relatively few in number, have been a painful embarrassment to the rest of us—are crumbling at last. Of the 180 national and international unions affiliated with the AFL-CIO, 115 have signed pledges to the President's Committee that they do not and will not discriminate. Seven more have indicated they will sign shortly. The others point to constitutional barriers requiring convention action on policy matters, but even in this group, only one union still has a constitutional reference to race and is committed to remove it at this union's next constitutional convention.

Meanwhile, the AFL-CIO's own internal machinery for insuring adherence to the federation's antidiscrimination policy has been enlarged and strengthened.

The Negro press reflects the results of these changes. Using *Ebony* magazine as an example, a regular feature in this monthly magazine is a series of personality and career sketches, with photographs, of Negroes holding interesting and important jobs.

Yet after all this, as I said at the beginning, every American knows that discrimination in general, and job discrimination in particular, can be found on every hand.

Why is this so?

There are many explanations.

Many State FEPC's are handicapped by inadequate powers and inadequate funds; some are more impressive in principle than in practice. Moreover, of course, State FEPC laws do not exist where they are most needed.

The President's Executive order, while national in scope, covers less than a fifth of the Nation's work force. And even within that fifth, the opportunities for evasion are almost limitless. A Government contractor in Mississippi, for example, might truthfully report that no applicant for work had been rejected on racial grounds; whereas, the real fact, the truth behind the truth, may be that a Negro could apply only at the real risk of his life.

On the American industrial scene today, the largest single instrumentality for enforcement of fair employment practices are the non-discrimination clauses in many union-negotiated collective bargaining agreements. These nondiscrimination clauses have been embodied in union-management contracts on union initiative and agreed to by management. They are contained in nearly a quarter of the major collective bargaining agreements now in effect.

I would like to submit, and would appreciate having placed in the record of this hearing at the conclusion of my testimony, a listing of "Sample Nondiscrimination Clauses in Collective Bargaining Agreements" prepared by the AFL-CIO Department of Civil Rights in July 1962.

Mr. ROOSEVELT. Without objection, it is so ordered.
(The document referred to follows:)

SAMPLE NONDISCRIMINATION CLAUSES IN COLLECTIVE BARGAINING AGREEMENTS

INTRODUCTORY NOTE

This selection of a limited number of sample nondiscrimination clauses currently in effect in collective bargaining agreements is intended to show the range and variation of such clauses. These are not model clauses. They are presented here not as recommended clauses but solely for reference and study.

Each clause is identified by the name of the company and of the union maintaining the collective bargaining contract. Expiration date of the contract is also given.

A. GENERAL NONDISCRIMINATION CLAUSES

1. "There shall be no discrimination against any employee as to any term of employment or otherwise, by reason of race, color, creed, sex, or age." (Allied Building Metal Industries, New York, N.Y., and International Association of Bridge, Structural & Ornamental Iron Workers, June 30, 1961.)

2. "The company will not discriminate against any employee or applicant for employment at the yard by reason of his membership in the union or by reason of any union activity on his part not in contravention of any provision of this agreement, or because of race, creed, color, sex, national origin, or membership in any lawful organization." (Bethlehem Steel Co. (Shipbuilding Division), Quincy, Mass., and American Federation of Technical Engineers, July 31, 1963. Also, Bethlehem Steel Co. (Shipbuilding Division), Bethlehem-Sparrows Point Shipyards, Inc. (interstate), and Industrial Union of Marine & Shipbuilding Workers of America, May 1963.)

3. "(a) Neither the company nor the union, in carrying out their obligations under this contract, shall discriminate in any manner whatsoever against any employee because of race, sex, political, or religious affiliation, or nationality.

"(b) The company agrees to continue its present nondiscriminatory policy offering equal opportunities for available jobs to qualified applicants without regard for their nationality, race, sex, political, or religious affiliation, or membership in any labor or other lawful organization." (International Harvester

Co. (interstate), and United Automobile, Aircraft & Agricultural Implement Workers of America, September 1964.)

4. "It is the continuing policy of the company and the union that the provisions of this agreement shall be applied to all employees without regard to race, color, religious creed or national origin." (United States Steel Corp., and United Steelworkers of America (Production & Maintenance Employees; central operations—steel), June 1962.)

5. "The policy of the company, the union, and its IUE locals is not to discriminate against any employee on account of race, color, sex, creed, marital status, or national origin." (General Electric Co. (interstate) and International Union of Electrical Workers, September 1963.)

6. "It is the policy of the company, the council, and each of its affiliated local unions not to discriminate against any employee on account of race, color, creed, sex or national origin." (General Electric Co., Richland, Wash., and Hanford Metal Trades Council, October 1, 1963.)

7. "It is agreed between the parties that, in the policies and practices of the company, and in the member practices and policies of the union, there shall continue to be no discrimination against any employee on account of race, creed, color, national origin, or sex (except that the company shall have the right to designate jobs by sex)." (Admiral Corp., Chicago, Ill., and Local 1031, International Brotherhood of Electrical Workers, October 1, 1963.)

8. "The company agrees that it will not discriminate in the hiring of employees or in their training, upgrading, promotion, transfer, layoff, discipline, discharge, or otherwise, because of race, color, creed, national origin, or sex. The union agrees that it will not discriminate because of race, creed, color, national origin, or sex." (Bendix Corp., South Bend, Ind., and United Automobile, Aircraft & Agricultural Workers of America, October 15, 1964.)

9. " * * * it shall be the policy of the company and of the union not to discriminate against any member of the union because of race, creed, color, nationality, or sex. Equal pay for equal work shall prevail and there shall be no discrimination by reason of age, sex, creed, color, or nationality." (Congoleum-Nairn, Inc., Trenton, N.J., and United Rubber, Cork, Linoleum & Plastic Workers of America, July 31, 1961.)

10. "There shall be no discrimination by the company or the union in promotions, transfers, layoffs, and rehiring because of race, color, religion, nationality, or political affiliation. Further, there shall be no discrimination by the company in the hiring of new employees." (Harbison-Walker Refractories Co., Pittsburgh, Pa., and United Stone & Allied Products Workers, June 1962.)

11. "There shall be no discrimination as to wages and other conditions of employment because of sex, race, color, or other conditions within any plant. The principle of equal pay for equal work shall prevail where quality and quantity of production are equal and shall be determined on intra-plant basis." (Chicago Luggage & Leather Goods Manufacturers Association, Chicago, Ill., and Amalgamated Meat Cutters & Butcher Workmen, September 1963.)

12. "The company and the union shall not * * * be discriminatory of any employees because of nationality, race, sex, political or religious affiliation, or membership in any labor or other lawful organization." (Caterpillar Tractor Co., Local 145, Montgomery, Ill., and United Automobile Workers, October 1, 1964.)

13. "There shall be no discrimination on the part of either company or union on account of race, color, sex, national origin, or religious belief of any employee." (Group Health Mutual, Inc., and Office Employees International Union, Local 16, December 31, 1962.)

B. SPECIALIZED OR LIMITED NONDISCRIMINATION CLAUSES

1. "It is agreed that there shall be equal pay for equal work, regardless of sex or age." [NOTE.—Limited to pay only.] (Johnson & Johnson Ethicon, Inc., N.J., and Textile Workers Union, May 1962.)

2. "There shall be no discrimination in the hiring of any union worker because of union activity, age, sex or prior employment with the firm. Any dispute arising hereunder shall be subject to the decision of the impartial chairman." [NOTE.—Limited to hiring only. No reference to race, creed, color, or national origin.] (New York Industrial Council of the National Authority for the Ladies Handbag Industry and International Leather Goods, Plastic & Novelty Workers' Union, May 1963.)

8. "The company shall determine the relative qualifications of each employee who, under the provisions of article IX [job assignments], is a candidate for a job. Any employee who feels that he has been discriminated against, as compared to other employees, may seek redress as set forth in article XIX [grievance procedure]." [NOTE.—Limited to job assignments only.] (Tide Water Associated Oil Co., Tulsa, Okla., and Oil, Chemical & Atomic Workers International Union (open end).)

G. NONDISCRIMINATION IN APPRENTICESHIP TRAINING

1. *Electrical contracting*

(Art. IV) "It shall be the duty of the [National Joint Apprenticeship and Training] committee:

"H. To promote equal opportunity under these national standards without regard to race, creed, color, or national origin." (Local Standards, Sec. IX—Selection of apprentices.)

"D. All applicants for apprenticeship will be afforded equal opportunity under these standards without regard to race, creed, color, or national origin."

National apprenticeship and training standards for the electrical contracting industry prepared by the National Joint Apprenticeship and Training Committee for the electrical industry. (National Electrical Contractors Association and International Brotherhood of Electrical Workers, AFL-CIO, February 9, 1962.)

2. *Bricklaying*

(Pt. I, Sec. 1: Qualifications for apprenticeship): "All applicants shall be afforded equal employment opportunity regardless of race, creed, color, or national origin."

National bricklaying apprenticeship program and standards prepared and approved by—

The National Joint Bricklaying Apprenticeship Committee, representing the Associated General Contractors of America, Inc., the Contractors' Association of America, and the Bricklayers, Masons, and Plasterers International Union of America, May 5, 1962.

3. *Painting and decorating*

(Pt. I, Sec. 8: Qualifications for Apprenticeship): "All applicants shall be afforded equal employment opportunity regardless of race, creed, color, or national origin." (National Painting & Decorating Apprenticeship & Training Standards adopted by the National Joint Painting & Decorating Apprenticeship & Training Committee, representing the Painting & Decorating Contractors of America, and the Brotherhood of Painters, Decorators & Paperhangers of America, May 8, 1961.)

For any further information you may need regarding the negotiation or administration of nondiscrimination clauses in collective-bargaining agreements, write to: Department of Civil Rights, AFL-CIO, 815 16th Street N.W., Washington 6, D.C.

Mr. HARRIS. In this connection, I also would like to refer the committee, for reference and study, to "Antidiscrimination Provisions in Major Contracts," issued by the Bureau of Labor Statistics, U.S. Department of Labor, as Bulletin No. 1336, in 1961.

Let me say that these nondiscrimination clauses in union-management collective-bargaining agreements lay the groundwork for an enforceable equal employment opportunity law. But the limited extent of their coverage underscores the need for enactment of such a law bringing fair and equal employment opportunity within reach of all workers in industry affecting commerce.

The Negro worker's problem is aggravated in industries in which employment has been declining. Because layoffs are governed by seniority and because employment of Negroes without discriminatory barriers is a comparatively recent development, the Negro worker is often the first victim of a layoff.

He was the last hired; he is the first laid off.

The AFL-CIO cannot, however, accept the premise that some sort of superseniority ought to be established for these Negro workers who generally were discriminated against for so long a period.

Even though discrimination ended 5 or 10 years ago, Negroes in the plant will necessarily not have seniority of any longer period of time than that, so when a layoff comes he is the first to be victimized even though, as I say, the discrimination may have ended 5 or 10 years ago. Even so, he will not have had a chance to build up seniority.

However, we don't think that can be taken care of by giving him superseniority. To do that would be unjust to the white workers who have been working there 15 or 20 years. We don't think that one form of injustice can be corrected or should be corrected by creating another.

The real problem, of course, is the lack of full employment. The solution is to provide more jobs. Few new jobs are opening up, particularly in manufacturing, and many of the old ones are vanishing. That is the problem, that and the fact that the Negro worker suffers most from this condition.

Where our unions are concerned—and contrary to the popular belief, very few unions have any effective voice in hiring policies, even in apprenticeship—the AFL-CIO must make progress solely through persuasion. This can be a slow process.

The fact that the unions ordinarily have no voice in hiring is, of course, another reason why the problem of discrimination in hiring can be met only by legislation and can never be fully dealt with by antidiscrimination clauses in collective-bargaining agreements.

In all fairness, the same is true of the other existing operations, including those of the States. And, indeed, it would be true, for the most part, under the bill you are considering. Persuasion is far preferable to prosecution where human relationships are involved. But there needs to be the ever-present possibility of effective enforcement in order to make persuasion more persuasive.

That is why this bill is so important. It would put the full weight of the Federal Government and the Federal courts—not just the executive department, but the Congress, itself, and the statutory law of the lands—behind the principle and practice of fair employment opportunities.

Now let me turn to the bill itself, H.R. 405.

I want to say at once that this is a good bill, and we congratulate the chairman for offering it. To a very considerable extent, it meets the concepts expressed by President Meany in his testimony last year. It is clearly intended to do the job, and to do it effectively.

Therefore, in offering a few specific suggestions which we believe would improve this proposal, we feel we are collaborating with the author of the bill, not opposing him.

I will enter our suggestions in their sequence in the bill, rather than in the order of their importance, in the hope that this will make matters easier for the committee.

We are pleased that section 7(a)—a number that has a sentimental appeal to us—forbids discrimination against the workers who oppose discrimination. But based on long experience under the labor-management acts, which the present measure so closely resembles in some

ways, we feel there should also be a ban on favoritism toward employees who support or incite behavior that this bill would make illegal.

Somewhat similarly, we feel that section 7(b) is too limited in barring only the expression of preferences with regard to race, religion, national origin, or age. It should also bar questions of this nature on application forms.

Those questions, for example, are barred under State law in New York and we think that that is a sound concept.

Sections 8(f) and 9(h), covering the setup of the staff and the procedure at hearings, both seem to us to impose undue restrictions on the judgment of the Equal Employment Opportunity Commission to organize itself and conduct its own affairs in a manner which the Commission finds will be most effective.

Most serious, perhaps, is the language in section 9(b), which appears to require a specific complainant before action can be taken.

The language of section 9(b) is:

Whenever a written charge has been filed by or on behalf of any person claiming to be aggrieved—

If that means that the charge must be filed by an aggrieved person or by someone who has been authorized by him to file the charge, if the language requires authorization from the aggrieved person, the language seems to us unduly narrow.

Mr. ROOSEVELT. Mr. Harris, I must ask you on that point: That is not the intention. The intention is, frankly, to enable a union or the NAACP or the Urban League or anybody else to file on the individual's behalf and it does not require formal authorization.

Mr. HARRIS. We think that that is the way the law should be. The National Labor Relations Act, for example, permits anybody to file a charge; a union, an individual worker, an employer, anybody at all.

Mr. ROOSEVELT. I want to say very frankly to you that with respect to your next sentence, if we authorize the Commission to proceed on its own motion, we would be running into some very strong opposition if the Commission were allowed to serve as both prosecutor and judge. Some separation of these two functions would be necessary.

We would hope that as long as it is understood that the matter may be brought before the Commission by the aggrieved or by authorization of the aggrieved, or by a member of the Commission that perhaps this is a fair middle ground on which to proceed.

Mr. HARRIS. This bill differs from the National Labor Relations Act, say, in that it does authorize a member of the Commission to file a charge. It then provides that that member of the Commission, if he does so, shall be disqualified from participating or from hearing the case if it results in a formal proceeding.

I think that that approach is probably used in the bill as part of the emphasis on conference, conciliation, and persuasion.

Mr. ROOSEVELT. That is right.

Mr. HARRIS. The alternative approach, which is now followed under the National Labor Relations Act, keeps the Board remote from proceedings until they reach it as the result of issuance of a complaint, and after a hearing before a trial examiner, and an intermediate report, and so on. That, of course, means that the National Labor Relations Board has no function of conciliation or persuasion but really acts these days as sort of a labor court.

Now, your problem is that you can't quite have it both ways. I suspect that some of the members of the committee who object to having the Commission file charges may also be quite anxious to preserve its role as a mediator or conciliator. But if you substitute for the Commission as the filer of charges someone like the General Counsel under the National Labor Relations Act, you destroy that rule for the Commission.

Mr. ROOSEVELT. I think that is true.

Mr. HARRIS. I think we would prefer to see it as it is in the bill, though we recognize that there is ample room for difference of opinion on the subject.

Finally, returning again to specific items under the bill, we are disturbed by the restriction on the production of evidence, the attendance of witnesses and so on, to proceedings within the State where a violation is charged. These limitations are set forth in section 13(a).

I do not know of any other act that contains this provision that the witness may not be subpoenaed outside of the State where he is found. The National Labor Relations Act simply incorporates the reference to the Federal Trade Commission Act, as the first part of section 13(a) does. The same is true of the Landrum-Griffin Act.

The general tendency in Federal judicial administration over the years has been to broaden the area from which witnesses may be subpoenaed.

I might say also that we wonder about the feasibility of concurrent Federal and State jurisdictions as provided for in section 11. It may work out in practice if there is both great good will and a cooperative spirit on the part of the national agency and all of the State and local agencies, but we can see that there is considerable opportunity for conflict and chaos there.

We are willing to see it given a trial, but to use the vernacular, we rather have our fingers crossed on that notion.

Mr. ROOSEVELT. Mr. Harris, I would like to be perfectly frank with you. I think some of us do, too, but I am sure you recognize we are under some handicaps in getting a practical solution for this kind of legislation.

One of the things we want to eliminate is the idea that we are trying to completely destroy the State FEPC acts which, of course, we are not, we believe—this subcommittee happens to have in its membership the author of the California FEPC law, Mr. Hawkins.

It would be the last thing we would want to do to not indicate that where we had effective State effort in this area that we would not try to find a way to be supplementary rather than to be competitive, and it is in there for that purpose.

Mr. HARRIS. Well, I am fully sympathetic with the thought that where there is an effective State law which is being effectively administered that it should not be superseded.

I believe that the New York law has been well enforced in that State and it seems to me it would be too bad to put in a Federal agency to supersede it in a job which it is doing well.

It may be that the problem could be handled by agreements between the Federal Commission and the State agency ceding jurisdiction over certain types of enterprises to the State agency.

Mr. ROOSEVELT. That is really what the law says, though, isn't it; the proposal, the regulation? That is the way I read it and that certainly was the intent and I think that that is actually what it says.

Mr. HARRIS. Well, I think that it could be handled effectively as to certain types of business, including manufacturing plants located in a certain State.

There are other types of businesses, though, even where the State agency is currently now exercising jurisdiction as to which I, as a lawyer, am puzzled as to how it could work.

Mr. ROOSEVELT. If you were puzzled and the commission were puzzled, they would not enter into an agreement.

Mr. HARRIS. I think it could be handled that way. The other day the Supreme Court upheld the Colorado law as applied in a situation where an airline had refused to hire a Negro pilot. The airplane was flying interstate. Now, I have great sympathy with the outcome of the Supreme Court decision but in a field like interstate transportation it seems to me very difficult to permit the laws of the various States to operate without getting into conflict and confusion, and if you had a Federal act, I think that situation would be accentuated.

Mr. HAWKINS. May I ask the witness a question?

Mr. ROOSEVELT. Yes.

Mr. HAWKINS. The Colorado case: Would not this language allow that type of case to be ceded to a State agency where it is operating but if it is deemed unwise to do so to reserve that type of case for the Federal agency? In other words, I am not so clear as to what you are suggesting as the alternative to the proposal which is before us which seems to be broad enough to cede jurisdiction where it is wise to do so but to reserve it where it is unwise to do so.

Now, it seems to me the flexibility is written into this proposal and I am not so clear as to just what you would suggest as the alternative if we did not proceed in this direction.

Mr. HARRIS. Well, we agree with your objective, and we don't see any satisfactory alternative, because we agree with you as to the desirability of preserving effective State laws, but I simply express the reservation that this is going to require considerable ingenuity and good will to work out.

There is, you know, a similar provision in the National Labor Relations Act which was put in by the Congress in 1947 in an effort to induce the States to enact little Taft-Hartley acts. This provision is better drawn than that in that that law permits an agreement ceding jurisdiction only where the State law is exactly the same as the Federal, and for that reason the provision in the National Labor Relations Act has become a dead letter.

Now this, I think, is markedly superior in that it gives the Commission some element of discretion.

Mr. HAWKINS. Isn't it also true that in the Colorado case that the mere fact there was no Federal agency in the field led the States to contend for the point that they contended for in that case, that there had been a Federal agency operating interstate?

It is conceivable that the various States would not have taken the position that they did take; it would not have been at least aggressive in trying to assume some jurisdiction, but lacking any Federal agency they obviously would have lost any jurisdiction over those cases if they had not taken the position that they took.

Mr. HARRIS. Yes. If the Supreme Court had not upheld Colorado's jurisdiction in that case, there would have been no relief available to the plaintiff anywhere.

Mr. HAWKINS. Thank you, Mr. Harris. Thank you, sir.

Mr. HARRIS. In general, as I said at the outset, we wholly endorse the bill and its purposes. We would like to express our pleasure, also, that job training, and this as we read it includes apprenticeship, is specifically covered.

As it affects the application of the bill to unions, we have said time after time that the AFL-CIO wants and needs legal support and help from the Federal Government in carrying out the AFL-CIO civil rights policy in this area. H.R. 405 would provide it.

We have said time after time that Federal authority must and should be invoked if the attack on discrimination is to be fully effective. H.R. 405 would provide that authority. To say that we strongly support this bill would be a gross understatement. We have been fighting for these principles for many years.

It is argued, we know, that discrimination springs from prejudice, from bigotry, and that legislation cannot cure it.

We will agree that legislation cannot cure prejudice. But legislation can prevent at least a part of the fruits of prejudice from coming into harvest. Legislation is the way, the only sure way we know, to limit the degree to which people can act on their prejudices. It can eliminate discrimination.

It is the practical approach. If we waited for the prejudices, themselves, to vanish, the wait would be infinitely, intolerably longer.

It seems to us that the time for waiting is long past. I have heard it said that even this legislation will have to wait; that these hearings are more or less exploratory. We hope this is not the case; not in this year that marks the centennial of the Emancipation Proclamation.

Mr. ROOSEVELT. Mr. Harris, may I comment on that as we go along?

The chairman of the full committee, Mr. Powell, has agreed with me and we trust that we will have the full cooperation of the minority, and I have no reason to believe that we will not, in our determination to bring this bill in its final form as reported by the full committee to a vote on the floor of the House.

I am not so naive as to suppose that we would have an easy ability to do so by getting a rule out of the Rules Committee.

As I am sure you know, sir, there are other ways in which a committee may bring legislation to the floor, one of them specifically being what is known as Calendar Wednesday. I think it is fair to say that the chairman of the committee will pass over no opportunity to bring this matter to a vote in this Congress in plenty of time to make sure that the other body will also have time to act if it so desires.

Mr. HARRIS. Well, we are certainly hopeful that the chairman will succeed in that objective and we share it with him.

Mr. ROOSEVELT. Shortly from now the exploratory stage will be over and we will take it up in the full committee. Full committee action, I think, will be fairly expeditious.

Mr. HARRIS. Let me conclude by quoting from President Meany's testimony a year ago. This is how he summed it up then:

Finally, we feel strongly because of our dedication to our country. I could speak at length about the physical loss of good brains and strong bodies we suffer because of those who judge a man by other standards than his abilities. That would be tragic enough in an era when we need every ounce of our strength, and the fullest development of our resources, to secure our Nation against attack.

But the greatest loss to America is moral and spiritual. If a citizen of this

country finds his way blocked, if he cannot achieve his highest degree of usefulness, only because he is a Negro or a Jew, a Catholic or an Asiatic; because he is an Italian or a Pole; because he is 35 or 40 or 45, those who are responsible for blocking him are betraying the American ideal in the eyes of the world.

On that basis alone, we in the AFL-CIO would ask the Congress to formulate and expedite legislation along the lines we have indicated. You have our support and our enthusiastic collaboration. The Congress can maintain and restore the image of America that is in the heads of us all.

Mr. Chairman, that job is still undone. It should be delayed no longer.

We thank the committee for this opportunity to present our statement.

Mr. ROOSEVELT. Mr. Harris, our thanks to you, to Mr. Meany, and to the organization you represent. We are grateful for a constructive and forthright statement.

I have just a few brief questions.

I am sure you probably have noticed that H.R. 405 differs from the presentation of the committee last year, particularly with reference to section 9(b) and also in section 9(c). The point of section 9(b) is, the authority for the Commission to file a written charge on its own part, and yet not, at the same time, destroy it. We have pretty well covered this, but I presume that you are not in opposition to it as it is presently written.

Mr. HARRIS. No. I would say we prefer it as it is presently written.

Mr. ROOSEVELT. Now, as to 9(c), the Commission-type hearings are somewhat different from the previous bill and, of course, the basic change here in this section is to enable the Commission, on its own, to start the processes of the enforcement.

In the legislation last year, the fundamental difference was that we had to go directly to the Federal District Court for any enforcement, whereas now the Commission may issue its own cease-and-desist order.

Do I gather that you are in favor of the right of the Commission to issue its own cease-and-desist order and then proceed from there for judicial review, if necessary?

Mr. HARRIS. Yes. We think that this procedure is preferable to that in last year's bill. This follows in this respect the procedure used under the National Labor Relations Act, whereas last year's bill followed the procedure used under the Fair Labor Standards Act.

If the Commission is to have a major and centralizing role, and particularly if it is to undertake the job of conciliation and persuasion, we think it is preferable to give it authority to issue its own orders and to go for enforcement to the court of appeals as under the National Labor Relations Act.

If you introduced the District court's step into the enforcement proceeding, that delays enforcement for an additional year, on the average. Each tier of court review averages out to about a year in the Federal courts.

Going to the court of appeals has the further advantage that a more uniform interpretation is attainable within some reasonable length of time than if you start out in a hundred different district courts.

Mr. ROOSEVELT. Lastly, Mr. Harris, would you not also feel that the fact that Mr. Carey, when he appeared before the committee, stated that he felt that part of the benefit of such an act as this would be to sort of give a shield to a well-meaning union local or employer,

too, in a community where there was, perhaps, a rather adverse feeling on this matter, and enable them to simply point to the law and say, "look, we are following the law." This gives an umbrella of protection which, perhaps from the point of view of more steady and quick advance, it is often of great advantage.

Would you agree with that?

Mr. HARRIS. I certainly would agree with it, and I think that probably what Mr. Carey has in mind is that in organizing campaigns in various Southern States the employers, some of them incidentally from the North, have used appeals to racial prejudice against unions, and have pointed to the position taken by unions in favor of racial equality and integration, that they have used these appeals in trying to keep unions out of plants and they have pointed out that the union is committed to the proposition of treating Negroes equally.

For example, in many plants in the South the Negroes are currently confined to what is called a common labor pool. They are denied opportunities to move into other lines of job progression and of promotion. Our unions invariably oppose that and fight to give the Negroes the same opportunities for advancement as the white workers. They fight to break down these segregated common labor pools.

Well, one of the propaganda arguments that is used against us by unscrupulous employers is that a union in the plant will do that.

Now, a law of this sort would, of course, free us from that sort of propaganda.

It also would, as you suggest, be an answer that we could give to some of our white members in the South with whom we have arguments on the subject, inevitably.

Mr. ROOSEVELT. Of course, the same thing applies to employers.

Mr. HARRIS. Yes.

Mr. ROOSEVELT. Mr. Bell, do you have any questions?

Mr. BELL. Yes.

Mr. Harris, on page 2 of your statement you mention the fact that there is a considerable amount of discrimination in the areas of vocational and academic and apprenticeship training programs.

I am thinking particularly right now inasmuch as the vocational education bill is now being considered in our subcommittee on vocational education, whether or not you think that vocational education programs so far have worked to the detriment to some degree at least of the minorities, or are you familiar with this particularly?

Mr. HARRIS. Mr. Shiskin, the director of our civil rights department, is here. If I might, I would prefer to have him answer that, as I think he is more familiar with the matter than I.

Mr. ROOSEVELT. All right.

Mr. Shiskin, we are happy to have you.

Mr. BORIS SHISKIN. Mr. Chairman, I think we can say that the vocational aspect of it which is under the program of Federal assistance through the Department of Health, Education, and Welfare, vocational training as such, has fallen short of giving equal opportunity to minority workers and that no sufficient steps have been taken to make sure, even through administrative action, to see that this is not the case, but I would say that this is about the valuation one could give on that.

I would not say that the program, itself, was detrimental to advancement opportunities. The programs are good. The only prob-

lem is that in many situations where there is need for positive, affirmative assurance of equal opportunity to workers regardless of race, that has not been done and has not been followed through through the necessary administrative actions. More needs to be done there.

Mr. ROOSEVELT. This act would certainly help in that direction.

Mr. SHISKIN. A great deal.

Mr. BELL. I understand in this act on vocational education there is no clause in there which covers, in essence, the Powell amendment.

Now, individuals have testified before our committee in which they have said that actually there ought to be some clarification in the way of legislation on this matter because administrative order, as you pointed out, is not the only solution and can't be the whole solution to this problem, because we must also legislate on this matter as well as depend on Executive order or Executive action.

So don't you believe that whenever we have bills involving this matter that wherever possible we should have the Powell amendment placed in there as an increasing lending strength to the intent of all our laws?

Mr. HARRIS. Where you have a program which is administered by the Federal Government, the Federal Government has, of course, full authority to administer it in a nondiscriminatory fashion without putting in a Powell amendment.

The objection to a Powell amendment and the only one, as far as we are concerned on almost any subject, is that it may simply result in a fight inside the Congress which will kill the measure.

Therefore, where you get to a federally administered program where discrimination can be obviated simply by proper administration whether you have a Powell amendment or not, we would have our reservation about seeing one put in, simply because of the legislative difficulty it kicks up.

Mr. BELL. Excuse me.

Mr. Harris, you have a situation where the Executive order has not been effected as in the case of vocational educational programs where for years this has been a problem to minorities, where you have jobs that are training facilities for nonminorities that take in things like welding and sheet metal work and so on and where there are job openings and then they have vocational training for Negro people or other minorities that involve things like cooking and sort of menial task training.

Now, it occurs to me that apparently in this case the Executive order is not adequate. Therefore, I think every step should be taken to place the Powell amendment as an additional indication of the intent of the bill.

I think it is wrong to assume that every time somebody brings up the intention or their desire to put in the Powell amendment that that person or that Congressman is accused of trying to kill the bill. This is not the case. Many times the Powell amendment is a desirable indication of the intent of the legislation and I think this is particularly true in the vocational education program.

Mr. ROOSEVELT. If the gentleman will yield for a second, isn't a better approach instead of scattering your shot through each thing and perhaps having some different types of wording, perhaps would it not be better to do it as a fundamental change across the board as we do

it here and then we would not have to be doing the thing on each and every situation as it came along?

Mr. BELL. Well, my good friend, Mr. Chairman, I do want to say that actually if we are sincerely desirous of doing something in this area, I think we have got to use every possible way and place it in legislation as well as in Executive orders in taking our action.

I don't believe you can say that is scattering your shots. I think that is saying you are trying to close every possible loophole.

I wanted to also point out that I think you indicated, Mr. Harris, that certain labor organizations have been not too effective perhaps in some of the actions against preventing discrimination. I was wondering if you don't believe that in many cases this does not involve the leadership, itself, but maybe some people down further in the line. For example, I understand that UAW, as is many others, has a very forthright effort to frustrate this action or this discrimination but that in many cases it is some of the people down further in the line that actually are causing this. Isn't that true?

Mr. HARRIS. That is certainly true. There are some situations where the policy of the international union and of the international union leadership against discrimination is absolutely clear but that policy has met with resistance in the local union. I believe there has been an instance of that in the Rubber Workers involving one of their local unions in Alabama, where the General Counsel of the National Labor Relations Board issued a complaint against the local while making it plain that the local was acting in defiance of the policies of the international.

Another problem that we have, as you mentioned, is that normally the union has no voice in hiring. Now, in the situation that I described, if the employer hires Negroes and then puts them in a common labor pool and refuses to give them an opportunity for advancement, if there is a union in that plant it can fight for equal rights for those Negroes; but if the employer goes beyond that and simply does not hire Negroes at all, there is normally nothing that the union can do about that.

Mr. BELL. This I understand.

As I understand it, you believe, then that the H.R. 405 will to some degree at least improve the situation as far as discrimination but that it does not actually do the job as thoroughly as you would like it to; is that correct? Is that the general analysis of your view?

Mr. HARRIS. No. I would say we regard it as a quite adequate bill. We think it would do the job.

Mr. BELL. That is all, Mr. Chairman.

Mr. ROOSEVELT. Mr. Pucinski.

Mr. PUCINSKI. Mr. Harris, it is always nice to have you before this committee. Your statement today is as convincing as one would expect of someone who gives as much thought to the subject as you do. I do know you have been associated with this subject for many years and I am very happy to have the privilege of hearing your testimony today.

Mr. HARRIS. Thank you.

Mr. PUCINSKI. Mr. Harris, on the question that you had with my very fine and distinguished colleague from California, Mr. Bell, regarding the so-called Powell amendment, would it be your feeling that

any time the minority party in Congress wants to start discharging its responsibility toward major legislation that we could get the Powell amendment, if necessary, into this legislation.

The only reason we leave it out is because we know that we are not going to get their support for it and then we have some problems in our own party, and, as has been stated earlier, the best way in the world to kill a bill is to put the so-called Powell amendment in it.

Now, would it be a fair statement and conclusion that any time the minority in this Congress wants to sincerely and honestly support legislation, put the Powell amendment in it, that we can get that Powell amendment into major legislation?

Mr. HARRIS. I don't think there is any doubt that you could get it in legislation that would go through the House. There might be some additional problems in the Senate.

As the chairman said, if you once enact H.R. 405 or a measure like this, this would make an end to the controversy once and for all.

As I was suggesting earlier, though, I think on the issue of the Powell amendment, that there are two different categories of legislation. H.R. 405 undertakes to regulate employment practices and on-the-job practices in private industry so that there is an absolute need for a Federal law authorizing intervention in this field.

When you come to a program of Federal grants-in-aid, that is administered by the Federal Government, I think it is perfectly possible for the executive branch to administer that in a nondiscriminatory fashion without there being a Powell amendment in the legislation.

Mr. BELL. Would the gentleman yield?

Mr. PUCINSKI. Yes.

Mr. BELL. Though you believe that every effort should be made to not only take executive action but also to take legislative action, do you not?

Mr. Harris, I think you have stated that in your testimony, that you also believe that every effort should be made to use the Executive order when it can be effective and also to take legislative action, and I think you could safely say that the Powell amendment is legislative action.

I might want to state quite frankly here, also, we must remember, that the Rules Committee to which some of the troubles exist here is dominated by not the minority party. I just wanted to make that statement. I know I am outnumbered here so I think I better quietly desist.

Mr. PUCINSKI. Well, we would not want you to ever stop because you are outnumbered because we on this side have a great deal of tolerance for the dissenting views of our minority members.

Nevertheless, Mr. Harris, in your statement you have touched on the question of discrimination because of age and you point out that the bulk of your testimony, however, is devoted to the problem of discrimination because of race. I am in agreement with you. However, there has been some discussion among some people interested in this legislation that leaving the age provision in this bill might, to some extent, jeopardize its ultimate job of passage. I do not share that fear. If anything is going to help get this legislation through, in my judgment, it is the bar against discrimination because of age.

It is my sincere hope that the committee will not drop age, but am I correct in assuming that even though you have dealt mostly on the

question of racial discrimination in your testimony that you are not in any way reducing your interest in the age factor?

Mr. HARRIS. No. We are in favor of the provision with regard to age. Mr. Meany's testimony last year dealt with that at greater length and we did endorse it and we are for it.

Mr. PUCINSKI. Mr. Harris, would you care to comment on the conclusion that I have made based on a great deal of study of the anatomy of our unemployed force in this country, that about half of those people, in my judgment, are unemployed because of age discrimination? There is nothing else wrong; they are perfectly qualified to do the work; they have got the experience; they want to do the work, and they are available, but they can't find a job simply because they have passed the arbitrary age of 40.

Would you have any idea as to whether or not my conclusion is correct?

Mr. HARRIS. I don't know what the statistics are but I am sure that the older group is a group among which the unemployment is concentrated, just as the Negroes are and certain other disadvantaged groups.

Mr. PUCINSKI. Now, the middle-aged Negro really has two strikes on him. No. 1 is the problem of discrimination because of his race. Let us assume that in many communities where even State laws exist or where there is not the practice and the pattern of violent discrimination because of race, this Negro then has to surmount a second obstacle, a second hurdle, of age.

Mr. HARRIS. Yes; he does.

Mr. PUCINSKI. So, in the case of the middle-aged Negro, he really has two strikes on him. Would that be correct?

Mr. HARRIS. Yes. I think that is quite correct.

Mr. PUCINSKI. It would then seem to me that if the legislation is really to be meaningful, that it is incumbent upon the Congress to retain the age factor in this legislation, even though I am mindful of the fact there are those who might have a tendency to want to abandon it because they fear it is going to be difficult to pass the legislation.

Would you agree with that conclusion?

Mr. HARRIS. Yes. I would agree with that conclusion.

Mr. PUCINSKI. Thank you.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. Mr. Harris, just some questions on the Powell amendment.

Did I understand that it is your view that this type of amendment is unnecessary to the Congress because it merely expresses the intent of the Congress not to violate what is already the law?

Mr. HARRIS. I think it is unnecessary in the case of Federal Government programs administered by the Federal Government. This, of course, is something quite different. H.R. 405 is a Federal regulatory statute which enters the field where the Federal Government is now not active.

For instance, in the administration of Government contracts, the executive branch of the Government has found it possible to institute a program of insisting on the inclusion of nondiscrimination clauses in Government contracts without having separate legislative authorization.

I think when the Federal Government spends money or subsidizes any of these programs, it can do that. There may be some laws such as the Hill-Burton Act having to do with hospital construction where the Congress has specifically included a separate but equal provision in the law. In other words, the reverse of the Powell amendment.

There may be need to get those separate but equal clauses out of the law in order to permit them to be administered in a nondiscriminatory fashion, but where there is a Federal grant-in-aid program and the legislation is silent, I don't see why the Federal Government can't insist that it be administered on a nondiscriminatory basis.

Mr. HAWKINS. Perhaps we are getting off on a tangent.

Since the reference has been made to the clause in the hospital act, would you not agree that insofar as this is unconstitutional that it is inoperative, that this clause, itself, in violation of the law does not itself support the separate but equal operation of providing hospital facilities for Negroes in the Deep South?

Mr. HARRIS. The provision in the act is certainly contrary to the spirit of the Constitution but whether it is a technical violation is, I would say, a very difficult constitutional question.

Mr. HAWKINS. Was this not settled in the school cases where the Court ruled that separate but equal was unconstitutional and consequently carries with it any provisions in any law which might exist where this principle is actually written into the law?

Mr. HARRIS. Well, where you have a publicly administered hospital and that hospital discriminates on grounds of race, I have no doubt that that discrimination is unconstitutional. But it is a somewhat different question where the Federal Government hands out money to private individuals or enterprises and the private individuals then proceed to discriminate.

To say that the Federal Government is under a constitutional compulsion to police the expenditure of its grant goes beyond what has been held in the school cases. I am sure you know that for many, many years the Federal Government did hand out Federal funds, both to State institutions and to private institutions without undertaking any responsibility to police their use.

Mr. HAWKINS. Without concluding anything on this, I would like to get back to—

Mr. HARRIS. As I say, where here is no legislative barrier to their doing it, I certainly think they can see that it is expended in a non-discriminatory fashion and should.

Mr. HAWKINS. Now, with specific reference to H.R. 405, section 9, which I certainly think we will agree is the heart of this bill, the enforcement part of it, would you agree that as this administrative procedure is now proposed that it is no more severe and certainly no stronger than an existing administrative agency such as the Federal Trade Commission or the National Labor Relations Board and many others that we could name?

Mr. HARRIS. No. I don't see that it is any more stringent than those agencies or the way the Fair Labor Standards Act is enforced or the way various provisions of the Landrum-Griffin Act which regulate, say, like title IV regulating union elections, is enforced.

Mr. HAWKINS. Would you enumerate what you would consider some of the advantages of this type of enforcement over that of the Court enforcement?

Mr. HARRIS. Well, I think that the purpose here is to put emphasis on conciliation and persuasion and I certainly agree that that is desirable to the extent that it is successful. It should be tried first in every case and if the Commission is to perform that role, I think it can better perform it where it has authority to conduct hearings, to enter an order which ultimately would be subject to enforcement in the courts of appeals.

A disadvantage of the district court enforcement is that it tends to get you into a more legalistic proceeding and also you are apt to get very divergent interpretations around the country.

There must be something more than a hundred different Federal district courts. Where they hand down divergent decisions, that conflict can ultimately be eliminated only after years of review by the courts of appeals and by the U.S. Supreme Court.

So a much more centralized interpretation is possible if the cases go in the first instance only to the 11 courts of appeals and thereafter subject to permissive review by the Supreme Court.

Mr. HAWKINS. Would it also be a costly process to have the cases handled by court enforcement, not only long delays, as you have indicated, but would it not also be costly?

Mr. HARRIS. It would certainly be more costly than if the initial step, the hearings, for instance, are handled by trial examiners. It is certainly much more costly to have them handled by district judges.

In some parts of the country, the district court dockets are exceedingly crowded.

Mr. HAWKINS. Is it also a fact that orders issued by the commission have no force and effect if the respondent chose not to comply with such orders but that the actual enforcement of the order would still be by court action?

Mr. HARRIS. Yes. This bill is exactly patterned after the National Labor Relations Act in that respect. The orders have no legal force and effect; they are enforceable only if either the—in this case the Commission or under the NLRA, the Labor Board—either they must take them to court for enforcement, or the other party can take them to court to set them aside.

In either event, the court may enter an order either enforcing the order or setting it aside, but the orders do not have themselves any automatic legal effect. I think we would probably prefer to see a procedure both here and under the National Labor Relations Act where the order did become automatically legally effective unless the other party took it to court within some designated period of time.

An enforcement scheme of that sort would be more effective and speedier than this, but I take it that you have felt that this is just about as strong enforcement as you can have any hope of getting.

Mr. HAWKINS. What you are really saying is that this act, rather than short circuiting any constitutional safeguards, actually contains many long steps that must be taken before any actual court action can be instituted and that therefore the procedure is one primarily of persuasion and conciliation preserving only court action as a final resort.

Mr. HARRIS. That is certainly true. If we were drawing the ideal bill without reference to the difficulties of getting it through, I think we would favor some method of speedier enforcement along the lines I have described.

Congressman Pucinski has conducted extensive hearings on the administration of the National Labor Relations Act, and one of the points that his subcommittee made in that connection was that the enforcement provisions lean over so far in giving the people affected due process, they not only give them due process but they give them extensive opportunities for delay.

I think that the National Labor Relations Act and this bill are both far from ideal in that respect.

For instance, the Commission can enter an order under this bill or the Labor Board enters an order under the Labor Act. The respondent may have not the slightest doubt that the evidence fully supports the order. There may be no real basis for legal attack on the order, but the respondent can sit back and wait for the Board or, here, the Commission to go into court and get an order of enforcement.

Now, that means about a year's delay. They use that year's delay, and they could do it under this bill, too, simply to get another year when they have no hope of ultimately prevailing in the proceeding.

Mr. HAWKINS. Thank you, Mr. Harris.

I would like to commend you on your statement because you have in effect said that this bill is not as strong as you would like the bill to be and I think that statement should be related to the fact that the unions, even those of the AFL-CIO, would be included under the act. I think it is commendable that you, representing labor, have come before this committee, allowed the committee to examine your views.

I think that it should be pointed out, and I do this in every meeting, that those who oppose this type of legislation and who have certainly been invited to come before this committee—these are public hearings and they have received sufficient notice—are the ones that are ordinarily absent; yet, they are the ones who propagandize in a manner in which they cannot be examined on their views on this type of legislation that grants individuals their constitutional rights, trial by jury and so forth. Opponents of this type of legislation attempt to show that it would wreck the economy, yet are not so anxious to come before the committee in order to do something about their views. I think that it is commendable that you have done so.

Mr. HARRIS. Thank you.

Mr. ROOSEVELT. Will my distinguished colleague yield for a moment?

Mr. HAWKINS. Yes.

Mr. ROOSEVELT. The Chair would like to again emphasize that the staff of this committee, public statements by the chairmen of others, have repeatedly said that if there is anybody opposed to this measure, will they come forward and express their views for the record, and to this day not a single organization nor a single person has asked to appear before this committee in opposition to this bill. I think that speaks volumes for itself.

Mr. Harris, thank you very much for your presence and for your cooperation with the committee.

The committee at this time will, as its concluding witness for the day, have the privilege of hearing from Mr. W. Hele Thompson who is a member of the National Board of Americans for Democratic

Action and appears not only for himself but officially for the Americans for Democratic Action.

Mr. Thompson, we are happy to have you with us and you may proceed in any manner which would be most convenient for you, sir.

STATEMENT OF W. HALE THOMPSON, AMERICANS FOR DEMOCRATIC ACTION

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman, and members of the committee, you have our statement. I should like to read it and, then, given the opportunity, I would like to make a few comments of my own.

Mr. ROOSEVELT. You certainly may, sir. Proceed.

Mr. THOMPSON. I am a member of the National Board of Americans for Democratic Action.

In private life, I serve as an attorney, practicing in Virginia. My practice includes work in handling discrimination cases of all sorts. I can state from professional experience as a lawyer that I have come across many instances of discrimination in employment as well as in other situations.

I thank the subcommittee for allowing ADA time to testify on this legislation. The need for legislation clearly prohibiting job discrimination continues. Sixteen years ago the concept of enforceable legislation to end job discrimination entered the mainstream of American public policy with publication of President Truman's Civil Rights Committee's historic document, "To Secure These Rights."

But doors continue to slam shut. All too often, employers reject capable job applicants, choosing not to fill open jobs, simply because of the applicant's race. Some labor unions—particularly construction and machinist craft labor organizations—prevent persons willing to undertake an apprentice training program from doing so simply because of the applicant's race.

We all accept the goal that American society should be one in which each individual enjoys the highest degree of liberty, opportunity, and security compatible with the liberty, opportunity, and security of his fellow man. By liberty we surely mean the full assurance of equality of opportunity in which all Americans participate and share equitably in the benefits offered by an expanding economy. Failure to achieve equality of opportunity is indefensible. Today's job market is one of persistent inequality of opportunity. ADA supports this legislation because it prohibits discrimination in employment in certain cases because of arbitrary and unjust classifications of race, religion, color, national origin, ancestry or age—classifications that have no basis in equity or justice.

First, let me comment on the specifics of the legislation.

ADA is most pleased that this year H.R. 405 includes Commission enforcement with cease-and-desist powers. Commission power more effectively encourages successful mediation—mediation that results in enhancing equality of opportunity.

Nevertheless, those provisions relating to the staff of the proposed Commission causes us some concern. Requiring division of the staff on the basis of types of violations is unnecessarily limiting.

Section 9B limits charges to only those situations in which the victim can be specifically identified. Experience indicates, however, that

job discrimination is more adequately protected when "any person" files a charge. This tends to protect individuals from coercive pressures.

As is natural and appropriate in a free society, we have additional suggestions to offer which if adopted we believe will more completely protect against job discrimination. Our additional suggestions indicate our disturbance at the slow progress—indeed, if progress it can be called—of ending job discrimination. In 1961, the U.S. Civil Rights Commission issued a report with the following findings concerning the cause of the Negro's "depressed economic status":

(a) Discrimination in vocational, academic, and apprenticeship training programs;

(b) Discrimination by labor organizations—particularly construction and machinists' crafts;

(c) Discrimination in referral services of State employment offices;

(d) Discrimination in training and employment opportunities offered by armed services, including its civilian aspects;

(e) Discrimination by employment services, including Government contractors, and the Federal Government.

With the exception of the Federal Government employment, discrimination remains substantially unchanged from 1961.

It is for this reason ADA believes that section 14, in its entirety of H.R. 405 is insufficient to meet the problem of job discrimination most completely. The legislative branch should mandate the executive branch to improve and expand the scope of insuring "equal employment opportunities for Federal employees" and preventing "an unlawful employment practice" by a contracting agency or instrumentality of the United States.

Our intention is not to demean the Executive order, issued by President Kennedy, barring discrimination in Federal jobs or its contracting agencies. The Executive order was a necessary and useful step.

The question facing the Congress now is how to best promote the abolishment of job discrimination in all forms. The setting of specific legislative standards that encourage and enforce a policy of equal opportunity in Federal employment, and employment under Government contracts and subcontracts, applicable to both employers and labor organizations is also necessary to end job discrimination. There is no valid reason why the Federal Government should continue to support and approve apprenticeship and worker training programs which deny individuals equal opportunity to participate and receive benefits from a program that this designed to help all Americans increase their skills and employability.

Nor should public policy sanction appeals to race prejudice in union representational elections by employers, labor organizations and individual or groups of employees. In the absence of an Executive order barring apprenticeship and worker training programs that discriminate from receiving Federal funds, legislation is necessary. Although ADA believes that the NLRB has the authority to prohibit appeals to race prejudice in union representational elections, legislation in this area would more effectively set national policy and actively discourage such appeals by both employers and unions.

The purpose of such proposals can be found in the declaration of policy in the bill introduced by Congressman Roosevelt being con-

sidered in these hearings. This bill appropriately acknowledges the Nation's continued progress in ending discrimination, and also properly states that discrimination in employment on the basis of race, religion, color, national origin, ancestry or age "is incompatible with the Constitution."

Such arbitrary discrimination, purposeful or not, is engaged in by all levels of government—local, State, and Federal.

A comprehensive survey in Atlanta of President Kennedy's Executive order barring racial discrimination by concerns that do business with the Government reveals that the overwhelming majority of firms surveyed are effectively contravening the Executive order.

The firms involved were operating under the highly publicized Plans for Progress, actively supported by the Chairman of the President's Committee on Equal Opportunity, Vice President Johnson, which call for voluntary compliance with the Executive order. The supporters of Plans for Progress, and the executives of the firms involved, have spoken loudly of their nondiscrimination pledge which, in fact, in nearly all instances, is a false illusion.

The Southern Regional Council, a southern interracial group, well respected for reporting facts accurately, states that only three firms are actively creating equal job opportunities pursuant to the Executive order.

The Southern Regional Council report, issued in January 1968, prompted an Army, Navy, and Air Force investigation. The conclusions from the investigation are reported to be disputed within the Government. But one fact is agreed upon.

For the sake of discussion only, I will accept the lowest common denominator of agreement. Eleven of the twenty-four Atlanta concerns involved have failed to comply with the Executive order. The major criticism leveled at these firms is that some have neglected to develop a broad recruitment policy complying with the nondiscrimination goals incorporated into the Executive order.

Other Government officials are reported to believe that—

The investigations bore out the conclusions of the council's report. It was substantially correct, they thought, in its implication that the obligations under the Plans for Progress and the Executive order did not mean very much to many of the Atlanta branches. (New York Times, Apr. 17, 1963, "Negro Job Pledge Is Found Flouted.")

To the best of my knowledge, the Times quoted has not been challenged and still stands.

If the Federal Government expects to end arbitrary discrimination on the basis of race, religion, color, national origin, ancestry on all governmental levels—Federal, State, and local—it must not encourage such discrimination on the Federal Government level. This is especially true in the enforcement of the administration's own Executive orders.

Anything less than speedy and thorough enforcement of the Executive order by the chairman of the President's Committee on Equal Employment Opportunity makes a mockery out of the words "equal employment opportunity."

In short, the Federal Government must lead the way to a nondiscriminatory pattern in all of its activities. It must set the example and a good place to begin is in the President's Committee on Equal Employment Opportunity. The incontrovertible fact is that the Fed-

eral Government can lead the way to a nondiscriminatory pattern only by affirmative action.

It must go beyond verbally spanking discrimination.

The Government must have the administrative ability to perform its duties. The evidence to date sadly reveals that the President's Committee on Equal Employment Opportunity, chaired by Vice President Johnson, is not doing the job for which it was created in a thorough and complete fashion. The high moral tone of the Committee Chairman's speeches is no substitute for Committee action; namely, full compliance with President Kennedy's Executive order that includes prohibition of racial discrimination by firms that do business with the Government.

The Civil Rights Commission put the issue squarely in 1961. The Commission recommendations were valid; they are valid now.

The principal enforcement agency for Federal policy in this field (equal employment opportunity) is the President's Committee on Equal Employment Opportunity. This Committee has already taken steps to overcome obstacles encountered by the former Committee on Government Contracts in administering past programs of nondiscriminatory employment. * * *

The Committee's potential effectiveness is, however, limited. Established only by Executive action, it is necessarily limited in budget and legal authority. Its jurisdiction over labor unions is indirect and tenuous. Its authority over employment created by grants-in-aid and over federally assisted training programs and recruitment services is not clearly defined.

In conclusion, ADA supports enactment of the legislation under consideration, the Roosevelt bill, with our suggested changes.

We strongly urge the committee to more adequately strengthen nondiscriminatory job opportunities by enacting legislation that encourages and enforces a policy of equal employment opportunity in Federal employment, and above all in both employment under Government contracts and supported and constructed by Federal grants-in-aid.

Mr. ROOSEVELT. Mr. Thompson, thank you very much for your excellent statement.

I would just like to make sure that we are in agreement, of course, that in the proposed bill 405, section 14(a), we make specific "The President is authorized and directed"—not just authorized, but he is directed—"to take such action as may be necessary to provide protection within the Federal establishment to insure equal employment opportunities for Federal employees in accordance with the policies of the act."

Now, we have put that in, very frankly, as well as section (b), the one that follows, in order that there can be some legislative authorization for the present Executive order. We felt that if the act is then enacted, that then the President can come back and say that in compliance with this basic act he has set up the following machinery and they will be in a better position to come before the Congress for budgets and all the other necessary authorizations for proper enforcement.

I would just like to make a comment that I wholly agree with your statement that while I think that the purpose and the intention and the good will of those associated with the President's Committee cannot be questioned and that there is ample evidence that it is not doing the job in a satisfactory manner and that if there is any other assistance which

the President may need beyond that which is contained in this bill, we are going to invite the administration to state it and we will certainly put it into this bill.

Mr. THOMPSON. Thank you.

Mr. ROOSEVELT. I am sure with the help of the minority in this instance.

We feel very strongly that this sign to give a great deal of publicity to a large number of firms and even unions ostensibly coming forward to comply and then not to have them carried out really sets the whole area of discrimination back rather than advancing it.

We feel that the evidence which has been collected and which you have referred to is strong enough and justifies you and all the others who were very properly interested in this area to emphasize this to those responsible in the strongest possible terms.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Mr. Bell.

Mr. BELL. I wanted to thank you, Mr. Thompson, for a very fine report.

Mr. THOMPSON. Thank you, Mr. Bell.

Mr. BELL. Mr. Chairman, I was wondering if it might be advisable to furnish to the committee just for its record or information, to obtain the Southern Regional Council report for the record inasmuch as 11 of the 24 Atlanta concerns involved, according to this statement, failed to comply with the Executive order. It might be helpful to have it in our record.

Mr. THOMPSON. Mr. Chairman, we will be glad to submit that report to the committee.

Mr. ROOSEVELT. If you will do so, Mr. Thompson, without objection the committee will accept it, not as part of your testimony, but submitted for the convenience of the committee and put in the file.

Mr. THOMPSON. Thank you.

Mr. BELL. Mr. Thompson, you say here on page 3 of your statement that—

There is no valid reason why the Federal Government should continue to support and approve apprenticeship and worker-training programs which deny individuals equal opportunity to participate and receive benefits from a program that is designed to help all Americans increase their skills and employability.

I am inclined to certainly agree with this, but it goes to the heart of—I know you were here a short time ago when I raised the question about the vocational training aspect of our problem.

Mr. THOMPSON. Yes, sir.

Mr. BELL. In all sincerity, this is a very serious problem because the large percentage of unemployed people that need some training in technical skills that would help them obtain better jobs, a large percentage of them are minorities and if they are not getting the proper type of vocational training, there is a lot of reason to think that there is no reason that the Federal Government should be supporting legislation in areas or supporting schools in areas where this exists.

Now, do you believe that the Federal Government should not give funds or aid to a training program of schools where discrimination is taking place?

Mr. THOMPSON. I do believe that if the Federal Government made a firm policy that there shall be no discrimination in programs which

are supported by tax moneys, that those people who are now administering those programs would administer them under proper legislation without discrimination.

To illustrate my point in that connection, I come from a city which until quite recently was a one-industry town. The largest industry in Newport News is the Newport News Shipbuilding & Dry Dock Co. Ever since I can remember, the Newport News Shipbuilding & Dry Dock Co. has been making its living off the Government; it has built some of the finest ships in the world. At the same time, that shipyard has maintained apprentice school I suspect that is equal to any that industry has maintained. Until just a few years ago, no Negro could ever hope to be admitted to that apprentice school. Within the past few years, one or two, as a matter of fact, I think about three have been admitted to the program on a very selective basis.

I have talked to any number of students in high school and some who have graduated and some who have dropped out. Many of those who dropped out of high school have dropped out because they felt that there was no future for them. They knew they didn't have any money to go to college. They knew they could not go into the apprentice program at the shipyard, and, yet, tax money was supporting that shipyard.

That same shipyard, getting away from the apprenticeship program for a moment, I remember reading about the founding of the shipyard by the late Collis P. Huntington who said he was going to build a yard that was going to build good ships at a profit if it could, but it was going to build good ships. It started off under Mr. Huntington's management employing both whites and Negroes. I think, if I remember correctly, the yard was founded around the turn of the century, some 60 years ago, employed Negroes and whites.

In 60 years, no Negro has been able to work up to be a foreman in that yard. Until quite recently, no Negro had worked up to be a leadman in the yard.

You can look at the publication of the Newport News Shipbuilding & Dry Dock Co., today with respect to its workers and you will find where they have awarded prizes for suggestions which save money on improved work, and you will see pictures of Negroes in there, but none of those Negroes have ever been able to go up the ladder in the shipyards.

Mr. BELL. This is primarily due, Mr. Thompson, as I understand it, because of the actual employment policies in the company, itself; is that correct? But, also, you are adversely affected; I say "you"; I mean the people you spoke of—are affected by the inability, perhaps, to get adequate training. Isn't that a factor involved, too, in promotion, or do you think it is entirely—

Mr. THOMPSON. That is certainly one of the factors, Mr. Bell.

I will cite a personal example to you. I finished Hampton Institute in 1940 and applied to the shipyard for a job. At that time, they had separate hiring halls and, as a matter of fact, they didn't have the hiring hall for Negroes because they went into a bullpen to be picked and most of the time they were picked on the basis of bulk, stoop strength.

I was not too big a fellow at that time, but eventually after getting up very early in the morning and going and getting up to the bars,

it was sort of a pen-like situation, I was finally called in and the employment manager interviewed me. They ask you your statistics, including education. I had just graduated from Hampton Institute with a B.S. degree. When we got down to that point, he said, "You have too much education for me, boy; no job available."

That has changed, to some extent, but basically, because of the fact that the shipyard has maintained the policy of racial exclusion in its apprentice school program, Negroes have been denied opportunities for upgrading.

Mr. BELL. But you would say, though, that if the vocational training area, for example, were improved so that Negroes could get training in some of the higher skills that are needed rather than the skills that they are now training them in some institutions or vocational education in some areas of the country, which are skills that are relatively not of a very high category and where there is not a great demand, don't you believe that if there was an improvement in that status that it would be a considerable aid to further improvement in better jobs and thus further promotion to the Negro? I assume you feel this way; do you not?

Mr. THOMPSON. I do.

Mr. BELL. Now, the next question is: Obviously, then, the Executive order that we are talking about has not worked in solving this problem, not only in the employment level as you are pointing out, but also in the areas of vocational education and in many other areas as Mr. Roosevelt has mentioned, the Executive order is maybe helping but it is not doing the job; would you not concur?

Mr. THOMPSON. I would say that the Executive order has created a climate for action but there has not been a whole lot of action.

Mr. BELL. There has been a climate but, as you say, there has not been a lot of action.

Particularly you mentioned in the Federal Government contracts in your statement that the Nondiscriminating Committee which Vice President Johnson heads is also not accomplishing the job. Therefore I would assume that you also feel that every effort should be made to eliminate this kind of discrimination and that we should not depend entirely on Executive order but that we should try to write in legislation on this.

Mr. THOMPSON. I am convinced, sir, that the Executive order will not solve the problem; it has not, and I certainly believe that legislation is necessary in this area.

I am particularly concerned about this because the South is becoming increasingly more industrialized. We have had the Dow Chemical Co. come into our area recently and I was very disturbed the last year when I talked with a young engineer who was telling me about the employment policy out there. Now, the only Negroes that I know of who work in the Dow Chemical plant in the peninsular area of Virginia are persons employed in the menial capacities—janitors, et cetera. I know of no technical people employed by that plant in the Virginia area.

The same is basically true of the American Oil Co. which established a refinery there on the New York River. We sent a number of people whom we thought were capable of doing technical jobs, or certainly learning how to do them, when that company established its

plant at Yorktown. To my knowledge, I know of no Negroes who have been employed in a technical capacity there.

Mr. BELL. Now, developing this point a little bit further, Mr. Thompson, if the Executive orders are, as you say, giving a proper climate but really are not actually completing the job or improving the job substantially, then legislation should also be added to this as a help to this program. Then in legislation getting into this area, don't you feel that in many cases where intent is not indicated that the Powell amendment serves a good purpose in having it in legislation?

Mr. THOMPSON. Mr. Bell, I think that the philosophy behind the Powell amendment is good. However, I, of course, have not had the experience that you gentlemen have had in politics, but we watch Congress pretty closely and I think that sometimes the Powell amendment defeats legislation that might get support from other people.

Now, in that connection, it would appear to me that the Congress of the United States could eliminate all of the Powell amendments by merely enacting legislation establishing it as the policy of the U.S. Government, that there shall be no discrimination in any area where the Government participate and where it is constitutionally empowered to act.

Mr. BELL. I certainly concur in this viewpoint. My only point, of course, there, Mr. Thompson, is, if you don't secure such legislation, the Powell amendment certainly is a help in this direction. I think you agree to that; do you not? It is a step in this direction.

Mr. THOMPSON. I agree to the philosophy of the Powell amendment, but—

Mr. ROOSEVELT. Would my good friend yield for one moment?

If a coalition of Republicans and Northern Democrats would be formed, I think we would pass this legislation; don't you, sir?

Mr. THOMPSON. I would concur.

Mr. BELL. I do want to repeat again that the Rules Committee is controlled by the majority party.

Mr. THOMPSON. Mr. Bell, may I make a comment on that?

Mr. Chairman, I smiled when you made that observation before but from the point of view of those of us who live in Virginia, we suspect that some of the people who wear the label, "Democrat," are just wearing a label; that we cannot say that they are Democrats who control the Rules Committee.

My examination of the record shows that the Honorable Howard Smith has voted more on the Republican side than he has on the Democratic side.

Mr. BELL. Mr. Thompson, without getting into the personalities of the individual Congressmen—

Mr. THOMPSON. I am sorry, sir.

Mr. BELL. No, I am just saying without getting into that I do want to point out to you that, on matters pertaining to civil rights, you will find, generally, the minority party's position pretty good, not as good as some, as we would like perhaps, but there are some areas. For example, there are some minority members that do not go along as much as some of us would like them to, but generally speaking I do not think they are the cause of any stymie in this legislation.

Mr. ROOSEVELT. I think it is a fundamental principle that the majority of the members of a committee control a committee. Therefore it is really sophistry to say that any particular party necessarily controls it. It is the people who will vote, and if the people on the Republican side of the Rules Committee would support the rest of the Democratic members of the committee, we could have legislation out of the Rules Committee. Therefore you cannot escape the responsibility just saying that the Democrats control the Rules Committee.

Let me just emphasize what I said before. This legislation this year is not going to be dependent just upon action by the Rules Committee, as I hope everybody understands.

Mr. Hawkins.

Mr. HAWKINS. I simply wanted to ask the gentleman from California, our distinguished colleague, in view of his questioning of the witness, which seems to indicate that he believes Executive orders are not sufficient and that we in Congress should pass legislation, does this mean that he intends to support this legislation and that we can expect support from the Republicans on the Rules Committee as well as in the House in getting through the Congress this specific piece of legislation such as indicated is needed to be done in addition to Executive orders?

Mr. BELL. Let me say to the gentleman, my good friend from California, that I cannot speak for all the Republican members on the Rules Committee. However, I think that you will find my own personal record in the Congress on matters pertaining to civil rights is very good and I will put that up against anybody in the House.

As to this particular legislation, my inclination is to favor it. However, I want to hear all the witnesses before I completely state what my position will be.

Mr. HAWKINS. I am very much encouraged that at least the Republicans have not taken a specific program committing themselves in that at least there is an open mind as you have expressed among Members on the other side of the aisle and which I think is most encouraging. I agree with the chairman that this is the most encouraging thing we have had and the possibility of getting this at least through the House seems to be very excellent.

Mr. BELL. I want to point out that I have introduced a civil rights bill of my own and in addition to this my only hesitancy about the bill is I have not had a chance to read it yet. I just started out on this questioning of witnesses on it, so I can't specifically say that I am definitely for it because I do not know enough about it yet, but my inclination is certainly to be for it.

Mr. HAWKINS. I am sure the provisions are so excellent that when you know all about it you will be very much with us.

Mr. ROOSEVELT. Mr. Pucinski.

Mr. PUCINSKI. Mr. Thompson, did I understand you to say that the Executive order is not the decisive vehicle for bringing about a greater degree of eliminating discrimination in hiring practices?

Mr. THOMPSON. That is my position, Mr. Pucinski.

Mr. PUCINSKI. Why do you say that, sir?

Mr. THOMPSON. Because it really does not have any enforcement powers in the first place, and in the second place from my own observations and from the studies that I have been able to read in con-

nection with this problem, the Executive order has just not been effective at all in solving the problem that we are faced with in this particular area.

Mr. PUCINSKI. In view of that explanation, and I agree with you on that explanation, you leave me somewhat confused as to your testimony before this committee today. You lament the fact, at least from your statement on page 5, that the action must go beyond verbally spanking discrimination.

What other tools would you say are available to the executive branch of Government if, as you have stated here, there is no enforcement powers in the Executive order?

Mr. ROOSEVELT. If the gentleman will yield before the witness answers, actually the Executive order does have the possibility of refusal to grant a Federal contract or the taking away of a Federal contract for lack of compliance. However, the problem there is, as one can easily see, it is a little difficult to enforce because you might disrupt up a very important piece of national defense work if that was actually put in practice.

Mr. PUCINSKI. Mr. Thompson, I wonder if you would then explain to me what do you mean by that statement? I gather that you are saying that the Executive order has been limited to a verbal spanking of discrimination. Now in light of what you said there is no enforcement powers here. What more would you say can be done within the framework of the Executive order?

Mr. THOMPSON. First of all, I believe that the Committee could require periodic detailed plans of progress in connection with the order when it is issued to a particular concern. For instance, take my example with respect to the shipyard in Newport News which would die if it did not get Government contracts.

If the President's Committee would police the situation in Newport News, I do not think it would have too much trouble in getting some action out of the Newport News situation.

Mr. PUCINSKI. What kind of action would you want

Mr. THOMPSON. I believe that if it would not represent suicide for us that the actual cancellation of a new contract would let industrialists know that the President means to enforce the Executive order.

Mr. PUCINSKI. I did not understand that. What was the suicide course?

Mr. THOMPSON. I said if it would not mean suicide for us, I am cognizant of the fact we have to keep our defenses up and in an industry like the Newport News Shipbuilding & Dry Dock Co. which builds battleships and submarines and other utensils of war I would not like to see the defense of the country hampered by a cancellation of a contract particularly, but where such could be done without impairing the defense of the United States, I would like to see it done.

Mr. PUCINSKI. Have you made any inquiry of either the Vice President or anybody else as to whether or not this could be done without jeopardizing the defense activity?

Mr. THOMPSON. I have not personally.

Mr. PUCINSKI. In other words you do not know for a fact whether this is the decision that the Commission has to make.

Mr. THOMPSON. I do not.

Mr. PUCINSKI. Then, Mr. Witness, I am even more baffled by the statement that you have made in your statement on page 5 in which you say:

The evidence to date sadly reveals that the President's Committee on Equal Employment Opportunity, chaired by Vice President Johnson, is not doing the job for which it was created in a thorough and complete fashion.

I was under the impression that Mr. Johnson had been doing a very dedicated job. Do you have information to the contrary?

Mr. THOMPSON. Well, see, I represented one man in the shipyard in Newport News and I keep referring to the—

Mr. PUCINSKI. You represented what, sir?

Mr. THOMPSON. One employee of the shipyard in Newport News who filed a complaint with the President's Committee. After going into the matter and talking with him, and I have forgotten the name of the naval officer who was sent down, it was my judgment that that complaint should be withdrawn at that time until we had properly prepared a situation which I felt would be more satisfactory in terms of testing the President's order.

Now, you may be baffled by the statement which we make—

Mr. PUCINSKI. I am not baffled, I am somewhat concerned because as I said, Mr. Thompson, I thought Mr. Johnson had been doing a very dedicated job and I would like to have from you some information if I am incorrect in that assumption.

Mr. THOMPSON. I can only refer you there and that is where we got our situation from, from the Southern Regional Council's report which we have agreed to file with the committee in this connection.

We read a lot of things in the papers and I think that certainly Vice President Johnson has gone farther than perhaps some of his predecessors in this connection, but when we get right down to the facts of the situation in the areas that I personally know and based on the Southern Regional Council's report. We don't see too much progress as having been made.

Mr. PUCINSKI. This is the point I want to clear up, Mr. Thompson. I agree with you that this legislation with its provisions for cease and desist machinery certainly is going to go a great deal further in reducing or eliminating many of the problems in the Executive order, but I was under the impression—and if I am incorrect in that conclusion this is your opportunity to tell me.

I was under the impression that the executive branch of Government, both the President, Mr. Kennedy, and certainly the Vice President, Mr. Johnson, have been doing everything humanly possible within the scope of their limited authority and executive powers to bring some immediate relief to the problem pending a final action by the Congress through legislation.

Now, am I incorrect in that conclusion?

Mr. THOMPSON. I do not believe so, sir.

Mr. PUCINSKI. In other words, you feel that they have been doing as good a job as they can within their limited powers.

Mr. THOMPSON. With what they have, they have done a very good job. I think they could have done more, as I have indicated in my testimony. The executive branch is in a position to do a better job.

Mr. PUCINSKI. Is there doubts in your mind that the administration is supporting this legislation?

Mr. THOMPSON. If my memory serves me correctly, in the President's message on civil rights to the Congress, I read no mention of this type of legislation. I may be in error but it seems to me that the President's message did not cover this particular kind of legislation.

His message was fine and I think it had the right philosophical tone from my point of view but it did not get down to the specifics insofar as the legislation that we are considering today is concerned.

Mr. PUCINSKI. Mr. Thompson, is there any doubt in your mind that the President and this administration is supporting this legislation?

Mr. THOMPSON. No, there is no doubt in my mind that the President is supporting it, but I would like the President to speak out on this particular piece of legislation because I am greatly concerned about it and many, many other American citizens are greatly concerned about it.

Mr. ROOSEVELT. Would my colleague yield?

I think, to quote the President, so we can have the correct quote, he stated, "Other measures directed toward these same goals"—and he refers to the general goals, "will be favorably commented on and supported as they have in the past and they will be signed if enacted into law," which to me is the challenge to us to get it passed so that he can have the opportunity of signing it.

Mr. PUCINSKI. Now, Mr. Thompson, you state on page 3 regarding the action of the National Labor Relations Board and the practice of appealing to racial prejudice and union representation elections. Are you aware of the investigation that the committee which I had the honor of chairing last year did a rather thorough study of this whole subject and we had recommended very strongly in unequivocal terms the National Labor Relations Board set up a series of test cases?

Now, the question that came up before my committee, testimony before my committee by some very distinguished American attorneys who have a long record of very dedicated efforts in behalf of civil rights, these are men who have a strong belief in complete equality, sat in that very chair where you are sitting and raised some very serious questions as to where do you draw the line between constitutional freedom of speech and the appeal to race hatred. It is a difficult problem.

My committee spent perhaps more time on this problem than any other single problem in our investigation of the National Labor Relations Board. We came to the conclusion that the problem could only be resolved through a series of test cases, to be set up by the National Labor Relations Board to get some expression from the courts as to where do you draw the line in the charges that race appeal is an exercise of constitutional freedom of the press.

Are you aware of our committee report at all, sir?

Mr. THOMPSON. I am aware of it, sir; I am not thoroughly familiar with it.

Mr. PUCINSKI. Now, I am very happy to tell you that the NLRB has been preparing several cases and has issued some opinions already which are designed expressly for the purpose of determining just exactly what are the limitations within this very important field, but I do believe that your point is well taken.

I am glad that you mentioned it in your testimony today. This is one of the big problems in the South. Many of the organizing efforts are frustrated because of appeals to racial hatred and prejudice.

I would like to congratulate you on this although I would like to tell you that the NLRB is aware of this problem. From what we have seen the rulings are handed down designed to see if we can get some clarification.

Now, my final question, Mr. Thompson, you may have heard my earlier question of Mr. Harris, the witness that preceded you. This legislation provides a prohibition against discrimination in hiring practice because of race, religion, ethnic background and age.

I have heard some people indicate that perhaps we ought to drop the age provision because in their judgment it would strengthen the bill and enhance its chances of passage. Do you share that view, sir?

Mr. THOMPSON. I do not.

I think one of the tragedies of our situation today in America is that we are not using talents of people who are trained to do good jobs. Yesterday morning I read in the Richmond Times Dispatch where an accountant 46 years of age had become unemployed because his company had folded up and moved away and he had been trying since that time to get a job.

Now, 46 is young to me because it is even younger than I am, and I think it is tragic that a man 46 years old who is capable of doing a job is unable to get one because it will upset the pension plans of somebody. I am definitely in favor of keeping that provision in the act.

Mr. PUCINSKI. Do you agree, Mr. Thompson, with the statement that I made earlier to the other witness that actually in the case of the middle-aged Negro he has two strikes on him?

Once he overcomes the hurdle of racial discrimination and finds himself in a position where he might be able to find a job, then he is confronted with the second problem of having the age factor.

So, actually if we were to leave the age factor out of this legislation, we might find that in the long run we really have not helped an awful lot of people by confining ourselves only to race, religion, and ethnic background. Is that a fair assumption?

Mr. THOMPSON. I would think so. I would agree with it.

Mr. PUCINSKI. Thank you very much, Mr. Thompson, for your very fine statement.

Mr. THOMPSON. Thank you.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. Mr. Thompson, on page 2 of your statement, you mention the agreement and support of the Commission enforcement under H.R. 405. Would you elaborate somewhat on that statement to indicate what you consider to be the advantages of the administrative enforcement as compared with judicial enforcement; that is, the long delays, the cost, and these factors?

Mr. THOMPSON. Mr. Hawkins, I think Mr. Harris took care of that pretty well and I am pretty much in an agreement with this situation.

We lawyers have a tendency sometimes to trust the tried and true situations. Now we have used the commission type of administrative procedure in NLRB in other areas of Government and it has worked very well. I believe that if the matter were left to the judiciary, cer-

tainly its initial stage in terms of enforcement would result in considerable delay and certainly would do more harm than good to certainly the individuals in the upper age groups.

Mr. HAWKINS. Would you also agree it would not encourage mediation, conciliation, and friendly persuasion, which steps many times will actually present discrimination? Administrative enforcement will allow it to be handled in a flexible manner, without the long delays and the cost of court enforcement.

Mr. THOMPSON. That is perhaps the really saving grace so to speak of the commission type of situation as we view it. In a court type of situation you get your protagonists and your antagonists from the beginning to the end. In a commission type of situation you can certainly sit down and talk and mediate.

Now that is another one of the reasons why we favor the commission-type situation.

Mr. HAWKINS. May I just say in conclusion then I commend you on your statement.

With respect to the shipyards, I would like to let you know that if your shipyards do not wish to build the ships for the defense of the country on a nondiscriminatory basis, we have in San Francisco and Los Angeles shipyards that I am happy to say are doing it on that basis. We would like very much to get those contracts.

Mr. THOMPSON. While we are very definitely opposed to any type of discrimination in our local yard, we want to keep as much work there as we can.

Mr. HAWKINS. You want to keep the business.

Mr. PUCINSKI. If the chairman will permit, I am just wondering if this is not one of the really basic issues here in this whole thing.

You want to move along on this legislation and everything else, but not at anyone's expense. Of course, I know, Mr. Thompson, your statement is made somewhat in jest, you are very deeply interested in this problem, certainly your testimony here today demonstrates it, but there is a tendency I think to equate this whole problem of job opportunities and equality in job opportunities in a much greater spectrum of economics, of defense, of perhaps even politics and various other things.

It is my hope that we can get this legislation through this Congress to remove all those forces and factors and then give the Commission the right to deal with this problem in a manner that is going to remove the discrimination.

Mr. THOMPSON. Mr. Pucinski, judging from the profit sheets and reports that have just been recently made by the board of directors of our local shipyard, they are hardheaded businessmen and they are in there to make a profit.

If this legislation is enacted and if the board of directors of our local shipyard, and I think it is true of the board of directors of any corporation, if they are going to lose money by discriminating, they are not going to discriminate.

Mr. PUCINSKI. This is the very point we have been making, Mr. Thompson. This is why I asked you earlier, I gathered from your testimony here that you were perhaps placing a great deal of blame on the President's Committee for failure to act when it would be my

impression at least that the Committee has many problems to deal with, that this legislation if adopted would eliminate.

In other words, by passing the legislation we could then put this whole problem strictly on the basis of the strict interpretation of the law. This is the law of the land and you have written in here machinery for cease-and-desist orders.

My only point is that I think you were perhaps unduly, if you will permit the observation, and it is made in good faith, I think you are perhaps a little unduly critical of the Vice President and the Committee when in my judgment they are doing the best they can within the framework of their authority.

Now, once we get this legislation passed, I think we can see some real action in this whole field of equality of opportunity.

Mr. THOMPSON. Thank you, sir.

Mr. ROOSEVELT. Mr. Thompson, may I join my colleagues in thanking you and your colleague for your very helpful presentation to the committee. We appreciate it very much.

Mr. THOMPSON. Thank you, sir.

Mr. ROOSEVELT. The committee will next meet in executive session on Tuesday morning at 9:15 in room 428 to be followed by open session in room 804 at 10 o'clock next Tuesday.

(Whereupon, at 12:30 p.m., the subcommittee recessed, to reconvene at 10 a.m., Tuesday, May 7, 1968.)

EQUAL EMPLOYMENT OPPORTUNITY

TUESDAY, MAY 7, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to adjournment, in room 804, Old House Office Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Dent, Daniels, Hawkins, and Gill.

Also present: Jay Foreman, counsel, and Adrienne Fields, clerk.

Mr. ROOSEVELT. The committee will come to order, please. The committee has the pleasure this morning of welcoming a very distinguished colleague from Michigan, the Honorable John D. Dingell, whose long record in the Congress of constructive assistance to the purposes of the bill under consideration, the proposed Federal Equal Opportunity Act, qualifies him certainly to voice information on this matter which will be of great assistance to the subcommittee.

We want to welcome you, John, to the committee and to assure you we are very grateful for the fact you take the time to be with us.

Proceed in any manner most convenient to you.

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. DINGELL. Mr. Chairman, I am particularly grateful to you and the membership of the committee for the privilege and opportunity to be before the committee this morning to discuss equal opportunities legislation.

For the record, my name is John D. Dingell from the 15th District of Michigan, and I appear here in support of my bills, H.R. 27 and H.R. 3810, and H.R. 405 authorized by the distinguished chairman of this subcommittee, and other similar bills to prohibit discrimination in employment because of race, religion, color, nationality, ancestry, or age.

I am particularly pleased that the chairman has drafted legislation which would attack the twofold problem of discrimination in employment because of race, religion, color, nationality, and ancestry, and also because of discrimination because of age, which is an equally pernicious practice existing.

The justifications for effective fair employment legislation are so numerous, and the urgency for its enactment so great, that a

time-consuming restatement of the need for this type of bill appears almost criminal. Yet, if continued rediscussion will eventually affect acceptance, I am most happy to enter my views.

Job discrimination is a malignant social evil that corrodes a nation slowly but fatally. It spreads in all directions tainting everything with which it comes in contact.

Examined in its purely material manifestations, employment discrimination is appallingly wasteful. In order for our economy to grow and our standard of living to continue to rise, we must make effective use of all the manpower resources available to us. By permitting discrimination against Negroes, Jews, Catholics, Asiatics, and other American minorities in areas such as trade apprenticeships and industrial management positions, we are keeping key factors in our economy undermanned to the detriment of all.

And what is the effect on those who find the doors to opportunity rudely slammed in their faces with no regard to their ability or potential contribution? Many become part of the defeated and demoralized portion of our people who reside in the slums of our great urban areas amidst abject crime, disease, and hostility. They are forced to join the growing numbers on our welfare roles.

Raymond M. Hilliard, director of the Cook County Department of Public Aid, conservatively estimated that unemployment due to discrimination directly accounts for over \$70 million additional yearly costs in Chicago's welfare grants, and if trends continue, a fourfold increase in welfare costs can be expected in Chicago within the next 10 years. Similar problems exist in all our major cities. Let me say this is a particular problem in our city of Detroit.

Seeing no additional job opportunities resulting from continued education, the children of those discriminated against will drop out of school and join that one-third of the young people in this country who will enter the labor force in the next 10 years without high school diplomas; a segment of the population which will increasingly sap the Nation's strength both in human and economic terms.

Finally, any who regard the Declaration of Independence and the U.S. Constitution as living documents relevant to the America of today cannot possibly view job discrimination as just and morally proper. Those who would leave the administration on fair employment legislation exclusively to the States must be rebuked with the fact that present State laws fail to cover 100 million people, and that they vary greatly in coverage and effectiveness.

For the reasons above, and the myraid of related ones, I most strongly urge passage of meaningful Federal fair employment practices legislation by this Congress. And while I would like to join with those who will attack this statement as hyperbole, the facts and the faces of those discriminated against, who confront me regularly asking only an equal chance, will not permit me this privilege.

Mr. Chairman, I was interested to note one other thing the committee might consider and that is a study on manpower and on the moral and productivity costs on industry entitled "High Costs of Discrimination" by Elmer Roper, which comes up with very interesting figures which state that surprisingly, the economic loss from discrimination in the United States is \$30 million a year. That is a terrific suffering for the economy which during the past few years has been lagging

rather beyond what you and I and the other membership of the Congress and the administration would like to have. So I think, if on no other grounds than that we find adequate and abundant justification for enacting this kind of legislation, I would like to pay tribute to the chairman and to the committee for holding hearings on this legislation. I have been a great admirer of the distinguished chairman of this committee for some time, as a matter of fact, ever since my coming to the Congress and I am particularly proud of my association with him in a number of endeavors. I am hopeful that his vigorous and enthusiastic sponsorship of this bill in this Congress, as he has given in the past, will result in enactment of this legislation. As I was driving to the office this morning I was thinking what a fine thing it would be if we could resolve these problems, so, in the words of one of my good friends back home, we could simply like or hate each other just as ordinary citizens and not because of the color of our skins or some peculiar fact of our racial or religious ancestry.

Mr. ROOSEVELT. I want to, on behalf of the committee, thank you very much for your help to us and say we are going to need, we recognize, all the help we can get in enacting this legislation.

Our present plan, for your information, if it appears that we can successfully get through the Rules Committee, assuming we will be successful in having this bill reported by the full Committee on Education and Labor, is to move for its consideration on the calendar Wednesday and my good friend well knows the problems that exist there. We will have to organize a well-considered effort to overcome the kind of opposition we can expect and yet I hope my friend will agree that when you see the kind of thing which is going on in Birmingham, Ala., when you know that even in the good State of New Jersey, represented by my friend, Mr. Daniels, and as well as right here in the Nation's Capital, there are tensions which result in a very bad image of our country throughout the world, that certainly this is the time to be doing something which would effectively lessen those tensions and certainly restore some of the lost standing and dignity which we undoubtedly have lost as a result of some of the things that are happening across the country.

Would you not think if there has not been an urgency before, there is certainly an urgency now for the passage of this kind of legislation?

Mr. DINGELL. I think, as a matter of fact, the urgency is even beyond what we might suspect. I rather question how long this country can expect its Negro citizens to continue existing under a philosophy which perhaps may be justifiable in different economic circumstances during the days of slavery but which are certainly not justifiable during these days of an enlightening democracy of the kind we preach abroad.

It is interesting to me to note that despite the repressions and discriminations which our Negro folk face almost every day in their existence, they have remained loyal, devoutly loyal to their country, perhaps more so than many of those who would oppose them and deny their rights. Witness some of the situations we have observed in the southern part of the United States, with citizens council and some of the other people of that class, and I am just hoping that we can resolve that program before the Negro citizens of this country give up in abject disgust and despair and to resort to some of the extreme teachings which are abroad in the land.

Mr. ROOSEVELT. I thoroughly agree with you. I can assure you that I am certain this committee is going to do all in its power to do something about it.

Mr. DANIELS.

Mr. DANIELS. Mr. Chairman, I have no questions to present to my colleague, Mr. Dingell. However, I do wish to take this opportunity to compliment him for his stand. He has always been a leader and in the forefront of the fighting for civil rights. I have observed Mr. Dingell's position on many issues of this nature in the House and his stand here is completely consistent with his position in the past and he is to be complimented for his stand.

Mr. DINGELL. I thank my good friend. I certainly will say he has been in the forefront of the battle for civil liberties during the time I had the honor of observing his contributions to it.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. No questions.

Mr. ROOSEVELT. Mr. Dent.

Mr. DENT. I arrived too late to hear my friend, John Dingell, but I am sure whatever he had to say was beneficial to this committee and I know it would be in the interest of the ordinary persons in this country who need spokesmen like John Dingell in the Congress of the United States. I also know that at this time it is important that men like Mr. Dingell and others join forces in trying to get through the Congress of the United States some worthwhile legislation such as that sponsored by our chairman and others in order to alleviate this very great injustice that has been done to a great segment of the American people and I for one thank you for coming.

Mr. DINGELL. I thank my dear friend for his kind remarks.

Mr. ROOSEVELT. We appreciate your coming. I might add for the record that the absence of our minority members is not deliberate. There is a thing called the Republican conference going on. I think they would be spending better time in here than there, but that is just a personal opinion.

Nevertheless, on their behalf I will also thank you very much for your help to the committee.

Thank you.

Mr. ROOSEVELT. The committee will have, as its second witness Mr. Murray A. Gordon on behalf of the American Jewish Congress.

I might say that the American Jewish Congress has been a strong supporter of the rights of minorities in relation to the practical effect in this area and we are appreciative of the fact that they have come to us today to add to our record which we will have to have in good order in order to have a good chance to pass the bill.

STATEMENT OF MURRAY A. GORDON, ON BEHALF OF THE AMERICAN JEWISH CONGRESS

Mr. GORDON. Mr. Chairman, I need hardly say we welcome the opportunity to testify before your subcommittee in this subject with respect to which the congress has felt very strongly for a long time.

For the record, my name is Murray A. Gordon. I am on the national governing council of the American Jewish Congress and a member of the Law and Social Action Commission of Congress. I am a lawyer who lives and practices in the city of New York.

I have submitted a statement and I will not at this time undertake to read the text of the statement to the committee. It runs approximately 11 pages and I am sure that the chairman will accommodate us by incorporating the statement in the record.

Mr. ROOSEVELT. We most certainly will and without objection the statement will be included as you have submitted it, but of course you may proceed in any manner which is most convenient to you. (The statement referred to follows:)

STATEMENT OF MURRAY A. GORDON ON BEHALF OF THE AMERICAN JEWISH CONGRESS

The American Jewish Congress is an organization committed to the principle that the destinies of all Americans are indissolubly linked and that any act that unjustly injures one group necessarily injures all. Believing as we do that Jewish interests are inseparable from the interests of justice, the American Jewish Congress cannot remain silent when persecution, discrimination or humiliation is inflicted upon any human being because of his race, religion or national origin. In the thousands of years of our history we have learned one lesson well: persecution of one minority may at any time extend to similar persecution of all minorities. More broadly, we have a special interest in the preservation of human rights, deriving from an immemorial tradition proclaiming the common origin and end of all mankind and affirming, under the highest sanction of faith, the common and inalienable rights of all men.

We therefore welcome this opportunity to appear before this subcommittee to present our views on the pressing problem of discrimination in employment based on race, religion or national origin.

Our concern with discrimination in employment is two fold. First, we speak as members of a minority group, Jews, who themselves face discrimination in employment. Second, we speak as members of the general public concerned with the evils of discrimination against all minority groups.

DISCRIMINATION AGAINST JEWS

Discrimination against Jews in employment is manifestly a far less serious problem than that faced by Negroes and other groups clearly identifiable by reason of color. Jews have shared in the growth and expansion of the American economy and in the prosperity our Nation has enjoyed in recent years. Nevertheless, there is continuing evidence of discrimination against Jews in the employment market. Exact information is difficult to obtain. Religious groups are not easily identified and there is an almost complete lack of statistical data upon which to base any objective conclusions. Nevertheless, studies in specific areas have revealed patterns of employment attributable either to existing bias or to the continuing effects of barriers leveled in recent years.

A study made by the American Jewish Congress in 1955 accumulated the then available evidence of employment discrimination against Jews. (Waldman, "Employment Discrimination Against Jews in the United States—1955," Jewish Social Studies 208-216, July 1956.) In brief, the study shows that many basic industries in the United States are almost exclusively non-Jewish. As a result, Jews have tended to concentrate in marginal industries and in the professions where they can be self-employed. Studies of employment agencies, both public and private, revealed that a high proportion of the job orders placed with them excluded Jewish applicants. For example, the public employment service in Los Angeles reported that 17 percent of the 5,535 job orders received during a 2-week period discriminated against Jews. A survey by the Chicago Bureau of Jewish Employment Problems of 20,000 job orders placed with commercial employment agencies in Chicago revealed that 20 percent were specifically closed to Jews.

Studies of the employment experience of colleges and law school graduates also revealed markedly different treatment for Jewish graduates as compared with the non-Jews.

There is nothing to indicate that the situation has changed substantially since this 1955 survey, although some progress has been made in States having fair employment laws. A number of recent surveys indicating continued discrimination against Jews may be mentioned.

1. This subcommittee heard detailed evidence at hearings held in Chicago in 1961 from the Chicago Bureau of Jewish Employment Problems (an agency which American Jewish Congress helps to finance) showing that the Chicago employment agencies are still getting a high level of job orders that discriminate against Jews.

2. The same bureau published a report in January 1960, entitled "Memorandum on Management Opportunities for Jews in American Corporations." It summarized the experience of the bureau in dealing with larger corporations. It present a number of cases of companies that absolutely exclude Jews from upper echelon positions. Many of the case histories involve corporations holding Federal Government contracts. The discriminatory practices in these cases are frankly admitted by top company officers. Among the conclusions reached in the study are findings that—

"In companies that are among the industrial and business elite, the strictest exclusionary practices against Jews seem to prevail.

"No general loosening of attitudes toward acceptance of Jews in management positions is visible.

* * * * *

"Softening of policies, in contrast to practices, seems to have occurred. Recognition of merit policy standards by top management seems widespread, even if it is not implemented."

3. A study of the prospects of Jewish graduates of engineering schools (Ducket, "Should He Become an Engineer?" Congress Weekly, July 21, 1958, p. 12) concludes that the barriers that used to exist to initial employment as engineers have been greatly reduced but that discrimination "becomes more prevalent when promotional and administrative posts open. The Jewish applicant is often passed over unless he possesses extraordinary abilities."

4. Discrimination against Jews in the banking industry has been particularly severe, although there are some signs of improvement. In an introduction to a 1961 Philadelphia study, the president of the Federal Reserve Bank in Philadelphia, Karl R. Bopp, conceded that "prejudice and outmoded attitudes with regard to members of the Jewish faith still exist. This remains a disturbing problem." The survey showed that, although Jews comprised 25 percent of the college graduates in Philadelphia, only slightly more than one-half of 1 percent of the officers at the six largest banks were Jewish. Four of the six banks had no Jewish officers.

5. A similar situation exists among insurance companies. Jews are, of course, employed in large numbers in the sales force, but only a very small proportion appear in the home offices of the large companies. It is sometimes suggested that this may be because Jews are not attracted by the relatively low salaries and slow promotions in the insurance business. However, this explanation is refuted by the fact that insurance companies managed by Jews, which have similar employment policies, have no difficulty finding Jewish applicants.

STATE FAIR EMPLOYMENT LAWS

Laws prohibiting discrimination in employment and providing effective enforcement provisions by an administrative agency have now been enacted in 20 States (listed in the table below). In addition, Delaware and Idaho have laws prohibiting discrimination in employment which are enforced by penal sanctions. The table below shows the population of each of the 20 States with enforceable FEPC laws, and the nonwhite and Jewish population in each of the States. (The figures for total and non-white population are from the 1960 census. The figures for the Jewish population are the most widely used estimates, appearing in the American Jewish Year Book of 1961, pp. 62-63.) It appears that the 20 States have a population of 112,119,806 or 60.2 percent of the country's total population of 179,828,175. Of the total nonwhite population of 20,491,443, the

20 States have 8,237,097 or 40.2 percent. They number an estimated 4,987,800 Jews, or 93.8 percent of the country's estimated total of 5,331,600.

	Total population	Nonwhite population	Jewish population
Alaska.....	226,167	51,621	300
California.....	15,717,204	1,261,974	530,300
Colorado.....	1,753,947	53,247	21,300
Connecticut.....	2,535,234	111,418	101,300
Illinois.....	10,081,158	1,070,906	297,300
Indiana.....	4,662,498	273,944	24,700
Kansas.....	2,178,611	99,945	3,200
Massachusetts.....	5,148,578	125,434	226,100
Michigan.....	7,823,194	737,329	102,700
Minnesota.....	3,413,864	42,261	34,900
Missouri.....	4,319,813	396,846	80,900
New Jersey.....	6,066,782	527,779	326,300
New Mexico.....	951,023	75,200	2,700
New York.....	16,782,304	1,495,233	2,533,900
Ohio.....	9,706,397	796,699	162,200
Oregon.....	1,768,687	36,650	8,800
Pennsylvania.....	11,319,366	865,362	454,600
Rhode Island.....	859,488	20,776	24,700
Washington.....	2,853,214	101,539	13,200
Wisconsin.....	3,951,777	92,874	38,400
20-State total.....	112,119,306	8,237,097	4,987,800
U.S. total.....	179,323,175	20,491,443	5,531,600

The various State and city agencies enforcing fair employment laws have found the practice of discrimination against Jews reflected in their caseloads. It is not surprising, of course, that by far the greater number of complaints filed with all the agencies are based on race. Nevertheless, a substantial number throughout the years have been based on religion.

In a survey made by the National Community Relations Advisory Council in 1954 ("Job Equality of the Jewish Worker"), statistics from eight State and four municipal agencies were compiled. Out of a total of 6,959 cases filed with the various agencies since the first law was passed in 1945, 702, or 11 percent were on the basis of Jewish religion. The disposition of the cases did not differ significantly from the treatment of non-Jewish cases. In 29 percent of the cases disposed of, discrimination was found and adjusted. In 42 percent, no discrimination was found. The remaining cases were disposed of on other bases.

While we have not made a complete study of the caseloads of the various agencies since 1954, there is some reason to believe that the proportion of complaints from Jews has declined. Thus, the 1961 report of the New York State Commission for Human Rights (then called the State Commission Against Discrimination) shows that only 48 or 7.3 percent of the 658 formal complaints of discrimination in employment based on race, religion, or national origin received in 1961 were based on Jewish religion. This represents a slight increase over 1959, when the proportion of complaints of discrimination in employment based on Jewish religion was 5.2 percent.

On the other hand, the seventh annual report of the President's Committee on Government Contracts, covering the period from August 13, 1953 to October 31, 1960, reported that 283, or 23.4 percent of the 1,207 complaints received, were based on "creed." Experience indicates that the bulk of these complaints were based on Jewish religion.

THE NEED OF FEDERAL LEGISLATION

The success of the various State employment laws enacted since 1945 in reducing employment discrimination in the areas they cover teaches two lessons: first, that such legislation can be effective and, second, that only national legislation can deal with the problem nationally. State laws have been enacted in the areas where resistance to equality is weakest. It is idle to hope that such legislation will be enacted in other States where employment discrimination is an even heavier drain on our national resources.

Federal responsibility for this problem has been recognized at least since 1941, when President Roosevelt issued Executive Order No. 8802 establishing the first Federal Fair Employment Practices Committee. Bills for broad Federal fair employment laws have been introduced in Congress at every session since 1944.

They have been blocked by minority opposition using the undemocratic device of the filibuster. As long ago as 1947, a distinguished group of disinterested citizens, the President's Committee on Civil Rights, recommended: "The enactment of a Federal Fair Employment Practice Act prohibiting all forms of discrimination in private employment, based on race, color, creed, or national origin." ("To Secure These Rights," p. 167.)

The American Jewish Congress has consistently supported such legislation. At hearings held in 1947 before a subcommittee of the Senate Committee on Labor and Public Welfare, the late Rabbi Stephen S. Wise, speaking as president of the American Jewish Congress, strongly supported the broad Ives bill then pending in Congress. In support of the bill, he said in part:

"Nothing more gravely threatens American democracy today than the fact of its incompleteness. Democracy to be sure must be complete. An incomplete democracy is an insecure democracy. Despite all the progress we have made, American democracy remains alarmingly incomplete because millions of our fellow citizens are still being denied their legitimate democratic rights and full equality of treatment on account of their race, color, creed, or national origin.

"In no area is this denial of democratic rights more serious or destructive than in the field of employment—the denial of work or promotion to qualified applicants solely because of racial or religious considerations.

"Such discrimination in employment severely affects not only the particular groups against which it is directed but the entire Nation. When members of these groups are denied jobs for which they are qualified, they are forced to accept less remunerative employment or none at all. The living standards of these groups are thus lowered and their members discouraged from developing their skills and special abilities. The Nation loses an important source of skill and manpower and lowering the living standards of any group in the country adversely affects the economy as a whole."

Support for such legislation has continued to the present day. The Democratic Party platform of 1960 expressly pledged:

"The new Democratic administration will support Federal legislation establishing a Fair Employment Practices Commission to secure effectively for everyone the right to equal opportunity for employment."

The American Jewish Congress firmly believes that the time has come for the U.S. Congress to level the parliamentary obstacles to majority rule in its proceedings and to enact a fair employment practices bill. For two decades action on this legislation has been a prominent feature of the unfinished business of Congress on civil rights. A fair employment practices bill should be supported by this subcommittee, reported by the full committee to the House and promptly voted on and passed by that body.

H.R. 405

The American Jewish Congress specifically recommends approval of H.R. 405, now before this subcommittee, which was introduced by Representative James Roosevelt. The various provisions of that bill have been before the Congress for many years and have been fully analyzed and discussed at earlier hearings of this committee. The bill reflects many years of careful consideration.

We have but one suggestion. Section 4 of the bill would grant a blanket exemption for "a religious corporation, association, or society." Section 7(b), which would bar discriminatory advertising, would be inapplicable "when religion is a bona fide occupational qualification."

The American Jewish Congress does not support blanket exemptions for religious organizations. We believe that they should be covered by the law in their normal operations. We therefore suggest omission of the religious exemption for religious groups from section 4. However, we recognize that some jobs do have bona fide religious occupational qualifications. Accordingly, we suggest that the bona fide religious occupational qualification exemption be made applicable to all of section 7, rather than only section 7(b). If the exemption is valid, as we believe it is, it should apply not only to advertising but also to the actual employment process.

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

Wholly aside from the matter of a general fair employment practices law, we suggest that this subcommittee give careful consideration to proposals to give permanent statutory status to the President's Committee on Equal Employment Opportunity. These proposals can be considered as a part of or independent of a broad fair employment bill.

Legislation along these lines had the support of the last administration. Furthermore, the Republican Party platform of 1960 expressly promised—

"Continued support for legislation to establish a Commission on Equal Job Opportunity to make permanent and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts."

As this committee knows, the President's Committee on Government Contracts and the President's Committee on Government Employment Policy have been replaced by the President's Committee on Equal Employment Opportunity, established by President Kennedy pursuant to Executive Order No. 10925. That Committee has been given valuable additional powers. Nevertheless, it is clear that it suffers from lack of statutory authority, as did its predecessors.

Legislation to give the Committee statutory status was the first key recommendation of the U.S. Commission on Civil Rights in its 1961 report on employment. Its unanimous recommendation read as follows:

"That Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency—

"(a) To encourage and enforce a policy of equal employment opportunity in all Federal employment, both civilian and military, and all employment created or supported by Government contracts and Federal grant funds;

"(b) To promote and enforce a policy of equality of opportunity in the availability and administration of all federally assisted training programs and recruitment services;

"(c) To encourage and enforce a policy of equal opportunity with respect to membership in or activities of labor organizations affecting equal employment opportunity or terms and conditions of employment with employers operating under Government contracts or Federal grants-in-aid."

The Commission's report presents extensive evidence of the need for such action. It shows that discrimination in employment, particularly against Negroes, is still widespread, that a large part of the employment market is created, directly or indirectly, by Federal funds and that the Federal policy of equal opportunity has not yet been made consistent or thoroughly effective in that part of the market. The Commission found that the newly created President's Committee on Equal Employment Opportunity had been able to achieve substantial gains but nevertheless found:

"The Committee's potential effectiveness is, however, limited. Established only by Executive action, it is necessarily limited in budget and legal authority. Its jurisdiction over labor unions is indirect and tenuous. Its authority over employment created by grants-in-aid and over federally assisted training programs and recruitment services is not clearly defined."

We believe that any bill to make the Committee permanent must be carefully drawn to insure achievement of its purposes, including the three objectives set forth in the recommendations of the U.S. Commission on Civil Rights. One reason for the effectiveness of Executive Order No. 10925 is the detail in which it spells out the standards required of Government contractors and the procedure for correction of discrimination. Thus, bills cast in general terms would not be adequate.

We respectfully suggest that this committee direct its staff to prepare a detailed bill to create a permanent Commission on Equal Employment Opportunity. The main points of this bill should include the following:

1. It should establish the structure and powers of the Commission.
2. It should prohibit discrimination in employment by all Government agencies, by all employers holding Government contracts or Federal grant funds and by labor unions dealing with such employers.
3. It should detail the nondiscrimination provisions to be carried in Government contracts and agreements for Government grants-in-aid.
4. It should spell out a nondiscrimination requirement for Government training programs.
5. It should prohibit discrimination and segregation in federally supported employment services.
6. Finally, it should provide effective enforcement procedures.

We believe that there is imperative need for such legislation, that it can be enacted at the present session of Congress and that it would work effectively. The President and the leadership of both parties in Congress have an obligation to support such a bill and to see that it is brought to a vote in both the House of Representatives and the Senate.

The shame of discrimination in employment created by public funds has been on the conscience of the Nation for 20 years. It has been dealt with so far only

by half-hearted measures. This subcommittee should recommend legislative action to vindicate the responsibility of the Federal Government to purify its own processes.

Mr. GORDON. I will summarize the statement briefly for the benefit of the members of the committee and then with the permission of the chairman I should like to make some supplementary remarks.

This statement demonstrates there is of course a continuing pattern of discrimination, that is, particularly among Negroes but, without surprise, among Jews as well. Because of the continuing pattern of discrimination in employment, the American Jewish Congress repeats and renews its support of legislation which undertakes to provide equal employment opportunities. More particularly, we are in support of the bill introduced by the chairman of the subcommittee, H.R. 405, and the companion bill H.R. 299. We have pointed out a minor exception we take to the one portion of the bill which provides for a blanket exception for religious associations and organizations.

In our view it would be sounder to provide that wherever membership in a particular religious order or faith is a reasonable qualification and reasonably related to employment, that that shall be an exclusion or exception from the operation of the act. Therefore, we would suggest that instead of simply having such a qualification in terms of advertisements that it be extended as well to the section of the bill that deals with the unlawful discriminatory patterns as well as the advertising patterns. We would be opposed to a blanket exception for religious associations which in many instances may involve the hiring of people for forms of employment where religious qualifications have no relevancy.

Beyond that, we propose in the statement which has been submitted that in addition to supporting the bill which is under consideration, that this subcommittee give serious consideration to the possible alternative of providing a statutory basis and authorization for the President's Committee for Equal Employment Opportunities, which is a more narrow area than that covered by the bill. It relates to the problems of employment in Federal Government and to the pattern of discrimination among Government contractors, and I need hardly remind the committee that the estimate is that private industry services in excess of \$30 billion a year on the contracts let by the Government.

We think, as was recommended in the U.S. Commission on Civil Rights report, No. 3 of 1961, that it would be in order to provide, by way of legislation, for the effective elimination of discrimination where there are Federal grants-in-aid in the various public employment services which are financed and to a certain extent supervised by the Federal Government and in the training programs which are financed by Federal funds and more particularly with respect to discrimination on the part of unions whose members are employees of contractors working under Federal contractors and Federal grants-in-aid.

We think it is necessary that these various objectives be implemented in the form of legislation rather than simply in the form of Executive order, because legislation provides for a greater stability of personnel, a greater assurance of the financing required, a greater specificity in the criteria and standards which would be employed, something we think lacking in the present structure of the President's Committee.

Most important, it would provide for more effective vehicles of enforcement than are now possible by way of Executive order alone.

I think I need hardly remind the committee that what we are proposing is less than what is contained in the 1960 plank of the Democratic Party, and barely the equivalent and not much more than the equivalent of what was contained in the plank of the Republican Party in the 1960 campaign.

Now there are some additional considerations that I would like to urge upon this subcommittee that go beyond the scope of what was covered in the formal statement which has been submitted.

The concept of law undertaking to meet the problem of discrimination in employment goes back to 1933 in some unemployment relief legislation of the time, and attained national stature of significance in 1941. Since that time, and in the more than 20 years that have expired since that time, there has been such a wealth of discussion of the reasons and merits supporting such legislation or executive action that I do not think it requires any recounting of it. I think the constitutionality of any legislation in this field is abundantly clear. As far back as 1945, the Supreme Court sustained legislation which would prohibit discrimination among members of unions and just the other day the U.S. Supreme Court sustained comparable legislation with respect to employment arising out of the *Colorado Hostess* case.

The legislation you have drafted, sir, is founded on the commerce clause and the privileges and immunities clause of the 14th amendment, and is as well founded and supported, I believe, in the aspects of the 14th amendment which permit the Congress to implement the objective of that amendment, and in the national police power as exemplified by the Securities and Exchange Acts of 1932 and 1933.

It may be that there is even firmer constitutional support. As I read the recent decisions of the U.S. Supreme Court dealing with citizens' problems and the like, as the Court begins to expand the conception of what constitutes State and governmental action and brings within its possible provisions public utilities, which are licensed by the Government, public facilities, which require licensure by government, you come much closer to the continental concept of private governments which would be subject to constitutional limitations.

You may recall the decision of the U.S. Supreme Court in *Marsh v. Alabama*, where a company town was considered to be the equivalent of a government for all intents and purposes and, therefore, subject to constitutional limitations.

So there may be serious questions whether the Constitution might not be used as a sword in addition to legislation; whether a pattern of discrimination on the part of a large industry, requiring government support and approval in a whole variety of ways, including licensure or contracts, doesn't constitute action of government just as action by a certified labor union is an act of government for constitutional purposes. But if the Constitution is not a sword to use to fight discrimination, it certainly will never serve as a shield to protect discrimination as against legislation.

So that I think that no one today would seriously dispute the power of the Federal Government as well as the State governments under the Constitution to provide the kind of legislation that you have

drafted here. I think it is also too late in the day for anyone to argue seriously that this type of legislation is undesirable because you cannot legislate morality. That is an argument that one finds wherever important social legislation is developed. In the early days of the workmen's compensation law in the State of New York, it was suggested by many of the commentators that it would destroy the moral fabric of our society. We heard the same thing in connection with social security. We certainly heard similar arguments with respect to antidiscrimination legislation on the patterns of employment. But we have had such legislation now for almost 20 years.

More than 100 million people in the country are now living in States which have legislation prohibiting discrimination in employment. This is more than 50 percent of the people of this country; 90 percent of the Jews in this country live in States and municipalities which have such legislation. More than 40 percent of the nonwhite population in this country live in such communities and the experience simply hasn't sustained the suggestion that such legislation is unenforceable or would create great racial conflict and hostility or be subject to great abuse or that it couldn't be lived with by management and industry.

Experience proves that none of this is true. So the real question that I think the Congress has before it is what is to be done politically in connection with a problem of this order of magnitude? More particularly, what shall be the role of the liberal political leadership in this country? Is this type of legislation to be blinked at, to be treated perhaps only for purposes of exploitation because it doesn't have any serious prospects of passage?

I say it would be the height of lack of realism, particularly in days such as today, to view this type of legislation in that posture.

I think it is fair to start any such discussion by saying that this type of legislation and on a national scale is inevitable.

The four great objectives of the Negro community in this country today are equality in voting rights, in housing, and in school and in job opportunities. The priority is not for us to determine but that each of these is crucial to the welfare and the future of the Negro community is obvious. If it wasn't clear to us before it is clear to us today that the Negro community intends to get equality on all four scores.

The Negro organization in this country today has demonstrated the courage, the commitment, the conviction to this cause, and the leadership to see it through. And to the bargain they have, I think, the support of the overwhelming consensus of the country; all decent thinking and feeling people in this country today, the overwhelming majority of them support the aspirations of the Negro people for equality in job opportunities.

So the question before the Congress, including the liberal leadership of the Congress, is whether this inevitable development on a national level is to come through legal or extralegal channels. Is it to be resolved on the floor of Congress or the streets of Birmingham? Are these problems to be solved by demonstrations, by boycotts—and I take it there is a familiarity with the notion abroad that perhaps one of the solutions to this problem for the Negro community is to undertake effective economic boycotts of national concerns and, in that way, in an extralegal fashion, to enforce what the Congress does not undertake to do because it turns its back upon legislation of this sort.

The question is whether this type of legislation is to be the result of consensus or conquest; whether it is to be planned or improvised in each community as the problem takes on some particular shape according to the exigencies of a particular community; whether this problem is to be resolved in such a manner as to leave livid and unresolved scars such as after the Civil War or whether it is to be part of the on-going resolution of problems in this country which is part of our democratic process?

We, in the Jewish community, can serve as a litmus test as to what may be expected by liberal leadership according to your tone and attitude today in 1963. Many elements in the Jewish community, out of self-interest and otherwise, have been in the forefront of the fight for the rights of the Negroes and equal opportunity in jobs. You will be surprised to know the extent to which the so-called liberal Jewish community has been under attack by the Negroes in the community. They challenge our credentials, they challenge our conscience. They say the white liberal leadership in the community has done too little and too slow. They say that we have not shown the depth of commitment and conviction that the problem requires, that we talk a good game but when it comes to our offices and homes we practice the same practices that we condemn on the part of others.

Now, I don't now undertake to say how valid or how erroneous those charges are. I do tell you that this has caused a measure of lack of confidence even on top levels of leadership and much more ugly overtones among the Negro community even in an area such as New York City. It is not just hostility but overt anti-Semitism in many respects. Even the leadership of the white Jewish community, which has such a great community of interest with the Negro, if that leadership continues to consider these problems in terms of 1940 or 1950 instead of in terms of the current demand for action by the Negro, they are out of step and once out of step they lose important channels of communication between the white and Negro communities.

I urge upon you to consider that this type of legislation requires passage in order to provide planning and legal channels, in order to encourage the role of moderate leadership not only among the Negroes but among the whites as well. I need hardly tell you that those of your colleagues from the Southern States, those whose petitions are not frozen because of circumstances or their own convictions, need your militant leadership to permit elbow room to take a position. They may not be able to assume the initiative and the leadership in problems of this sort. If you do, you provide them with room for action. If you do not, they are condemned to silence on this.

It seems to me in the last analysis that it just is not realistic today for anyone to say that "Well legislation of this sort, because of its difficulties, will never see the light of day on the floor of the Congress. It should be ignored." The very least that you owe—and I talk to the liberal leadership of the House—the very least which is owed to those Negroes who are prepared to go to jail and suffer physical violence in support of their convictions, the least you owe is to carry the fight forward even if it doesn't seem to have great chances of success. This is the least which is owed not only because of what they have done but even more importantly, I say to you, from the basis of the experience of the Jewish community, if it is intended to

keep channels of communication open with Negro leadership in the Negro community; you have to, in order to have a basis for even talking to that community, you have to make a fight comparable to the fight they are making today. And at the least that calls for the most vigorous action possible on the part of the liberal leadership of the Congress and of the Democratic Party in support of legislation such as is here before you now.

Mr. Chairman, I want to thank you again for the opportunity of being here and speaking to your committee.

Mr. ROOSEVELT. Thank you, Mr. Gordon. Thank you for a very eloquent and, I think, a very forceful and useful statement. I want to emphasize to you that members of this subcommittee are doing exactly what you have urged us to do. I think it is proper, I have said it before, but I think it bears repeating over and over, that the chairman of this committee, and I am sure the full membership of this committee, will report a bill of this type. We are faced with practical difficulties of which I am sure you are aware, and that is as to the means to bring it to the floor of the House. However, we are determined to find those means and we will bring it to the floor of the House and we will make a fight and I am sure it will be a colorful one.

Frankly, I feel that organizations such as yours, and others with whom you have worked in this area, have an equal responsibility to mobilize the expression of public opinion. I would thoroughly agree with you if you held a poll of some kind that you would find tremendous support for this kind of legislation. It has worked in other States. There is no problem with it. There is no real reason to be against it. As I said, we can't get a single person or organization to come and testify against the bill, which I think is indicative of the moral position at least which the bill has. Yet, we find, when we get to the practical consideration at the highest level, they tend to hold back, indicating that other things have priorities.

Now, you have listed the four great aims of the Negro community. You have said you don't give them a priority, but unfortunately, some, or the leadership of the country has given them a priority. In giving the priority, they have ignored what you have listed as the fourth great aim. My contention is, and I think the committee generally agree, you cannot give them priority, that they are part of a total package, so to speak, which must go hand in hand. When you do try to give them priority and ignore one or two of them, you are really hurting passage of the other two, because we get involved in complicated issues such as we have here in the District of Columbia and in other areas. It is time that we find a way, working through your organization, to bring to the leadership of both political parties the requirement that they not give priorities but that they take this full package and they go really forward to do a job with it even if we have to sit here all summer or all winter or however long it may take. We cannot be discouraged by the fact that while we may be able to get through the House there will be a filibuster on the Senate side. Let there be a filibuster because if I think there is one issue upon which you could break a filibuster in the other body it is this issue. I think it requires such leadership which I think at the moment you ought to see on this side of the Congress rather than on the other. While we are very happy to

have you here, really you don't have to fire up the leadership in the House. I think you may have to fire up the leadership on the other side and down on Pennsylvania Avenue.

Mr. GORDON. I am sure, Mr. Congressman, you are familiar with the fact that insofar as Congress is concerned, and I understand it is not necessary to make any brief on its behalf, but the question of discrimination in jobs has been of the highest order of priority. We have, it is true, conducted much of our activity on the local level. I think you will find that the antidiscrimination laws in many communities are based upon legislation which we helped draft. And we assisted in mobilizing public opinion on the State and local level and I think we are entitled and I hope I can say this—I think it was Oscar Wilde once said he was modest only in his immodesty and I don't want to be charged with that—but I do say in this area we have attempted to do as much as our resources would permit us to do and to mobilize community sentiment very considerably. There is much more to be done. I will bring home to my organization at least, that message.

Mr. ROOSEVELT. I appreciate it very much. There is only one other comment I want to make. I think your suggestion relative to the President's Committee on Equal Employment Rights established by Executive order should be implemented from a statutory point of view. There is a clause in this bill which would give it some statutory backing, but probably not enough.

Our problem is whether to take this as a separate bill because that part of it would deal strictly with employment within the Federal Government and with those agencies outside of the Federal Government with whom the Federal Government is dealing or has some direct contact such as contracts in the defense area, or whether to include it in this bill.

This is a difficult parliamentary problem merely because you then bring in an additional area for the opposition to talk about and center upon, and we feel the most important thing now is to break the barrier which has resulted in all employment that has nothing to do with the Federal Government which is after all the greatest area of employment.

I hope that if it is decided not to go much further along that line that nevertheless your enthusiasm for this legislation will not be diminished because, as so often happens, somebody comes forward and says: "They didn't take my advice on this point, now I am unhappy." So the basic need will still be there and probably if they have once done that we can go forward with the other implementation much more easily.

Mr. GORDON. I think I made clear we support the bill as it now stands. The one suggestion I would make with respect to the problem you have raised, sir, is that I believe that, even if it be the subject of separate legislation, I think the administration of it should be ultimately in the same Commission. I think it would be far more feasible and effective to have the Federal contract and employee situation governed by the same Commission which would have the functions prescribed under your legislation and particularly the powers which your legislation gives that administration.

Mr. ROOSEVELT. I would agree with that and appreciate it.

Mr. Dent.

Mr. DENT. Mr. Gordon, I was particularly interested in one phase of your off-the-cuff remarks in which you questioned the action in eliminating discrimination where the Government has grants-in-aid.

Would you suggest, and by the way, you went on to elaborate a little, but would you suggest in this area, speaking to discrimination in employment, that there is an area in education in which there is discrimination in employment in institutions where they do receive grants-in-aid from the Federal Government?

Mr. GORDON. I can't say, I can't say that I have considered that problem specifically, but, as you do raise the problem, there are very limited grants-in-aid on the elementary and secondary school level from the Federal Government. There is a National Defense Education Act which, I believe, makes provision for it.

There is much more in the form of Federal grants to the institutions of higher learning, including those in the South where discriminatory patterns exist.

Mr. DENT. For the moment, let us forget the question of the South since it is a picture that is all inclusive.

In other words, the discrimination goes beyond that of employment, and it goes into the area of education itself, discrimination as to classrooms, discrimination as to schools, and so on, and in fact all of the four phases of discrimination appearing to be the object of this discussion insofar as you have started out with, are all practiced in the South.

Now, those of us from the North, who have, for a long time, been connected with FEPC legislation, are wondering whether or not there are some weaknesses in our own Northern States, which are not habitually connected with discussions of discrimination, and yet reports that I am getting, as chairman of a certain select subcommittee, are that in New York City alone there are great pockets of discrimination in employment in the educational system itself, although the educational system itself is desegregated, as it were, and there is no discrimination and the classes are all open to all students, yet the complaint is, in this area covered by the Roosevelt bill, there is discrimination in employment in the school system. Have you any knowledge to that effect?

Mr. GORDON. I would be surprised to find that is the case. I would say there is segregation in our schools in New York on a de facto basis. This is because we essentially have a neighborhood school policy. The school is in a neighborhood and the students generally go to the schools in the neighborhood in which they live and this results in de facto segregation. Even where there are methods to overcome it by an open transfer policy which permits the parents to send their children to another school if there is room for the child in the other school, the poor level of achievement of Negro children who come from the de facto segregated schools cause these children to find themselves in the poorer classes in the white school and the net effect is you have segregation by class instead of by schools. But on the employment level, sir, I have no knowledge of any pattern of discrimination against instructors in our elementary and secondary schools.

Mr. DENT. In a supervisory capacity?

Mr. GORDON. You mean promotional opportunities?

Mr. DENT. That is right, for the teachers themselves.

Mr. GORDON. I do not know what the percentages are. I am not in a position to state that. I should be very surprised if there were any deliberative policy of discrimination. I would not be surprised if the number of qualified people, the supervisory employees in the educational system, had this situation.

Mr. DENT. That brings us back to that point where we, at least in Pennsylvania's legislative activities, felt was the primary source of discrimination as such. That is, the lack of open opportunity in the field of labor or economics. In other words, you talk about housing and you talk about educational opportunities. But is it not true that in order to be able to afford better housing they must first be given the equal opportunity for employment? As they improve their employment conditions don't they find themselves, any discriminated group this is, whether it be of Italian extraction—and anybody in their right mind that doesn't think for a long, long time, and even today if it is looked for they will find discrimination on the basis of nationality as well as on color and creed, so if they better themselves economically because we knock down the barriers to employment, don't they then find themselves in a position of getting into better areas of housing, that is, by being able to afford better housing? Is it not true because there is much discrimination in employment there is a natural tendency to bottle them up in a ghetto type of housing development proposition where it necessarily then follows that their schools, because of the area school type of operation, are then discriminatory schools because of the fact there are all colored in a certain area? So is it not true that basically the problem in the United States is to try to equalize job opportunities in every phase of employment before we can reach into these other areas, as much as we may try to reach into them?

Mr. GORDON. I think you have to go a step back. I think you are undoubtedly right that this is a reciprocating pattern and that each of these four components affect the others, and that it is correct and right to consider this in a total context. But, if I may suggest, even in the field of employment, to provide equal job opportunities but without equal capacity means you will once again find a pattern of discrimination since the Negro community may not be fully qualified to hold supervisory or better positions to which you have reference.

Here I think the point made in this employment report of the U.S. Commission on Civil Rights is wholly right when they emphasize the need to fight discrimination on training and apprentice levels, to see to it that the Negro has equal opportunity for training in connection with employment.

Here, again, it seems to me that while your bill doesn't specifically refer to that it does refer to advertising and it refers to employment and promotional opportunities. Not in so many words. It does not specifically relate to discrimination in training and apprenticeship programs, although I think it is a very fair implication to be drawn from the bill. And I would say to you, sir, that you are wholly correct, that the man who hasn't got the money to pay for good housing or live in a good neighborhood, where there is a neighborhood school practice obviously is not helped as much as he would be.

Mr. DENT. Of course, the pattern of employment training and promotion is due to a condition that we have long harbored in the United States, and that is, it might be called by some a form of paternalistic nepotism, or whatever name you want to give it. But is it not true that in almost all of the instances, up until this generation, at least, the foreman always had his son come up following him and the bricklayer likewise his son and the tradesmen in all of the various crafts and the so-called unionized crafts and trades were followed by their family members into their own field. I remember in the Moldmakers of American you could not become an apprentice unless you were a son and if the member did not have a son he was allowed to take the next of kin or next in line of kinship. That has been going on for many, many years. How do you break that down if I am a member of an organization of bricklayers, say, and there is a vacancy for an apprentice and I have a healthy son of 21 or 22, or 19 years of age who wants to follow me in the bricklaying trade, how do we break it down and say we have to give it to somebody else? Is there anything wrong with this boy? Why cannot he follow? Is it not true in medicine? Is it not true in banking? Is it not true in the legal profession?

Must we go through the whole pattern by first giving these people, even in the jobs that are available today, if you give them steady work they will gradually build up to the point where they will elevate themselves. That has been true in many of the racial groups and the nationality groups. No especial favors were given even to them. I think the largest nationality group in the United States, and I happen to be the son of an Italian group and they were not given any special favors and they took menial jobs but concentrated on spending whatever they could to increase the opportunities for their children. Although they made many personal sacrifices, you will find that in almost every instance sons and daughters of the first generation from the immigrant Italian came from very poor families, but they were given something the Negro was not given and is not given today; they were at least given an equal opportunity to the jobs that were available and which, being given that opportunity, even in menial jobs and ordinary jobs, they at least had that advantage over the Negro. They were given that opportunity to go to work and provide some kind of a betterment for their children and their families. That is the one thing that I believe is primarily in this whole situation, That is to keep from barring the Negro from what jobs are available, whatever level the jobs are on. That is why the Roosevelt bill, in my opinion, cannot be encumbered with too much of a bite at one time. I found, in 30 years of legislative work, that sometimes a battle of long standing has been lost over many, many years of trying because in our desire to improve it, we failed to pass the fundamental things that have to be passed, like an outright antidiscrimination act in employment.

All the other things will follow, maybe at the next session, but at this time I will say if we get a good, strong piece of national legislation on the basis of employment and employment alone, that the others will follow in turn, whereas if we put them all under one bundle, we will do as we have done in the past so many times, fail. That is why we failed for so many years in Pennsylvania and until we finally came down to where we made it strictly fair employment practices legislation. I think you, from your experience, will

be able to testify that we have moved into the other areas now by having a good stepping stone to start from. Although I support all of the antidiscriminatory legislation that we can possibly get through, I think that this session of Congress would be remiss if it does not take a strong position on discrimination in employment at least at this time.

It will be the basis for a start toward that equality in education and in housing and in the other areas where equality is necessary if we are to be, if we are to maintain a growing nation and a unified people.

Mr. ROOSEVELT. Will my colleague yield?

Mr. DENT. Yes.

Mr. ROOSEVELT. I think it is important because I gathered you didn't think we had touched strongly enough on apprenticeship, but in section 5(d) of the bill we do specifically say:

It shall be an unlawful employment practice for any employer, labor organization, joint labor management committee controlling apprenticeship or other training programs, to discriminate against any individual because of his race, religion, color, nationality, origin or ancestry for admission to or employment in any program established to provide apprenticeship or other training.

It seems to me we hit right at the core of the thing. We had not sidestepped that at all. I thought I gathered you said we had mentioned in passing, but had not been specific.

Mr. GORDON. No, I knew it was here. I didn't suggest it had been wholly overlooked. The problem we had, you will notice we referred to the possibility of this being extended in terms of an extension of what is now being done in the equal employment opportunities committee, the President's committee, does not cover this area with any degree of specificity.

Mr. ROOSEVELT. But this would. This would strike directly at it whereas the President's Executive order, in my opinion, is not getting at it at all.

Mr. GORDON. I agree, sir.

Mr. ROOSEVELT. All right.

Mr. GORDON. I may say, Mr. Dent, with respect to your comment, that needless to say the fact that we may suggest there are other or additional considerations that might be taken into account doesn't for a moment intend to minimize the tremendous importance of the bill as it stands, that we would consider it a cause of great rejoicing for such a bill to be passed with or without any other refinements which have been discussed here; no question of that.

Mr. DENT. Would it not be a better thing at this time for all of the forces of decency and fairness to get behind this bill as it is written?

Mr. GORDON. No question about it.

Mr. DENT. In order that we can get something to start from without throwing in all of the other elements which we know are needed or required but bring up the opposition which, in the main, is opposed to the whole picture, but will give us something to lean on. That is why I would like to see all of the elements fight for this legislation as written rather than with the refinements which, as I said before, are required and needed. Let us leave them for a later date but get what we can to start with.

Mr. GORDON. Yes, I have no doubt in my mind that the real problem is how you go about getting something like this passed. There is no

question about that. What I undertook to urge here today is the feeling that, and this is why I took the occasion to speak off the cuff and beyond the statement, that I think what is needed is to mobilize the resources both in and outside of the Congress for the passage of such legislation. It will not do to say it does not have a great chance of passage because there are parliamentary difficulties which have arisen in the passage of such legislation. Whatever was said on that score 2 or 3 years ago cannot be said today.

Mr. DENT. It also follows in legislative maneuvering that the simpler the legislation is and the less subjects it covers, the more opportunity you have of passing it. Get the primary objective across first and then go into the skirmishes to take the sidelights. This is my advice as an old legislator with a few years of standing.

Mr. ROOSEVELT. That is good advice.

Mr. DANIELS.

Mr. DANIELS. I have no questions, but my thinking coincides with that of Mr. Dent. We have a bill here dealing with unfair and discriminatory practices and we know the need for this legislation today and I think, as the witness has stated, we should concentrate our efforts in getting this bill across. There are other problems, that is true, but let us take them one by one and make some progress. Let us get our foot in the door. After we get our foot in the door, then we will fight to extend the legislation so as to cover other avenues where the civil rights are being denied.

Mr. ROOSEVELT. Thank you very much.

Mr. HAWKINS.

Mr. HAWKINS. Mr. Gordon, I have just one comment on one of the statements you made which tended to imply that there is a strong anti-Semitism in the Negro community and that there is a breakdown of operations among responsible leaders. I don't know whether or not this remark is intended to include Los Angeles and San Francisco and other places on the coast, but I think, for the sake of the record, it should be pointed out there is a good working relationship among the responsible leaders of these groups, particularly in Los Angeles and San Francisco and that the campaign that succeeded in obtaining the Fair Employment Practices Act and one which is continuing today in the field of housing was spearheaded by the responsible leaders of the Catholic Interracial Council, NAACP, Jewish Community, AFL-CIO groups, and others. I think that it might best appear in the record that while there may be some anti-Semitism in the Negro community, that among responsible leadership in various groups there is a working relationship.

I am not acquainted with the rest of the country, but I certainly feel we do have it and I certainly wouldn't want to give the impression that nothing is being done about it in the Negro community in Los Angeles, and elsewhere, to also work on this threat of antisemitism. I think this is getting off the subject and I don't want to go into it, but I simply, for the sake of the record, want to point out that it is recognized and there is something being done about it.

Mr. GORDON. I appreciate that and of course, for the record, I don't mean to suggest that this is a prevalent condition, nor have I, I hope, even implied there is any such attitude of antisemitism in terms of the Negro leadership. But you have the Black Muslim leadership in

California and New York, and this represents a sentiment largely of extreme groups but it reflects sentiment beyond just extremists.

Mr. HAWKINS. I do not think the Black Muslim group in Los Angeles presents much of a threat to responsible leadership, certainly as it may elsewhere. I think that there is this recognition that as long as responsible leaders act and act militantly we are not afraid of the inroads that such groups will make. I think that it is only where there is a void created by lack of leadership with the total program that you have such other groups coming to the forefront. It is certainly not a great issue on the west coast at the present time.

I am not suggesting we don't have many problems but certainly I think that there is a recognition that cooperation among the various groups is the way that we achieve success and certainly there is not a feeling that any group is going to go it alone and that they will tolerate antisemitism among the Negro people and at the same time fight the battle of freedom that is being fought throughout the country.

Mr. GORDON. Perhaps the climate is better in California in more ways than one.

Mr. HAWKINS. I invite you to visit the coast.

Mr. Chairman, the only other suggestion is whether or not some consideration should be given to the suggestion of Mr. Gordon, that in terms of the blanket exemption given to religious groups whether or not a more selective type of exemption could be suggested.

Now, I can see, for example, that there is some administrative difficulties in not having some type of exemptions, but to state that a religious group, for example, should be able to discriminate on the basis of age, for example, I think leaves the bill in somewhat of a vulnerable position. I would certainly suggest, if at all practicable, that some thought should be given to some method to narrow that exemption, because I think it is the basis of the legislation, as I see it, is that it is good morality and on that basis certainly we would expect that those programs based on morality would be brought under the bill.

I realize you have given more thought to this than the rest of us, but I wanted to suggest if something can be worked out I think it would remove what I anticipate would be opposition to the bill from many demagogues and baiters who will use this as a means of pointing out why they are not supporting or do not want to support it, and it would rationalize the opposition. I simply offer it as something to be considered before reporting the bill out.

Mr. ROOSEVELT. I appreciate my friend's suggestions and certainly the committee will consider this when we get to the executive committee meeting stage.

I think I should say, however, that one of the touchiest areas that you can legislate in is to begin to impose any kind of restriction upon a wholly religious group and even if you give them a partial exemption and not the rest of it, it is very difficult to explain to them that you are not interfering in what they consider to be an area in which there should be no Government intrusion of any kind.

Following Mr. Dent's and Mr. Daniels' suggestions, frankly, we tried just not to get into that area at all and if it is possible to rewrite it so they would fully understand it and accept it, that would be one thing. If it is not possible, probably we had better leave it as is. That is something we can discuss.

Mr. HAWKINS. I suggest whatever is to be done be done in conjunction with them. I think they may suggest the way out, simply the way the American Jewish Congress has suggested limiting it and I think the others themselves may assume some limitations.

Mr. ROOSEVELT. Without objection, I will ask counsel to explore this with some of the religious groups and see if they have any suggestions which might accomplish the purpose that Mr. Gordon has outlined.

Mr. Gill.

Mr. GILL. One further question on that point. I did not fully understand the suggestion you made. Perhaps you could give it to me again in a capsule form in relation to these religious organization exemptions.

Mr. GORDON. Section 7 of the bill.

Mr. HAWKINS. That is page 7 of the bill, section 4?

Mr. GORDON. Yes, but section 7, if I recall correctly, refers to impropriety of advertising. You will notice in section 7(b) on page 11, it permits a reference to religion, a discrimination based on religion in advertising when religion is a bona fide qualification for employment. But that test is not used in connection with section 4, which is the one involved, or rather section 5 which defines what shall constitute an unlawful act of discrimination. There is no reference made to this type of relationship to religion being a bona fide qualification.

Instead, there is in section 4 a general exemption to a religious corporation, association or society, and this appears on page 7, and there is a blanket exemption quite apart from whether the religion constitutes a bona fide qualification for employment by a religious organization. We suggested that that qualification goes too far, that, rather, the test which is used in the advertising section of the statute should be employed in determining whether there can be discrimination on the ground of religion where that is a bona fide consideration in the employment of someone by a religious corporation.

Mr. GILL. What you are saying is, you are not attempting to set up a situation where a Catholic organization might be forced to hire a Baptist or vice versa?

Mr. GORDON. No.

Mr. GILL. You are interfering with hiring where the religious affiliation is important to the occupation?

Mr. GORDON. If you are hiring a gardener, for example, for the church grounds, it would be hard to see precisely why you would require a particular religious affiliation in such employment.

Mr. DENT. A preacher might have a little trouble explaining it.

Mr. GORDON. I understand, sir, but no more so than an employer.

Mr. DENT. Off the record.

(Discussion off the record.)

Mr. GORDON. Perhaps counsel will want to take into account in connection with this particular exemption whether you do not raise problems under the first amendment in making a special provision of this sort for religious institutions. Curiously enough the constitutional lawyers have long been troubled as to how you ever get standing to raise first amendment problems in Federal legislation. If you had this exemption blanket exclusion, you would have provided standing for someone who claims he is discriminated against because of a provision which makes a special dispensation for religion.

Now, there is a thesis currently by Professor Kurland of Chicago University, and you may be familiar with this, which claims that the

establishment clause of the first amendment requires the Government to be religion blind just as you are trying to make provision for employers to be color blind in employment. His thesis is that you may make no special dispensation for religion, but must treat it the same as you would any other element in a society when you pass general regulatory legislation. I suggest to you, while it may be politically expedient to have this type of general exclusion, I think you may very well be generating constitutional questions under the establishment clause of the first amendment.

Mr. ROOSEVELT. Fortunately, we have a separability clause so if it is held unconstitutional, the rest would not be.

Mr. GILL. Just to put it one step further, you would not want us to exclude coverage situations you could conceivably find in certain churches where, among persons of their own religion, they might discriminate in hiring on the basis of color or racial extraction?

Mr. GORDON. The section on religious organizations leaves that possibility open, it seems to me, so, for example, in a church of a particular denomination would be allowed to discriminate in terms of color, where they may have members of different colors as constituents of their faith.

Mr. GILL. For instance, take a religious college which has a great number of people on the payroll: you might find the hiring discriminatory situation you have just discussed in such an organization?

Mr. GORDON. That is correct.

Mr. GILL. You would not want to exclude that situation from coverage?

Mr. GORDON. No. From our point of view the only instance in which there could be a religious qualification as an exemption from the ban on discrimination would be where religion is a reasonable qualification for the job. I think you are right, sir. As the bill now stands it would permit a particular church to discriminate on the basis of color as well as religion.

Mr. GILL. Now, let's move to a more general subject. In your off-the-cuff remarks, you mentioned the need for legislative action in order to strengthen the hand of the moderates on the problem that exists in the country today.

Mr. GORDON. Yes, sir.

Mr. GILL. I am sure that most of us sitting here are somewhat amazed at the extreme restraint being exercised by the colored people in Birmingham. I am sure if some of us were in that situation we would be reaching for the squirrel rifle.

Now, specifically, why and how do you see the force of legislative action as encouraging and helping the moderate groups in the community?

Mr. GORDON. Because, sir, without having this type of issue resolved in a forum such as the Congress, you leave it to the streets and how long one can expect the Negro community to follow the responsible moderate leadership which it is now following, when there is not the safety valve or the prospect of a legislative resolution, the moderate leadership in the Negro community will give way to the extremist leadership if there is no legislation resulting from this conflict. If the problem cannot be resolved successfully as a result of the pressures which they are exerting, if those pressures are not responded to here in

the Congress, I think the next step is once the sentiment has been generated and once there is momentum—there is no question it will be exploited by demagogues and other extremists in the Negro community because they now point to the fact that white leadership has failed, that liberal white leadership failed, and that the extreme measures they are talking about are the only feasible alternative and unless demonstrated in the Congress by legislation of this sort that that is not so, you run the kind of risk you talked about.

Mr. GILL. Is it not also possible that some reasonably effective legislative action will strengthen the hand of the white moderate as well?

Mr. GORDON. This is precisely the point I made in the statement. I agree with you.

Mr. GILL. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Thank you, Mr. Gordon, very much. We are very grateful and I think you have given us a great deal of food for thought as well as a very eloquent off-the-cuff statement which I am sure we will borrow when the time comes to use it in the debate.

Mr. GORDON. Thank you again for the opportunity, Mr. Chairman.

Mr. ROOSEVELT. The last witness is Mr. Herbert Hill, labor secretary of the National Association for the Advancement of Colored People.

We are very grateful, Mr. Hill, for your coming.

Now, you may proceed in any manner you find convenient.

STATEMENT OF HERBERT HILL, LABOR SECRETARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; ACCOMPANIED BY CLARENCE MITCHELL

Mr. HILL. Thank you.

Mr. Clarence Mitchell, the director of the NAACP Washington bureau, is with us this morning and has a brief statement regarding certain technical aspects of the proposed bill which I will not read but will present to the committee for inclusion into the record.

Mr. ROOSEVELT. Mr. Mitchell is an old friend and we are always happy to have him and give great consideration to his statements.

Mr. MITCHELL. I wonder if you would indulge me for a half a second?

Mr. ROOSEVELT. That will be up to Mr. Hill.

Mr. HILL. By all means.

Mr. MITCHELL. I will not even leave my chair, but I think in these troubled times we should never miss an opportunity to go on record with a word of appreciation to people like you and your colleagues who have been working for this cause in season and out and I would like to be on record as saying that to not only you, but I was the first labor secretary of the National Association for the Advancement of Colored People and your honored mother, who, as you know, is greatly beloved by all who have had problems, was one of the first members of a subcommittee of our national board of directors, with which I worked as a labor secretary for the NAACP.

I did not want this opportunity to pass without having the record show that no matter how bad things may be here and elsewhere, there are people of various races and faiths who are working together with a firm conviction we are going to win and many of them are right here in this room.

Mr. ROOSEVELT. Thank you very much, Mr. Mitchell. I am very grateful and without objection, Mr. Mitchell's suggestion will be included in the record following the statement by Mr. Hill and without objection, counsel is instructed to make recommendations to the committee concerning these recommendations from Mr. Mitchell.

Mr. HILL. Mr. Chairman and members of the committee, my name is Herbert Hill and I am labor secretary of the National Association for the Advancement of Colored People whose national office is located in New York City at 20 West 40th Street.

I wish, first of all, to thank the committee for this opportunity to appear and to present testimony on the urgent need for the passage of a Federal Equal Employment Opportunity Act.

The entire Negro community throughout the United States is today faced with a major crisis of unemployment. What for the white worker has been a mild or temporary recession has become for the Negro worker a major depression. Negroes now constitute a very large part of the hard core permanently unemployed group in American society.

In northern industrial centers one of every three Negro workers were unemployed during the past 2 years and a very high proportion exhausted all of their unemployment compensation benefits.

More than 50 percent of all the unskilled Negro workers in the country were unemployed for substantial periods since 1958 and it is evident that the unskilled Negro worker, 45 years of age and over who lost his job will never again work at productive gainful employment.

During the past 5 years the rate of Negro unemployment was consistently between 2 and 2½ times greater than the comparable rate for white workers. Of great significance is the fact that since 1952, the gap between the average income of Negro and white workers has been increasing.

By December of 1959, the Negro median wage was approaching 60 percent of the white workers' average income. Since that time, however, the differential between the income of white and Negro workers has been growing steadily greater. My source for the data is the Bureau of Labor statistics of the U.S. Department of Labor.

As a result of automation and other technological changes in the economy unskilled and semiskilled job occupations are disappearing at the rate of 35,000 a week or nearly 2 million a year. It is precisely in these job classifications that there has been a disproportionate concentration and displacement of Negro workers.

At the present time the economic well-being of the entire Negro community is directly and adversely affected by the generations of enforced overconcentration of Negro wage earners in the unskilled and marginal sectors of the industrial economy.

A continuation of this pattern will cause even greater crises in the years to come unless fundamental and rapid changes take place in the occupational characteristics and mobility of Negro labor in the United States. Negroes may be slowly winning the broad legal and social struggles for full citizenship rights but are currently losing the battle for economic equality and job opportunity.

The continuing economic crisis for Negro wage earners requires the immediate enactment of a strong Federal equal employment opportunity law with broad enforcement powers and wide jurisdiction.

The experience of the past decade establishes very clearly that there is absolutely no substitute for a Federal equal employment opportunity law.

The President's Committee on Equal Employment Opportunity has very limited powers in carrying out the intent of Executive Order 10925 which requires equal employment opportunity by contractors doing business with the U.S. Government.

The President's Committee which was established as the enforcement agency under the Executive order has operated without statutory authority and inadequate funds, thus, its ineptness becomes evident when confronted with, for instance, the powerful forces in control of the textile industry.

The association has filed many complaints with the President's Committee regarding major producers in the textile industry and here we are forced to report virtually no progress for Negro workers in the major manufacturing industry of the South.

Absolutely no progress has been made on behalf of Negro workers in the textile industry, the largest and most important manufacturing industry of the South. Our investigations indicate that Negroes comprise less than 2 percent of those employed in southern textile manufacturing and that Negroes are rigidly limited to menial jobs.

The association filed an extensive series of complaints with the President's Committee against some of the most important southern textile companies. These included Deering-Milliken, Beaumont Mills, National Spinning, Dan River Fabrics, Reeves Bros., Spartan Mills, Drayton Mills, and others.

The southern textile industry is now engaged in a variety of evasions and circumventions of the President's Executive order.

One is forced to report the inability of the President's Committee to open up new job opportunities for Negro workers in other important sectors of the economy such as in public utilities, the building and construction industry, and skilled craft jobs in the metal trades.

This judgment is based upon the fact that the NAACP has filed over 600 complaints since the establishment of the President's Committee. Confirmation of our judgment regarding the extremely limited potential of a President's Committee without a statutory base and with inadequate funds and staff is to be found in the 1961 Employment Report of the U.S. Commission on Civil Rights:

This Commission's investigations in three cities—Atlanta, Baltimore, and Detroit—and a Commission hearing in Detroit revealed that in most industries studied, patterns of Negro employment by Federal contractors conformed to local industrial employment patterns.

In the automotive industry, for example, even though each of the three manufacturers contacted had adopted a companywide policy of nondiscrimination, employment patterns varied from city to city. In Detroit, Negroes constituted a substantial proportion—from 20 to 30 percent—of the total work force.

Although their representation in nontraditional jobs was slight, all companies employed them in all classifications other than management positions, and one company employed Negroes in administrative and management jobs as well. In Baltimore, each of the companies employed Negroes only in production work and not above the semiskilled level—as assemblers, repairmen, inspectors, and material handlers.

In Atlanta, the two automobile assembly plants contacted employed no Negroes in assembly operations. Except for one driver of an inside power truck, all Negro employees observed were engaged in janitorial work—sweeping, mopping, carrying away trash.

Lack of qualified applicants cannot account for the absence of Negroes from automotive assembly jobs in Atlanta. Wage rates are relatively high for the locality and the jobs are in great demand. The work is at most semiskilled and educational requirements are extremely low (present employees averaging a third-grade education).

There are indications too that, in the same geographic location, patterns of Negro employment are substantially the same in plants of Government contractors as in plants of noncontractors. The commission mailed questionnaires to a 5-percent sample of all manufacturing and assembly plants in Atlanta, Baltimore, and Detroit.

While the returns were limited, they showed no appreciable difference between Federal contractors and noncontractors in the proportion of Negroes employed or in the types of positions in which Negroes were working. A similar conclusion was drawn on the basis of questionnaire surveys of Federal Government contractors by the commission's State advisory committees in six Southern States, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and West Virginia.

The history of Government contract compliance agencies during the Eisenhower administration and during the present time gives ample proof that the concept of voluntary compliance in relation to equal employment opportunity for Negroes is a fallacy.

On April 6, 1962, in an appraisal of the first year of operation of the President's Committee on Equal Employment Opportunity the NAACP stated:

The administration has relied for favorable publicity on a superficial approach called plans for progress. The so-called plans for progress—voluntary agreements entered into by a few large corporations may yield high returns in press notices but only superficial and token results for Negro workers in new job opportunities.

The plans for progress have not produced the large-scale job opportunities for Negro workers that have been so long denied them. It is our experience that major U.S. Government contractors operating vast multiplant enterprises regard the signing of a plan for progress as a way of securing immunity from real compliance with the antidiscrimination provision of their Government contract.

An analysis of the status of Negro workers in companies that signed the plans for progress fully sustains this view. We believe that the plans-for-progress approach is simply a euphemism for what in previous administrations was called voluntary compliance.

In January 1963 the Southern Regional Council issued a report entitled "Plans for Progress: Atlanta Survey." This study confirmed the judgment of the National Association for the Advancement of Colored People regarding the inadequacy of voluntary compliance and concluded with the following statement regarding the operation of the plans for progress in the Atlanta area: "Most felt—and readily stated—that the plan was not applicable to them."

A few said it would become applicable when the hiring of a Negro would be advantageous, for example, when the Negro market demanded it. Some did not even know of the existence of the plans for progress, while others who knew, and who did employ a few Negro janitors or porters on their staffs, felt that they were thereby upholding the object of the plan.

To sum up, indications are that the interpretation of the voluntary and affirmative provisions of the program is being left to the individual signers themselves.

In a letter to President Kennedy dated March 18, 1963, Roy Wilkins, executive secretary of the NAACP, said that the 1,000 Negroes employed in the Nation's vital space effort in the Cape Canaveral-

Cocoa area in Florida are denied equal job opportunity as a result of a pattern of discrimination by major Government contractors and sub-contractors in Cape Canaveral.

In his letter to the President, Mr. Wilkins noted that "the Government's role as the principal employer in the area is apparent."

Complaints filed by the national office of the NAACP with the President's Committee on Equal Employment Opportunity are now pending.

An extremely serious problem confronting Negro workers throughout the South is the discriminatory practices of State employment services. The operation of State employment services in Southern States is characterized by a mixed pattern of racial segregation and discrimination.

All job orders are racially designated and all job referrals, sometimes formally and sometimes informally, are made on the basis of race. Major industrial corporations operating with Federal Government contracts cannot possibly be in compliance with the President's Executive order banning employment discrimination where such contractors in the South are using the facilities of the State employment services. The U.S. Government is 100 percent responsible for the operating costs of all State employment services.

Federal funds are provided for these agencies under the Wagner-Peyser Act and the funds are disbursed by the Department of Labor which administers the Federal-State employment service program.

It obviously makes no sense for the administration to issue Executive orders banning employment discrimination while agencies of the Federal Government subsidize such discriminatory practices. The association has repeatedly called upon the Department of Labor to take decisive action to eliminate the broad pattern of discrimination and segregation in the operation of State employment services.

Even in the North the operation of the State employment services represents a very serious problem to Negro workers. It is necessary to recognize that racial discrimination is an inevitable and inherent consequence of the normal operating procedures of the U.S. Employment Service.

The State employment services receive funds and rewards from the Federal Government based to a very large degree on the number of gross placements made during the year. This inevitably places operating personnel in the position of responding to arbitrary and discriminating job requirements in referring workers for jobs and in selecting them for admission into training facilities.

A further problem is the usual tacit assumption by local employment service personnel that there are "white" jobs and "colored" jobs. This is a result of the prevailing hiring pattern in many localities and the reluctance of employment services staff to innovate changes in the established racial pattern.

Another example of how the manpower services of the Federal Government operates against the best interests of the Negro worker is to be found in the current operation of training programs under the Manpower Development and Training Act.

Because the colored worker is extremely vulnerable to unemployment as a result of discrimination and technological change, Negro workers more than any other group in the work force qualify for large-

scale training under the Federal Manpower Development and Training Act.

However, reports from NAACP branches and my own investigations clearly indicate that Negroes are being limited to programs that simply perpetuate the traditional concentration of Negroes in menial and unskilled jobs. Thus, in Pensacola, Fla., there are all-Negro programs for chambermaids and waitresses.

I would question whether many of the Congressmen who voted for this bill intended that Federal funds be used to train chambermaids. This is not the intent of the enabling legislation.

In Birmingham, Ala., there are all-white programs for electronic machine operators and arc welders, but Negroes are limited to laundry machine training and shirt pressers training.

In Beaufort, S.C., there is a dubious training program for Negro waiters while in Greenville, S.C., there is an all-white program for general machine and tool machine operators. This is, in my opinion, a travesty on the intent of the legislation.

In addition to the rigid pattern of racial segregation in training programs conducted under the Manpower Development and Training Act, in Alabama, Georgia, Mississippi, South Carolina, and other Southern States, reports from northern communities indicate that because of the statutory requirement that there shall be "reasonable expectation of employment" as the basis for admission into training programs, unemployed Negro workers are very frequently screened out of admission into the desirable programs for skilled craft training.

The consequences for Negroes of the Manpower Development and Training Act have been either nontraining or segregated training or training for the lowest and least desirable job classifications. In my opinion, a continuation of this pattern will simply extend and deepen the job gap between white and Negro workers.

Another serious manifestation of Federal responsibility in practices that adversely affects the economic base of the entire Negro community is to be found in the fact that the Department of Health, Education, and Welfare, each year distributes \$55 million of Federal funds for education under the Smith-Hughes Act, a very large part of this is given to vocational training programs in which Negroes are either totally excluded or limited to unequal segregated facilities.

Vocational and trade schools in the Southern States receive a very large part of these Federal funds but even a cursory examination of vocational training facilities in the South reveals a pattern of segregation together with a lack of adequate programs to qualify Negro students for higher technical education or for skilled employment in the new industrial installations in the area.

In most southern urban areas where there has been a tremendous growth of manufacturing operations we find that the limited programs offered in Negro vocational schools are obsolete in terms of modern industrial technology. Thus, while white students in vocational schools are studying advanced technology in tool and die making and for the automotive and aerospace industries, Negroes are limited to home economics and other service occupations and here also the Federal Government has a direct responsibility for helping to perpetuate the pattern that makes the Negro worker an unskilled worker and most vulnerable to large-scale permanent unemployment.

Another serious barrier to the Negro worker is the functioning of the Bureau of Apprenticeship and Training of the U.S. Department of Labor. This Bureau, in giving certification to an apprenticeship program, provides the legal basis for various public subsidies to apprenticeship programs.

The Federal Government, through grants-in-aid coming from the U.S. Office of Education of the Department of Health, Education, and Welfare, provides funds which subsidize apprenticeship training programs in many States. The national pattern of Negro exclusion from skilled craft apprenticeship training is well known and has reached scandalous proportions.

The Federal Government, therefore, is directly subsidizing discrimination in the skilled trades whenever a trade union or employer excludes Negroes and members of other minority groups from admission into a registered apprenticeship training program.

Much has been made of alleged progress in opening job opportunities for Negro employees in Federal agencies, however, closer examination of the pattern of Negro employment in Federal agencies and the continuing complaints received by NAACP units throughout the country indicates that there is more press agentry than progress regarding Negro advancement in Federal agencies.

Based upon our experience we are forced to agree with the statement of Mr. Adrian Roberts, vice president of the American Federation of Government Employees in the Washington area, as reported in the March 5, 1963, issue of the Washington Star, who charged that Federal agencies have manipulated statistical data to give a misleading impression that they are doing something about ending discrimination in the hiring and promotion of Negroes.

Mr. Roberts, a career official of the U.S. Department of Labor, testified before the Subcommittee on Equal Employment of the District of Columbia Advisory Committee to the U.S. Civil Rights Committee and stated that—

Citizens in the District of Columbia area who believe in the fundamental concepts of democracy are impatient with the continuous stream of platitudes in public speeches and agency news releases on the subject of equal employment opportunities.

They resent the manipulation of statistical data on Negro employment in an effort to show dramatic progress * * *. However, when a true accounting is taken of where we are and where we ought to be, it is clear that there is need for full speed ahead.

The operation of State and municipal fair employment practices commissions is absolutely no substitute for a strong Federal fair employment practices law. With one or two exceptions, State and municipal fair employment practices commissions are drastically limited in their effectiveness by inadequate funds and inadequate staff.

Most of these agencies are simply complaint-taking bureaus that often take years to resolve an individual complaint received from an aggrieved citizen. We know that in practice only a very small fraction of all individuals who are the victims of employment discrimination because of race or religion ever file complaints with State and municipal commissions; therefore, in terms of the realities in eliminating discriminatory employment practices.

The fundamental approach must be toward the initiation of affirmative action based upon the overall pattern of employment discrimina-

tion. In addition, one must note the unfortunate inability of State and municipal fair employment practices commissions to eliminate discriminatory racial practices in many important areas of the job market where there are expanding job opportunities. Primary among these is the building and construction trades areas, which, by the way, should represent major sources of new employment to the Negro worker who has been forced out of the heavy industries.

For the past 10 years there has been a vast expansion of employment opportunities in the New York building and construction trades. In the physical reshaping of New York City as in other urban centers there has been a tremendous increase in the rate of residential and non-residential construction.

Virtually all new construction work in New York City is performed by union labor operating under collective bargaining agreements with building-trades unions that make contractors entirely dependent upon union-controlled hiring halls as the exclusive source of labor supply.

Almost all of the 19 international unions in the AFL-CIO building trades department have locals in New York City. New York State has had a State commission against discrimination for 18 years—it was the first State—the New York Commission for Human Rights, the agency which administers the State fair employment practice statute, operates with one of the largest financial budgets and staff resources in the country, yet, for all of its efforts, it has not been able to alter the pattern of racial discrimination in building trades unions in the city of New York.

Local 28 of the International Sheet Metal Workers Union, AFL-CIO, has jurisdiction over all sheet metal work done on new construction projects throughout the five boroughs. Its membership is approximately 3,200. There is not a single Negro member in local 28, nor has a Negro ever been admitted into the apprenticeship training program controlled by this local union.

Negroes who have applied through the years have been denied admission on one or another pretext as was Mr. James Ballard, who filed a complaint in March 1963, with the civil rights bureau of the State attorney general's office which served a complaint on local 28 charging them with discriminatory racial practices.

Local 2 of the United Association of Journeymen, Plumbers and Steam Fitters, AFL-CIO, one of the most important of the building trades unions in the AFL-CIO, has jurisdiction over all plumbing work done on new construction work in Manhattan and the Bronx.

Its membership is approximately 3,300 and has remained stable through the past decade. As of the first quarter of 1963, there has been full employment for all members of local 2 and in addition more than a thousand union men from other locals in the surrounding area have been employed in the plumbing trade in New York City.

After years of protests and the filing of complaints with civil rights agencies, local 2 now has admitted two nonwhite apprentices. But the admission of one or two Negroes into a union-controlled apprenticeship training program is not a significant change in the racial pattern but rather is regarded by the discriminators as a strategic accommodation to community pressure and does not represent any significant gain for the large Negro community (New York City).

We have a representative here from the State of Pennsylvania, if I may make this comment about this in Philadelphia.

The State of Pennsylvania has had a fair employment practices law since 1955 and Philadelphia has had a municipal fair employment practices statute since 1948. Yet, at the present time there is a rigid and total pattern of Negro exclusion from the major building trades craft unions in the Philadelphia area where there are vast construction projects. The Philadelphia Tribune in its issue of February 12, 1962, stated that—

Philadelphia labor unions have fostered a pattern of racial discrimination that is unsurpassed even in the Deep South.

George Schermer, executive director of the Philadelphia Human Relations Commission, stated on March 4, 1963 that major unions in the AFL-CIO Building and Construction Trades Council were guilty of discriminatory practices. Mr. Schermer singled out Plumbers Local 690, Steam Fitters Local 420, International Brotherhood of Electrical Workers Local 98 and International Brotherhood of Electrical Workers Lineman's Local 126 among others.

The pattern of Negro exclusion from the major AFL-CIO building trades unions continues unabated even in cities and States where there has long been a fair employment practices enactment. This is significant as it indicates the serious inability of such agencies to reach the skilled craft occupations where there is a rigid pattern of discrimination as in the printing industry, the building trades, skilled metal crafts and others where there are expanding job opportunities.

Thus, today in the United States there are more Negroes with Ph. D. degrees than there are Negroes who are licensed plumbers or licensed electricians.

Year after year, tens of thousands of nonwhite students graduate from vocational high schools in the major urban centers of this Nation, but after satisfactorily completing their courses of study in a variety of craft skills young Negro workers ready to enter the labor market are denied employment opportunities in the building and construction trades and are forced to take low-paying menial or unskilled jobs if they are to work at all.

Many of them are forced to completely abandon hope for work in the craft for which they were trained. Is it any wonder that there is a large proportion of school dropouts each year among Negro youth in vocational training schools who soon enough learn the realities of the racial practices of building trades unions in New York City and elsewhere and express their sense of futility by leaving school at an early age?

Adoption of a Federal fair employment practices law that would decisively intervene, once and for all in breaking the national pattern of Negro exclusion in the building trades and in other skilled craft occupations would have a very real and significant effect in the rate of school dropouts among minority group youths.

On November 15, 1962 the leaders of 121 AFL-CIO unions, at a special White House ceremony, signed an agreement with the Federal Government to eliminate discriminatory racial practices within affiliated unions. The pledges committed each union, among other things, to accept all eligible applicants for membership without regard to race, creed, color, or national origin; to end segregated locals:

and to eliminate discriminatory practices in apprenticeship training programs.

Almost 6 months have passed and we have yet to see any significant change in the pattern of anti-Negro practices by several major affiliates of the federation.

These include discriminatory practices by trade unions in four areas: exclusion from membership because of race. (this is now done most frequently by tacit consent even where the "lily-white" clause is removed from the union's constitution); segregated locals; separate racial seniority lines in union contracts; are the refusal to admit qualified Negroes into union-controlled apprenticeship-training programs.

It is clear that only a Federal equal employment opportunity act with strong enforcement powers and which specifically includes trades unions within its jurisdiction, can remove the barriers of trade union discriminatory practices which in certain industries are the decisive factor in determining the status of Negro workers.

The dual considerations of securing employment opportunities and of achieving the most effective utilization of the Nation's manpower supply must be recorded as among the most vital and urgent needs of the American community. Surely there are few other questions that so directly relate to the welfare of our citizens as well as to the country's place in a world where industrial power is a decisive factor.

Both political parties have recognized this in principle. The Republican Party platform states:

We pledge continued support for legislation to establish a commission on equal job opportunity. * * *

The Democratic Party platform more specifically—quite specifically—endorses fair employment practices legislation which is included as a major item in the party's platform on civil rights.

It is evident that support or nonsupport from the White House can be the decisive factor in determining passage or defeat for fair employment practices legislation, however, there is also a direct party responsibility for both political groups in the Congress.

The New York Times of September 2, 1960, carried a front page story from Washington, D.C., stating that—

Senator John F. Kennedy pledged himself today to supporting a drive early in the next session of Congress for passage of the Democratic platform plank on civil rights.

The New York Times also reported that—

Mr. Kennedy centered his news conference on the civil rights issue and promised to put the power of the White House, if he is elected, behind the fight to get the Democratic plank passed in the next Congress.

In the volume entitled, "The Speeches of Senator John F. Kennedy Presidential Campaign of 1960" issued as part 1 of the final report of the Senate Commerce Committee on Freedom of Communications (Rept. 994, pt. I, 87th Cong., 1st sess.) there appears on page 77 the following statement of Senator John F. Kennedy:

The Democratic platform calls for fair employment practices. I have supported it when I was in the House of Representatives when it came up. I would feel that we should take action in every available area to expand civil rights, jobs and all the rest of it.

For the Negro wage earners in America and indeed for all who are advocates of civil rights, what the members of both political parties do on the issue of fair employment practices in this session of the Congress will be far more important than all the rhetoric of party conventions and campaign speeches.

The dubious rationalization that support for this bill will endanger other desirable legislation is completely specious and must be clearly rejected as an exercise in political chicanery.

What the administration does on the issue of equal employment opportunities will be long remembered and will be the decisive issue in determining the civil rights record of this Congress and the Kennedy administration.

Mr. ROOSEVELT. Thank you, Mr. Hill, and I gather that we may count on you and the NAACP in the organization battle lines when this matter is finally reported by this committee.

Mr. HILL. Absolutely.

Mr. ROOSEVELT. And also when we face the problem of getting it implemented.

Mr. HILL. May I say we are prepared to mobilize all of the 1,600 branches and the State and regional organizations of the NAACP for the purpose of giving the greatest support possible to this bill.

Mr. ROOSEVELT. Mr. Dent, any questions?

Mr. DENT. I have no questions.

I welcome Mr. Hill here. I have known him for quite a while and he is very forceful in his presentation always and I believe he means everything he says.

Mr. ROOSEVELT. Mr. Daniels.

Mr. DANIELS. No questions.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. I would like to commend Mr. Hill on his statement, as well as the NAACP. It was an excellent presentation, very fine.

Mr. ROOSEVELT. Mr. Gill.

Mr. GILL. Mr. Chairman, I do not think we have time to go into much detail, but I would like Mr. Hill or someone he can designate to give us a written breakdown on a question that has come up before. Why is it that the State fair employment practices acts apparently have been relatively ineffective and yet the feeling is a Federal act would work.

This is the problem that bothers me because I do not understand the mechanics or the mechanical reasons, if there are any, for this failure, which would not apply to the Federal act.

Mr. HILL. There are two points I would like to make, if I may, very briefly.

One of the serious limitations on the operation of the State and municipal commissions is that before the machinery of the commission can begin to move there must be a filing of a complaint by an aggrieved individual. I do not want to elaborate on this point, but I think it is evident that this establishes a very serious limitation.

The commissions that are solely concerned with the resolution of individual job complaints may secure a measure of justice for the individual who signs a formal complaint, but it does not alter the employment pattern, it does not alter the industrywide pattern.

There are some commissions, like the Massachusetts commission, in terms of the formulation of the statute, which do have the power to

initiate claims but for a variety of reasons which are known only to those commissions do not choose to use that power.

Of course, there is the other problem, that is that most of these commissions, sir, have very inadequate staffs, and have limited funds with which to operate.

I might mention that Princeton University is now doing a rather elaborate study of the operation of these commissions. I have seen some advance reports and I believe in the next 6 months Princeton University will make public its results of the study in this area and they go into some detail on this.

I would hope that one of the important differences between the operation of a State commission and a Federal commission would be that the Federal agency would be given the power to initiate complaints on an industrywide basis.

It would not wait for the aggrieved individual citizen to file a complaint when he has been denied an opportunity for which he is qualified, but there would be affirmative action on the basis of Negro exclusion in entire industries across the country.

Especially today, since we deal with big business and big unions, and most of the major corporations of America are multiple-plant operations, it seems to me it is very obvious that there is much to be gained by this.

Mr. GILL. You obviously mean that, one, Federal commission would have more adequate staff, and two, a Federal commission would be able to move, on its own motion, into areas where discriminatory practices are evident?

Mr. HILL. Yes; and thirdly, with full enforcement and penal powers—we have learned that the idea of voluntarism in this field simply doesn't work, that the commission be granted full power to invoke sanctions and be prepared to use those sanctions when justified.

These are the three basic needs of such an operation.

Mr. GILL. Thank you, Mr. Chairman.

Mr. ROOSEVELT. Thank you very much, Mr. Hill.

We are grateful to you for your cooperation with the committee and for what I think we all agree is a very excellent statement and it will be most helpful to us.

(The following was submitted by Clarence Mitchell:)

To: House General Subcommittee on Labor.

From: Washington Bureau, NAACP.

Re: H.R. 405.

We respectfully urge the subcommittee to consider the following proposed technical changes in the language of H.R. 405. We believe that if these changes are adopted, they would result in clarification of coverage that would assure maximum coverage within the present framework of the bill.

(1) Section 5(a) (1), insert following "compensation" on line 17, page 7, "promotion, training, opportunity for training, job assignment, job classification, re-employment."

(2) Section 5(b), add at the end of the section, on line 10, page 8, "or to accept job orders that in any way discriminate against or classify individuals on the basis of race, religion, color, national origin, or ancestry."

(3) Section 5(c) (3), add on line 24, page 8, following the first "to", "enter into any collective bargaining agreement or otherwise."

(4) Section 5(c) (d), add "or training" following "employment" on line 8, page 9.

We believe that these suggested changes will make it clear that it is the intention of Congress to prohibit discrimination in any aspect of employment, training, promotion, or other personnel or related action.

The Chair would like to read into the record at this point a letter received from the Honorable Adam C. Powell, chairman of the full Committee on Education and Labor, addressed to me dated May 6, 1968:

Due to the protest made to me by the Washington Movement, a group composed of outstanding citizens of Washington, D.C., the charges made by our colleague, Representative Charles Diggs, of Michigan, the repeated stories in the Washington edition of the Afro-American by its editor, Mr. Charles Sumner Stone, as well as the article carried in this week's edition of the Saturday Evening Post, charges that racial tensions in Washington, D.C., are due to the lack of employment, I am requesting you to hold open hearings forthwith on denial of equal employment opportunities which comes under the jurisdiction of your subcommittee.

It is the considered judgment of the District of Columbia Superintendent of Schools, the head of the Urban League, the Saturday Evening Post authors, Mr. Stone, and many others, that Washington is in for some serious trouble this summer if some kind of remedial action is not taken immediately.

Very truly yours,

ADAM C. POWELL, *Chairman.*

Now, the chairman would like to ask of the members of the committee whether it is agreeable with them that in compliance with this request that the hearings of the committee be extended 2 further days giving opportunity, at our invitation, to be arranged by counsel for those mentioned, as well as others in the area, to present as much factual information as possible before the committee and of course those who are adversely criticized to have the opportunity to come and make whatever statement they may wish to make before the committee.

It is the feeling of the Chair that this matter is in line with the very bill we are considering and cannot be separated from it and that therefore it should be a part of the present hearings.

Without objection then counsel is instructed, at the earliest possible time after consultation with members of the committee, to set up the 2-day hearing at the earliest opportunity.

Is there further business to come before the committee?

Without objection, the committee will stand adjourned subject to the call of the Chair.

(Whereupon, the subcommittee was adjourned at 12:30 p.m., to reconvene subject to the call of the Chair.)

EQUAL EMPLOYMENT OPPORTUNITY

TUESDAY, MAY 21, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:30 a.m., pursuant to recess, in room 429, Cannon Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representative Powell, Roosevelt, Pucinski, Daniels, Hawkins, and Martin.

Also present: Russell C. Derrickson, staff director; Dr. Deborah Partridge Wolfe, education chief; Jay H. Foreman, subcommittee counsel; and Richard T. Burress, minority counsel.

Mr. ROOSEVELT. The committee will come to order, please.

The committee this morning will begin an extension of earlier hearings on H.R. 405, a proposed Federal Equal Employment Opportunity Act. It will be conducted today and again on Friday, May 24, in this room.

They will concentrate primarily on job discrimination within the District of Columbia and are being held at the suggestion of the chairman of the full committee, Mr. Powell, who is present today.

In recent weeks, several sources, including Chairman Powell and Congressman Diggs, and various publications, have indicated that the Nation's Capital might be in for a tense summer due to racial discrimination, and much of the trouble has been attributed to employment discrimination, which, of course, is the specific area of responsibility of this subcommittee.

There can be no question that this discrimination leads to a loss of incentive among Negro youth, due to bleak employment prospects. This results in school dropouts with all of the ominous consequences arising from the unsupervised activities of unoccupied youth.

There are a number of witnesses who have been invited and asked to come to testify before the committee, our purpose being to get a true picture of job discrimination within the District of Columbia. When we are finished, we are hopeful it will then be also possible for us to make specific recommendations to, we hope, the full committee so that the situation may be improved and we may do our share in exercising public responsibility to avoid any circumstances which might lead to the kind of unfortunate circumstances which we know hurts not only the local community, but which makes a very bad image of the failures of our national economy.

On Monday, June 3, Mr. Hobart Taylor, Jr., Executive Vice Chairman of the President's Committee on Equal Employment Opportu-

nity, will appear before this subcommittee to present a factual record of the progress of the President's Committee in eliminating employment discrimination by Government contractors and to answer such question as the subcommittee may have.

Mr. Chairman, may I say to you we are delighted to have you present today and we trust that the hearings which will be held in these next 2 days will fulfill the responsibilities which you delegated to us in your communication.

Mr. PUCINSKI. Mr. Chairman, I would like to ask a question. Is it the intention in these hearings to limit ourselves only to the geographic confines of the District of Columbia, or are we going to look at the overall metropolitan picture in this area? The reason I ask this question is that it appears to me that there are great limitations on employment opportunities, as such, not only within the District itself.

It would seem to me then that in order for these hearings to really get a true picture of the situation that exists in this general metropolitan area we should not confine ourselves only to the narrow confines of the District's boundaries, but rather look into the situation that exists across the Potomac and in other surrounding areas where people who live in the District by the very nature of the economic complex here, would have to seek employment opportunities in some of the surrounding suburbs.

Mr. ROOSEVELT. May I say to my friend that, of course, the basic legislation before us is applicable to all metropolitan areas and all areas where there is job discrimination.

Our particular hope in the next 2 days, however, is to hear from people with specific reference to the problems that exist within the District, and anything which shows that the problem within the District goes into areas outside of the District certainly is pertinent to the problem before us.

Mr. PUCINSKI. I thank the chairman for that.

Mr. ROOSEVELT. I, however, would like to emphasize that it would seem to the chairman, and I think to Mr. Powell also, that we have a very distinct responsibility in relationship to the problems of the District because there is no home rule in the District.

This is a Federal responsibility. It should be, in our opinion, a model for the country, and certainly there is at least some indication that perhaps it falls far below the ideal that we would like to see established within the area of direct Federal responsibility.

Mr. PUCINSKI. If the chairman will yield just one more second, I am particularly happy to hear that Mr. Hobart Taylor is going to appear before the committee on the 3d of June to give a picture of the activities of the President's Committee under the direction of Vice President Johnson. As I have stated at these hearings before, it is my judgment that the Vice President has done a truly spectacular job, within limitations of the Executive order, in trying to eliminate many of the discriminatory practices that have plagued the Federal Government for many years. I will listen with great interest to the testimony of Mr. Hobart Taylor to see whether or not there is any basis for criticism voiced here earlier before these hearings. It is my hope that the President's committee is going to be able to establish beyond any reasonable doubt that it has done a very effective job and is doing a very effective job.

I think that a great deal of credit goes to the Vice President for his determined efforts in trying to break down discrimination at least at the Federal Government level in hiring practices.

Mr. ROOSEVELT. I would say to the gentleman that I am happy, of course, that his statement has been made. But I want to point out that if there is any doubt in this area, the best way to resolve the doubt is to have the record before us and to make a factual examination.

Mr. PUCINSKI. As I say; that is why I said, Mr. Chairman, I am very happy that Mr. Taylor has been invited to testify before the committee. This will give us a chance to weigh all of the facts in this matter.

Mr. ROOSEVELT. I thank the gentleman. The first witness before the committee this morning is Mr. Victor Daly, Deputy Director of the District of Columbia office of the U.S. Employment Service.

Mr. Daly, we are happy to have you, sir. We look forward to your factual statement.

You may proceed in any manner most convenient to you, sir.

STATEMENT OF VICTOR DALY, DEPUTY DIRECTOR, DISTRICT OF COLUMBIA OFFICE, U.S. EMPLOYMENT SERVICE

Mr. DALY. Mr. Chairman and gentlemen of the committee, I want to express my appreciation for the opportunity to testify on this very important matter which concerns all of us and quote to you from my experiences as the Deputy Director of the U.S. Employment Service.

As you know, the Employment Service for the District of Columbia is a unit of the Department of Labor.

The U.S. Employment Service for the District of Columbia has publicly stated again and again that the absence of equal employment legislation in the District of Columbia is one of the basic causes of the current ills that now beset the city of Washington.

Employment, housing, public welfare, and a declining tax base are all adversely affected by the distortion of the local labor market. We reiterate that position here and now. We urge the Congress to enact legislation with strong powers of enforcement.

Let us make a close examination of employment conditions here in the District. One of the chief difficulties of the local labor market is the racial composition of the work force. This is purely an artificial situation, the removal of which would go a long way in restoring balance and sanity to abnormal employment conditions in this city.

Speaking frankly, and with some notable exceptions, the business community including the construction industry, simply is not giving employment to nonwhites except in custodial or unskilled capacities at the very bottom of the ladder where wages are at a minimum and opportunity for advancement is virtually nonexistent.

Within the past 2 years the retail trades have made a positive effort to relax discriminatory hiring practices among sales personnel. To the utter amazement of many of these employers, their programs of merit hiring have worked exceptionally well.

They have met with neither customer resistance, nor difficulties from their own employees. The same is true of the local public utilities companies—transit, telephone, gas, and electricity.

Among the construction trades the operating engineers have successfully integrated their local union and the Carpenters' District Coun-

cil is moving rapidly toward a well integrated organization including their apprenticeship program.

But this is the end of the rainbow. The business community including the banks, the savings and loan associations, the insurance companies, the mortgage and investment houses, the title insurance firms, and the real estate offices, have adhered to a rigid policy of radically discriminatory hiring.

Indeed, it might be said, that these companies have openly defied the efforts of the community, the District government and the Federal Government to bring about a change in policy by persuasion and negotiation. We feel that only legislation can remedy this evil.

Due to the vast redevelopment and slum clearance activities in this area, coupled with the enormous amount of public building, the construction industry is rapidly becoming one of the largest employers of local labor.

Unfortunately, up to this point, the construction industry has contributed absolutely nothing in the hiring and training of Negroes in the skilled trades.

Mr. ROOSEVELT. Would you mind if I interrupted you just for a moment? You have specifically named banks, savings and loan associations, insurance companies, mortgage investment houses, title insurance firms, and real estate offices.

It would seem to me that, lacking their coming forward to give us their view of the situation, this committee would be very properly within its jurisdiction—Mr. Chairman, I ask for your view on this—if we subpoenaed some of these people and asked them point blank what they intended to do about the situation which you have said in your official capacity is an area in which there is no progress being made.

I seems to me that they have a duty to come before this committee and discuss it with us. We are not accusing them of anything. We are simply saying that on the record now there is an official statement which says that in this area there is no progress, and if you could help us by indicating to us, because of your knowledge of the District, who would be the most representative spokesman for each of these areas, the committee would appreciate it in order that we can then go forward and take the necessary steps to have them express themselves before the committee.

Mr. DALY. I will be happy to do that, Mr. Chairman.

Mr. ROOSEVELT. Thank you.

Mr. MARTIN. Would the gentleman yield?

Mr. ROOSEVELT. Yes.

Mr. MARTIN. The witness also goes into the labor unions and the construction industry. I would suggest also that some of the union officials of the District be subpoenaed and brought in to testify.

Mr. ROOSEVELT. We have done just that. It is already a part of the program of the committee. The only reason I mentioned these other areas is that these other areas are not presently scheduled to appear before the committee, whereas, the local unions, the specific people, both those who are cooperating and not cooperating, we have scheduled to hear. If at any time you feel there are representatives of other areas which you would like to hear, if you will let the Chair know or Counsel know, we well, of course, proceed and invite them to appear before us.

Mr. POWELL. Will the Chair yield?

Mr. ROOSEVELT. Yes.

Mr. POWELL. Have any of the representatives of private industry or management been requested to come and have not complied with the request?

Mr. ROOSEVELT. Mr. Chairman, we invited the board of trade as seemingly the organization that represented generally industry in the District, to come and discuss this matter with us. The board of trade replied to counsel that they felt they had no responsibility in this area, but, however, they are now scheduled to appear before us.

Mr. POWELL. Have you invited any of the construction unions?

Mr. ROOSEVELT. Yes, Plumbers Local No. 5 is scheduled to appear before us, a member of the local Hod Carriers Union is scheduled to appear before us. And the IBEW Local No. 26 is scheduled to appear before us.

Mr. POWELL. I think it is a very good idea to subpoena representatives from those gaps both in labor and management which at the present are not filled in the list of witnesses.

Mr. ROOSEVELT. Counsel is instructed to confer with Mr. Daly in this area and to try to get specific representatives where these gaps are in both management and labor and the committee will go forward to make a rounded hearing.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield, these labor unions that the chairman has listed as being scheduled to appear are, I take it, appearing voluntarily. We have not had to subpoena those organizations.

Mr. ROOSEVELT. That is correct.

Mr. PUCINSKI. I also understand that the board of trade is also going to appear voluntarily without subpoena.

Mr. ROOSEVELT. That is correct.

Mr. PUCINSKI. So that as far as we know right now, we have no cause for subpoenaing anyone. First we are going to invite them.

Mr. ROOSEVELT. We always first invite people, I will say to the gentleman, and if we do not then get a response, there is nothing left for us to do but subpoena them, but we do not do so until we have invited them to come of their own free will.

Mr. PUCINSKI. I agree if they do not want to come, this is a sufficiently important subject for us to exercise the power of subpoena, but in my judgment we ought to exercise all other care in getting these witnesses before the committee rather than to try to drag them in.

We are trying to resolve a problem here and I think we can do much more effective work if we work together on this thing.

Mr. ROOSEVELT. The Chair will assure the gentleman that that has always been his policy and it will continue to be so.

Mr. PUCINSKI. Thank you.

Mr. ROOSEVELT. Proceed, Mr. Daly.

Mr. DALY. This applies to the failure of the construction industry to hire Negroes in the skilled trades.

This is one of the chronic causes of racial tension in the District of Columbia. The craft unions in the building and construction industry have traditionally performed the manpower functions of

recruiting, training, qualifying and referring workers for employment in all trades connected with the industry.

The community has no quarrel with this procedure if it is done on a fair and equitable basis without racial or religious bias. The unions enjoy a virtual monopoly in the Washington metropolitan area in public construction, and where public funds are involved, the unions have a legal as well as a moral obligation to see that these programs of apprentice recruitment, training, and employment are carried out on a strictly nondiscriminatory basis.

Under the present system apprentices selected by the craft unions and/or joint committees are the only ones permitted to work on public construction in the metropolitan area.

Unfortunately, up to this point, these selections have not been made on a fair and equitable basis.

The Negro community, comprising 54 percent of the population and 80 percent of the public schools, has been systematically excluded from apprenticeship training in the building trades.

Repeated efforts to place qualified young Negro high school graduates in apprenticeship training with the craft unions have met with massive resistance by the organized building trades in the District of Columbia.

The contractors, who actually do the hiring, have done nothing to check these abuses or to comply with the requirements of the equal employment policies of the Federal Government.

Consider these few statistics. The District public schools provide the classroom instruction necessary to supplement the on-the-job training of the indentured apprentices. Currently, an area skills survey based on information received last January (1963) from the Vocational Education Department of the District of Columbia public schools, revealed that there are only 66 registered apprentices in the skilled construction trades receiving the instruction in the District high schools.

Of this number, 44 are in carpentry; 16 are training as operating engineers; 4 are metal lathe trainees, and 2 are reinforced concrete rodmen apprentices.

To our knowledge, 4 of these young men are nonwhite—all in carpentry. Some of these figures may have changed slightly since last January (1963). That is downward. Some of these boys may have have dropped out.

The apprenticeship program in the District public schools has been in constant decline for the past several years. The Plumbers and Steamfitters Union maintains its own training program outside of the local public school system.

The electricians use the facilities of a local private high school. The bricklayers give their classroom training at a nearby high school in Prince Georges County. In Montgomery County, there are 128 registered apprentices in the county schools.

Of these, 67 are in the electrical trades, 39 in the metal trades and the remaining 22 are scattered among other miscellaneous building crafts, as plumbers, pipefitters, ironworkers, and so forth.

There is not a single Negro apprentice in this group of 128. But aside from this, another disturbing element in this discouraging picture is the fact that the overwhelming majority of these apprentices in the county schools are indentured to District of Columbia contractors, or contractors who do most of their work on District jobs.

If there is to be equal employment opportunity in the skilled construction trades, there will have to be a meaningful and effective program of apprenticeship training open to all segments of this community without regard to race, creed, or national origin.

Without trained apprentices there never will be an ample supply of skilled journeymen. This means a perpetuation of the status quo and relegates the Negro construction worker to a hewer of wood and a drawer of water.

Speaking here in Washington recently, before the National Association of State Apprenticeship Directors, Mr. C. J. Haggerty, president of the AFL-CIO Building and Construction Trades Department, warned that the Nation is faced with a dangerous shortage of apprentices.

He stated that the number of apprentices continued to decline in every State in the Union except California. Mr. Haggerty emphasized the growing danger to our national prosperity and security unless 2 million skilled craftsmen were added to the labor force by 1970.

One ray of hope in recent weeks on the local horizon has been the insistence of the Department of Labor, working in close conjunction with the President's Committee on Equal Employment Opportunity, that contractors working on Government construction open up their apprenticeship programs to all qualified applicants in the community without regard to race, creed, or national origin.

Following a series of joint meetings with contractors and representatives of the local craft unions, the Department of Labor has instructed the U.S. Employment Service for the District of Columbia to develop lists of qualified applicants for apprenticeship training from this year's graduating classes for later use.

In line with this new approach to the problem, the Labor Department's Advisory Committee on Equal Employment Opportunity in Apprenticeship and Training has announced a five-point program to broaden opportunities for minority groups and to enforce a policy of nondiscrimination.

The Committee acted to encourage the establishment of apprenticeship information centers across the country to gather data on the extent of minority representation in apprenticeship; to devise enforcement machinery for the nondiscriminatory clause in Government contracts and to develop preapprenticeship guidance programs.

Locally, such an information center is now being established in the offices of the U.S. Employment Service for the District of Columbia. It is our intention to utilize the services of a strong local advisory committee, composed of both management and labor, to enhance the effectiveness of the information center and to refer as many qualified applicants for apprenticeship training as the contractors can hire.

Equal employment opportunity legislation would give added body and force to these programs. We endorse the proposed legislation and urge its enactment.

Mr. ROOSEVELT. Mr. Daly, thank you very much for your factual statement. I have just a few questions. We have quite a long list of witnesses so we will try not to detain you very long.

You have, I think, without question, made a clear case of the existence of lack of equal opportunity and, while you have dwelt upon the construction industry, unquestionably the same principle must be

applied, should it not, to the other areas that you mentioned earlier in your statement?

Mr. DALY. The business community. Yes, sir.

Mr. ROOSEVELT. You say that the local information center is now being established and you are going to use the services of a strong local advisory committee. It seems to me that there is an urgency here that demands a timetable. When is this going to be done?

Mr. DALY. Well, we are having meetings every day on this subject and the Under Secretary of Labor has said that the local information center should be set up by the first of June. We are working on that now. We have prepared a skeleton organization for the information center. We are selecting personnel and we hope to be in business by the first of June on this, in order to be able to counsel and advise the graduating class of high school students, which will be graduated in the week of the 9th of June.

Mr. ROOSEVELT. What cooperation are you getting from the school system?

Mr. DALY. The public school system has supplied us just within the last 2 or 3 days with a list of all of the high school graduates who have designated by direct questioning any interest in apprenticeship training and we have also solicited and obtained a similar list from the parochial high schools in the District of Columbia.

Mr. ROOSEVELT. Mr. Daly, I have for years watched private industry recruit from schools and universities and the way they do it is not to get just lists. They go and set themselves up on the ground and they get boys and girls in, and they talk to them and they press them and invite them, and they give them all of the facts and then try to steer them by direct contact.

Mr. DALY. We are doing that.

Mr. ROOSEVELT. What are your plans and what are the District of Columbia school plans to get yourselves on the spot so that you interview these people? It does no good to just express a pious hope that these graduates will come forward and get into apprenticeship training programs. They won't go into it unless you go after them. I want to know what you are going to do to get after them.

Mr. DALY. In the past we haven't attempted to do that because we had no apprenticeship opening to offer to these young people, but as of now this list has been furnished to us and we are sending out our counselors and our testing unit. We are giving them aptitude tests. They are going into the schools and they are in the schools as of this moment.

Mr. ROOSEVELT. And what do they have to offer when they get there?

Mr. DALY. We are offering them the possibility of apprenticeship training.

Mr. ROOSEVELT. Where?

Mr. DALY. We are going to supply the Department of Labor with the list of qualified applicants who have indicated an interest in apprenticeship training.

Mr. ROOSEVELT. The worst thing that could happen, Mr. Daly, just between you and me, is, after you get there and get all these people interested and then they make application, they never hear a blessed word after that.

Mr. DALY. That has been the procedure in the past. There is no question about that.

Mr. ROOSEVELT. What is the hope that it is going to be different?

Mr. DALY. Well, because the President's Committee and the Department of Labor, the Solicitor's Office and others in the Department of Labor, have been in constant communication, shall I say, with the joint apprenticeship committees of the District representing the various trades, labor, and management, the people who have selected the apprentices in the past.

They have been meeting with them almost daily in the metal trades, the electrical trades, the carpenters, the bricklayers, the sheet metal men, all of them. They have been meeting with them, Government contractors, the joint committees, who represent both labor and management, and representatives of the Department of Labor to resolve this very matter.

Mr. ROOSEVELT. As of this Tuesday morning, however, there has been no announcement, has there, as to how many apprenticeship jobs are open to these high school graduates that you are seeking?

Mr. DALY. No. We have no orders. The employment service operates by employer orders. As of now, we have no orders for apprentices, but we have been told to supply available apprentice candidates to the Department. The Department itself is dealing directly.

We will not be able to go beyond or above that. All we can do at the present time is to submit to them for resubmission to these joint apprentice committees the qualified candidates and see what happens.

Mr. ROOSEVELT. Without objection, I would like to state that I think it is the duty of this committee to invite the Department of Labor representatives to come here and establish publicly for us what are going to be the results of these conferences. I can think of nothing that would create more tension more rapidly than for you to go into this area and get people all excited about training that is going to be held and then have no orders, as you well put it, for apprentices.

That would really be putting the cart before the horse. Without objection the committee counsel is instructed to get the proper representative of the Department of Labor here to tell us specifically what they are doing on their end to complement the program which you have outlined here that you are doing on your end.

Mr. DALY. I think you ought to broaden the invitation. I think you ought to include those on the President's Committee that are working in this area in this particular field.

Mr. ROOSEVELT. Do you know who the gentlemen are?

Mr. DALY. Yes. I will be able to supply Mr. Foreman with the names of the people.

Mr. ROOSEVELT. We will ask them here also. The thing that bothers me is that this situation isn't a new one, Mr. Daly.

Mr. DALY. No; of course not, and it is not local here.

Mr. ROOSEVELT. That is right.

Mr. DALY. It is nationwide.

Mr. ROOSEVELT. But this is a Federal Government area where, my gracious, if we don't do the job here, how could we be asking people to do it in other areas. It seems to me, without exercising any criticism, that we are just a little bit late, to put it mildly, in getting down to the brass tacks of getting some solution to this.

I want to emphasize that I am not criticizing you. You can only go so far. You have a program on your end of it. You are going to tell these young people what a good thing it is if these opportunities exist. But if you tell them that and the opportunity does not exist, you are being asked to do a disservice instead of a service.

Mr. DANIELS. Mr. Chairman, may I ask the witness a question?

Mr. ROOSEVELT. Certainly.

Mr. DANIELS. On page 4 of your statement you mention the fact that only 66 registered apprentices in the skilled construction trades are receiving instructions in the local high school, and of that number only 4 are nonwhite?

Mr. DALY. That is right.

Mr. DANIELS. Do you expect to recruit many qualified apprentices from the high schools by the program that you propose to set up?

Mr. DALY. We do, and the great majority of them will be nonwhite.

Mr. DANIELS. Do you think you will be able to recruit a larger number than four from the local high schools?

Mr. ROOSEVELT. Would you excuse me just a minute? Did the witness say that most of these job openings that would come up would be nonwhite?

Mr. DALY. I said most of the apprentice applicants will be nonwhite.

Mr. ROOSEVELT. So that we must establish a willingness on the part of the contractor—

Mr. DALY. And the labor unions.

Mr. ROOSEVELT. And the labor people—

Mr. DALY. The joint committees.

Mr. ROOSEVELT. To open the doors so these people can be taken care of; in other words, to reverse dramatically the present figure.

Mr. DANIELS. I think, too, Mr. Chairman, that it might serve a good purpose if this information committee would go into the local schools to encourage these boys to study these trades so that they can get the necessary skill and training in the schools to qualify for these jobs.

Mr. DALY. Well, it has not been a question of qualifications in the past. The prime question has been the lack of opportunity. These boys are qualified to take the training. There is no question about that.

But they do not have the job openings. When they study in the vocational high schools, 3 years to be an electrician, and come out and they can't find a job as an electrician, they take a job as a busboy or a soda jerk in a drugstore, that type of thing. They are completely underemployed and the 3 or 4 years of training that they have had at public expense have completely gone down the drain.

Mr. DANIELS. Perhaps, Mr. Daly, I misunderstand your statement. You are now stating that the boys are trained, but because of the lack of the opportunity to go to work at the trades for which they have been trained, consequently they have to take other work beneath the dignity of the training that they have received?

Mr. DALY. Maybe we don't understand each other. When the boy comes out of school after 3 years of trade school vocational training, he is not trained to go into industry. He is trained to go into apprenticeship training. What I am saying is that of 66 boys that are cur-

rently in the local high schools, taking their 144 semester hours of related book learning along with their on-the-job training, only 4 of those boys are colored.

Mr. POWELL. Mr. Chairman.

Mr. ROOSEVELT. Yes.

Mr. POWELL. Isn't there an Executive order as regards the employment of people in the construction of public buildings, without regard to race, creed, or color?

Mr. DALY. I didn't quite get the question.

Mr. ROOSEVELT. The chairman's question was: Is there not now in existence an Executive order with respect to public buildings registered in the District of Columbia that there shall be no discrimination in hiring by the contractor?

Mr. DALY. That is right.

Mr. ROOSEVELT. What has happened to that?

Mr. DALY. And the subcontractor has signed that agreement and the prime contractor has signed that agreement.

Mr. ROOSEVELT. How long ago was that?

Mr. DALY. But the labor unions haven't signed the agreement.

Mr. POWELL. What did you say?

Mr. DALY. The labor unions have not signed that agreement, so they feel no obligation under this contract. They have no contract with the Government. They are only contractors with the subcontractor.

Mr. ROOSEVELT. So the subcontractor and the contractor are in the position of saying, "We can't get people"?

Mr. DALY. That is because, "We only hire the people that the unions send to us."

Mr. ROOSEVELT. So the Executive order is being circumvented by the lack of labor cooperation?

Mr. DALY. It doesn't reach down. That is right.

Mr. POWELL. How many years has this order been in existence?

Mr. DALY. Well, ever since the old Executive order.

Mr. POWELL. Nine years. Congressman Diggs charged that it wasn't worth the paper it was written on.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. Certainly.

Mr. DALY. This has been going on and is the same gimmick that is used to keep these men off the job.

Mr. PUCINSKI. Mr. Daly, isn't it a fact, though, that the Executive order goes to the contractor on his hiring practices, but the Executive order does not go to the apprentice program? According to your own statement on page 6 the President's Committee on Equal Employment Opportunity has stated that it now is extending that Executive order to the apprentice program. Isn't that what is really happening here now?

Mr. DALY. I suppose you could interpret it that way, but I think the President's Committee, in its meetings with the Bureau of Apprenticeship Training, has to admit that the labor unions do not have enough journeymen.

They don't have Negro journeymen in the labor unions. Take the plumbers, the steamfitters, the electricians, the sheet metal workers. They don't have a single Negro in those unions. How can they sup-

ply them to a subcontractor if they don't have them as members of the union?

That is their argument. So the President's Committee and the Department of Labor has gone to the source of the subject. Let us get some apprentices and get them into these unions so as to stop that argument.

Mr. PUCINSKI. That is exactly right and this is why your testimony today, to me at least, is extremely hopeful. The chairman said that it comes too late. I agree. But I also agree that we are 100 years too late in this whole field of human rights and, as I see the picture now, if I understand your testimony correctly, in this building trades construction field, you now have three agencies moving together.

You have the President's Committee on Equal Employment Opportunity setting down the rule that the President's Executive order on nondiscrimination goes down to the apprentice level and applies to the apprentice program, on the one hand.

These unions have said repeatedly before this committee that they would have gladly trained Negro students in the apprentice program if employers would hire them, but the unions have said they have no control over the hiring of an apprentice. They can only train those apprentices that an employer will hire. Here again you have your own Department and the President's Committee saying to the contractor: "You cannot participate in Federal contracts if you discriminate in hiring practices."

You have the two movements now going forward. Finally, if I understand your testimony correctly, we have your agency setting up information centers to make available to youngsters of all minority groups complete information on opportunities in the apprentice program.

It would appear to me, Mr. Daly, that you have brought before this committee certainly a hopeful picture and I am hoping the chairman is correct. If all of these agencies move with a spirit of urgency in this field, it seems to me that we can see some significant breakthroughs in this whole area.

Is my assumption correct, sir?

Mr. DALY. Your assumption is exactly correct, with the added hope that the proposed legislation will give body and enforcement to this program. This is purely a voluntary program up to this point.

Mr. PUCINSKI. You are right. We have established early in these hearings that as laudible as may be all of the efforts of the executive branch of the Government, unless you pass this legislation, meaningful legislation with enforcement procedures, you are always going to have a gap, and I agree with you on that.

Mr. ROOSEVELT. Mr. Daly, just to supplement what Mr. Pucinski said, it is true, however, at the moment, while the President's Committee has a whiplash over the contractor and his contract can be canceled for noncompliance, there is absolutely no similar whiplash over the union apprenticeship program.

Mr. DALY. That is right.

Mr. ROOSEVELT. That is a purely voluntary program. They can continue as they are. I think you would discover, if you looked into it, that most of these apprenticeship programs do not need the Federal Government and don't care whether they have the Federal Gov-

ernment's approval or not, and therefore, without this or some legislation, there is no direct control over those apprenticeship programs, that is, no similar whiplash as you have over management.

I, at some point, would like to have this committee consider that, if we cannot get direct jurisdiction by legislation over these apprenticeship programs which will force them to be nondiscriminatory, in order not to be able to have a contractor come and say: "Well, I can't get the workers from the union," I think we should work out some basis where the Department of Labor says: "All right, we will cooperate with you in putting apprentices on the job, and give the contractor assistance in whatever the course may be, and set up a District of Columbia apprenticeship program which will break this down and give us a wedge so that we can have some ability to provide these contractors with the people we know would be glad to be there if they thought they could ever get into the job and work"; is that correct?

Mr. DALY. Exactly.

Mr. PUCINSKI. Mr. Chairman, with this observation: that certainly nobody will quarrel with the statement by the chairman, and the most desirable pattern for us to follow is to get this legislation through the Congress, but nobody can deny that it is a very tortuous route that this legislation has to go through before it becomes a law. The point and thrust of my colloquy with the witness is that as desirable as this legislation is, and we are going to do everything we can to pass it, I certainly hope that these young students who had their opportunities denied are not going to have to wait that long.

There is machinery that is now moving to bring them some immediate relief, right now, this minute, without waiting until we go through the tortuous route of this legislation.

This legislation, in the final analysis, will strengthen this program and it is very desirable, but I think we ought to move through these executive agencies as quickly and forcibly as possible.

Mr. ROOSEVELT. Mr. Daly, again, though, what Mr. Pucinski says is a pious hope. If the unions want to come along, if they will cooperate with the machinery that is now getting into motion, fine. But, suppose they don't. Suppose all these fine efforts by the President's Committee and everybody else on this program just simply result in more pious statements: "Yes, we will do anything," but nothing gets done.

Mr. DALY. They say the most powerful force in the world is an idea whose time has come, and I think the time has come when these unions and these contractors are beginning to realize that the public, certainly in this community, sees behind the veil that has obscured this whole picture, and if nothing comes out of this legislation, certainly out of this hearing will come, I hope, a complete unveiling of what is taking place here and what has transpired. It cannot stand the light of publicity.

Mr. POWELL. I would like to say that something will come out of this legislation because Mr. Roosevelt and I have decided that as soon as the committee marks up this bill, I am going to start calling it for the Calendar Wednesday and I will separate the sheep from the goats.

Mr. DALY. Absolutely, more power to you.

Mr. ROOSEVELT. Mr. Martin, do you have any questions?

Mr. MARTIN. Yes. A few moments ago in the discussion you were talking about the 66 registered apprentices now in the public school program here in Washington. You further stated that there would not be openings for these people. When you made that statement were you referring to both the whites and the nonwhites in this program, or would the whites get openings and get jobs from it? Would you clarify that for me?

Mr. DALY. We haven't had the problem of Negro apprentices before. The Carpenters Union now has four; they will be graduated from their apprenticeship training in the course of the next 2 or 3 years, so that we have no background information.

We have no past information to go on on that, but I can say this: That in each of these skilled trades there are more job openings than there are candidates to fill them for apprentice work.

Mr. MARTIN. I believe you made the statement that these people would not find jobs in apprentice training. Were you referring to only the nonwhite when you made that statement?

Mr. DALY. Yes. I was referring to the nonwhite high school graduate who wanted to go into apprenticeship training.

Mr. MARTIN. The whites were finding jobs but the nonwhites were not?

Mr. DALY. Yes; that is right.

Mr. MARTIN. Under the Taft-Hartley law, I believe that law states that the hiring halls shall be operated by the unions. Quite obviously, from your testimony here and other information that we have received, the unions, particularly in the craft unions in the construction field, have shown a great prejudice against nonwhite employment.

Since the Taft-Hartley law specifically states that the unions should operate the hiring halls, what would be your recommendation in regard to an amendment to the Taft-Hartley law taking this power away from the unions and setting up the hiring halls through a third disinterested party? Would that correct the situation at all?

Mr. DALY. That I suppose would call for an amendment to the Taft-Hartley law.

Mr. MARTIN. That is right.

Mr. POWELL. There is in the Taft-Hartley law a clause that you can't discriminate. It has never been used.

Mr. MARTIN. But my point, Mr. Chairman, is that Taft-Hartley specifically gives to the unions the power to operate these hiring halls, and my further suggestion is in regard to an amendment to Taft-Hartley to remove this power from the unions and operate the hiring halls through a third disinterested party, if that would perhaps correct a part of this difficulty.

Mr. DALY. Frankly, that would be outside of the area of my competence. I wouldn't be able to, without study, determine whether a union should or should not be permitted to operate its own hiring hall.

We would have to have further considerations. We would have to take into consideration the question of whether the construction that was proposed was public construction or private construction. You might have to go into details of that nature.

Certainly you couldn't control the hiring policies of a union without fair employment legislation or equal opportunity legislation if the union confined itself purely to private construction, any more so than

you could say to a garment manufacturer who was in business for himself, "We want to control the people that you hire." The manufacturer has the right to choose his own people.

Now, if he is going into making Navy uniforms and he is working for the Government and using public funds, then you would have the right to step in and say, "Well, if you are going to continue to work for us as the Federal Government on public work, then we want to have something to say about whom you hire to work in your shop."

Mr. MARTIN. According to your testimony here, one of the major difficulties is the unions themselves in the construction industry, the craft unions.

Mr. DALY. That is the whole meat and core, I would say, of the Taft-Hartley law, that gives the unions a certain amount of protection, but, on the other hand, is aimed to protect the public.

The reason I take such a dim view of giving these unions the exclusive right to choose their own apprentices to put on these jobs is because they control the construction of public buildings, and public funds are involved, and where public funds are involved, then there ought to be some sort of Federal control over who works on those jobs.

I don't think it is fair to say to one segment of the population anywhere here in Washington or on the west coast, "This is a public building and although we have no Negro apprentices and no Negro journeyment, yet we represent this, that, and the other union and we have the exclusive right to hire for construction on this job."

I don't think that that is fair, and that that is what I mean when I say the idea has come of age, and I think that when it is explained to the public and when the people understand it they will no longer put up with this type of discrimination on public construction.

Mr. MARTIN. Mr. Chairman, I would like to suggest that it might be well to go into this point sometime along in the hearings here in regard to that possibility of amending Taft-Hartley to remove from the unions exclusive power of handling the hiring halls. That is all.

Mr. ROOSEVELT. Mr. Daniels?

Mr. DANIELS. No questions.

Mr. ROOSEVELT. Mr. Hawkins?

Mr. HAWKINS. Just this point, Mr. Daly. On page 6 of this statement of yours you indicate that a series of joint meetings have been held with contractors and representatives of local craft unions and that from these meetings you are preparing a list of qualified applicants. Are we to assume that you have some assurance that the representatives of both contractors and the local craft unions will cooperate with you through the apprenticeship joint committees in the removal of discrimination and that this list that you will prepare will actually be a live list and that they will recruit qualified persons from that list? Is that the definite understanding that the agency that you represent has with these two groups?

Mr. DALY. That is our hope, Mr. Hawkins. That is the understanding that we have with the members of the committees, from the President's Committee, and the Department of Labor.

The Bureau of Apprenticeship Training, which is a segment of the Department, as you know, has given us their assurance that as a result of these joint meetings between themselves and the joint apprentice committees of each one of these trade unions, that some—I have no

idea as to the number—of these young men that we are now interviewing, counseling, and testing, and have designated an interest in apprenticeship training, will be selected for this apprenticeship training beginning this fall, and that is the most progress that I know that has been made in this field.

Mr. HAWKINS. The term you use "for later use" refers to a use sometime this summer and before the fall?

Mr. DALY. Yes. The apprentices are selected in the summer and they begin training at the time the school opens in September.

Mr. HAWKINS. Thank you.

Mr. PUCINSKI. Just one moment. Mr. Daly, I would like to commend you for raising this question in your opening statement about the declining tax base and what this type of discrimination means to the revenue resources of the District.

I think that this is a point that is too often overlooked in this whole discussion of civil rights. All over America local communities are reeling under constantly increasing local taxes and I think that the American people have not been adequately told what discrimination costs in denial of job opportunities. No better example of this is there than right here in the District where you stated in your statement that 54 percent of the population in the District is Negro.

Deny these people job opportunities and, of course, the money has to come from some place to provide the facilities, education, and what not. I think that this is an argument that certainly should be more developed in my judgment, to show the American people the full cost of discrimination in this country.

I want to congratulate you for including that in your statement.

Mr. DALY. Thank you.

Mr. ROOSEVELT. Mr. Daly, we are very grateful to you and for your cooperation with the committee. You have been most helpful to us.

Mr. DALY. Thank you, Mr. Chairman and gentlemen of the committee.

Mr. ROOSEVELT. Thank you.

The committee will now ask Mr. C. Sumner Stone, Jr., the editor of Afro-American, to come forward and be our next witness. Mr. Stone, I know that you have made a good many studies and devoted a good deal of time to this situation, so we are happy to have you give us your point of view.

STATEMENT OF C. SUMNER STONE, EDITOR, AFRO-AMERICAN

Mr. STONE. Thank you, Mr. Chairman.

My name is C. Sumner Stone, Jr., and I am the editor of the Washington Afro-American newspaper.

Mr. Chairman, the Washington Afro-American newspaper considers it a signal privilege and honor to be invited to testify before the House of Representatives Education and Labor Committee's General Subcommittee on Labor.

Dr. Carl J. Murphy, chairman of the board of directors of the Afro-American newspapers, largest Negro newspaper syndicate in the world, extends to this distinguished committee his sincere wishes for the success of this subcommittee's work and likewise expresses his appreciation to the members for their concern about racial discrimination in employment.

I shall concern myself briefly with three aspects of racial discrimination in employment in the District of Columbia:

1. Racial discrimination in private businesses in the District of Columbia.

2. The relationship of the board of trade to the perpetuation of these practices in local industry and businesses.

3. Continuing racial discrimination in the District of Columbia government.

First of all, let me make two points about the District of Columbia which are painfully obvious, but can never be repeated too often:

1. The District of Columbia is the capital of the United States of America.

2. It is the only major city with a majority of Negroes.

Consequently, when an employer refuses to hire Negroes, he builds an iron curtain of bigotry against a majority of the population. This is both economically irresponsible and morally unsound.

Only 8 months ago, Howard University students threatened to picket the construction of a new men's gymnasium unless Negro workers were put on the job. Of the contractor, subcontractor, and unions involved, not a single one of them hired or welcomed Negroes into their membership.

Racial discrimination in the construction industry in the District of Columbia is one of the most insidious problems we have. The unions all compound this sociological felony by their unholy conspiracy with management.

In Washington, D.C., there are 24 Federal savings and loan associations, 12 banks with a total of 67 branches, and more than 400 insurance companies and agents operating in the District of Columbia; none, with the exception of the Negro insurance companies and the one Negro bank, pursue a policy of merit hiring.

In fact, First Federal Savings & Loan Association and National Permanent Savings & Loan Association have both declared they have no intention of practicing fair employment to include Negroes.

I might point out that a fairly new bank, District of Columbia National Bank, struck a blow for democracy when it elected Dr. James Nabrit, president of Howard University, to its board of directors, and hired a Negro teller. American Security & Trust Co. hired a Negro teller a year ago. This, I found out, was done after Negro ministers picketed the banks downtown.

But, it is an accurate, fair, and honest assessment to make that the banking and insurance industries and Federal savings and loan associations of the District of Columbia practice the most nefarious kind of racial discrimination in employment by refusing to hire Negro secretaries, typists, tellers, and accountants on the basis of merit.

It is a sorry indictment of the financial power structure of this city that Negroes are rigorously excluded from jobs in this significant industry.

The relationship of the Metropolitan Washington Board of Trade to racial discrimination in private employment is best delineated by this composition of its membership.

Until a year ago, the 7,000-member board of trade was lily white. It now includes seven Negro members.

While the board of trade ably and with sincere dedication concentrates on the economic development of the District of Columbia, it

also has involved itself with both political and social problems, while rigorously disclaiming any responsibility for the maturation of a racially integrated city.

One political arena where it has been notoriously active has been home rule for the District of Columbia. The board of trade opposes it. This is strictly a political issue and the board of trade's enormous influence has perhaps provided the balance of power against the realization of the franchise for District citizens.

We have been in the middle of the development of the community. We have stuck our nose into everything. We have been in some measure responsible for most of the important conclusions concerning the city of Washington—

said the board's executive vice president, William H. Press, some time ago.

The one critical area where the board of trade has persistently refused to stick its nose in has been that of fair hiring. Since it proudly claims credit for "most of the important conclusions concerning Washington," it can be justifiably held partly responsible for the severity of racial discrimination in employment practiced so lovingly by the overwhelming majority of its members.

Occasionally, the board of trade reveals an enlightened posture and agrees to participate in significant programs such as the summer employment program of the Juvenile Delinquency Planning Board.

By sending out a special bulletin to its members as it did on May 10, indicating its participation, the prestige of the board insured a few employers responding to the need for summer jobs for 16-18-year-olds.

Mr. Chairman, I have a copy of this special bulletin here that was sent out by the board of trade on May 10 describing the program and what the board of trade should be in relation to that particular job.

Mr. POWELL. Mr. Chairman, I ask unanimous consent for it to be included in the record.

Mr. ROOSEVELT. Without objection, it will be included in the record following your testimony.

Mr. STONE. The board is to be commended for its role in a program so vital to the economic and social development of Washington, D.C.

However, by ignoring the seriousness of racial discrimination in District employment, by refusing to take the initiative among its membership to voluntarily eradicate unfair hiring, the board of trade has been a willing partner to the development of racial exclusion among the District's businesses and industries. Its silence has meant a grudging if not enthusiastic consent to racial discrimination.

To put it bluntly, if the board of trade can fight against home rule, it can fight for merit hiring.

In the District of Columbia government, racial discrimination continues almost as rampant as it was 2 years ago before the advent of the Kennedy administration.

A study made by the Washington Urban League in October 1962 revealed that despite the fact that Negro employment continued to remain at 47 percent of the total 25,558 employees, employment gains of District government Negro employees were much lower since 1960 than white employees.

In other words, a comparison of the jobs and salaries between Negro and white employees of the District government was more unfavorable for Negroes after 2 years under President Kennedy's equal opportunity program.

A good example of just how rotten the District government is with racial discrimination in employment is manifested by these figures: in 18 departments of the District government there is not a single Negro in the top 207 jobs.

These departments are General Administration, Buildings and Grounds, Corrections, Fire, Highways and Traffic, Licenses and Inspection, Police, Public Health, Welfare, Sanitary Engineering, Unemployment Compensation Board, Motor Vehicles, and Zoning Adjustments.

The Police Department is perhaps the worst segregated Department of all. Of its top 27 jobs, none are held by Negroes. There are no Negro captains and though the District population is 54 percent Negro, the police force is only 14 percent Negro.

We have been "blessed" with a Negro District Commissioner who has been totally inept in breaking the hard core of racial discrimination in District government employment.

Other than a most important and necessary symbol, Commissioner John Duncan has not materially made a dent in the steel wall of racial bigotry in the District government employment.

To sum it up, racial discrimination in the District of Columbia is rapidly approaching a crisis stage.

The continued denial of jobs to Negro men and women, the inability of young Negro school dropouts to find any kind of a job and the existence of a pattern of underemployment among Negroes, the failure to utilize the Negro for the job for which he is best qualified is producing a festering sore of racial tensions.

When people cannot find the means to put bread in their mouths and food in their children's stomachs, they become susceptible to the most extremist racial philosophies.

If this subcommittee can do anything it must focus the blinding glare of ugly publicity upon the employers in the Capital of the world's richest democracy who still believe that their fellow Negro American citizens are second-class citizens.

And it must lend its prestige to a consideration within the Congress for a law which will once and for all bury the body of Jim Crow in employment.

In the District of Columbia, Negro individuals have a median income of \$3,848 while white individuals have a median income of \$5,189.

While Negro families in the District of Columbia only have a median income of \$4,800, white families have a median income of \$7,692.

Mr. Chairman, it is time to close those two gaps. America is way overdue.

(The special bulletin referred to follows:)

SPECIAL BULLETIN PUBLISHED BY THE METROPOLITAN WASHINGTON BOARD OF TRADE

SUMMER EMPLOYMENT OF 16- TO 18-YEAR-OLDS

Information about the summer employment program developed by the Juvenile Delinquency Planning Board has been reported in the press. But because of the great community interest in youth problems and because the U.S. Employ-

ment Service for the District of Columbia, the Urban League, and other agencies are also sponsoring such activities the following material—hopefully clarifying procedures—is furnished to our service members.

The Juvenile Delinquency Planning Board seeks to find summer jobs for a significant number of young people 16 to 18 years of age this summer. They believe about 350 such jobs will be offered by Government and hope the same number will be provided by private employers.

Emphasis is being placed on nontechnical physical tasks such as busboys, service station and parking lot attendants, laborers, kitchen helpers, etc. Prevailing wages are suggested. The Cardozo High School area has been selected as the target area.

The Juvenile Delinquency Planning Board will accept applications for employment, judge their acceptability, provide counseling sessions and arrange appointments with respective employers. Sessions during the summer, particularly early, will be held to discuss and work out problems. This Board would also assist by maintaining contact with the summer workers' immediate supervisors and make evaluations respecting the employment.

A working committee composed of representatives of the board of trade, District of Columbia Chamber of Commerce, U.S. Employment Service, schools, etc., is proposed to develop appropriate training programs in September.

This activity has strong administration support, notably from the Attorney General and Charles Horsky, Presidential adviser. A meeting of these men and local leaders inaugurating the program is planned during the next couple of weeks.

Employers who can offer jobs to these specifications should communicate with Henry Holmquist of the Juvenile Delinquency Planning Board staff at 1420 New York Avenue NW., room 216, telephone National 8-3226. This staff will coordinate the program with the U.S. Employment Service and other participating agencies.

Mr. ROOSEVELT. Mr. Stone, I certainly agree with your conclusion. Let me just ask you one question. I am glad to see you list 13 departments in the District government where not a single Negro is in the top 207 jobs. Do you know of any specific instances of where there have been applications for those jobs or efforts to attain those jobs and whether there are records available to the committee of any complaints filed with the President's Committee?

Mr. STONE. Not at this level, Mr. Chairman. There have been complaints filed with the President's Committee for other jobs and we have had several complaints filed in our newspaper. We printed stories about people that applied for jobs, secretaries, and so forth, and were turned down.

There was a policy statement issued about a year and a half ago that there would be a fair employment policy pursued by the District of Columbia government, and after we printed it in the paper on the front page about 200 people went down to apply for jobs and some allegations of discrimination were made and filed with the President's Committee at that time. But I know of no instances at the top jobs.

Mr. ROOSEVELT. Do you know what has happened to those cases that were filed?

Mr. STONE. I don't, Mr. Chairman.

Mr. ROOSEVELT. You have no record of that?

Mr. STONE. No. I don't.

Mr. ROOSEVELT. Do you know where the committee could find out about them?

Mr. STONE. It might be with the President's Committee on Equal Opportunity. We directed these people each time to the President's Committee, but the President's Committee has a peculiar policy and I must say I disagree quite emphatically with Congressman Pucinski's assessment of the President's Committee.

They refer the complaint back to the Department which is discriminating. They have a FEPC office in each Department and in some instances the personnel officer of that Department is the FEPC officer.

Therefore, if racial discrimination is being practiced in employment, the man who was responsible for it is the FEPC officer.

Mr. ROOSEVELT. What I am looking for, of course, is factual evidence as to disposition of these cases.

Mr. STONE. I don't have the evidence of the disposition. As I said before, whenever we had complaints to our newspaper we referred them back to the President's Committee and they in turn referred them to the Department which is practicing discrimination.

Mr. ROOSEVELT. Without objection, the counsel is directed to ask the President's Committee for the factual disposition of complaints received against the District of Columbia government and to ask for a breakdown of the manner in which these were settled.

Mr. POWELL. Mr. Chairman?

Mr. ROOSEVELT. Mr. Powell?

Mr. POWELL. On May 5, I charged the board of trade with discriminatory practices. On May 7, the board of trade issued a reply saying they had no power. Prior to that they had said, "We have stuck our nose into everything in the District."

Get this timetable now. On May 5, I charged they were discriminating. On May 7, they replied that they had no power.

On May 10, they issued this order which is now part of the record, which did show they had the power to provide jobs. Therefore, the board of trade stands itself condemned directly.

Mr. STONE. In fact, in this particular bulletin they say that the Juvenile Delinquency Board hopes to find summer jobs, about 350 jobs by the Government, and hope the same number will be provided by private employers.

In other words, board of trade is endorsing this and taking the leadership in this particular program.

Mr. ROOSEVELT. At this time, there are no figures as to what the results of these summer jobs will be?

Mr. STONE. No, sir.

Mr. ROOSEVELT. How they will be distributed or what?

Mr. STONE. It won't be done until the middle of June sometime, and the Juvenile Delinquency Planning Board, which is running this program, will have the figures on it.

Mr. ROOSEVELT. Then again, without objection, the counsel is instructed to ask the Juvenile Delinquency Board to give the committee a breakdown as soon as it is available of the people who are hired in order that we may find out what kind of people are hired.

Mr. POWELL. These 207 jobs that Mr. Stone refers to, and I want to congratulate Mr. Stone for his fine statement and his fight here in the District, are not civil service, are they?

Mr. STONE. Yes. They are all civil servants. They are not Board Commission appointments and I think the District of Columbia government will probably attempt to refute this by indicating the number of Negroes who have been appointed to boards.

I am talking about jobs with paid salaries, in other words, the directors of the various departments, the chiefs, the supervisors, the managers. These are the ones I am talking about.

Mr. ROOSEVELT. Do you know of Negroes who are on the eligibility list for these civil service jobs?

Mr. STONE. No. I do not, Mr. Chairman.

Mr. ROOSEVELT. You don't know whether there are any on it, but one of the arguments that is going to flow back to us—I can hear it already—is that they are not appointed to these jobs because there are no applicants who have sought to be on the eligibility list.

What do we do about that?

Mr. STONE. I don't know what you do about it. I just find it pretty obvious in a city which has a majority of Negroes that we can't find anybody who is qualified for the civil service.

I think the Police Department is a good example where you have 54 percent Negroes. Yet the Police Department is recruiting outside the District.

Mr. POWELL. You say the Police Department is recruiting?

Mr. STONE. Yes, sir. Heavily outside the District, and most of the people hired in the last 2 years have been outside the District. There are very few people hired within the District and the figures are 14 percent of policemen are Negroes.

Mr. ROOSEVELT. Of the 14 percent—this, of course, we can find out and will find out—do you know of any who have taken civil service examinations in an attempt to qualify for higher appointments, such as captain, on the list?

Mr. STONE. They have this system where in the civil service examination, the written examination counts 40 percent and then the evaluation counts 60 percent, which is done by the Police Board.

Therefore, if you pass your written examination, you must get a fairly high rating on your 60 percent to be able to qualify for lieutenant or captain. It is a very subjective evaluation of a policeman's abilities.

It should be the reverse. The written examination should count 60 percent and the evaluation 40 percent.

Mr. POWELL. Let me ask one other question. Back to these 207 jobs, you say they are all civil service?

Mr. STONE. Yes, sir.

Mr. POWELL. Do all of these jobs require the District of Columbia civil service examination—is that what it is called?

Mr. STONE. The District Commission. They are under the Civil Service Commission of the U.S. Government. I think it is the same thing.

Mr. POWELL. The Civil Service Commission of the U.S. Government?

Mr. STONE. Yes, sir.

Mr. POWELL. Do they use the rule of one out of three?

Mr. STONE. What do you mean by that?

Mr. POWELL. Well, any three people come in at 98 percent, 97 percent, 96 percent. They can pick the 96 percent if they want to.

Mr. STONE. This I don't know. I am not sure whether they do that or not.

Mr. POWELL. Is there any racial identification in civil service?

Mr. STONE. No, none. Only when they go for interviews. In fact, we had one severe case in which we printed the list of all the job vacancies in the District of Columbia a year ago.

A Negro girl—this was one complaint—called on the phone and they were very enthusiastic about her coming down, discussed her skills

over the telephone, and when she arrived they insulted her so badly she broke down and cried and left and she filed a complaint.

We pursued the matter quite faithfully because of the experience she had. They needed a secretary, but when she arrived to take the test, and so forth, they discouraged her.

Mr. ROOSEVELT. What happened to that case?

Mr. STONE. She didn't get the job.

Mr. ROOSEVELT. She did not?

Mr. STONE. No, sir.

Mr. ROOSEVELT. Was it decided against her?

Mr. STONE. They pointed out that they filled the position within the Department. Yet, that morning the job was still available, but within 24 hours, they filled it within the agency.

Mr. POWELL. Do you have any reason you can offer why the number of Negro employees in the District of Columbia government is less now than it was?

Mr. STONE. It is still the same, but I think the Urban League is better qualified. Mr. Sam Harris is here. He did a very good analysis. No, I don't; I just think that they have not been operating within the President's mandate on equal opportunity. This is obvious.

If after 2 years Negroes have a less number of good jobs than we had before the President's Committee on Equal Opportunity order came into effect, then there is more racial discrimination in the District of Columbia, despite the fact that we have a Negro District Commissioner and Negroes in other policymaking positions.

I think it is at the lower levels, the directors of departments, and so on, that you have to concentrate.

Mr. POWELL. Each one of the three commissioners has an area of authority. What commissioner is in charge of employment of workers for the District government?

Mr. STONE. Mr. Duncan is in charge.

Mr. POWELL. A Negro Commissioner?

Mr. STONE. Yes. He is in charge. There has been almost no impact made on it.

Mr. ROOSEVELT. Mr. Stone, as the editor of the Afro-American, do you have any information as to the kind of immigration into the District of the Negro population? Is it still heavy? Is it continuing? Would you say that the work force is being expanded, as we are sometimes told, in areas where a fairly large number of relatively unskilled workers are coming into the District and unable to find jobs in the District?

Mr. STONE. A study was made in 1959. Mr. Chairman, about the immigration in relation to the welfare recipients. I can't recall the exact figures and perhaps the Urban League might have this information, but the immigration figures are fairly heavy among the lower economic groups and the unskilled workers.

A visual perception can be made of unemployment just by traveling in the Negro community on Massachusetts Avenue, and 14th and 15th and 17th Streets where the Negroes are just hanging around. They can't find jobs.

This can be seen by people.

Mr. ROOSEVELT. Do you know of any effort by the District Commissioners to attempt to try to set up some program to either train

these people or work out some opportunity for them to be trained, or go to some area where their skill or lack of skill could be used?

Mr. STONE. There is none whatsoever. They have been very unresponsive to this particular need in the District. This is the basis of this problem in the District. Despite the fact that we have a high middle-income, Negro homeownership, and so forth, one of the highest in the country, nevertheless this small percentage of Negroes unskilled, lower economy, illiterates, welfare recipients, is the basis of the present difficulties in the District of Columbia.

Mr. ROOSEVELT. What I am trying to get at is it would seem to me to be obvious, not only in the public sector, that any community of this kind would have begun, knowing the facts as they must know them of the immigration, to worry about setting up some kind of a program that would either attempt to make use of the skills as the people may have, find out what the skills are, and if they have no skills, then find out what they can do with the unskilled part of the population. It is amazing to me that you know of no such program.

Mr. STONE. If they have it it is a secret to us so far.

Mr. ROOSEVELT. Mr. Pucinski?

Mr. PUCINSKI. Mr. Witness, I don't have a copy of your prepared statement. Did I understand you correctly to say that there are less people working for the Federal Government now than there were in 1960?

Mr. STONE. No. I said that the Negro employee is worse off in jobs. In other words, a study was made indicating that the employment gains have been much lower since 1960 than that of white employees on a comparative basis.

Mr. PUCINSKI. As a very responsible newspaperman what is the basis for that statement?

Mr. STONE. The study made by the Urban League, and here it is.

Mr. PUCINSKI. Do you have this study?

Mr. ROOSEVELT. The next witnesses will be from the Urban League and I am sure they will give it.

Mr. STONE. This gives it; total employment. It gives the job classification, the number of Negroes at the various GS levels. It is all in this particular labor market survey and it indicates that Negroes cannot make the same gains and the better jobs as the white employees can. In fact, they even lost.

This was an analysis made of all the Negro and white employees in the various GS categories, from GS-1 to GS-18, and after 2-year periods the Negroes actually lost ground.

Mr. PUCINSKI. Here in the District?

Mr. STONE. That is right.

Mr. ROOSEVELT. Would you yield?

Mr. PUCINSKI. Yes.

Mr. ROOSEVELT. Without objection when this is submitted to the committee it is my intention to instruct counsel to refer this to the President's Committee and ask them for their comment.

Mr. PUCINSKI. I was just going to ask you whether you know whether this is caused by any decentralization of agencies. There may have been a change and a loss here in the geographic confines of the District, but do you know whether or not the total gains or net loss, either way you want to look at this, for the whole Federal

Government, whether that statement would be true in that instance?

Mr. STONE. No; it is not true for the whole Federal Government. It is just true for the District government.

Mr. PUCINSKI. In other words, then, Mr. Witness, to state that there has been a decline in job opportunities in the Federal Government here in the District—

Mr. STONE. Not the Federal Government, the District government.

Mr. PUCINSKI. We are talking about the District government?

Mr. STONE. Yes, the District government, not the Federal Government.

Mr. PUCINSKI. I am glad you cleared that up because I was wondering. I thought the Kennedy administration had a pretty good record in this field of job opportunities for Negroes at the Federal level and therefore I was somewhat confused when I heard your statement.

Mr. STONE. The District government. We are talking about 25,000 employees in the District of Columbia; the Federal Government, about 174,000 Federal employees.

Mr. PUCINSKI. I am very grateful to you for clearing that up because you had me worried for a while.

Mr. ROOSEVELT. Let the Chair interpose, however, that he sees very little difference between the District government and Federal responsibility.

Mr. PUCINSKI. Let me ask the chairman then how does he relate the Federal administration's jurisdiction over the District government's policy?

Mr. ROOSEVELT. Well, the Chair would like to point out that the administration saw fit to appoint a special White House adviser—Mr. Horsky, I think his name is—to indicate the administration's specific interest in the District of Columbia.

It would seem to me that part of that interest and Mr. Horsky's responsibility was to stir up the people to do something when they are presented, or must know, facts which indicate that solutions to the problems are not going in the right direction.

Mr. PUCINSKI. But if my good chairman will yield, the fact of the matter is that Mr. Horsky's position is a purely advisory position.

He has no standing in law and conversely the witness pointed out here the very distinguished Negro member of the District community, the Commissioner—

Mr. STONE. That is your personal assessment, very distinguished.

Mr. PUCINSKI. I was of that impression. At the time the Commissioner was appointed I read the editorials in the Washington press and they were extremely laudatory of his qualifications and the fact that a great breakthrough had been made.

Mr. ROOSEVELT. I don't think this committee is attacking Mr. Duncan and I do not want the committee to be in that position, but I do want to say that I must recognize that every Commissioner is appointed by the President, that he has a responsibility to the President, and that when the President puts into office special assistants for District affairs, he indicates, I think, a cross-link and desire that the Commissioners do a proper job, and all Mr. Stone has done is to point out that there are problems which somehow or another should have been attacked with the greatest possible vigor.

I am not saying they haven't been. It is simply that we want to find out whether they have been.

Mr. STONE. That is why Mr. Horsky was appointed, because the District Commissioners have been failing in their responsibilities.

Mr. PUCINSKI. This is where I might have some disagreement with my very distinguished chairman, whom I respect very highly.

Mr. ROOSEVELT. I got distinguished too in a hurry.

Mr. PUCINSKI. The fact that the District local government has curtailed opportunity in the government for the Negroes certainly is worthy of the highest condemnation, particularly when the Negro population has been increasing in the city. My only point here in questioning the witness is to try to ascertain some line of responsibility. There is a tendency, I have noticed, very frequently to try to blame the White House and the President for every single little defect that occurs in this country. I am under the impression that both President Kennedy, and Attorney General Kennedy, and the whole Democratic administration has done a tremendous job in trying to bring about a greater equilibrium in human dignity for all people.

Mr. STONE. I couldn't agree with you more.

Mr. PUCINSKI. This is the only point I wanted to make here, Mr. Witness, to distinguish between the shortcomings of a local government over which Mr. Kennedy has only extremely limited control.

I certainly think this legislation is necessary and it is necessary to include the District in this legislation for the very things that you have enumerated here, but I don't think it is quite proper to even leave a remote inkling here that this reduction in job opportunities at the local District level is a function of the President.

Mr. STONE. I don't think I implied that.

Mr. ROOSEVELT. I do not think either that he has said that. I think the distinguished gentleman from Illinois is the only one who has that impression.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that all members present be distinguished.

Mr. PUCINSKI. The only thing I wanted to get straight here was that I wanted to get the record straight as to where is the line of responsibility.

Mr. STONE. Let me say that no President in the history of America has shown more concern for the Nation's Capital than President Kennedy.

This is a fact. His special message to Congress, his appointment of Mr. Horsky, his repeated answers in press conferences about the District of Columbia, his very profound concern, all have been tremendous steps forward, and not only the President in the White House, but Attorney General Kennedy and his personal blessings and several members of the family for home rule in the District of Columbia, and no other President can claim this record.

Mr. PUCINSKI. Your testimony has been very helpful in clarifying these lines of command here and I might add as an aside that in that very chair that you are sitting in now Attorney General Kennedy sat not too long ago, and stated to this committee that he is never satisfied with the progress being made in this field of human dignity, and I am glad we now have the record straight.

Thank you very much.

Mr. STONE. We certainly are in agreement.

Mr. DANIELS. Mr. Chairman, I don't have any questions, but I want to compliment Mr. Stone for coming here and giving us the facts which pertain to the District, which will enable this committee to do a more enlightened and better job. I know Mr. Stone. He appeared before my committee when we studied the question of Federal aid in our school area and he was very, very helpful to our committee in bringing before the committee information which we could not obtain from any other source, so, Mr. Stone, I wish to compliment you in coming here today and giving us the benefit of your testimony.

Mr. ROOSEVELT. Mr. Hawkins?

Mr. HAWKINS. My question may not properly be directed to Mr. Stone, Mr. Chairman, but the information furnished to me is that the unemployment rate in the District is 2.7. In view of that, since we have some other districts, particularly my own, I would be very pleased if our unemployment rate was that low.

There must be some explanation for this rate in the context of the subject that we have under investigation. There must be a tremendous amount of underemployment or some other explanation. Perhaps Mr. Stone or some representative of the Urban League might discuss this phase of it, as to how this low unemployment rate could be possible at a time when there apparently is a lot of discrimination also involved. I would like to try to get some connection between the two.

Mr. STONE. The unemployment rate among Negroes is three times that. In other words, I think it is 8 percent.

Mr. HAWKINS. It deals with a large number of Negroes represented in the total population. It still doesn't seem to give a good explanation as to how the unemployment rate among Negroes could be three times this with the relatively small number of whites in the labor force as compared with other cities, how the overall rate could be this low.

It seems to be the fact that prevents some action around here on the theory that the unemployment rate is not a very alarming one. In view of that as an argument which is constantly being used, I just wonder whether or not there is some explanation that just doesn't show up in the actual unemployment rate.

Mr. STONE. I think Mr. Harris of the Urban League, the economist, can answer that better than I can.

Mr. HAWKINS. The only other suggestion I would have, Mr. Chairman, is that we might invite Mr. Duncan, who has been referred to here today, because of his responsibility in the field of employment in the District.

I would suggest, if it is in line with the thinking of the committee and the chairman, that we might include Mr. Duncan among those that we invite to this hearing.

Mr. ROOSEVELT. Without objection, if it is agreeable with you, Mr. Powell, we will invite Mr. Duncan to appear before the committee. We will forward him a transcript of today's record so that he may know what matters have been discussed.

Mr. POWELL. Surely.

Mr. ROOSEVELT. If there are no further questions, Mr. Stone, I want to thank you very much for your testimony and your presence with

us. I think we can truthfully say that you have raised some interesting problems for the committee's consideration.

Thank you.

Mr. STONE. Thank you.

Mr. ROOSEVELT. The committee will now hear Julius Hobson, chairman of CORE for Washington, D.C. Mr. Hobson, I know you have a problem in getting back to your job, so I hope we get you there so you don't get in trouble.

STATEMENT OF JULIUS HOBSON, CHAIRMAN, WASHINGTON CORE

Mr. HOBSON. Thank you. Let me say that I thank you very much for the opportunity to appear here and to discuss discrimination and employment in the District of Columbia.

My name is Julius Hobson and I am chairman of the Washington chapter of the Congress of Racial Equality. This is my statement:

Since early March 1961, the Washington chapter of the Congress of Racial Equality (CORE) has been engaged in a campaign designed to create an economic atmosphere in the District of Columbia in which all jobseekers and all employees will feel free to apply for any and all jobs for which they can qualify or be trained.

We in CORE believe that this can be accomplished if all public and private business establishments in the city can be persuaded to employ at all job levels without regard to race, creed, or color.

To this end we have talked to many business executives in the city and as early as March 1961 CORE wrote letters to the Washington Board of Trade and to the Merchant & Manufacturers Association asking them to use their good offices to persuade their members to practice immediate fair hiring.

We pointed out to these organizations that there existed at that time, and still today, an emergency unemployment situation among Negro jobseekers in the Nation's Capital, in that 17 percent among the Negro labor force was unemployed, compared with 7 percent of the white labor force.

We are certain that this high rate of unemployment among Negroes can be traced directly to job discrimination practiced openly against Negro jobseekers by the owners of Washington's private business establishments.

Mr. ROOSEVELT. May I just interrupt you, Mr. Hobson, for a moment? Where did you get this figure of 2.7 percent?

Mr. HAWKINS. Mr. Foreman of the committee obtained that at my request and perhaps Mr. Foreman can best explain it.

Mr. FOREMAN. The Bureau of Employment Security. Those are the figures for the metropolitan area as of last month.

Mr. ROOSEVELT. That is the metropolitan area.

Mr. FOREMAN. That is the distinction that should be made.

Mr. ROOSEVELT. I think it is important that we make that distinction. If you eliminate the metropolitan area and restrict it to the District of Columbia and the confines of the District of Columbia, I think we have an entirely different situation which, probably would be much nearer what the witness is now talking about.

However I think it would be well if we instruct counsel to ask the same source for a breakdown of figures within the District of Columbia.

Mr. FOREMAN. They don't have a breakdown based on racial distinctions.

Mr. ROOSEVELT. I mean total unemployment. If Mr. Hobson is correct in that 17 percent of the Negro labor force is unemployed and only 7 percent of the white labor force, that would still make an overall figure of probably at least 10 percent.

Mr. HAWKINS. At least 10?

Mr. ROOSEVELT. And in excess perhaps of that figure. May we ask where you got your 17 percent?

Mr. HOBSON. In defense of my 17 percent, let me say that I don't base the unemployment rate on the Labor Department information on people who are drawing unemployment compensation.

There are a number of people who are entering the labor force. There are people who are out of work who are not eligible for unemployment compensation and who are not counted in the Labor Department's rate of unemployment.

Mr. ROOSEVELT. Where did you get the figure?

Mr. HOBSON. This is an estimate. My figure is based on studies which have been made in the District, private studies. One is called "Civil Rights in the Nation's Capital," the decade of progress which was published in 1959.

I projected this 17 percent based on an original figure there of about 11 percent, the overall figure of 11 percent. Now, in this there are some projections, but I absolutely do not separate the Labor Department's figures because they are figures which relate to the number of people who were drawing unemployment compensation with the number of people who are working, and this, to me, does not give the picture at all of the employment situation in the Nation's Capital.

Mr. ROOSEVELT. Counsel should try to secure from the Labor Department their figures as they arrived at them, as to the actual unemployment figures for the District of Columbia, even though it may not be broken down.

(The information to be furnished follows:)

DEPARTMENT OF LABOR,
U.S. EMPLOYMENT SERVICE FOR THE DISTRICT OF COLUMBIA,
May 28, 1963.

JAY H. FOREMAN,
Counsel, General Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR MR. FOREMAN: In your letter to me, dated May 21, 1963, you asked that information be submitted to your subcommittee on six specific points. My comments follow:

(1) The most recent estimate of unemployment for the Washington metropolitan area is 2 percent. This is for the month of April 1963. This is the low point for the past 12 months. The high point was 2.9 percent in February and March.

(2) Within the District of Columbia it is my opinion that the rate of unemployment would be approximately 4 percent.

(3) I would estimate that the rate of employment among Negroes within the District of Columbia would be approximately 8 percent.

(4) I have discussed these estimates with those persons who hold key positions with the USES for the District of Columbia who are knowledgeable on this subject and they concur with my conclusions.

(5) Employment and unemployment estimates are calculated by formulas and procedures prepared by the Bureau of Labor Statistics and the Bureau of Employment Security on a nationwide basis. The figures include controlled estimates of domestics and other self-employed persons. The formulas and procedures are not devised to provide estimates for single parts of a metropolitan area either here or nationally. For this reason it is necessary to submit personal estimates of the District of Columbia share of the total area employment and unemployment figure.

(6) Answered above.

I hope the information I have submitted is sufficient. If not, I would welcome the opportunity of trying again.

Sincerely,

FRED Z. HETZEL, *Director.*

Mr. ROOSEVELT. You may proceed, sir.

Mr. HOBSON. The appeal to the Board of Trade and the Merchants & Manufacturers Association was to no avail. Thus we started in 1961 and are still engaged in picketing and boycotting private business establishments in the city.

Since that time, we have been able to persuade over 175 business establishments to employ more than 580 Negroes in jobs such as sales clerks, assistant buyers in department stores, secretaries, and routemen and driver salesmen in some potato chip and ice cream companies.

(See attached selective buying list.)

WASHINGTON CONGRESS OF RACIAL EQUALITY

Washington, D.C.

CHRISTMAS SELECTIVE BUYING LIST, WASHINGTON CONGRESS OF RACIAL EQUALITY, 1962

Since early 1961 Washington CORE has been engaged in a campaign to create an economic atmosphere in the District of Columbia in which all jobseekers will feel free to apply for any and all jobs for which they can qualify or be trained.

CORE believes that this can be accomplished if all public and private business establishments in the city can be persuaded to employ at all job levels without regard to race, creed, color, and that this practice should apply particularly to those jobs which require contact with the public.

To this end we have talked to many business heads in the city, and as recently as November 21, 1962, CORE wrote letters to the Washington Board of Trade and to the Merchant & Manufacturers Association asking them to use their good offices to persuade their members to practice immediate fair hiring. We suggested that their members start by employing Negroes as temporary sales personnel during the Christmas season. This, we stated, would help to relieve the emergency unemployment situation that exists among Washington's Negro citizens. To these requests, we received no reply. So we appeal to you, the buying public, with the following requests:

- (1) Let your eyes be your guide.
- (2) Don't shop in any store in which you do not see Negro salesclerks.
- (3) Don't buy job discrimination—unfair hiring practices cannot exist if you refuse to support them.
- (4) Don't buy where anyone is denied a job because of his race.
- (5) Don't cross our picket lines.
- (6) Before you buy ask if the store employs Negro salespeople.
- (7) Patronize the stores on this list, and all others in which you see Negro salespeople. Use your buying power to encourage efforts in the direction of fair hiring practices.

**SUPPORT FAIR EMPLOYMENT PRACTICES, DO YOUR CHRISTMAS SHOPPING AT THE
FOLLOWING STORES**

This is not a complete list of all the stores which employ Negro salespeople, because the employment situation changes daily. The list does not constitute a CORE endorsement of the firm's promotion, wage, or other employment practices. Nor is it a consumer recommendation as to quality or price. The following stores have taken initial steps in hiring Negroes. However, if this pattern does not continue in the direction of merit hiring then CORE reserves the right to reopen negotiations and if indicated take further direct action.

Department stores

- G-E-M, Inc., Chillum and Queens Chapel Roads, Hyattsville, Md. (and at all other locations).
- Hecht Co., Seventh and F Streets NW., Washington, D.C. (and at all other locations).
- S. Kann & Sons Co., Eighth Street and Market Place NW., Washington, D.C. (and at all other locations).
- Lansburgh's, Seventh and Eighth and E Streets NW., Washington, D.C. (and at all other locations).
- Morton's, 814 Seventh Street NW., Washington, D.C. (and at all other locations).
- Sears, Roebuck & Co., 911 Bladensburg Road NE., Washington, D.C. (and at all other locations).
- Woodward & Lothrop, 10th and 11th and F Streets NW., Washington, D.C. (and at all other locations).
- Murphy, G. C., Co., 1214 G Street NW., Washington, D.C. (and at all other locations).

Children's wear

- Esther Shop, 1210 G Street NW., Washington, D.C.

Drugstores (chain)

- Drug Fair Stores, 1701 K Street NW., Washington, D.C. (and at all other locations).
- Peoples Drugstores, 14th and U Streets NW., Washington, D.C. (and at all other locations).
- Standard Drugstores, 914 F Street NW., Washington, D.C. (and at all other locations).
- Recall Drug Co., Seventh and E Streets NW., Washington, D.C. (and at all other locations).

Five and dime stores (chain)

- Grand, F. & W., Inc., 400 Seventh Street NW., Washington, D.C.
- Kresge, S. S., Co., 1101 G Street NW., Washington, D.C. (and at all other locations).
- Woolworth, F. W., Co., 3200 14th Street NW., Washington, D.C. (also Langley Park location).
- Murphy, G. C., Co., 1214 G Street NW., Washington, D.C. (and at all other locations).
- Nelsner Bros., Inc., 1120 G Street, NW., Washington, D.C.

Gift shops

- MacMannes, Inc., 1812 G Street, NW., Washington, D.C. (also Langley Park location).

Furniture stores

- Walker Thomas Furniture Co., 1031 Seventh Street, N.W., Washington, D.C. (we found no other Negro furniture salesmen in the city).

Jewelry stores

We found no Negro jewelry salesmen in the city.

Record shops

The record shops seem to have the best hiring practices of any line of business in the city. It would be easier to list those that do not employ Negroes as salesmen. However, as you shop let your eyes be your guide.

Men's clothing stores

Bruce Hunt, 1323 F Street, NW., Washington, D.C. (and at all other locations).
 Cavalier Men's Shop, 1126-1128 Seventh Street, NW., Washington, D.C.
 National Shirt Shops, 942 F Street, NW., Washington, D.C. (and at all other locations).
 Seely Bros., 1845 F Street, NW., Washington, D.C.
 University Shop, 1818 G Street, NW., Washington, D.C.
 Herzogs, 941 F Street, NW., Washington, D.C.
 Bond Clothes, 1335 F Street, NW., Washington, D.C. (and at all other locations).
 Louie's Clothing Store, 639 D Street, NW., Washington, D.C.
 Raleigh Haberdasher, 1310 F Street, NW., Washington, D.C. (and at all other locations).
 Stewart Men's Clothes, Inc., 916 F Street, NW., Washington, D.C.
 Young Men's Shop, 3942 Minnesota Avenue, NE., Washington, D.C.

Shoe stores

The Bootery, 1038 Connecticut Avenue NW., Washington, D.C.
 Crosby Shoes, 1115 F Street NW., Washington, D.C. (and at all other locations).
 Kinney Shoes, 1105 H Street, NW., Washington, D.C. (and at all other locations).
 Richs, 1319 F Street, NW., Washington, D.C. (and at all other locations).
 Holiday Shoes, 1801 F Street, NW., Washington, D.C.
 Hahn Shoe Stores, 14th and G Streets, NW., Washington, D.C. (and at all other locations).
 Forsythe Shoe Store, 1223 F Street, NW., Washington, D.C.
 Joseph DeYoung Shoes, 13th and F Streets NW., Washington, D.C.
 William Allen Originals, 1014 F Street, NW., Washington, D.C. (and at all other locations).
 Red Cross Shoes, 1008 F Street, NW., Washington, D.C.

Women's wear

Jelleff's Inc., 1214-1220 F Street, NW., Washington, D.C. (and at all other locations).
 Mr. Earle, 1808 F Street, NW., Washington, D.C.
 Lerner Shops, 1111 F Street, NW., Washington, D.C. (and at all other locations).
 Raleigh Haberdasher, 1310 F Street, NW., Washington, D.C. (and at all other locations).

We found no other women's shops which employ Negro salespeople.

Toy stores

Children's Supermarkets, Inc., 501 K Street, NW., Washington, D.C. (and at all other locations).

Food stores

Nearly all of the food stores in the city, particularly the chain stores, hire Negro cashiers. But be careful—watch for those which employ Negro cashiers in only Negro neighborhoods. This is a form of discrimination. Let your eyes be your guide.

Liquor stores

There are many liquor stores in the city employing Negro salesmen, so when you buy your Christmas stock, let your eyes be your guide.

Electrical appliances

Todd's Discount, 1102 F Street, NW., Washington, D.C.

This list to be revised periodically. If you feel your store practices merit hiring and you wish to be so listed, contact CORE at the address below.

Mr. HOBSON. That selective buying list, if I may depart at this point, is a list of the stores which we have dealt with and which we have picketed and talked to and have been able to introduce a form of tokenism and get them to employ one or two Negroes in jobs which Negroes have not held before.

CORE, however, with its limited resources has not and will not be able to effect a real change in the total job situation as it affects Negroes in this city. All we have been able to do is to introduce tokenism, hoping that the employers will practice fair hiring which will be evidenced in the community by the appearance of Negroes in jobs heretofore denied them.

We believe that legislation like H.R. 405 would bring a much needed solution to the social problem of unemployment because of racial discrimination.

The need for such legislation is evidenced by the fact that the economic position of the Negro in the Nation's Capital has deteriorated over the last decade.

The chart, and that is attached here, shows that in 1950 the median family income of the nonwhite family of the city amounted to 64 percent as much as that of the white family.

By 1960, the nonwhite family was receiving only 62 percent as much as the white family. This fact in itself is not so revealing, but when viewed in the light of the changing population ratio, becomes alarming.

The chart shows a simultaneous change in the nonwhite population ratio of the city from 35 percent in 1950 to 55 percent in 1960.

If I may depart at this point, I would like to say that 55 percent, which differs from 54 percent, is a rounded figure so that is why it is 55 percent.

A brief look at the characteristics of the fleeing white population indicates that those leaving are usually the lower and upper middle income groups which are moving to the suburbs.

The Negroes remaining in the city and those entering are of all income classes. Under conditions of fair employment the figures should reflect an increase in the median family income of Negroes and a decline in that of whites.

Specific cases of job discrimination in private establishments in the District of Columbia: Firms which practice open job discrimination either in the forms of outright denial of jobs to Negroes or by hiring one or two for outward appearances (tokenism), are too numerous to be discussed in the time allotted here. But to give the committee some idea of the job situation in the city, here are a few cases in point.

1. The Western Electric Corp., 1201 South Hayes Street, Arlington, Va.

Here is a company which is one of the large contractors with the Federal Government which installs telephone heavy equipment in all Government buildings in the city, and yet up to April 17, 1963, employed no Negroes as installation men.

This particular branch of the company operates in the District of Columbia, Maryland, Virginia, and West Virginia, with other 1,000 such jobs.

The qualifications for these jobs are a high school education, ability to learn a color code in a 3- or 4-day course, and to learn to do the job while working. These jobs pay from \$1.77 to \$2.77 per hour.

Since April 17, 1963, the date of the attached memorandum from CORE, this company has put on three Negroes.

The whole Western Electric Corp., the main offices of which are located at 195 Broadway, New York City, operates in 44 States in the United States employing about 151,000 workers, of which about 5,800 are Negroes.

This is less than 5 percent of the total, yet this company is an "equal opportunity" employer with signed contracts approved by the President's Committee on Equal Employment Opportunity.

CORE has conferred with Western Electric Corp. officials in New York and District of Columbia and has been able to persuade them to accept Negro job applicants.

However, the company refuses to make special efforts to correct what is a blatant example of long-standing job discrimination—all of this done under the cover of a signed contract as an equal opportunity employer.

(See attached memorandum and statistical breakdown on the company).

APRIL 17, 1963.

Memorandum:

To: Mr. H. I. Romnes, president, Western Electric Co., Inc., 195 Broadway, New York, N.Y.

From: Julius W. Hobson, southeastern regional officer, Congress of Racial Equality, 4301 Queens Chapel Terrace NE, Washington, D.C.

Subject: Discrimination against Negro employees and jobseekers by the Western Electric Co., Inc.

The Washington chapter of the Congress of Racial Equality along with CORE chapters in many other cities in the country is engaged in a campaign to create an economic atmosphere in which jobseekers will feel free to apply for any and all jobs for which they can qualify or be trained. To this end CORE is seeking to persuade employers to hire at all job levels without regard to race, creed or color.

It has come to the attention of Washington CORE that the branch of your company located at 1201 South Hayes Street in Arlington, Va., does not employ Negroes as installation men. In fact, according to our sources, the company employs no Negroes as office personnel or in any other regular capacity.

The Arlington branch just hired some 100 new installation men in the District of Columbia, West Virginia, Maryland, and Virginia area and not one of these persons was Negro. Of the approximate 1,000 installation men employed in this area by Western Electric not one is Negro.

The Arlington division has a history of either excluding Negroes from its employ or of successfully discouraging their employment as in the alleged case of a Negro who applied in 1956. This man was required to take two extensive tests, which are not given to white employees or jobseekers. The Negro applicant succeeded in passing both tests, and supposedly was given the "choice" of working

far away from home in Birmingham, Ala., or of not receiving employment with the firm at all. According to our sources, he refused the job in Alabama.

At present, when jobseekers inquire about employment at the Arlington division by telephone, they are asked their race. When it is found that they are Negroes they are immediately discouraged from applying. The employment record of the Arlington division stands out as vastly unfair, our sources tell us, in that the only Negroes working there are occasional warehouse employees who are, in fact, regular employees of the Freight Ways Co. which is engaged by the Arlington division.

We have information to the effect that the Western Electric Co. employs about 17,300 installation men in 44 States of the United States, about 70 to 80 of whom are Negroes. Thus, Negroes make up about 0.4 to 0.5 percent of your total installation force. This is poor tokenism at best.

These 70 to 80 Negro installation men are scattered throughout 16 Western Electric divisions (excluding Arlington which employs none), and represent an average of about 4 to 5 Negro installation employees per division.

We understand that your divisions are located in the following places: Albany, N.Y.; Atlanta, Ga. (east); Atlanta, Ga. (west); Chicago, Ill.; Denver, Colo.; Detroit, Mich.; Cleveland, Ohio; Dallas, Tex.; Los Angeles, Calif.; San Francisco, Calif.; New York City; Newark, N.J.; Philadelphia, Pa.; Pittsburgh, Pa.; Washington (State); Northwestern division (location not given); Arlington, Va.

We are told that the tasks performed by installation men in your company do not require extensive training. These jobs carry with them the necessity of learning a color code which is taught by your company in a 3-day training course. We are also told that installation men are trained while they work on the job at the beginning rate of \$1.77 per hour, and after 5 years they earn \$2.77 per hour, and \$3.47 per hour (merit top rate) after 6 to 10 years.

Our sources relate that you have about 800 women employed throughout the United States as job clerks, not one of whom is Negro. An excellent example of tokenism in the employment of Negroes by your company is that of the Texas division with approximately 1,000 installation men, only 2 of whom are Negroes.

Because it has come to our attention that your company does extensive business with the Federal Government, we are referring this information to the President's Committee on Equal Employment Opportunity. In fact, we have observed that your crews installing equipment in Government buildings are all white. We believe that the Arlington division is in violation of any contract it may have with the Federal Government in that a requirement of these contracts is that workers be employed without regard to race, creed, or color.

We have asked CORE chapters in each of the cities with Western Electric divisions to join in this effort to eliminate what appears to be unfair employment practices by your company. A copy of this memorandum has been forwarded to Mr. Milton Maylan, your area manager in Arlington.

We are deeply concerned with those companies which deliberately and openly deny employment opportunities to any Americans, particularly if these companies realize profits through doing business with the Federal Government, thus, being indirectly paid by all taxpayers.

We hope that it will be convenient for you or your representatives to sit with us in conference to discuss this matter as soon as possible. We think that it is to the economic advantage of your company as well as to the economic advantage of the entire United States to see that all Americans have the right to life, liberty, and the pursuit of happiness through the open and unqualified opportunity to earn a decent and fair living.

Analysis of nonwhite progress for the 18-month period ending Dec. 31, 1962

Organization	On roll July 1, 1961				On roll Dec. 31, 1962				Change during 18-month period			
	Total employees	Nonwhite		Percent of nonwhites	Total employees	Nonwhite		Percent of nonwhites	Increase, total employees	Nonwhite		Percent of increase of nonwhites
		Negro	Other nonwhite			Negro	Other nonwhite			Increase, Negro	Increase, other nonwhite	
Companywide.....	162,944	5,000	734	4.1	151,094	5,824	397	4.5	8,140	744	173	15.8
Manufacturing division.....	82,673	2,740	313	4.9	92,980	4,399	324	5.3	10,307	850	11	21.5
Installation organization.....	18,914	17	111	0.7	21,767	60	162	1.1	2,853	82	51	89.5
Distribution organization.....	15,900	311	185	3.1	14,566	257	198	4.0	(1,334)	76	10	17.2
Defense activities division ¹	19,269	457	7	2.4	4,872	26	2	0.6	(14,397)	(431)	(5)	(1,557.0)
Nassau Smelting & Refining Co.....	644	111	0	17.2	644	116	0	18.0		5	0	4.5
Teletype Corp.....	5,228	455	91	19.2	5,656	519	131	11.3	328	64	39	17.2
Total, headquarters ²	7,269	29	33	0.9	6,770	56	28	1.2	(499)	27	(5)	43.5

¹ Laureldale plant and North Carolina works transferred from the defense activities division on Jan. 1, 1962, and June 1, 1962, respectively, to manufacturing division.

² Duplicates the employees at headquarters which are also shown above under their respective divisions.

Mr. HOBSON. This statistical breakdown of the company was submitted to me by the company.

2. The Potomac Electric Power Co., Washington, D.C.

CORE has been attempting to persuade this company to practice fair employment since early 1961. The company employs, to our knowledge, not a single top-flight Negro electrician. It has approximately 3,600 employees, about 350 of whom are Negroes, and these Negroes are excluded from 15 of its 40 divisions.

(See attached memo on the public utilities in the District of Columbia.)

WASHINGTON URBAN LEAGUE

Washington, D.C.

OCTOBER 10, 1962.

NOTES ON UTILIZATION OF NONWHITE EMPLOYEES

Washington Gas Light Co. as of July 25, 1962

According to company representatives, the Washington Gas Light Co. employs approximately 2,450 workers, about 600 of whom are nonwhite. Approximately 277 nonwhite employees are in salary brackets above \$5,000 a year. Nonwhites function as maintenance men, construction inspectors, crane operators, bulldozer operators and pipe men. The company has an approximate 8-percent turnover rate. Because of the specialized work, all new employees start at the unskilled level and are channelled into one or more operations.

Employees must belong either to the International Chemical Workers Union or the Office Workers International, both AFL-CIO. Strict observance of tenure and seniority rules governs promotions and eligibility for all job vacancies.

The company has indicated its willingness to accept nonwhites in starting positions and in crafts and office work. Emphasis would be placed on career-minded young high school graduates, who could pass aptitude tests for prospective jobs as assistant servicemen.

Potomac Electric Power Co. as of October 9, 1962

According to company representatives, the company employs approximately 3,600 employees, 350 of whom are nonwhite. Nonwhites are employed in 25 of the 40 divisions of the company.

Since July, the company has employed three nonwhite female clerk-typists and one male typist in four divisions previously all white. Nonwhites also have been recently assigned for the first time to the following divisions: underground lines, street lights, substations, and generating.

In the crafts there are four classes of workers: helpers, junior mechanics, maintenance mechanics B, and maintenance mechanics A. Most nonwhites are classified as helpers; two as junior mechanics; there are no nonwhites classified as maintenance mechanics.

The company states that for over a year nonwhite applicants have been given "preferential consideration," this policy continues currently, but company not certain how long it will. Company has a very small turnover in employees.

Mr. HOBSON. That is a memo given to me by the company through the Urban League on the number of employees which it has.

Mr. ROOSEVELT. Just so we can make our record clear, the 3,600 employees are not the total employed in the District of Columbia, however; are they?

Mr. HOBSON. That is right. No; they are not.

Mr. ROOSEVELT. The total employment of the company?

Mr. HOBSON. The total employment of the company, that is right. This picture can be repeated over and over, particularly in the public utility companies in this city, all of which are so-called "equal opportunity employers," doing business with the Federal and District governments.

Because of the time we cannot relate details on many of the private companies in the city, but we recommend the following list to the committee as evidence of the need for legislation such as that proposed in H.R. 405:

I name Briggs Meat Products & Ice Cream Co., which employs no Negro salesmen. I name Central Linen Service, a case which I referred to the President's Committee on Federal Employment Policy or on Equal Employment Opportunity, pointing out some of the difficulty and the unfairness vested upon the Negroes that work for that company.

(Memorandum to Mr. Percy Williams follows:)

APRIL 9, 1963.

MEMORANDUM

To: Mr. Percy Williams, President's Committee on Equal Employment Opportunities, Room 3828, GAO Building, Department of Labor, Washington, D.C.
 From: Julius W. Hobson, chairman, Washington Chapter, Congress of Racial Equality, 4801 Queens Chapel Terrace NE., Washington, D.C.
 Subject: Discrimination against Negro employees of the Central Linen Service, 2149 Queen Chapel Road NE., Washington, D.C. (This firm does business with the following Government establishments: Fort McNair, Fort Belvoir, and Walter Reed Hospital.)

The Washington Chapter of CORE is engaged in a campaign to create an economic atmosphere in the District of Columbia in which all jobseekers and employees will feel free to apply for any and all jobs for which they can qualify or be trained.

To this end CORE has been holding hearings every Saturday at the offices of Local 1 of AFOME, 1834 Ninth Street NW. We recently heard testimony from the employees of Central Linen Service, and subsequently cooperated with them in their efforts to organize the company and thereby gain better working conditions and better wages.

The following are charges brought before us by the Central Linen Service employees:

1. Negro employees of the company use segregated toilet facilities. One restroom in the plant is reserved for office personnel and one for plant personnel. This amounts to de facto segregation since there are no Negroes employed in the office.
 2. Negro employees receive only \$1 per hour for overtime work and for work on Sundays. This is the same as the regular hourly rate paid during regular working hours.
 3. Negro women have been fired because of showing interest in organizing the workers in order to acquire better working conditions.
 4. One employee, Mr. Oliver Taylor, stated that he was fired because he refused to allow one of the managers, Mr. Sam Pear, to use profanity in addressing him. This employee was also active in attempting to organize a union in the plant.
 5. There are no Negroes employed in the plant as office personnel or in managerial positions.
 6. The employer states that he has some Negroes employed as supervisors, but these employees receive only \$1 per hour, the same as nonsupervisory personnel.
- CORE related these findings in a letter to Mr. Sam Pear, one of the managers of Central Linen Service. We asked for and were granted a conference with Mr. Pear on Saturday, March 30, 1963. We were told at this conference by Mr. Pear that none of the charges in the letter was true and he insisted that we talk to his employees. We agreed and he assembled them in the main plant of Central Linen. The following were the results of that conference:
- Upon questioning the employees about working conditions as well as racial discrimination at the plant, four employees, Rebecka G. Harper, Viola Shelton, Sandra Johnson, and Matthew Perry stated that working conditions were all

right, and that they were satisfied. Four other employees, Hilder Walker, Anna Miller, Grace Simpson, and Bertha Cromatic stated that working conditions were bad and that they had been discriminated against because of their race. Five employees stated that they had heard Mr. Sam Pear use derogatory language regarding Negro employees at the plant. According to five employees, Miss Ethel Pear has stated that she would seek to fire some of the employees involved and has asked some others to resign.

The firm has already been charged with unfair labor practices and a hearing is in process before the Labor Relations Board. The union involved in this affair is the United Transport Service Employees, J. P. Covington, international vice president, 465 Florida Avenue NW., Washington, D.C.

Attached are handwritten documents submitted to CORE by employees at the Central Linen Service. These employees have expressed a desire to cooperate with any official agency in seeking a solution to this problem, and upon your request I will be glad to refer them to you.

Mr. HOBSON. The Bond Bread Bakery Co. practices tokenism in employment of Negroes. It has 2 or 3 Negro salesmen out of about 800.

The Continental Baking Co. also employs one or two Negro salesmen out of hundreds, and this can be repeated over and over.

The above examples can be multiplied many times. Only two or three of the automobile dealers in the city employ Negro salesmen, and to our knowledge, none employ Negro mechanics.

Negroes are almost completely excluded from employment in other than menial jobs in all but one or two of the retail furniture stores in the city.

They are almost completely absent as workers in the jewelry stores, the insurance companies, the large financial institutions, the theater chains, the airlines, large real estate firms, and many other large and basic business chains in the city.

Finally, we say again that the need for legislation such as that proposed in H.R. 405 cannot be overemphasized for the District of Columbia and for the United States as a whole.

For all practical purposes the Negro in the Nation's Capital is excluded from participating in the mainstream of the city's private economic life, in spite of the fact that he accounts for the profit margins in almost all of the privately owned retail establishments in the city.

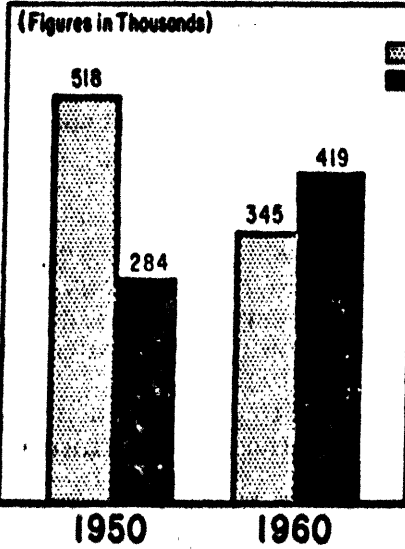
This is a situation which must be corrected. It is a situation which requires honest and concerted effort to change. CORE estimates that at the present rate of employing Negroes in token jobs, it will take another 350 years for them to catch up to their fellow white citizens.

That is why we appreciate the opportunity to appear before this committee in support of H.R. 405, in the hope that this will be the special shot in the arm necessary to remove the shameful blight of denying Americans the right to fully participate in what we so proudly call the most affluent society in the world.

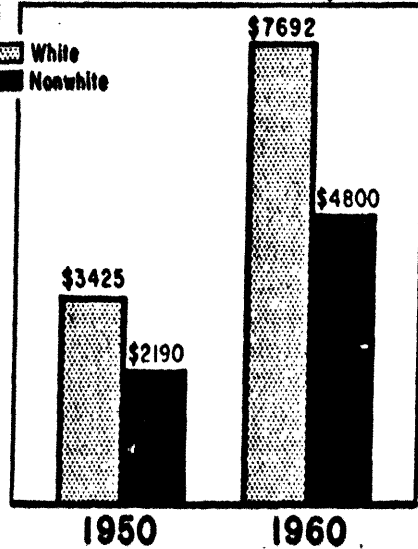
(The charts attached to the statement follow:)

D.C. POPULATION AND INCOME,* 1950 AND 1960

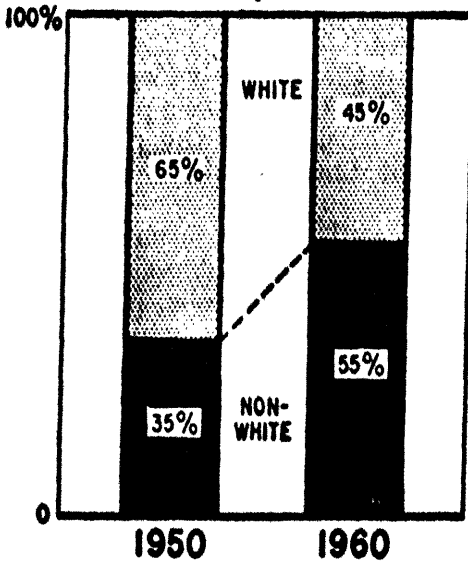
POPULATION, BY RACE



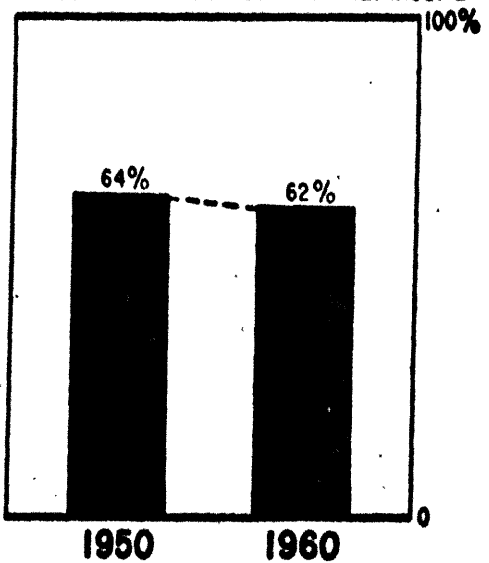
MEDIAN FAMILY INCOME, BY RACE



**PERCENTAGE DISTRIBUTION
D.C. POPULATION, BY RACE**



**NONWHITE MEDIAN FAMILY INCOME AS A
PERCENT OF WHITE MEDIAN FAMILY INCOME**



* Income before taxes

SOURCE: U.S. Bureau of the Census

Thank you.

Mr. ROOSEVELT. Thank you, Mr. Hobson, I thank you particularly for your very concrete statement. Mr. Hobson, how valid do you think the excuses are that we will probably get in reply from these companies that there are just not people available because of lack of education and training in some of the areas that you have discussed here?

Mr. HOBSON. I really don't think they are valid. I would like to say that our approach to a company is considered unreasonable by some people's definition.

We say to them, "You kept Negroes out for 50 years. Now you find some and put them in." I have picketed—I have the list here—at least 100 companies in this city. I can think of one store who could not possibly find a Negro salesman, but the moment you bring economic pressure to bear, they go out and find a Negro and he is working the next day so they can get the picket line out.

I do not buy this myth of the unqualified need. There are a lot of qualified people, and we are concerned about jobs primarily for these people who are not so qualified, not the qualified.

Mr. ROOSEVELT. Would it be correct to say that this legislation would remove one of the so-called defenses or resistance patterns because if this legislation went into effect the fear of unfair competition would be eliminated; would it not?

Mr. HOBSON. I think it would. I don't quite understand what you mean by unfair competition.

Mr. ROOSEVELT. I have often heard it said, "Look, if you force us to do something over here by picketing and then we take some Negro employees, then we will get boycotted by other parts of the population and it is unfair to picket us."

Mr. HOBSON. We have convinced the merchants in the District of Columbia that that isn't true. Every store has hired Negroes. You go downtown now and the complexion has started to change. In fact, some of the stores such as Bond's have Negroes which we put there who are now leading salesmen.

Mr. ROOSEVELT. Of course, speaking wholly from an economic point of view, if we can improve this median income picture everybody is going to benefit on the profit margins.

Mr. HOBSON. It is, indeed.

Mr. ROOSEVELT. I don't see how this can fail. It seems to me to be in their own selfish interest, quite apart from the moral reason involved, if for no other reason.

Mr. Pucinski.

Mr. PUCINSKI. Mr. Hobson, this legislation provides that there should be no discrimination, not only because of race, color, or creed, ethnic background, but also because of age.

I am under the impression that in many instances the Negro has about two strikes on him. No. 1, very frequently he can't get a job because of the color of his skin, but in many industries once he has overcome that problem, there is a second discrimination and that is because of age.

There is a great deal of discrimination in America today in hiring practices because of age. I would like to get your opinion, sir.

There have been some who have suggested we ought to remove the age factor from this legislation because it might in some way hurt this legislation and its chance of passage.

Would it be your judgment that we should leave age in this bill if we want to make a truly effective FEPC bill? The reason I am asking that question is that if we do not put age in, then there is going to be the defense against breaking the color barrier by raising the question of age.

An employer can say, "Well, look, I don't discriminate against people because of color, but we have a policy in this company of not hiring people past 40," which incidentally is a growing tendency in American industry all over this country.

For that reason, I wonder if I can't have an expression from you, sir, as to whether you think that race and age are acceptable in this proposed legislation if we want to do a really thorough job?

Mr. HOBSON. Of course, my position is that I am against discrimination on any basis and since I don't measure freedom or measure justice in part it seems to me that it ought to be the concern of any official group that we eliminate discrimination no matter on what it is based, and, therefore, without too much knowledge of this age problem in industry, I would say that by all means let us put anything in that would eliminate discrimination.

Mr. ROOSEVELT. Thank you very much. Thank you for your very fine testimony.

Mr. ROOSEVELT. Mr. Powell?

Mr. POWELL. I would just like to congratulate Mr. Hobson for the job he is doing and tell him to keep on picketing. I started picketing myself 33 years ago and we never lost a fight. Thirty-three years ago I always found qualified Negroes also.

With respect to these public utilities, such as the Potomac Electric Power Co., do they have union contracts?

Mr. HOBSON. Yes, they have union contracts.

Mr. POWELL. Western Electric?

Mr. HOBSON. Western Electric also is organized by the Communications Workers, yes.

Mr. POWELL. The Communications Workers have a contract with Western Electric. What about the bakery company contracts?

Mr. HOBSON. Yes, the bakeries, the potato chip companies, and companies like that that have driver salesmen, are organized by the Teamsters, the local 67, local 88 here in the District of Columbia.

Mr. POWELL. Have you had any conferences with them?

Mr. HOBSON. I have had conferences with the Teamsters Union.

Mr. POWELL. And?

Mr. HOBSON. Their official position on paper is that they will take anybody in the union that the company hires. I might say for clarification in that connection that we look at the employer for hiring, not the union.

The employer in America has always had, and he has today, the right to hire and the right to fire, and we don't go to him and discuss his problems with the union.

That is his business. What we say to him is, "You kept Negroes out. Now you put Negroes in," and we leave it entirely up to him.

We go to the unions, of course, and try to get them to cooperate, but we don't stop just because the union doesn't cooperate. That is the employer's problem.

Mr. POWELL. Thank you.

Mr. ROOSEVELT. Mr. Daniels?

Mr. DANIELS. Mr. Hobson, in your appeal to the Washington Board of Trade and to the Merchants & Manufacturers Association to eliminate discriminatory hiring practices, which was made in 1961, did you receive any affirmative reply from them as to their attitudes in this area?

Mr. HOBSON. The only reply I received from the Board of Trade and Merchants & Manufacturers Association was to the effect that they were satisfied with the employment picture and that they did not agree with my position that there was unfair employment in the retail establishments.

They added also that they had no control over their members and that they could not persuade their members to do anything.

Mr. DANIELS. In other words, they absolved themselves of any responsibility in this area. Is that correct?

Mr. HOBSON. That is correct.

Mr. DANIELS. And as a consequence of the attitude that they took, you, through CORE, picketed the establishments that you felt were engaging in discriminatory practices?

Mr. HOBSON. That is correct.

Mr. DANIELS. And you have made a great deal of progress in that area, according to the testimony you have given this committee this morning.

Mr. HOBSON. Well, I think it ought to be kept in perspective in the light of the total problem. As I said before, we have done nothing. We have only introduced tokenism. I guess if you look at 500, it looks important, but compare it to the need and it is hardly worth mentioning.

Mr. DANIELS. I agree with you that it would be to their benefit to employ the Negroes in their establishments here because in that way they would spur the economy and everyone would benefit by it.

Mr. HOBSON. That is correct.

Mr. DANIELS. Thank you, sir.

Mr. ROOSEVELT. Mr. Hawkins?

Mr. HAWKINS. No questions.

Mr. ROOSEVELT. Mr. Hobson, we want to thank you very much for your cooperation and your help to the committee. As I said earlier, I think because you have been specific you have been very helpful to us and we appreciate it.

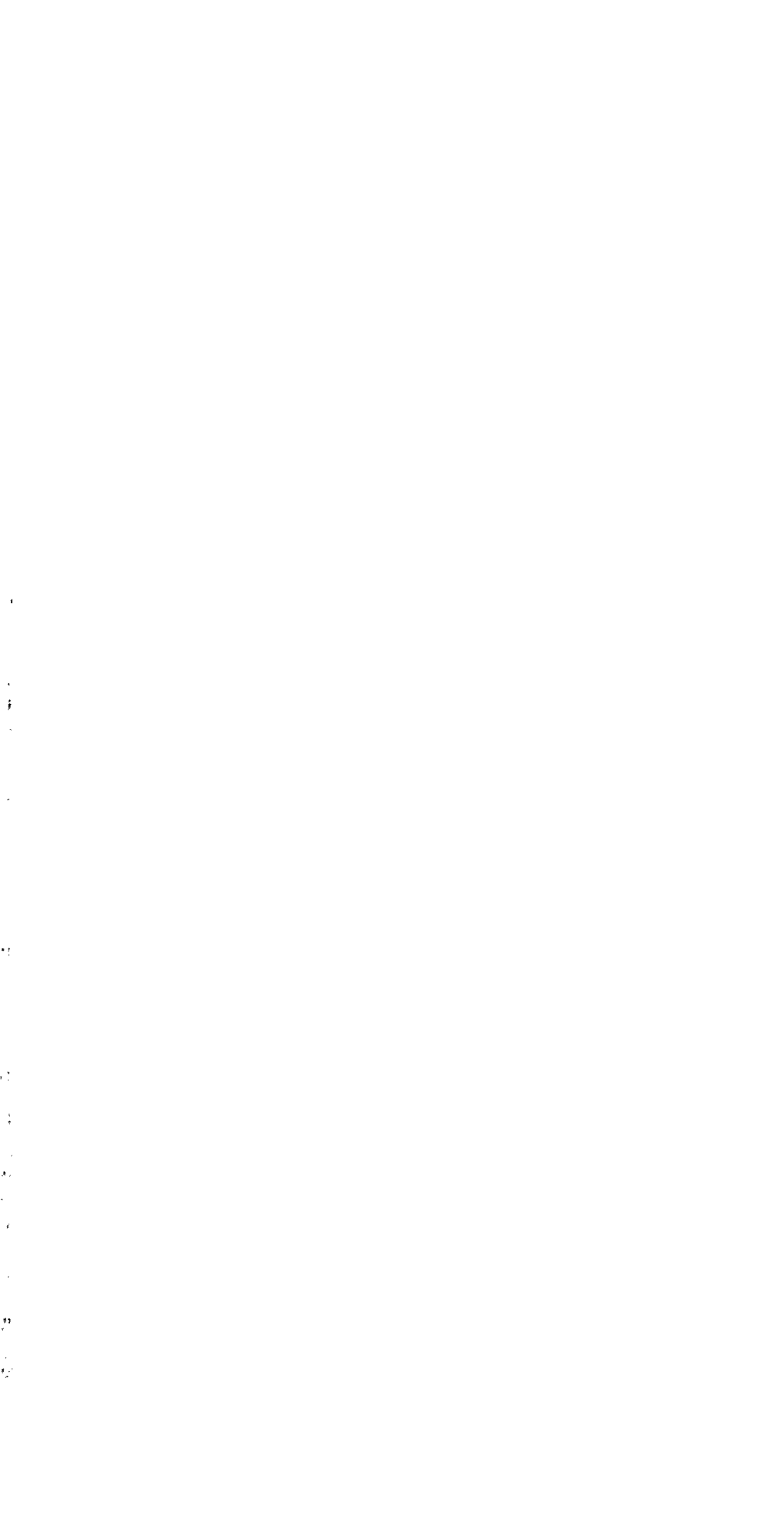
The committee had intended to have as its next witness Mr. Walter B. Lewis, the director of job development for the Washington Urban League, and I believe he was to be accompanied by Mr. Samuel Harris. However, in view of the lateness of the hour and the fact that there is a rather important guest who is going to arrive, and because of the importance of some of the material which has been presented to the committee and where, Mr. Lewis, it has been referred to you for its correctness, it will be wise, I think, if we would ask you to oblige us by being our opening witness at the next session of the committee.

Thank you very much.

We appreciate it.

The committee will stand adjourned until May 24 on Friday at 10 a.m.

(Whereupon, at 12:35 p.m., the subcommittee was recessed, to reconvene at 10 a.m., Friday, May 24, 1963.)



EQUAL EMPLOYMENT OPPORTUNITY

FRIDAY, MAY 24, 1968

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 420, Cannon Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Powell, Dent, Pucinski, Hawkins, Gill, Goodell; and Bell.

Also present: Russell C. Derrickson, staff director; Dr. Deborah Partridge Wolfe, education chief; Jay H. Foreman, subcommittee counsel; Advienne Fields, subcommittee clerk; and Richard T. Burgess, minority counsel.

Mr. ROOSEVELT. The subcommittee will please be in order.

The committee will continue today its hearings on proposed Federal equal employment opportunity legislation, and in particular, H.R. 405, but we are concentrating today's testimony on matters relating to the District of Columbia.

The record will show that at the last meeting of the committee, Mr. Walter B. Lewis, the director of job development of the Washington Urban League, was to be accompanied by Mr. Samuel E. Harris, director of housing and research, but were kind enough to put off their appearance for the convenience of the committee until today.

Mr. Lewis and Mr. Harris, would you come forward at this time? We want to express our appreciation to you and at this time turn the floor over to you.

Mr. Lewis. Thank you, sir.

Mr. ROOSEVELT. Mr. Lewis, I judge you will proceed first, and then you and Mr. Harris will answer any questions the committee may have.

STATEMENT OF WALTER E. LEWIS, DIRECTOR, JOB DEVELOPMENT, WASHINGTON URBAN LEAGUE, ACCOMPANIED BY SAMUEL E. HARRIS, DIRECTOR OF HOUSING AND RESEARCH

Mr. Lewis. Thank you, Mr. Chairman, and Mr. Hawkins.

I am Walter B. Lewis, assistant executive director of the Washington Urban League, on whose behalf I appear today to present a statement on employment discrimination in the Nation's Capital. I am accompanied by Mr. Samuel E. Harris, our director of Housing and Research, who will be available for questions.

If the chairman please, I will summarize our statement with the request that our whole statement be included in the record.

Mr. ROOSEVELT. Without objection, your complete statement will appear following your summarization.

Mr. LEWIS. Thank you.

It is our intention to share with you a picture of employment opportunities and the lack thereof as well as a statistical quantification of employment discrimination in the Washington labor market. As to the latter, our oral testimony will include only a summary of this statistical picture, however, we are filing as a part of the statement our complete analysis thereof.

A review of the current status of employment opportunity in the District reveals that the most significant point in this whole field is that most employers no longer considered it politically and economically wise to openly state that they have discriminatory hiring and upgrading practices.

Most employers, at least publicly, profess that they follow a merit hiring policy. We hasten to add, however, that in our experience actual practice does not always equal public pronouncements, and our statement below indicates the gap in income differentials has actually widened in the last few years.

Turing now to actual facts, we believe greater efforts are being exerted on all levels of the Federal and District governments to provide equality of opportunity in employment and upgrading for non-white employees.

We believe that for the first time efforts are being undertaken to insure that merit hiring policies adopted at the top are filtered down to the supervisory level.

A great deal more must be done to insure merit hiring and promotion, but examples of governmental action such as the personnel file review which was instituted at the direction of the President's Committee on Equal Employment Opportunity is an example of the type of regular policing of employee skills necessary to insure regular, merit, upward mobility among all employees.

This program is very similar to the one the Washington Urban League recommended to the Civil Service Commission more than a year ago. We still feel that, while greater numbers of Negroes are entering on to Federal employment, most Negroes are doomed to remaining at entrance grades or near entrance grades much longer than performance, qualification, or accident would warrant.

The President's Committee on Equal Employment Opportunity, the Civil Service Commission, and the District of Columbia Commissioners Council on Human Relations are beginning to watch employment practices closer now than was the case in the past.

However, fair employment policies are doomed to failure as long as agencies are required or permitted to investigate themselves. Neither equal employment officers or liaison employees can be expected to fairly and objectively judge practices when such practices are originated and/or condoned by their supervisors.

An effective program of policing discrimination and bias will never be developed until an outside agency is charged with the responsibility of receiving, investigating, and adjudicating all charges of discrimination and bias.

In general, private industry is sorely lagging behind the efforts of Government to provide equality of opportunity. Our investigation shows that even where progress has been made—progress in terms of more jobs available—it has been in low-paying industries such as retail trade and service establishments.

Even in areas where white-collar jobs have increased, technical and craft opportunities have not increased at all, and contrary to popular notions, often the better paying jobs are not in the white-collar category but in the blue-collar jobs.

Certain other prestige and lucrative positions are generally not open to Negroes. Notably, in this category are the finance, insurance, and real estate classifications. A few banks have hired some Negroes in the last few years, but according to our information this represents a net gain of approximately 10 jobs for nonwhites above the usual menial or service positions.

Saving and loan associations, real estate and mortgage finance, insurance and title companies continue in the old patterns and traditions of discrimination.

Many of these companies have pointedly advised our staff that they are not interested in merit employment. It is interesting, that while savings and loan associations freely finance nonwhite dwellings they find no need for Negro help, except as doormen, porters, char force, and messengers. The policy of such firms can best be illustrated by the comment of one financial institution president recently to the effect that "I can't open my bank without George" (George is the doorman).

The best penetration and progress is found in retail sales. The major department stores routinely hire sales and clerical personnel and most of them are more and more employing trainees in executive and management areas.

Utility companies vary. At least one company seems to be making a valiant effort to follow a merit hiring policy but jobseekers continue to express doubt of the company's merit hiring policy.

Our experience with this company is by far the best of all such companies, and to our knowledge a very large percent of new employees in both white collar and operational positions are nonwhite.

Chairman POWELL. May I interrupt for a minute? Have you any objection to identifying the company?

Mr. LEWIS. Normally we don't identify such companies. I think counsel has names of them already. From what I have seen some of them have been called to testify.

Chairman POWELL. The only reason I ask that is that naturally when you single out a company as being far and away the best company—

Mr. LEWIS. This is the Chesapeake & Potomac Telephone Co.

Chairman POWELL. Thank you.

Mr. LEWIS. Other companies have shown a willingness to hire nonwhites in white collar clerical or other visible positions, but have shown no inclination to move in the crafts nor elsewhere in headquarters administrative operations.

Substantial opportunities are now available for bus drivers and switchboard operators in local transportation companies, but we have noticed no change in white-collar and supervisory personnel in this industry.

In the same vein, opportunities for employment are extremely limited in the liquor industry, chain drug and grocery store (office and managerial positions) group and plan insurance companies, automobile and taxicab insurance companies, the District courts and other specialty clothing stores.

Tourism, next to Government, is Washington's largest industry. However, Negroes, by and large, are limited to only menial positions in the largest hotels, while satisfactorily holding a range of positions in smaller hotels. It is interesting to note that in an industry where service is the principal item for sale, Negroes are systematically excluded when under other circumstances Negroes have been sought for their service qualifications. Positions from which Negroes are excluded in some hotels include waiters, waitresses, bellmen and room positions as well as front desk and office positions.

Chairman POWELL. Mr. Lewis, we are trying to be specific in this hearing. You have given a pretty good mark to some of the smaller hotels, you have concentrated your feeling of unfairness to the largest hotels.

I think it is our public duty to tell people where these large hotels are so we know where to go to work. In the meantime, lacking some proper machinery to do it, at least we can exert the largest possible kind of public opinion.

Have you any objection to stating the large hotels in this town that are not doing the job or are doing it as you describe?

Mr. LEWIS. On the large hotels, let us say all of them.

Chairman POWELL. Let me enumerate them. Do you include the Mayflower Hotel?

Mr. LEWIS. Yes.

Chairman POWELL. Do you include the Park-Sheraton Hotel?

Mr. LEWIS. Yes.

Chairman POWELL. Do you include the Statler?

Mr. LEWIS. Yes.

Chairman POWELL. Do you include the new International Inn?

Mr. LEWIS. Yes.

Chairman POWELL. Do you include the Shoreham?

Mr. LEWIS. Yes.

Chairman POWELL. That will do. At least all of these large hotels you feel, fit into the category you have just described?

Mr. LEWIS. Yes.

Chairman POWELL. Thank you, sir.

Mr. LEWIS. We are possibly on the threshold of some advance in the construction industry—the area where the least progress has been made in this city in the last decade.

We say possibly, because we, as a total community, have only just recently been able to focus attention on the great dearth of jobs for non-whites in Washington's third largest industry.

As the community is no doubt aware, for some time there has been little if any opportunity for Negro apprentices, journeymen, or master craftsmen in the electrical, plumbing, carpentry, plaster, bricklayers and kindred craft:

The only areas where Negroes have found employment commensurate with their ability have been with the labor and operating engineering fields.

The Federal Government, after Howard University students served as catalysts, has shown more firmness in enforcing equal opportunity obligation requirements of public contractors.

Real efforts have been exerted to force contractors to live up to their agreement and apprentices and journeymen have been recruited with the assistance of the Washington Urban League.

This covers a summary of the soft and hard areas of employment opportunity.

Now to quantification of employment discrimination and bias.

The most tangible measure of the effects of discrimination in employment is that of income inequalities. During 1950, the median family income of nonwhites within the urbanized area of Metropolitan Washington was only 52.1 percent as large as the median family income of whites.

The comparable percentage in 1960 was 56.8 percent. If this rate of decrease in the income gap witnessed during the 1950's is typical and continues at the same rate, income equality would not be achieved with the year 2060.

Not all of the income inequality can be attributed to inequalities in employment, because labor as a group receives only three-fourths of the national income dollar. For this reason, the lack of ownership of capital among nonwhites can account for nearly 55 percent of the observed income differential among nonwhites.

This means that in the absence of discrimination in employment and equal qualifications, nonwhites would only earn 75 percent as much as whites.

The present lack of any significant capital ownership is a product of past effects of employment and educational discrimination, which kept nonwhite incomes near the subsistence level, thus preventing any appreciable accumulations of surplus income for capital investment.

Capital accumulation by nonwhites can occur only after employment and educational discrimination have been reduced sufficiently. The difference between this 75 percent and the actual 57 percent is the result of some combination of educational differences and discrimination.

For this reason a discussion of employment inequalities must involve a disaggregation of these two influences. The following discussion is designed to separate these influences in their effects on the industrial distribution of nonwhites in Metropolitan Washington.

That racial discrimination in employment exists in the Nation's Capital is common knowledge, though a willingness to admit its existence seems to vary directly with the degree to which an individual is affected by it.

More important than the existence of this phenomenon, is the question of whether or not the attitude and behavior of the area's employers are shifting rapidly enough so as to negate the need for the establishment of a legislative act to prevent discriminatory employment practices.

A most important question for your subcommittee should be what incontrovertible proof is there with respect to the existence of discrimination in employment?

In response to this question, we have presented a supplementary statement which answers this question in depth. We would like to only summarize the highlights of that statement.

To begin with, employment discrimination against Negroes is defined as any behavior on the part of an employer toward a Negro employee or potential employee, which reflects a negative evaluation of that person's race to the extent that the employer either refuses to utilize that person or underutilizes him, and/or underpays him.

This behavior results from prejudice, which is not measurable. The results of prejudice may be measured indirectly from the employment gap between Negroes and whites as reflected in quantitative differences in the distribution of the two races between industries, or in the qualitative differences in income by race among the various industries.

The term "industry" here, refers to the broad industrial classifications used by the U.S. Bureau of the Census.

It is acknowledged, however, that differences in education and training account for a part of the employment gap between Negroes and whites. For this reason a statistical technique commonly known as the expected cases method is used to separate the influence of the objective factor (qualification difference) from the observed total employment inequality between Negroes and whites.

With respect to the quantitative differences in the distributions of whites and Negroes, among industries an index number was developed for both 1950 and 1960. This index (a summation of the differences in the proportion of Negroes actually employed within each industry and the proportion which would exist if there were no differences in qualification and discrimination was nonoperant) could vary from 1 (complete segregation of whites and Negroes by industry) and 0 (perfect equality in employment).

This inequality index number was 0.284 in 1950, but had increased by 88 percent during the decade 1950-60. The influence of discrimination was determined by, first of all, computing an index number for the influence of qualification.

This was accomplished by estimating the proportion of nonwhites which would be employed within each industrial classification, if nonwhites were employed in strict accordance to their occupational distribution.

The value of this index number was 0.220 and 0.213, respectively, in 1950 and 1960. When the latter index is expressed as a ratio of the first, then the influence of qualifications on the total inequality produces a measure of the influence of discrimination. The measure of discrimination increased by one-third between 1950 and 1960.

Use of this technique permitted the identification of industries in which Negroes are underemployed and overemployed. Negroes were found to be underemployed within the following industries, with the degree of underemployment stated in items of a percentage of the present number of Negroes employed within the industry:

1. Transportation, communication, and public utilities came to 120 percent.
2. Business and repair services came to 44 percent.
3. Construction came to 42 percent.
4. Manufacturing came to 24 percent.
5. Finance, insurance, and real estate came to 15 percent.

Variances by industry were also found with respect to the income differential between Negroes and whites. By accounting for the influence of education upon these differentials, two industrial classi-

fications were found to show no discrimination by income—these were the trades and business and repair classification. The most discriminatory in terms of income differentials were the finance, insurance, and real estate; and personal services classifications.

Using both the quantitative and qualitative measures together, it concluded that in terms of industrial classifications, the following three industries were most discriminatory:

1. Transportation, communications, and public utilities;
2. Construction; and
3. Finance, insurance, and real estate.

Educational differences were found to be an insufficient explanation of the employment and income gap between Negroes and whites. In fact, for 1960, the income gap between Negroes and whites who live in the District was found to widen as the level of educational attainment increased.

Since the influence of discrimination appears to be a much more significant factor in explaining the employment gap between the races, and discrimination was found to be increasing, it was concluded that the only manner in which this racial gap can be eliminated is through the enactment and enforcement of prohibitive policies against discriminatory practices.

Our documentation clearly shows that the lack of education and training is not the sole reason for underemployment; however, we should reexamine our total educational and training philosophy for the District.

The community has spent an inexcusable amount of time on whether the answer to our discipline problem can be found in corporal punishment or in kicking kids out of school.

If we can develop a program which insures absolute conformity with prescribed standards of conduct, if we could discover how to keep all youngsters in school, for our dropout rate is alarming, then would we be training young people for gainful economic lives when they leave school?

We think not. Our present curriculums are not geared to challenge the interest or initiative of our youth, nor are we producing large quantities of young people who are ready to move into a job if one is available.

The potential dropout must clearly see that boys who stay will be trained with skills salable in our job market. And we cannot talk about reducing crime, the dependency load, the welfare cases, and family dislocation, or more housing, better health protection, or any of the other middle-class hopes and aspirations until we can produce more and better training and fairer distribution of jobs. Jobs are our keys. They unlock all doors.

The rest of our statement we include for the record.

(The statement referred to follows:)

STATEMENT OF WALTER B. LEWIS, DIRECTOR, WASHINGTON URBAN LEAGUE

Mr. Chairman and members of the subcommittee, I am Walter B. Lewis, assistant executive director of the Washington Urban League, on whose behalf I appear today to present a statement on employment discrimination in the Nation's Capital. I am accompanied by Mr. Samuel E. Harris, our director of housing and research, who will be available for questions.

The Washington Urban League is an interracial, nonpartisan, nonprofit social service planning agency, whose programs are directed toward improving working, living, housing, and welfare conditions of the nonwhite residents of the District of Columbia. Employment, traditionally, has been a major focus of all urban leagues across the country and Washington is no exception. Our basic program is aimed at working with employers to the end that race is not a factor in initial employment, training, promotion, or firing. One of the major tools in accomplishing our objective is the presentation of specific and cumulative facts on employment opportunities or the lack thereof for nonwhites, as well as detailed information on the problems of nonwhites as they attempt to enter the employment market.

It is our intention to share with you a picture of employment opportunities and the lack thereof as well as a statistical quantification of employment discrimination in the Washington labor market. As to the latter, our oral testimony will include only a summary of this statistical picture; however, we are filing as a part of the statement our complete analysis thereof.

A review of the current status of employment opportunity in the District reveals that the most significant point in this whole field is that most employers no longer consider it politically and economically wise to openly state that they have discriminatory hiring and upgrading practices. Most employers, at least publicly, profess that they follow a merit hiring policy. We hasten to add, however, that in our experience actual practice does not always equal public pronouncements, and our statement below indicates the gap in income differentials have actually widened in the last few years.

Turning now to actual facts, we believe greater efforts are being exerted on all levels of the Federal and District Governments to provide equality of opportunity in employment and upgrading for nonwhite employees. We believe that for the first time efforts are being undertaken to insure that merit hiring policies adopted at the top are filtered down to the supervisory level. A great deal more must be done to insure merit hiring and promotion, but examples of governmental action such as the personnel file review which was instituted at the direction of the President's Committee on Equal Employment Opportunity is an example of the type of regular policing of employee skills necessary to insure regular, merit, upward mobility among all employees. This program is very similar to the one the Washington Urban League recommended to the Civil Service Commission more than a year ago. We still feel that, while greater number of Negroes are entering Federal employment, most Negroes are doomed to remaining at entrance grades or near entrance grades much longer than performance, qualification, or accident would warrant.

The President's Committee on Equal Employment Opportunity, the Civil Service Commission, and the District of Columbia Commissioners Council on Human Relations are beginning to watch employment practices closer now than was the case in the past. However, fair employment policies are doomed to failure as long as agencies are required or permitted to investigate themselves. Neither equal employment officers nor liaison employees can be expected to fairly and objectively judge practices when such practices are originated and/or condoned by their supervisors. An effective program of policing discrimination and bias will never be developed until an outside agency is charged with the responsibility of receiving, investigating, and adjudicating all charges of discrimination and bias.

In general, private industry is sorely lagging behind the efforts of Government to provide equality of opportunity. Our investigation shows that even where progress has been made—progress in terms of more jobs available—it has been in low-paying industries such as retail trade and service establishments. Even in areas where white-collar jobs have increased, technical and craft opportunities have not increased at all; and contrary to popular notions, often the better paying jobs are not in the white-collar category but in blue-collar jobs.

Certain other prestige and lucrative positions are generally not open to Negroes. Notably, in this category are the finance, insurance, and real estate classifications. A few banks have hired some Negroes in the last few years, but according to our information this represents a net gain of approximately 10 jobs for nonwhites above the usual mental or service positions. Saving and loan associations, real estate and mortgage finance, insurance, and title companies continue in the old patterns and traditions of discrimination. Many of these companies have pointedly advised our staff that they are not interested in merit employment. It is interesting, that while savings and loan associations freely finance nonwhite dwellings they find no need for Negro help, except

as doormen, porters, char force, and messengers. The policy of such firms can best be illustrated by the comment of one financial institution president recently to the effect that "I can't open my bank without George" (George is the doorman).

The best penetration and progress is found in retail sales. The major department stores routinely hire sales and clerical personnel and most of them are more and more employing trainees in executive and management areas.

Utility companies vary. At least one company seems to be making a valiant effort to follow a merit hiring policy but jobseekers continue to express doubt of the company's merit hiring policy. Our experience with this company is by far the best of all such companies, and to our knowledge a very large percent of new employees in both white-collar and operation positions are nonwhite. Other companies have shown a willingness to hire nonwhites in white-collar clerical or other visible positions, but have shown no inclination to move in the crafts nor elsewhere in headquarters administrative operations. Substantial opportunities are now available for busdrivers and switchboard operators in local transportation companies, but we have noticed no change in white-collar and supervisory personnel in this industry.

In the same vein, opportunities for employment are extremely limited in the liquor industry, chain drug and grocery stores (office and managerial positions), group and plan insurance companies, automobile and taxicab insurance companies, the District courts, and other specialty clothing stores. Tourism, next to Government, is Washington's largest industry. However, Negroes, by and large, are limited to only menial positions in the largest hotels, while satisfactorily holding a range of positions in smaller hotels. It is interesting to note that in an industry where service is the principal item for sale, Negroes are systematically excluded when under other circumstances Negroes have been sought for their service qualifications. Positions from which Negroes are excluded in some hotels include waiters, waitresses, bellmen, and room positions as well as front desk and office positions.

We are possibly on the threshold of some advance in the construction industry—the area where the least progress has been made in this city in the last decade. We say possibly, because we, as a total community, have only just recently been able to focus attention on the great dearth of jobs for nonwhites in Washington's third largest industry. As the community is no doubt aware, for some time there has been little if any opportunity for Negro apprentices, journeymen, or master craftsmen in the electrical, plumbing, carpentry, plaster, bricklayers, and kindred craft. The only areas where Negroes have found employment commensurate with their ability have been with the labor and operating engineering fields. The Federal Government, after Howard University students served as catalysts, has shown more firmness in enforcing equal opportunity obligation requirements of public contractors. Real efforts have been exerted to force contractors to live up to their agreement and apprentices and journeymen have been recruited with the assistance of the Washington Urban League.

This covers a summary of the soft and hard areas of employment opportunity.

Now to quantification of employment discrimination and bias.

The most tangible measure of the effects of discrimination in employment is that of income inequalities. During 1950, the median family income of nonwhites within the urbanized area of Metropolitan Washington was only 52.1 percent as large as the median family income of whites. The comparable percentage in 1960 was 56.8. If this rate of decrease in the income gap witnessed during the 1950's is typical and continues at that same rate, income equality would not be achieved with the year 2000.

Not all of the income inequality can be attributed to inequalities in employment, because labor as a group receives only three-fourths of the national income dollar. For this reason, the lack of ownership of capital among nonwhites can account for nearly 55 percent of the observed income differential among nonwhites. This means that in the absence of discrimination in employment and equal qualifications, nonwhites would only earn 75 percent as much as whites. The present lack of any significant capital ownership is a product of past effects of employment and educational discrimination, which kept nonwhite incomes near the subsistence level, thus preventing any appreciable accumulations of surplus income for capital investment. Capital accumulation by nonwhites can occur only after employment and educational discrimination have been reduced sufficiently. The difference between this 75 percent and the actual 57 percent is the result of some combination of educational differences and discrimination.

For this reason a discussion of employment inequalities must involve a disaggregation of these two influences. The following discussion is designed to separate these influences in their effects on the industrial distribution of non-whites in Metropolitan Washington.

That racial discrimination in employment exists in the Nation's Capital is common knowledge, though a willingness to admit its existence seems to vary directly with the degree to which an individual is affected by it. More important than the existence of this phenomenon, is the question of whether or not the attitude and behavior of the area's employers are shifting rapidly enough so as to negate the need for the establishment of a legislative act to prevent discriminatory employment practices. A most important question for your subcommittee should be what incontrovertible proof is there with respect to the existence of discrimination in employment. In response to this question, we have presented a supplementary statement which answers this question in depth. We would like to only summarize the highlights of that statement.

To begin with, employment discrimination against Negroes as defined as any behavior on the part of an employer toward a Negro employee or potential employee which reflects a negative evaluation of that person's race to the extent that the employer either refuses to utilize that person or underutilizes him, and/or underpays him. This behavior results from prejudice, which is not measurable. The results of prejudice may be measured indirectly from the employment gap between Negroes and whites as reflected in quantitative differences in the distribution of the two races between industries, or in the qualitative differences in income by race among the various industries. The term "industry" here refers to the broad industrial classifications used by the U.S. Bureau of the Census.

It is acknowledged however, that differences in education and training account for a part of the employment gap between Negroes and whites. For this reason a statistical technique commonly known as the expected cases method is used to separate the influence of the objective factor (qualification difference) from the observed total employment inequality between Negroes and whites.

With respect to the quantitative differences in the distributions of whites and Negroes, among industries an index number was developed for both 1950 and 1960. This index (a summation of the differences in the proportion of Negroes actually employed within each industry and the proportion which would exist if there were no differences in qualification and discrimination was nonoperant) could vary from 1 (complete segregation of whites and Negroes by industry) and 0 (perfect equality in employment). This inequality index number was 0.284 in 1950, but had increased to 0.306 by 1960. More importantly, however, discrimination was found to have increased by 33 percent during the decade 1950-60. The influence of discrimination was determined by, first of all, computing an index number for the influence of qualification. This was accomplished by estimating the proportion of nonwhites which would be employed, within each industrial classification, if nonwhites were employed in strict accordance to their occupational distribution. The value of this index number was 0.229 and 0.213 respectively in 1950 and 1960. When the latter index is expressed as a ratio of the first, then the influence of qualifications on the total inequality between whites and nonwhites is derived, and when removed from the total inequality produces a measure of the influence of discrimination. The measure of discrimination increased by one-third between 1950 and 1960.

Use of this technique permitted the identification of industries in which Negroes are underemployed and overemployed. Negroes were found to be underemployed within the following industries, with the degree of underemployment stated in items of a percentage of the present number of Negroes employed within the industry:

	Percent
1. Transportation, communication, and public utilities.....	120
2. Business and repair services.....	44
3. Construction.....	42
4. Manufacturing.....	24
5. Finance, insurance, and real estate.....	15

Variances by industry were also found with respect to the income differential between Negroes and whites. By accounting for the influence of education upon these differentials, two industrial classifications were found to show no discrimination by income—these were the trades and business and repair

classification. The most discriminatory in terms of income differentials were the finance, insurance, and real estate and personal services classifications.

Using both the quantitative and qualitative measures together, it concluded that in terms of industrial classifications, the following three industries were most discriminatory:

1. Transportation, communications, and public utilities;
2. Construction; and
3. Finance, insurance, and real estate.

Educational differences were found to be an insufficient explanation of the employment and income gap between Negroes and whites. In fact, for 1960, the income gap between Negroes and whites who live in the District was found to widen as the level of educational attainment increased. Since the influence of discrimination appears to be a much more significant factor in explaining the employment gap between the races, and discrimination was found to be increasing, it was concluded that the only manner in which this racial gap can be eliminated is through the enactment and enforcement of prohibitive policies against discriminatory practices.

Our documentation clearly shows that the lack of education and training is not the sole reason for underemployment, however, we should reexamine our total educational and training philosophy for the District. The community has spent an inexcusable amount of time on whether the answer to our discipline problem can be found in corporal punishment or in kicking kids out of school. If we can develop a program which insures absolute conformity with prescribed standards of conduct, if we could discover how to keep all youngsters in school, for our dropout rate is alarming, then would we be training young people for gainful economic lives when they leave school? We think not. Our present curriculums are not geared to challenge the interest or initiative of our youth, nor are we producing large quantities of young people who are ready to move into a job if one is available.

The potential dropout must clearly see that boys who stay will be trained with skills salable in our job market. And we cannot talk about reducing crime, the dependency load, the welfare cases, and family dislocation, or more housing, better health protection or any of the other middle class hopes and aspirations until we can produce more and better training and fairer distribution of jobs. Jobs are our keys. They unlock all doors.

EMPLOYMENT DISCRIMINATION IN METROPOLITAN WASHINGTON, 1950-60¹

Employment discrimination against Washington's Negro labor force is pronounced and was greater in 1960 than it was 10 years earlier. This conclusion may appear untenable to some when confronted with an observation which is frequently used to show the very opposite. This commonly used counterargument is based upon the fact that as a group, the Negro in Washington has higher earnings, more white-collar jobs, and in general, a higher standard of living than that of Negroes in any other major U.S. city. The presence of the non-sequitur contained in this counterargument is obvious.

This counterargument is presented not so much for the purpose of erecting a strawman, but rather to illustrate the generally faulty nature of reasoning which is commonly embodied in the arguments of foes and proponents alike, when addressing the issue of employment discrimination. It is not really necessary to use such an extreme case of the counterarguments. A much more tenable and convincing argument could simply point out that Negro professionals in Metropolitan Washington, for example, increased by 118 percent during the intracensus period, while white professionals increased by less than half that rate (49 percent), hence, if anything, employment opportunities for Negroes were much better in 1960. This counterargument is as equally fallacious as the first. Its fallaciousness will become obvious in the demonstration of proof for the conclusion that discrimination has increased. Before presenting this demonstration, however, a presentation of the nature and justification of the analytical framework which is used in the proof seems quite requisite.

We must first of all be clear on the terminology which we are using. What do we mean by discrimination in employment? It is crucial that we be clear on the definition which is used in the analysis to follow. A simple definition is sufficient.

¹ Excerpt from "City in Crisis: Socio-Economic Change in the Nation's Capital." A comprehensive study of the problems confronting Washington's Negro population, by Samuel E. Harris, director of housing and research, Washington Urban League.

Let us refer to employment discrimination as any nonobjective behavior on the part of an employer toward an employee or potential employee, which reflects some intuitive negative evaluation (prejudice) of the employee's race to the extent that the employer, when confronted with a manpower need, will either not use the employee, underutilize him and/or undercompensate him. We should, it seems, be in agreement about the complete inability to directly quantify prejudice.

What is quantifiable and measurable is the effect of racial prejudice as manifested in the income, occupational, and industrial differentials between the white and Negro segments of the labor force. Arguments developed in these terms are commonly referred to as the focusing of attention on the racial gap, the assumption being that the only true measure of progress in pursuit of racial equality is the rate at which the socioeconomic gap between Negroes and whites decreases.

The only difficulty in this approach is that the entire divergency between the socioeconomic status of Negroes and whites cannot be explained in terms of current acts of discrimination. The fact that historically Negroes have been denied equal access to educational and training facilities must have some relevancy and as such its effects on the gap must be accounted for if the employment gap is to be used as an imputed measurement of racial discrimination in employment.

One very important empirical study conducted within the framework of the socioeconomic gap has relevance to employment discrimination in Washington. Ralph H. Turner, a noted sociologist, using what is referred to as the expected cases method employed a summary index of the differences in the occupational distributions of nonwhites and the total labor force in southern, western, and northern regions of the United States for 1950, derived from U.S. census reports.³ By using a table of cross tabulations of education and employment by race, he was able to hypothesize the expected occupational distributions of nonwhites, given their lower level of education, and assuming that discrimination did not exist. By using a summary index of the difference between the hypothesized distribution of nonwhites and the distribution of the total labor force, he was able to express this index as a percent of the first index (the measure of total inequality), thereby determining the influence of education on the occupational gap. Having eliminated the influence of education, the residual difference in occupational distributions was attributable to discrimination. His major finding was that education was less of an influence in the employment of Negroes in the southern region of the United States than it was in the northern and western regions. This finding is significant because Washington, though a part of the southern region of the United States (and this is reflected in its housing patterns) is more northern in its employment practices.

A statistical measurement of employment discrimination in Metropolitan Washington employs the Turner technique—at least in principle. Because of data limitations, only the methodology is identical. In the Turner study the expected nonwhite occupational distribution was predicted on the basis of nonwhite educational attainment. Cross-tabulations of education and occupation are not available in the standard publications of the U.S. Census Bureau for small areas (SMSA or smaller). For this reason, the available cross-tabs (employment by occupations and major industries) are used. There is, in fact, a methodological basis for preferring these tabulations for use in the analysis, because a person's occupation, when coupled with the relative demand which each major industry has for labor within the various occupational groupings, determines the probability of his employment within each industry. More importantly, however, from the standpoint of public policy, it is preferable to be able to make comparisons of the performance of the various industrial groupings, on the question of the degree of discrimination.

Despite the lack of cross-tabulations for education and occupations, there remains an indirect approach to their interrelationships. This approach will also permit a clear demonstration of the effect if any, education has upon employment inequality by race. Education becomes an increasing factor in employment at the upper end of the occupational spectrum. A reasonably valid generalization is that most professional, technical, managerial occupations require at least 1 year of college as the minimum. As the table below indicates, for both 1950 and 1960, nonwhites represented a higher percentage of the total

³ Ralph H. Turner, "Foci of Discrimination in the Employment of Nonwhites," *American Journal of Sociology*, vol. LVIII, No. 3, November 1952.

number of persons having completed 1 or more years of college, than their representation of persons employed within the professional, technical, and managerial categories.

Year.....	Nonwhites having completed 1 or more years of college as a percentage of total population with this level of education.	Nonwhites employed in professional, technical, and managerial occupation as a percentage of total employment within these occupations.	Ratio of nonwhite percentage with 1 or more years of college to nonwhite percentage of professional, technical and managerial employment.
	(1)	(2)	(3)
1950.....	9.1	7.0	0.769
1960.....	10.7	8.2	.766

Source: U.S. Bureau of the Census, U.S. Census of Population: 1950, detailed for the District of Columbia PC-9 and 1960, detailed characteristics for the District of Columbia, PC-(1)-100.

Of greater significance than the disproportionate nature of the relationship between nonwhite education and employment, is the lack of responsiveness of this disproportionality to time, as reflected in the education-employment ratio (col. 3). In terms of the general level of education as measured by the median level of school completed, nonwhites gained relative to whites during the 1950-60 period. The nonwhite median years of school complete in 1950 (8.9) was 72 percent, the median value for whites. The nonwhite median in 1960 (10) was 81 percent, the median of whites. Despite the relative improvement in nonwhite educational status, there was no relative improvement in nonwhite employment patterns as the following discussion will demonstrate.

Basically this analysis is designed to answer two questions:

1. To what extent does the difference in the willingness of firms within each of the major industrial classifications to employ Negro labor (given the qualifications of the Negro labor force as reflected in its occupational distribution) distort the industrial distribution of Negro labor from what it would be if racial discrimination were not a factor? What change occurred in this distortion between 1950 and 1960?

2. How great is the difference between the willingness of firms within major industrial classification to employ Negroes? What are some possible explanations for these observed differences?

The first question is answered by use of the expected cases method (see appendix attached) which yields an index of the total difference between the actual industrial distribution of nonwhites and the total labor force (if there were no racial differences in job qualifications and job preferences and employers were indifferent toward employing whites and nonwhites, then both races would be identically distributed among industries). This index number could vary between 1 (if the labor market were completely segregated, i.e., Negroes and whites were employed in different industries) and 0 (whites and nonwhites employed within industries in accordance to their proportional representation in the total labor market). For 1950 the index number of the total inequality in nonwhite employment was 0.284, compared to a much larger index of 0.306 for 1960.

The total difference in the expected distribution (the distribution which would be observed if Negroes were hired in accordance to their occupational distribution), and the distribution of the total labor force is measured by a similar index. For 1950 the value of the index was 0.229 and somewhat smaller, 0.218 for 1960.

When the index of the inequality in the occupational distribution of nonwhites is expressed as a percentage of the index of the total difference in the industrial distribution of nonwhites and subtracted from 100 percent, the influence of discrimination on the total inequality is derived. The influence of discrimination on the industrial employment pattern of Negroes increased by one-third during the last intracensus period (20.4 percent in 1950 to 30.4 in 1960).

Answers to the second question relating to the distortion of the employment pattern of Negroes among industries by discrimination is determined by the percentage difference in the industry's expected share of nonwhite labor, and its actual share. (See table No. II.) Obviously with the existence of a distorted employment pattern, nonwhites will be underemployed in some industries and

overemployed in others. Neglecting the agricultural and mining industries (because of their insignificance—together representing only 1 percent of the area's total employment). Nonwhites are found to be underemployed in five industrial categories: Transportation, communication, and public utilities, 120 percent underemployed; business and repair services, 44 percent; construction, 42 percent; manufacturing, 24 percent; and finance, insurance, and real estate, 15 percent. Four industrial categories overemploy Negroes: Wholesale and retail trade, 33 percent; personal services, 20 percent; public administration, 17 percent; and professional services, 18 percent. It should be noted that the industries which overemploy Negroes account for nearly seven-tenths of the total employment in the metropolitan area. Their ranks in terms of total employment is 1, 2, 3, and 5, respectively, thus suggesting that relative size is a relevant factor in determining whether or not an industry will overemploy Negroes. In general, the larger industries on the average, hired four Negroes for every three whites during the 10 years following 1950 (i.e., the average percentage increase of nonwhite employment over the 1950 level was one-fourth larger than the percentage increase of white, while the relatively smaller industries employed only one Negro for every two whites hired. A negative correlation of -0.84 exists between the relative proportions of Negroes and whites among the industries in 1950 and the relative growth rates of the industries between 1950 and 1960. This suggests that a characteristic of industries with sluggish rates of growth is a relatively higher percentage of nonwhites both of which are characteristic of the larger industries. The relevancy of these facts became clearer when it is realized that industries with the highest growth rates also have higher income differentials between Negroes and whites though generally paying higher wages.

TABLE II.—A comparison of underemployment and overemployment of nonwhites by industry, for the Washington SMSA, 1950 and 1960¹

Industrial classification	Difference between the actual proportion of nonwhites employed by industry, and the expected proportion based upon the nonwhite occupational distribution			
	Number		As percentage of actual proportion	
	1950	1960	1950	1960
Construction.....	-0.004	-0.003	-5.9	-42
Manufacturing.....	-.001	-.014	-1.5	-24
Transportation, communications and public utilities.....	-.020	-.046	-27.0	-120
Whole and retail trade.....	.018	.053	9.8	33
Finance, insurance, and real estate.....	.001	-.005	2.7	-15
Business and repair service.....	.002	-.008	-14.3	-44
Personal services.....	.031	.039	18.3	20
Entertainment and recreational.....	.001	.000	-12.5	0
Professional service.....	.040	.020	10.4	18
Public administration.....	.064	.043	26.6	17

¹ Underemployment is indicated by a negative sign, while overemployment is positive. This table was computed from the one appearing in the appendix.

APPENDIX I-F

Total nonwhite employment and median income by industry, Washington standard metropolitan area, 1950 and 1960

Industry	Nonwhite total, 1950			Employment, 1960			Percent change, 1950-60	Median income, 1960	Nonwhite median income; white median income
	Number	Percent of total	Percent of industry	Number	Percent of total	Percent of industry			
Agriculture, forestry, etc.	2,280	1.5	25.9	1,604	0.9	25.4	37.9	\$1,864	0.883
Mining	108	0	24.3	97	.1	20.5	80.5	3,172	.703
Construction	13,923	9.3	30.0	13,157	7.4	27.0	5.4	3,256	.864
Manufacturing	9,414	6.3	20.8	10,332	5.8	17.3	17.9	3,653	.670
Transportation, communications, and public utilities	10,926	7.3	23.1	11,422	6.4	22.9	17.7	3,513	.669
Wholesale and retail trade	21,220	14.2	20.2	23,218	14.1	23.8	23.8	2,853	.826
Finance, insurance, and real estate	5,377	3.6	18.8	6,062	3.4	15.5	20.7	2,454	.552
Business and repair service	2,083	1.4	15.0	3,219	1.8	13.2	44.4	2,737	.798
Personal services	34,416	23.9	64.4	34,141	19.1	62.1	16.3	1,395	.514
Entertainment and recreational service	1,270	.8	23.1	1,643	.9	27.5	35.2	2,446	.808
Professional and related services	14,215	9.5	29.6	26,039	14.6	21.7	32.7	3,372	.734
Public administration	23,788	16.0	27.9	45,467	25.6	21.3	22.3	4,313	.721
Industry not reported	2,570			20,473					
Totalemployed	151,691	100.0	24.4	198,984	100.0	25.1	31.2		

The expanding industries, in order to attract an experienced labor supply, had to offer higher wages in order to bid workers away from other industries. The evidence suggest a greater reluctance to pay Negroes these higher wages because even when Negroes are hired, it is at a much lower level than whites. The larger, relatively slower expanding industries, because of generally lower wages, in addition to not being able to keep some of their white workers, are not able to attract new white workers as fast as Negro workers who have less choice in their place of employment.

The discussion thus far has dealt with the measurement of discrimination in terms of the relative number of Negroes within certain industries. This, however, is not the complete story. There is a need for some qualitative measures, i.e., equal pay for equal work, also. An indirect measure of this would be the racial income differentials by industries. (See table 3.) It was pointed out earlier that the nonwhite population is on the average, 81 percent as well educated as the white population. Though education is not a perfect predictor of income, the relationship between the two is sufficiently strong so as to permit its use as an indicator of the relative income inequality between Negroes and whites, among industries. Any bias in using education in this manner should equally bias each industry. On this basis, it is assumed that the income differential between Negroes and whites should be proportional to the educational differential. By expressing the observed income differential between whites and Negroes as a ratio of the expected differential based upon education (81 percent) then an index of income discrimination is obtained for each industry. These indexes are presented below and the industries are ranked, in accordance to the size of their respective index.

Industrial classification	Index of income discrimination (income differential)	Income differential rank (high to low)
Construction.....	0.72	3
Manufacturing.....	.83	4
Transportation, communications, and public utilities.....	.83	5
Wholesale and retail trade.....	1.02	10
Finance, insurance, and real estate.....	.68	2
Business and repair service.....	.99	9
Personal service.....	.63	1
Entertainment and recreational services.....	.86	6
Professional and related services.....	.90	7
Public administration.....	.90	8

It is quite clear that with the exception of the wholesale and retail trade and the business and repair categories, all industrial classifications have some amount of income discrimination, and the greatest amount of discrimination occurs in the personal service category.

Just as an observation on incomes and education, it should be noted that racial income differentials are for the District, positively correlated with the level of educational attainment—meaning that the median income of Negroes as a percentage of the median income of whites, decreases as the level of educational attainment for the races increases (see table 4). For persons having never attended schools, there is little income difference between whites and Negroes. While Negro college graduates earn a little over half as much as white college graduates.

When the quantitative and qualitative measures of discrimination by major industrial classification are combined, the trade industrial classification is found to be the least discriminatory, while the three most discriminatory are transportation, communication, and public utilities; construction and finance; insurance and real estate, in that order.

In conclusion, it should be noted that, of the two factors accounting for an employment gap between whites and Negroes (education or training and racial discrimination) only the latter is an invariant with time, and relative improvements in the education of Negroes does not seem to have any effect upon the employment gap, hence in the absence of some effective public policy prohibiting racial discrimination, the employment gap can be expected to persist for another 100 years (at the present rate of change in the income gap).

APPENDIX III-A

Median income by years of school completed—By sex and race, 1960, District of Columbia¹

Years of school completed	Male			Female		
	White	Non-white	Ratio, nonwhite to white	White	Non-white	Ratio, nonwhite to white
Number, school completed.....	\$2,429	\$2,225	0.916	\$920	\$1,045	1.140
Elementary:						
1 to 4 years.....	2,725	2,700	.991	1,028	1,074	1.045
5 to 7 years.....	3,690	3,200	.867	1,435	1,380	.962
8 years.....	4,109	3,345	.814	1,931	1,546	.801
High school:						
1 to 3 years.....	4,763	3,647	.761	3,115	1,872	.601
4 years.....	5,127	4,001	.780	4,103	2,920	.712
College:						
1 to 3 years.....	5,967	4,403	.734	4,502	3,841	.853
4 or more years.....	8,554	5,227	.611	5,238	4,023	.883
Total.....	5,408	3,584	.663	3,703	2,011	.543

¹ Computed from "U.S. Census of Population, District of Columbia, Detailed Characteristics." P.C. (1), 10-11, table 138. "Income in 1959 of Persons 25 Years Old and Over, by Years of School completed, Color and Sex, for the District, 1960," p. 10-178.

APPENDIX III

THE EXPECTED CASES METHOD APPLIED TO THE MEASUREMENT OF DISCRIMINATION IN THE EMPLOYMENT OF NONWHITES AMONG INDUSTRIES

A table is prepared with columns corresponding to the 11 census occupational categories and rows to the 12 census industrial categories. In cells of each column are entered decimals describing the industrial distribution of the total employed labor force within the respective occupational category. These decimals are multiplied, for each column, by the number of employed nonwhites in the respective occupational category. This yields an expected frequency for nonwhites in each cell. Summing these expected frequencies by rows yields an expected frequency for each industry. These are the industrial frequencies expected on the basis of the observed nonwhite occupational distribution.

For each industry, the proportionate frequency is also computed. This is the frequency expected without the occupational distribution being taken into account. To secure this frequency, the total number of employed nonwhites in all industries is multiplied by the proportion of all employed workers (white plus nonwhite) who fall into the given industry.

The expected and proportionate frequencies are taken with the actual distribution, in order to statistically remove the effects of nonwhites having a different distribution among occupations.

This procedure involves the following steps:

1. Express all three distributions (observed, expected, and proportionate) in proportional form.
2. Within each industrial category, subtract the proportionate frequency from the expected frequency. This gives the difference due to occupations (Do).
3. With each industrial category subtract the proportionate frequency from the observed frequency. This gives the total difference (Dt).
4. Add all the Do's (irrespective of sign), which have signs identical to its corresponding Dt.
5. Add all the Do's (irrespective of sign), which have signs dissimilar to the corresponding Dt; subtract this total from the total obtained in (4), the remainder will be a numerator in a fraction which has the sum of the Dt's as its denominator.
6. This fraction constitutes the proportion (or percentage) of the observed difference between the industrial distribution of nonwhites and the total population, which can be attributed to differences in occupations. The residual difference in industrial distributions can be attributed to discriminatory practices.

*Proportionate, expected, and actual distribution of nonwhite labor force,
Washington standard metropolitan area, 1950 and 1960*

	1950				
	Proportionate	Expected	Do	Actual	Dt
Agriculture.....	0.014	0.023	+0.009	0.002	-0.012
Mining.....	.001	.001	0	0	-.001
Construction.....	.076	.090	+.014	.085	+.009
Manufacturing.....	.074	.068	-.006	.067	-.007
Transportation, communications, and public utilities.....	.077	.094	+.017	.074	-.003
Wholesale and retail trade.....	.171	.165	-.006	.183	+.012
Finance, insurance and real estate.....	.047	.037	-.010	.038	-.009
Business and repair services.....	.023	.016	-.007	.014	-.009
Personal service.....	.087	.193	+.106	.224	+.137
Entertainment and recreation services.....	.009	.009	0	.008	-.001
Professional service.....	.113	.086	-.027	.096	-.017
Public administration.....	.306	.217	-.089	.241	-.067

	1960				
	Proportionate	Expected	Do	Actual	Dt
Agriculture.....	0.009	0.026	+0.017	0.009	0
Mining.....	.001	.001	0	.001	0
Construction.....	.066	.105	+.039	.074	+.008
Manufacturing.....	.080	.073	-.006	.068	-.022
Transportation, communications, and public utilities.....	.067	.088	+.021	.041	-.026
Wholesale and retail trade.....	.161	.148	-.013	.211	+.050
Finance, insurance, and real estate.....	.053	.039	-.014	.034	-.019
Business and repair services.....	.033	.026	-.007	.018	-.015
Personal service.....	.074	.152	+.078	.191	+.117
Entertainment and recreation services.....	.006	.009	+.001	.009	+.001
Professional service.....	.162	.124	-.038	.146	-.016
Public administration.....	.287	.208	-.079	.255	-.032

Do = 0.261.
 Dod = 0.033.
 Dos = Dod = 0.229.
 Dt = 0.284.

Inequality due to occupational difference = $\frac{0.229}{0.284} = 80.6$

Do = 264.
 Dod = 51.
 Dos = Dod = 213.
 Dt = 306.

Inequality due to occupational difference = $\frac{0.213}{0.306} = 69.6$.

Mr. ROOSEVELT. Mr. Lewis, your concluding remark is exactly what I have been trying to tell a great many people, and I must say we have not had complete success: that there should be concentration on jobs and job employment and from that can flow all of the other matters. We should not drop our interest in removing bias in housing or in many of the other things that we are making efforts toward, but we have left unattacked the very cornerstone of the thing and we have only been going to the edges of the building instead of putting the foundation in.

I want to thank you for your statement. I think it is complete and with the addendum, I think it is factual. I think it will be of great help to the committee. I have a few questions:

No. 1. I want to point out that on page 2 where you talk about the necessity for policing existing programs, especially under the President's Committee, and in the Federal Government, that H.R. 405 would not reach into this area at all.

Mr. LEWIS. I am aware of it, Mr. Chairman.

Mr. ROOSEVELT. I am, therefore, wondering whether you would advocate that we set up or ask the President's Committee to reconsider their enforcement policy under the existing order so as to provide for some kind of a body which would make an impartial judgment on the complaints as they come to the committee and are then referred to the department concerned? What would your suggestion be as to the best method of handling or changing the present policing?

Mr. LEWIS. Let me say my personal feeling and the feeling of my agency is that the best method would be that policing the Federal employment practices as well as those of contractors obviously would be in the total Commission, as applied to private industry. I am sure the reason you left it out was on a sound basis. However, short of that, I would think, and we have found in our experience this is true, that an outside agency—if you want it to be the President's Committee on Equal Employment Opportunities, that is fine—this agency should have the prime and sole responsibility for receiving the complaint, actually investigating, adjudicating, and making the decision.

We have found in the Federal side where there are equal employment opportunity officers and liaison officers in each Department that these people are quite vulnerable to the policies of their supervisors. Often these are lower-level employees. You ask them objectively, with really their jobs at stake, to investigate the policies of their own Department, to issue objective opinions about what is happening, and to make orders.

We feel this taxes the human power just a little bit too much. There should be a separate agency that has the prime responsibility. I would recommend that the President's Committee should reconsider its present procedure where an employee who has a complaint may either file with his agency or with the President's Committee, but in either case the complaint goes to the agency for investigation and for report back to the Committee; that they revise their procedures so that the outside agency has the prime responsibility.

Mr. ROOSEVELT. I am told, and we have not yet gotten it in the record, although I am sure we will, that the President's Committee, out of the total number that it has processed, has decided in favor of the complainants in possibly two-thirds or three-quarters of the cases that have come before them.

I wonder whether you in the Urban League had any figures as to the actual disposition of the cases that have come before the President's Committee in relationship to the District of Columbia primarily?

Mr. LEWIS. This is the thing I usually like to say. I am glad you asked that question, Mr. Chairman, because we have found the Committee extremely uncooperative in providing a breakdown of figures in the District of Columbia. National figures are available, but we have not been able to get figures in order to analyze them, to determine whether this general claim that is made is applicable to the District of Columbia. We see only the other side of the picture.

Complainants who come to our shop who make complaints and see it go through the mill, and we draw some conclusions from that, obviously we are not in a position to observe all the operation, but if the Committee could be helpful in making these figures available, we would be appreciative.

Mr. ROOSEVELT. Have you any written evidence of your effort to get these figures?

Mr. HARRIS. Yes. I have been in contact with the Committee over the last 6 months trying to get the figures released. They told me that they had them available but that they had not been cleared as of yet.

Mr. ROOSEVELT. A verbal discussion, I gather.

Mr. HARRIS. Yes, by telephone.

Mr. ROOSEVELT. Who have you talked with in the Committee? What I am trying to do in this hearing is not to deal in generalities. I want to know who the people are that don't respond. Who did you talk to in the Committee?

Mr. HARRIS. I talked to the administrative assistant of Mr. Hobart Taylor.

Mr. ROOSEVELT. What is the name?

Mr. HARRIS. I don't remember right now.

Mr. LEWIS. We will get it for you.

Mr. ROOSEVELT. Will you supply us with the name?

Mr. LEWIS. Yes, we will.

(The material referred to follows:)

WASHINGTON URBAN LEAGUE, INC.,
Washington, D.C., June 5, 1963.

Hon. JAMES ROOSEVELT,

Chairman, Subcommittee on Labor, Committee on Education, House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: In response to the question with respect to the sharing of information by the President's Committee on Equal Employment Opportunity which you raised during the testimony of the Washington Urban League on Friday, May 24, 1963, I would like to share with you the names of the persons with whom I have talked, and further clarify my oral testimony.

My first contact with the President's Committee on Equal Employment Opportunity was by telephone sometime during the month of November. I spoke to the committee's information officer, Mr. John McCully. He indicated that it had not been decided at that time whether or not any detailed information relating to the relative employment of Negroes and whites in metropolitan Washington would be released to the public.

I called the President's Committee again in April to find out if a decision had been made. This time I asked to speak to Mr. Hobart Taylor. I was referred to his assistant, Mr. William Kendricks, who indicated that the information was available and would be sent to me within 2 or 3 days. After about a week Mr. Kendricks called me to say that the information was too bulky for mailing but that I would be free to use it in his office, provided he could secure the necessary clearance. I received another call from Mr. Kendricks on the 24th of May. At that time he indicated that, although he had not secured official clearance, I would be able to come to his office and examine the data. On that same day (May 24) I received in the mail a State-by-State partial summary of Negro employment by the Federal Government.

As for my professional reaction to this report, I find the presentation far inferior to the presentation by the District of Columbia Government on this same subject. In the form in which the data is presented, meaningful comparisons of white and Negro employment are made extremely difficult. There is a great need for the data to be presented in the form contained in the Urban League's analysis of this data which is enclosed. It was necessary to compute the median grade level of Negroes and whites and then impute the earnings from the known salaries corresponding to those grades. It is our opinion that the President's Committee should not leave this type of work to outside

agencies. It is difficult for us to understand how they can operate without some overall picture of the magnitude of the current problem. This picture is not contained within their own data, though it should be.

I hope that our analysis will be of value to you.

Respectfully yours,

SAMUEL E. HARRIS,
Director of Housing and Research.

THE CURRENT UTILIZATION OF NEGRO MANPOWER BY THE FEDERAL GOVERNMENT IN METROPOLITAN WASHINGTON

The Federal Government though the most important source of employment in Metropolitan Washington and long considered to be less discriminatory in its practices of Negro employment than the private sector of the local economy, reveals a pattern of discrimination which is no better than the private sector and worse than that of the District of Columbia government.

Recent employment statistics compiled by the U.S. Civil Service Commission for the President's Committee on Equal Employment Opportunity, indicated that as of June 1962, Negroes represent 22.8 percent of the Federal Government's total employment within Metropolitan Washington. Negroes represent only 1 percent of the total employment above the level of GS-11 and within the W-B (blue-collar) category, Negroes have only 2 percent of the better paying jobs (\$8,000 or above). The median grade of Negroes within white-collar jobs is 3.1 (first step within grade 3), which is only 37 percent of the median grade level of white persons in white-collar jobs (third step in grade 8). Expressed in terms of income differences, Negro white-collar workers had a median salary of \$3,800 which is 58 percent as large as that of white workers (\$6,300). The salary difference between Negro and white blue-collar workers is somewhat less (68 percent). Surprisingly, Negro blue-collar workers had annual earnings which were nearly \$100 higher than the earnings of Negro white-collar workers.

The median earning of all Negro workers employed by the Federal Government in Washington is approximately 61 percent that of all white employees. This income disparity between Negroes and whites in Federal Government is greater than the disparity in income between the races in several of the area's private industries. Consider for example the area's largest private industry, wholesale and retail trade. In 1960 Negroes within this industry had earnings which were 83 percent as great as that received by white employees within this same industry. The employment pattern of Negroes employed by the District government is also better than the pattern of the Federal Government. Negroes employed by the District government earned 84 percent as much as white employees in June of 1962, the same time covered by the Federal Government employment census. As the accompanying table indicates, the earnings of both white-collar and blue-collar Negro workers in the District government exceeds that of Negroes in the Federal Government. In addition, the earnings of Negroes, relative to whites in the District government are greater for both types of employment.

The Washington Urban League released an analysis of the employment patterns of Negroes in the District government in October of 1962. This report indicated that the relative employment pattern of Negroes at that time had deteriorated since 1960 when Negroes earned 90 percent as much as whites. Since the current census of Federal Government employment is the first and only one taken for the local area it is not possible to draw conclusions about the rate of progress in the utilization of Negro manpower by the Federal Government. One or two alternative inferences are possible, however, on the basis of what happens in the District government. Because the present employment pattern of the Federal Government is so much worse than that of the District, it can only be concluded that the Federal Government's pattern in 1960 was either much worse relative to the pattern of the District government and hence, some progress has occurred or like the situation in the District government the relative employment pattern of Negroes in the Federal Government has also deteriorated.

A comparison of the level of employment and income gaps between whites and Negroes employed by the District and Federal Government in Metropolitan Washington as of June 1962

	District government			Federal Government		
	White	Negro	Negro median as percent of white median	White	Negro	Negro median as percent of white median
Classification Act:						
Median grade.....	6.6	4.6	70.0	8.8	8.1	87.0
Median earnings.....	\$5,500	\$4,500	82.0	\$6,800	\$3,800	56.0
Wage board:						
Median grade.....	10.1	4.1	41.0	-----	-----	-----
Median earnings.....	\$5,408	\$4,268	81.0	\$6,139	\$4,180	68.0
Total employment.....	13,261	12,802	48.1	187,083	55,356	22.8
Median earnings.....	\$5,191	\$4,358	84.0	-----	-----	66.0

† Earnings computed from the grade level, using the appropriate pay for those grade levels.

Source: Report on manpower utilization in the District of Columbia municipal government as of June 30, 1963, and Negro employment in the Federal Government by civil service region, State, and pay categories.

Mr. ROOSEVELT. Mr. Lewis, going from there, I think it is factual that the President's Committee has no statutory standing. It must operate on whatever budget the President gives it out of his own executive funds. Would you advocate that we introduce separate legislation to give the President's Committee statutory standing and a budget under which it could operate with respect particularly to the District of Columbia?

Mr. LEWIS. Without commenting on whether it would be separate legislation or what have you, I think it would be extremely helpful to give this agency statutory authority, because it does depend entirely upon the President now.

While we are encouraged by the activities that are going on now, we think it will be a much more solid base if it is a part of the regular enforcement procedure.

Mr. ROOSEVELT. The reason that I bring this up is that obviously if they don't have the funds and they don't have the personnel, it is pretty difficult for them to do a complete job and they are not concentrating just on the District. They are concentrating, as you well know, all over.

Mr. LEWIS. Yes.

Mr. ROOSEVELT. On the other hand, the effect of Federal Government employment in the District is of such an undue proportion as against most communities that it would seem that we were almost justified in doing something rather different for employment in the District in this respect.

Mr. LEWIS. I might indicate, as you probably are aware, that the Commissioners' Council on Human Relations started out privately financed with a grant from the Meyer Foundation. It now does have budgetary approval, surprisingly from the congressional District Committees; the staff is really too small, but we have a precedent and it is operating out of the regular budget of the District of Columbia government.

Mr. ROOSEVELT. Let me attack that as an angle for a minute. Suppose we took that body and gave statutory standing to that body with instructions to the President's Committee that any matters having

to do with employment within the District should be referred to that body, and that body should undertake to settle the matter within the District.

How would you feel about that?

Mr. LEWIS. Are you talking about private employment only?

Mr. ROOSEVELT. I am talking only about Government employment. In other words, any complaint that comes in regarding employment in the District in government employment, regardless of what department it was, whether it was under the District government or not, should be referred to that particular body which has now existed for some time.

Mr. LEWIS. I anticipate some hazards in that type of suggestion in that you are asking a department of the District of Columbia government, which doesn't have supervisory control in any fashion over the personnel departments of Federal governmental agencies, to police the policies of such agencies. I would hesitate to suggest that as a possible answer.

Mr. ROOSEVELT. Suppose we took them out from under the District government and gave them independent status, and directed them to handle all discriminatory matters regarding discrimination in Federal Government employment, whether it was the District government or the non-District government, within the District of Columbia.

Mr. LEWIS. Within the District of Columbia only?

Mr. ROOSEVELT. Only, in order to try to do something specific about the problem within the District of Columbia to get some action.

Mr. LEWIS. My first comment would be that this would be a step. You would be creating a National Capital Fair Employment Agency. However, I would like to caution the committee to think in terms of the total metropolitan area as the employment market. A great many Federal employees, even those who reside in the District, work in Maryland and Virginia. With the Government's present program of decentralizing agencies, we will have any such decentralization in the suburban area, so while you would get the area agencies that are located within the physical boundaries of the District, if you are going to tackle this problem completely, I think you ought to think in terms of the total metropolitan area and not just the political confines of the District of Columbia.

Mr. ROOSEVELT. If we took in the tripartite thing of Virginia, Maryland, and the District, we would really give it the jurisdiction that would make it really accomplish the job.

Mr. LEWIS. The standard metropolitan area. The boundaries are clear. If you included that, then I think you would be on your way to handling the problem.

Mr. ROOSEVELT. That is very helpful.

On page 8 you refer to the fact that in a few banks, some Negroes in the last few years have been hired, but according to our information, this represents a net gain of approximately 10 jobs for nonwhites above the usual menial or service positions. That is really nothing more than token effort, is it not?

Mr. LEWIS. That is right; absolutely.

Mr. ROOSEVELT. It doesn't really mean anything in relation to the overall employment.

Mr. LEWIS. That is why I gave you the figures.

Mr. ROOSEVELT. Also, a little further down on that page you say that savings and loan associations, real estate and mortgage finance, insurance and title companies, continue in the old patterns and traditions of discrimination. Many of these companies have pointedly advised our staff that they are not interested in merit employment. I presume this is verbal advice.

Mr. LEWIS. Yes. And by our field visits. There you need not except any of them.

Mr. ROOSEVELT. What is that?

Mr. LEWIS. There you need not except any of the savings and loan associations.

Mr. ROOSEVELT. Unless we can identify them to some degree, Mr. Lewis, the problem is that somebody comes in here and makes a flat denial. They say nobody has ever talked to me, we know of no such statement having been made, and wham, that is it. Again I would ask if it is reasonable to ask that you try to specifically give me at least two or three examples of what companies have pointedly advised your staff. If you feel that this will injure your efforts in this area and you want to give it in confidence to the committee, at least that is some progress in this area, although I would like to pinpoint it publicly also, if it is possible.

Mr. LEWIS. I would like to take your invitation under advisement.

Mr. ROOSEVELT. On page 4 you say "Substantial opportunities are now available for busdrivers and switchboard operators by local transportation companies."

Mr. LEWIS. Yes.

Mr. ROOSEVELT. Does that include D.C. Transit?

Mr. LEWIS. Yes.

Mr. ROOSEVELT. Does the second part of the sentence, that we have no change in the white-collar and supervisory personnel still hold?

Mr. LEWIS. Yes.

Mr. ROOSEVELT. Mr. Pucinski.

Mr. PUCINSKI. Mr. Lewis, do you know how many people are employed by the local District government in all capacities and levels?

Mr. HARRIS. We do have a report. It is an analysis of the employment patterns in the District of Columbia government over the past 2½ years.

Mr. PUCINSKI. Is this the report here?

Mr. HARRIS. I have it here.

Mr. PUCINSKI. Is this report part of your testimony?

Mr. HARRIS. It is not included in our prepared statement.

Mr. ROOSEVELT. Would you care to submit that report for the record?

Mr. HARRIS. We will be pleased.

Mr. ROOSEVELT. Without objection, it will be accepted as a part of the record.

(Mr. Harris' statement and the report referred to follow:)

STATEMENT OF SAMUEL E. HARRIS, DIRECTOR OF HOUSING AND RESEARCH,
WASHINGTON URBAN LEAGUE

Our inquiry into employment practices of the District of Columbia government is prompted by the Urban League's subscription to the principle that government should lead the way in implementing fair employment practices. When it does not, this should become a matter of public concern since it can serve as the basis for corrective action.

An analysis of the District government's manpower utilization reports for 1960, 1961, and 1962 has revealed a clear pattern of Negro employment lags in each of the District government's major employment groupings. In each instance, Negroes have gained in total employment numerically, but have experienced a reduction relative to white employees in the number of better jobs.

Total employment in the District of Columbia government increased by nearly 2,400 persons between March 30, 1960, and June 30, 1962, with Negro employment increasing proportionately and remaining at a constant 47 percent during this period. The bulk of Negro employment was concentrated within the wage board classification, and public schools. White employees held most of the positions under the Federal Classification Act and within the Police and Fire Departments.

Negroes held 65 percent of the jobs subject to the Wage Board Act in March of 1960. However, only 9 percent of the Negroes within this grouping were classified above the level of WB-9, while 54 percent of the wage board's white employees were classified above that level. During 1962 the percent of Negro and white employment above the level of WB-9 was 10 and 65 percent, respectively.

In 1960, Negroes held 63 percent of the professional and administrative positions in the public schools, however only 5.4 percent of them were classified above the lowest grade, class 18. Of similar positions held by whites 10.8 percent were above the lowest grade. In 1962, the percentage of white personnel above the lowest level did not change, but the percentage of Negroes was lower (4.9 percent).

In 1962 only 8.4 percent of the 3,812 Negroes subject to the Federal Classification Act were classified above the level of GS-9, compared to 19.2 percent of the nearly 6,000 white employees covered by the act. Between 1960 and 1962, the increase in the number of Negroes above the level of GS-9 was two-thirds less than the increase in the number of white employees.

Total Negro representation in the police department increased from 13 percent of all policemen in 1960 to 15 percent in 1962. But the percentage of all Negroes above the level of private was 18 percent in 1960 and 15 percent in 1962. And the percentage for white policemen increased from 30 percent in 1960 to 32 percent in 1962.

The pattern for firemen has been similar. More than 10 percent of all Negro firemen were above the level of private in 1960, and less than 9 percent were above that level in 1962. The related percentages for white firemen was 27 percent in 1960 and 26 percent in 1962. The Negro percentage of total firemen increased slightly from 12 percent in 1960 to 18 percent in 1962.

There may be nondiscriminatory reasons for this emerging job pattern, but when this pattern is translated into income, the fact remains that the salary gap between Negroes and whites has widened.

In 1960 the median salary of Negro employees expressed as a percentage of the median salary of white employees was 90 percent. This percentage was lower in 1962 (84 percent).

EQUAL EMPLOYMENT OPPORTUNITY

Comparison of upper level jobs of District government by race

A. WHITE: EMPLOYED

Employment grouping	Total number	Above the level of Grade 9		
		Number	Percent of total	Percent of change 1960-62
Classification Act:				
1960.....	6,011	1,004	16.7	
1961.....	5,990	1,072	17.9	(+12.8)
1962.....	5,989	1,151	19.2	
Wage Board:				
1960.....	2,315	1,242	53.7	
1961.....	2,039	1,306	64.1	(+12.5)
1962.....	2,026	1,312	64.8	

Employment grouping	Total number	Above the level of Private		
		Number	Percent of total	Percent of change 1960-62
Firemen:				
1960.....	984	264	26.9	
1961.....	981	263	26.8	(+5.9)
1962.....	1,042	269	25.8	
Policemen:				
1960.....	2,269	728	30.4	
1961.....	2,249	748	37.7	(+3.9)
1962.....	2,406	750	31.9	

Employment grouping	Total number	Above the level of Class 18		
		Number	Percent of total	Percent of change 1960-62
Teachers' Salary Act:				
1960.....	1,727	187	10.8	
1961.....	1,621	166	10.2	(-10.2)
1962.....	1,568	168	10.7	

* Includes nonwhites other than Negroes, but estimated at less than 2 percent of the total.

B. NEGRO EMPLOYED

Employment grouping	Total		Above the level of Grade 9		
	Number	As percent of both races	Number	Percent of total	Percent change 1960-62
Classification Act:					
1960.....	3,122	84.2	74	2.4	
1961.....	3,634	37.1	94	2.7	(+12.8)
1962.....	3,812	38.9	127	3.4	
Wage Board:					
1960.....	4,222	64.6	363	8.6	
1961.....	4,181	67.2	516	12.3	(25.0)
1962.....	4,356	69.2	454	10.4	

Employment grouping	Total		Above the level of private		
	Number	As percent of both races	Number	Percent of total	Percent change 1960-62
Firemen:					
1960.....	137	12.2	14	10.2	
1961.....	141	12.6	13	9.2	(0.0)
1962.....	169	13.2	14	8.8	
Policemen:					
1960.....	333	12.8	61	18.3	
1961.....	391	14.1	66	17.3	(+6.8)
1962.....	434	15.3	65	15.0	

Employment grouping	Total		Above the level of class		
	Number	As percent of both races	Number	Percent of total	Percent change 1960-62
Teachers' Salary Act:					
1960.....	3,004	63.5	161	5.4	
1961.....	3,273	66.9	168	5.2	(+0.9)
1962.....	3,514	69.2	175	4.9	

[From Washington's Labor Market, Washington Urban League, Washington, D.C., October 1962]

JOB AND SALARY GAP WIDENS BETWEEN NEGRO AND WHITE WORKERS IN DISTRICT OF COLUMBIA GOVERNMENT

Although the District of Columbia government operates under the Board of Commissioners' stated policy of fair employment practices, employment gains of the District government Negro workers since 1960 have been much lower than those registered by white employees. Consequently, a comparison of the jobs and salaries between Negro and white employees of the District government is more unfavorable for Negroes today than it was in 1960.

Statistics on employment and income by race for the District of Columbia government are contained in annual reports of the District government for the years 1960, 1961, and 1962. The reports are entitled: "Report on Manpower Utilization in the District of Columbia." The Washington Urban League has just completed a detailed analysis of these reports. A summation of the findings are presented below.

Total employment by the District of Columbia government increased from 23,180 in 1960 to 25,553 in 1962. The percentage of total Negro employment remained at 47 percent during this period. Negroes held about 30 percent of the District's 9,801 positions subject to the Federal Classification Act in June of 1962; only 3.4 percent of these 3,812 Negroes were classified above the level of GS-9. However, more than 19 percent of the white employees subject to the act were classified at levels above GS-9. Although the number of Negroes classified above GS-9 increased between 1960 and 1962, the increase of Negroes was only one-third the increase of white employees in the same grades.

Among the District government's departments, the Police Department affords an excellent example of the declining significance of Negroes in upper level jobs. Although Negro representation in the Police Department increased from 13 percent of the total policemen in 1960 to 15 percent in 1962, the percentage of Negroes above the level of private decreased. In 1960, 18 percent of all Negro policemen were above the level of private compared to 15 percent in 1962. Contrarily, the percentage of white policemen above the level of private increased from 30 percent in 1960 to 32 percent in 1962.

The failure to upgrade on the basis of merit has resulted in widening differentials between the median salaries of Negroes and white employees. The median annual salary of Negro workers as a percentage of the median annual salary of white workers was about 90 percent in 1960. The percentage decreased to 84 percent in 1961, and remained the same in 1962. The number of Negroes with annual salaries above \$6,000 increased by only 324 between 1960 and 1962, while the number of white workers with salaries above this level increased by nearly 1,400 during this same period.

Whitney M. Young, Jr., executive director of the National Urban League, has repeatedly stated that the only meaningful measure of racial progress is the closing of the socioeconomic gap between Negroes and whites. By this criterion the District government is moving backward. However, the Urban League is mindful of the fact that the study covered only a 3-year period. Copies of this study may be obtained by contacting the editor of this newsletter.

EDITORIAL—DEMOCRACY, RACE AND ECONOMIC STATISTICS

In a democracy the distribution of the fruits of labor must be determined solely on the basis of each person's ability and efforts. A distribution based upon subjective factors such as race, color, or creed is inconsistent with this fundamental democratic ideal. However, a historic fact is that these subjective criteria have been used. This may be less of an indictment though, if the passage of time brings with it a sufficient curtailment of the practice to satisfy the aspirations of those being deprived. Has this practice been sufficiently curtailed? The answer to this question is so crucial that antagonists to greater "deliberate speed" in integration have corruptively distorted statistical data used in their arguments that the present speed is sufficient.

Consider for example the arguments used in support of the so-called tremendous progress of the Negro since World War II. "The Negro now has more income and is better trained, housed, and clothed than he was 10, 20, or 30 years ago." Recently, a leading national magazine made comparisons of the economic conditions between U.S. Negroes and the populations of several European countries indicating that Negroes were much better off. Negroes have a gigantic [sic] purchasing power of some "\$20 billion" per annum.

These arguments are at best misleading, if not ridiculous. It is completely irrelevant that Negroes are better off today compared to themselves yesterday, or that their income is greater than that of certain foreign countries. What is the true meaning of 11 percent of this country's population receiving only 4 percent of its gross national product? It is certainly no basis for rejoicing. Negroes are Americans. As such the only significant question is "how well does the economic conditions of Negroes compare with those of other Americans—both yesterday and today?" But how do we make this vital comparison? Do we use money or real income, or do we use occupational advances?

AMERICAN TEAMWORK WORKS

On September 12 of this year an editorial in the Washington Post, "Income and Race," suggested that money income was a useful measurement. It stated that nonwhite median family income as a percentage of the median family income of the Nation's white population was 50 percent in 1950 and 56 percent in 1960. Did this indicate progress? Not necessarily. Using any years that you prefer,

you can show what you choose. For an example: the nonwhite percentage during the Korean war year of 1952 was 56 percent, while it decreased to 51 percent during the recession of 1958.

Independent of whether or not income differentials between the races are increasing or decreasing, they cannot possibly tell the complete story. They do not measure real income; i.e., what each group can purchase with their dollars. A cursory glance around Washington will tell you that Negroes must pay at least 20 percent more than do whites for comparable housing.

Does the fact that in Metropolitan Washington, the percentage increase of nonwhites within the professional occupations was twice the increase of whites within this category during the 1950-60 decade indicate a reduction in employment discrimination? Not necessarily, if we consider the fact that these are shortage occupations within the area, and the fact that nonwhites have always had more than proportional increases in shortage occupations. Besides, nonwhites had only 15 percent of the total increase in jobs within these occupations during the last decade and represented less than 7 percent of the area's professionals in 1950.

Because of the great ease of misusing statistics, it is incumbent upon social researchers that they develop greater moral integrity in the interpretation of comparative economic statistics. Because, if the economic progress of the Negro is an illusion, then social researchers who conceal this are only hiding this Nation's feet of clay, rather than providing bases for recasting them into impenetrable steel.

NONWHITE EMPLOYMENT IN METRO AREA

During the month of October total nonwhite employment in Metropolitan Washington is expected to reach 202,000 or 25 percent of the 805,000 persons employed in the area. Although the annual increase in Washington's total employment for this year is above average and the percentage of the work force unemployed is only half that of the national average, more than 50 percent of the area's unemployed are nonwhite.

This year's expansion of employment—in all major industrial classifications will be above their average annual increases with the exception of manufacturing, finance, and services. A continuation of present trends in the economic conditions of Metropolitan Washington will result in this year's average employment exceeding that of 1961 by 5 percent. This would be the largest increase in average annual employment of any post-Korean war year except 1959.

Growth of rates¹ of the major industries of Metropolitan Washington

Industry	Percent annual average (1949-61)	Percent expected (1961-62)
Total employment.....	2.4	5.1
Manufacturing.....	3.3	2.6
Construction.....	3.0	6.9
Transportation, communications, and utilities.....	1.4	3.5
Wholesale and retail trade.....	2.4	6.0
Financial, insurance, and real estate.....	3.8	.7
Service.....	4.7	2.8
Government.....	2.3	4.2

¹Compiled from: Nonagricultural Employment Manufacturing Hours and Earnings, Washington Metropolitan Area, 1957 SIC, U.S. Department of Labor, U.S. Employment Service for the District of Columbia.

Nonwhite labor has not had a proportionate share of this year's bumper increase in total jobs because of the fact that the service industries are increasing their employment at a rate which is only three-fifths their average annual rate. The services represent the area's third largest employment category, and employ the largest percentage of nonwhite workers (29 percent).

Government and construction have led in this year's employment expansion. However, both began to taper off in August. The continuation of the seasonal decline in construction employment for October will be sharp, and could add as many as 800 nonwhite workers

to the lines of the unemployed, bringing the estimated total of non-white unemployed to about 11,700 or 51 percent of Metropolitan Washington's unemployed.

Unless this post-World War II trend of nonwhites representing an increasing percentage of the unemployed is arrested, nonwhites could represent as much as 60 to 75 percent of Metropolitan Washington's unemployed within 10 years.

Estimated¹ October employment for all workers and nonwhite worker, by industry: Washington metropolitan area

Industry	All workers (in thousands)	Nonwhite workers (in thousands)	Percent of nonwhite workers— Industry
Total employment.....	805	202.0	25.1
Manufacturing.....	35	6.0	17.1
Construction.....	57	15.0	26.3
Transportation, communications, and utilities.....	47	11.0	23.4
Wholesale and retail trade.....	163	33.0	20.2
Finance, insurance, and real estate.....	42	7.0	16.7
Services.....	146	41.0	29.0
Government.....	315	87.0	27.0
Unemployed.....	23	11.7	51.0

¹ Estimates for all workers were derived from seasonal indexes compiled from U.S. Department of Labor monthly employment data for the District of Columbia, 1949-61. The estimates of nonwhite employment are based upon U.S. Census reports of employment by industry, 1960.

ABOUT THIS NEWSLETTER

Some thought about the content of the newsletter should convince the reader that, though we cannot always distinguish between effects of present and past discrimination in the labor market statistics, the entire community needs to make an effort to "close the gap" in terms of employment opportunity and educational attainment if equal opportunity is to become a reality. We must also motivate and train our young people so that the next generation of workers will have higher standards of attainment and will at the same time face greatly diminished discrimination. None of these things will happen automatically under the economic and social conditions of the next decade.

WASHINGTON URBAN LEAGUE,
DR. JEROME P. PICKARD,
Research Committee.

Mr. PUCINSKI. More or less, how many employees are employed by the District government? This is not the Federal Government, but the District government?

Mr. LEWIS. In 1962—these figures come from the manpower utilization report of the District of Columbia government—the total employment was 25,535. In 1960 it was 23,180.

Mr. PUCINSKI. Do you have any idea how many of these local government employees are Negro?

Mr. LEWIS. Yes.

Mr. HARRIS. Forty-seven percent for all 8 years.

Mr. PUCINSKI. Forty-seven percent for 8 years?

Mr. HARRIS. Yes, for 1960, 1961, and 1962.

Mr. PUCINSKI. The local government has increased by roughly 1,500 from 1960 to 1962, and the number of Negro employees remained relatively consistent with the increase, I take it.

Mr. LEWIS. That is right.

Mr. HARRIS. But the difficulty is not in terms of quantity. It was the level at which the Negro employees were hired.

Mr. PUCINSKI. Do you have an analysis in your study as to what type of work these people do?

Mr. HARRIS. Yes.

Mr. PUCINSKI. Without going into the full detail, give me a summary, sir.

Mr. LEWIS. Our figures are on grades, not what type of work they do.

Mr. PUCINSKI. What is your general conclusion as the result of your statistics there on the type of work, the grades that they hold?

Mr. HARRIS. The bulk of the jobs held by nonwhite employees is in the categories below GS-9. The bulk of them would be below the level of GS-5, really. Within the categories above GS-9 there was a relative decrease in the percentage of nonwhite employees from the 1960 to 1962 period.

Mr. PUCINSKI. Do you know whether or not these new people that have been hired or do you have any information which would lead you to believe that there have been applicants for the higher grade positions from the Negro community?

Mr. HARRIS. I can say that there would be more Negroes qualified simply on the basis of the relative increase in the average level of educational attainment by Negroes in the last 10-year period.

Mr. PUCINSKI. We so frequently hear in these hearings the reason that Negroes are not in the higher grades and higher positions is because really there is not an availability of people qualified for these positions. That is why I am asking you whether you have any information there which would indicate whether or not you had people who would meet the standards of a GS-9 and who have applied for these positions. You told me earlier that there has been a decrease in the percentage of people above grade 5 in these last 2 years.

The question, then, is, Do you have any information that would indicate that there were qualified people applying for these positions?

Mr. LEWIS. Let me say, lest we be trapped, a usual escape method used is that Negroes have not applied. We have no quantitative proof that the number of Negroes applying having increased or decreased. We can surmise that in the Washington area where there are so many Negroes with higher qualifications, with so many Negroes in Federal Government holding comparable positions, it is reasonable to conclude that with vacancies widely known, more Negroes would be applying for District of Columbia government positions.

I hasten to add, however, within the last 6 or 7 months the District has begun a practice of publishing all vacancies. This has increased from our information and from other sources the number of persons who would apply for the vacancies, but until we got a procedure where positions were posted either in the District government or publicly, it was logical to conclude that persons would not be applying where no vacancies existed.

Mr. PUCINSKI. I think this practice of posting vacancies is a good one. I think it should be applied to all Government agencies. Certainly I think it should be applied very strictly in the Federal Government to give everybody a chance to move ahead. One of the things that has distressed me, and this applies to all Government employees, Negro and white, is that there is a closed fraternity—

Mr. LEWIS. That is right.

Mr. PUCINSKI. That knows in the establishment where the promotions are and where the vacancies are. You have to be a member of the club. This I want to tell you, Mr. Lewis, applies to white Federal employees just as much as Negro. If you are not a member of the club you learn about these things only after they have already been filled.

Mr. LEWIS. That is right.

Mr. PUCINSKI. So this business of publishing promotion vacancies and opportunities I think is a good one. You say this was started 6 months ago. As a point of curiosity, how did that come about?

Mr. LEWIS. My understanding is it was a decision of the Equal Employment Commissioner, Mr. Duncan, to make this a practice. Let me comment briefly to what you said. It is fine to post vacancies, but let us be sure it is a meaningful posting because often jobs are posted after they have been filled. If it is going to have meaning, you would have to have a proviso added to it that jobs would be posted but you would not fill the jobs until a reasonable length of time or stated period of time after the posting so that persons interested could apply and have their qualifications considered.

Mr. PUCINSKI. There is no question that there has been over the years a great deal of discrimination, but I again make the point that I made many times: that the Negro in trying to move up the ladder in Government service frequently has two strikes on him: No. 1, the tendency toward discrimination; and No. 2, the fact that he is not a member of this inside group, this clique. But here many of the white employees are also discriminated against.

In my judgment, this is one of the great problems of Government. I think you put your finger on it when you said that you have got to find some meaningful way to post these advancement opportunities. I wonder if you have any suggestion on this, because here you are touching on a problem that affects the white employee as well as the Negro employee.

I am convinced after watching job advancements over the years that there is the so-called cocktail circuit where the big jobs are filled at these sort of meetings, and you have to know somebody in the Government within the establishment to make the promotion. This is a kind of cruel and brutal discrimination against both the white and Negro Federal worker who is not a member of this inside clique.

Do you have any suggestion on how that can be corrected?

Mr. LEWIS. I have suggested a method that we think is working, at least it offers greater opportunity—the regular publishing of vacancies. I mean more than just the Civil Service posting of examinations. But the printing in newspapers, dissemination of information in the various media, will be very helpful, not only tied to the job and qualifications, but the agency and the installation. All of this would be very helpful.

I would like to say also that while I accept what you say about the cocktail fraternity, I hasten to add the problem is compounded for Negroes since very few of them are in the fraternity.

Mr. PUCINSKI. That is exactly what I said: the Negro has two strikes on him. I am trying to find some suggestion. I think that very frequently—without in any way minimizing your testimony, because I think you brought this committee some excellent testimony—

I have come to the conclusion that in many instances we see what would normally appear to be discrimination and what one would normally describe as discrimination tells only half the story.

This worker is not moving along because he doesn't belong to the club. I point out that this applies in many instances to the white worker in the Federal Government as well as the Negro worker. That statement I made about belonging to the club, I might say, is not necessarily my own conclusion. I was very happy to have my belief fortified recently by Under Secretary of State Rowan, who appeared on a television program and made the very same statement, that you have to belong to the cocktail circuit in order to move along and advance in the Government.

This is a lamentable situation. I wish we could find some way, if we are going to have a career civil service system to assure every worker in this Government an equal opportunity to move along and advance on the basis of his ability and not on the basis of who he knows or perhaps some highly placed relative someplace in the department.

Are my conclusions too far off?

Mr. LEWIS. No; they are sound. I think there are several means of communication. There are several employee newspapers that are published regularly, the general posting on all bulletin boards; the release of information regularly to the local newspapers would help tremendously.

Mr. PUCINSKI. But as you said, yourself, frequently the publication comes too late.

Mr. LEWIS. That is right.

Mr. PUCINSKI. They go through the motions. They meet the letter of the law and so they publish, but the spirit of the law has been long ago made a mockery of, simply because they have already cast the die. Somebody along the line has already taken care of filling this position through perhaps means other than strictly merit.

As you yourself have said, and I agree with you, the publication usually comes too late. I wish that we could devise a better system. I was wondering if you have any suggestion, other than publication.

Mr. LEWIS. We will give it some thought and we will be pleased to submit additional information.

Mr. PUCINSKI. Thank you. You said there have been some gains made in the building trades and at least you said you are hopeful that the situation is improving in the building trades in the District. Would you care to elaborate on that? What is the basis for that hopeful note?

Mr. LEWIS. At least for the first time, starting with the President's Committee's interest, Secretary of Labor Wirtz' interest, the U.S. Department of Labor, as well as our whole range of agencies—I might add, including statements from the board of trade—that an area in which practically no opportunity has been available to non-whites has been in the construction industry business.

Now it seems at least we have had some action to say we are not going to turn our head any more. We are going to look at what you are doing. There has been feverish action on the part of a number of agencies and individuals to recruit journeymen, master craftsmen, as well as apprentices. Our agency has been working with the Labor Department in furnishing them a list of prospective journeymen.

I share the committee's concern. After you have gone through this procedure, where are the jobs, where are the opportunities for apprenticeship? We don't have an answer to that. We are producing the bodies so that no longer can they say "no Negroes have applied; we don't find people to go into our apprenticeship programs."

At least now in the District, for instance, there is a joint committee consisting of people from the District of Columbia Apprenticeship Council and the District of Columbia Human Relations Council that is jointly studying the apprenticeship practices in the District of Columbia to the end of making recommendations for establishing a more equitable distribution of the apprenticeship opportunities.

We recognize that an information center will be of help because one of the problems a young lad coming out of high school with the vocational training that is available in high school has is that he could not find where to go to get information. There has been a fair amount of buckpassing as to who has the responsibility of finding the apprenticeship jobs.

We realize that in the long run, until we can get properly trained young people moving up through the apprenticeship ladder, we will never get enough journeymen into the field because persons who are trained as journeymen and have found little or no opportunity either turn to other fields or go into marginal or contractual work and they are no longer interested. This is our problem in attempting to recruit journeymen. They have other commitments.

Mr. ROOSEVELT. In the specific instance of Howard University, is it not true that when really tough action was taken by the Department of Labor with respect to the contractors and so forth on the work being done out there, that qualified personnel were found?

Mr. LEWIS. That is right.

Mr. ROOSEVELT. And they were put to work.

Mr. LEWIS. And they were in unions or eligible for union membership, too.

Mr. ROOSEVELT. So part of what we have been told may be true; there are not enough people, but also, they have really never tried hard enough to find people who were available because when it was done they turned up with the people.

Mr. LEWIS. That is right.

Mr. ROOSEVELT. If my colleague would yield one step further, I would like to say for the record that I appreciate what you have said and the comments you have made about progress, because I want to reiterate that if progress now continues, would you agree with me that there is no excuse for any kind of violent action; that the point we must carry through is to go ahead and do things now? We have laid some of the groundwork, some of the machinery is there. Whether or not there is violent action will depend on how well we follow through on what has now been started.

Mr. LEWIS. I think in any situation, in any locality, the extent to which those in a position to make policy cause their actions to reflect their statements, we would have no violence. Obviously frustrated people are the ones who are prone and subject to creating violence. If jobs are made available, there is no reason to be violent. There is no reason to lose faith in our democratic principles and ideals.

It is only when we find ourselves faced with the stone wall that we have protestations of equality, but because there is no real showing on

the part of policymakers that they really believe and practice equality principles present situations suggesting demonstrations exist.

Mr. ROOSEVELT. Would you agree that while the wall undoubtedly has existed, that we are beginning to take down the wall and whether or not we take it down fast enough is the real issue that we are now faced within the coming months?

Mr. LEWIS. At least I will say we have put the ladder on the wall. How fast it comes down will dictate what happens in the long run.

Mr. ROOSEVELT. Thank you, sir.

Mr. PUCINSKI. I gather from your statement and the subsequent answers that there has been a great deal of progress made in the District in this very difficult field of human rights; is that correct?

Mr. LEWIS. In the field of human rights; yes.

Mr. PUCINSKI. Last night I heard an editorial, a WTOP editorial, in which they raised some very serious objections to the rash of articles in national magazines all over the country describing Washington as Helltown, U.S.A. The WTOP editorial took issue with this and they listed many of the big improvements that have been made and are now being made in the District.

I am sorry I don't have the editorial here to read it in its entirety, and I think I am paraphrasing it reasonably correctly. Would you agree that some of the national magazines have painted a distorted picture of the situation in the District, or is it really as bad as some have said it is?

Mr. LEWIS. I am testifying on employment and I can't be an authority across the field.

Mr. PUCINSKI. This deals with employment, it deals with living standards, it deals with housing standards, it deals with denial of civil rights in the District, and these various other things. In light of your testimony, there has been a great deal of improvement. Attorney General Kennedy sat in that very chair where you are sitting and said we are never satisfied with the degree of progress. Obviously, as long as there is an iota of discrimination in this country against any American because of his race or religion or ethnic background, we are not satisfied, but the statement you made here indicates progress.

I am wondering whether or not this statement then is in conflict with the rash of national articles that have appeared painting Washington as something just absolutely horrible.

Mr. HARRIS. I would like to respond to this. When you say progress, let us be certain that what you mean is limited to the area of public accommodation and institution of justice, not in terms of the socioeconomic level of Negroes relative to white.

If we place Washington in perspective and compare it to other major U.S. metropolitan areas, we find that Washington ranks relatively low despite the fact that Washington has the highest level of income for both white and nonwhites. If we compare the income level of nonwhites to whites in Washington relative to the relative education of Negroes and whites in Washington, and if we compare this index to a similar index for the 15 largest metropolitan areas, we find that Washington ranks 12th.

In other words, what I am saying, our study has not shown that there has been progress. Our study has shown that employment discrimination has increased; despite the fact that the education level of

Negroes relative to whites has increased, that the employment pattern has not changed.

Mr. PUCINSKI. Are you speaking of the District government or the whole index?

Mr. HARRIS. I am speaking of the whole index. This is illusory. I would like to emphasize this point. There has been no progress in terms of where can people get enough jobs, where can they make enough money. It is fine to be able to go anywhere you want in order to spend your dollar, but the question and the important issue is where can you make enough dollars?

At all times we are impressed by the fact that Negroes have more places to spend their money and we interpret this as progress. This is not progress. Our study documented the fact that we have declined. Unless this rate of decline is stopped and some meaningful progress in terms of jobs, income, and what have you is made, then the violence which you have spoken of will come into effect. I want to clarify this point because it is often misunderstood.

Mr. PUCINSKI. You feel that this legislation before this committee, then, would go a long way in resolving the very situation that you now describe. Perhaps I shouldn't say a long way. That is a comparative statement. Do you think that this legislation would help to improve the situation that you describe?

Mr. ROOSEVELT. If the gentleman would yield, I think we must point out that the legislation before the committee would help in the nongovernmental area, if the gentleman wants to reply in those terms. I don't think there is any legislation before the committee that deals with the governmental area.

Mr. HARRIS. I am not addressing myself necessarily to the problem of government. I am talking about the private sector because this is where the greatest problem exists.

Mr. PUCINSKI. I believe you were discussing the private sector. Would this legislation help meet the problem you described?

Mr. HARRIS. It would be a first step. The necessary secondary step must be that we must not only stop the present practices, but we must give Negroes some preferential treatment. Otherwise, if we stop what we have done in the past, we maintain the present level of the gap. The present legislation before you is to stop the practice and maintain the present gap to prevent it from widening as our statistics have indicated it is doing.

Mr. PUCINSKI. What do you mean by "preferential treatment"? I don't understand that.

Mr. HARRIS. It may be necessary to take a Negro who, in terms of certain objective criteria, may not be equally qualified and give him an opportunity to see if he can do the work. In other words, we may have to relax some of our strict entrance qualifications and develop training programs to meet his needs.

Mr. ROOSEVELT. To be more specific, taking the apprenticeship program, a union says "We have on our waiting list for admittance 40 people. Not one of them is a Negro. They have been on anywhere from a few weeks to a number of years." They said, "If we open it up we first must take all of that list before we will let a Negro come in, which may take 2 or 3 years." So what you are in essence saying as an example that something a little more radical needs to be done;

that we have to take some of these people and at least give them an opportunity because they have been kept out to assume their rightful place on the list which would have been theirs if the list had been opened at an earlier time.

Mr. LEWIS. Also, you may have to approach it from this point of view: some firms found when they adopted a merit hiring program that they may have to give preference in terms of hiring Negroes so that they can overcome the disadvantageous position of the Negroes for so long a time.

Don't kid ourselves and think we are not being fair because we have given preference to whites for an awful long time in the very denial of the opportunities for Negroes.

Mr. PUCINSKI. Mr. Lewis, I have never believed that six wrongs make a right and I don't believe that now. I am just wondering, Mr. Harris, if what you propose won't in the final analysis set up some extreme precedents for the future. I was wondering if you would not prefer to meet this problem of deficiency through an accelerated manpower retraining program to bring these people into the thing immediately and give them a salary instead of a dole to restore their dignity? You immediately start training these people to meet the high standards that are required normally. I am wondering if you would not meet this problem by getting some more money for the schools of this District to give every youngster an even break in intellectual opportunity.

I was very much impressed with the survey at the Amidon School. We frequently hear statements made that there is some sort of a lesser intellectual capacity among the Negro. Certainly the Amidon School has completely destroyed this myth. There you have a population which is 60 or 70 percent Negro and 50 percent I believe of that population comes from substandard economic conditions, the public housing unit on the southwest area, and yet 96 percent of the students in that school scored above normal or above the national average in the tests that were given these students.

When you put all these figures together you can't help but conclude one thing. This business of the Negro having a subnormal intellect is a myth and completely unfounded. Given the right opportunity, as he is at the Amidon School, the Negro child progresses as any other child does intellectually. I am wondering, rather than write in standards that would give some concessions or some preferential treatment, whether or not we should not attempt to have a crash program, if there is a deficiency, to bring that Negro up to par or normal or whatever you want to call it as quickly as possible. Won't that be the better approach?

Mr. HARRIS. If we were in an academic setting I would agree with you because you have described an optimal approach to the problem in the District of Columbia. I think the realities of the House District Committee will not permit anything of this nature to happen. They are not going to spend the money for the schools. You are not going to get Amidon situations all over the District of Columbia. I think we have to be realistic. I think we have to be realistic when we consider the attitudes of employers.

Mr. PUCINSKI. I say we can never come in here and compromise with mediocrity. To follow your path in my judgment would be to accept and compromise with mediocrity. I think we have to fight as hard as we can never to compromise with mediocrity.

Mr. HARRIS. We have done this for 100 years.

Mr. PUCINSKI. I am aware of your problem. I am aware of the fact you have problems with the District Committee. I am aware of many shortcomings that exist in the Nation's Capital that are shameful and lamentable. I am sure they play heavily on many Members of the Congress who see this thing happening. The fact remains that to follow your course of condoning that substandard in the long run would not serve the best interests of the very group that we are trying to help with this legislation.

Mr. LEWIS. You say you don't want to compromise with mediocrity. We have been doing that all along. Madison Avenue sells it every day. What we are saying, however, is that employers who have been employing Negroes with some degree of regularity in many cases have been taking only qualified Negroes, creating higher standards than you find for other people.

I have not found anything in my training and experience that tells me that in every case all the whites who are employed are so highly qualified. We are merely saying that in order to close this gap we have to recognize the fact that there has been no training or limited training or limited experience. I find myself laughing when we say we must have Negroes with training and experience.

We are suggesting that if we ever really hope to do something with established agencies, we have to say, for the next 50 jobs we are going to employ Negroes.

Mr. PUCINSKI. Mr. Lewis, I think you have put your finger on it and I am glad you did. You have drawn a distinction. Where there is experience, and I know that this experience factor is directly used as the very club with which to destroy opportunities for people in the Negro community, in that instance I would have to agree with you. Where could this Negro get the experience where he has not had opportunities for years? In this instance I would have to agree with you that we might want to relax the experience standard if he has the other qualifications. But I do not think I could agree with Mr. Harris that we ought to set up a preferential system.

Mr. ROOSEVELT. If the gentleman would yield I don't think Mr. Harris has suggested that we ask any employer to take an unqualified man for a job, have you, Mr. Harris?

Mr. HARRIS. I have not.

Mr. ROOSEVELT. I don't think we should leave that impression. I think what Mr. Harris has said that if there are five jobs open and if there are five white people and five Negroes available for them who are qualified, until the gap is closed that maybe out of the five, three should be Negroes and only two whites.

Is that right?

Mr. HARRIS. That is right.

Mr. LEWIS. We may have to say we will give preference to residents of the District of Columbia.

Mr. PUCINSKI. Whatever method you use, what you basically are trying to say is that we cannot take 120 years to close the gap?

Mr. LEWIS. Exactly.

Mr. ROOSEVELT. We have to go forward with some kind of machinery to close it but you are not trying to ask for preferential treatment in trying to hire people who are not qualified?

Mr. PUCINSKI. I am glad you clarified the point and that Mr. Harris agrees but if you go back to the record that is not what precipitated this lengthy discussion. I am glad we have the record straight. I would like to congratulate both of you gentlemen for the really great contributions you have made this morning.

Mr. ROOSEVELT. **Mr. HAWKINS.**

Mr. HAWKINS. May I simply underscore what Mr. Pucinski has said? I think I had the wrong impression also. I certainly think the record should be very clear that the proposed legislation certainly does not imply that employment or its benefits will be distributed on a racial basis. Actually it seeks to achieve just the opposite. I would certainly think that under the proposed legislation it would be illegal to actually select individuals on a preferential basis even though we may for expediency think that should be done. One section of the bill says that this shall be an unlawful employment practice for an employer, labor organization or a committee controlling apprenticeship to discriminate against any individual because of his race and religion or color or national ancestry, in any program established to provide apprenticeship or other training.

I would assume from that provision it works both ways. A white person denied an opportunity on an apprenticeship program would certainly have a suit. I think that to me is the real essence of this legislation, that it shall be on the basis of ability. I also want to say that certainly I follow Mr. Harris and Mr. Lewis in their concern about the economic status of the Negro in that he has been denied these opportunities up to the present time. But it seems to me that the solution lies primarily in the direction that Mr. Pucinski pointed out, and that is in building up, in training programs and additional educational programs, a backlog of individuals who can qualify for the positions which this legislation seeks to protect. I think this places a tremendous responsibility on local leaders to do so.

Mr. Lewis, you had suggested in the field of apprenticeship training you have been helpful in submitting a list of persons who might be selected on apprenticeship programs.

I assume that this is not in support of a philosophy of giving preferential treatment to them, that the individuals selected have been selected because they have every reason to qualify for this type of thing, this type of training. I would like for the record to indicate that is the method of approach so that we do not imply in any way that this legislation somehow is going to correct all of the faults that have been perpetuated in a system up to the present time.

Mr. Lewis. I am not sure that we need to concern ourselves with what this piece of legislation purports to do. I am sure you will be considering other approaches. But what I have said, and take the situation of the printers, equally qualified—suppose you get 50 qualified Negroes and 50 qualified whites, I am saying in order to close this gap we will in all probability not leave this to accident or to pulling names out of the hat. We will in all probability have to devise some means to give preferential treatment to nonwhites if we are going to close the gap. Because we can't start out from today and say we are going to be fair from here on out; now we are going to pick just on merit when we have not overcome a whole era of unfairness.

Mr. HAWKINS. Would you be more specific on how you intend to give this preferential treatment and who is to give it, keeping in mind this is what has been happening thus far and this is the reason we object to it. Who is going to be giving the preferential treatment to individuals?

I can assume that there are instances in which such preferential treatment could be handed out on a purely favoritism basis and not on the basis of individuals best qualified for the position. It sounds so easy to say we are going to give preferential treatment. But I am somewhat uncertain on what basis this so-called preferential treatment is going to be given.

Mr. LEWIS. Let us suppose we could eliminate qualifications as a factor for a job and we have x jobs and y number of people. I am convinced, in the best interests of the communities, we will have to make a determined effort in many cases to give preferential treatment in terms of numbers to nonwhites if we ever hope to close this gap.

Mr. HAWKINS. What you really then are suggesting is that through leadership of labor organizations, through the leadership of trade organizations, that every effort has to be made to get this leadership to take a positive, aggressive attitude in formulating policies to recruit Negroes as a group?

Mr. LEWIS. And also through the leadership of management.

Mr. HAWKINS. Not legislation but through leadership of the groups that ordinarily control the means of employment and training.

Mr. LEWIS. And also through the leadership of management who ultimately has the responsibility of hiring people.

Mr. HAWKINS. I suppose the most comparable situation is that in my own State in California we had the same problem in the field of apprenticeship training that Negroes were not welcome, were not represented in that particular field. We were surprised that the American Indian in the State of California had a larger representation in apprenticeship training than even the Negro did despite the small number of American Indians. The explanation was that there was an agency in this particular instance that engaged itself in a positive, dynamic program to see that American Indians received this type of training. This was the explanation. The Negro community lacking such a Federal or local agency that did this, then did not receive the communication, the knowledge of the program, how to go about training for it, or how to go about screening to become apprentices, and consequently this was the explanation of the small number that were on the apprenticeship program, plus discrimination and so forth. You are suggesting that this type of aggressive policy rather than in any way enacting legislation to give this preferential treatment, I assume this is what you are suggesting.

Mr. LEWIS. What we are doing now becomes the legislative intent of any bill that passes, I think the record also ought to state that the encouragement of the Commission or whatever or whomever would be charged with enforcing such legislation would be helpful as well.

Mr. HAWKINS. Thank you. The only other question I would like to ask, Mr. Lewis, is that many statements have been made that certain tensions are building up in the District that are likely to lead to a serious conflict. I know this has been touched on by you

already. Do you have any specific evidence that there is an accumulation of such tensions that may make serious conflict rather immediate in the District, other than general statements that unemployment leads to tensions that are likely to erupt? I think the same could be said of Los Angeles or any other metropolitan area of the country. I don't know what information has led to these statements. They are certainly serious statements. Do you of your own knowledge know of any serious conflicts that are building up in the District of Columbia?

Mr. Lewis. Let me say according to my knowledge the tensions here are no greater or less than you would find in any urban center. The frustration abounds and people are angry. I would think this committee would be concerned, probably overly so, because Congress does have the responsibility of making the decisions as to what happens in the District. The city council or some Governor's group would have the responsibility in a State. But we can only point out the problems as we see them here. I am not in a position to say Birmingham will come to Washington tomorrow or next week. I would say if proper decisions are not made, in all probability, they will come. How soon I don't know. If we are able to say they will not come tomorrow, or next week this should give us no solace. Decisions should be made and made soon so that this need not happen. It should not be a measure of how far we have gone down this pathway before we get to action.

We always say you can't get a traffic light on a corner until somebody gets killed. But if we know that traffic is heavy on that corner we ought to get the traffic light there before someone gets killed. If we know certain actions are necessary we ought not to be concerned whether it comes next week or 2 weeks later if we don't have it. I am not in a position, Mr. Congressman, to say that the tensions are of such a nature that they will explode tomorrow or the next day. I would suggest that they may be coming and we want to get about it; about the task of providing the positive action so that the need will not exist.

Mr. HAWKINS. In effect you are saying that the tension is no greater than elsewhere except they are compounded here by the inability of the individuals to do anything about it.

They are not in the position of having the right of voting out of power the individuals that they consider are the ones not giving them good government. They have nothing at all to do with the police force that is the symbol of discipline. They have no choice in the matter. For this reason this has compounded the tensions in the District as compared with other areas. Is that a true statement?

Mr. LEWIS. Yes.

Mr. HAWKINS. Thank you.

Mr. ROOSEVELT. Thank you, Mr. Hawkins.

Mr. GOODELL. Mr. Lewis, these hearings started on a morning when we had a Republican conference and two other subcommittee meetings marking up legislation. These kinds of conflicts make it very difficult. This morning we were marking up the vocational education bill, among other things. This is the phase where we are actually writing the legislation to come out of the subcommittee, as you well know. I was trying to get through a special national demonstration

project for the District of Columbia to train youngsters from 16 to 21 years of age, take them into a resident facility, and have a modern, well-equipped facility and I was thinking in terms of a \$4 or \$5 million project. I proposed that and we had quite a discussion on it this morning. I think you will agree sometimes there are awfully important responsibilities at two or three places and we can't be at all places at the same time.

Mr. LEWIS. I accept that.

Mr. GOODELL. I appreciate your statement. Unfortunately I was not able to hear it. I have not read it in its entirety. I might say to you that I do agree there is a very serious problem in the District of Columbia, and that perhaps more in the District of Columbia than in other parts of the country there is an effort to meet this problem, although it may not be a particularly effective effort at this time.

I am interested in the suggestion that you have an overall policing agency to police the enforcement in discrimination and bias. Would you develop that a little bit for me?

Mr. ROOSEVELT. Before the gentleman does it, we have pretty well covered it in the record. We have gone into it in rather great detail. We have another witness who we must get off before 12 o'clock.

Mr. GOODELL. I will defer it. I will read your testimony in the record on this point, Mr. Lewis. Thank you.

Mr. BELL. I would like to say, Mr. Lewis, what a pleasure it is to see you here and I am sorry we have not been able to be here. I can't add very much to what Mr. Goodell has said except to say it is a real pleasure to see both you and Mr. Harris and I will read your statement.

Mr. LEWIS. Thank you.

Mr. ROOSEVELT. Gentlemen, we want to thank you very much for a most distinct constructive and full discussion and we are grateful to you for accommodating the committee.

Mr. LEWIS. Thank you.

Mr. ROOSEVELT. The committee will have as its next witness Mr. William C. Latimore, a member of the local Hod Carriers Union. The Chair would read into the record a telegram received from Mr. Latimore:

Three hundred union construction laborers residing and working in the area of the District of Columbia signed petitions that were sent to the House Education and Labor Committee—

And let me say that this petition was received by Mr. Powell, the chairman of the full committee, who referred them to the President's Committee on Equal Employment Opportunity and these were received a number of months ago—

requesting a much-needed investigation into the methods being used by the Plumbers Union to prevent us from performing work we have been performing for years. We have only received token phone calls from the President's Committee. Congressman Powell has expressed concern and we have met with a member of his staff. Some of us who provided testimony at a recent National Labor Relations Board hearing were discharged from our jobs. We feel that much can be accomplished in the field of employment opportunities for Negroes in the District of Columbia if the deplorable methods used by the Plumbers Union to foist its concept upon the Washington, D.C., construction industry is made public. We therefore request permission to appear before your subcommittee hearings when these hearings convene.

Signed, William C. Latimore, 1011 Kenyon Street NW., Washington, D.C.

The Plumbers Union which has been referred to here has been invited to appear in order that they may have opportunity to make such comments as they want to make. Mr. Latimore, we are happy to have you.

Mr. PUCINSKI. Mr. Chairman, I have a question to ask of this witness. I am sure that we want to hear this witness' testimony but I would like to find out whether or not, No. 1, there is a legal case pending now involving the dispute between the Hod Carriers Union and the Plumbers Union, and whether or not this testimony will in any way jeopardize the full judicial process of that proceeding. No. 2, whether this is a case of jurisdictional dispute between two unions rather than a case of outright job discrimination. I would like to ask the chairman. I presume he has looked into this case in both instances and I would like to have his judgment before we proceed.

Mr. ROOSEVELT. My information is, and Mr. Latimore, would you correct me if I am misinformed, I think it is contained in part of Mr. Latimore's own statement, that his union has filed charges with the National Labor Relations Board with regard to the rights of the laborers to install certain facilities outside. This is a jurisdictional matter which is before the NLRB.

My understanding is that, as I have looked into it, it is a very narrow legal case as to jurisdiction within this particular area. My understanding is that Mr. Latimore's testimony will not deal with the jurisdictional aspects of it but will deal with the matters of discrimination that are involved.

STATEMENT OF WILLIAM C. LATIMORE, MEMBER, LABORERS UNION, LOCAL 456, WASHINGTON, D.C.

Mr. LATIMORE. Thank you, Mr. Chairman.

Mr. Chairman, ladies and gentlemen, my name is William C. Latimore. I am a construction laborer. I am 41 years old. I have worked continuously as a laborer in the construction industry since I was 17 years old, with the exception of 6 years spent in the U.S. Army during World War II. I joined the Laborers Union here in Washington, D.C., in 1941. Since that time I have only worked for union contractors. I have witnessed many changes in construction methods, and I have seen quite a few machines replace construction laborers. I am before your committee today because the Negro union laborers in Washington, D.C., are concerned about another type of replacement, the replacement of Negro union laborers by white members of the Plumbers Union. The union laborers in the Washington, D.C., area are asking that this committee investigate the methods being used by the Plumbers Union that are persuasive enough for a contractor to make an almost instant change in the racial makeup of a pipelaying crew at almost double the cost. It has become almost common practice for pipelaying crews on union building jobs to change from black to white, black laborers to white plumbers.

I think it is well to note here just what we are concerned with. We have very little education and possess no skills. We do not claim to be plumbers. We are not asking to do the work of the plumber. We seek only the right to do the work we know how to do. The installation of sanitary sewers, storm drains, waterlines, and draintiles in

public streets and highways is accepted by the construction industry in the District of Columbia as the work of laborers. We have installed these same nonmetallic pipes on union building jobs throughout the area down through the years. The Plumbers Union, on the other hand, has conducted an unremitting campaign over the years to exclude us from doing this work on union building construction and on Federal properties.

We have done this work for years without the benefit of a 5-year apprenticeship involving mathematics, the use of a surveyor's instruments, the pouring and handling of hot lead, knowledge of plumbing codes, the threading and joining of metal pipe, and other subjects which undoubtedly require schooling. There can hardly be any question that such a background is not necessary for the unloading and handling of concrete pipe, using a pick and shovel to prepare a ditch, pushing one piece of pipe into another piece of pipe, the mixing of cement, or spreading the cement around the joints with a rubber-gloved hand or a piece of board. Ironic enough, the ability of the laborers to do this work has never been questioned. On nonunion building construction jobs this work is done by laborers.

Our union has filed charges with the National Labor Relations Board in regard to the rights of the laborers to install these outside utilities. There is a case before the NLRB right now concerning this same thing. The current case has to do with the construction of a hangar by the Arthur Venneri Construction Co., at Andrews Air Force Base in 1960. We have been told that when the decision is handed down it will probably concern only the jobs at Andrews Air Force Base in 1960. A lot of good that will do us in 1963. Some laborers who provided testimony at this hearing were discharged from their jobs. That was over 4 months ago. Our union officers told us they filed charges immediately with the National Labor Relations Board. We have not heard anything from those charges.

While the case concerning the construction of the hangar at Andrews Air Force Base is still being heard before the NLRB hearing officer, the same contractor, the Arthur Venneri Construction Co., found it necessary to replace a subcontractor who employs laborers in the installation of utility pipe with a contractor who employs members of the Plumbers Union. Six Negro laborers were laying pipe on the afternoon of Wednesday, May 15, 1963, on the jobsite for buildings being constructed by the National Capital Housing Authority out in Southeast Washington, D.C. On the morning of Thursday, May 16, 1963, these six Negro laborers had been replaced by white members of the Plumbers Union. It would be well if this committee would find the time to ask the Arthur Venneri Construction Co., why the quick change in subcontractors. Information concerning this incident is attached to this report.

Gentlemen, we are not going to sit and depend upon our union to fight this fight. We know what our union is up against. We know the might of the Plumbers Union. In the jungle of the union construction industry in the District of Columbia area, the Plumbers Union is the king of beasts. We know we cannot win this fight alone. We intend to solicit help from all corners of society to bring our plight to the attention of the public.

According to a Plumbers Union official who testified during the current NLRB hearing, the Plumbers Union has exclusive right to

install sanitary sewers, storm drains, waterlines, and draintiles within the property line. Within the property line, according to this official, includes all private property and Federal property if the same is not open to the general public. Thus, this mighty Goliath, the Plumbers Union, has said that the union laborer who lays pipe will not lay pipe on any of the thousands of square miles of Government-owned land in the area. The Negro pipelayer cannot expect to receive as wages any portion of the millions of dollars being spent by the U.S. Government on construction in this area. Because he is a Negro he cannot expect to lay pipe in connection with the erection of millions of dollars' worth of privately financed buildings being constructed by union contractors. During this same hearing, one Plumbers Union witness gloated over what he terms his "personal victory" after he succeeded in having a Negro pipe crew join the ranks of the unemployed. It mattered not to this Plumbers Union witness that the contractor was a nonunion contractor. When asked if his objections were because the contractor was nonunion, his answer was: "No, because niggers were putting in that pipe. That is why I objected." Gentlemen, all of this is a matter of record. I refer you to those records.

If the Plumbers Union is allowed to maintain their position of excluding Negro laborers from laying pipe on union and Federal building construction in the District of Columbia area, hundreds of Negroes will be forced out of work. We cannot expect the utility contractors in this area who employ large numbers of Negro laborers as pipelaying crews to keep them on their payrolls. We must remember that these utility contractors are business people. If they can only stay in business by hiring members of the Plumbers Union to do the work we have done, it is fair to assume that they will stay in business.

If this phase of our work is going to be taken over by the Plumbers Union, then we think we should have every right to membership in the Plumbers Union. We have not attempted to seek membership because we do not possess the qualifications the Plumbers Union supposedly require for membership. If they claim the work we have done for years they should claim us too. If the work we are doing for \$2.70 up to \$2.85 per hour as a member of the Laborers Union pays \$4.65 per hour to members of the Plumbers Union, we would much rather belong to the Plumbers Union.

This situation that exists in the Nation's Capital makes a joke out of this committee and all the Government's equal employment opportunities programs. The Negro union laborer who lays pipe is being denied employment on thousands of miles of land owned by the Government and on millions of dollars worth of buildings being constructed by the Government right here in the Capital of the United States of America. The Negro union pipelayer on the District of Columbia's welfare roll is unemployed not because there are no more pipes to be laid; he is there because he has been replaced by the most vicious system imaginable. His work is now being done by a highly skilled and also highly paid white Plumbers Union member.

While the Federal Government appears to be much concerned about the advancement of Negroes who possess the qualifications for advancement, the Federal Government must also be concerned about us.

We represent the bulk of the Negro population in America. We have hardly any education and, as I have said before, we have no skills. But we are American citizens. There should be just as much determination on the part of the Federal Government to see that we are provided with the same guarantees of equal employment opportunities on jobs we are capable of performing.

(The information referred to follows:)

FACTS

The following is a list of jobs by union contractors where Negro laborers working as pipelayers were removed and replaced by members of the Plumbers Union.

Contractor	Owner and job location	Year
Arthur Venneri Co.....	National Capital Housing, Alinger Pl. and Bruce St. SE...	1963
R. M. Thornton, Inc.....	Southwest redevelopment.....	1963
Norair Engineering Corp.....	Goddard Space Center.....	1963
Arthur Venneri Co.....	Andrews Air Force Base.....	1960
R. M. Thornton, Inc.....	Soldier's Home.....	1958
John Tester & Son, Inc.....	Catholic University.....	1958
Norair Engineering Corp.....	Pentagon Plaza Apartments.....	1957
Volpe Construction Co.....	Quantico Marine Base.....	1957
Do.....	do.....	1956
Blake Construction Co.....	do.....	1956
Day & Zimmerman.....	Naval Propellant Laboratory, Indian Head, Md.....	1952

The following laborers were laying pipe Wednesday afternoon, May 15, 1963, for buildings being constructed at Alinger Place and Bruce Street SE., for the National Capital Housing Authority. One of these six laborers earned \$2.85 per hour while the rest made \$2.70 per hour. The Arthur Venneri Construction Co. is the general contractor. The Perfect Equipment Co. was awarded the original subcontract for the laying of the utility pipe.

On Thursday morning, May 16, 1963, the six laborers mentioned above and who will be listed below had been replaced by members of the Plumbers Union. The union scale for plumbers is \$4.65 per hour. Since the Arthur Venneri Co. is a union contractor, it is safe to assume that these members of the Plumbers Union are making the union scale.

Ben Randolph, Sr., Dickerson, Md.

Ben Randolph, Jr., Dickerson, Md.

John Pressley, 1414 Girard Street NW.

James DeVaughn, 1410 Oliver Street NE.

Willie Strong, 1728 Capital Avenue NE.

Shepard Johnson, 1524 F Street NE., apartment 211.

Mr. ROOSEVELT. Thank you, Mr. Latimore. Let me say first, especially in view of Mr. Pucinski's question, that we cannot interfere with the case which is presently before the National Labor Relations Board to which you referred and which refers to something that occurred in 1960.

However, I think this committee has a perfect right, and if I may quote the chairman of the full committee who is present as being in agreement, that this committee has complete right to find out whether the NLRB is willing to take jurisdiction on a matter which will decide whether or not the Hod Carriers Union of which, I believe, you are a member, has established jurisdiction in this area, and whether it is proper for it to be upheld in its claim that in this type of work as you have described it, the Plumbers Union should be excluded.

As to whether or not the Plumbers Union then wants to negotiate with the Hod Carriers Union to open up its membership to you is a matter for the Plumbers Union and not for this committee.

In other words, that would be a consolidation of unions which we certainly don't want to impede or to have any jurisdiction over.

I think I will instruct, unless there is objection, counsel to inquire of the NLRB as to whether or not it considers that it does have jurisdiction with respect to deciding fundamentally whether the Hod Carriers Union has established a jurisdiction in this particular area as you have described it, and if it answers "Yes," we will then further inquire as to whether or not and how soon they intend to make a decision in this matter.

This is obviously a matter which affects many people and many workers who have a right, I think, not to be held in suspense while the Government takes the necessary steps to reach a decision any longer than is necessary.

I think this committee has a right to state its opinion to the Board that if it claims the right to make such a decision that we expect that it will make it at the earliest possible time and we would like some information as to when that time would be.

I think, depending on further consultation between counsel and chairman of the full committee, we will also have to decide whether we think we have a proper case for us here to perhaps present a statement to the Board as a friend of the court, so to speak, as to our feelings in the matter, based upon our study and investigation of the matter.

I think until this has been established, Mr. Latimore, that we don't probably have too much to go on except to establish from your point of view, which I think your statement clearly makes, that what is happening today is that your claim is that work which has historically been done by your union is now being taken over by another union, and the effective result of that takeover is the denial to the Negro of the ability to do that work because he is not eligible for employment in the plumber's union.

Is that correct, sir?

Mr. LATIMORE. I would like to modify that a little bit. To my way of thinking, sir, and to the way of our fellow union workers, anytime that I have done a certain type of work for 20 years or better, and then someone comes along all of a sudden, or down through the years off and on you get disputes, and it concerns nothing but a Negro regardless of how many white members there are involved, I will say 96 percent or 96 Negroes are hurt, and one white boy, I won't say four, for the simple reason in our labor union we don't have too many white boys because they have a better education and can do other things.

They are not looking for the bull work that we have to start with. That is why we base our little argument in asking anybody we can to do whatever they can to try to straighten this situation out for us.

Because those are the things that we didn't have to go to school to learn. We learned them by doing hard work. When anybody says you can't handle that pipe no more for that truck and that is my job and you are making twice as much money as I expect to make, I think it is race. That is our way of looking at it. I have talked with numerous people. A lot told me the same thing you are saying, that this is a jurisdictional dispute.

As I said, our officers carry our unions jurisdictional dispute where they can. I have known it to happen before.

Mr. ROOSEVELT. Mr. Latimore, will you let me interrupt you a little bit?

Mr. LATIMORE. Yes, sir.

Mr. ROOSEVELT. Is your union a member of the AFL-CIO?

Mr. LATIMORE. Yes, sir; it is.

Mr. ROOSEVELT. Have your officers, to your knowledge, complained on this jurisdictional matter to the AFL-CIO?

Mr. LATIMORE. Yes, sir. They have. They have had more than one case before them and nothing has been solved all down through the years.

The biggest thing we would get is a letter from the International, especially at Quantico where I was at the time, settle your dispute and go back to work.

That didn't secure our job whatsoever one way or the other. All that said was, "Settle your difference." We are trying and hoping that some of you learned gentlemen who know more about those things than we do can look into it for us.

Mr. ROOSEVELT. Can you give the committee the names?

Mr. LATIMORE. They are on the back of the same report that each of you have, the most recent job.

Mr. ROOSEVELT. I mean the officers of your union?

Mr. LATIMORE. Yes, sir. I will give that information. That is not here.

Mr. ROOSEVELT. Because what the committee will want to do is to find out whether the officers of your union have used the machinery set up by the AFL-CIO to decide a jurisdictional matter. There is such machinery.

In a matter where it deals with race discrimination, if, as the AFL-CIO has testified before this committee in many instances, they want to eliminate, and if the main issue here is, as you have well put it, clearly a racial issue, it would seem to me that the AFL-CIO had a responsibility also to iron out this matter.

I will instruct, without objection, counsel to ascertain for the committee, and by letter, what specifically the AFL-CIO has done to try to resolve this jurisdictional matter within the union.

Chairman POWELL. I would like to first say that if your statement is true, it is a shocking indictment, particularly in this day and hour. I would like to ask you, Mr. Latimore, a few questions.

Does your union ban from its membership white laborers?

Mr. LATIMORE. No, sir.

Chairman POWELL. Do you have any white members?

Mr. LATIMORE. Yes, sir.

Chairman POWELL. How many Negroes, to your knowledge, belong to the Plumbers Union?

Mr. LATIMORE. None, to my knowledge, sir.

Chairman POWELL. Who is the head of the Plumbers Union?

Mr. LATIMORE. I do not know the Plumbers Union president's name at this particular time, sir, for the simple reason that as laborers we don't go into all those details.

Chairman POWELL. Who is the head of the Plumbers Union International?

Mr. LATIMORE. I do not know, sir.

Mr. ROOSEVELT. Mr. Chairman, may I say that I think the Plumbers Union representative is here. He is to be heard next in order and we will hear him next in order.

Chairman POWELL. According to your testimony, the Plumbers Union is now admitting laborers?

Mr. LATIMORE. According to my testimony the Plumbers Union is now admitting laborers? No, sir.

Chairman POWELL. They have members in the plumbers union doing labor work?

Mr. LATIMORE. That is what I said, sir, at double the cost. The same work that I and other laborers have done down through the years.

Chairman POWELL. This complaint was originally filed with me as the distinguished chairman from California, Mr. Roosevelt, indicated, and I submitted it to the President's Committee around the first of March.

Since then, I have not heard one word from the President's Committee in acknowledgment of my transmission of your complaint.

What have you heard from the President's Committee?

Mr. LATIMORE. I have heard from someone from a Mr. Hobart Taylor's office over the telephone one night, sir, and in this testimony I would like to express my appreciation and thank you also for what you did in connection with referring it to him.

But so far as hearing anything, I only heard from Mr. Robert Nagel, I think his name was. We had a telephone conversation one night in which he told me the same thing which I just said in this report, that dispute concerned only the Andrew's Air Force Base and no other base.

I explained to him over the telephone that it did not only concern that case. It was before the hearing at that time. But it concerned all Federal installations, Quantico Marine Base, Soldiers' Home, and every other Federal installation. He asked me about the other cases and promised that we would contact each other. But we have not been able to say anything else one way or the other concerning it.

Chairman POWELL. May I instruct the counsel to find out from the President's Committee why they have not had the courtesy of replying to my letter concerning this and to find out what they have done and to submit to this committee a progress report if there is any progress. That is all I have to say.

Mr. ROOSEVELT. Mr. Pucinski?

Mr. PUCINSKI. Mr. Witness, you say you had been doing this work for a long time. As I understand this dispute, this involves the laying of pipe between the building and the first connection in the main line. Is that correct? When we were talking here about this spur that leads from the main line to the building itself, is this about what we are talking about?

Mr. LATIMORE. No, sir. That is not the way I understand it and not the way I have understood it. As I have read here, do you remember me saying what the plumbers have claimed? Just a moment, and I will read it to you again.

According to a plumbers union official who testified, the plumbers union has exclusive right to install sanitary storm sewers, storm drains, waterlines, and draintiles within the property line.

Within the property line, according to this official, included all property and Federal property if the same was not open to general public, which, as I said before, the Quantico Marine Base, Fort Bel-

voir, the Soldiers' Home, and numerous other installations where the public is only admitted for certain purposes and nothing more.

They say we cannot do that work which we have done in years gone by.

Mr. PUCINSKI. When was the last time that you did that work?

Mr. LATIMORE. The last time I personally did that work was in 1958, not because I was not still a laborer and pipelayer but because I was working as a form setter on another job.

My colleagues who also do the same work, laborers, as I just told you in this same report, were just laid off last week at the National Capital housing job in Southeast. That is the most recent.

Mr. PUCINSKI. Again, this is for doing work between the first connection and the inside property. Let me tell you why I am asking these questions. As far as I know for 50 years in this country there has been a running dispute all over the country between the various trade unions, namely, the plumbers and in this instance, the excavation workers, as to who has jurisdiction for that spur between the main line and the building.

If this is a labor dispute, then I think it properly belongs before the NLRB and I am wondering why you have not had it adjudicated a long time ago. If this is really a subterfuge to bar you people from doing these jobs because of your race, then I think it is a serious matter for this committee to consider.

What I am trying to find out from you is where is the dispute. Is it over that piece of spur that runs from the main line to the building?

Mr. LATIMORE. My answer to your, sir, will be no, emphatically no. Because they also say that they have the handling, unloading, as I said in my testimony.

Unloading of concrete pipe and things like that, as all you gentlemen know, has never been anything but labor work. I don't know how it came about or what pressure has been put on anybody to stop us, but any time that a highly skilled man with all those years of education, learning mathematics and things that you have got to have to be a plumber, has to come down and load and unload a truck that a laborer has been doing all his life, I am not here just speaking about a piece of pipe going from a spur, as you were. I am speaking of the overall handling of that pipe. That has all been taken from us.

Mr. PUCINSKI. Mr. Chairman, I would strongly recommend that we look at the briefs in this matter before the NLRB to see whether this is a jurisdictional dispute or as has been suggested by the witness this is a subterfuge using a jurisdictional dispute to bar these men from an opportunity to earn a living. I have one final question. In the telegram to the chairman, you said that you had made some complaints to the President's Committee on Equal Employment Opportunity. Well, how were those complaints conveyed?

Mr. LATIMORE. They were filed through a letter and sent through the mails, sir.

Mr. PUCINSKI. You have sent a letter to the President's Commission?

Mr. LATIMORE. Yes, sir; with the signature of 300 or better fellow member union workers.

Mr. PUCINSKI. And this committee can have a copy of that letter?

Mr. LATIMORE. I do not have a copy of that letter with me, sir, but I will be able to get one for you.

Mr. PUCINSKI. And the letter was addressed to whom, sir?

Mr. LATIMORE. The letter with the signatures was addressed to Mr. Powell and the Committee on Equal Employment.

Mr. PUCINSKI. To this committee?

Mr. LATIMORE. Yes.

Mr. PUCINSKI. What happened to that letter that was sent to this committee?

You got a reply from this committee?

Mr. LATIMORE. I have the reply. But Mr. Powell's committee wrote me saying that they did not take a stand in hearings on this and they could not intervene in hearings before the NLRB. But according to what I said, just like I told you gentlemen, we still believe it is race, I don't care how you put it. He said he would forward it to a Mr. Hobart Taylor who would look into it. Approximately 1 month later I received another letter from Mr. Powell's committee, with the attached letter from Mr. Hobart Taylor saying that they would contact me and get more information before they acted on it. I also have those letters, not with me but I can produce them.

Mr. PUCINSKI. When did all of this happen?

Mr. LATIMORE. March and April.

Mr. PUCINSKI. Of this year?

Mr. LATIMORE. Yes.

Mr. PUCINSKI. You got a letter that Mr. Taylor was going to contact you personally?

Mr. LATIMORE. That is the matter as far as I know.

Mr. PUCINSKI. Have they contacted you?

Mr. LATIMORE. No, sir. Once I talked to Mr. Robert Nagel over the telephone. He expressed concern and felt sorry for us but that is all I heard.

Mr. PUCINSKI. I understand you to say earlier in reply to a question by Mr. Powell that Mr. Hobart Taylor had called you one evening at home?

Mr. LATIMORE. Mr. Robert Nagel.

Mr. PUCINSKI. Not Mr. Taylor?

Mr. LATIMORE. From Mr. Taylor's office if I was informed right over the phone.

Mr. PUCINSKI. What did Mr. Nagel say?

Mr. LATIMORE. He only asked the questions about the job as I said before and explained to me that the only thing that he saw was the job at Andrews Air Force Base in 1959 and 1960.

Mr. PUCINSKI. All of this happened last April and you have never heard any more?

Mr. LATIMORE. No, sir.

Chairman POWELL. Would the gentleman yield?

Mr. PUCINSKI. Yes.

Mr. POWELL. I don't remember having received an acknowledgment of the letter which was sent March 1, as the chairman of this committee.

Mr. ROOSEVELT. Mr. Chairman, I think the witness testified he has received a letter from this committee saying that you had been told that they would look into the matter further.

Chairman POWELL. That is right.

Mr. ROOSEVELT. At that point the matter was dropped.

Mr. PUCINSKI. Mr. Chairman, the witness said that Mr. Hobart Taylor advised this committee that they would contact him and then

as I understand from the witness sometimes later Mr. Nagel called you at home.

Mr. LATIMORE. That is right.

Mr. PUCINSKI. And got some information from you and this would be around March or April?

Mr. LATIMORE. Yes, sir.

Mr. PUCINSKI. And nothing more happened after that?

Mr. LATIMORE. No, sir.

Mr. PUCINSKI. It is my understanding that we are going to have the spokesman for the President's Committee here. I think perhaps we ought to probe this question at that time. Thank you, Mr. Chairman, and thank you, Mr. Witness.

Mr. ROOSEVELT. Mr. Bell.

Mr. BELL. Mr. Latimore, I certainly agree with the chairman of the full committee, if these facts are accurate, this is one of the worst travesties on our system and philosophy of fair play I have run across. You have said, I understand, that there are no Negroes in the Plumbers' Union.

Mr. LATIMORE. To my knowledge; no, sir.

Mr. BELL. To your knowledge do they particularly attempt to obstruct membership of Negroes in the plumbers' union in this area?

Mr. LATIMORE. Mr. Bell, I would not venture to say because my answer to a question put directly to me like that would have to be this. I am not a plumber, but if you are going to take the work I have done all down through the years then take me, too, and teach me something. That is the only answer I can give you.

Mr. BELL. You don't know whether there are Negroes in the national Plumbers' Union or not?

Mr. LATIMORE. I do not, sir. As a laborer I do not have the time to get out and try to find out these things like some of the other agencies which do. I am only here on behalf of the Negro laborers who have gotten together and met at each others' houses from time to time and not here for any union or anything like that. Because they have their fight over there now. I am only here trying to help us.

Mr. BELL. As far as you know, you have had no other conflicts of jurisdictional interest with any other union besides the Plumbers' Union?

Mr. LATIMORE. No, sir. That is the main one that we have any jurisdictional disputes with in the union.

Mr. BELL. Thank you, Mr. Chairman. That is all.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. I have only one question, Mr. Latimore. On page 3 of your statement you said that according to a Plumbers' Union official the Plumbers' Union has exclusive right to install sanitary sewers and so forth. Do you know who gave them such exclusive right?

Mr. LATIMORE. No, sir; I do not know who gave them such a right. But if memory serves me right, a Mr. Les Deal is on record at the NLRB hearing, was the Plumbers' Union official or representative who testified to that effect. That they were given the exclusive right. According to our union officials, and I am quite sure it is also a matter of record, every instance—ever since May 15 or 13 of 1941, the digging of ditches, the tamping of pipe, and all those things were considered the laborer's work. There was such an agreement made up.

Mr. HAWKINS. Considered by whom?

Mr. LATIMORE. By the two unions. That is what I am getting at. An agreement was made between the United Plumbers Union and the International Hod Carriers & Builders Union of America and they both signed it in 1941, but it doesn't seem that the agreement meant anything at all to them because from time to time the same thing has been happening.

Mr. HAWKINS. Since 1941, has this demarcation of rights as to who should lay pipe ever been questioned by either group?

Mr. LATIMORE. Yes, sir; it has on numerous occasions. If you will look on the back of that same page you will note some of the instances where it was.

Mr. ROOSEVELT. The Chair is going to say that the full committee was scheduled to meet at 12 o'clock. In deference to the other members of the full committee we will have to adjourn in about 4 minutes.

Mr. HAWKINS. May I simply defer any other questions, Mr. Chairman, in view of the time?

Mr. ROOSEVELT. Mr. Gill.

Mr. GILL. Mr. Chairman, there won't be an opportunity to get to all of the facts of this matter. I would merely like to say that I appreciate Mr. Latimore's suspicion that there is racial discrimination in union membership. This is quite possible in certain parts of the country, including Washington, D.C. But this particular jurisdictional dispute involves an argument over who lays the pipe on which side of the property lines. To my knowledge it has been carried on in other parts of the country where there is no question of racial discrimination. In fact I handled a case for the Electricians Union in my own town where the makeup of both unions, laborers and electricians, was roughly similar and they still fought over this question. So this is a jurisdictional problem that cuts across your discrimination problem. I wonder whether it would be possible perhaps at some subsequent hearing for us to explore a little further this concept of jurisdiction inside property lines which in this case you say is the District line.

I know in the exhibit that you have attached here on page 7 you have listed some projects that appear to be private projects, have you not?

Mr. LATIMORE. Yes, sir.

Mr. GILL. On this for instance, the Catholic University was not a Government project, I would assume. I don't know what the Pentagon Place Apartments are but I assume that is a private project. Are these instances in which the argument was made that they were being constructed within the District and therefore all land was Government land, and the property line extended to the boundaries of the District and not to the street?

Mr. LATIMORE. No; it goes a little farther than that, sir. Because now any union contractor putting up a building—I mean the way we have understood it regardless of whether it is on Government property or Federal property or not, if a union contractor puts that building up his hands are so tied to start with that we still don't get any of that work regardless. If it is just a big housing project, such as the National Capital housing project, if a union contractor had that specific work, it would still be the work of the plumbers according to a plumbers union official testimony.

Mr. ROOSEVELT. The Chair is going to have to bring this to an end. I would just say to you, Mr. Latimore, that the committee will go into this matter. We will give Mr. O'Donoghue of the plumbers union the first chance to be heard at 2 o'clock this afternoon when the subcommittee will reconvene, to be followed by the other witnesses we have previously scheduled for the committee, local 26 of the International Brotherhood of the Electric Workers, Mr. Beavers, Negro American Labor Council, and Mr. Linton Collins, counsel, District Board of Trade, and Mr. Zahn, vice president of the C. & P. Telephone Co.

We will do everything we can to ascertain what can be done to resolve this matter in the interest of eliminating the racial issue which seems to be involved.

Mr. LATIMORE. Thank you very much.

Mr. ROOSEVELT. The committee will stand adjourned until 2 o'clock this afternoon.

(Whereupon, at 12:10 p.m., the hearing was recessed to reconvene at 2 p.m. of the same day, Friday, May 24, 1963.)

AFTER RECESS

(The general subcommittee reconvened at 2 p.m., Hon. James Roosevelt, chairman of the subcommittee, presiding.)

Mr. ROOSEVELT. The subcommittee will be in order, please.

The committee, in view of the testimony this morning concerning local No. 5, has invited Mr. O'Donoghue, representing local No. 5.

If you have a statement at this time we would like to have you make it.

STATEMENT OF PATRICK O'DONOGHUE, ATTORNEY AT LAW, WASHINGTON, D.C., REPRESENTING PLUMBERS LOCAL UNION NO. 5

Mr. O'DONOGHUE. At the outset, I want to state that my name is Patrick O'Donoghue. I am an attorney. My address is 1912 Sunderland Place NW., Washington, D.C. I am the attorney representing Plumbers Local Union No. 5.

I want to thank the committee for this opportunity of appearing. We did not learn until very late last night that Mr. Latimore was going to appear. We do not have a prepared statement. I would like the opportunity at a later date to submit a written statement, but I would like to take a brief time to state for the record what is the position of Plumbers Local No. 5 in view of the testimony of Mr. Latimore.

Mr. Chairman, Plumbers Local No. 5 is a labor organization, a local union, with territorial jurisdiction in the District of Columbia area. It is chartered by an international union, the United Association of Plumbers & Pipefitters of the United States and Canada.

To put this dispute in proper perspective, we have to start off some years ago when the AFL chartered the United Association and gave it exclusive jurisdiction over the plumbing and pipefitting industry. A dispute developed years ago between the laborers and the plumbers.

Every building has in its waterlines, storm sewerlines, sanitary sewerlines. These lines run from the building out to a street where

they connect into the main sewers. You will have a water sewer, you may have a storm sewer, or a sanitary storm sewer. The plumbers have historically and traditionally claimed the right to perform any work of the installation of these pipelines both that run from the building to the street and in the street.

A dispute developed with the laborers over the right to do this work. In 1941 the plumbers union and the laborers union, the international union entered into an agreement which is known in the industry as the 1941 agreement. Under that agreement, the plumbers who had jurisdiction by the AFL over all pipework wherever located gave to the laborers the installation of nonmetallic pipe in the street. These lines are of two types. They are nonmetallic line, concrete or terra cotta, or metallic.

This 1941 agreement gave the laborers the nonmetallic pipe in the street. The plumbers were to have all other pipework within the property line both metallic and nonmetallic, and they were also to have all metallic pipe in the street.

Subsequent to the 1941 agreement, a dispute arose between the Plumbers International and Laborers International as to the meaning of this agreement. The Building Trades Department of the AFL appointed a national referee to render a nationwide decision on this dispute. That referee affirmed the position of the plumbers and held that all work within the property line, all pipework was the work of UA and all nonmetallic pipeline in the street was the work of the laborers.

When I use the phrase "UA," that is the common term that the plumbers union is known in the construction industry. It is the United Association.

Mr. ROOSEVELT. Can you give the committee a copy of that opinion?

Mr. O'DONOGHUE. Yes; I will furnish a copy of the 1941 agreement, the Hutchison decision, and also what is referred to in the trade as the green book. It is the bible of all the building trades unions and contractors that contains various jurisdictional decisions, jurisdictional awards by the national joint board, national referees, et cetera.

Subsequent to the Hutchison decision, the national decision, that is, the decision that had application throughout the United States, the two business agents in this area, the business agent of the Laborers District Council and the business agent of the plumbers local union in 1949 got together and made an oral agreement modifying the Hutchison decision.

Under that oral agreement, the plumbers agreed that the laborers could do all work in the street both metallic and nonmetallic.

(Copy of agreement and dispute follow:)

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED ASSOCIATION OF JOURNEYMAN PLUMBERS & STEAMFITTERS OF THE UNITED STATES AND CANADA, AND THE INTERNATIONAL HOD CARRIERS', BUILDING & COMMON LABORERS' UNION OF AMERICA OVER ALL WORK ON SUBWAYS, TUNNELS, HIGHWAYS, VIADUCTS, STREETS, AND ROADWAYS IN CONNECTION WITH SEWERS AND WATER MAINS

All the leveling, caulking, and making of all joints by any mode or method on water mains, gas, gasoline, and transportation lines is the work of the United Association of Journeymen Plumbers & Steamfitters of the United States and Canada (with the exception of work under compressed air).

All the digging, breaking of concrete, back filling, tamping, resurfacing and paving of all ditches in preparation for the laying of all pipes and all of the unloading and distributing of pipe for said ditches shall be the work of the laborers.

All of the laying of clay, terra cotta, ironstone, vitrified concrete or nonmetallic pipe and the making of joints for main and side sewers and drainage only is the work of the laborers.

In the event of any dispute arising between local unions of both international unions over work not covered herein, it is understood that the said dispute will be referred to the general presidents of both organizations for adjustment.

In witness whereof the members of the committee hereinafter listed certify that they as a committee have negotiated and executed this agreement with full authority from the respective international unions which each committee represents.

Dated at Washington, D.C., January 23, 1941.

Committee representing the International Hod Carriers, Building & Common Laborers' Union of America :

Joseph Marshall.

Herbert Rivers.

Peter Fosco.

M. D. Cox.

James Bove.

Attested and approved :

JOS. V. MORESOHI,
General President, International Hod Carriers, Building & Common Laborers' Union of America.

Committees representing the United Association of Journeymen Plumbers & Steamfitters of the United States and Canada :

M. F. Garrett.

Patrick J. Drew.

Charles J. Laurence.

Leo A. Green.

John J. McCartin.

Attested and approved :

GEORGE MASTERTON,
General President, United States Association of Journeymen Plumbers & Steamfitters of the United States and Canada.

WASHINGTON, D.C., February 15, 1943.

In the matter of: A DISPUTE between UNITED ASSOCIATION OF PLUMBERS AND STEAM FITTERS INTERNATIONAL HOD CARRIERS, BUILDING AND COMMON LABORERS UNION OF AMERICA

Presentation: By oral arguments and by documents.

Appearances:

For Plumbers and Steam Fitters: George Masterson, E. K. Burkholder, and W. J. McLaughlin.

For Hod Carriers and Laborers: Vincent F. Morreale, John W. Garvey, and H. C. Kaiser.

Board of Review: Louis K. Comstock, Chairman; Lt. Col. C. D. Barker; and John P. Coyne (absent).

Matter in Dispute: Violation of Agreement of January 23, 1941.

Date of Hearing: January 5, 1943.

Wherever the term "Plumbers" is used in this decision, it shall be deemed to mean "United Association of Plumbers and Steam Fitters of America."

Wherever the term "Laborers" is used in this decision it shall be deemed to mean "International Hod Carriers, Building and Common Laborers Union of America."

On December 10 there came to the attention of the Board of Review, a stoppage of work on the effluent sewers at the synthetic rubber plants under construction for the Goodrich Rubber Company and the Carbide and Carbon Chemical Corporation at Louisville, Kentucky. One plant was being constructed by Ford, Bacon & Davis, and the other by Batson & Cook.

The Rubber Administrator brought the case to the Board of Review, and demanded relief from the work stoppage.

The Chairman of the Board of Review made an attempt to bring about an amicable settlement of the issue between the Plumbers and Laborers by personal contact with the Presidents of the two organizations. This attempt failed because both Presidents were out of reach, away from Washington.

The stoppage was so detrimental to early production at the two plants that the Board of Review summoned the representatives of both organizations to a hearing, and ordered an immediate resumption of work pending a decision.

The hearing was set for December 30, but, on urgent request of the Laborers, was postponed to January 5, and was held on that date.

This case, when first brought to the Board of Review, had the external appearance of a jurisdictional dispute. Investigation before the hearing took place indicated that the issue between the parties was one of interpretation of a written agreement between them, dated January 23, 1941.

This agreement appears to have been made necessary by the gradual rise in importance and organization of contractors engaged in heavy construction, and the consequent clashes in jurisdiction between the parties. A copy of this contract is attached to this decision as an appendix.

When the War Production Board, early in 1942, declared cast iron pipe to be a critical material, its use for underground sewer lines was automatically barred.

The use of cast iron pipe for sanitary and waste sewer lines varied in different parts of the United States. In some localities, it was required, and in others, either vitrified clay or cast iron could be used.

But when the use of cast iron was barred by action of the War Production Board, some type of non-metallic pipe was required to be used in all localities outside of buildings. The "Plumbing Standards" issued by the Federal Public Housing Authority in February 1942 required the use of cast iron pipe for sanitary sewer services under buildings; from a point five feet outside the buildings, either cement concrete or vitrified clay pipe is permitted.

Under date of June 15, 1942, the War Housing Mobilization Specification, Number XXXV was issued, Section 3504 covering the use of either vitrified clay or cast iron soil pipe.

Since the date of issue of that specification permitting the alternate, the War Department has issued instructions to the field to use vitrified clay only. The same practice has been adopted by the Navy. The Defense Plant Corporation has adopted a similar policy.

These citations show how changes in engineering practice have been wrought by the exigencies of war as exemplified in the disuse of materials formerly specified. These changes have not been brought about by the action of either of the parties to the January 23, 1941, agreement.

Neither party to that agreement is justified in taking advantage of such changes to increase his allotment of work allocated by that agreement. Any readjustment of allocation by mutual agreement would be recognized everywhere as sound and sensible. Lacking such an arrangement, neither party to the agreement is justified in seizing jurisdiction which the agreement was not designed to give and did not authorize.

The title to the agreement, which in effect is a preamble, describes the jurisdictions of the parties and the areas of work covered by the agreement. It reads as follows:

"Memorandum of Agreement between the United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada, and the International Hod Carriers, Building and Common Laborers Union of America over all work on subways, tunnels, highways, viaducts, streets and roadways in connection with sewers and water mains."

The decision rendered by the Building Trades Department in a jurisdictional dispute involving the issues in the instant case but arising from the laying of non-metallic pipe at the Bowman Field Airport, Wright Airport and U.S. Government Warehouses, all in the Louisville area, neither added anything to nor detracted anything from the plain wording of the agreement. It merely affirmed in new phraseology what had already been stated in the agreement.

There was an abortive attempt, made in August 1941, to amend the opening paragraph by the insertion of the words "and building construction" in connection with sewers and water mains.

The Committee appointed to clarify the agreement made the following suggestion as an interpretation of Paragraph 4 of the agreement:

"Interpretation of paragraph No. 4—The installation and laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for main and side sewers and drainage outside of any building or structure is the work of the laborers. All installations inside the building or structure shall be the work of the members of the United Association."

This signifies that the Committee thought that the jurisdiction of the Plumbers should be limited by the walls of structures. The recommendations of the Committee have not been duly accepted, of record, by the International Presidents of either organization.

The agreement of January 1941 therefore stands as originally written. The January agreement is self-limiting to "subways, tunnels, highways, viaducts, streets and roadways in connection with sewers and water mains."

As the sewers in this case cannot be described as falling in any of those categories, and as they lie wholly within the boundaries of the sites,

THEY ARE HELD BY THE BOARD OF REVIEW TO BE WITHIN THE JURISDICTION OF THE UNITED ASSOCIATION OF PLUMBERS AND STEAM FITTERS. IT IS ALSO HELD BY THE BOARD OF REVIEW THAT THE PLUMBERS VIOLATED THE THIRD SECTION OF THE STABILIZATION AGREEMENT BY STRIKING BECAUSE THE SEWERS, THE SUBJECT OF THIS DECISION, WERE BEING LAID BY LABORERS.

BY ORDER OF THE BOARD OF REVIEW,
Washington, D.C., January 20, 1943.

LOUIS K. COMSTOCK, *Chairman.*

MEMORANDUM OF AGREEMENT between the UNITED ASSOCIATION OF JOURNEYMEN PLUMBERS AND STEAM FITTERS OF THE UNITED STATES AND CANADA, and the INTERNATIONAL HOD CARRIERS, BUILDING AND COMMON LABORERS' UNION OF AMERICA over all work on subways, tunnels, highways, viaducts, streets and roadways in connection with sewers and water mains.

All the leveling, caulking and making of all joints by any mode or method on water mains, gas, gasoline and transportation lines is the work of the United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada (with the exception of work under compressed air).

All the digging, breaking of concrete, back filling, tamping, resurfacing and paving of all ditches in preparation for the laying of all pipes and all of the unloading and distributing of pipe for said ditches shall be the work of the laborers.

All of the laying of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for main and side sewers and drainage only is the work of the Laborers.

In the event of any dispute arising between local unions of both International Unions over work not covered herein, it is understood that the said dispute will be referred to the General Presidents of both organizations for adjustment.

In witness whereof the members of the Committee hereinafter listed certify that they as a committee have negotiated and executed this agreement with full authority from the respective International Unions which each Committee represents.

Dated at Washington, D.C., January 23, 1941.

Committee representing the International Hod Carriers, Building and Common Laborers' Union of America :

JOSEPH MARSHALL.
HERBERT RIVERS.
PETER FOSCO.
M. D. COX.
JAMES BOVE.

Attested :

JOS. V. MORESCHI,
General President, International Hod Carriers, Building and Common Laborers' Union of America.

Committee representing the United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada :

M. F. GARRETT.
PATRICK J. DREW.
CHARLES J. LAURENCE.
LEO A. GREEN.
JOHN J. MCCARTIN.

Attested and approved :

GEORGE MASTERTON,
General President, United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada.

DECISION BY THE NATIONAL REFEREE OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT, WM. L. HUTCHESON, IN THE JURISDICTIONAL DISPUTE BETWEEN INTERNATIONAL HOD CARRIERS BUILDING AND COMMON LABORERS UNION OF AMERICA AND UNITED ASSOCIATION OF JOURNEYMEN PLUMBERS AND STEAMFITTERS OF THE UNITED STATES AND CANADA IN THE MATTER OF INSTALLATION OF NON-METALLIC PIPING FOR SEWERS.

The following is a résumé, conclusions and findings by the National Referee for the Building and Construction Trades Department, in the case of the Common Laborers' Union of America and the United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, in the matter of: installation of non-metallic pipe for sewers.

The hearing was called to order, by the Referee, on Monday, October 8, 1945 at 10:00 A.M. in the Netherland Plaza Hotel, Cincinnati, Ohio.

Present at the hearing were representatives of the Hod Carriers and Common Laborers' Union; Plumbers and Steamfitters; Bricklayers International Union, and the Brotherhood of Teamsters.

Representatives of the Hod Carriers and Common Laborers' submitted preliminary objections to the Referee having jurisdiction in the dispute.

Their objections were primarily based on the contention that there was in existence an agreement between the Hod Carriers, Building and Common Laborers' Union and the United Association of Journeymen Plumbers and Steamfitters, and in substantiation of their contention they submitted an agreement as of the date, January 23, 1941, between the two organizations.

In their remarks in reference to their preliminary objections the statement was made by representatives of the Hod Carriers and Common Laborers' that they were ready to meet any of the trades that have any claim to work covered in the agreement.

Representatives of the United Association of Plumbers and Steamfitters replied to the objection raised by representatives of the Hod Carriers and Common Laborers', but stated that they recognized the agreement as of January 23, 1941.

After hearing both parties present their views in reference to the agreement, and listening to considerable discussion, the Referee stated that he was placed in the position of having to make a ruling on the agreement as of January 23, 1941, and ruled that said agreement was a bona fide agreement, without any interpretation of the meaning thereof, and should stand as an agreement between the two organizations; with the understanding that there should be no infringement upon the jurisdiction of other organizations.

After the above ruling was made the two contesting parties were asked to arrange to meet and see if some mutual understanding could be arrived at, after which the hearing was adjourned at 11:30 a.m. (October 8th) until the next morning at 10 a.m.

The hearing was reconvened on Tuesday, October 9th, at 10 a.m.

A report was asked for by the Referee as to what, if any, progress was made in reference to reaching an understanding, and it was stated that no understanding was reached.

The Referee then stated that while it was permissible for the two organizations to enter into an agreement, such as was reached January 23, 1941, inasmuch as no understanding was reached yesterday afternoon in the conference that was held by representatives of the two organizations, he would rule that the case which was referred to him by the Acting President of the Building and Construction Trades Department in May 1944 would be heard as per that arrangement.

A representative of the Hod Carriers then asked if the dispute before the Referee was covered by the agreement.

The Referee, in reply to that question, stated that until he heard the evidence he would not be able to determine whether it came under the agreement, or whether it did not, and that he would reach that conclusion after he had heard the evidence.

A representative of the Hod Carriers and Common Laborers' then stated, if a hearing was going to be held on the merits of the case they were in the unfortunate position of being unable to participate, for the reasons; that the

agreement itself is self-explanatory to some degree, and in order to clarify it more, the respective International Presidents of the disputant parties appointed committees for the purpose of clarification, and when they reached an interpretation they sent a letter to the respective International Presidents, which letter they stated they wished to read.

Objections were raised by representatives of the Plumbers which brought forth a discussion as between them and representatives of the Hod Carriers and Common Laborers', after which the Referee stated that he would allow the letter to be read and then determine whether it would go into the record, or whether it would not.

After the letter was read the Referee asked what the purpose for reading it was, and was answered by a representative of the Hod Carriers and Common Laborers' that the purpose in reading the communication was to show that the interpretation arrived at by the committee was in good faith.

The Referee then ruled that in the original agreement no reference was made in regards to appointing a committee to interpret the meaning thereof, and further ruled that the letter would not appear in the record.

After some discussion and statements by representatives of the two organizations, during which reference was made to a decision rendered by the Acting President of the Building and Construction Trades Department, representatives of the Hod Carriers and Common Laborers' asked to be excused, on the grounds that participation by them in the hearing on the merits of the case would constitute a waiver of their rights, with leave to appeal the matter further.

In the discussion they were asked if they wished to appeal. They stated: With leave to appeal the matter further. They were informed that it was up to them to follow the laws of the Department and the Federation inasmuch as the Referee had no authority to say whether they had a right to appeal or whether they did not.

Representatives of the Hod Carriers and Common Laborers' further contended if they participated that they would waive their rights as the work in contention was covered by the agreement which had been recognized, and inasmuch as they had other tribunals to go to they interjected the last request that they be given leave to appeal.

A discussion (off the record) was had at this point, when it was again asked by one of the representatives of the Hod Carriers that his point be made a part of the record. Asked to repeat his statement, he stated, they were unable to participate in the case on its merits. He was asked if he wanted to use the word "unable" or "unwilling". He replied, we are placed in the position of being unable to participate in the hearing by reason of the fact that it would constitute a waiver of our rights, in the absence of a ruling by the Referee as to whether the dispute was covered by the agreement.

They were informed by the Referee that it would be a part of the record as to why they were not going to participate.

The Plumbers then proceeded to present evidence to substantiate their claims for work, as per the decision of Acting President Gray.

They presented extensive briefs and evidence to substantiate their claim, consisting of numerous exhibits and illustrations of installations of the work in contention.

After they completed presentation of their evidence the matter was reported to the Executive Council of the Building and Construction Trades Department for consideration, and action, for the benefit and information of the Referee as to what the desires of the Council were in reference to making a finding and decision, because of the Hod Carriers and Common Laborers' withdrawing from the hearing; after which the Executive Council took the following action:

"Action of Council: Referee should proceed and render decision in accordance with Section 7, Page 26 of Constitution of Dept.

"Vote: Unanimous V. P. Hutcheson not voting."

Pursuant to the foregoing action of the Executive Council, and after reviewing the evidence, I have reached the following conclusion.

That the agreement as referred to between the International Hod Carriers, Building and Common Laborers' Union of America and the United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, covers work on subways, tunnels, highways, viaducts, streets, and roadways in connection with sewers and water mains, and, therefore, does not apply to the question at issue, which is, the decision rendered by the Acting President of the Building and Construction Trades Department, Richard J. Gray, which was rendered under date of March 18, 1944, in the dispute between Laborers and

Plumbers over the laying of sewer pipe from main sewer into dwelling, or from inside property line to dwelling, and is not in any way referred to by the agreement of January 23, 1941, entered into between the two organizations.

Records show that the request for a decision came to the Acting President in the regular manner, and that he rendered his finding on the date of March 13, 1944, and in referring to the matter stated it was a jurisdictional dispute between Laborers' and members of the Journeymen Plumbers and Steamfitters over the laying of lateral sewer pipe from main sewer into dwelling or from inside property line to dwelling, and the following decision was rendered.

"DECISION

"The work in dispute shall be done by members of the United Association of Journeymen Plumbers and Steam Fitters".

In this opinion of the undersigned, acting as Referee, the decision rendered by Acting President Gray, was in conformity with the evidence submitted to me as Referee, and in no way comes under the agreement entered into between the two contending organizations as of January 23, 1941.

Therefore my decision is as follows:

1. That the agreement, dated January 23, 1941, between the International Hod Carriers, Building and Common Laborers' Union of America and the United Association of Journeymen Plumbers and Steamfitters of the United States and Canada is a bona fide agreement between the two organizations, but should not be accepted by the Department until clarifying language is inserted therein giving to the Bricklayers International organization jurisdiction over work on sewers which they have heretofore performed.

Also that there should be a clarification in reference to the unloading and distributing of pipe so that there would be no infringement upon the recognized jurisdiction of the Teamsters International organization.

There should also be a further clarification if any other organization presents evidence to show that the agreement infringes upon their jurisdiction.

2. That the laying of lateral sewer pipe from main sewer into dwelling, or from inside property line to dwelling is work that should be done by, or under the supervision of, members of the United Association of Journeymen Plumbers and Steamfitters of the United States and Canada.

WM. L. HUTCHESON,

National Referee, Building and Construction Trades Department.

Mr. ROOSEVELT. Has that ever been reduced to writing?

Mr. O'DONOGHUE. It was never reduced to writing. However, that agreement was reached after many discussions with John Dunlop.

Mr. ROOSEVELT. Has it ever been ratified by either the local or the laborers?

Mr. O'DONOGHUE. It was ratified by practice from 1941 until about a year ago. This oral agreement provided that the laborers would do the work in the street. It provided further that all work within the property line was the work of the plumber.

Since 1949, and prior to that time, this has been the area practice in this area. The overwhelming practice on all construction projects, union construction projects, has been that this line of demarcation between the work of the plumber and the work of the laborer has been applied and this is the way the work has been performed.

As you know, in 1961 the Supreme Court, in a decision involving the IBEW, held that under section 10(k) of the National Labor Relations Act, the Board, where it had a jurisdictional dispute before it, was required to determine these disputes on the merits.

The Laborers International Union, who has been dissatisfied with decisions of the national joint board for the settlement of jurisdictional disputes, which is the body set up within the AFL-CIO for the settlement of jurisdictional disputes, has turned to the National Labor Relations Board and tried to get the Board to make decisions on jurisdictional disputes.

Unfair labor practice charges were filed by the Arthur Venneri Co. on a job involving the Andrews Air Force Base some 2 years ago, claiming there was a jurisdictional dispute between the plumber and the laborer over laterals. When I speak of "laterals," I am talking about the pipelines that run from the building to the street.

The National Labor Relations Board, after the complaint was filed, rather, the General Counsel of the Board, issued a complaint and ordered a hearing. The laborers hoped in this hearing to establish that they had area practice. This hearing took 6 months. There are over 10,000 pages in the record. The record is primarily devoted to witness after witness coming forward, both contractors, superintendents, and testifying as to what has been the area practice, who put the work in on this job, who put the work in on that job. We have the record in our office. You are welcome to read it.

We submit that this record establishes conclusively that the work involved, that is, all pipework within the property line, is the work of the plumber and that has been the overwhelming practice in this Metropolitan Washington area with few exceptions on every union job, the plumber doing this work.

An interesting thing is that this statement which was prepared by Mr. Latimore makes many charges. There are a great deal of half truths and misstatements. He states that the Plumbers Union, by the various means it is using, is attempting to put laborers out of work. The truth of the matter is, gentlemen, that the laborers have suffered a great deal by mechanization. They are losing work. They have tried to gain the work of some other craft.

If the laborers, or it is the laborers actually who are trying to put plumbers out of work. They are not only trying to put plumbers out of work, they are trying to put members of their own union out of work.

You must understand that mechanical contractors, when they bid a job, that is, contractors who do electrical work, plumbing, and heating, they bid the entire job. They will bid the outside utilities, they will bid all the plumbing in the building. This is all one system actually.

These mechanical contractors employ not only plumbers, but there is a laborers local union in this city that is made up of plumbers' helpers, laborers.

Mr. ROOSEVELT. What is the name of that union?

Mr. O'DONOGHUE. The name is local 115. It is named Plumbers Laborers Local. Our mechanical contractors employ members of this laborers local union.

Mr. ROOSEVELT. Is this laborers local union recognized by the AFL-CIO?

Mr. O'DONOGHUE. Yes; it is affiliated with the Laborers International to which the same local union which Mr. Latimore belongs to is also affiliated.

Mr. ROOSEVELT. Of your knowledge, and I presume you do not represent them—

Mr. O'DONOGHUE. No; I do not.

Mr. ROOSEVELT. Of your knowledge, are the ranks of this union open to the laborers of Mr. Latimore's union?

Mr. O'DONOGHUE. I would assume so. I really don't know.

Mr. ROOSEVELT. Counsel will be instructed to ascertain what the facts are regarding the Laborers Plumbers Union.

Mr. O'DONOGHUE. When our mechanical contractor will do the outside work, the plumbers laborers helpers will do all the excavating, and do a lot of the work. The plumber does the actual installation; that is, he puts it in the ditch, he makes the joints, he handles and carries it. But these laborers work right along with them.

What Mr. Latimore is advocating is that we put out of work these plumbers and these plumbers laborers that work along with them and we replace them with laborers such as Mr. Latimore, who work for what we call excavating contractors. Excavating contractors generally do street work. They use members of Mr. Latimore's local union to do the work.

Mr. ROOSEVELT. To your knowledge, does the Plumbers Laborers Union have any racial bias in its ranks? To put it more directly, do they have any Negro members?

Mr. O'DONOGHUE. Yes, they are primarily Negro. Their business agent is a Negro. That is a fact. He is a Negro. They have worked right along with us for years. We have very good relationships with them.

I might point out to the committee that their wage rate is higher than the wage rate of Mr. Latimore's local union. I think they are paid 15 cents an hour more than Mr. Latimore.

The point I am trying to make is that this entire matter is basically a jurisdictional dispute.

Mr. ROOSEVELT. Mr. O'Donoghue, of course, as you present it, that certainly is the case. But the point that was brought up this morning by Mr. Latimore that the committee was particularly interested in, were laborers kept by the Plumbers Union from working if they were Negroes?

Mr. O'DONOGHUE. No, sir.

Mr. ROOSEVELT. The implication of the testimony this morning was that is so. Of course, the matter of the Plumbers Union itself is a separate matter and I presume at this time you don't want to go into that.

Mr. O'DONOGHUE. I am willing to testify about that, too, Mr. Chairman.

Mr. ROOSEVELT. Let me ask you specifically: Within the Plumbers Union are there Negro members in local No. 5?

Mr. O'DONOGHUE. Yes.

Mr. ROOSEVELT. How many?

Mr. O'DONOGHUE. I believe at the present time there are five.

Mr. ROOSEVELT. Out of a total of how many?

Mr. O'DONOGHUE. Probably 700.

Mr. ROOSEVELT. Five out of seven hundred?

Mr. O'DONOGHUE. Five out of seven hundred.

Mr. ROOSEVELT. You wouldn't think that sounded very good, would you, when you just say it?

Mr. O'DONOGHUE. I think it is very good when you look at the record. If you will recall, Mr. Cecil Rhodes, who was the business manager of Plumbers Local No. 5, testified before you 2 years ago that he had never, since he had been a business manager of that local union, ever had a colored individual apply for membership in Plumbers Local No. 5.

Mr. ROOSEVELT. Let me interrupt you there. We also had testimony, and I have it in front of me now, by Mr. Victor Daly, that on June 4, 1957, Mr. Daly, who is now the Deputy Director of the U.S. Employment Service here, that Mr. Daly took a gentleman with him to meet Mr. Point, of local 5, had him apply for training as a plumber, and at the time of his application Mr. Point was working as a plumber's helper in the maintenance department of Howard University.

Mr. Point had extraordinary references and graduated with high honors from high school. The previous day Mr. Daly took Mr. Point to the joint apprenticeship committee of the Plumbers & Steamfitters Union at Connecticut Avenue and M Street. Mr. Daly was told by the executive secretary of the committee, Mr. A. J. Rittinger, that Mr. Point would have to make application directly to the Plumbers Union.

The following day, June 4, 1957, he took Mr. Point to the Plumbers Local No. 5. Up to the present time, Mr. Point has not received a single communication from Plumbers Local No. 5 concerning his application. Mr. Daly over several years called the local several times and was always told that the union had not reached Mr. Point's name on their list and that they always gave preference to sons of plumbers.

It so happens Mr. Point at the present time is a full-fledged plumber working for the Federal Government in Freedmen's Hospital. But that does not coincide with the statement that you just made that no one has ever applied.

Besides which, that is not what the committee thinks is important. What the committee thinks is important, or at least some members of the committee think is important, is what is the Plumbers Union No. 5 doing to get people to apply in order to rectify a situation that they know is creating a tremendous social problem in the District?

Mr. O'DONOGHUE. Mr. Chairman, I will tell you exactly what we are doing and what we have done. Since Mr. Rhodes testified to you, I don't know about this particular incident you are talking about, Mr. Rhodes died shortly after he appeared before you, there is a new business manager of that local union, Mr. Mann, whom I have talked to. I checked with him this morning. Since he has been business manager no colored individual has applied except 2 weeks ago.

Mr. ROOSEVELT. That is not the point.

Mr. O'DONOGHUE. Let me continue and go further. You asked me what Plumbers Local No. 5 has done. As you know, this Metropolitan Washington area has been going nonunion over a period of years. The union contractors are doing a much smaller portion of work today than they did 10 years ago. The best part of the work outside of the Government work that is done outside of the District of Columbia in Maryland and Virginia, at least as far as plumbing and pipefitting is concerned, is nonunion.

Mr. ROOSEVELT. Why?

Mr. O'DONOGHUE. Wage rates. There are a lot of reasons.

Mr. ROOSEVELT. Obviously, though, contractors are able to go nonunion and get Negro nonunion people at a lesser wage who are competent to do the job. You can't, therefore, tell me that there is any excuse for local No. 5 not to have turned around and let some people get on your list so you could be in a position to compete.

Mr. O'DONOGHUE. Mr. Chairman, I am afraid you did not let me finish.

Mr. ROOSEVELT. I will be happy to let you finish.

Mr. O'DONOGHUE. Since Mr. Rhodes appeared here, Plumbers 5 and a sister union have been conducting an organization campaign on these out-of-the-District areas. We had four elections. Two we won and two we lost. We recently signed one of the seven largest nonunion contractors. He had among his employees doing plumbing work some colored men. These men are now members of Plumbers Local No. 5. Plumbers Local No. 5 is willing to take all of the employees of any nonunion contractor that are doing plumbing and pipefitting work if they will sign our contract.

We have been conducting an intensive organizing campaign. We have spent a great deal of money trying to organize these nonunion contractors and their employees, white or colored. We want them as members of our organization.

Mr. ROOSEVELT. What are you doing on your apprenticeship program to get them in there?

Mr. O'DONOGHUE. As I understand the various bureaus of the District of Columbia government, working with the Department of Labor, are preparing a list of qualified individuals. They are giving them an aptitude examination. They have gone around, I believe, and solicited all of the high schools here in the District to try to get qualified individuals.

The only requirements Plumbers Local No. 5 has, and many of these skilled trade unions, that the man has to be between 18 and, I think, 22 or 23, and have a high school education. The Department of Labor is going to permit this list—and the Assistant Solicitor has advised the local union he hopes he will have 20 or 40 individuals on that list who they are going to send to the apprenticeship training school, and request that they be given admission to the apprenticeship training school.

Mr. ROOSEVELT. Are you ready now to say you will accept them?

Mr. O'DONOGHUE. I will not say that we will accept all 40 of those. I say that they will be treated fairly and in a nondiscriminatory manner.

Mr. ROOSEVELT. I am not interested in all the pious statements. I want to know how many of those 40 or 20 that come to you are you going to open the door to and let into your training program?

Mr. O'DONOGHUE. I do not know.

Mr. ROOSEVELT. They have been screened. Everything has been done to make sure you get only the best. You don't have to tell me they will be treated fairly. You will find out that there is a reason because they are not sons of plumbers that they can't come in. You say you are treating them fairly. I am not interested in that.

What are you going to do in the way of opening the doors so these people can get the apprenticeship training?

Mr. O'DONOGHUE. We are going to open the door.

Mr. ROOSEVELT. How wide are you going to open it?

Mr. O'DONOGHUE. I have no idea at this time.

Mr. ROOSEVELT. Go back to the union and come back to this committee with a statement that means something. We are not interested in pious statements, as I said over and over again. I want to know in terms of jobs. I want to know in terms of people coming for application how many will be open to these Negro students who come,

properly screened and qualified to enter your apprenticeship training. When you are ready to answer that, come back and talk with the committee.

Mr. O'DONOGHUE. Mr. Chairman, I think you must understand that we only have a certain number of vacancies in that apprenticeship training program. To give an apprentice full training you must not have only classroom study, you must have on-the-job training for 5 years. These apprentices in this school are the last ones that are unemployed. Every effort is made to insure that they have continued employment during these 5-year periods. We have only so many jobs and so many spaces. I don't know personally the number of spaces.

Mr. ROOSEVELT. If you cannot at the present time assure these people jobs in the future, that is one problem we can tackle. But certainly if you are telling me that your employers will not give these people the opportunity of on-the-job training, you have as a union to give these facts to the Government and this committee now so we can discuss this with the employers.

Mr. O'DONOGHUE. I haven't said—

Mr. ROOSEVELT. You just said you only had a limited number of these spaces for on-the-job training.

Mr. O'DONOGHUE. That is right. That is the only work that our employers have. We are limited in the number of apprentices that can be taken by the amount of work. The contractors, in agreement with local No. 5 have, that is.

Mr. ROOSEVELT. What is the ratio they take and how is that decided?

Mr. O'DONOGHUE. By contract, I believe one apprentice is permitted for every five journeymen that are employed.

Mr. ROOSEVELT. If you can't and haven't because there is not enough work going around, that is one thing. Then maybe we go into a program which subsidizes and makes available on-the-job training. But I don't want you to come back here and simply say "We couldn't do it because." I want you to come back here and say "We want to do it and we can do it if something can take place."

I don't want you to be passive. I want you to be affirmative. You have been passive. You sat back and said "We can't help ourselves. There is nothing we can do in this thing."

Come back in here and tell us how to do it. Make a few suggestions as to how it can be done and we would be glad to take it up and try to help you do it.

Mr. O'DONOGHUE. Mr. Chairman, that apprentice training school has a list, I am sure, of 400 or 500 people who are waiting, and have waited for a long period of time to get a spot.

Mr. ROOSEVELT. They are all white people?

Mr. O'DONOGHUE. They are, and we have assured the Government that we will give preference to these people who are now being screened and will be referred to the committee. But as far as to the exact numbers, I don't know. I don't think they know. I think they have to look at the individuals. They have to weight a lot of factors in the selection of the individuals who are actually going to be taken into the apprenticeship training program.

Mr. ROOSEVELT. All I can say to you, that until now, and from the previous testimony we have had from the gentleman who unfortunately

died, not one bit of progress has been made between the time he appeared before this committee and now.

Mr. O'DONOGHUE. There has been progress. I just described to you how we organized one of the nonunion contractors.

Mr. ROOSEVELT. Because you were losing ground the other way, so you finally had to get a few more dues-paying members and organize something and go to work. I think that is fine. That is not what I am talking about as progress in the apprentice field. You have not made any progress in the apprentice field.

Mr. O'DONOGHUE. In the apprenticeship field?

Mr. ROOSEVELT. Yes.

Mr. O'DONOGHUE. We have never had anybody to apply.

Mr. ROOSEVELT. That is not an excuse, as I explained to you 100 times.

Mr. O'DONOGHUE. What you are asking us to do——

Mr. ROOSEVELT. Go out and get people to apply. Go to the Urban League and say "Help us get people to apply." Have you ever done that?

Mr. O'DONOGHUE. You are asking the committee to discriminate against all of the individuals on this lengthy waiting list.

Mr. ROOSEVELT. I am asking them not to discriminate. I am asking them to open the door and give people a reasonable opportunity to get on your list. I have evidence before this committee that people have been turned down and the door has been closed. We are asking that the door be opened, and until it is opened, until we can see that it has been opened, we are not impressed by any pious statements that you made about good intentions.

Mr. O'DONOGHUE. Mr. Chairman, you named one instance. I am not familiar with that instance.

Mr. ROOSEVELT. It is high time you became acquainted with it. It is a rather old one.

Mr. O'DONOGHUE. It is my information from the apprenticeship training committee, from the business agent of the local union, that no one has applied.

Mr. ROOSEVELT. I am just telling you that is not true and your information is not correct. I suggest you go back and look into it.

Mr. O'DONOGHUE. If you can give me any more——

Mr. ROOSEVELT. I just finished giving it to you on the record.

Mr. O'DONOGHUE. You gave one old example.

Mr. ROOSEVELT. It is not up to me to go back and dig up the examples. It is up to you to go back and get together with the Urban League and anybody else who is available in the community and do something about a situation that everybody admits is a serious situation in the community. You owe that as a part of your public duty.

Mr. O'DONOGHUE. I think these local unions, Plumbers Local No. 5 and its joint apprenticeship training committee, have discussed this matter with the various Government agencies.

Mr. ROOSEVELT. They have discussed it with us and not even gotten anywhere. They have discussed it with this committee and have gotten nowhere. This committee is not about to let this situation continue any more.

Mr. O'DONOGHUE. As I remember, Mr. Chairman, I was present the last time Mr. Rhodes testified, and when he testified, you turned to the Urban League representative and a few other representatives and

said, "Why don't you people get busy and take people up to that apprenticeship training committee and that local union," and that was not done. That is my information.

Mr. ROOSEVELT. But they got no cooperation from you, did they?

Mr. O'DONOGHUE. Cooperate—they never brought anybody.

Mr. ROOSEVELT. It is their job to bring them to you wholly. That is cooperation.

Mr. O'DONOGHUE. Of course. I think it is primarily their responsibility. As you were told we have a long waiting list of hundreds. We don't go out and get anybody to apply to that school. We only have so many spaces.

Mr. ROOSEVELT. That is the only way people can get employed in this area, and you know it, that is, to get on that list to become qualified. Isn't that correct?

Mr. O'DONOGHUE. No, that is not true at all. That is not true at all. A lot of these men learn their apprenticeship nonunion. As far as the plumbers local union is concerned, men solicit their own jobs.

Mr. ROOSEVELT. In other words, what you are telling me is that the apprenticeship program is not of great value in the employment?

Mr. O'DONOUGH. It is in giving training.

Mr. ROOSEVELT. It is in giving training; is that right? Then if all of its value is just in giving training, suppose we open up the doors altogether and give everybody training on some kind of a system and come up and ask if you need more funds to give more people training? That is what you ought to be interested in. It should not be a closed door at all, should it? I am asking if there are qualified people in the District who happen to be Negro and they want to get training along with the white people that you have on your list, if this is not an employment prerequisite that all it does is give them the training, and the Negro feels that he has no way of getting the training that will help him get the job later, isn't it then feasible for you to work out a program to open that door? It is not possible now to suggest ways by which we might make it possible to open that door so they can be trained under your apprenticeship program?

Mr. O'DONOUGH. I am afraid you are misunderstanding me. We can't separate the classroom study from the on-the-job training. They have to go hand in hand. You can't train a man in the classroom. You have to give him on-the-job training.

Mr. ROOSEVELT. Let us do that.

Mr. O'DONOUGH. That is what is done. As far as employment of apprentices is concerned with the contractors who are in agreement with us—understand, your contractors don't have a majority of the work in the area.

Mr. ROOSEVELT. How about the Federal work?

Mr. O'DONOUGH. Definitely they do, yes.

Mr. ROOSEVELT. Isn't there some way we can get some of these people employed on the Federal work as apprentices?

Mr. O'DONOUGH. The only apprentices that are working for our contractors—maybe I misled you in some way—the only apprentices which are working for local contractors are apprentices that are in the apprenticeship training school.

Mr. ROOSEVELT. That is right. That is just what I am trying to get at.

Mr. O'DONOUGH. But there is only a limited number of those that can work. If our contractors, say, double their volume of work, we double the number of apprentices.

Mr. ROOSEVELT. Can't we also, however, maybe try to think of some way in which we can have a program for on-the-job training of people under a different formula than you have now? You say it is a 5-to-1 formula?

Mr. O'DONOUGH. Five to one.

Mr. ROOSEVELT. Maybe, temporarily, we make it 5 to 2 until we get a few Negroes an opportunity to get the training.

Mr. O'DONOUGH. This 5-to-1 ratio is a nationwide pattern that has been worked out and has proved valuable because of the needs of the industry.

Mr. ROOSEVELT. All right, there is a greater need today, my good friend. We have to break down something, that the country, that the world, knows is wrong. Are you going to tell me because it has been done for 150 years at 5 to 1 it has to be done for 150 years more at 5 to 1?

Mr. O'DONOGHUE. I tell you how you could help us. You get some of these nonunion contractors to sign an agreement with us, who have all this work in this area, and we will broaden.

Mr. ROOSEVELT. That is the kind of subterfuge, Mr. O'Donoghue, and leading down the trail and trying to divert from the point, that this committee does not appreciate. I will tell you, frankly, that is the negative attitude which makes Plumbers Union Local No. 5 one of the targets that we have had to talk about. I would hope that you would drop that line and come in here and say: "If we can we will work out a way for the District of Columbia to make it 5 to 2." This is a national capital. This is a place where we want to set a national standard. If we can contribute to this we are going to try to find a way to do it and we will work with you to try to do it.

Mr. O'DONOGHUE. I have told you, Mr. Chairman, that the local union contractors have had meeting with the officials of the Department of Labor.

Mr. ROOSEVELT. The Department of Labor reported to me yesterday that they have seven ready to go and that the one toughest place where they don't seem to be making any progress is your union.

Mr. O'DONOGHUE. I can't believe that.

Mr. ROOSEVELT. It is true.

Mr. O'DONOGHUE. I can't believe that.

Mr. ROOSEVELT. You check with them.

Mr. O'DONOGHUE. They told the representatives of the contractors and the local union that they would contact them and they would present them with this list.

Mr. ROOSEVELT. That is right. But they also reported that you are the only one—not the only one, I beg your pardon—you are one of the ones who have not gone beyond that point. After the presentation of the list, no program, no suggestions by you that there will be any action.

Mr. O'DONOGHUE. That list has not been presented at this time.

Mr. ROOSEVELT. I didn't say it had. They don't want to present a list. They want to know after they present a list if there will be some action. You are one of the locals, and I emphasize "one of the locals,"

one of the trades, where there has been no cooperation beyond saying, "When we get the list we will see what we can do." I don't know why you want to argue about it. Why don't you say: "Now we are pledged and we will go forward to try to see and we will report what, specifically, we think we can do with at least some of the people on the list as we get it"?

Mr. O'DONOGHUE. I think they have already given that assurance to the Department of Labor.

Mr. ROOSEVELT. They have not given it and you have not given it to me.

Mr. O'DONOGHUE. I am not in a position to give you an assurance as to the exact number of individuals on this list who are going to be accepted.

Mr. ROOSEVELT. If you don't know—if you don't give me the exact number I want to know what and how are you going to try to at least take care of some of the members.

Some of the members on the list.

Mr. O'DONOGHUE. I think I can say this. That the local union and the contractors are going to do that.

Mr. ROOSEVELT. When I see it I will believe it. I am ready to wait to see and believe it.

Mr. O'DONOGHUE. Let us wait and see. Time will tell and it is not too far off.

Mr. ROOSEVELT. It can't be too far off.

Mr. O'DONOGHUE. As I understand the Department of Labor is in the process of preparing this list.

Mr. ROOSEVELT. But you better be ready when that list comes to you to have some plan of action ready on it or you will be back up before this committee, believe me. Mr. Hawkins, do you have any questions?

Mr. HAWKINS. I certainly want to say, Mr. Chairman, that I agree with everything that you have said. Certainly as a friend of labor I am becoming a little impatient also at the embarrassment that some of the unions actually place us in. Mr. O'Donoghue, I understand that recently a nonunion contractor was added to the membership of local 5, that is, the employees. Among that additional membership how many of those were Negroes?

Mr. O'DONOGHUE. Five.

Mr. HAWKINS. Is that the five you referred to?

Mr. O'DONOGHUE. That is right.

Mr. HAWKINS. So this is the total progress that you have made since the last hearing and this was made merely by adding a nonunion contractor to the list?

Mr. O'DONOGHUE. I won't say merely adding. We spent thousands of dollars to add that nonunion contractor.

Mr. HAWKINS. If this nonunion contractor had not been added then you would not have had any members, is that the situation?

Mr. O'DONOGHUE. No. Let me go back. We struck this contractor finally, and we had taken these men or some of these men into the local union prior to the strike which was way back in August of last year. We didn't sign the contractor—

Mr. HAWKINS. These were the members who worked for the non-union contractor?

Mr. O'DONOGHUE. That is right.

Mr. HAWKINS. Three were taken into the union?

Mr. O'DONOGHUE. That is right.

Mr. HAWKINS. As part of the effort to organize this nonunion contractor?

Mr. O'DONOGHUE. That is right.

Mr. HAWKINS. That is a sort of back-door entrance into the union, isn't it?

Mr. O'DONOGHUE. I won't say it is a back-door entrance.

Mr. ROOSEVELT. It is a side door.

Mr. HAWKINS. I am corrected, it is a side door.

Mr. O'DONOGHUE. You have to realize the nature of the industry, we have so many members and so much work. We could open up the doors to 3,000 members but we could not put them to work.

Mr. HAWKINS. I am trying to ascertain whether the fact is that the only Negro members of the union are those who were added as a result of the organizing campaign against a nonunion contractor?

Mr. O'DONOGHUE. That is a fact. We are continuing our organizing drive. We have a target of about 10 contractors, the 10 largest nonunion contractors, and we are continuing our organizing efforts. I believe many of the plumbers working for these contractors are colored.

Mr. HAWKINS. I assume it is necessary for a plumber to be licensed in the District by the local government?

Mr. O'DONOGHUE. Not a journeyman. Just a master plumber.

Mr. HAWKINS. Is any license at all required?

Mr. O'DONOGHUE. Yes, for every job you are required to have a master plumber and a master plumber's license.

Mr. HAWKINS. Are the nonunion plumbers licensed in any way by any licensing law in this District?

Mr. O'DONOGHUE. Yes, there are a great deal of master plumbers who are nonunion.

Mr. HAWKINS. I assume they must meet certain standards in order to be licensed?

Mr. O'DONOGHUE. Let me explain this to you. Generally in the District of Columbia, a journeyman plumber doesn't have to be licensed. But the contractors are all master plumbers and they have to be licensed. In other words, every job has to have a master plumber on it but that is generally the contractor. He has the license, although there are many master plumbers.

Mr. HAWKINS. Is it possible for me to go out and become a plumber tomorrow morning without any skill in the field? What would I do if I wanted to become a plumber? What would I have to do if I wanted to work for a nonunion contractor?

Mr. O'DONOGHUE. You would probably go into a nonunion shop and learn the trade.

Mr. HAWKINS. This has been the only way in which Negroes have been able to get into the industry?

Mr. O'DONOGHUE. It is the way anybody gets into the industry.

Mr. HAWKINS. Not those that are fortunate enough to have some acquaintanceship with local 5. How do they get into the union?

Mr. O'DONOGHUE. Local 5 takes in journeymen.

Mr. HAWKINS. Do you have journeymen training?

Mr. O'DONOGHUE. This apprenticeship training school gives advanced journeymen training also.

Mr. HAWKINS. What about the helpers of local 115? Is there any effort made to advance them into the plumbers local?

Mr. O'DONOGHUE. I don't believe so. They have certain work jurisdiction and that is their local union. Just as there is no effort to advance the plumbers into the electricians.

Mr. HAWKINS. Local helpers don't become plumbers, is that the situation?

Mr. O'DONOGHUE. No.

Mr. HAWKINS. Certainly Mr. O'Donoghue, I again want to underscore what the chairman has said. He said and I certainly hope that the next time we have a representative from your union before this committee that you at least will be able to show much more progress than the addition of members merely by the method you have indicated today. I am not satisfied that is the correct method. I don't think it is good for trade unionism either. Certainly I hope you will show some progress. I am very impatient about the thing, I must confess.

Mr. O'DONOGHUE. I might say this, Congressman. This problem we have been actually spending the most time on here discussing is something entirely unrelated to this problem that is raised in Mr. Latimore's statement.

Mr. ROOSEVELT. It is not really, Mr. O'Donoghue, because as it was raised by Mr. Latimore it was raised in the context that it was impossible to get into Plumbers Local 5 if you were a Negro. That was the flat statement that he made. In discussion with Mr. Hawkins you have brought out the fact that since the last hearing at which we said we thought some means should be found to change this situation, the actuality is that the only people that have changed the situation are people who have come in through this side door of your taking over some workers of a nonunion contractor in order to get him to submit to organization. That is not a very fundamental program, it seems to us. It is time to open up the door of your list of apprentices who are waiting and see that the opportunity to get on those lists be opened to a reasonably large segment of the community that seems to be now excluded. I am willing to wait and see what happens in the month of June with the Labor Department and your local when they present the list to you of 20 to 40 people they will have certified to you as competent educationally and otherwise to find a way to get them in. Very frankly if you just come back in and say there is not enough work and the ratio of 5 to 1 is sufficient that it doesn't open the door, that is going to be no answer to the majority of this committee. Mr. Bell, do you have any questions?

Mr. BELL. Mr. Chairman. Mr. O'Donoghue, I want to state first of all that I, too, completely agree with the remarks made by the chairman and Mr. Hawkins. I think this is a dam that is going to burst but we are going to have to push it and make it move faster. I noticed as I came in that you said something to the effect or did I understand correctly that the majority of the people that can apply for this apprenticeship training must have a high school education?

Mr. O'DONOGHUE. Eighteen years old and a high school education. I believe that is the only requirement. They can't be beyond a certain age.

Mr. BELL. Is it necessary in their training they have a high school education?

Mr. O'DONOGHUE. Very definitely so.

Mr. BELL. It is very definitely necessary?

Mr. O'DONOGHUE. Yes. They take a great deal of mathematics, blueprint reading in this apprenticeship training course, surveying.

Mr. ROOSEVELT. If my colleague would yield, however, that is not a necessary requirement of the plumbers laborers union, is it?

Mr. O'DONOGHUE. No.

Mr. ROOSEVELT. You know of no such requirement in that area?

Mr. O'DONOGHUE. No. The apprenticeship training course has been approved by the Department of Labor. It is a rather detailed, complex, and complicated course and it turns out at the end of the 5-year period a very highly skilled competent craftsman.

Mr. BELL. I have no further questions, Mr. Chairman.

Mr. ROOSEVELT. Thank you very much, Mr. O'Donoghue. We will certainly welcome the additional statement you said you would like to make to the committee. I can assure you that following the June conferences we will be in touch with you to take up the matter further.

Mr. O'DONOGHUE. If I might make one further statement or comment, Mr. Chairman. We do believe that the problem we have just discussed is one problem. The problem of Mr. Latimore is a jurisdictional dispute and we resent the fact that this racial question has been injected in that dispute when it just doesn't exist there. This dispute exists all over the country and has absolutely nothing to do with this question of race, color, or creed. We also want to say to this committee we would request that this committee investigate and find out who prepared that statement for Mr. Latimore. Whoever prepared it was intimately familiar with the record, this 10,000-page record, and we are sure if an investigation is made it will be discovered that was either prepared by the laborers international or representatives or lawyers assisted in the preparation of it.

Mr. ROOSEVELT. There is nothing wrong about that, Mr. O'Donoghue. Anybody can assist a witness in the preparation of his statement. His statement will stand on its own according to the facts. You have told us where to look for the facts. Counsel is instructed to look for the facts. If there is no racial question, if as you indicated there is this other union which is an affiliate of the Plumbers Union which is open to Negroes on the laboring end of it, if the agreement exists and is valid, then the specific complaint of Mr. Latimore with respect to his union is a matter which we would no longer feel we had to pursue further. However, the basic racial problem had been raised before this committee previously with reference to Plumbers Local No. 5. We will proceed as you have requested to satisfy ourselves concerning the claims you have made as against the claims Mr. Latimore has made. If we find that you are accurate and the situation is as you have pointed out, as far as your pursuing any further our request with respect to Mr. Latimore, that would end the matter. That does not end the matter, however, with the basic other problem which is raised here with respect to local No. 5.

Mr. O'DONOGHUE. I would agree with you there, Mr. Chairman, but our purpose in appearing here is to make clear to this committee that these two things should be segregated and separated.

Mr. ROOSEVELT. We don't like the word segregated but we will proceed to separate them.

Mr. O'DONOGHUE. Separated, excuse me. I used the wrong term in the wrong forum. But they are two separate items and this question of this jurisdictional dispute has absolutely nothing to do with this problem of discrimination.

Mr. ROOSEVELT. Thank you, sir. The committee will now hear from Mr. Linton Collins, counsel for the District of Columbia Board of Trade.

I am happy to welcome you before the committee.

STATEMENT OF LINTON M. COLLINS, METROPOLITAN WASHINGTON BOARD OF TRADE

Mr. COLLINS. Thank you, Mr. Chairman, I am very happy to be here.

Mr. ROOSEVELT. Make yourself comfortable and proceed as you wish.

Mr. COLLINS. Thank you very much.

Mr. Chairman, and members of the General Subcommittee on Labor: I am Linton M. Collins, a member of the bar of the District of Columbia, a director and also the general counsel of the Metropolitan Washington Board of Trade. The statement I will now make has been approved by the executive committee of the board of trade and I am authorized by the committee to present it to this subcommittee today.

Mr. ROOSEVELT. This sounds very well and officially prepared. We appreciate it.

Mr. COLLINS. We appear in response to Chairman Roosevelt's invitation dated May 16, "to testify on the problem of employment discrimination within the District and the position of the board of trade in relation thereto." It should be noted that our executive vice president, in a letter on May 13, informed counsel to the subcommittee that with respect to H.R. 405—

We would not be able to submit anything of value to your committee, since we are a local organization concerned with Metropolitan Washington. We've had a policy of our board of directors for many years against becoming involved in national legislation proposals, since we look to the Chamber of Commerce of the United States and similar organizations to cover such matters.

According to the Washington Post of May 8, 1963, this subcommittees' decision "to hold a special 2-day public hearing on the problems of racial discrimination by employers in the Nation's Capital * * * came in response to a request by Representative Adam Clayton Powell." This article referred to Mr. Powell's criticism of the board of trade when he alleged that, "it has done nothing to help solve the problem of discrimination." It also contained excerpts of a statement by the board of trade following Mr. Powell's comments on May 5, 1963. We believe our complete statement released on May 7, 1963, should become a part of this record. It reads as follows:

Any statement or implication that the Metropolitan Washington Board of Trade controls or attempts to dictate individual employers' policies concerning the employment of Negroes is completely erroneous.

The board recognizes that each employer should and does have full responsibility and authority to determine his own personnel policies within the provisions of applicable statutes. As we have for many years and as our member firms insist, we refrain from suggesting specific hiring practices, particularly those involving race, creed, color, or partisan political considerations.

From time to time the board of trade does adopt policies concerning broad community improvement goals. The latest such action with respect to Mr. Powell's comments was by our board of directors on April 1, 1963, when a joint report of our education and public protection committees was adopted which included the following:

"Steps should be taken to create a program to provide worthwhile employment as well as the teaching and training in employable skills for youth who cannot otherwise secure gainful employment. Priority should be given to school drop-outs. Teaching and training of employable skills should be emphasized.

"The board should make concerted efforts to encourage assimilation of Negro workers into the labor unions and particularly the building trades. This can only be accomplished in a coordinated effort by the business community and the labor unions. The business community should occupy a position of leadership in the development of new employment opportunities for Negroes."

Before I continue that quote, Mr. Chairman, if I may, I should desire to hand to you as an exhibit a copy of an editorial from the Washington Post of April 15, 1963, in which that periodical complimented the board of trade upon its statement of policy and action on that matter.

Mr. HAWKINS (presiding). Without objection, and if it is your desire, Mr. Collins, we will enter this into the record at this point.

(The material to be furnished follows:)

[Editorial from the Washington Post, Apr. 15, 1963]

BUSINESSLIKE BUDGET

Of all Washington's civic leadership, the board of trade has repeatedly demonstrated itself the most persuasive in dealing with Congress. The board's outspoken support for an expanded school budget, then, is doubly gratifying. In its recent statement, the board concluded—

"that the recommendations of the MacCarthy report are valid and sound, but that many will go unheeded and cannot be implemented unless adequate financial support is forthcoming. One of the glaring deficiencies in the public school system appears to be the lack of sufficient numbers of trained counselors. It is readily apparent that the public schools need an adequate budget to support their acquisition. Perhaps of greater importance is the need for adequate funds for the construction of more schools and the acquisition of more teachers to insure smaller classes, classes for slower pupils and special classes for pupils with severe behavior problems."

While this newspaper disagrees with some of its specific disciplinary proposals, it can only applaud the board's highly constructive suggestions for improving the young high school graduate's opportunities for employment. The board not only announces its support of better vocational training, but calls for consideration of matching grants by industry to boys in technical institutions. The board recommends experimental projects "in which high school pupils may be integrated into local industry and business with business and industry sharing the cost." Until the employment rates among young Negroes can be raised, after all, the atmosphere in the schools cannot be greatly improved, or for that matter the atmosphere of the streets. The board has perceived that a sufficient school budget is not a matter of philanthropy, but of the most direct self-interest for everyone who lives in this city, or carries on business here.

Mr. COLLINS (reading):

Appropriate means of implementing this policy are being formulated. In addition, board of trade representatives are actively participating in the work of the United Planning Organization, the Juvenile Delinquency Planning Board, the Commissioners' Manpower Committee and other groups concerned with the problems Mr. Powell recited.

In conclusion, it should be said that the solution or improvement of these and related community problems will require the initiative and the wholehearted cooperation and leadership of Washington's many fine Negro citizens. We do not believe that the kind of leadership exhibited by Mr. Powell last Sunday contributed to an easing of tensions and correction of unsatisfactory conditions.

The board of trade has always recognized each employer's right to establish and observe his own personnel policies and considered it inappropriate to infringe on those prerogatives. Our philosophy with respect to board of trade responsibilities in these matters was well and correctly stated by our then president to Mr. Julius W. Hobson, president of CORE, in a letter dated August 4, 1961, which contained the following pertinent paragraphs:

You ask the board of trade to cooperate with CORE in its efforts to achieve job equality. We have considered this very carefully and have been unable to perceive how this can be done effectively. We have not heretofore engaged in such activities for at least three reasons which in our opinion make the board inefficient respecting them now and in the foreseeable future.

(1) This organization is a voluntary membership association which can be and has been a valuable business and community agency in many areas, such as attracting new business to Metropolitan Washington, tourist promotion, taxation, community facilities, local government operation and the like. Such activities can be pursued with the approval and support of our members.

On the other hand, the widely diversified group of business and professional people and firms comprising the board makes some activities inappropriate for and/or unacceptable to large segments of our membership. For example, pricing some trade practices, competitive merchandising programs, and fiscal policies and practices. Additionally, and specifically to the point at hand, the board of trade's assistance is not sought and would not be welcomed by member firms concerning their internal operating policies, including personnel practices.

(2) In the board of trade, as in any voluntary association, people of widely diverse views concerning some subjects do nevertheless cooperate fully and beneficially in seeking objectives commonly sought by the overwhelming majority. If and when those in authority disregard this proven principle and participate in activities considered by many members to be inappropriate intrusions in their private affairs, then such members nominally withdraw from the group and in due course it becomes an ineffective agency for accomplishing those objectives in which all had and still retain a common interest."

May I add, that has been our experience.

(3) Since its organization in 1889, the board of trade has followed the policy of not becoming involved in racial, religious, and partisan political activities.

In the circumstances, I am sure the committee will understand that we have assembled no data respecting employment practices as they relate to race, creed, nationality, or partisan political affiliation. The only factual information we have respecting District of Columbia employment is material compiled by the Census Bureau, the U.S. Employment Service, particularly its recently completed "Skill Survey of the Washington Metropolitan Area, 1962-67," dated May 2, 1963, and similar public documents which the committee doubtless has in its files.

We understand that most businessmen are alert, as they must be, to changing conditions and are striving to adjust personnel practices to the requirements of present and future market factors. This is a laborious, time-consuming process in many business classifications, particularly those dealing with a large predominantly white clientele.

It is general knowledge that competent trained Negro personnel are scarce in many occupations and that firms which have adopted progressive nondiscriminatory policies are having difficulty securing qualified Negroes for many jobs. Nevertheless, it would appear that considerable progress has been made.

For some time the board of trade has been appraising community social developments. We are most hopeful that appropriate constructive programs respecting them may be developed promptly. This, too, is a laborious, time-consuming process for an organization which was

formed for—and has devoted three-quarters of a century to—business, economic and physical development of the Nation's Capital.

It is complicated by the fact that nearly two-thirds of the population of the city of Washington resides in nearby Maryland and Virginia and that a rapidly increasing portion of its employment is also outside the District—which is but the central core of the entire city. Several years ago we changed our name and purposes to encompass Metropolitan Washington. Since then we have made important strides to metropolitanize our interests and activities. This is relatively easy with respect to new business development, tourist promotion and similar work. It is not so with respect to social matters.

The board of trade recognizes that in today's world an organization of business and professional people must broaden its interests and activities for community good to include matters which were considered to be outside its purview in the past. It is seeking ways of doing this effectively with respect to the problems under discussion today and other community social concerns.

As examples of the board's efforts in this direction, let me cite just a few present activities which just a short time ago would have been considered to be outside the area of interest of the organization.

Our executive vice president is serving as a member of the technical committee which has been establishing the United Planning Organization and our president recently became a trustee of this newly organized group.

A vice president of the board of trade is serving as a director of the Juvenile Delinquency Planning Board, another newly organized agency.

At a meeting of community leaders in the Attorney General's office last week, at which the Attorney General was seeking support of business and community leaders for this program, the president of the board of trade assured the Attorney General that the board would wholeheartedly cooperate in efforts to make the summer hiring project for 16- to 18-year-olds an important project of local business establishments.

If I may interrupt a minute, Mr. Chairman, for your information I am going to hand you a special bulletin which was forwarded to our members—service members—on May 10, 1968, before this meeting of which I spoke last week.

I might also tell you that in following that up, the board of trade is getting out a letter now to the major employers in this community. I think it is going out today, urging them to do something about this particular program in which everyone is so much concerned.

Mr. ROOSEVELT. Thank you, Mr. Collins. This bulletin is already in the record, but in order that it may follow smoothly in the record, without objection, we will have it included immediately following your testimony again.

Mr. COLLINS. Fine, sir.

Our executive vice president and another member are serving on the Commissioners' Manpower Commission which is administering the program provided by the Manpower Development and Training Act.

These activities clearly show that the Metropolitan Washington Board of Trade is aware of the problem confronting our city. We

are hopeful that programs may be developed promptly which will make a substantial addition to the progress already made, as shown by the following excerpts from the "Skill Survey of the Washington Metropolitan Area," published by the U.S. Employment Service for the District of Columbia, U.S. Department of Labor, on May 2, 1963, page XI:

The job market for Negroes in this area has widened greatly in recent years, and shows every sign of widening further.

From page 29:

As a result of the changes which have already occurred and have absorbed previously existing reservoirs of unused skills among Negroes, and as a result of changes now taking place, it seems evident that young Negroes now entering high school or college and planning to enter the labor market in 3 or 4 years, need not limit their aspirations based on past discriminatory practices. They may plan for a skilled job market in the area of about the same breadth and depth as may the young white students.

Thank you, sir.

Mr. ROOSEVELT. Thank you, Mr. Collins. May I say that the last official quotation is one of a pious hope which very obviously the evidence before this committee does not substantiate. It seems to me, though, Mr. Collins, that there is some inconsistency in your testimony.

You say on page 2 "We refrain from suggesting specific hiring practices." Then you turn right around and tell us specifically how you are going about to suggest to your members how to hire under the delinquency program.

Mr. COLLINS. Mr. Chairman, I think that is reconcilable.

Mr. ROOSEVELT. I am glad it is reconcilable and if you can do it there you can find a way to do it in the other area also.

Mr. COLLINS. As I stated, this is a voluntary organization as any chamber of commerce in the United States would be. It is the one community organization in any city. We could not instruct any business firm belonging to our organization that "you must do this or that" in connection with their personnel policies.

However, we are endeavoring, and I think I can say safely that the majority of the members of the board and the leading members of that organization are cognizant of the situation that exists and are beginning to think in terms of doing something about it.

It is a situation that must evolve and I am sure you can appreciate what I mean by that.

Mr. ROOSEVELT. Yes, sir. But if you sent out a special bulletin, headed "Summer Employment of 16- to 18-year-olds," which I think is fine—I am praising you for it—why can't you send out a special bulletin which would be headed something along the line that the time has come to break down racial inequalities in the Metropolitan Washington area?

Mr. COLLINS. I think that would be a little difficult at the present time under the existing situation, confronting our membership, in this voluntary organization. We are doing what we can without interfering or intruding into the private problems or any particular problems of any particular business firm, which they would resent.

Mr. ROOSEVELT. I didn't ask you to intrude in them. I asked you to send out a simple bulletin. You are not intruding when you suggest to them that they try to give summer employment to 16- and 18-year-olds.

Mr. COLLINS. We are following that up and asking them to cooperate in this program.

Mr. ROOSEVELT. Why shouldn't you also ask them to cooperate in a program which would try to give to qualified members or to get qualified members employment in areas where we know that there is underemployment in a certain segment of the District's population?

Mr. COLLINS. I am certain we are coming to that and very rapidly.

Mr. ROOSEVELT. Please do, that is the most encouraging thing you said yet. You said a minute ago it couldn't be done.

Mr. COLLINS. We are coming to it. We have to be careful. We are walking on a narrow line, I know you can appreciate.

Mr. ROOSEVELT. The line is not so narrow. I am afraid there are too many people who are afraid of walking on edges when the edges are not there at all. If they get out and walk I think they would find the path is pretty broad and they would have a lot of good support. It is that fear, why it is there, I don't know, unless it is the intensity of some people who make more noise than the rest of the population.

We saw the same thing in Birmingham, Mr. Collins. We saw exactly the same thing happen as you describe. The voluntary boards, there was no leadership, there was no effort, until the thing reached a boiling point. Then what happened. Then the volunteer responsible members of the community who had never up to that time opened their mouths until there was real discord and a real blowup, then they came forward and did the job. Isn't it a much better program to try to do it before that happens.

Mr. COLLINS. I personally would agree with that. If I may make a personal observation, too, Mr. Chairman.

Mr. ROOSEVELT. I recognize you reasonably couldn't clear this with the board but you go ahead and make it.

Mr. COLLINS. I think it is encouraging in the situation to which you referred that the business leaders of that community were the ones that finally moved in to try to work out an answer.

Mr. ROOSEVELT. But mighty late. Actually the trouble is it is encouraging that they did it at all, I have to agree, but it is very discouraging that they didn't do it until the whole thing had blown up.

Mr. COLLINS. Let us hope that won't happen here.

Mr. ROOSEVELT. Let us hope it doesn't happen here. Frankly we have asked you to come before this committee so that you will implement the kind of things you have done in other areas. You have detailed them to us here. We hope that you will try to make some effort in the board of trade to circulate the information that has been placed before this committee that will be in the record and draw the attention to the fact that if they will exercise their responsibility now, it will not have to happen in Washington.

But it undoubtedly will happen unless the community exercises the kind of leadership which came much too late in the case of Birmingham. I want to urge you, for instance, to recognize that part of the reasons for H.R. 405 is that there is well established in many areas discrimination not just because of race but because of religion in some areas.

It is because we know we cannot live as Americans in a community where those things are practiced. Actually I think you find if you examine into it, or if your members would examine into it, it is in their monetary interest to eliminate it, too.

If we can raise the income level of the part of the population that now is lower than the other part of the population—the Negro population is not equal to the white population—if we could raise this without lowering the other, then we are in a position where everybody profits. Won't you agree with that?

Mr. COLLINS. Personally.

Mr. ROOSEVELT. These are our efforts. I commend you for the sentiments that you have expressed. You say frequently here that you hope that programs will be forthcoming. It is a very nice hope. But hope unfortunately is not enough at this time. We have to push them.

We have to bring them about. Just as I am sure you would agree that if there was a serious matter here in the District that had to do with taxation, you would not just hope that some program could be worked out about it that would be fair to stop business from being driven out of the city.

You would come together with a program. You would work on a positive step. Mr. Collins, you have a fine organization, and you yourself, I know, through long and intimate association, have all of the ability to do this job. I think you have made the case here today for doing it. We appreciate your coming forward to us.

Mr. COLLINS. Thank you.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. I have a couple of brief questions, Mr. Collins. May I commend you on a forthright statement, although I don't agree with much of it. On page 2 of this statement you say that the board should make considerable efforts to encourage the assimilation of Negro workers into the labor unions and particularly the building trades.

In view of the fact that you have said that the board of trade has nothing to do with the internal operating policies of your members, I am wondering how you can possibly reconcile that with this statement which tends to imply that you are going to make some concerted efforts to encourage the assimilation of Negroes into the labor movement.

How do you propose to do one that doesn't involve your membership and refuse to accept the responsibility that involves your membership?

Mr. COLLINS. I believe my statement has stated that we are getting into an area which heretofore would have been considered to be outside of the purview of the function of a board of trade or chamber of commerce. This is the first statement of policy that the board has made on this social problem.

I have tried to bring out that the board members, many of them, are conscious for the first time, perhaps as the chairman has said, a little late, of what the problem is. We are encouraging that. I don't believe we could take any given firm in this town and go to them and say you have to hire a number of people. We can encourage them to look at this situation and do their best to help in some of it for the community's good.

Mr. HAWKINS. I am not disagreeing with you completely. I feel there is more that you could do. But assuming that is your policy, then perhaps you are going to live with it. I am simply looking at the apparent contradiction that you intend to do something about the membership of trade unions, that you say you can't do with your own membership.

I am wondering how you reconcile those two positions.

Mr. COLLINS. I don't know that I could answer that, Mr. Hawkins.

Mr. HAWKINS. To be consistent it would seem to me that you should encourage the assimilation of Negro workers also into the labor force of those members that belong to the board of trade just as you have suggested that it should be done with the trade unions. Let us leave it at that, then.

On page 6 you also say that we are hopeful that programs may be developed promptly which will make a substantial addition to the progress already made. Then you refer to the very fine statement that you concluded with. On this we certainly take no objection. I am wondering if there is any specifications that you can give to us that are a little bit more than a hope that you have that programs may be developed promptly.

What do you mean by programs should be developed promptly? What type of programs are you hoping should be developed?

Mr. COLLINS. There are several committees. The board of trade has probably some 30 standing committees and they are probably very large in size, of 40 members or more on each of them. They meet and work very conscientiously. I think there are a number of those committees that are studying now some of these problems to see what programs we can go forward with.

Mr. HAWKINS. Certainly, Mr. Collins, I believe inasmuch as it has been expressed that there are certain tensions in the District which are likely to become worse it would seem to me it would go a long way toward preventing those tensions becoming worse if the public generally knew more about your program and some specific plan that you would have as a board of trade to do something about easing those tensions, particularly in the field of employment.

May I merely suggest that I think it would be a real contribution that you have the opportunity of making in this District to the easing of those tensions by making more widely known what specific plans that you have other than expressing what seems to be hopes for this development and things that are going to happen in the future.

I certainly hope you can outdistance local 5, which we have just heard from, in making progress. It seems that both of you are making progress very slowly. It is a little disappointing to some of us, I assure you. Maybe you have been making more progress than what you have been willing to tell us but I certainly hope that for the future of the District and the things that have been expressed about mounting tensions, that we do have more specific programs emanating from the board of trade in the future.

Mr. COLLINS. I believe you will, Mr. Hawkins.

Mr. HAWKINS. Thank you very much.

Mr. ROOSEVELT. Mr. Bell.

Mr. BELL. Mr. Collins, I note that on page 2 you stated that your committee on education and public protection adopted a resolution which said that steps should be taken to create a program to provide worthwhile employment as well as teaching and training in employable skills for youth who cannot otherwise secure gainful employment and priority should be given to dropouts.

What steps in this direction specifically has the board of trade taken?

Mr. COLLINS. Mr. Bell, I don't believe I could personally answer that. I do know that the education committee is making some studies

on that now. I do know that through the agencies, of which I spoke, in which we are participating now as a part of the board of trade work—the manpower organization, United Planning Organization, the Juvenile Delinquency Planning Board—thought and studies for finding means of giving skills to people, who need them for new work, are being considered.

Mr. BELL. Going on a minute, I think one of the main points the chairman is trying to get at also, as you know as well as I do, that having jobs and training and so forth for our youth is one thing. But not having the jobs available other than Government for them is something else.

I agree with the chairman very much that we have all got to make a much greater effort than we are making in this direction. I would like to know how many nonwhite members are on the board of trade. Tell us something about the composition of the board of trade.

Mr. COLLINS. The board of trade always has been predominantly white. We have elected in the last several years quite a number of the outstanding Negro citizens of this community to its membership.

Mr. BELL. How many of them are there?

Mr. COLLINS. I don't know the exact number. I am sure there are 15 or more. I know there are several names of important colored citizens in this community up for election right away. I have been so advised.

Mr. BELL. Are any of these nonwhites on the policymaking level?

Mr. COLLINS. No, sir. I would say this. That those colored gentlemen who are members of the board of trade have been invited to every function and meeting of the board of trade. Some of them have attended. Commissioner Duncan of the District of Columbia is a member of the board of trade.

As a matter of fact, I went to a board of trade dinner today to honor Senator Fulbright and I sat next to Mrs. Duncan.

The Commissioner was there, Mr. Duncan. I do know that several of these men come to our functions regularly, social and otherwise.

Mr. BELL. Mr. Collins, do you actually believe that you would actually lose memberships if you were to make a statement such as the one the chairman suggested, that you feel there should be carried on fair employment practices among all industry?

Some kind of broad statement like that, do you think that would actually cause loss of memberships or problems for you?

Mr. COLLINS. I think there would be some. Some people are peculiar about that, as I am sure you well recognize, Mr. Bell. I think we are moving forward and I think we have made tremendous progress. I think the board of trade, or some of its officers feel, they can claim credit for a lot of the progress that has been made in the District of Columbia through and by our quiet but effective work.

I hope it can increase. I shall bring to the attention of the board of directors at its next meeting what both you and Mr. Hawkins have suggested. And the chairman.

Mr. BELL. I think it is of utmost importance to the great stake that the board of trade has in the social and business climate of this community that they must do more than just passively sit by and watch things going on here that we know can be substantially improved upon.

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I think that a greater effort must be bent in this direction. Thank you; that is all, Mr. Chairman.

Mr. ROOSEVELT. I know you are in a hurry. I will ask Mr. Pucinski if he has a question. Mr. Collins, unfortunately, has another appointment.

Mr. PUCINSKI. No, Mr. Chairman.

Mr. ROOSEVELT. The next witness before the committee is Mr. J. Hillman Zahn, vice president, Chesapeake & Potomac Telephone Co. Mr. Zahn, we are happy to have you, sir, and appreciate your cooperation with the committee.

**STATEMENT OF J. HILLMAN ZAHN, VICE PRESIDENT, THE
CHESAPEAKE & POTOMAC TELEPHONE CO.**

Mr. ZAHN. Thank you.

Mr. ROOSEVELT. I am sorry we could not get to you this morning.

Mr. ZAHN. That is perfectly all right.

Mr. ROOSEVELT. I propose that you proceed in the manner most convenient to you.

Mr. ZAHN. Mr. Chairman, and members of the general Subcommittee on Labor. In my position as vice president I am responsible for all operations of the Chesapeake & Potomac Telephone Co. My company is glad to be of any assistance that it can to your committee in its investigation of employment practices within the Washington community.

The committee requested that we have a representative at this hearing because of our experience in the District of Columbia. In my remarks today I will report regarding my company's employment policy, the progress we have made in employing persons of minority groups—particularly Negroes—and our experience in implementing our integrated employment policy.

It is the policy of the Chesapeake & Potomac Telephone Co., that all applicants for employment and all employees are recruited, hired, and assigned on the basis of merit without discrimination because of race, creed, color, or national origin. The employment policies and practices of the Chesapeake & Potomac Telephone Co., are such as to insure that all of its employees are treated equally and that no distinctions are made in compensation, opportunities for advancement, including upgrading, promotion, and transfer because of the employee's color, religious belief, or national origin.

The preceding paragraph is a direct quotation from the "Plan for Progress" which the company voluntarily signed in mid-1962 in cooperation with the President's Committee on Equal Employment Opportunity. In taking this action, the company reaffirmed its non-discriminatory employment policy established some years ago.

We have been actively recruiting employees in a nondiscriminatory way and we have made evident to the community that we were really not concerned with an applicant's color. The result has been that where we had 506 nonwhite employees at the time of our June 30, 1962, report to the President's Committee on Equal Employment Opportunity, we today have over 650. This is 10 percent of our present total employment. This percentage has increased from 7.8 percent on June 30 of last year.

My company ordinarily recruits the bulk of its employees from the local high school graduating classes. Young girls start out as operators or clerks. Some young women with more experience or perhaps a college education are employed as service representatives—our top vocational job for women.

Young men come into the business as office assistants, motor messengers, coin collectors, or perhaps as framemen working in our central offices or as cable splicer's helpers. There is considerable turnover among the young women—they leave in order to get married.

And, I might add, raise families. The young men generally stay with the company and make the telephone business their career. Promotions to more responsible jobs within the work force including management jobs are the rule as employees gain experience and increased skills.

We have a tradition of promotion from the ranks on the basis of demonstrated ability which we think makes employment with the company attractive and makes effective use of people's abilities.

I believe that today we are getting better qualified nonwhite applicants than we were getting in the past. I think it is because such employees, or potential employees, have learned that they can progress in accordance with their capabilities and they get satisfaction from this knowledge.

That is the kind of atmosphere we think is conducive to healthy employee morale and to operating efficiency in the company.

No significant public resistance has been experienced in implementing the company's merit employment policy. Some years ago there were several minor incidents which were readily closed when the policy, its basis, and background were explained to the individual customers involved.

Except for a few minor incidents, which are now history, there has been no employee resistance to the work force integration under the company's merit employment policy.

All of this leads me to the conclusion that offering equal opportunities for employment to all members of our community is good business for my company as well as helping in the solution of a serious community problem.

Mr. ROOSEVELT. Mr. Zahn, may I very frankly commend you for what I consider to be an excellent statement. Your company was cited this morning by the representatives of the Urban League as one of the companies that had made a sincere and honest effort to progress along the lines which you have outlined.

I don't know whether you want to comment on this. But if this is true for a company of the size, of the type of employment which is available in the telephone company, can you honestly say that this is not possible for almost any kind of occupation that you can think of?

Mr. ZAHN. I can say that I have recommended our policy to anyone or to many other employers that I have discussed this with.

Mr. ROOSEVELT. Again I think you have highlighted on page 2 your increase from 7.8 to 10 percent. I know that shows progress in the right direction and I know you will continue to work in this area, particularly because in this area the situation may be a little more difficult than you may find it in other areas.

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I can only voice the hope that your statement can somehow—Mr. Collins has left—I am going to see that he gets a copy of your statement, and if we can get the same philosophy adopted by the other business people of this community I think we are going to make some real headway.

I recognize and I want to emphasize that hand in hand with this—and I would like your comment on this—must go a continual effort in certain other areas. This perhaps is the core because once you have established this, as you say very eloquently, when the community understands that there is this opportunity in your company, you get better qualified personnel.

Mr. ZAHN. That is right.

Mr. ROOSEVELT. Similarly the lesson to be learned is that we cannot fall back on the fact that people just don't seem to be qualified. We have to make sure that the opportunity to be qualified is there and that once qualified then they know they can make use of those qualifications. The two things seem to me to go almost hand in hand. Is that not correct?

Mr. ZAHN. They most certainly do. It is amazing, as a larger employer—we are employing a large number of people—even though we advertise the fact that we want applicants, we still run into the situation where people apparently don't know we are hiring.

We have advertised regularly for employees, and we are now entering our busiest season. During the months of June, July, and August we will probably take on 60 to 75 percent of all the people we will hire for the year.

Mr. ROOSEVELT. Are you getting cooperation from the unions that you work with?

Mr. ZAHN. Yes. Our union is in complete accord with our employment policy.

Mr. ROOSEVELT. Are these the Communication Workers?

Mr. ZAHN. The Communication Workers of America.

Mr. ROOSEVELT. Mr. Pucinski.

Mr. PUCINSKI. Mr. Zahn, I want to congratulate you on your testimony and I want to congratulate you for bringing along my former colleague, Jim Munde, the greatest utility expert produced in Chicago. You are fortunate in having him. Jim was a newspaperman in Chicago and he was the best utility expert in the field and I presume that is why A.T. & T. hired him because he was doing a great job on keeping the people of Chicago informed on the intricacies of utility operations.

I was very much impressed with the statement you made on page 3 where you say no significant public resistance has been experienced in implementing the company's merit employment policy. If you can make a statement like that here in Washington, D.C., where we know that there is a rather serious cleavage between certain elements of another community, then this represents a great deal of hope for the rest of the country.

I wonder if you can elaborate on that statement because to me this is a very significant disclosure. So frequently we hear employers—and I believe Mr. Collins alluded to that in his testimony when he was asked if he would lose members if they integrated the board, if I understand the question correctly, and his reply was, "Yes, we would have some loss of membership."

I don't think the board of trade is much different when you reduce it to the lowest denominator than the Chesapeake & Potomac Telephone Co. They all deal with people.

Mr. ZAHN. That is right.

Mr. PUCINSKI. I am impressed by the fact that you say that you have found no significant public resistance. This to me somewhat refutes the fears expressed by Mr. Collins and many other employers around the country, who have said they can't hire minority groups because it might have some adverse impact on their business.

Perhaps I should ask you, How do you arrive at this particular conclusion?

Mr. ZAHN. I arrive at that conclusion based on the fact that we just have not had trouble other than a few minor incidents some time ago.

I think the reaction of the public is the same exactly as a manager of a business. When you are managing a business you want the most competent employees to give you the most efficient operation. The other factors of their race, religion, or color are immaterial. When a competent telephone employee handles the service for a customer, the customer is appreciative.

These other factors are unimportant. Many commendations that we get from customers, the customer may not know in the case of an operator what religion, race, or color the operator is. But they don't hesitate to commend them for performing good service.

Mr. PUCINSKI. Are we talking about people who come into physical contact with your subscribers, people who work in the public service offices or people who operate through the wires of the telephone.

Mr. ZAHN. I am referring to those cases where our employees come in contact with the customer. Obviously on a switchboard you are talking to an operator and there is no way of knowing at all what color the person is. But in our public office on 13th Street where the force is integrated completely under the leadership of a Negro manager we have had absolutely no comment.

Mr. PUCINSKI. I presume, Mr. Zahn, that you have a training program for all of your employees regardless of race, color, or creed before they assume the services of public contact with your customers, don't you?

Mr. ZAHN. Yes. We have a training program. Upon entering the business you have to be trained in your job and then do it.

Mr. PUCINSKI. Am I correct in assuming that any person, regardless of his race, color, or creed, given the proper training, as you do to all of your employees, can produce the kind of reaction from the customer that you say you have here where there is no significant public resistance.

In other words, what I am trying to find out, if those who claim that they can't hire people of a certain race or religious background or ethnic background, if they would give those people the same or equal training as they give all their other employees, they probably would also encounter no significant resistance when you have the final test, the contact with the customer.

Would that be a fair assumption on the basis of your experience?

Mr. ZAHN. I would say competence on the part of the person performing the task or providing the service overcomes these other possible objections.

Mr. PUCINSKI. My final question then is, your Negro employees have found no particular difficulty in absorbing the training that you give all your employees before you put them into these service jobs where they come in contact with your subscribers, is that correct?

Mr. ZAHN. Absolutely not. Those that have the aptitudes and so forth have absorbed the training and have done just as well as any other employees.

Mr. PUCINSKI. Then Mr. Zahn I can only draw one conclusion. When we hear testimony that there is some sort of inferior ability or capability or intellectual capacity among the Negroes, I have to again draw the conclusion that this is a myth.

You demonstrate in your company that giving these people an equal opportunity of training and all the other factors being considered, giving them equal treatment, that they can assume a responsible position in your company and deal with both Negro and white customers in this particular atmosphere here in Washington and produce no significant public resistance.

Am I correct in that assumption?

Mr. ZAHN. That is right. We have found in our quest for employees—and we do actively recruit employees—that ability and talent are randomly scattered.

Mr. PUCINSKI. Your testimony is very helpful and I would like to congratulate you for it. Thank you.

Mr. ROOSEVELT. Mr. Bell.

Mr. BELL. Mr. Zahn, I would like to congratulate you, too, for a very excellent statement and for the position you have taken and your company has taken on this matter.

I wanted to ask you, I assume from your statement also that the promotional system has worked well for Negroes in your organization as well as for all others.

Mr. ZAHN. We think that one of the reasons—and I refer to my statement—we are getting a higher number of qualified Negroes than we did some time ago. I think one of the reasons is that we have demonstrated that you can get ahead in the telephone business, and we hire our employees, usually as I mentioned, the young high school graduates, with the thought that they will not only do the job they are hired into, but they will have the potential to go beyond that and move on in the business.

Mr. BELL. Is your company or any of your associates members of the board of trade?

Mr. ZAHN. Yes.

Mr. BELL. Have you taken any position in the board of trade on the matter that was just discussed by the previous witness?

Mr. ZAHN. The board of trade is fully aware of the position and our employment situation and the fact that we are an equal opportunity or integrated employer.

Mr. BELL. In your opinion are there many others in the board of trade that are like this?

Mr. ZAHN. Yes; I think there are. I am sure there are.

Mr. BELL. Are they making their voices felt in this issue?

Mr. ZAHN. I believe so.

Mr. BELL. And you say you are?

Mr. ZAHN. Certainly. We have made a public statement of it and have never hidden this. As I say we recommend it to any employer.

Mr. BELL. Do you think there is anything that can be done in the board of trade toward moving ahead in this area as to changing their outlook on things, as indicated by Mr. Collins?

Mr. ZAHN. Mr. Collins indicated that he thought so. I am in complete agreement with him on that.

Mr. BELL. You think more could be done?

Mr. ZAHN. I think it becomes an economic matter. I have indicated that it is good business as far as we are concerned. We want employees. We want competent ones. I am really not paid by my company to be proud or happy about any situation. I am paid to be critical of it.

I am critical of it. I am critical of our level of earnings, I am critical of our service, I am critical of our employment practice. So my job and the job of any organization with vitality is to try to get better. This is our objective as a company.

Mr. BELL. That is all, Mr. Chairman.

Mr. ROOSEVELT. Mr. Zahn, I thank you very much. We are very grateful to you. We congratulate you, and we hope your influence will be widespread in the rest of the community.

Mr. ZAHN. Thank you, sir.

Mr. ROOSEVELT. The committee will now here from Mr. Joseph Beavers, representing the Negro American Labor Council. Is Mr. Beavers present? If not, we will ask Mr. R. W. McAlwee, business agent, Local 26, International Brotherhood of Electrical Workers, to please come forward.

We are very happy to have you. We appreciate your cooperation with the committee and I suggest that you proceed as you may wish.

STATEMENT OF R. W. McALWEE, BUSINESS AGENT, LOCAL 26, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Mr. McALWEE. Thank you, Mr. Chairman. All provisions of this bill H.R. 405, pertaining to an individual's right to be employed or have the right to hire without discrimination in any manner as described within the bill is wonderful legislative thinking regarding human relations for all citizens of our country.

The labor organizations who inadvertently have been discriminating against not only those in the minority groups, but also majorities, have publicly declared a nondiscrimination policy and are quietly without grand fanfare carrying out programs to help wipe out racial and religious prejudices.

The full impact of certain vicious antiunion legislation enacted by Congress to oppress the collective-bargaining rights of organized labor, and the unfriendly attitude by some factions in management has once again made labor wake up to reality, that the so-called wall of security built in the days of labor exploitation is badly in need of repair. This means reorganizing the unorganized without regard to any preferences whatsoever.

This unfortunately means that the unqualified person will necessarily be discriminated against for a while. This bill does not stress too strongly that a person is expected to be qualified for the job he seeks, particularly this must be true in a building trades situation.

Many unions, and my own particular local, have made plans which are working today, to train and retrain workmen to bring their

qualifications up to benefit the worker, the employer, the customer, and on the Federal work, the taxpayer. All of this being done without any discrimination to anyone.

The bill does pertain to the age of apprentices and speaking for my own trade, as an electrician, it is my opinion that we necessarily have an age limit for our apprentices in the construction group. The trade is very hazardous and in order to acquire habits of safety, a man must be young and mentally and physically coordinated and an active, alert person.

Our international union has a full-time safety director and the IBEW stresses safety to its entire membership continually.

In regards to the Commission as prescribed in H.R. 405, if it could operate without becoming an "inquisition" court or a competitor of other civil rights committees, the communities of this country would benefit greatly.

Certainly many atrocities of flouting Davis-Bacon, Walsh-Healy, the Wagner Act, Taft-Hartley, and Landrum-Griffin would be bared. The taxpayer's money being wasted today on Federal projects in this city by having fly-by-night contractors or unqualified contractors on jobs that total to millions of dollars is disgusting.

These contractors refuse to bargain with unions and therefore, keep many people oppressed. Our union membership is based on demand and supply not per capita tax.

Labor unions cannot organize the minorities, the unorganized, or anyone, without relief by Congress in other legislation.

To legislate employment is a tough job. Gentlemen, that statement of mine was very brief because I did anticipate some discussion. I was informed in the letter that 15 minutes would be allowed.

Mr. ROOSEVELT. Thank you. For the record, could you repeat how long you have been with local No. 26 and in what capacity?

Mr. McALWEE. I have been business manager of local 26 for 4 years.

Mr. ROOSEVELT. What is the total membership of local 26?

Mr. McALWEE. We have approximately a little over 1,000 members, of which 800 are in construction and the rest are divided up between motor repairmen, signworkers and maintenance people.

Mr. ROOSEVELT. How many Negroes are there in the local?

Mr. McALWEE. At the present time we have two.

Mr. ROOSEVELT. Two members?

Mr. McALWEE. Two. They are apprentices.

Mr. ROOSEVELT. They are apprentices?

Mr. McALWEE. They are members, they are apprentices.

Mr. ROOSEVELT. You mentioned that you are working on programs to remedy the situation. Can you describe what those remedies are?

Mr. McALWEE. At the present time we are seeking in relation qualified Negroes for apprenticeships. Last year we had 10 boys with their qualifications equal to any white boy that applied or applied in the past.

Eight of them chose to go to college. Whether they ended up in college we honestly have not checked this year because at this time we have a lot of people, we will say, interested in what we are trying to do. This has got to be with us a gradual integration. Right now we are seeking qualified Negro applicants for apprenticeship.

Mr. ROOSEVELT. Are you cooperating with the new program that has been set up here in the District to secure a list of people to present to you for your apprenticeship program?

Mr. McALWEE. We are.

Mr. ROOSEVELT. Is your thought that you will take some people from that program and implement them into your apprenticeship training program?

Mr. McALWEE. From those suggestions and other areas, too. Other people that are interested in getting the Negroes in our local because honestly we are a little bit selfish in the fact that we want the Negro working in this town for our union. Since the AFL-CIO in conjunction with our own international and our own local union is starting a tremendous organizational drive to organize the unorganized.

So that means in this town with the maintenance, house wire and commercial wiring done in the predominantly Negro sections we want that work and we want it for our members which will be at that time—we don't know how many now—there will be a sufficient number of Negro union electricians and apprenticeships and possibly contractors because one of these boys has already told us that he wants to be a contractor when he becomes qualified.

Mr. ROOSEVELT. Specifically, what groups are you working with to do this?

Mr. McALWEE. We are working with the President's Committee on Equal Opportunity. We are working with it through the public schools. We have a gentleman that is associated with the schools, who is seeking out the qualified boys for us.

Mr. ROOSEVELT. Is he an official of the school board?

Mr. McALWEE. No. We never have been approached by the school board or any official of the Board of Education to do this. In fact, we have never been approached by the USES or any other Government organization except the President's Committee.

Mr. ROOSEVELT. Nobody representing the District government has ever been to you?

Mr. McALWEE. Several people were sent up, I think, at one time by USES. One was a boy that had eyeglasses so thick that he had to bend down like this to fill out his application. Another was sent as an applicant for apprenticeship and he was age 29. We have a definite age limit of 24 approved by the Bureau of Apprenticeship and Training of the Department of Labor.

You see what happened was this. Because before the national election we were really made a political football. It has scared certain people off; particularly in the District of Columbia, the USES office, we consider some people in that office very antiunion.

Unfortunately, it has scared a lot of people off. I can't say that we have advertised in the paper. We have approached Negro journeymen electricians to join local 28. They refused.

We have had them working here, and we have had them working here before this issue got to be quite a national thing.

Mr. ROOSEVELT. When they refused, on what grounds did they refuse?

Mr. McALWEE. They refused because they were happy with their present employer because he gave them 2 weeks' vacation and a fifth of whisky for Christmas.

Mr. ROOSEVELT. Wait a minute, that is not a reason for joining a union.

Mr. McALWEE. I said they were happy because of that reason.

Mr. ROOSEVELT. They wanted to stay nonunion?

Mr. McALWEE. That is right.

Mr. ROOSEVELT. Mr. Daly, who, as you know, is the Deputy Director of USES, informed this committee that in the case of Mr. Rufus H. Parker of 1211 Evan Street of Northwest, who is a graduate of Phelps Vocational School, had 3 years of electrical training there. Is this the one that you referred to who couldn't see?

Mr. McALWEE. I don't know, Mr. Roosevelt.

Mr. ROOSEVELT. He tells us that he took Mr. Parker directly to an employer, the Walter Trueland Co., electrical contractors, then working on the Capital Park Apartments in Southwest Washington. That was on June 9, 1958.

The contractor interviewed Mr. Parker, said he felt Mr. Parker was well qualified for apprenticeship training but the contractor did not induct trainees.

Mr. Parker would have to go directly to the union local at 1745 K Street. Mr. Daly took Mr. Parker from the contractor's office and went directly to the IBEW office. He introduced him to Mr. Palmer, director of the committee.

Mr. Palmer gave Mr. Parker an application form to fill out which Mr. Parker did and left the form with Mr. Palmer. From that date, Mr. Parker has never heard from the union any further.

Mr. Parker is currently working at the Government Printing Office as a laborer.

Mr. McALWEE. That could quite possibly be true at that time in 1958. What Mr. Daly probably doesn't know, or no one knows because we have never been asked before, but a Negro journeyman electrician did work on that particular job.

Why Mr. Parker was never notified or never heard anything from the apprenticeship program at that time, I do not know because I was not in office myself. But I imagine what happened is that Mr. Parker's name was placed in line with the hundreds of other boys that apply for apprenticeship to our particular local.

Mr. Powell's committee sent representatives about a year and a half ago to our apprenticeship committee and examining board and met with them and saw the enormous multiplicity of applications we have for electricians in this town, because we have been cited by the Labor Department of having a good apprenticeship program.

Hundreds of boys apply yearly. Mr. Parker may have been in line, and his qualifications may not have met the ones that were chosen at that time.

Unfortunately, we do not have the training facilities nor do we have the jobs that we can put on hundreds of boys each year. We do not try to hide the fact that in the past—we have had one of those granddaddy clauses in the union—that it has been a grandfather, father-son, or pressure group.

I don't see any of the names around here now, but even from Capitol Hill, Senators and Congressmen calling up, not for their sons but somebody that works for them or somebody that they know or one of their constituents has moved into town and the son wants to be an electrical apprentice.

Why do they want to? It pays the top wage. It is a trade that a man can learn and go anywhere in the country and earn a living. No. 3, he would have the union security which has many benefits. In years past, in the history of the local, we did all the electrical work in Washington from house wiring on up through the top governmental jobs, which were few and far between in those days.

Why do unions discriminate against anybody? Surely we have discriminated against Negroes, any race, color, or creed. You name it, we have. There has been a certain majority. Why? Because in this town, in the days of the depression, the construction trades were the only ones that saw depression.

The Federal workers were here, the white-collar workers were here, they didn't have the word "blue collar" then, they had jobs. The construction trades suffered.

Our people were out of work. Now comes the greatest boom to the labor organizations, the advent of your public works program. We had a man in the White House that was friendly toward unions and labor.

Things picked up. In this area, Bolling Field became a big place. Fort Myer was rejuvenated. Quantico was rejuvenated; Fort Belvoir; the Pentagon was eventually built.

This created a tremendous labor force for us. But what happened? Our boys still remembered that they had to go out and do anything but electrical work, or the other unions will say whatever their trade may be, to make a living.

They would not scab. This is one of the hardest nuts to crack with an old union member, I am not going to be forced to quit my job and security. Keep them all out, unless he is a qualified man.

It is simply a matter of economics. It is not a matter of this man is a Negro, is he Jewish, Italian, Polish, or anything like that. It is simply that the people in the unions feel, and wrongly we admit now, that this man, no matter who he is, is going to get my job.

That is a feeling which is hard to overcome.

Mr. ROOSEVELT. Mr. McAlwee, that is as frank a statement as I have heard before this committee.

Mr. McALWEE. That is it. It has to be frank, because it is the truth. One thing which I would like to, if I may, expound on for a brief moment, and I know you have a lot of questions.

Some people in this town are under the false impression that local unions, and especially Local Union 26 go around and scream and holler, "Racial discrimination." We don't. We don't have time for it and we never did.

I was born and raised in this town right here at Third and A Streets Northeast, practically on Capitol Hill. At that time, it was not like it is today. I lived at Sixth and B Northeast, and I spent my life, or the majority of it, in Northeast and Southeast Washington, where it was always integrated.

I have lived around Negroes all my life and so have all the people that lived in Northeast and Southeast Washington. Not in Chevy Chase or Bethesda, which were then country towns, or Silver Spring or the Northwest section of Washington.

We have compassion for these people, believe me. But it does gall me, as a person and a citizen of this community, to have people come

in here and tell us that, if we don't do this or we don't do that, there is going to be a racial riot.

We never had them as kids. We never had them as adults. We worked with more Negroes in this town than any other metropolitan area, including New York City. There are no racial problems here. We get along with them. They get along with us.

It is very disturbing to have strangers from other parts of the country to come in here and tell us we are going to have a race riot here such as Birmingham, or other places like that, where people will not go along with the times or progress.

We can't stand in the way of progress. Our discrimination has been economically and not racially.

Mr. ROOSEVELT. It ends up that way, though. The end effect is racial. It may have been started for economic reasons, but the basic result is racial discrimination.

Mr. McALWEE. That is very true. This we will overcome. We have full-time organizers now, who are seeking out the house wiring people, the small commercial contractors, who are in this town, some Negroes.

Our territory covers seven counties in Virginia and five in Maryland, too, not just the District of Columbia. There is Federal work in all areas. We furnish the men for those jobs.

We cannot survive ourselves and organize Negroes or anyone when we are refuted daily in our efforts to get jobs for our people that we have working now.

Because contractors are allowed to come in here from other parts of the country, bring their own people with them, taking the working dollar out of this area and go back where they came from or stay here and continue to bring the construction industry down, as far as the money spent on construction is concerned.

The clients, the customer, of which the U.S. Federal Government is one right now, in a lot of places is not getting his money's worth on building construction.

Mr. ROOSEVELT. That is another statement of this problem, perhaps, but certainly not one that this subcommittee is looking into at the moment.

Mr. McALWEE. It enters into the broad picture.

Mr. ROOSEVELT. Yes.

Mr. McALWEE. Another point I would like to make, Mr. Roosevelt, today at our referral hall, 50 electricians applied for work and it has been that way since the winter. At the time the 1 Negro was put on during the heat of the political battle, there were 80 men that applied for work that day at the hall.

Mr. ROOSEVELT. How many qualified electrical workers are there, in your opinion, in the District? Are most of them nonunion? Do they have to have any license?

Mr. McALWEE. Yes, you do. There are various licenses that have to be obtained for work in the District, but not on Federal work.

Mr. ROOSEVELT. How many of these licenses are held by Negro workers?

Mr. McALWEE. That I wouldn't know. I would have to get that information from the electrical board. Not too many.

Mr. ROOSEVELT. Not too many?

Mr. McALWEE. No. I assume this.

Mr. ROOSEVELT. Suppose one of these applied for membership in your union, would you accept him?

Mr. McALWEE. Several years ago, as this committee through its investigation knows, three Negroes applied for membership in local union 26 at the same time one white person applied. They were given examinations which under our bylaws requires that a man serve a 6-month probationary period and then take an examination.

He must have the licenses that are required on our jurisdiction. At that time, it was three, Arlington County, Alexandria, and the District of Columbia. They had the licenses. They took our examination which is typical or identical to the examination that the apprentice takes when he comes out of his time.

The Negroes failed miserably, the white boy just got by. The Powell committee has seen the examination papers and have told us that it was a fair examination.

It wasn't an examination to keep anybody out or let anybody in. That is open for anyone to take a look at.

Mr. ROOSEVELT. Did they have the necessary licenses?

Mr. McALWEE. They did. In regard to licenses, the licenses are given on the basis of the National or the District of Columbia code. This is a book, a set of rules and regulations that an electrician must know in order to install a job for safety features.

If you took enough time you could memorize the book. Someone says how many No. 14 wires are allowed in an 8-B box, you could answer him because you know the question.

Mr. ROOSEVELT. It would be pretty good to memorize the whole book.

Mr. McALWEE. You would. That was just a figure of speech because it is practically impossible to do that.

Mr. ROOSEVELT. That is my point.

Mr. McALWEE. You could memorize enough to pass a test given by the electrical boards because it is only given on code. Where they did fail was in the technical and the theory and the practical questions on the examination.

Mr. ROOSEVELT. I will be very interested, Mr. McAlwee, to see what the results of your cooperation with the President's Committee and working on the apprenticeship level will be. I think it obviously must become somewhat disturbing that when there are certain qualifications to become qualified as an electrical worker and get certain licenses, then when four people, three of whom are Negro and one white, apply and hold those licenses, all three Negroes fail and the white man succeeds, it would probably on the surface be some presumption that the test was of the kind of a test which would eliminate otherwise qualified men as accepted by the legal authorities.

Mr. McALWEE. I am trying to remember back now because this is a very important point. The boy that passed did not pass with flying colors. He passed with a 70, which is passing. He was a nonunion electrician and had been working in the field as a construction electrical worker.

The other ones did not have the practical experience on heavy construction work to pass the examination. One was an electrical estimator with an electrical engineering degree from Howard University.

But this man had not worked at the trade. He did not know the trade. He knew the book but he didn't know the trade as a worker.

Mr. ROOSEVELT. He still couldn't gain entrance into your union so that he could get that experience?

Mr. McALWEE. No, sir; because, as I told you, if he had passed, he would have been a member today.

Mr. ROOSEVELT. He would have what?

Mr. McALWEE. He would have been a member of local union 26 today.

Mr. ROOSEVELT. He probably would be working today, too?

Mr. McALWEE. Probably. I imagine he is still working.

Mr. ROOSEVELT. I can't understand it. Here is a guy you admit has all the educational qualifications and probably better than most of the members of the union and yet he can't get into your union?

Mr. McALWEE. He can't get into the union, not because he is an electrical engineer. We are not hiring engineers. We are hiring electricians. The contractor wants to pay that man \$4 an hour not for what he knows up here in relation to knowing it only, he wants him to install the electrical work, which a lot of people forget.

The man gets paid for not only what he knows but also for what he can do.

Mr. ROOSEVELT. But he can't do it unless he knows it?

Mr. McALWEE. Would you say it was fair for the contractor to pay this man \$4 an hour to teach him the trade? This is what we have finally arrived at. If we have people in our local union, we are going to train them to be electricians. These two we have are being trained to be electricians. They will be electricians. And many more behind them will be electricians because they will have the training. They can go to a contractor and say, "I am a trained electrician, the scale is this, so I deserve it, because I know the trade." Not because I am white or Negro or a Chinaman or Indian. We took quite a beating on that because we do have Chinamen and Indians in our local and we didn't have any Negroes.

Mr. ROOSEVELT. This is the disturbing thing. When you are in a community with this kind of population it is incredible.

Mr. McALWEE. We know that having two is what some people call tokenism. We know it. We realize it.

Mr. ROOSEVELT. You admit it?

Mr. McALWEE. That is right. But we didn't do it for tokenism. We did it to integrate in a way that no prejudice feeling would be held against any Negro. Because if you can show them if trained properly they can do the work, it lets down a lot of barriers.

As I say, the biggest one is economically, not because a man is a Negro. Because on all construction jobs in Washington, there are more Negroes on the work than white people.

Mr. ROOSEVELT. Let me ask you a question. If in this June graduating class, the President's Committee comes up with 30 people of whom 20 are Negroes and brings them to you and says that these people are intelligent, bright people, we would like to see you give them an opportunity to become electricians, what are you going to do about it?

Mr. McALWEE. A certain percentage will probably become apprentice electricians if they so desire.

Mr. ROOSEVELT. Have you any idea what percentage?

Mr. McALWEE. No.

Mr. ROOSEVELT. How are you going to decide what percentage?

Mr. McALWEE. Strictly on their qualifications in comparison with other people that have applied. This we are doing, remember, we will be discriminating.

We will be discriminating against the boys that have been on this list for years. We did it last year, we will do it again.

Mr. ROOSEVELT. Somebody said this morning that what you are doing, and I think properly, is saying that we have had an imbalance. We will try to rectify the imbalance because in essence some of these people got on the list who might not be on the list if we had not in the past kept certain people more or less out.

Mr. McALWEE. That could be possibly true. That is a good way to look at it. As I say, we don't expect a boy that wants an electrician's job just to be an electrician, to be pushed ahead of people that beat him on qualifications. It has become that tight in our own membership. My job, gentlemen, is like yours. I am elected. Have you ever had your irate constituents call you up in the middle of the night, jump on you because you didn't vote this way or that way?

Many times you have. "McAlwee, why didn't my son become an apprentice this year?" Why, because he didn't pass his marks academically in school and he was absent 40 days out of the semester.

We can't start a boy that has not proved himself. I got a big kick out of Mr. Zahn's statement because years ago when I got out of high school, I applied for a job at the C. & P. Telephone Co.

One of my best friends whose father was a supervisor at the C. & P. Telephone Co. applied. Guess who got the job.

Mr. ROOSEVELT. I wouldn't doubt that, years ago, I hope. Let me just say that I think you are realistic. You have told us your problems. You have told us the pressure on you.

At the same time, I think you recognize that probably somewhere along the line, we are going to have to take that list and say we are going to start again from scratch.

We will let everybody apply, white, nonwhite, whatever it may be. We will let everybody come out on a merit basis with a brandnew list.

Mr. McALWEE. What we do hope is that our organizing program will be successful, that it will encompass many Negro journeymen in their own particular classifications, such as house wiring, sign workers, and people like that.

Mr. ROOSEVELT. You are doing a very dangerous thing. You say in their own particular classifications?

Mr. McALWEE. Yes.

Mr. ROOSEVELT. What you are saying where there are Negroes now employed and primarily only Negroes we will try to see there are more Negroes that can come into the union and this will show that we are not anti-Negro.

Mr. McALWEE. Not for that reason.

Mr. ROOSEVELT. That is the effect of it. What we are talking about is getting the opportunity based on merit for everybody straight across the board. Frankly, Mr. McAlwee, I don't think you are going to convince us that you are doing the job and I don't think you are allowed to do this job.

There will be legislation that will prevent you from doing this job unless you devise a system that wipes out the whole business and sets it off on the basis of merit. So, if there are 40 Negro children coming out of high school, qualified, they come down and apply, and there are 40 white children that do the same thing, that they will be given the opportunity and the best 40 are going to win.

Mr. McALWEE. Somewhere in the testimony of one of the gentlemen this morning—I forget right now who it was—there was the thought of improving the vocational schools in this town.

Gentlemen, it is one of the most vital things that could be done. They are still operating in the twenties.

Mr. ROOSEVELT. That I thoroughly agree with. But I equally say to you that is no good if after you get them out they have no opportunity.

Mr. McALWEE. Why would we take a boy that would come out of one of the vocational schools against one that had a course in academics?

Our own particular trade involves at the present time very high class mathematics which a boy has to start at the first year. Electronics is the coming thing. We recognize it. It is not a magic word anymore.

It is here. It is being installed in the New House Office Building. It is only in its infancy to what it will be in the construction business.

It has been in industry a long time.

Mr. ROOSEVELT. I understand what you say and I am sympathetic with it. I think that the proof of the pudding is going to be in the eating. It is true that we have to improve vocational schools. You have to contribute to that.

Mr. McALWEE. We were accused one time of withdrawing out of the vocational high school system here because of a Negro issue. It was not true. When we thought about it, it might have been true but it was not true at the time, because the schools didn't have the facilities for us to train our people.

Mr. ROOSEVELT. It is a rounded program. You have to be part of the rounded program. You have to take that responsibility. As I said to the gentleman from the Plumbers Union, you can't pass the buck any more.

You will just have to sit down and say, "We know there is a problem, how can we help solve it?" When we call you in here we are going to expect to see the results of that constructive effort on your part.

We know it can be done. The gentleman from the C. & P. in spite of your personal experience has shown that it can be done. It is a question of the will to do it. It may take a few unpopular moments along the line.

It is true that maybe you lose your job in the process. I hope you won't because I think you are kind of a fellow that can make this thing work.

I think we have to do everything we can to educate your members about how important it is to them to have this thing worked out this way instead of through some other method.

I want to say that I am happy to have you here. I think we understand each other and understand the problem. We will be watching very closely to see what progress you make in local 26. Mr. Pucinski?

Mr. PUCINSKI. Is local 26 in favor of H.R. 405?

Mr. McALWEE. We are in favor of it.

Mr. PUCINSKI. Are you supporting this?

Mr. McALWEE. That is right.

Mr. PUCINSKI. There were some statements in your statement from which I gathered that you had some reservations?

Mr. McALWEE. Very minor reservations. Some of the language of the bill itself could be stronger. As I did express myself, the age is very important to our own particular trade.

Mr. PUCINSKI. If this legislation is approved and signed into law, how are you going to deal with the problems that you told this committee now exist in the absence of this legislation?

Mr. McALWEE. In what respect would that be?

Mr. PUCINSKI. You told this committee about this being an economic problem and not a racial problem. You told the committee of various other difficulties that you are having in integrating your operations in this committee.

You tried to make out a rather strong case that these are really matters almost beyond your control. I gather from your testimony that you would like to improve the situation but you can't because the matter is beyond your control.

These men want to protect their jobs and everything else. All of these problems will continue to exist, I am sure. But if this law is passed, how are you going to deal with these problems?

Mr. McALWEE. The law would certainly back up anything that we would attempt to do. As I told you, we are faced with the problem of not too slow, we hope, but reorganizing our line of thinking and our methods and our actions. If we get rebutted in certain economical fields where this man, say we went to organize a contractor, he is not going to do business with you because you want me to hire some unqualified people and he may even say Negroes.

Mr. PUCINSKI. On that point, in this area that is not the reason why these people resist the unionizing of the building trade across the river in Virginia and the surrounding areas here.

You are not trying to tell us that you are having trouble in organizing because you might bring along Negroes with the union. Are you?

Mr. McALWEE. No. I said that would be an example where the law would help us.

Mr. PUCINSKI. You are not trying to tell us that you don't let Negroes into your union because you will lose these contracts?

Mr. McALWEE. Certainly not. I told you the reason we have not let anybody in, because we don't have room. We are not only discriminating against Negroes. We are discriminating against everybody at the present time. Hundreds of people.

At the same time hundreds of people are discriminating against us.

Mr. PUCINSKI. Do you feel that the building industry is really slack in this area?

Mr. McALWEE. It is.

Mr. PUCINSKI. Do you have a surplus of craftsmen?

Mr. McALWEE. Yes. We do. But we are not using that as an excuse.

Mr. PUCINSKI. Is this true of the nonunion construction across the river?

Mr. McALWEE. It is true of them also.

Mr. PUCINSKI. It is down, too?

Mr. McALWEE. Yes. As large as it seems to be in the whole picture. Plus we have the influx into this area of many, many contractors and many, many people because of the unemployment in other areas.

St. Louis, Detroit; in the North, Chicago was very bad this winter. We had a bad winter but not as other places did. Florida is bad unemployment. We get calls from Michigan.

Mr. PUCINSKI. You said in your statement, as a matter of fact, you called it scandalous, that these contractors are coming into this area and doing jobs without union help and they are inexperienced people and we are losing a great deal of money because this stuff is going up. Isn't that what you said?

Mr. McALWEE. That is right.

Mr. PUCINSKI. Is it because these people can hire help, nonunion help, much cheaper than what it would be if they were union help?

Mr. McALWEE. Yes. That is the problem.

Mr. PUCINSKI. Don't you think it would be somewhat unfair to those 50 men that reported for work one day that you couldn't take care of by setting up a climate in this area that permits unorganized workers to be available and accessible to these unorganized contractors.

Don't you think that the way to solve that problem is to open your union to all the people, regardless of their race, color, or religion, make them union members and train them, give them some experience, and then when a contractor comes in here and wants to get help he finds that he can't get help anyplace but through this union?

Isn't this the way to help these 50 men?

Mr. McALWEE. This is exactly what we have been working on for over a year, in my own particular local.

Mr. PUCINSKI. In that over a year, all you have done is attracted two Negro apprentices?

Mr. McALWEE. We didn't attract the Negro apprentices.

Mr. PUCINSKI. You only have two?

Mr. McALWEE. We went out and sought them. Out of 10 we got 2. The other eight boys wanted to go to college, for which I don't blame them.

Mr. PUCINSKI. But the point I am trying to find out from you is this—

Mr. ROOSEVELT. If the gentleman will yield, couldn't you discover that the eight boys were going to go to college and substitute eight other boys who didn't want to go to college?

Mr. McALWEE. Probably we could. These boys were recommended to us.

Mr. ROOSEVELT. What I am talking about is using the initiative.

Mr. McALWEE. The Negro union leaders in this community come to us and say take my boy, he has a good union background. He may not be as qualified.

Mr. ROOSEVELT. You could have found eight others without too much trouble.

Mr. McALWEE. Probably, but we didn't have room.

Mr. PUCINSKI. The point I was trying to get at is this: That you people here are not creating a situation that invites nonunion contractors into this area by the very policies you have maintained.

Mr. McALWEE. That is true. Most of these people that come in here come from unorganized areas where unionism organizationwise is resisted very highly.

Mr. PUCINSKI. You take in seven counties. There is a lot of non-union help around here in construction. Do you make any effort to organize these Negro workers?

Mr. McALWEE. Yes.

Mr. PUCINSKI. That are not working on these projects?

Mr. McALWEE. That is right.

Mr. PUCINSKI. The Negro workers?

Mr. McALWEE. That is right.

Mr. PUCINSKI. How many have you organized in the last 12 months?

Mr. McALWEE. We have approached 11. The only 11 we found on high-rise apartments, which is heavy construction. Ten said no. One was given an application and we never heard from him.

Mr. PUCINSKI. I don't know how you do your organizing around here but I have certainly seen some pretty terrific organizing going on in this country.

I don't think they necessarily stop with the first no. I presume you have good organizers here who will stay with it. The thing that I can't understand is that if these nonunion construction jobs are going on around here, and I happen to know from my own observation that they hire a awful lot of Negroes on these jobs, it doesn't seem to me you are doing a very intensive job of organizing if you tell me that in the last year you haven't attracted Negroes.

You only have two Negroes in your whole union and those two are apprentices?

Mr. McALWEE. That is right.

Mr. PUCINSKI. Therefore, Mr. McAlwee, I wonder if this is the kind of situation that supports the testimony that you gave here this afternoon.

Mr. McALWEE. I am sorry I didn't keep a diary or some record of the many hours I have personally spent in trying to organize the unorganized in this area, which would include Negroes.

We have a full-time organizer. He was the one that approached the Negroes and he came back to me with their answer.

Mr. PUCINSKI. He is a white organizer?

Mr. McALWEE. He is.

Mr. PUCINSKI. Have you ever considered hiring a Negro organizer?

Mr. McALWEE. Mr. Pucinski, I know you don't have time but would you appoint someone from this committee to go with our own organizer to seek out qualified Negro electricians? There are none.

Mr. PUCINSKI. They are doing jobs here. They are building buildings, aren't they, and people live in those buildings and some of those buildings are FHA endorsed and some are VA supported, aren't they?

Mr. McALWEE. There are very few Negro electricians.

Mr. ROOSEVELT. But there are some. We know there are some. We can go and get the license numbers.

Mr. McALWEE. Yes, let me explain. We get rebutted this way. You would say there are hundreds of them in the GSA, why don't they apply to local 26. Because they know they can't fill the job.

An electrician in our sense of the word is not one that screws in a lightbulb, not one that fixes a receptacle or a plug.

Mr. PUCINSKI. Let me make sure I understand what you are saying. You are telling me and this committee that the General Services Administration hires men as electricians who are not qualified?

Mr. McALWEE. They are hired for the job they can do which is maintenance.

Mr. PUCINSKI. Do they have electricians on their payroll?

Mr. McALWEE. Maintenance electricians.

Mr. PUCINSKI. If they are maintenance electricians they would not qualify for your union. Would they?

Mr. McALWEE. We would not say that all of them wouldn't.

Mr. PUCINSKI. Then when you come here and tell this committee why doesn't the GSA electrician join my union, because he doesn't qualify for your union. He belongs to some other union. He is not an electrical installation man, is he?

Mr. McALWEE. No. I was trying to point out as you say, that there are hundreds of Negro electricians, that is true, but they don't have experience.

Mr. ROOSEVELT. You can't say that. They are working on FIAA projects all over town. I will take you up on what you said. If you will come with me I will take you around to projects in this town where I will show you the kind of electricians who are not just fellows who screw in bulbs.

Mr. McALWEE. There are not enough hours in the day but I will send you an application form and the experience sheet which we have for everybody. Sometimes we get bartenders come in and apply.

I will send the committee one. I thought they had one because we gave it to Mr. Clark and the other gentleman that was up before us.

Let these boys take a look at it. We had one Negro come in and took a look at it and say, "I know I can't qualify." This is not an experience sheet. Are you an engineer? It simply states have you worked on certain types of work.

Mr. PUCINSKI. This is exactly the point I was making. You had 50 electricians come to your hiring hall this morning to get a job and you had to turn them away because you haven't got jobs, because you have established a closed society.

You have established standards that are absolutely impossible not only for the Negro but even the white man to meet.

Mr. McALWEE. That is right.

Mr. PUCINSKI. Therefore, these workers became a ready market for what—the nonunion contractor who comes into this area, depresses the wage standards.

This is why I asked you at the outset if you won't be wiser as a union to open the door to these people, bring them in, give them an apprentice training program, qualify them if you have to, and you provide the market of skilled labor in this area so when these contractors come in from all over the country, nonunion contractors, they will have to come to you to get the experienced help.

You people have been driving these people into the nonunion contractors. As a result we are getting substandard construction, which is FHA supported.

We are getting substandard construction which is VA supported, which the Government is going to get stuck with and is already getting stuck with all over the country as you well know. For this reason, I just can't understand your thinking in this whole concept.

I just can't understand it.

Mr. McALWEE. Maybe I didn't express myself clearly.

Mr. PUCINSKI. And I say this to you as a friend of the IBEW and you know this.

Mr. McALWEE. Maybe I didn't make myself clear when I said that we have plans and the progress we are making. That is exactly what we have been working on for a long time.

Mr. PUCINSKI. You are working on it now?

Mr. McALWEE. The very thing you reiterated we are working on right now.

Mr. PUCINSKI. Hallelujah! We are going to see a new era in the District. Is that right?

Mr. McALWEE. We hope so.

Mr. PUCINSKI. This is very encouraging.

Mr. ROOSEVELT. We want more than hope. We want to see it.

Mr. McALWEE. Maybe I didn't make it clear, I want to say certainly Negroes will be organized.

Mr. ROOSEVELT. Let us say that we would appreciate very much, Mr. McAlwee, if you would give us a progress report 90 days from now and another 6 months from now and another one a year from now.

This committee will be in business that long, at least.

Mr. McALWEE. If I may interrupt, we would like help in certain areas, Davis-Bacon, Walsh-Healey.

Mr. ROOSEVELT. You are talking to the right committee and you are getting all we possibly can give you.

Mr. McALWEE. Give us the right to picket and we will organize everybody.

Mr. ROOSEVELT. That is not necessary to the accomplishment of the other but we will help you in that area.

Mr. McALWEE. I am not saying it will end discrimination but it will certainly help.

Mr. ROOSEVELT. Thank you very much, we appreciate it.

The committee will stand adjourned until Monday, May 27, at 9:45 a.m., in room 219.

(Whereupon, at 4:55 p.m., the subcommittee recessed, to reconvene at 9:45 a.m., Monday, May 27, 1963.)

EQUAL EMPLOYMENT OPPORTUNITY

MONDAY, MAY 27, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 219, Cannon Building, Hon. James Roosevelt (chairman of the subcommittee) presiding.

Present: Representatives Roosevelt, Hawkins, Gill, Martin, and Bell.

Present also: Jay H. Foreman, subcommittee counsel.

Mr. ROOSEVELT. The committee will come to order, please.

The committee this morning has asked two representatives of industries which have been named in the testimony taken by the committee with reference to the proposed Federal Equal Employment Opportunity Act, and specifically job discrimination in Washington, D.C., to come to the committee and discuss with us the situation in their own particular instance and in the industries which they represent.

I would like to emphasize that the witnesses appearing before this subcommittee were not requested to testify because they were the worst offenders of a policy of equal employment opportunity, nor even serious offenders.

Rather, they were asked to appear as representatives of business groupings which have received a good deal of criticism before the committee, as well as publicly, for retarded efforts to achieve fair employment practices.

Because of their long experience within the District, and their knowledge of their specific types of enterprises, these witnesses have been requested to testify in order to inform the subcommittee concerning employment practices with which they are familiar, and to aid us in understanding the situation, and of course, we hope, help us in arriving at conclusions which can be of positive assistance in reaching a better situation than that which seems now to exist within the District of Columbia.

Our first witness this morning is Dr. Milton Elsberg, president of Drug Fair, a substantial and successful operation in the District.

Dr. Elsberg, we are happy to have you with us, and within the context of what I have said, if you would like to make any comment at this time, and perhaps introduce the gentlemen who are with you to the committee, we will be happy to have you do so.

**STATEMENT OF MILTON L. ELSBERG, PRESIDENT, DRUG FAIR;
ACCOMPANIED BY MORRIS FREIDSON, DIRECTOR OF PERSONNEL,
DRUG FAIR**

Mr. ELSBERG. This is Mr. Freidson, who is our personnel man. The other gentlemen are from the loan industry.

I have no specific comment to make, except that I do not feel we have a problem. And when I say "we," I speak for Drug Fair.

We have always been an equal opportunity employer—and I mean always. We hire because of ability, and not because of race, color, creed, religion, or anything else.

I would assume the best thing would be that if you have specific questions, I would be glad to answer them. But when you mention a problem—we have no problem.

Mr. ROOSEVELT. Let me, then, ask you a few questions, first, and then I will yield to my colleagues.

One of the statements that has been made before the committee is that the city of Washington and the District of Columbia is obviously an area where there is a very heavy concentration of Negro population, I believe somewhere in excess of 54 percent, and in many instances it has come to the attention of the committee that the numbers of Negroes employed are far out of proportion to their percentage of the population.

But even worse, and contributing to things such as school dropouts, and therefore, as a result of the school dropouts, delinquency and things of this kind, is the fact that they are denied the opportunity to work up to the higher positions in the particular employment area that they may have been granted admission to on the lower level.

So I think what we would like to do is to be specific and ask you, for instance, how many employees does Drug Fair have all together?

Mr. ELSBERG. Approximately 2,500.

Now, excuse me. Are you speaking of the total number of employees in the entire firm, or the Washington area only?

Mr. ROOSEVELT. Metropolitan Washington.

Mr. ELSBERG. Metropolitan Washington? Over 2,000.

Mr. ROOSEVELT. Of these how many would you say were Negroes, or nonwhites?

Mr. ELSBERG. This is a guess; 30 or 35 percent.

Mr. ROOSEVELT. Thirty to thirty-five percent?

Mr. ELSBERG. Yes.

Mr. ROOSEVELT. In what kinds of employment are they, this 30 to 35 percent, generally assigned?

Mr. ELSBERG. I would say that they are assigned completely throughout the organization.

Now, there is a problem, but the problem is not of our making. We have a problem of creating sufficient interest to get enough qualified applicants to apply for positions. Indicative of this are some of the ads that we run, and if you wish, I will just read the headlines of the ads to indicate the types of jobs.

At the moment we are advertising for key punch operators for our IBM, and very obviously in the ad it says:

An equal opportunity employer. Career opportunities. Young men interested in career with rapidly expanding firm. An equal opportunity employer.

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We also have warehouse help, office help, clerk-typists.

As far as advancement, the head of our food division, the commissary division, who is completely in charge of buying, distributing, preparation of food to all of our fountains, started with us as a porter. He is now completely in charge and incidentally has white people working with and under him, if that is the term.

The secretary to one of our vice presidents came to us as a soda fountain girl, and is now a secretary and assistant buyer.

Two of our—I do not mean this the way it sounds—street girls, girls who travel around our stores, known as supervisors, supervise all of our fountains.

We have, incidentally, three supervisors, altogether. Two of them are colored. One is white. They supervise the operation of the soda fountains, which are managed both by colored and white.

Within our distribution center, we have set up an overall manager and section heads—one in charge of shipping, one in charge of receiving, order filling plus other separate sections with a foreman in each.

I would say that at least 60 percent of the section heads are colored and have white working with them and under them.

We have pharmacists who are colored.

In accounting, two of our bookkeepers are colored.

Mr. ROOSEVELT. Two out of how many?

Mr. ELSBERG. Two out of—

Specifically, bookkeepers, maybe 10 or 11. This is a specific term. This is not the entire department.

In our IBM system, which is comparatively new with us, we have one. But we had one who was qualified, who incidentally was a porter, originally, but was a graduate I think of a business school, and at the time he came with us he had some sort of personal problem and needed a job, and we had an opening, and he started at that.

He showed ability, he showed interest, and he became a file clerk, a typist, and is now employed in our IBM system.

In our shipping department, the manager is colored. He has been with the company 6 years, starting as a porter, became a driver, an order filler, is now head of our shipping department.

The same thing in our receiving department.

Frankly, I do not have too many statistics, because I was not aware of the questions I was going to be asked, and I got these up in a hurry.

The whole point is that as far as we are concerned, we employ qualified help period. And I do not think this is too unusual within our industry.

But we have problems getting qualified help. We have a specific program on now, where we are working with Mr. Taylor of the Urban League, who is trying to get us the sort of qualified help we need.

We were approached by Howard University recently. They are discussing changing some of their pharmacy courses a bit—specifically in the business administration end. And they asked us to sit in with their professor of business administration to advise him what they should concentrate on, what new courses, to make their graduates more qualified for the type of pharmacy as it is today, which is a retailing business.

Mr. ROOSEVELT. Now, are you unionized? Do you have a union to deal with?

Mr. ELSBERG. No; we do not.

Mr. ROOSEVELT. Do you have an industry association?

Mr. ELSBERG. Yes; the National Association of Chain Drugstores.

Mr. ROOSEVELT. Do you have a local chapter?

Mr. ELSBERG. No. There are two members locally, People's Drug Store and Drug Fair. But we meet periodically throughout the country on a national basis, and every 2 years there is a complete convention,

But there is no local chapter; no.

The executive secretary of the association is now stationed in Washington.

Mr. ROOSEVELT. Do you and People's Drug generally, would you say, cover the largest share of the industry in the metropolitan area of Washington? Do you do the majority of the so-called drug business?

Mr. ELSBERG. We do a good portion of it; yes.

Mr. ROOSEVELT. I am not trying to make you out a monopolist.

Mr. ELSBERG. This is one thing I would have no objection to. I wish it was true.

Mr. ROOSEVELT. As far as you know, People's Drug have the same basic policies that you have?

Mr. ELSBERG. I think so. Macy does not talk to Gimbel too often, but we do discuss things generally at meetings. And the inference that I got, and this is purely conversation, is that their policy is the same. But they do have the same problem.

Mr. ROOSEVELT. Are you a member of the board of trade?

Mr. ELSBERG. Yes, I am.

Mr. ROOSEVELT. Would you feel that if the board of trade made a concerted effort to join with the general industry in the metropolitan area of Washington to create a nondiscriminatory hiring practice policy, this would be injurious to the board of trade.

Mr. ELSBERG. I cannot give an unqualified answer to that, nor do I think they could, either. I do not think they could speak for every business, unless the businesses get together and say, "You speak for us."

So they are in a peculiar position. Certainly any organization of any stature who would come out and say, "We are in favor of it; we would like to help"—certainly that should help. But I cannot answer specifically.

Mr. ROOSEVELT. Did you receive from the board of trade a pamphlet urging you to help the delinquency program by hiring certain delinquency prospects during the summer months?

Mr. ELSBERG. I am not aware of one, if there was.

Mr. ROOSEVELT. One was presented to us, and it seemed to me that if the board of trade could actively seek your support in solving a delinquency program, there would be no reason why they should not actively recognize that there is a discrimination problem in the District. There are strong feelings, as voiced before this committee, for instance, by Mr. Walter Lewis of the Washington Urban League, in which he specifically mentions the chain drugstores of the area.

You mentioned you were working with the Urban League. I would rather hope that one of the first things you would do would be to try to convince Mr. Lewis that if he is coming before a committee, he

should not include the chain drugstores in the list of people he considers not to be cooperating in the so-called program.

Mr. ELSBERG. Frankly, I am amazed, because Mr. Freidson in particular meets with Mr. Taylor, who is employment director for the Urban League, and they are in telephone contact with each other at least once a week. They meet for lunch at least once a month, where they discuss our problems, the problem being, "Help us to get help."

So I am amazed at Mr. Lewis. And I do not know Mr. Lewis.

Apparently Mr. Freidson met with Mr. Lewis, too.

Mr. ROOSEVELT. I would hope you would get together with Mr. Lewis and Mr. Taylor and either have them correct the record as it relates to your industry, or try to let us know the basis upon which there is reason for the flat statement that includes you.

In other words, we do not like to have someone mentioned in testimony without giving them ample reason to find out why they are mentioned adversely in the testimony.

Drug Fair was not specifically mentioned. As you pointed out, there are two primary sources. When you mention the chain drugstores of the area, naturally, there are only two that come to mind outstandingly, and therefore at least indirectly you would become concerned.

It would be of interest to the committee, I think, if you can get in touch with them and then either jointly or separately let the committee have some kind of communication as to what you think and they think, after discussing the matter, can possibly be done.

Incidentally, do you personally, Mr. Elsberrg, have any thoughts on the quest of an equal opportunity act which would be applicable to the District, such as they have in New York and California and other places, which are now before this committee for consideration as legislation?

Mr. ELSBERG. I do not think I am qualified. I would certainly have no objection to it. I do not know that that is the answer.

I do think that somehow there should be something done to make the colored people more aware that those who are equal opportunity employers mean what they say. Apparently they do not believe it.

As I have mentioned to you, we have put these advertisements in. When we put them in for a higher caliber of help, we get very few answers from the colored race.

We have opened some new stores around town, and we need clerks. And I would say that there are a portion of a percent that will answer it, and of that portion, there are very few that are qualified.

We opened a new store at 12th and E. And out of all the applications we had, I think there were two that we were able to hire that are salespersons.

Mr. ROOSEVELT. What are the qualifications, generally, for hiring a clerk?

Mr. ELSBERG. Ability to communicate with the public.

First of all, a reasonably good background. I mean a background of honesty, a background of a certain amount of intelligence. Ability to handle money, which is part of the educational thing. They have to at least know how to count. And they have to know how to speak to people.

And providing they have nothing on their records to infer that they would not be the sort of people we want—and this is the same

qualification of anyone, white or Negro—and that is the only qualification—ability, honesty, integrity.

Mr. ROOSEVELT. Now, have you ever been to the schools or to the school system to discuss this matter with them?

Mr. ELSBERG. The public school system?

Mr. ROOSEVELT. Yes.

Mr. ELSBERG. No. We are in very close contact with Howard, because, frankly, as to the school system, we do not use many under 21. We find it is a problem, white or colored. In some of our Virginia stores, we handle wine and beer, and of course we do not want anyone under 21 there. In other stores, we have found that the younger element—and I mean the younger teenagers—first of all, most of them are not serious enough for these jobs, and we do have a certain position to maintain, a certain dignity, as far as the drugstore goes.

And secondly, the other teenagers will not permit them to act in the decorum necessary.

So we have stayed away from the youngsters. So we stick to Howard University, because apparently they have the best source for us. And they have helped a lot.

But unfortunately, they just do not have enough to fill the positions that we need. But they are working on it. As I have said, they have asked us to help with their courses. Maybe there is something they can do within it to accelerate this program.

Mr. ROOSEVELT. Have you ever thought of contacting the District Employment Office?

Mr. ELSBERG. We are in close contact with USES. Mr. Freidson is in very close contact, he says, with the Deputy Director.

Mr. ROOSEVELT. Mr. Hawkins?

Mr. HAWKINS. Mr. Elsberg, I assume, then, your main problem is one of getting qualified help. Is there any particular reason for that, that you find it difficult to locate qualified help?

I assume this is not a racial problem. I assume you would have the same problem in getting white qualified help. Is there any particular explanation why, in this great industry, there should be such a scarcity of qualified help?

Mr. ELSBERG. Yes. This building is one of them. Unfortunately, or fortunately, the Government is swallowing up most of the younger qualified help coming out into the field. We also lose quite a few to the Government even after employment.

Unfortunately, we are a 17-hour business, and ours entails working mornings, afternoons, or nights, and not many people would prefer to do that, over working in an office in a Government job.

And you are quite right, sir. The problem of getting qualified help is not limited to the colored race. We have a problem all over our stores getting qualified help. And it is getting worse every day.

Mr. HAWKINS. And you say that you have been in direct contact with the Public Employment Service, the U.S. Employment Service?

Mr. ELSBERG. Yes, sir.

Mr. HAWKINS. They have not been able to send you qualified help?

Mr. ELSBERG. Oh, they have. They continue to do it. But there are just not enough.

And, incidentally, we do not tell them we want white or we want colored. We say, "We want a person who can do this job." And

they themselves I think send us more white, primarily because their qualified applicants are more white than colored.

Incidentally, I am amazed at what you say about Mr. Lewis.

Is that his name?

Mr. ROOSEVELT. I am instructing counsel to send you the exact part of the testimony, so that you may know the exact words that were used.

Mr. ELSBERG. All right, because frankly, we have been closer to the Urban League, I guess, than the other organizations.

But as an example, CORE, whom we have not worked as closely with—we have a letter from them in which they ask if we would object to having one of their photographers go through our premises to show our equal opportunity employment.

There was an article in the Afro American: "Drug Fair's Big Happy Family Built by Prexy's Philosophy." They stated the reaction they got meeting the colored help within our organization. And their own editorial comment, if I can find it—the wording is not important—in which the editor agreed that, after talking to the individuals, he seemed to feel that that was our philosophy. And it is.

Mr. ROOSEVELT. Would you like to leave that for the committee files? Would you want to send a copy?

Mr. ELSBERG. I would rather send a copy. This is my only one. And apparently they fluctuate in opinion. I would like to have this as a reference, because the next time they are liable to say something else.

They put us on the honor list recently, along with Safeway Stores and a few others, regarding the statement Mr. Pearson had made in his column. I do not know how we happened to go into that, but apparently they feel we do not advertise and have not been advertising heavily in their paper in the last few years because of a statement Mr. Pearson made a couple of weeks ago.

Apparently we knew this statement was going to be made, but at any rate, I will send you a copy of it.

Mr. HAWKINS. Mr. Chairman, in view of the conflict in the testimony of Mr. Elsberg and Mr. Lewis on exactly the same subject, I am wondering whether it might not be a better idea if counsel for this committee would write to Mr. Lewis, giving him the testimony here this morning, and asking for his comments on why the Drug Fair and representatives of this industry were included in the remarks that he made, so that we would have that in the record, and not have to rely on these two parties getting together on the outside, because one or the other certainly has been unfair, and I think that to that extent it should be cleared up.

Mr. ELSBERG. Now, it is conceivable that Mr. Lewis, and I cannot speak for the industry, was speaking for the industry. And since there are only two of us representing the chain industry here—

Mr. HAWKINS. This statement did not exclude anyone in the industry?

Mr. ELSBERG. It did not.

Mr. HAWKINS. Now, I do not think that it excluded anyone from the industry. In order to be very fair—and I think that your statements have been certainly most encouraging—I would think that we could clear it up one way or the other, so that either you will be pointed out as a culprit or given a clean bill of health by Mr. Lewis.

I think that we should do that, because he did make the statement and did include in his written statement that the drug industry had not been very fair in terms of employment.

Mr. ELSBERG. I would assume that he has the same problem in terms of his organization that I have in mine, lack of communication. And I would like to request that if you do write this letter, or do call, whatever you do, you call Mr. Taylor, with whom we have been directly working, and get his opinion. It is conceivable that maybe these two do not communicate. I do not know.

Mr. ROOSEVELT. We will send him a copy of the transcript, and we will save you this conflict. We would like to have you be specific.

Mr. Martin?

Mr. MARTIN. In other words, what you have been saying to us, as I interpret it, Doctor, is that you do not discriminate in hiring. You ask the employment service to send you these people, and if they are qualified, you hire them, regardless of race.

Mr. ELSBERG. Yes, sir.

Mr. MARTIN. Which I think is the American way to do things, under our free enterprise system.

Mr. ELSBERG. I think so.

Mr. MARTIN. That is all, Mr. Chairman.

Mr. ROOSEVELT. Thank you very much, Dr. Elsberg. We are grateful to both of you for giving this help to the committee.

And we will, of course, furnish you copies of the correspondence, and then we will appreciate any further comment that you may want to send us by mail.

(The above-mentioned correspondence appears on p. 311.)

Mr. ELSBERG. All right. If there are any specific figures you want, I will be very happy to supply them.

Mr. ROOSEVELT. Thank you so much, and we will excuse you. And if you want to stay, we will be happy to have you stay.

(The following newspaper article was submitted by Mr. Elsberg:)

[Article in Afro-American of Sept. 28, 1961]

DRUG FAIR'S BIG HAPPY FAMILY BUILT BY PREXY'S PHILOSOPHY

"People are people and the dignity of man is all important," Milton L. Elsberg, resident of Drug Fair, told the Washington Afro-American in an interview recently.

"I believe that all men are created equal," he said in a recent interview with the Washington Afro-American, explaining the growth of the company since 1938.

Mr. Elsberg was born in Baltimore, Md., and was the second of three sons. He attended elementary school and the high school at Baltimore City College where he was active in dramatics, track, and tennis.

Aspiring to become a doctor, he took premed work at the University of Maryland and majored in pharmacy. After finishing his premed studies and getting a degree in pharmacy he was still too young to meet the age requirements of his profession.

After several attempts at dramatic work, radio diskjockey, and a job with a New York stock broker, he came to Washington in 1935 and went to work as a pharmacist at the National Press Pharmacy.

Three months later he became manager of the Southern Drug Co., where he became affiliated with Robert Gerber, his partner, and in 1938 both men opened their first Drug Fair, in Arlington's Buckingham Shopping Center.

This was the first of a chain of drug department stores now totaling 65.

When asked about the successful growth of his company and to what it could be attributed Mr. Elsberg said; "Fortunately we were in a period of a growing economy and it mushroomed.

"I think that our customer philosophy is responsible also. That is, we believe that when you give the customer service and courtesy they will patronize you.

"We sell nationally famous merchandise and we sell it at prices which are as low as economically possible.

"There are no secret formulas, no magic, to doing business," he said.

"When we started," he continued, "there were 8 of us; today we employ over 2,000 people.

"I thank God for the opportunities that I have had and I welcome the opportunity to help someone else."

The Washington Afro-American talked to a number of Drug Fair employees, both white and colored, and they echoed the company's philosophy.

Among them was Mrs. Alverna M. Miller, of 3961 Clay Place NE., who told the Washington Afro, "I think that Drug Fair is a nice place to work.

"My duties were explained to me prior to and upon assuming my duties as central desk coordinator, and raises are granted according to a person's ability.

"I have received," she said, "all of the benefits that other employees receive and I do not feel that I received my job to effect token integration.

"I believe that Drug Fair is interested only in getting their work done efficiently and effectively."

The 26-year-old Mrs. Miller has been with Drug Fair for 8 months. She began her employment as an ozalid machine operator.

She was promoted to her present position about 5 months ago, and she supervises the work of three other employees.

Mrs. Miller is also a registered cosmetologist.

Another employee, Mrs. Dorothy E. Jackson, of 2445 S. Oakland Street, Arlington, Va., told the Washington Afro, "I can't think of any place where you are treated as well."

Mrs. Jackson is the private secretary to Harold Elsberg, vice president in charge of purchasing, and she has been employed by Drug Fair for 6 years.

She continued, "Even our personal problems are of concern to the company. Why just last week something came up and I needed someone to intercede for me. They did so without hesitation.

"Mr. Elsberg once said, 'We are just like one big happy family here,' and I agree," she said.

"Why even my daughter, Daphne, works here in the office.

"She got the job on her own after wanting to work part time."

She said, "If you are a good worker there is nothing to hold you back. There is just no color line here.

"Since I have been working here I have never been discriminated against either by the employees or the persons with whom I come in contact.

"I also have the authority to purchase without prior approval in the absence of Mr. Elsberg. Who knows, maybe one day I might be a buyer," she said smiling.

Mrs. Jackson came to Arlington from Huntington, W. Va., and she and her husband Charles have two children who are still at home. They are Iris, 16, and Charles, Jr., 5.

After touring the Drug Fair warehouse we returned to Mr. Elsberg's office still overwhelmed by the sizable operation, and asked, "How do you do it?"

Mr. Elsberg replied, "See that door, it is open all the time and anyone can come in at any time. Their problems are our problems, it's as simple as that."

Mr. ROOSEVELT. Our next witness is Mr. W. F. Morrison, the executive vice president of the First Federal Savings & Loan Association.

Mr. Morrison, you have heard this discussion, and generally, of course, the comments that I made as to Dr. Elsberg may apply to you.

We are specifically referring to testimony given to this committee by Mr. Walter Lewis, in which he indicated that financial institutions still continue in the old patterns and traditions of discrimination, and has even indicated disinterest in merit employment.

And then the Deputy Director of the U.S. Employment Service for the District of Columbia stated that such institutions have adhered to a rigid policy of racial hiring.

When you get as strong a statement as that from the Deputy Director of the USES, Mr. Victor Daly, naturally we want to know something about it.

We would be happy to have your comments.

STATEMENT OF W. FRANKLIN MORRISON, EXECUTIVE VICE PRESIDENT, FIRST FEDERAL SAVINGS & LOAN ASSOCIATION

Mr. MORRISON. Mr. Chairman, I indicated to the committee that I could not appear and testify for the industry or for First Federal, and a few minutes later they came back and asked if I would come personally and speak personally.

And I want it clearly understood I am not speaking for First Federal.

Mr. ROOSEVELT. I understand you are not here officially representing either First Federal or the industry, but you are somebody, I think you will agree, who knows something about the industry. At least I hope you would not be first vice president unless you did know something about what was going on in the industry.

Mr. MORRISON. I hope our board of directors believe what you believe about me, Mr. Chairman.

Mr. ROOSEVELT. I do, and that is why we have asked you to be here.

Mr. MORRISON. Personally, I have been at this business of helping the minority groups for a long time. When I was in Chicago, I was a director of the Illinois Federal Savings & Loan Association, which was manned by a board of directors who, with the exception of myself, were all colored.

I found myself in an interesting position. Every one of those members of the board of directors had a better education than I did. They had doctors' degrees, master's degrees, and they were fine, upstanding citizens and did a fine job.

The association, when I went with them, was I think \$25,000 in assets. At the present time it is approaching \$20 million. And it always has been a fine, outstanding organization.

Since I have been in Washington, I have served on the National Voluntary Home Credit Committee, which was instrumental in making many loans to minority groups of all kinds.

And I have been active in placing loans through this committee and through ourselves to minority groups.

And for the record, I would say they pay just as well as any other kind. They are excellent loans. We are very pleased with them.

In addition to that, Mr. Eisenhower appointed me to the Conference on Housing of Minority Groups, and I spent two profitable days there.

For myself, I have no prejudice, and I think that there is a need for equal opportunities, and I think that the other side of the street has a problem or two.

Among ourselves we have problems. And I do not think that passing legislation—you have not asked me this, but I do not think passing legislation is the answer.

I think the real answer is probably a better educational system, a better educational system from both sides, to educate the whites as well as the colored people to understand the problem and to work toward qualifying themselves for these jobs, because in a financial institution requirements are much more strict and much more demanding than they are in general industry.

Mr. ROOSEVELT. Mr. Morrison, of course an educational system is obviously one of the basic needs and would do what you say, but I think you would recognize that if you have a better educational

system, and then you have a closed door to the graduates of that educational system, that system will not stay good very long, because the dropouts will continue.

The claim is made, and I think rather accurately pinpointed, at least the impression is a very strong impression that there are areas, even if you are qualified, even if you end up with a good record, that you cannot in many instances get a beginning, and even if you get a beginning, you cannot get an opportunity for advancement.

The average fellow who is a little emotional, maybe, or maybe is stirred up by people, is influenced to the point where he says, "To heck with it. If that is going to be the attitude, I won't stay in school. I will make my own life my own way."

Then we have delinquency problems and crime problems and all the other things that go with it.

Specifically, what is your impression with respect to the financial community of Washington?

Has there really been, in your opinion, an intelligent effort to convince the community that there is a nondiscriminatory hiring and promotional policy in the financial institutions of Washington?

Mr. MORRISON. In the past I agree there has not been, but I find now a much greater tendency to be alert to the problem.

Mr. ROOSEVELT. To be alert to it is not quite enough.

Mr. MORRISON. I appreciate that, Mr. Roosevelt, but to be alert to the extent that they are looking for qualified people, and I would not be a bit surprised before the year is out that there would be some changes for the better in that situation.

Mr. ROOSEVELT. Is there any committee in the financial area that has been appointed or is working together to bring this about a little more rapidly than just letting events take their own course?

Mr. MORRISON. Not that I know of. There has been no committee appointed that I know about.

Mr. ROOSEVELT. Is there any organization? We have had the Board of Trade rather highlighted in this whole thing. Is there any financial association to which one could communicate, trying to get across the urgency of the problem, and urging them to take more direct action?

Mr. MORRISON. There are savings and loan leagues, as you know. There is one in the District of Columbia. And I cannot speak for them, although I am an officer.

Mr. ROOSEVELT. Well, now, is it possible that the Savings and Loan League could take the lead in this matter, under their bylaws?

Mr. MORRISON. I believe they are in the same position as the Board of Trade. They could write letters or make suggestions but they cannot tell their members how to proceed.

Mr. ROOSEVELT. What about the rest of the financial area? What about the national banks? Mostly we have national banks, I guess, in the District. But what about in the Maryland and Virginia area? Is there any central or all-inclusive situation?

Mr. MORRISON. I do not believe so, but I am not qualified to say.

Mr. ROOSEVELT. You do not have any association which brings them into the picture?

Mr. MORRISON. No.

Mr. ROOSEVELT. Are you a member of the board of trade?

Mr. MORRISON. Yes.

Mr. ROOSEVELT. And that really would be the only area to reach everybody, as far as you know?

Mr. MORRISON. That is right.

Mr. ROOSEVELT. It sort of highlights the importance of the board of trade, unfortunately. How many branches does First Federal have?

Mr. MORRISON. One.

Mr. ROOSEVELT. One branch. Do you know how many your total employees come to?

Mr. MORRISON. Our employees? There, again, I am testifying only for myself, and I do not think I want to put that in the record.

(Discussion off the record.)

Mr. MORRISON. The District of Columbia Savings & Loan League ran a school for school teachers at American University for, I think, 3 years, at which I was one of the instructors. And among those school teachers from the District were many colored folk.

We told them about our business, and invited them, if they had qualified people—we did not run it this last summer, but the three prior summers we ran that school.

That is the only effort I knew of.

Mr. ROOSEVELT. Would you not think that perhaps the District Savings & Loan League might become a little more active, in view of the criticism that has been leveled against them, and at this time that they might undertake as a civic duty, to see what more they could do in this area?

Mr. MORRISON. Again, unofficially—

Mr. ROOSEVELT. Putting it on a more personal basis, now.

Mr. MORRISON. I think it could be done.

Mr. ROOSEVELT. We would certainly urge you to do it, because, again, when there is any substantial or important group—and I think, certainly, the Savings & Loan League does play an important part in the community life—which does not exert a degree of leadership, in what obviously is a community problem, I think they are going to be criticized. We would certainly hope that you, individually, and then perhaps you as an official of your organization, and a leader in the industry, would do what you could to at least convey our hope that constructive steps would be taken. When and if they take place, quite frankly, Mr. Morrison, we hope you would be willing to communicate with us about them, so that we know about them, and we are in a better position, rather than to just take some accusation that would sound pretty horrible.

We are not able to say: "You ought to look into some other things that are being done," which perhaps they do not know about, because as I think you know, part of the things that build tensions sometimes is the lack of communication, the lack of knowledge.

If there are programs going forward, and if there are efforts being made, if they are understood, and if they are sincere, then, in many instances, tensions can be relieved and progress can be watched and can be seen.

Frankly, my hope is that we can establish that communication, and thereby establish the facts. But as you say, in your area, there seems to be a good deal of work to be done. So I would hope that you would be willing to do what you can.

Mr. MORRISON. I would be glad, Mr. Chairman, to carry that back to our folks as I see them, and see what could be done.

Mr. ROOSEVELT. Thank you.

Mr. HAWKINS. Mr. Morrison, in your opinion as an individual, does the savings and loan industry have a racially discriminatory policy?

Mr. MORRISON. I know of no policy like that.

You must keep in mind, I think, Mr. Congressman, that we are all individual mutuals owned by the shareholders, in the community. So there are no tight, binding rules. Although we belong, in our case, to three savings and loan leagues, there are no rules that would bind us to move this way or that way. It is an individual problem.

Mr. HAWKINS. Does the industry, or, would you say, the members of the industry, employ persons on a basis of merit? Do they employ Negroes in all phases of the industry?

Mr. MORRISON. Speaking personally, I would say there are some employees, even in the District associations, that are colored, in more than just the menial capacity.

Mr. HAWKINS. In what capacity would you say they have been employed?

Mr. MORRISON. I believe there are some in the bookkeeping department of one of their associations.

Mr. HAWKINS. Would you say that this is general?

Mr. MORRISON. Not general, no, sir; an exception, at the present time.

Mr. HAWKINS. That there is a great scarcity of minorities employed in this industry?

Mr. MORRISON. That is correct, at the present time.

Mr. HAWKINS. You implied that they were not employed due to the inability to get qualified personnel. Did I understand you to make that statement?

Mr. MORRISON. Yes. The door is open. But qualified people are hard to come by.

Mr. HAWKINS. What efforts have been put forth in trying to get qualified help?

Mr. MORRISON. I am not testifying, again, for any association.

Mr. HAWKINS. I realize that. I am asking you these questions merely for your opinion as an individual, and not with reference to the specific savings and loan company, or even in direct connection with the industry as such, but merely opinions that you may have.

Mr. MORRISON. I said a while ago that I think the attitude is changing. That is as far as I could go.

Mr. HAWKINS. What is causing the change?

Mr. MORRISON. Realization that they have a community job to do.

Mr. HAWKINS. You said that you did not think that legislation was the answer, but you favor education. May I ask you, in view of the statement, just who is going to do this educating that you speak of? How do you propose that it be done by education, and who is to do it?

Mr. MORRISON. It is a community problem. Education is always a community problem. I do not believe that legislation can correct that. I think it is education in the schools, or in the colleges, that has to come about.

Mr. HAWKINS. Do you realize that here in the District, at least, the only way you can obtain the education is through legislation? Would

you exclude that type of legislation, or are you merely referring to an FEPC act?

Mr. MORRISON. No, I am talking about education in the schools. And to qualify these folks for jobs.

Mr. HAWKINS. Are you indicating that there are no qualified Negroes in the metropolitan area of Washington who could fill the positions in the savings and loan industry?

Mr. MORRISON. If we were to search for them, I think they could be found, yes.

Mr. HAWKINS. Well, is it that you do not need any additional employees, or that you have an oversupply at the present time, that causes you not to search for any?

Mr. MORRISON. There, again, I am only testifying personally.

As my friend, here, says, we are getting sufficient help, but we do have to go through a long process of qualification, because the financial institution is protected by the FBI, and we have to screen these people very carefully.

Mr. HAWKINS. You do not think that that interferes with the employment of Negroes, do you?

Mr. MORRISON. I did not say that.

Mr. HAWKINS. Well, you indicated that you must screen them.

Mr. MORRISON. We have to. That is right.

Mr. HAWKINS. You are not indicating that your failure to employ any more Negroes than have been employed in the industry is due to the fact that they cannot be screened by the FBI?

Mr. MORRISON. Again, I am only speaking personally, Mr. Congressman. I am not speaking for the industry or First Federal or anyone else, just myself.

Mr. HAWKINS. Well, I just do not quite understand you when you give these various reasons why Negroes are not employed, and then you indicate that these reasons are not valid.

Mr. MORRISON. I merely said that I think the attitude in the industry is up for a change. I did not say that they were doing it now.

Mr. HAWKINS. When is this attitude going to change? And what is going to cause it to change?

Mr. MORRISON. Personally, I hope, soon.

Mr. HAWKINS. We hope with you.

Mr. MORRISON. I really do.

Mr. ROOSEVELT. Let me just comment, if my colleague will yield for a minute. I think I should also say that we have to have more than hope, and I think you might pass the word that it has to be more than hope.

Mr. MORRISON. I would be glad to, Mr. Chairman.

Mr. MARTIN. I noted, Mr. Morrison, that you stated that legislation along this line would not solve the problem. Could you give the committee some suggestions as to how you think that this problem we are concerned with could be solved?

Mr. MORRISON. I cannot, Mr. Martin.

The reason I say that: I think back to the prohibition amendment, which was a good amendment; it was a good cause; but I think that the fact that we could not enforce it caused more trouble in the United States than we ever had before, because it made more people have disrespect for the law than ever before.

Now, any such legislation, which tries to legislate social progress, or force a situation, is liable to have the same fate as the prohibition amendment.

Mr. ROOSEVELT. Will my colleague yield?

Mr. MORRISON, some of the so-called social legislation has been successful. You take the SEC laws. This is in very much the same category. What we were trying to do was to establish regulations which basically would eliminate as much as one possibly could of misrepresentation to the public and better honesty in the securities area. And certainly you would not say, as a financial man, that this has not been reasonably successful, would you?

Mr. MORRISON. It is successful.

Mr. ROOSEVELT. Right. It is successful. So that there are areas where, if the legislation is sound and it is properly administered, this kind of legislation can be helpful, can it not?

Mr. MORRISON. It can, Mr. Roosevelt.

Mr. ROOSEVELT. Have you read H.R. 405?

Mr. MORRISON. No, I have not.

Mr. ROOSEVELT. Would you mind if I instructed counsel to send you a copy for your comment?

Mr. MORRISON. I would be glad to have it.

Mr. ROOSEVELT. Personally; I am not asking you officially.

Mr. MORRISON. Thank you.

Mr. MARTIN. In applications for loans, is it customary in the District in this area to specify as to whether they are white or black in making an application?

Mr. MORRISON. My personal observation, my own observation, is that it is not.

Mr. MARTIN. It is not required on an application?

Mr. MORRISON. No, it is not required.

Mr. MARTIN. In looking over an application for a loan, I assume that you look it over purely from the financial standpoint, and the ability of the borrower to make the payments, and so forth, so that you would have a good, sound loan?

Mr. MORRISON. That is right, sir.

Mr. MARTIN. So there is no discrimination that is practiced, as far as the lending of money is concerned?

Mr. MORRISON. That is correct.

Mr. ROOSEVELT. Mr. Morrison, we want to thank both of you gentlemen for your kindness in coming before the committee.

Mr. Elsberg, did you have something further?

Mr. ELSBERG. Yes. May I give a little explanation for the record? This has nothing to do with what this gentleman said.

You mentioned some statistics, and we mentioned some employee numbers, 52 percent colored. We are primarily outside the District of Columbia. We have 77 branches, and 10 of them are here. Most of them are Alexandria, Falls Church, and so forth, so that the percentages of the employees that we discussed, as compared with the 52 percent, are not applicable.

I just say this because of the 2,000 that we spoke of, I would say a few hundred are in the District, and that is all.

Mr. ROOSEVELT. Of course, Dr. Elsberg, the problem is, however, a Metropolitan Washington problem, because many of the people who live in the District work outside.

Mr. ELSBERG. There are some, but in our type of store, which is neighborhood thing, and primarily we are neighborhood, we try to get employees in that area, primarily because of the peculiar hours that we work. And so the ratio, the percentage of colored and white, in Fairfax, Falls Church, Alexandria, would not be anywhere near the number in the District.

And I say that just because of what was made a part of the record.

Mr. ROOSEVELT. It might be interesting for you to take your District of Columbia operations and see whether they do vary very much. For instance, are your Washington outlets more heavily staffed with nonwhites than those in the outer areas?

Mr. ELSBERG. I would say—and this is an approximate figure—we just opened a store at 12th and E, and I would say that was primarily colored.

Mr. ROOSEVELT. I think it would be very helpful if you could give us a few facts along that line, to show that especially, since, as you say, you must try to take employees who are in the general area, if possible.

Along that line, therefore, if you could show that within the District of Columbia, you had quite a different picture, let's say, than you did in Fairfax County or other areas, I think it would be helpful to the committee.

Mr. ELSBERG. I can say definitely that the number of employees in the District of Columbia stores—there is a larger percentage of colored than there is of white.

Mr. ROOSEVELT. Well, if you have any specific figures, I think they would be helpful.

Mr. ELSBERG. I would be glad to send them to you. I do not have them available.

Mr. ROOSEVELT. Thank you very much.

And we certainly appreciate your help.

The committee will stand adjourned until 10 a.m. tomorrow morning.

(The above-mentioned material follows:)

District of Columbia area survey

	1	2	3	4	5	6
	Total employees	Fountain managers	Fountain supervisors	Store book-keepers	Pharmacists	Sales-people
White.....	134	4	1	0	13	77
Nonwhite.....	199	6	2	1	4	20
Total.....	333	10	3	1	17	97
Percent nonwhite to total.....	60	60	66	100	23.5	21

NOTE.—Col. No. 1 clearly illustrates that equal employment opportunity is an effective practice of Drug Fair.

Cols. 2, 3, 4, 5, and 6 represent the responsible positions occupied by nonwhites in ratio to our total employment for each category. This chart makes it quite apparent that nonwhites are actually engaged in pursuits of a responsible nature and in a number and percentage that is highly favorable to the overall number of qualified applicants or professionally trained personnel available.

Pharmacists, District of Columbia stores

Active, registered Negro pharmacists.....	135
Total active, registered pharmacists.....	1,035
Percent of Negro pharmacists to total.....	13
Number of pharmacists in Drug Fair in District of Columbia.....	4
Total pharmacists in Drug Fair in District of Columbia.....	17
Percent of Negro pharmacists in Drug Fair.....	23.5
Number of drugstores owned and operated by Negroes.....	30
Total drugstores in District of Columbia.....	292
Percent of relationship.....	10

NOTE.—In a professional capacity, Negroes employed in Drug Fair, District of Columbia, constitute 23 percent of the work force. This is far greater than the number of Negro-white ratio of active, registered pharmacists in the District of Columbia.

Distribution center survey, Alexandria, Va.

Classification	White	Nonwhite
Truckdrivers.....	1	14
Truck helpers.....	0	8
Receiving.....	2	10
Shipping.....	1	5
Returns department.....	1	1
Lift operator.....	0	5
Order filler.....	7	32
Stock clerk.....	3	6
Pricing clerk.....	0	5
Mechanics.....	2	0
Guards.....	2	0
Inventory control.....	1	3
General management.....	3	0
Total.....	23	89
Percent nonwhite to overall.....	70	
Commissary.....	2	11
Percent nonwhite to overall.....	84	

NOTE.—The above chart indicates that white and nonwhite employees occupy the same type of positions. Employment and pay is based solely on qualifications and job performance with equality for whites and nonwhites.

This survey does not include our office staff numbering many nonwhites in the following positions: assistant to the vice president, typists, clericals, bookkeepers, electronic data processing development, mail room, etc.

WASHINGTON URBAN LEAGUE, INC.
Washington, D.C., June 3, 1963.

DEAR MORRIS: This is in reply to your letter dated May 28, 1963, in which you related your firm's experience with the Roosevelt committee and your reaction thereto.

With regard to the questions you raised, I can supply pertinent information from the public record that may be helpful in some degree toward your understanding.

As one of the contacts the committee made in its effort to get an overview of the District of Columbia employment situation, the Washington Urban League joined in the consensus that an objective across-the-board appraisal of the District of Columbia's major employers does not reflect a satisfying picture with respect to the implementation of merit-hiring and equal employment opportunity.

This view was based simply on (1) a determination of the total work force of firms recognized as leaders in each industry; (2) the proportion of Negro employees; (3) the job categories to which Negroes are assigned, i.e., top management, middle management, unskilled operations, etc.; and, (4) the income gap between Negroes and whites in designated industries.

Of course there are cogent reasons that, in some instances, make this disparity understandable, but I am confident that if you took a detached objective view you would subscribe to this conclusion. This conclusion did not involve attitudes, procedures, and related considerations, but was based primarily on what the statistics showed.

With regard to my personal opinion of Drug Fair in this connection, I have been highly impressed in my contacts with you and your associates. It is my considered opinion that Drug Fair has a positive action program in which job openings are made available without race considerations. I can personally attest this on the basis of examples in our files that record your requesting the league to refer applicants for job openings in categories other than the traditional; and several instances in which league referrals were accepted for announced job openings.

Further, I can attest that you and I have met regularly in cordial sessions in which we discussed Drug Fair's employment needs, possible openings to which the league could make referrals, general assessment of Drug Fair's activity in the area of our mutual concern and related matters.

In all candor, however, it has been my opinion that up to a point in the recent past, Drug Fair, just as was the case with other major employers, may have had a fair employment practices policy, but had no aggressive, positive action program designed to implement its policy.

My contacts and conferences with you over the past year, and the tangible results that have accrued, have led to my conviction that Drug Fair does in fact now have an exemplary action program that, in time will enable the company and the urban league to point with pride to achievement in this area.

It is our sincere hope here that the league and Drug Fair will continue the excellent relationship that has been developed, with the community as beneficiary.

It is my conclusion, however, that the ultimate determination with regard to the subject of this discussion will not be made by the league, or any congressional committee, but by the action and conscience of Drug Fair management.

Cordially,

ROBERT L. TAYLOR,

Associate Director, Job Development Department.

(Whereupon, at 11:15 a.m., the committee recessed, to reconvene at 10 a.m., Tuesday, May 28, 1963.)

EQUAL EMPLOYMENT OPPORTUNITY

TUESDAY, MAY 28, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to adjournment, in the Hall of States Room, the Skyline Inn, Hon. Augustus F. Hawkins presiding.

Present: Representatives Roosevelt (chairman of the subcommittee), Hawkins, Gill, and Bell.

Staff member present: Jay H. Foreman, subcommittee counsel.

Mr. HAWKINS. The meeting will come to order. This is another hearing of the General Subcommittee on Labor of the House Committee on Education and Labor. This is a continuation of the hearings on H.R. 405, the proposed Federal Equal Employment Opportunity Act.

This meeting is called specifically on the question of job discrimination in the Washington, D.C. metropolitan area.

Unfortunately, the chairman of the subcommittee, the Honorable James Roosevelt, is delayed, and we will continue the hearings in his absence. We expect Mr. Roosevelt to be here before the morning session is over.

The first witness this morning is Dr. Frank Jones, vice chairman of the District of Columbia Commissioners' Council on Human Relations.

Dr. Jones, it is a pleasure to have you with us and if you have a prepared statement to present to the committee, we will be very pleased to have it.

STATEMENT OF DR. R. FRANK JONES, VICE CHAIRMAN, ACCOMPANIED BY PAUL RILLING, EXECUTIVE DIRECTOR, DISTRICT OF COLUMBIA COMMISSIONERS' COUNCIL ON HUMAN RELATIONS

Dr. JONES. We do have a somewhat prepared statement.

Mr. HAWKINS. You may either summarize the statement or read it in its entirety.

Dr. JONES. I should like to have Mr. Paul Rilling, the executive secretary, sit with me.

Mr. HAWKINS. We are pleased to have Mr. Rilling also.

Dr. JONES. Mr. Chairman, I cannot divorce myself from the tradition of my heritage; the Urban League philosophy. You may find me during this testimony wearing my second badge, the Urban League.

I want you to know that we deplore the economic plight of the Negro in our country, a plight stemming from ignorance, compounded

by prejudice. This results in a strangling effect upon our Nation depriving it of a significant economic value while providing psychologic trauma not only for the Negro, but strain upon the moral, religious, and economic fiber of our oppressors must produce adverse reactions upon their efficiency. There is recognized a wide gap in the economy between the Negro and white community which is reflected in the earning power for white males as \$5,137 and for Negro males \$3,075; for females, white, \$2,537, and for Negro \$1,276.

These facts have been recovered from the recent statistics.

Mr. HAWKINS. May I interrupt just long enough to inquire whether or not you are reading from the prepared statement or is this a prefatory statement to the statement that you have given to us?

Dr. JONES. I want you to know that, whereas I am representing the Human Relations Council, I can't come here without representing myself. These are the facts which I would like to present.

Mr. HAWKINS. We are glad to have you in both capacities.

Dr. JONES. This represents a national economic tragedy depriving the Negro of \$12 billion to spend and the Nation's economy indirectly of \$28 billion annually; the difference being paid is for denial of equal opportunity to be self-supporting. How long can the American economy afford this luxury?

I know that I have been asked to appear here for the Human Relations Council because our competent chairman, Mr. Aaron Goldman, finds it impossible to appear. I shall proceed with my prepared statement.

The Commissioners' Council on Human Relations was established by action of the District of Columbia Commissioners in August 1958. The Council was designated as an advisory body to the Board of Commissioners on the general problems of intergroup relations in the District and, particularly, on the implementation of the Commissioners' equal employment policies within the District government and on the part of businesses holding contracts with the District.

In 1961 the membership of the Council, appointed by the Board of Commissioners, was increased from seven to nine, and the Council was given authority to investigate, upon complaint, discrimination in private industry and to provide its good offices to help conciliate community tensions in human relations. The Council on Human Relations now consists of nine members and a staff of two specialists in intergroup relations and one administrative secretary. I have been a member of the Council since its organization. I am now serving as vice chairman, and as chairman of the subcommittee on apprenticeship opportunities.

It should be noted that the Council is primarily an advisory, educational, and conciliatory body. We have no enforcement powers as do many public intergroup relations agencies across the country.

During the 4½ years of its existence, the Council has been concerned with study and action on a wide number of problems relating to interracial and interreligious relations. I will limit myself this morning to our activities in behalf of broadening equal employment opportunities for minority group citizens of the District.

The efforts of the Council to achieve equal job opportunities have been centered in four problem areas: Within the District of Columbia government, in business holding District contracts, apprenticeship

training; and private industry in general. Let me report briefly on our efforts in each area.

1. DISTRICT GOVERNMENT EMPLOYMENT

A regulation of the District of Columbia Commissioners, adopted in 1953, forbids discrimination on the grounds of race, religion, or national origin within the District government.

The Council on Human Relations has been wholly or partly responsible for the following developments within the District government.

I would like to comment on my own with regard to this.

(a) It is a fact that there occurred about a year and a half ago a petition from the Fire Department which pointed out the very definite oppressive measures therein, the specific point being that they were unable to join the union. This was presented to the Human Relations Council with 23 specific complaints.

After an open hearing in which the hierarchy of the Department was involved and the firemen themselves had an opportunity to present their position, all of these measures faded out and within about 3 months there was a completely integrated situation with the Fire Department where Negro officers commanded posts in which there were intergroup personnel. This has been a harmonious effort which, I think, is unparalleled in District government, and it could be recalled that this was probably expected to be one of the most difficult areas in the District government to comply with the intergroup relations policy as pointed out by the Commissioners in their order.

(b) The manpower utilization survey, an annual check of our progress toward equal employment which has been taken every year since 1960. This will be referred to a little later.

(c) The processing of 386 complaints of discrimination primarily from District employees from 1959 through 1962. Twenty complaints were handled by the Council in 1959, 36 in 1960, 105 in 1961, and 225 in 1962. Thus, there is an awareness in the community that the Council exists.

In January of this year the Commissioners adopted a new complaint process for District employees, involving the appointment of equal employment liaison representatives in all District departments. Under this new system, every complaint is first investigated by the departmental representative. It is then reviewed and, if necessary, re-investigated by the staff of the Council. In any case where the Council cannot reach an agreement with a District department on the findings in a case or on the corrective action necessary, the case is reviewed by a special committee of three which can recommend action to the Commissioners. This committee consists of our Director, Paul Rilling; Mr. Carl Coleman, assistant to Commissioner Duncan; and Mr. James Murray, Chief of the Employment Section, Central Personnel. Notices have gone up in all District offices notifying employees of these procedures and their departmental representatives have been identified.

This procedure, modeled after the employment policy officer system of the Federal Government, has been in effect for 3 months. It is too soon to measure its effectiveness but we are guardedly optimistic.

During these 3 months, 41 complaints have been filed by District employees. Of this number, 11 have been successfully resolved through corrective action. In five cases, no probable cause of discrimination was found. Three complaints were withdrawn by complainants. In 4 cases, we could find no jurisdiction for the Council, and 17 cases are still under investigation or conciliation.

To date, we have been able to reach an agreement with the departments on all cases. No case, as yet, has come to the special committee or to the Board of Commissioners.

In processing the volume of complaints, we are handicapped by the small size of our staff and this provides delays in completing investigations.

The complaint system operates under the overall supervision of Commissioner John B. Duncan, as the Commissioner designated by the Board of Commissioners to direct this function of the District Government. There has been some improvement in the scope and nature of Negro employment within District government since the early 1950's but the council feels it is an area where improvement lags behind the expected progress. It is not satisfied with the progress.

Comparative data is difficult to come by. The manpower utilization surveys have been taken only since 1960. The 1962 survey shows that 48.1 percent of District employees were Negro as of last June 30. This is an increase of 1.4 percent over 1961, and compares with a Negro employment rate of 22.8 percent by the Federal Government in the Washington civil service region in 1962.

Negroes employed by the District in grades 5-11 show an increase from 24.4 percent in 1960 to 28.2 percent in 1962. In grades 12-18, the increase is from 6.7 percent in 1960 to 7.8 percent in 1962. Of 255 employees of the District government who were earning salaries of \$11,000 or more last June, however, only 21 were Negro. We estimate that only 25 percent of the District government payroll in 1962 went to the 48 percent of District government employees who were Negro.

The council has been cooperating closely with the police department in the planning of an expanded intergroup relations training program of 40 hours for all recruits and 8 hours for all officers of the rank of sergeant and above. We believe that this training is an important contribution to better police community relations. If more Negroes were visible at all levels of the department, this, too, would substantially improve police-community relations. The promotion system by many officers is considered suspect.

I believe that the government of the District of Columbia must move beyond its present emphasis on nondiscrimination and the complaint system. We need a greater emphasis on affirmative action by department heads and personnel officers to recruit, employ, and upgrade qualified Negroes so that equal employment may become a reality, not simply a goal, in District government. An intensified effort should be made to provide employees the opportunity to close the gap which is a matter of record. That is the gap between the white and Negro employees.

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2. CONTRACT COMPLIANCE

Since 1953 it has been the policy of the District government to require nondiscrimination in employment on the part of firms signing contracts with the District. In April 1962, new tighter regulations were adopted by the Commissioners, patterned somewhat after the contract compliance procedures of the President's Committee on Equal Employment Opportunity. These regulations require the filing of compliance forms by contractors, a complaint procedure involving investigation and hearings, the obligation of affirmative action on the part of contractors, and routine and special compliance reviews by the contract agencies.

The Council urged, and helped develop, these new regulations. The Council does not have enforcement responsibility under these regulations. The contract agencies are responsible, with the Council named in an advisory capacity. The contract agencies for the District are the Procurement Office and the Departments of Building and Grounds, Highways, and Sanitary Engineering.

On the recommendation of the Council, the District government has taken a number of steps to encourage more equal employment by contractors. All District contractors are required to post on their premises posters provided by the Council informing employees of the contract regulations.

Several years ago the Council staff met with representatives of the District contract agencies and a number of the larger contractors to discuss employment policy. On several occasions the Commissioners have addressed communications to contractors calling their attention to the regulations and inviting their cooperation.

The Council on Human Relations is not satisfied that District contractors are implementing equal employment opportunity. We believe that the processing of complaints is not a sufficient means of policing the enforcement of the Commissioners' policy. The absence of complaints does not necessarily mean that conditions are satisfactory. We believe that the District should take a greater initiative to investigate conditions in contract plants even in the absence of complaints or obvious problems. We hope that there will be more routine compliance reviews as are provided for in the April 1962 Commissioners' order. The staff of the Council is currently engaged in discussions with the contract agencies concerning these matters. We anticipate that new measures to police nondiscrimination on District contracts will soon be announced.

HOSPITALS

The District government's nondiscrimination clause was recently extended to hospitals that provide service to indigent patients at Government expense. Not only are they required to recruit, hire, and promote without regard to race, color, or ethnic origin but, also, this policy is extended to applicants for positions on the visiting, attending, and courtesy staffs. Although several of these hospitals have stepped up their appointments of Negro doctors, it is hoped that the pace will be significantly increased as present hospital contracts are renewed during the fiscal year.

I would like to go away from my text for a minute to present my own position which is not a position taken by the Council although the Council has been keenly interested in the hospital staffing as we recognize it.

Although several accredited hospitals profess concern and interest in the involvement of Negro physicians in the active as well as courtesy staffs, there is little evidence of realization in this regard. The excuse that their staffs are filled is not acceptable. Their failure to actively seek qualified Negro physicians to fill the gap so long present by their longstanding repressive measures should not be condoned by our Government—our Government which built their hospitals and our Government which supports their indigent patients during this too long period of adjustment.

A directive should be issued which requires a turnabout in policy. This should be issued now and it is to be noted that one of these hospitals which is providing the token involvement of Negro staff members in a few of its departments appeared before the Congress just last week requesting \$8,200,000 for an addition in which to perpetuate this segregated policy.

When this Congress was considering appropriation for \$20 million for the construction of this hospital's original building 7 or 8 years ago, I was naive enough to believe, after a conversation with the president of one of the staffs of the consolidating hospitals, that integration of its personnel, patients, and staff was merely a matter of time. A matter of time, yes, a very, very long time. I can wait no longer for the right, not the privilege of Negro participation in the program of the Washington Medical Center.

Mr. Chairman, I do here urge that a rider requiring immediate integration of this hospital be written as a requirement to the appropriation before another dollar is expended to perpetuate this ugly practice of segregation within our Nation. Why cannot our Government develop a crash program aimed at closing this gap and do so immediately?

Mr. HAWKINS. Dr. Jones, may I interrupt your testimony to ask this question: the hospital that you spoke of you identified as the Washington Medical Center?

Dr. JONES. That is right.

Mr. HAWKINS. Is that a Government hospital?

Dr. JONES. No, it is not a Government hospital. It is a hospital for which the Government supplied \$20 million to build and which is now asking \$8,227,000 for an addition of 300 beds. This came to another committee.

Mr. HAWKINS. Then it is a private hospital which has received Federal assistance?

Dr. JONES. Well, that is a great deal of assistance, \$20 million to build.

Mr. HAWKINS. Yes. The other hospitals referred to in the statement you have read from the prepared statement are both private and public hospitals?

Dr. JONES. They are all private hospitals.

Mr. HAWKINS. You are confining the statement to the service which is provided for which the Government pays some amount, such as service to indigents and others?

Dr. JONES. Exactly, yes. By the order of the Commissioners which was reissued in the fall, the extension of the contract with Government was applied which provides for the employment on a nondiscriminatory basis of all types of personnel.

Mr. HAWKINS. Then you are including all hospitals that have some contract with the District government?

Dr. JONES. And every hospital in the District of Columbia has such a contract—except Doctors.

Mr. HAWKINS. I see. Thank you.

Dr. JONES. So we are not exempting any. I am making a particular plea with regard to the fact that inherent in any further appropriation that serious consideration be given to making this an American type hospital which provides the opportunity for the participation of the Negro in its staffing.

We recognize that of the hospitals in Washington there has been a great limitation but I submit that in the last 2 years there has been some tendency toward involving Negroes, but this involvement is merely token.

We have, for example, in Washington Hospital Center where there are nearly 700 staff members, only 1 Negro on its attending staff and 24 are on its courtesy staff. These have been progressive over the last 4 years.

Mr. HAWKINS. All of these hospitals with contracts do admit Negro patients?

Dr. JONES. Oh, yes. They couldn't live without the Negro patient.

Mr. HAWKINS. But in many instances the Negro doctor is not allowed to follow his patient into the hospital, is that right?

Dr. JONES. In many services he is not allowed. Even though, for example, Washington Center has 24 Negroes on its staff, these are confined to probably not more than 3 services, and the other services in the hospital which must include, I should say 20 or more, have no Negroes involved in the staffs which would handle patients in that area. This is an unholy situation involved in this issue.

Currently whereas a number of years ago, and let's go back 10, there were a significant number of hospital admissions that were free or indigent, possibly 65 or 70 percent being indigent in some of the hospitals, in the one which I happen to have an interest, currently in our hospital this matter has been reversed and third parties are paying for 70 percent of the hospitalization. The Government is financing a terrific number of these through insurance. That is, the patients are financing it through Government insurance which gives them the right, therefore, upon admission to select their physicians. Since they cannot take their own physician into the hospital, they are thrown on the mercy of the hospital to assign them a doctor who treats them not like we used to treat indigents but the attending physician treats these hospital patients and gets paid for it from third parties and, since this is a significant number of admissions over the course of a year and since no Negro physician is on the attending staff to provide this care, the economy's loss to the Negro physicians is great because the third party pays the hospital staff doctor.

My contention is that there exists in this whole area an unholy situation of perpetuating an evil, the evil being that in order for one to become a member of a staff, if he is located in Washington he must

have the support of one or two members of that attending staff to sponsor his application and, since our relationship, that is, the Negro physician's relationship with the white surgeon's or physician's activity is very new in the District Medical Society and even though our membership is now accepted there and this is very new the lack of knowledge of the ability of the Negro physician is rampant and endorsement is impossible.

Mr. HAWKINS. Is this general in the area?

Dr. JONES. It is general in all hospitals.

Mr. HAWKINS. Would you care to name specifically any hospitals that do not follow such a policy?

Dr. JONES. Yes, I can name only one of the accredited hospitals. Sibley does not follow this practice but each of the other hospitals does follow that practice. I say so because I happen to be in the field where, even though my experience is known nationally, it was impossible when I did apply for me to get anybody to endorse an application.

I was foolish enough to ask one. He had worked with me for a number of years. I asked him, "Who do you think I might get to endorse me?" I had been working with him for 8 years. He looked me square in the eye and said, "I don't have the slightest idea."

Mr. HAWKINS. Does the District government's nondiscrimination clause cover these hospitals which have contracts?

Dr. JONES. It does.

Mr. HAWKINS. Has that clause been unenforceable, then, in such a situation as this?

Dr. JONES. It is a new clause. It is less than 6 months old and there is a tendency to provide token opportunities and this has occurred in several hospitals. For example, Washington Center involved its first man in internal medicine this year and to my understanding he presented a very creditable experience which was commended by the vice chairman of the board of the hospital as having come to him in that fashion. He served 2 months in his rotation as an attending physician.

We have in Children's Hospital, two men on the attending staff and in Providence Hospital which only within the past month took on its first attending staff man.

Mr. HAWKINS. Now, if the nondiscrimination clause is not observed, what power does the District government have with respect to obtaining compliance with its nondiscrimination clause?

Dr. JONES. Well, it can only withhold a contract next year.

Mr. HAWKINS. You have the power to withhold the contract?

Dr. JONES. That is the power in the Commissioners' order.

Mr. HAWKINS. So far has this power been used?

Dr. JONES. No, it has not, and this token compliance of one or two would probably be like the deliberate speed in the desegregation.

Mr. GILL. Would the gentleman yield at this point?

Mr. HAWKINS. Yes, Mr. Gill.

Mr. GILL. Doctor, there is a question that I am not clear on. You are saying that these hospitals are not hiring Negro physicians to be members of their permanent staff?

Dr. JONES. It is not a matter of hiring because physicians are not hired for this. They are selected to do this and serve voluntarily in this position.

Mr. GILL. I am trying to find out what the practice in the medical profession is here. Are you saying that this is the same thing in regard to Negro physicians in private practice who have patients who have to go to the hospital, that they are not allowed to follow their patients?

Dr. JONES. Oh, they are not allowed. No. Dr. X is treating a patient and, although he is a qualified specialist in the field, if his patient desires to go to one of these hospitals in which he has no privilege, he cannot follow the patient.

Mr. GILL. Are there any of these hospitals where a private Negro physician has privileges?

Dr. JONES. There is a token acceptance of courtesy privileges in each of these hospitals.

Mr. GILL. What does this mean?

Dr. JONES. By courtesy privilege, we mean that a surgeon or a medical man qualified by a specialty board, as a rule, has the endorsement of two members of that staff who would recommend him for admission to that particular service. The vote goes down to the Department and the Department, upon receiving this application, agrees that he may come in if there is a vacancy and when there is a vacancy he is accepted as a member.

Mr. GILL. In other words, this is a private physician who wants those privileges at a given hospital?

Dr. JONES. Correct.

Mr. GILL. Do private physicians have privileges in more than one hospital or are they limited to one?

Dr. JONES. Yes, they do have privileges in several hospitals. Most of the men, I daresay, have privileges in more than two or at least two.

Mr. GILL. Is the import of what you are saying that there are a number of Negro physicians in the District who have no hospital privileges at all?

Dr. JONES. That is exactly what I am saying.

Mr. GILL. Do you have the numbers and the people involved?

Dr. JONES. Yes.

Mr. GILL. I think it would be helpful to have that.

Dr. JONES. We have those who have privileges at the various hospitals. In reverse, I can give you who has privileges where, and there are exactly 58 privileges extended to the hospitals in Washington on a courtesy basis.

Mr. GILL. I am not sure how this applies, Mr. Chairman, but the medical society in the District of Columbia has been in trouble with the Government before on antitrust measures and it seems to me that, when you restrict a doctor from a hospital, you are in effect depriving him of a basic source of his livelihood.

Dr. JONES. It is not as simple as that as I would interpret it. A plan has to be established. There has to be an established criterion of a man's efficiency and effectiveness before he is acceptable and this standard is usually a board of accreditation.

Mr. GILL. But he is licensed?

Dr. JONES. A licensed man does not command privilege if he has not done some graduate study to sharpen up his talent and efficiency. So we only speak for those men who have this highly trained talent.

Mr. HAWKINS. If I may, Mr. Gill?

Mr. GILL. Surely.

Mr. HAWKINS. With respect to those Negro doctors who do have this qualification, this accreditation, and so forth, is there any discrimination practiced against them with respect to their ability to follow their patients into the hospital? Without getting into the procedures that any doctor would follow, we are concerned with whether or not there is any refusal to allow Negro doctors the same privileges as other doctors under the same conditions.

Now that, I think, is what we would like to know.

Dr. JONES. I am sure you would. That is what I am here to tell you. There is very definitely that discrimination against them. That is, they are not provided the opportunity in the same way other doctors are allowed.

Mr. BELL. As I understand it, Dr. Jones, is that not specifically what you are talking about? You are talking about the kind of doctors that have the special training who are not allowed to be on the staffs of these hospitals.

Dr. JONES. Exactly.

Mr. BELL. There is a difference between being a member of a staff and having privileges; is there not?

Dr. JONES. Being an active member of the active staff, on the one hand, and having courtesy privileges—when you have courtesy privileges you may bring a case into the hospital and render the service to your patient. That is granted to large numbers of white physicians but to very few Negro physicians.

As far as the attending staff is concerned, except during the past few months, none has had active staff privileges, on the attending staff, and now there have been just a few who have gained this privilege.

Mr. BELL. As I understand the way these hospitals work, they want to keep a certain category of workability among their staff; is that not correct?

Dr. JONES. Yes.

Mr. BELL. So they make certain requirements to keep their standard up high.

Dr. JONES. Oh, definitely.

Mr. BELL. Now what you are saying, in effect, is that in cases where there are Negroes who have this standard and have this extra training, they are discriminating against them?

Dr. JONES. They are ignored.

Mr. BELL. They are ignored?

Dr. JONES. Exactly.

Mr. BELL. These are the people that they ask for to be on their staff?

Dr. JONES. This is my plea.

My plea goes further: It is that they be accepted. Inasmuch as the conciliatory measures which have been used in trying to open this opportunity have been of little value. Since I have no recollection whatsoever, nor have I experienced success with these kind of measures making a serious impact, I believe you in Congress have a responsibility to see that this action takes place by surrounding the money which you appropriate with directives which would give the community the assurance that all qualified physicians will be given an opportunity to serve as members of the attending and courtesy staffs of all hospitals financed by Government funds.

I should like, further, to have the feeling prevail in all of the hospitals that it not be necessary for a Negro physician to seek a member of a white staff for his endorsement. This is a very traumatic experience to have again and again, as I have had it, and I wouldn't want any young man faced with this.

If I could tell you of just one or two experiences which I have had as I came along. I was professor of urology since 1933 at Howard University. I retired last year from that position.

There were set up boards for criteria of qualifications of trained people or people who sought to be accredited by these examinations.

One of the regulations there was that two of the accredited specialists would have to endorse in each location an applicant. When I sought accreditation, there were only two men accredited and I had to, if I wanted to pursue my work, seek each of them for support.

You would be surprised to hear the remarks which came from these two men.

Mr. HAWKINS. Mr. Gill.

Mr. GILL. I want to get back to this one point which I obviously do not understand. When a private physician of Negro extraction who is licensed to practice and is practicing has a patient that needs to go to the hospital, why and under what criteria is he prevented from going to the hospital to take care of that patient?

Dr. JONES. First of all, he has to have privileges to go into the hospital.

Mr. GILL. Let us assume the man is in general practice.

Dr. JONES. The man in general practice has developed no talent which is known to the hospital which would permit the hospital to give him the responsibility of treating the patient within the hospital. A license is not enough.

Mr. GILL. Even his own patient, if it is some disease which he is competent to take care of?

Dr. JONES. That is a question of whether he is competent to take care of this. This is something which has to be established within the hospital.

Mr. GILL. Let us take a very common disease, childbirth.

Dr. JONES. That is very common and the hardest hospital staff to break into.

Mr. GILL. Is that right?

Dr. JONES. Yes.

Mr. GILL. Why is it that the Negro physician who has the confidence of his patient and has been taking care of the patient during the prenatal period is not allowed to follow the patient into the hospital? What is the professional excuse that they give for not allowing him in there?

Dr. JONES. That "The staff is filled, we have as many persons on our obstetrical staff as we can accommodate."

Mr. BELL. Will the gentleman yield on that point?

Mr. GILL. It looks to me as if it is a restraint of trade here. They are keeping somebody else out and making up a handy excuse.

Mr. BELL. I have complete sympathy with your position, Doctor. Is it not true that on these staffs in many hospitals they have certain criteria or standards and that there are many doctors that are not allowed on hospital staffs because they do not come up to these cri-

teria but in addition there is actually in this case discrimination?

I wanted to clarify that one point that hospitals do have that policy.

Mr. GILL. I am an old hand at fighting the doctors who would squeeze others out of their profession.

Dr. JONES. I can give you my position from my position in Freedmen's Hospital where I am the director. Most any ethical practicing physician can get privileges to serve his patient in our hospital if he is licensed and ethical. He has to make an application and indicate in what field he wants to work.

Mr. GILL. This is just to serve his patient.

Dr. JONES. To serve his patient. We have to surround that patient who is our responsibility in the hospital with all of the modern and progressive methods of treatment and we have a hospital attending staff which will supervise the case of this patient if the doctor's ability is unknown to be sure that the proper type of medical care is developed in this particular case. So that, this is the way our responsibility lies. We have doctors who get privileges with supervision until they show that they are able to do the work.

Mr. GILL. That is in your Center which is what?

Dr. JONES. Freedmen's Hospital. This is now a Government hospital.

Mr. GILL. The other hospitals do not extend the privilege to Negro doctors?

Dr. JONES. None of the hospitals that I know of use this method and criterion. You have to come there with known ability which is certified by the staff, their own staff.

Mr. GILL. Even to take care of your own patient under supervision?

Dr. JONES. Sure. This is important. The hospitals must surround their patients with the most modern medical care and to be assured of that they have to know of or supervise the handling of every case. They are liable, you know, for the care of the patient even though the patient is a private patient. They are liable for any damage.

Mr. GILL. I do not want to clutter the record with further pursuit of this but there does seem to be an added fillip to the practice of some doctors and hospitals who strive to keep out people they feel compete with them.

Dr. JONES. That is traditional.

Mr. HAWKINS. I feel that the question, Dr. Jones, goes to this problem: There is a different criterion used in the case of a Negro physician than that which is used for a white physician.

Dr. JONES. Well, the way I would see it from this vantage point is that the criterion which is applied generally in hospitals rules, except at Sibley Hospital, is that two members of the staff must know that you are capable and that the entire staff, and it has been in one hospital, expected to be unanimous on the staff that the entire fraternity in that particular department wants you or will accept you.

Mr. HAWKINS. This is true with respect to any physician?

Dr. JONES. It is, yes.

Mr. HAWKINS. Are you saying, then, that, while the criterion is the same, that it is difficult for the Negro, for example, to get two individuals to recommend him whereas it is not a difficult thing for

a white physician to get two persons on the staff to recommend him?

Dr. JONES. Yes; that is true. I take the position that it should not be at all difficult for the staff of the hospital to accept recommendations of people who do know that he has the knowledge, who do know that he is an ethical practitioner just as they accept men from out of town who come recommended. This project would be a logical method of approach rather than to subject one of us to the possibility of rebuffs which can be very traumatic psychologically.

Mr. HAWKINS. I suppose we have gotten quite a distance off the prepared statement.

If you would like to follow it now, I think it was at apprenticeship training on page 6.

3. APPRENTICESHIP TRAINING

Dr. JONES. The Council has been concerned, throughout its existence, that an unfair and insufficient number of apprenticeship training opportunities is available for Negroes. During 1960 the staff of the Council tried to use education and conciliation during a number of discussions with labor officials and joint apprenticeship committees. Although a number of the labor officials indicated understanding and agreement with the expressed need for more apprenticeship opportunities for Negroes, there were few changes in prevailing patterns.

At the present time, the Council on Human Relations and the District of Columbia Apprenticeship Council are engaged in a joint survey of apprentices now in training by trade and by race. Questionnaires have gone out to all joint apprenticeship committees and to 1,300 nonunion employers who are approved for registered apprenticeship training. A number of responses are in. We expect to have final results by July 1. The survey was initiated on the recommendation of our council. I am happy to be serving as chairman of the joint survey committee.

I would like to move away from the text for a moment to explore further with you some of our experiences in the apprenticeship training program.

About 2½ years ago, probably 3 years ago, concern developed in the community about the lack of apprenticeship training for Negroes. As a result, the Human Relations Council called in for a hearing the Council on Apprenticeship Training.

It was quite clear from our interview that many things were happening in this program which were un-American and unholy. It was filled with nepotism. It seemed that one to be an apprentice had to be a relative or a friend of a journeyman or have some favored employer.

In many of the instances, many of the particular apprenticeship training programs, I would say in but a few of them never a Negro had been involved, and I think that I could look at what we are expecting to get out of our present study, out of some 338 apprenticeship programs I would daresay not more than 10, and this is an estimate, not more than 10 have or have ever involved Negroes in their apprenticeship program.

These apprenticeship training programs use our public schools to enhance and develop their programs by night school assignments to

their trainees and almost without exception our folk, the Negro, is excluded.

One can understand the impact that this will have on our economic situation on the goals that can be developed in our youth and the opportunities which we might expect to acquire to make our families, the family of our youth, self-supporting.

If there is no image of growth, I submit to you that it is a very tragic situation.

We will have the facts on this and do everything that we can to develop within the climate of the Apprenticeship Council the willingness.

As I look at the Council today and compare it with what it was 3 years ago, there has been a significant change of heart of these people and I suspect that this is not without some additions to the Council itself and the interest which both the Labor Department and the President's Committee on Equal Employment Opportunity has taken in this matter.

At the recent Apprenticeship Council meeting, we had the privilege of hearing a representative of the President's Committee make a very strong supporting statement for the integration and involvement of Negroes in the apprenticeship program. If this could be implemented as I stated, it would be great progress toward the goals which we all are seeking.

Mr. HAWKINS. Dr. Jones, there was testimony before this committee that several groups in the District are cooperating in a project to obtain a list of apprentices, Negro boys and girls who might become apprentices. The Urban League was involved in this, the Department of Labor, and one or two other groups that I cannot recall at the present time.

Has the Council been involved in this activity, or do you know about it?

Dr. JONES. We know about it. I happen to be the chairman of the Employment Committee of the Washington Urban League and it is "down my alley," so to speak, but the Council itself has not embarked on this particular program though it has much interest, as you might glean from the fact that the Human Relations Council has established a committee which is in association with the Apprenticeship Council and we are working together to determine the facts and try to outline them.

Mr. HAWKINS. So that you are actually involved in this community activity as a council?

Dr. JONES. Exactly. That is right.

Mr. HAWKINS. May the temporary chairman interrupt the proceedings at this time to give the chair with pleasure to the permanent chairman of the subcommittee.

Mr. ROOSEVELT. I am going to ask Mr. Hawkins to continue to preside. I have to be back on the floor at 12 o'clock sharp. If you will continue to act, I will appreciate it.

Mr. HAWKINS. All right.

Will you continue then, Doctor.

Dr. JONES. Thank you, Mr. Chairman.

The apprenticeship problem is a difficult one, not only because of discriminatory practices but because of traditional patterns of favor-

ing family and friends of journeymen for apprenticeship opportunities. Those without connections, white or Negro, have difficulty obtaining apprenticeship appointments.

The District of Columbia Apprenticeship Council may withdraw certification from any apprenticeship program which is operated on a discriminatory basis. It may be that this power will have to be utilized if this problem is to be solved as it must be.

With regard to public utilities, we are going to the businesses and I do not think that public utilities are really private businesses but I would like to say a word about the public utilities and I am moving away from the text for these comments.

There are developing better employment policies which result not only in economic gains but an improved public image in the public utilities. Yet, there remain within each utility significant areas of employment far removed from the grasp of a Negro applicant.

I should say a word about financial institutions. My personal experience in trying to develop opportunities in employment among banks dates back to 1954 as an Urban League effort. It was continued with the Human Relations Council and joined by our chairman, Aaron Goldman.

We heard one board chairman say he "did not know that Negroes wanted to work in banks."

And another said he "could not operate his bank without George."

Of course, you know George is a porter or doorman. This naivete in those experiences would provide levity if there was not revealed the serious situation of economic deprivation which is thrust upon our community by this thoughtless ignorance in high places.

I know that employment of bank tellers was initiated by an Executive order which required nonsegregation in Government facilities. Expansion of employment in these areas is progressing but recruitment in several banks and their experiences have been followed closely by me and have been found to be very satisfactory.

Mr. HAWKINS. Doctor, may I interrupt you to ask you if possible to name some of these institutions that you have referred to, those that you cite as making progress as well as those that you feel are not making progress? It would be better for the record if we can have some specific references.

Dr. JONES. We have had personal experiences in interviewing banks, as I have stated, back to 1954. I can go into this story pretty clearly. It is very vivid in my mind.

In the Urban League we felt that the image created by a bank teller would be very inspirational in trying to develop goals for the youth who had an opportunity even to come in and exchange pennies for nickels and to see these people working in these areas would surely provide an image to which they might aspire. Feeling that this was so, we urged upon first the National Bank of Washington, which was my first visit, and they were concerned and I happen to know the president, who was at one time a clerk and then an officer in the bank in which I have done business for many years, the National Savings & Trust. He expressed some dismay at our concern for the employment of Negroes as tellers and I could not help but believe that he thought this was out of line.

We did have occasion, however, to go back to the same bank several years later and find that his ideas had changed and he had employed

a man to change money at a front window, probably the first in a private banking institution which was not ordered and stimulated by a Government action.

The second positive action which occurred was that in the American Security & Trust, where there was a Government order that required that no discrimination occur in banking circles, and this occurred just 2 years ago, sir, and we have been working with this problem fanatically for 8 years, employed a teller.

The urban league was in the business of trying to select people for them because our job was part of placement, more or less, so that if we picked a very skilled person to do a job we would expect him to stay on the job and by doing such an excellent one others would become involved.

However, instead of selecting a person from our rolls whom we could recommend they selected a friend of the chauffeur of the bank and she was the first to be involved in that area and it seems that she has done an acceptable job, so acceptable, really, that I believe they told me that she was the only person who had gone on leave for pregnancy who had been paid during her period of leave. So her effectiveness was very good.

Further, in that bank they have involved two persons in the book-keeping department and, because they seem to be persons who could well represent them at the front office, they hope to involve these persons into the front teller jobs.

These are the only three that I know of who have been involved in this particular bank. They will do this transfer as soon as they can get two other Negroes to go in the bookkeeping department for they do not want the image to develop within these areas that they are being removed from there because of pressures.

I can give you another one or two.

Mr. HAWKINS. So that, in general, you are saying that the rest of the banks have not even involved themselves in such token employment?

Dr. JONES. Well, the National Savings & Trust, when its new president, Mr. Smith, became involved, went into this matter with a wholehearted appreciation of the need and he had an unusual experience in that the first selectee was not a satisfactory employee but this did not discourage him. He promptly involved two others and each of these two girls is now serving the bank window.

We had occasion to go to one of the banks, the Union Trust, and with us was a person who was responsible for a \$4 million deposit from his organization and we got turned down completely there and it was in the Munsey branch of this organization that the chairman of the board told me that he couldn't open the bank if it was not for George. This is the type of thinking, and to go further into an area of savings and loan, which I think is the most reprehensible of all, they are adamant and remain adamant to the matter of employing Negroes.

Shall we look at the biggest one, I think probably the biggest one in the country. Perpetual, with its branches and expansion in marble who carry deposits of mine and many others of Negroes, who make loans on Negro property and yet they have not involved a person beyond the most menial employees in this area.

Mr. Chairman, I think there is a correction possible for this sort of thing.

Mr. HAWKINS. That is what this committee is seeking.

Dr. JONES. I suggest that in these areas where Government is involved—and I don't think you will find that in the statement and I don't think the Human Relations Committee would say it, but I would say it.

Mr. ROOSEVELT. Why would they not say it?

Dr. JONES. I do not know. They are a conservative group appointed by the Commissioners. We have really no great authority. We work by the soft measures of persuasion and the background is only what the Commissioners will give us, and if you step out and talk beyond the image, beyond the pale of their thinking—we know our staff people couldn't do it. They couldn't take that sort of position. They are employed by the Commissioners.

Mr. GILL. Would the chairman yield?

Mr. HAWKINS. Mr. Gill.

Mr. GILL. How are savings and loans and banks licensed in the District?

Dr. JONES. I am going to say this: that we have some experience with that. For the past 2 years, we have been trying to develop the background and the economic findings which would prevail upon the banking group of which I think McMurray is the chairman. I think it is in the area of Durham, N.C., for this particular area.

We are still trying to get the background whereby we could show that there was a need for a new savings and loan operation in Washington.

Mr. GILL. Is there not some form of regulation that they have to meet before they can do business in the District? Who licenses the savings and loans and banks in the District, the Federal Government?

Dr. JONES. The Federal Government.

Mr. GILL. Not the District government?

Dr. JONES. Not the District government and there hasn't been a new savings and loan organization here in 30 years.

Mr. GILL. Are these licenses renewable?

Dr. JONES. When you get them, that is it. It is just like a marriage license.

Mr. ROOSEVELT. However, there would be nothing, would there, that you know of, Dr. Jones, which would keep Congress from saying that a condition of the continuance of the license would be a substantial finding that the financial institution had a nondiscriminatory policy?

Dr. JONES. I was about to make the suggestion along this line, that I believe it would be incumbent upon Congress because simpler persuasive measures have never succeeded, to any great extent, to make a regulation that wherever the Government insures funds, whether they be in banks or in savings and loans, that there would be a responsibility of the agency doing business under the Government license to provide equal opportunity in employment.

Mr. GILL. You are talking about National Deposit Insurance Corporation, if that is the correct term.

Mr. ROOSEVELT. Or there is another one that insures savings and loan associations.

Dr. JONES. Yes. These are areas in which I believe this committee has a great opportunity to make a forward step in the economic advancement.

If you just think deeply into the idea that deprivation, failure of the opportunity of the Negro to gain his economic independence threatens the very life of our community, of our Nation, you will know that we are throwing down the drain billions of dollars.

We have stated here earlier the fact that there are \$28 billion of luxuries not purchased in this regard because the Negro is not making as much money as his compatriot and compounding the fact that, because he is not making it, those who do make it have to support him in the welfare which is so prevalent and is coming under such criticism.

Mr. HAWKINS. Doctor, I suppose we had better hurry along. We have another witness and have the time element.

Dr. JONES. I am not sorry I am taking the time.

Mr. HAWKINS. This is very interesting and I think that is the reason you are getting a lot of questions. However, we do have a time element and had better hurry on.

Dr. JONES. I did make the statement in the text which I have that likewise insurance dealing with Government employees' policies paid by the Government withholding from salaries, and, talking about insurances now, this also can extend to insurances dealing with Government employee policies paid by the Government withholding from salaries which involve a mere token representation.

I have visited a local insurance company employing in one large room what appeared to be a hundred girls and not a single brown or black face among them.

Mr. Chairman, I was visited last Saturday by a delegation of 10 Russians interested in medicine. Their time allotted to me was a half hour. We sat around the table two hours before we went to a tour of the hospital to see what we had, and I did my very best to present a true image of the American tradition as it is written.

I would so hope that I could have felt within my heart that the written tradition of America is true in the hearts of our people.

4. PRIVATE BUSINESS

Although much needs to be done within Government and within contract industry, the major problem is the lack of equal employment opportunity in the private area of industry.

In the absence of fair employment legislation, the Council on Human Relations can only ask and suggest that private employers make stronger efforts to secure and promote Negroes at all levels of their operations. We have assisted a number of employers in moving ahead in this area. We have also urged unions to admit Negroes more widely to union membership and to refer them to jobs on a fair basis. The activities of the Council in this area might be summarized as follows:

- (a) Communications to employers from the District Commissioners urging the provision of equal opportunity for all citizens;
- (b) Consultations with the public utilities and private firms concerning their progress;
- (c) Agreements by carpenters, reinforced rodmen, and other unions to begin referrals of Negroes to construction jobs;

(d) Employment of Negroes on several construction projects;
 (e) Assistance in persuasion of the press to drop racial designations in employment ads;

(f) Publication of a pamphlet "Employer's Handbook on Merit Employment," offering suggestions to private businessmen. We have several of these which I think it would be well to pass to you for review. Some 20,000 copies were distributed in the District through the Merchants and Manufacturers Association and the District of Columbia office of the U.S. Employment Service;

(g) Consultative services to the D.C. Transit Co. and to several department stores and firms on means for achieving desegregation.

Future plans include consultation to utilities and private firms in the orientation of pilot placement and employees to integrated employment situations.

Among the more tightly segregated areas of the business community have been the insurance companies, savings and loan companies, and other financial institutions, which I have already discussed off the cuff.

Although I do not speak for the Council in this regard, it is my personal belief that the President should issue an Executive order ending discrimination in employment on the part of any financial institution whose funds are insured by the Federal Government.

The Council feels strongly that a congressional act or a Commissioners' order outlawing discrimination in private employment is essential to the achievement of equal opportunity in private industry. In 23 States and 40 cities councils or commissions such as ours are responsible for the administration of laws requiring fair employment practices by private businesses.

I strongly agree with the published views of the chairman of this subcommittee, Mr. Roosevelt, that job discrimination is a contributing cause of our most pressing social and economic problems. During the 4½ years of its existence, I believe that the Commissioners' Council on Human Relations has made some contributions to the easing of this problem. Widespread discrimination still exists, however, and much more needs to be done, by the Council, by the District and Federal Governments, by private agencies and by enlightened business and labor leadership.

Finally, your committee has a responsibility to provide those things that you conclude will be effective means of arriving at a more effective way to make the ideals of America.

Mr. HAWKINS. There may be some additional questions by the members. Mr. Roosevelt.

Mr. ROOSEVELT. I want to join in saying I think you have made a fine contribution to the deliberations of this committee.

As you well know, we take this whole subject matter with great seriousness and hope that concrete results are going to flow from these studies.

Dr. Jones, on page 2, you mention "the manpower utilization survey, an annual check of our progress toward equal employment." Have you copies of those? Could the committee have them for their record?

Dr. JONES. Yes, I am sure we will be able to supply them.

Mr. RILLING. We can give you one. If you require more we will have to get them.

Mr. ROOSEVELT. I would think one would be enough for the committee's study.

Mr. CHAIRMAN. I ask that they be accepted for the committee's file.

Mr. HAWKINS. With no objection, so ordered.

Mr. ROOSEVELT. I am interested that you mention the number of complaints received from District employees and how markedly they have risen in recent years; for instance, 225 in 1962, more than double the complaints received in 1961.

I presume part of that is because of the knowledge of the existence of the machinery.

Dr. JONES. And supplements to the regulation which went into effect in 1961.

Mr. ROOSEVELT. Do you have any statistical breakdown, and let us limit it to 1 year, of the 225 in 1962. You later on gave us the ones for 1963, these 3 months, but what happened to the 225? Do you have a statistical analysis of those anywhere in the Commission's files?

Dr. JONES. I might ask Mr. Rilling to give the answer.

Mr. RILLING. The answer would be negative.

Prior to January of 1962, the complaint procedure was a rather informal one. I would have to go back through each of the cases in the file and draw out a conclusion from it.

Mr. ROOSEVELT. I won't ask you to do that. I merely raise this point because I think you have certainly improved the machinery. In fact, I am encouraged by the fact that the decision on these complaints goes to this special committee. One of the weaknesses, I think, or possible weaknesses in some other procedures is that the complaint is really sort of decided by the same people against whom the complaint is made. I see you have gotten away from that which I think is excellent and I hope you can continue. I won't ask you for that but I want to point out that the result of these complaints is a very important factor, I think, in whether or not the people involved consider this to be a good system or not, so that I hope you can get as much information to the people working in the District government as to exactly how this is done and the result after it is done so that the people can gain confidence in the fact that a complaint is going to be fairly processed.

Mr. RILLING. We have been giving to the press a monthly report on complaints since January 1962 when we adopted a more formal system of complaints.

Mr. ROOSEVELT. I compliment you.

Dr. JONES. I believe there was included in the pay envelope of each of the employees of the District a statement of the new policy and some idea of the method of implementation so that each one who came for his pay was made aware that such a thing exists.

Mr. ROOSEVELT. Dr. Jones, I do not know whether I am doing you a disservice by emphasizing this but we intend to have Mr. Duncan, the Commissioner, before us, who deals directly in this area, and when you say, as you do, that you believe that the government of the District of Columbia must move beyond its present emphasis on nondiscrimination and the complaint system, and where you say later that the Council on Human Relations is not satisfied that District contractors are implementing equal employment, I think you point the finger where it ought to be pointed and particularly to me when you come back and talk about the police department and specifically intimate that the

police department could do more than it is presently doing, particularly in upgrading and promoting personnel.

Dr. JONES. I made a statement which is not included there with regard to the fact that policemen themselves are not satisfied with the upgrading technique of promotion. It is suspect.

Mr. ROOSEVELT. It seems to me that that is a challenge to the commissioners to find out why and upon that statement which you have made, it seems to me that there should be some kind of affirmative action by the Commissioners in consultation with the police officials.

Dr. JONES. I made this off of the Human Relations record. I made it on my own and I am quoting an officer who has been promoted in the area.

Mr. ROOSEVELT. I think that that should add weight to it and I think you are to be congratulated.

Mr. Chairman, may I ask unanimous consent to read a statement into the record at this time to be included after the witness' testimony today.

Mr. HAWKINS. With no objection, so ordered.

Mr. ROOSEVELT. Mr. Chairman and members of the committee, the subcommittee has received a letter from Mr. Weston P. Figgins, executive vice president and general manager of Woodward & Lothrop, Inc., in response to our request that the company send a representative to testify on equal employment opportunity within the District of Columbia. The letter concludes with the statement that Woodward & Lothrop "would prefer not to appear before the subcommittee."

The subcommittee's request stated, "Due to your access to information which will be useful to the Congress and your experience in the District of Columbia," a representative is requested to testify. The company has chosen not to share with the subcommittee their experience in employment within the District.

I sincerely regret that a business with as great an interest in the District as Woodward & Lothrop must have, has seen fit not to bring to the committee a report of its experiences in hiring and promotion of personnel. Woodward & Lothrop's stake in good community relations is enormous, if only in economic terms. Their unwillingness to cooperate fully with the subcommittee is quite distressing. Of course, the right to subpoena a witness is reserved, and is the prerogative of this committee. And I will at a later time discuss this with the committee as to whether we think it is important enough to bring this particular experience and make it available to the committee.

We also have received declinations on very much the same lines from Mr. J. W. Stadler of the National Permanent Savings & Loan Association, and Lawson Inabinet, of the Interstate Building & Loan Association, and, of course, the same thing generally applies to these concerns and to these gentlemen.

Mr. Chairman, I just want to reiterate that this committee has not tried to embarrass anybody and does not now try to embarrass anybody but that it must perforce be of interest to this committee that there still, in some areas, seems to be a lack of appreciation of the importance of this subject matter to the point where concerns such as these will not even come forward voluntarily to inform the committee of what they are doing.

Mr. Chairman, I sincerely regret this.

Mr. HAWKINS. We will assume, Mr. Roosevelt, that you will ask that this be discussed at a subsequent time and ask that some action or disposition be made of the request that you will bring before the committee?

Mr. ROOSEVELT. I will and I submit the letters of declination for the record.

Mr. HAWKINS. Temporarily they will be filed for further action.

Dr. JONES. May I say a word with regard to the letters of Mr. Roosevelt?

First of all, we have had an unusual experience with Woodward & Lothrop and have found that over the past 2 years they have cooperated most sincerely in the efforts to give equal opportunity in employment a chance. I can quote Mr. Johnson, the vice president of Woodward & Lothrop who publicly made the statement within the last 6 months that his greatest and most unsatisfactory experience in his whole hiring policy at Woodward & Lothrop was when, after Christmas of 1961, he found it necessary to separate the Negroes whom he had hired at Christmastime because of priorities which his employees had developed by longevity. This was followed by the fact that in 1962, Mr. Johnson, through Woodward & Lothrop, employed more than 100 Negroes out of 168 employees at Christmastime.

We have seen Woodward & Lothrop develop when 5 years ago they would not talk with us on hiring policy and they were most recalcitrant in efforts to provide the opportunity.

We have seen them change now to one of the most progressive areas within the District.

Mr. ROOSEVELT. Dr. Jones, do you not see then, how important it is that this be known? It is not very helpful just to have it in your knowledge. This is important that it should be part of the public record, that we should be able to tell people in high schools and in universities that Woodward & Lothrop is able to still operate efficiently and satisfactorily and what this committee is not necessarily trying to prove but trying to find out if it is true that a nondiscriminatory hiring policy is to the economic advantage of the concern. If the concern won't come forward and put it in the record, it is pretty hard to establish. I hope you will get in touch with the vice president and tell him that we are distressed that they have refused to come forward and maybe they will reconsider.

Dr. JONES. You mentioned another with whom we have had some contact—Mr. Stadler.

Mr. HAWKINS. I do not like to cut this off but we are getting off on a tangent.

Mr. ROOSEVELT. I think, Dr. Jones, it might be helpful if we would contact these people and ask them to reconsider.

Mr. HAWKINS. This does not relate specifically to the witness before us.

I think Mr. Bell has a question.

Mr. BELL. I just want to tell you, Dr. Jones, what a fine statement you made and certainly it is fine to have people like you working in this area. It is a very important work that you are doing.

Dr. JONES. Thank you very much.

Mr. BELL. I wanted to ask you one question before you leave. That is about a problem of vocational education.

You mentioned in your statement apprenticeship training, which is closely allied to this.

There is some thought in our vocational education program to set up a pilot program of vocational education in the District of Columbia. The features of it have not all been delineated completely yet, but there will be a substantial effort made to set up a pilot program for training of younger people in the District.

I just wanted to know what your offhand reaction to that was and if you thought that it might be a very good program?

Dr. JONES. I think it would be a wonderful program.

I think to involve the vocational schools in a program which could lead to an apprenticeship training would be a significant contribution because in the selection of apprenticeships these people are ignored. In fact, it is said that they would prefer to accept the graduate from an academic high school rather than one who has had basic training.

If there is something wrong with our vocational training, let's correct it and make it a worthwhile one.

Mr. BELL. I agree with you and this is the problem of our vocational training program in many areas. This would be one area in which we would make the Capital of the Nation the ideal system for it and I think would be of considerable help.

Dr. JONES. I would do everything I could to support it.

Mr. BELL. Thank you very much, Doctor.

Dr. JONES. Thank you.

Mr. HAWKINS. Mr. Gill, have you any questions?

Mr. GILL. No. Thank you very much.

Mr. HAWKINS. Again in behalf of the committee, Dr. Jones, we would like to thank you for a very forthright and constructive statement.

Dr. JONES. Thank you for the opportunity.

Mr. HAWKINS. Is Mr. William Pannill present?

Mr. Pannill, do you have a statement to make to the committee?

STATEMENT OF WILLIAM PANNILL, EMPLOYMENT MANAGER, PEOPLES DRUG STORES

Mr. PANNILL. Yes, I do. However, we were in New York over the weekend and I didn't get the invitation until yesterday afternoon and I don't have a formal statement for your subcommittee but I have here a statement that I made in February of this year before the District of Columbia Advisory Committee of the Civil Rights Commission.

Mr. HAWKINS. Will you read the statement in its entirety, or summarize it?

Mr. PANNILL. It is rather short.

Mr. HAWKINS. Mr. Pannill, we do have a time element. This committee must adjourn promptly at 12 o'clock.

Mr. PANNILL. It is timed for about 10 minutes, I think.

Mr. HAWKINS. If we do that I think you will understand the reason.

Mr. PANNILL. I will read it and if you have any further questions on it, I will be glad to come back after 12.

Mr. HAWKINS. I doubt if that will be necessary. We would like you to proceed to summarize it or to read from it the most pertinent sections. I think that would be satisfactory.

Mr. PANNILL. I can cut this down to a few minutes. Essentially, I haven't included in this presentation any analyses of dates and figures and statistics simply because I feel that you people are seeking information in respect to suggestions and recommendations to assist in the implementation of a more progressive employment program, essentially suggestions and recommendations for handling problems that may arise in organizations that are beginning to participate in a merit program.

I feel qualified to comment in this respect because I am familiar with and have assisted in the administration of such a program in our own company.

Actually, we at Peoples have been involved in such a program for over 10 years and it has been successful because we went into this thing with planning, realism, and logic rather than blind theory.

Now, our current policies are basically no different than they have been in the past. However, the total number of Negroes employed, the locations of their employment, and the various categories of positions has increased. We now have Negroes employed in every capacity in store operations from food clerks to management and, without going into detail, I can state that our employment policies have evolved from an original gradualism to a current encouraging progressiveness. We, as employers, have been pleased, and this is pointedly indicated by the progress of Negro employment within the company. This has been a mutually satisfying experience, and we see no justification or advantage in changing a proven successful program.

As I have previously mentioned, our policies have been continually progressive and in the past several years our basic employment philosophy has not changed other than the introduction of Negro employees into areas and locations where they had not been previously employed. Opportunities for promotion and advancement are available to any employee in the company.

Many of our Negro employees originally doing menial jobs have been promoted and moved into higher salaried and more satisfying positions.

It has always been a policy of this company to promote from within whenever possible and all qualified employees are considered for an opening before an attempt is made to fill the vacancy with a new person.

We have in our company, today, porters who have advanced to management, dishwashers who have advanced to cosmetic clerks and department heads. There are many individual success stories that I won't attempt to elaborate on. But, when the plan for a nondiscriminatory employment policy was first conceived in the company, we could foresee many casualties and problems if a plan such as that was put into effect without thorough and extensive research and planning.

This, I am sure, is where most organizations experiencing difficulties have their major problems—neglect of planning.

I won't go into our strategy on this planning other than to say that it was quite complete and it is pretty thoroughly outlined here.

Essentially we started out not by hiring a dishwasher or porter or fountain girl but by hiring a pharmacist in a predominantly white

neighborhood and, with the planning and research that we did before implementing this, it was 100-percent successful.

When this transition took place, as I said, it was successful and we considered it both an accomplishment for us and also for the Negro. This pharmacist that we hired, incidentally, turned out to be a very outstanding employee and today is one of our store managers.

There are other cases that I could go into such as the porter-delivery boy who is now an assistant manager with a very bright future, and these examples are merely mentioned to point out why we feel that our so-called education for this change is the primary requirement in a successful program.

Public resistance to our Negro employees has really posed no problem other than, of course, certain radicals, but these people are expected to be critical of any group.

To the businessman, especially those in retail that are initiating an equal employment program, public resistance is viewed with much concern. However the great majority of Washington residents have accepted equal employment with appreciation and with enthusiasm.

In a few neighborhoods we could have had a customer reaction. Here, again, our experience has shown that planning can effect a smooth transfer even in these areas. This is accomplished by upgrading of personnel within the store. We have stores where employees came to work originally as dishwashers, fountain girls, porters, and they have now progressed to cashiers, floor clerks, and other positions.

Once this upgrading has been accomplished in a store, regardless of the area, we have faced no further problems with respect to placement of additional Negro employees in the same store.

One area we have experienced some difficulty in is the availability of—we have here qualified personnel but we don't like to use the word "qualified"—people with ability. I don't mean this to be taken in reference to all categories but primarily in the clerical field. Most qualified clerical personnel have no difficulty in obtaining employment and the availability of competent clerical workers among the unemployed is low.

On occasions, we have contacted Mr. Foster, at Cardozo High School, the urban league, the U.S. Employment Service, and other sources, and all of these people have been most cooperative, but their supply of qualified personnel has been restricted due to the demand for these people trained along these lines in industry.

This, I think, is somewhat of a definite indication of progress in equal employment in this particular field.

However I don't believe that a scarcity is a problem as such before the committee. Any proposal for encouraging more Negroes to enter the clerical and secretarial fields, I think, certainly would be met with acceptance by most of the businessmen in this area.

Our future plans and policies do not call for the establishment of a nondiscriminatory employment program because we already have such a program, a program that was originated, organized, and instituted by this company on its own initiative. We are proud of it. We defend it, and we promise to continue to expand it. That, essentially, is the breakdown of what I have in this statement here.

I don't know whether that is what you people were looking for, but I think it gives you a pretty good picture of the employment program within our company.

Mr. HAWKINS. Mr. Pannill, may I say that your testimony was desired because there have been statements made to this committee that, among other industries, the drug industry is one in which there have been difficulties for Negroes in finding employment. It was for that reason that we asked representatives of your industry to make statements, because we want to afford to you the opportunity of clarifying this allegation that was made.

May I just ask several questions that might relate to that subject? You have a total of approximately how many employees?

Mr. PANNILL. Are you speaking of total or the Washington area?

Mr. HAWKINS. In the Metropolitan Washington area.

Mr. PANNILL. Approximately 1,300.

Mr. HAWKINS. Now, have you any idea how many Negroes you have employed?

Mr. PANNILL. Statistics on this would be false to you. It is essentially 50 percent, but of this 50 percent all of them are not in the type of jobs that we are talking about. I think what is more realistic is the fact that of this 1,300 we have approximately 118 pharmacists. Of these 118 pharmacists, 31 of them are colored. These people are in salary categories of anywhere from \$8,500 to \$11,000 a year.

Mr. HAWKINS. You have managers, I assume, of the stores as well?

Mr. PANNILL. Yes.

Mr. HAWKINS. Approximately how many managers?

Mr. PANNILL. We have two managers and three assistants.

Mr. HAWKINS. In what other classifications do you have Negroes in an appreciable degree?

Mr. PANNILL. As I mentioned here, we have Negroes in every category from the level of manager, clerk, cosmetics clerks, department heads. We have them employed in our warehouses, our photo lab as photocopiers, developers, and enlargement people. We have them as department heads in our warehouse, department heads in the stores, also as cosmetic clerks, and drug clerks.

Mr. HAWKINS. Now, I assume these are confined to the District of Columbia rather than used in the outlying areas?

Mr. PANNILL. We have them in other areas as well.

Mr. HAWKINS. You have them in the other areas as well?

Mr. PANNILL. We have them in Prince Georges County, Montgomery County, and Virginia.

Mr. HAWKINS. Would this be in areas in which there are a small number of Negroes residing?

Mr. PANNILL. Yes. In fact, we have some in areas where there is practically no Negro residential area at all. We also have them in areas where there is a high percentage of Negro population.

Mr. HAWKINS. You also indicated that there is a shortage of qualified personnel. I assume that applies to both white and Negro as well?

Mr. PANNILL. Well, I specifically mentioned clerical.

Mr. HAWKINS. Are there any other shortages within the industry at the present time?

Mr. PANNILL. We always have shortages of people with the right ability. There is a shortage of good pharmacists. There has always been a shortage of good pharmacists.

However I would say that that particular category is not as critical as some of the others.

Mr. HAWKINS. It is the policy of Peoples Drug Stores not to discriminate in employment or promotion within the chain of stores that you operate?

Mr. PANNILL. I think we have a reputation of being the first people to get involved in this type of thing without pressure from anyone.

Mr. HAWKINS. You said that you felt that an FEP proposal was unnecessary. Are you in opposition to such a proposal?

Mr. PANNILL. I didn't mean it in that sense. I meant it in the sense that we were not planning to institute any type of a new program, that we have been involved in this program for 10 years and we felt and were confident that our planning and progress had been satisfactory, and I personally don't see any reason for changing this plan.

Mr. HAWKINS. Do you believe that the adoption of such a law would cause you to change what you already are doing?

Mr. PANNILL. I think we are well within the law.

Mr. HAWKINS. You think that you are well within the law?

Mr. PANNILL. Yes. I know we are well within the law.

Mr. HAWKINS. Thank you.

Mr. Gill?

Mr. GILL. One very brief question. You said that customer reaction had been minimal in most instances to the hiring of colored help. How do you measure this? Did you hire colored help in white neighborhoods where that help was to meet the public or was that help in supporting occupations where they would not meet the public?

Mr. PANNILL. No, these were people that were confronted with the public. Essentially, I am referring to store operations here, not behind-the-scenes employment.

Mr. GILL. These people were clerks and things of that sort?

Mr. PANNILL. Yes, where we thought we would have opposition in particular was in Maryland and in Prince Georges County but fortunately we did not. Of course, we had some but that was to be expected.

Mr. GILL. Do you have a list of the stores in which this took place, and wherein you received no complaints, that could be made available to the committee? I think this is a valuable type of information.

Mr. PANNILL. Basically, we have kept no records on the stores that we received no complaints in because this was a policy of course and whether we received complaints or not we are going to continue it.

Mr. GILL. But say you have a store X in Montgomery County where Mr. Jones was placed in a position of meeting the public and he was colored and there were no complaints. It seems to me that there is precise and specific information which is useful to dispel a lot of feeling that other retailers profess to have that they cannot do this sort of thing.

Mr. PANNILL. I could give you a list of them.

Mr. GILL. I think it would be very helpful to at least have this. Of course, you have the date of hiring and the time that they were on the job and what type of job they had and the fact that you received no complaints in an area of this sort is factual information that is very helpful.

Mr. PANNILL. In fact, one of the areas that we did this in was a predominantly old school type of area in southern Maryland down

in Howard County in Indian Head, and to my knowledge we have received no complaint on it.

Mr. GILL. I think this type of thing is useful and it would be helpful if we had it.

Mr. PANNILL. All right. I will direct that to you people.

Mr. HAWKINS. Thank you. We would appreciate that information being furnished to the committee.

(The information referred to follows:)

PEOPLES DRUGSTORES,
Washington, D.C., June 10, 1963.

CHAIRMAN, GENERAL SUBCOMMITTEE ON LABOR, OF THE COMMITTEE ON EDUCATION AND LABOR.

DEAR SIR: This information is made available to you in response to your request in reference to my statement before the General Subcommittee on Labor on Tuesday, May 28, 1963.

The areas which I am personally acquainted with in which we had no adverse customer reaction upon the employment of Negro personnel are:

1. We have Negroes employed in all of the 47 stores which we operate in the District of Columbia. However, in 25 of these stores the Negro is employed in jobs above the menial or labor type. We have them in positions in these 25 stores, ranging from salesclerks and cashiers on up to pharmacists and managers.

2. We have Negroes employed in areas of Prince Georges County and Montgomery County where they had not previously been employed. Among the areas are:

- (a) Suitland, Md.
- (b) Prince Georges Plaza, Md.
- (c) Hyattsville, Md.
- (d) Silver Spring, Md.
- (e) Langley Park, Md.
- (f) Oxon Hill, Md.
- (g) Coral Hills, Md.
- (h) Wheaton, Md.
- (i) Chevy Chase, Md.
- (j) Bethesda, Md.
- (k) Blair Park, Md.

3. We have also employed Negroes in our stores outside of the Metropolitan area of Washington in stores and positions in which they had not previously been employed. Among them are:

- (a) Norfolk, Va.
- (b) Richmond, Va.
- (c) Newport News, Va.
- (d) Akron, Ohio.
- (e) Youngstown, Ohio.

For the purpose of this report the one most outstanding and awakening fact is that in none of these areas in which we made these changes, was it necessary for us to retract our strategy. I know of no instance in which we had any unreasonable public or customer reaction to these changes, and for all practical purposes I can say that this progression has been and is continually being successful.

I hope this is the answer to the information requested by you and if I can aid you in any further way I will be glad to do so.

Sincerely yours,

W. E. PANNILL.

Mr. HAWKINS. Mr. Bell?

Mr. BELL. Mr. Pannill, let me ask you this. Is your company a member of the Board of Trade?

Mr. PANNILL. Yes, sir.

Mr. BELL. We had a witness testify before us that was considerably skeptical or felt, as a representative of the Board of Trade, that it would not be a wise program for him as a representative to make the statement to advise all members to carry on nondiscriminatory practices.

I was wondering in your membership on the Board of Trade, if you have at all or your representatives have at all tried to promote a better feeling in this area?

Mr. PANNILL. I think the Board of Trade in conjunction with the Merchants and Manufacturers Associations last year adopted a fair employment practices policy and to my knowledge the Board of Trade has been participating in it. However, as the representative here, I could not speak for the individual members of the Board of Trade.

Some of the organizations are made up of companies with three employees, and I cannot qualify his statement.

Mr. BELL. You have not seen any particular attitude on the part of the representatives that would be hostile?

Mr. PANNILL. No, I haven't. Of course, these proposals are always met, I think, with some apprehension by certain groups but there has been no discussion on it.

Mr. BELL. That is all, Mr. Chairman.

Mr. HAWKINS That is all, Mr. Pannill. Thank you very much for your testimony before the committee.

The meeting is adjourned until tomorrow at 10 a.m., in this same place.

(The following statement was submitted by Mr. Pannill:)

STATEMENT OF W. E. PANNILL, REPRESENTING PEOPLES DRUG STORES, INC., BEFORE THE DISTRICT OF COLUMBIA ADVISORY COMMITTEE OF THE U.S. COMMISSION ON CIVIL RIGHTS, FEBRUARY 28, 1963

My name is William E. Pannill. I am the employment manager for Peoples Drug Stores, Inc., in Washington, who currently employ approximately 1,300 people in this city. I am appearing here through invitation from Mr. Segal, Chairman of the Committee, and I am sincere in hoping my contribution may be of some significance in the development of your program.

I have not included in my presentation a detailed analysis including dates, figures, and statistics simply because I feel that you are seeking information in respect to suggestions and recommendations to assist in the implementation of more progressive and successful equal employment program—essentially suggestions and recommendations for handling problems that may arise in organizations that are participating in a merit hiring program. I feel qualified to comment in this respect because I am familiar with and have assisted in the administration of such a program within my own company.

We have been engaged in equal employment at Peoples Drug Stores for over 10 years. It has been successful because its implementation was accomplished through planning, realism, and logic—not blind theory.

Our current policies are basically no different than they have been in the past. However the total number of Negroes employed, the locations of their employment, and the various categories of positions have greatly increased. We now have Negroes employed in every capacity in store operations from food clerks to management. Without going into detail I can state that our employment policies have evolved from an original gradualism to a current encouraging progressiveness.

We, as employers, have been pleased. This is pointedly indicated by the progress in Negro employment within the company. This has been a mutually satisfying experience. Consequently we see no justification or advantage in changing a proven successful employment program.

As I have previously mentioned, our policies have been continually progressive. In the past several years our basic employment philosophy has not changed other than the introduction of Negro employees into areas and locations where they had not been previously employed.

Opportunities for promotion and advancement are available to any employee in our company. Many of our capable Negro employees, originally doing menial jobs, have been promoted and moved into higher salaried and more satisfying positions.

It has always been a policy of this company to promote from within whenever possible, and all qualified employees are considered for an opening before an

attempt is made to fill the vacancy with a new person. We have, in our company today, porters who have advanced to management, dishwashers who have advanced to cosmetic clerks and department heads, and many individual success stories that I will not attempt to elaborate on.

When the plan for a nondiscriminatory employment policy was first conceived in this company, we could foresee many casualties and problems if a plan such as this was not put into effect without thorough and extensive research and planning. This, I am sure, is where most organizations experiencing difficulties have had their major problem—neglect of planning.

We realized that most changes in policy are usually questioned and in many cases meet with resistance and resentment. Aware of this, we developed our own educational approach through complete and thorough orientation of all individuals involved in this change. This was the answer to apprehensions with which many of us were concerned.

Our reasoning for such strategy was simple. It was based on observation and knowledge of people—their feelings, and their reactions to extreme changes.

In any situation involving changes from normal procedure, the transition can usually be accomplished smoothly and effectively through thought and thorough planning. In our case, we termed it "employee education."

In 1951 we employed our first Negro pharmacist. We were not forced to do this. The supply of pharmacists in Washington at that time was at an alltime high. This was just after the World War II bumper crop of college students had graduated under the GI bill. Negro pharmacists were having a difficult time finding jobs. They were driving cabs, working in restaurants, and doing odd jobs. Our company felt an obligation toward these people, and shortly after this our present program had its beginning.

Before we hired this Negro pharmacist we did a great deal of planning to insure that this undertaking would be successful. The store we selected for this change was in a totally white neighborhood. The customers patronizing this store were of the upper income group. It had an excellent reputation and following of doctors, dentists, and nurses, and most of the employees in this store were of the "old school."

If we were going to have a problem, what better store could we have chosen? We knew this and on the surface it did not appear to be a likely store for such a project. However we were confident that our preparations were sound, and our method of approach practical.

Our strategy was essentially this: The plan was discussed with the store manager and the reasons for it thoroughly explained. He was asked to consider and analyze this plan in an intelligent, objective scope, and to report back with any opinions or questions and give us his personal reaction and attitude. After we secured the support of management, he approached the employees. After gaining the support of the employees, they were thoroughly oriented and educated as to the reasons, and need of such a policy and what problems might arise. We also impressed upon them that this was a company policy and that we expected them to give us their continued cooperation at all times. We then approached the young Negro who was to fill this position. His reaction was of utmost importance in finalizing this change. We wanted him to be aware of what this project was and why we were undertaking it and the bearing this one instance could have on future policy. We wanted him to know that he stood a good chance of being hurt by careless remarks and comments—that it would be a situation he might have to face squarely and unafraid.

The transition took place. It was successful. It was an accomplishment for both of us—the Negro and the company. I might add that this same boy turned out to be an outstanding employee and is today one of our store managers.

There are other cases that I could go into such as the porter delivery boy who is now an assistant manager with a very bright future. These examples are merely mentioned to point out why we feel "education for change" is the primary requirement in a successful equal employment program.

Public resistance to our Negro employees has really posed no problem. Of course, you have certain radicals, but these are expected to be critical of any group.

For the businessman, especially those in retail, initiating an equal employment program, public resistance is viewed with much concern. However, the great majority of Washington residents have accepted equal employment opportunities with appreciation and enthusiasm.

In a few neighborhoods we could have had a customer reaction. Here again our experience has shown that planning can effect a smooth transition even in

these areas. This is accomplished through upgrading of personnel within the store. We have stores in which employees come to work originally as dishwashers, porters, and fountain girls. Through upgrading these employees have now progressed to cashiers, floor clerks, department heads and other positions. Once this upgrading has been accomplished in a store, regardless of the area, we have faced no further problems in respect to placement of additional Negro employees in that same store.

One area in which we have experienced some difficulty is the availability of qualified personnel. I do not mean this to be taken in reference to all categories, but primarily in the clerical field. Most qualified clerical personnel have no difficulty in obtaining employment and the availability of competent clerical workers among the unemployed is low. On occasion we have contacted Mr. Forester at Cardozo High School, the Urban League, the USES, and other sources. All of these groups have been most cooperative, but their supply of qualified people has also been restricted due to the demand for people trained along these lines.

This, I think, is a very definite indication of progress in equal employment in this field. However, I don't believe that scarcity is a problem as such before this committee, but any proposal for encouraging more Negroes to enter the clerical and secretarial field would certainly be met with acceptance by the businessmen of this area.

Our future plans and policies do not call for the establishment of a nondiscriminatory merit employment program. We already have such a program, a program that was originated, organized, and instituted by this company on its own initiative. We are proud of it, we defend it, and we promise to continue to expand it.

Thank you, gentlemen, for your attention and the courtesy of being invited to participate in this conference.

I hope that I may have contributed something of significance to this challenging problem.

(Whereupon, at 12:05 p.m., the subcommittee was adjourned, to reconvene at 10 a.m., Wednesday, May 29, 1963.)

EQUAL EMPLOYMENT OPPORTUNITY

WEDNESDAY, MAY 29, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:25 a.m., pursuant to adjournment, in room 304, Cannon Building, Hon. James Roosevelt presiding.

Present: Representatives Roosevelt (chairman of the subcommittee), Pucinski, Hawkins, and Martin.

Staff members present: Jay H. Foreman, subcommittee counsel and Adrienne Fields, subcommittee clerk.

Mr. PUCINSKI. The committee will come to order.

Congressman Roosevelt, chairman of the committee, will be here very shortly but we will proceed with the hearing.

Our first witness this morning is Dr. Duncan Howlett, Chairman of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights.

Dr. Howlett, would you like to come forward and identify yourself formally to the court reporter?

It is my understanding you have a very short statement you would like to insert in the record; is that it?

Dr. HOWLETT. Yes; I do.

STATEMENT OF DR. DUNCAN HOWLETT, CHAIRMAN OF THE DISTRICT OF COLUMBIA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

Mr. PUCINSKI. You may proceed.

Dr. HOWLETT. With your permission, I don't plan to read my statement but, rather, to talk about it since you can read it, if you wish.

Mr. PUCINSKI. All right, sir. That is very agreeable.

(The statement referred to follows:)

STATEMENT OF DR. DUNCAN HOWLETT, CHAIRMAN, DISTRICT OF COLUMBIA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

My name is Duncan Howlett. I am minister of All Souls Church, Unitarian, in Washington, and have served since April 5, 1962, as Chairman of the D.C. Advisory Committee to the U.S. Commission on Civil Rights. I am here today to endorse H.R. 405, the proposed "Federal Equal Employment Opportunity Act."

The most comprehensive project of the D.C. Advisory Committee in the current 2-year term of the Civil Rights Commission's existence has been a survey of employment opportunity for the Washington community's Negro population. A Special Committee on Equal Employment Opportunity was established to conduct a public conference on this problem. The conference took place in the main conference room of the Department of State on February 27 and 28 and

March 1. In these sessions we heard statements from representatives of the Washington business community, labor unions, schools, and Negro groups, and had an opportunity to question these representatives at length. On the basis of a transcript of the conference and other materials submitted to the Advisory Committee, a report is currently being prepared and will be submitted in the very near future to the U.S. Commission on Civil Rights. This report will contain a summary of the employment situation in this area, the findings of the committee, and its recommendations for remedial action.

At our Conference on Equal Employment Opportunity, the Advisory Committee and the community learned a great deal about the problems we face and the progress that we have made. The overwhelming fact that was made clear to all was that the hopes and aspirations of our community's large Negro population have been and continue to be cruelly frustrated by racial discrimination.

Only in the last 10 years has our dominant industry, the Federal Government, gradually adopted practices of nondiscrimination that have brought Negroes into middle and higher-ranking positions. This process has been sharply accelerated since 1961. As Government opportunity has expanded, attention has become focused on the private sector of the economy so that in the past 3 or 4 years business pressure has forced some initial changes in the practices of non-governmental employers. For the first time, we are noting the presence of Negroes in so-called nontraditional occupations with the department stores and the public utilities. It is only in the past 2 years that the first token admission of Negroes to formerly all-white craft unions in the building trades has occurred. It is a sorry commentary that even this minimal progress in opening employment opportunity has come about in part through threat of crisis and racial disorders. Sadly missing has been the force of law behind the expressions of our Negro citizens in their quest for a better life.

If any theme runs through the employment situation in Washington, it is the sense of urgency which all of us must bring to the effort to eliminate job discrimination. The Advisory Committee will report that "the denial of equal opportunity in employment is a significant—if not the most significant—factor in the high incidence of unemployment, social dislocation, school dropouts, crime, and political apathy among Washington's Negroes."

The Advisory Committee further found that "no civil rights problem in the Washington metropolitan area can be considered within the artificial limits of the District of Columbia. Employment is no exception. The bulk of the labor force is, and will continue to be, employed in the central city, but a large and expanding job market does exist in the Maryland and Virginia suburbs. In these areas Negroes are almost totally excluded from employment above the mental level."

I consider it vitally important to the welfare and social health of the Nation's Capital that civil rights conditions in the suburbs as well as in the central city be improved without delay. The elimination of job discrimination is an essential step toward the improvement of these conditions. At the moment, as I have indicated, employment opportunity above the mental level is strongly concentrated in the central city. It should be kept in mind, however, that Washington is expanding rapidly. There is great construction activity in the suburbs, and we are beginning to experience an expansion of light industry. The Federal Government must do everything within its power to insure that our Negro citizens participate fully in this expansion of the Nation's Capital.

In view of these considerations, I strongly recommend enactment of national fair employment practices legislation by Congress, and hope that favorable action will be taken by the subcommittee, by the Committee on Education and Labor, and the Congress with regard to H.R. 405.

Mr. PUCINSKI. It is my understanding, Dr. Howlett, that your group conducted 3 days of conferences here in the District last February on this whole problem.

Dr. HOWLETT. That is correct.

Mr. PUCINSKI. I am told that you certainly have a rich background in this field, so if you will proceed in any manner that you want to, to get to the subject before the subcommittee.

Dr. HOWLETT. Thank you. I come here in my capacity as Chairman of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, and told your secretary when she called me

that I could not testify at firsthand on employment conditions here in the District, that if I were to try to do that, my testimony would be nothing but hearsay, but that I could tell you what my impressions were sitting for 3 days listening to the statements made by people in business, labor, and the community in general, the schools, all the aspects of our life here in the District of Columbia.

She said that that would be suitable and it is about that that I would like to make just a few comments.

The report of our findings covering 3 full days has proved so voluminous that we still have not got it out. We are hard at work on it and expect it to be out in a very short time.

There will be many recommendations in connection with it, in excess of 30, relating to conditions which we have discovered here. Let me capsule it all by saying that it amounts to a great feeling of frustration in the Negro community because of the de facto discrimination that exists.

Now, I want first to emphasize the fact that this is not nearly so true of the U.S. Government as it is of private industry, for the Government in the last 10 years has shown great improvement as a result of which we find Negroes in middle and higher ranking positions. Since 1961 that has been sharply accelerated as a result of which interest in the problem of discrimination now centers in the private economy.

There have been some beginnings made, in the department stores and public utilities. In the building trades, so far, it is only token. The improvement which is needed is vast and, as I say, great frustration exists because of it.

In listening to the statements, it became clear to all of us that the thing that we needed above all else was an FEPC.

(At this point, Congressman Roosevelt assumed the chair.)

Dr. HOWLETT. I was saying we of the Civil Rights Committee heard statements for 3 days last winter by people who came before us.

I have been pointing out the fact that if I were to talk about employment conditions here myself, it would be hearsay. What I am doing instead is giving the impressions I gathered from hearing statements by community leaders in all phases of public life in the District of Columbia in regard to the problem of discrimination.

Summarizing our impressions, we, the members of the panel, there were seven of us, as I recall, we concluded on the basis of what we heard that we needed an FEPC in the District more than anything else.

We felt that if we could by law enforce the kind of things that people were talking about, then many of those who did not wish to discriminate would be helped in their desire not to do so. The evasions in this matter of fair employment practices are very subtle and they all, as I observed it, revolve around the word "qualified."

"Yes; we will take a qualified Negro," the employer would say. But who is a qualified Negro?

Well, you get it both ways; it is a two-edged sword. It is true that many Negroes who apply for positions that they would like to occupy are not qualified for all the reasons that all of us understand; lack of opportunity and so on; but it is also true that because this condition prevails, employers who could find qualified Negroes hid behind the screen of qualification in a de facto discrimination and it came out

over and over again that if we had an FEPC, this evil could be greatly alleviated.

If everybody was stuck with the same set of laws, they would have to abide by them and it would not be so easy to hide behind the "qualified" formula.

There are one or two other things I would emphasize over and beyond the formal statement which I have submitted for the record.

First is that this is a metropolitan problem. You cannot confine it to the District. By the same token, it is a national problem, and we think it is right to put this thing on a national basis. For that reason, we hope very much that this legislation will be recommended by your committee and passed by the Congress.

There is one other point that I would like to make in conclusion: It took me some time to get hold of a copy of the bill but I got one and went through it. I was very much struck with section 8, item "h," No. 6, which you will find on page 14, that I would like to underscore because on this I can speak at first hand. You propose to create a local, State or regional advisory and conciliation council. I function in this fashion for the Civil Rights Commission. I am Chairman of the District of Columbia Committee. In order to encompass anything like the work that is before us, I have had to break this committee down into four subcommittees; one of them is the subcommittee I am talking about, on employment practices. We have others on the administration of justice and housing and so on.

I am impressed, operating through this committee and the subcommittees that I have created as to what this kind of advisory committee without any budget manned by volunteer citizens working without pay, can do.

Such an advisory group does two things. It gives people who have grievances an opportunity to be heard in a forum where their voices are registered in the community. This, in its turn, registers upon the conscience of people who may be quite ignorant of the conditions that exist. I feel that this particular provision in the bill, is of very great importance.

In conclusion may I add that the bill as a whole is very thoroughgoing. It is well-conceived and well-designed to get rid of discrimination in employment which is, as we saw it, one of the chief factors in the mounting frustration which exists in the Negro community.

Mr. ROOSEVELT. Thank you, Dr. Howlett.

I want to thank you for your statement and for your willingness to come before the committee and give us your views.

I was late this morning because I was invited to go to the Gordon Junior High School. I don't know if you know about it—

Dr. HOWLETT. Yes, I do.

Mr. ROOSEVELT. They had 1,100 of the student body and we were discussing dropouts.

During the question period, these fairly young people, most of them not yet in senior high school, the questions they asked pointed up this problem as just nothing you could do. I would have given my bottom dollar to have had a transcript of the questions that these young people got up and asked.

They highlighted exactly what you are saying, that, "Yes, legislation is necessary." One of them asked whether I thought that any

law could really be effective because it moved so slowly. I pointed out to them that part of the process of legislation is, of course, to set the standard and some enforcement procedure, but it also is a fine vehicle of education, and so is the work that you are doing.

As you said, it gives the people the opportunity to be heard in their own community in the way that they could not possibly be heard any other way.

Dr. HOWLETT. I think this is a very effective instrument designed to alleviate one of the problems that faces American life today. I commend you for it and wish you success in passing it through Congress and enacting it into law.

Mr. ROOSEVELT. Thank you.

Let me ask you one other thing.

I have been reading with satisfaction that the administration is now revising its civil rights program. I agree they have done much more than anybody else has done for many years in the past. But isn't it true that, while certainly no one can criticize you, though we have to agree with moving ahead in voting areas and in integrated schools; that really part of this whole problem includes equal opportunity in employment. If you can vote and you can't work, if you can go to school and you can graduate and not use your skill, it seems to me you have not really accomplished any final solution to the problem.

Dr. HOWLETT. It is fundamental, and this I can document from my own experience from people I have worked with.

If a man can't earn a living for his family without his wife going out working domestically, and the kids run the streets while both of them are at work, how can you hold them accountable for what the kids are doing?

Yet, this is what we are doing in this city. We are blaming the Negro for the things he does of which we disapprove, and we are saying he does these things because he is a Negro. But the fact of the matter is employment conditions are such that hard-working people very often can't get enough money to live on, and look after their children at the same time. We, through our discrimination policies, create the conditions we then blame the Negro for. This is unconscionable.

Mr. ROOSEVELT. I thank you and I hope we can convince all people that this is needed.

Mr. Pucinski.

May I first thank my colleague for proceeding and getting the hearing started. I appreciate it.

Mr. PUCINSKI. Dr. Howlett, we are very grateful to you for your first-hand information on this subject here.

I was very happy to hear you say this is a metropolitan problem.

Dr. HOWLETT. Yes; it is.

Mr. PUCINSKI. These hearings in the last few days have devoted most of their attention to the problem in the District and the area around the District.

It becomes very apparent that even if Congress were to try to deal with this problem on some reasonable basis, we would be really evading the full responsibility.

Dr. HOWLETT. That is right.

Mr. PUCINSKI. Because what is happening all over America today, whether it is Birmingham or Tennessee or Philadelphia or any other community, demonstrates the urgent need for this legislation.

Certainly, one who is as closely related to the problem as you are would be in a position to give us this information. I am grateful to you.

I would like to direct a question to the chairman, if the chairman would be in a position to give us some sort of a timetable on where we are going with this hearing.

It seems to me that this is really the second year that we are holding hearings. We held hearings on this very extensively around the country last year and some of the impressions gained in New York and Los Angeles and Chicago are still very fresh in the minds of the members of this committee.

I can't help but feel, Mr. Chairman, that we ought to start thinking about ending the hearings and getting down to writing this bill and moving this bill because, from what is happening around the country, I don't think we have any time to waste.

Now, I think the Negro people have a generally good reputation for maintaining the law.

Dr. HOWLETT. That is right; under the conditions, I think it is extraordinary.

Mr. PUCINSKI. They have their share of the violations of the law but generally, as a group, considering the treatment they have been subjected to in the South, I think that one can say they have an excellent reputation for living within the law. The fact that their patience is wearing thin, I think it is understandable and it is understandable to many American people.

Now, these young people, as you describe your experience this morning, Mr. Chairman, are really in a dilemma. They are faced with a spirit of complete hopelessness. Sure; why go on to high school; when you get your diploma, you cannot find a job because of discrimination.

We have studied this legislation for many, many years and this committee has volumes and volumes of background. If we can prevail upon this Congress to move very expeditiously on this particular legislation, we can probably do more to assure those restless individuals who have been participating in all sorts of demonstrations that the force of the American Government stands behind them in their rights to job opportunities. I think we can do more to bring about some better understanding than anything that I can think of at this moment. The effect would be electric.

The President, of course, is going to have his civil rights bill, which Congress will undoubtedly want to move very expeditiously, but because of the economic factor involved here, I wonder, Mr. Chairman, if the chairman is in a position today to give us some sort of a timetable as to whether or not we can move this legislation to the floor or at least through our main committee as quickly as possible to show this country that, No. 1, the Congress is aware of the economic factor in these great disturbances around the country, and, No. 2, that the Congress is really moving to do something about it.

Mr. ROOSEVELT. I say to my colleague, he is talking to this chairman now!

Mr. PUCINSKI. Yes, the chairman of the subcommittee.

Mr. ROOSEVELT. May I say, my good colleague, that the timetable as it is presently laid out, as the gentleman knows, the chairman will be back about the 14th of June; we intend to close the hearings shortly after the Secretary of Labor speaks to us on the 13th of June. That date was set at the request of the Secretary of Labor who, very frankly, sent word to me that there had been some rethinking within his Department and within the administration as to the advisability of this hearing; it has never been a part of the administration program.

He asked that they be given until the 13th to finally come before the committee.

It is a little difficult to turn that kind of request down, so immediately following that the committee will then go into session to mark up the bill.

If I have to go to Geneva, I am counting on my good friend from Illinois to carry the load and act as chairman in getting the bill marked up in the subcommittee so when I come back from Geneva it will be ready for full committee action.

Dr. HOWLETT. I should think in the light of the public statements by the chairman of the Education and Labor Committee you ought not to have any difficulty getting this bill on the floor.

Mr. ROOSEVELT. Well, I have to say in all honesty that you perhaps, Dr. Howlett, don't know fully the ramifications of something called the Rules Committee.

Dr. HOWLETT. I don't know as much about it as you do.

Mr. ROOSEVELT. This is not an easy bill to get out of the Rules Committee, but the chairman of the full committee has said, and we have notified the leadership, that we intend to use what is known as Calendar Wednesday. If the Rules Committee does not allow a reasonable time to act on it, we will use Calendar Wednesday to get it to the floor.

Mr. PUCINSKI. Mr. Chairman, that timetable that you described is very encouraging.

I would like to see us shave it off a little more. I know that the legislative process moves slowly, be it deliberately perhaps. I don't want to create the impression that I want to rush into something, but in view of the tremendous backlog of information and evidence that this committee has assembled over the years, I would strongly urge that if it is at all possible that we try to—we have, I believe, Mr. Taylor coming up the third of June, next week?

Mr. ROOSEVELT. No. I think he is coming the same time the Secretary comes.

Mr. PUCINSKI. Mr. Chairman, I wonder if the chairman and the staff would impress upon the executive branch and the Secretary of Labor that a 2-week delay just pushes this whole thing back even further.

Now, I wonder if we cannot get them down here next week before the chairman of our subcommittee leaves for his conference and let's move along. This thing is getting very serious.

I think the situation in the country is very serious and I think the American people want some direct decisive action on the part of Congress to deal with this problem.

For this reason, I wonder if we can just explore the possibility of speeding this thing along a little faster. This is the 29th of May. That means a 2-week delay.

Mr. ROOSEVELT. If the gentleman has any better political dynamite than I have been able to use up to now, I will be glad to help him use it and ignite it.

In all fairness, the Attorney General is going before the Judiciary Committee with his part of the so-called civil rights program and, logically, the Secretary of Labor didn't want to come before our committee until that had been accomplished.

Mr. PUOINSKI. We are dealing with two different subjects.

The Attorney General is going to have for the Judiciary a broad program which is very encouraging and very good, but, as Dr. Howlett said here, and as witness after witness before this committee has said, that even if you were to pass from what I have seen as the blueprint of the program that the Attorney General is going to submit in civil rights, if you are going to pass that, that legislation would not get to the heart of the very thing that we have been talking about for months before this subcommittee.

I say in all honesty that the first priority, in my judgment, if you want to do something concrete about this problem, you want to make a real moving, significant, meaningful contribution to the resolution of what is going on all over the country, is to move this legislation with the greatest dispatch because here we are talking about economics.

If I may digress for one second, Mr. Chairman, I think that we can compare this to the world problem. Our State Department has been for years talking about self-determination and various other things but had completely ignored the economics of survival. Therefore, nation after nation has looked upon us with some suspicion.

I think if we should bring this down to our own level. These people want work; they want to have opportunities to bring their children up with dignity and these people want to have a chance to use their God-given talents.

So long as there is discrimination in employment practices, you are going to continue having this unrest.

For that reason, I would say that with all due respect to the Attorney General and his testimony before the Judiciary Committee, I think that the course of this committee should be a crash program to get this legislation adopted so that these thousands of young people all over America who are today flexing their muscles, who are showing the restlessness and impatience with the slow pace of their rights as American citizens, that these people will have something meaningful to look forward to.

For that reason, I again renew my request that we move with the greatest dispatch on this thing.

Mr. ROOSEVELT. I will confirm the member of the committee and try to accomplish just that.

Mr. HAWKINS.

Mr. HAWKINS. As much as the subject has come up, I certainly agree with my colleague about the necessity of moving this legislation as fast as possible, but I also raise the question that the so-called crash program would certainly not, I think, have the desire to go forward if it crashes into a stone wall. I rather agree with the chairman of the subcommittee because I know of his sincerity in trying to move this along as fast as possible.

I, for one, am rather impatient myself but I wonder whether or not my colleague from Illinois would agree that merely to get this bill out of this committee to crash into a stone wall in the Rules Committee or without the full cooperation of the leadership would have an undesirable effect on the very people that we would like to have a desirable effect on.

It seems to me, basically, that the strategy is very sound in trying to insure the very best possible reception for this type of legislation and its handling in the procedure that it must go through.

I suspect that we have to rely primarily on that judgment.

Mr. PUCINSKI. If my colleague will yield, he makes a very strong point and I would not want anyone to ever think because of anything that I have said that I have questioned the strong desire of the chairman of both our subcommittee and our full committee to move along.

I think the gentleman from California, the chairman of the subcommittee, Mr. Roosevelt, has done everything he can. The fact that there are people within the Labor Department who have indicated they are taking another look at this thing constitutes for him a monumental victory if they come out for this legislation, as we hope they will.

But, again, Mr. Hawkins, if the administration is going to be here on the 13th, certainly I think we ought to make every effort to have them here on the third and shave off a couple of weeks. Let us be realistic, if we get all the help possible from all levels of leadership, it is still going to follow a very rough course before it becomes a law.

We cannot lose any time anywhere along the way because by the very nature of this legislation there is a whole series of booby traps along the way that we know about that we have to overcome.

Therefore, if we can save 2 weeks here and 3 weeks there and 4 weeks there, in the final analysis we can look forward to having this legislation acted upon.

I am perfectly willing to yield if the gentleman from California, Mr. Hawkins, is satisfied.

Mr. HAWKINS. I have discussed this with Mr. Roosevelt and others and I certainly know as one who has gone through this struggle on the State level that there is a tremendous amount of support which is, I think, in favor of such legislation but unfortunately I suspect that this support has not been truly and effectively mobilized. I think it requires a little time.

I think that from the lack of public support which we have received ourselves in terms of this legislation that there is every reason to believe that there are many groups that, if this goes to the floor at this particular time, we know nothing about, it would not be useful in trying to move the leadership or the administration to a stronger position.

I think certainly the desirability of having stronger support from the administration as has been indicated is most important to the task, though, as you say, there is a need to speed up the process wherever possible.

May I, however, ask Dr. Howlett one question?

Doctor, from what you have said this morning, there may be some indication that an advisory committee such as your or a regional advisory committee which would be created under the provision of the bill that you referred to, might be sufficient.

Now, would you say that such advisory committees would be sufficient since they would have no sanctions to impose? That is, they would have no enforcement powers to impose penalties for violations of orders, but would merely be study groups to give the public an opportunity to be heard?

Now, would you clarify that a little bit to the extent that you are also supporting the bill?

At the same time, I think that it is obvious that you have indicated that your committee has been very successful at least as an advisory committee. Some persons might draw the conclusion that such an advisory committee without any sanctions at all, without any penalties involved in the procedure, would not be sufficient to obtain results. In other words, it would be purely educational and would not be what I would consider a very strong, effective body.

Dr. HOWLETT. It is far from sufficient. It is important in a supplementary sense only. If you have the provisions that this bill has—there are a lot of teeth in this bill—you can move right in effectively on the discrimination problem.

One of the provisions in it that I simply wanted to emphasize out of my own experience is the value of advisory committees appointed under the Commission. The advisory committees are supplementary. They have no power except the power of public opinion.

But, I am one of those who believes very deeply in the power of public opinion and feel on the basis of my experience that this is a very important element in the bill.

Even though there are no enforcing powers in the advisory committees, they have great power to mobilize public opinion and to make an FEPC bill effective.

In other words, I believe in the conscience of people, and if you get out before people through these advisory committees what is going on that they don't like, this just in itself helps, to mend it.

Mr. HAWKINS. I share your great belief in the conscience of people, but could you also say there may be some individuals who cannot be appealed to on the basis of that conscience although there may be very few individuals, some individuals, who need it?

Dr. HOWLETT. If that were not the case, you would not need an FEPC law. It is because that is true that you need the law.

Mr. HAWKINS. Certainly.

Thank you very much.

Mr. ROOSEVELT. Mr. Martin.

Mr. MARTIN. No questions.

Mr. ROOSEVELT. Dr. Howlett, let me again express our appreciation to you.

Could we ask if we could have the report of the conference when it is ready?

Dr. HOWLETT. Yes.

Mr. ROOSEVELT. I think it would be helpful to the committee to have the report in the record after your testimony.

Dr. HOWLETT. It should be ready in a week or two, and we will see that you get one.

Mr. ROOSEVELT. Thank you.

Dr. HOWLETT. Thank you for the opportunity of being heard.

(The above-mentioned report follows:)

**EMPLOYMENT
IN
WASHINGTON, D.C.**

**A REPORT
OF THE
DISTRICT OF COLUMBIA ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS
JUNE 1963**

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COMMISSION ACKNOWLEDGMENT

Although the United States Commission on Civil Rights has maintained State Advisory Committees in all States of the Union since its establishment, the District of Columbia Advisory Committee is of relatively recent origin. It was organized in the Spring of 1962 to keep the Commission advised of civil rights developments in this important community and to supplement Commission activities in the District. Under the very able leadership of Dr. Duncan Howlett, the District group soon established itself as one of our most active, energetic, and effective Advisory Committees.

The Commission is particularly indebted to the District of Columbia Advisory Committee for its inquiry into equal employment opportunities in the Washington area. By means of the establishment of a Special Committee (ad hoc) on Equal Employment Opportunity, a working group of 25 leaders in the fields of business, labor, and human relations was associated with this important effort. All of them were uncompensated, and neither a budget nor a staff could be provided. The fact that the Special Committee produced this outstanding report in spite of limitations and obstacles is a special tribute to all of the members and especially to the Chairman, Mr. Ben Segal.

On behalf of the Commission, I would like to express our sincere gratitude to the District of Columbia Advisory Committee and to its Special Committee on Equal Employment Opportunity for the preparation, production, and submission of this report. This is an important and substantial contribution on the part of citizens who are intimately familiar with the Washington scene. It is our hope that the sense of seriousness and urgency which is so forcibly and persuasively expressed in this report will not be lost on the agencies of Government to which the recommendations are addressed. This report demonstrates beyond question that the need for action is immediate; all excuses for further delay and procrastination have been exhausted.

BERL I. BERNHARD
Staff Director
U.S. Commission
on Civil Rights

PREFACE

The District of Columbia Advisory Committee, composed entirely of private citizens serving without remuneration, is one of 51 such groups throughout the nation, established as fact-gathering bodies pursuant to the Civil Rights Act of 1957, and designed to assist the United States Commission on Civil Rights in the performance of its statutory duties.

Four principal programs are currently being sponsored by the D.C. Advisory Committee: one on the Centenary of the Emancipation Proclamation, one on Metropolitan Housing, one on the Administration of Justice, and a fourth on Employment Practices.

The last of these programs has been the responsibility of a Special Committee on Equal Employment Opportunity, composed of 5 members of the D.C. Advisory Committee and twenty others selected to give the group as broad a basis in the Washington community as possible. The Special Committee conducted the Conference ^{1/} summarized in this report. Lacking the power of subpoena or the authority to put witnesses under oath, it relied wholly on statements voluntarily submitted, either orally or in writing, by representatives of industry, labor, the schools, and the community organizations. ^{2/}

^{1/} Unpublished transcript of the Conference on Equal Employment Opportunity of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, February 27-March 1, 1963, (hereinafter cited as D.C. Employment Conference). The transcript is in the files of the U.S. Commission on Civil Rights, Washington 25, D.C. (Opening remarks by Dr. Duncan Howlett, Chairman of the D.C. Advisory Committee.)

^{2/} D.C. Employment Conference 6 (opening remarks by Mr. Ben D. Segal, Chairman of the Special Committee on Equal Employment Opportunity).

The response, on the whole, was gratifying. Speakers from numerous groups appeared before the Special Committee to present their views, grievances, and recommendations. Only a few organizations which had been asked to appear failed to do so, or at least to submit written statements.

Aside from its fact-finding mission, the Special Committee feels that an educational function was served within the community. The conference, held on February 27 and 28, and March 1, 1963, was amply covered by the local press and other media. Residents of the area were aroused to the grave problems of employment discrimination, both subtle and obvious, that plague minority groups in the District.

There was no attempt to ignore the advances which have taken place, nor to conceal the serious inequalities still remaining. The sole guiding principle of the Special Committee was to uncover the facts to the best of its ability, and to provide the basis for recommendations founded on such facts. The work of the Special Committee forms the foundation for this report. ^{3/}

^{3/} The Advisory Committee and the Special Committee owe a great debt to two men for their efforts in digesting the transcripts of the Conference for use in the report: Mr. Hal Witt of the District of Columbia Bar and Mr. Alex Rode.

INTRODUCTION

Traditionally, our nation has been committed to a principle so simple in expression and yet so profound in its implications that it has determined the very texture of our life.

"We hold these truths to be self-evident . . ." Is there a school-child in any part of the country, on an isolated farm or in the great urban centers, who has not heard the ringing phrase from the Declaration of Independence and responded to it? Was there a time, throughout all our history, when common men were not stirred to greater efforts by this exhortation?

Whatever America has meant to men here and abroad, it has invariably been looked upon as a land of almost unlimited opportunity. Despite occasional economic lags, despite wars and internal upheaval, this image of the United States has persisted: it was a place where the only limitations to success were each individual's talent and industry.

Neither class, nor social origin, nor parental occupation imposed limits on a man's ambitions. Along with our great natural wealth and democratic institutions, the keystone of initiative supported our might and our progress.

And yet, nearly two hundred years after this principle was first espoused, for some Americans it is still not "self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

For members of our minority groups, and particularly for nineteen million American Negroes, the reality does not conform to the ideal. Across the continent, in every town, city and suburb, the Negro citizen finds his aspirations blocked by myriad forms of discrimination.

Some, like segregation, are overt and obstinate, though they are gradually yielding before public opinion and the law. Others are far more subtle, and in a sense, far more insidious.

Among the latter, inequality in employment is perhaps the most injurious. It saps the Negro's energy, undermines his motivation, perpetuates his economic dependence, and creates widespread frustration. As has so often been pointed out, all Americans are adversely affected by such discrimination: we cannot hope to maintain our prosperity and growth while ten per cent of our people are held in fetters.

But job discrimination is not simply an economic question. It has become, in our time, a question of foreign policy, of domestic tranquility, of harmony and coherence--a question, in short, of national power. Most basic of all, job discrimination is morally wrong. The time is long past, if it ever existed, when men could justify treating others as less than men.

Although discrimination against other minority groups has by no means been totally eradicated, the Negro remains its principal victim. There is reason to believe that when bias against him yields at last, all Americans will be freed. This study, therefore, concerns itself primarily with discrimination as encountered by Negroes.

Washington, D.C. is in many ways an ideal laboratory for the study of discriminatory practices. It is visited annually by countless diplomats and foreign tourists. It no doubt influences the visitors' view of our nation as a whole, of its professed ideals and its way of life--and not only are foreigners influenced thus, but thousands of young Americans whose trip to the Nation's Capital may be the first and only contact they will ever have with the seat of the Federal Government.

Washington is not a typical American city. There is little industry and relatively few large commercial enterprises; the Government is the dominant employer.^{1/} And yet, because of its urban-suburban pattern and the composition of its population, Washington offers fruitful insights as a model for the study of job discrimination.

In 1960, approximately 54% of the D.C. population was nonwhite. In nearby Maryland and Virginia, comprising the remainder of the standard metropolitan statistical area, the corresponding figure was 6.5%.^{2/}

For decades, the Negroes have made up about 25% of the total area population.^{3/} These statistics confirm a trend which has continued for many years: an influx of Negroes into the central city, and a movement of whites to the suburbs.^{4/} As far as can be discerned, the pattern remains constant to the present day.

^{1/} David A. Sawyer, "Fair Employment in the Nation's Capital: A Study of Progress and Dilemma," The Journal of Intergroup Relations, Winter 1962-63, 37.

^{2/} U.S. Census of Population: 1960.

^{3/} Sawyer, op. cit. supra, note 1, at 38.

^{4/} U.S. Commission on Civil Rights, Housing in Washington, D.C., 1962, p. 2.

Undoubtedly many types of discrimination contribute to the "ghetto" scheme. ^{5/} But unequal employment opportunity must be considered a central factor which perpetuates the current situation. As Berl I. Bernhard, Staff Director of the Commission on Civil Rights pointed out:

* * * in the last analysis, the minority citizen can only better himself by increasing his income; and this is to be done only if he is qualified for employment, and if people will employ him at other than menial tasks. ^{6/}

In 1959, the average nonwhite family earned about 56% of the average white family income in the District, a ratio that has remained fairly stable for over twenty years. ^{7/} More than 87% of jobs in the white-collar and managerial category in the metropolitan area were held by whites, while the majority of Negro workers could be found in either service or manual labor positions. ^{8/} Past and present discrimination must be held accountable for this imbalance, and it is the function of this report to present some of the causes and possible remedies for such discrimination.

The next pages are a summary of the employment situation in the Washington area based on the Employment Conference and materials submitted to the Committee. Following the summary are the findings and the recommendations of the D.C. Advisory Committee.

^{5/} D.C. Employment Conference 12. (Testimony of Honorable Berl I. Bernhard, Staff Director, U.S. Commission on Civil Rights.)

^{6/} Ibid.

^{7/} Ibid at 15.

^{8/} Census: 1960.

I. THE IMPACT OF UNEQUAL RIGHTS

Discrimination is a relative term. If you are the director of personnel services at the Potomac Electric Power Company, you would take pride in the fact that:

Today if a customer comes to our office to pay his bill, the receiving teller may be a Negro; if he calls our office to inquire about a bill, he may talk to a Negro; if he calls to have service transferred from one place to another, he may talk to a Negro; the man who comes to read the meter in his basement may be Negro; if he appears to be having voltage trouble, the man who comes to make tests may be a Negro. All of these activities are in different Departments of the Company. 1/

But if you are Julius Hobson, president of the Washington chapter of CORE, you have a different story to tell:

We tried to get from PEPCO a statement of agreement on the hiring of Negroes at all job levels, and I don't mean just for window dressing, but in regard to the basic jobs in PEPCO, such as electricians.

There are no Negro electricians at the company. There are no Negroes in electronics. There are no Negroes in training for these jobs, and they are the basic jobs in PEPCO. 2/

As a union official, you are aware of the problems, but your personal commitment to fair employment is unequivocal:

The national policy of the AFL-CIO is well-known to this panel and to the Advisory Committee, and we subscribe 100 percent to the national policy in the field of race relations.

*** Of the hundred locals affiliated, I think only a handful do not have some Negro members. *** We have been doing all we can in this field, by our actions and by our communications with the local unions. 3/

1/ D.C. Employment Conference. (P. 2 of statement of Harry Boyd, Potomac Electric Power Company.)

2/ Id. at 238. (Testimony of Julius Hobson.)

3/ Id. at 188. (Testimony of J.C. Turner, Greater Washington Central Labor Council.)

Or, if you are executive secretary of the Building Trades Council, you cite some encouraging figures:

*** Bricklayers Local No. 1 has about 35 percent Negroes, and Bricklayers Local No. 4 about 90 percent. *** Nearly all (of the Carpenters Locals) have Negro members, but no records are kept according to race. *** For the Cement Makers, it is about 75 percent. *** The Electrical Workers have one Negro. *** The Engineers *** have about 200 Negro members. *** The Steam Fitters just recently took in one Negro. *** The Plumbers recently took in one *** the Plasterers have about 25 percent Negro membership. *** The Roofers have about 75 percent of Negro workers. *** The Tile and Terrazzo Workers indicate that none have applied to local unions. *** 4/

The statistics somehow seem less impressive when you are Stokeley Carmichael, a member of the Non-Violent Action Group at Howard University:

The Federal Government appropriates all the money to Howard University for its new buildings. *** The contract *** is given by the GSA. *** currently working on the new gymnasium are a number of Locals. *** The Electrical Local #26 employs two Negroes and one (Negro) journeyman. The Sheetmetal Union #102 employs no Negroes. The Plumbers Local #5 and the Steamfitters Local #602 employ no Negroes at all. *** We think it is a blatant insult for GSA to assign these Locals and these Unions to build the new gymnasium on our site. *** We are not going to take this. 5/

Few observers would deny that some progress has been made in combatting employment discrimination in the Washington area. The concerted efforts of the Federal and District governments, of private organizations, of industry and the labor movement, have led to increasing opportunities for members of minority groups. But for those who are being discriminated against, the question of how much discrimination exists is no longer central; the point that it exists at all is cause enough for anger.

4/ Id. at 208. (Testimony of Joseph Curtice, Building Trades Council.)

5/ Id. at 21. (Testimony of Stokeley Carmichael.)

In Washington, however, we have not reached that advanced stage where only vestiges of the problem remain. Discrimination in employment is widespread, and substantial.

II. THE PACE OF PROGRESS

Today, nearly ten years after the momentous Supreme Court school desegregation decision, the Nation's Capital is not an integrated city. It is not integrated in education, it is not integrated in housing, and it is far from integrated in employment. A foreign visitor--or, for that matter, a high school student from Iowa--will soon discover the "ghettos" of the city; he will see schools only a few blocks apart that are virtually all-white or all-Negro; he will notice the racial make-up of the city's menial laborers.

The median income of nonwhite citizens in the District is only 70 percent of that of white citizens. The economic gap has shown very little change over the last twenty years. ^{1/} Seven out of ten unemployed persons in the District are nonwhite. The average nonwhite family earns 56 cents for every dollar earned by the average white family, and that 56 cents represents the work of more bread-winners per family. ^{2/} Such, in the words of John B. Duncan, the District's first Negro Commissioner, is "the price of unequal opportunity." ^{3/}

Inroads have been made by minority groups during the past decade in securing employment where it was previously denied. Opportunities in government have increased, but the great bulk of Negroes are concentrated in the lower income groups. In the Federal Government, in 1961,

^{1/} D.C. Employment Conference Conference. (P. 2 of statement of Honorable John B. Duncan.)

^{2/} Id. at 15. (Testimony of Honorable Berl I. Bernhard.)

^{3/} Id. (P. 2 of testimony of John B. Duncan.)

while Negroes comprised 8.9 percent of employees in the classified service, they made up 18.1 percent of the employees in grades GS-1 through GS-4, 4.9 percent of the employees in grades GS-5 through GS-12, and an infinitesimal 7/10 of one percent in grades GS-12 through GS-18. These figures are for the Federal Government as a whole, but they are believed to represent substantially the proportions in the District. Between June 1961 and June 1962, employment of Negroes in the bottom four grades increased slightly; in grades GS-5 through GS-12 Negro employment increased 19 percent compared with 5.9 percent overall; in grades GS-12 through GS-18, Negro employment increased 35.6 percent compared with 9.5 percent overall. While the impact of these figures is tempered by realization that greater percentage increase means few actual jobs when the number was very small to begin with, the direction is established. ^{4/}

In the Government of the District of Columbia, there have also been some significant changes. As of June 30, 1962, 12,302 out of 25,553 full-time positions in the District Government, 48.1 percent of the total, were held by Negroes. This compares with 46.7 percent in 1961. However, less than 8 percent of positions classified Grade 12 and above were held by Negroes. ^{5/}

Private industry in the Washington area, spurred by the "gentle but persistent" ^{6/} efforts of such organizations as the Urban League, has gradually opened long-barred doors:

^{4/} Id. (P. 6 of statement of Hobart Taylor, Executive Vice-Chairman, President's Committee on Equal Employment Opportunity.)

^{5/} Id. (P. 5-6 of statement of Honorable John B. Duncan.)

^{6/} Id. (P. 2 of statement of Harry Boyd, Potomac Electric Power Company.)

There is no question that in absolute terms we are making progress: I can state the names of dozens of local business firms which now employ Negroes, or employ them in better positions than several years ago. 7/

Boris Shishkin, director of the AFL-CIO Civil Rights Department, cited an example of progress within the labor movement:

* * * the bricklayers' Union was * * * lily-white. * * * last summer, I could look out and see the construction of a new addition to the U.S. Chamber of Commerce headquarters where there were bricklayers who were colored and white, working side by side 8/

Yet the difficulties encountered by a Presidential Committee in securing a job for one Negro electrician on a Government contract job are well-known, and symbolic of the hard core of problems which remain. 9/

In government, in private industry, and in the labor movement, the Negro worker is finding new opportunities. But as Aaron Goldman, chairman of the D.C. Commissioners' Council on Human Relations pointed out, the question which must now be asked is:

Is the pace fast enough to be described as progress? I remember 25 years ago in a small plane with an airspeed of 60 miles per hour trying to reach a not too far away airport in the face of a 50 mile per hour wind. A quick calculation of my actual ground speed soon convinced me that my gas would never hold out for even such a short voyage. Viewed in this relative scale, we are not making sufficient headway at all in equal employment opportunities when we consider the distance yet ahead and when we calculate the price of failure in terms of delinquency, dependency, disease--in short, the kind of social catastrophe Dr. Conant and others have prophesied unless we find meaningful work for our young people in accordance with their abilities. 10/

7/ Id. (P. 1 of statement of Aaron Goldman, Chairman of D.C. Commissioners' Council on Human Relations.)

8/ Id. at 270-271. (Testimony of Boris Shishkin.)

9/ U.S. Commission on Civil Rights, Vol. 3, Employment, p. 132.

10/ Id. (P. 1 of statement of Aaron Goldman.)

III. PROTEST AND INDICTMENT

After many years of silent frustration, Washington's Negro citizens are becoming increasingly active in numerous civic and protest organizations. Supported by those white citizens who are dedicated to racial equality, they have revitalized long-active organizations and founded new ones. It is these voices, speaking in chorus, which most vehemently indict the community for its persisting inequalities.

Sometimes the voices speak out against the divergence between pronouncements and practice:

A review of the current status of employment opportunity in the District of Columbia reveals that the most significant point in this whole field is that there seems to be a change in climate in the employment picture. Most employers at least publicly profess to have and follow a merit hiring policy. It is unpopular to say that you discriminate openly. I hasten to add, however, that practice does not always equal public pronouncements and as our statement submitted for the record indicates, there have been some losses in income differentials. 1/

Sometimes they describe the social consequences of job discrimination and "tokenism."

In the past few years we have noticed with a sense of satisfaction areas of progress but view with alarm the tendency to open jobs to one or two Negroes and then consider the job well-done. Equal employment opportunity is without a doubt one of the keys to the problems facing the total community. Crime, welfare, housing, dependency all depend upon full employment on an equal basis for eradication of the evils existing in them. It is a known fact that the hardest to place of all potential workers is the Negro male. With a minimal number of laboring jobs open to anyone and with the policy of building and trades unions to exclude almost entirely the Negro worker, and with traps and dead ends, ceilings and quotas existing in those positions which are open to them, the chances for employment are for all intents and purposes non-existent. 2/

1/ D.C. Employment Conference. (P. 4 of statement of Walter B. Lewis, Washington Urban League.)

2/ Id. (P. 1 of statement of Edward A. Hailes, D.C. Branch, N.A.A.C.P.)

And they remind us that the problem of discrimination is not statistics, but people:

I do not know what your purpose is in holding this hearing. I do not know what the final outcome would be, or what the final authority is, but I would beg of you to look specifically at some of the individual cases of discrimination and talk to some of the real live people who are discriminated against--not the experts on the Negro or the experts on the Labor Movement, or the experts on this committee or that committee--but the little man who comes in and tells you that he cannot work because of his race. There are hundreds in this city, and if you have any difficulty in assembling them, CORE will be glad to do it. * * * You don't have to take CORE's word for discrimination. All you have to do is go down into the metropolis and turn in any door. 3/

Whatever their particular approach, the groups concur in the feeling, as expressed by Henry L. Dixon, president of the D. C. Federation of Civic Associations, that:

* * * it is obvious from visiting the various businesses in the District of Columbia, there is nothing like equal opportunity in the employment of Negroes. * * * Each agency comes in and is Simon-pure. Everyone is for brotherhood, but no one wants to live next to his brother. * * * We want action, because action in this area is the only thing that is going to suffice, and make the Nation's Capital what we all want it to be. 4/

"The fact that there is and has been widespread denial of equal employment opportunity," said Frank D. Reeves, Democratic National Committeeman for the District, ". . . would be self-evident to the casual observer." He added:

We appreciate that the * * * Commission may require documentation for its purposes * * * For our purposes, however, knowledge of the fact that * * * 54 percent of the District of Columbia's population is Negro, considered in the light of what mere visual observation of employment patterns in local private industry and government will disclose, is adequate proof that equal employment

3/ Id. at 242, 244-45. (Testimony of Julius Hobson, Washington CORE) It should be noted that the last half-day of the 3-day Conference was spent in executive session hearing individual grievances of employment discrimination.

4/ Id. at 144. (Testimony of Henry L. Dixon.)

has not prevailed in this community. * * * Our primary concern is with what may be evolved by way of policy and program to solve the problem. 5/

One hundred years after the Emancipation Proclamation, the Negro residents of the Washington area are united in their demands for action, and for action now. They know that progress is being made. They know that in another hundred years, the problem might well resolve itself. But they also know that they can no longer tell the unemployed, the children, the college students to wait with patience for the millenium.

5/ Id. (P. 2 of statement of Frank D. Reeves.) Strong support for measures to eliminate employment discrimination was also heard at the Conference from Carl Shipley, Chairman of the Republican State Committee for the District of Columbia.

IV. THE SCHOOLS

The effect of discriminatory employment practices is felt long before a Negro actually becomes a job-seeker. There is no minimum age requirement for victims of bias. More often than not, children of pre-school and elementary school age are aware of the problem. They see their fathers laid off or unable to find jobs, they see their mothers taking servants' posts, they see older brothers or sisters sitting idly about the house after leaving or finishing school. They hear from early childhood of the well-paying jobs that are closed to the Negro. Thus it may well be asked:

"What is the incentive for them to continue in their education, to seek technical training and then have the door closed to them? 1/

The Reverend Geno C. Baroni of the Catholic Interracial Council cited a specific case:

* * * what do you do with a boy named Larry--in our 8th grade class--whose father is unemployed, an unskilled laborer? Larry is old enough to know that his father never had a chance to be a part of the trade union that he wanted to be in. You tell Larry to work, to discipline himself, and get an education, and throw off the slings and arrows of his environment to aspire to an affluence that he doesn't see? It's a very difficult thing. 2/

Washington's public school enrollment is predominantly nonwhite. Each year over two thousand students--the vast majority of them Negroes--drop out of school. 3/ "It's an impossible situation," said Hyman Perlo, job counselor for drop-outs with the D.C. Schools.

1/ D.C. Employment Conference. (P. 2 of statement of Isadore Seeman, Executive Director, D.C. Health and Welfare Council.)

2/ Id. at 39. (Testimony of Father Geno C. Baroni.)

3/ Id. at 65. (Testimony of Hyman Perlo)

They feel they are not needed; they are not wanted. They are completely unfamiliar with the facts of life and the responsibilities of a job. * * * I don't know whether any of you have taken an untrained youngster out for a job, but if you haven't, you ought to try, because you really then are going to get the real picture. 4/

A significant number of Negro youths with substantial ability receive vocational training, but, because of discriminatory employment, particularly in the skilled trades, they find no work. Often they are counselled or directed into non-vocational, academic studies for which they are not fully suited, merely in the hope that they may find jobs in a professional area. Yet eight out of ten of these youngsters never complete college. The community loses the important contributions which could have been derived from their unutilized skills. 5/

Some who seek employment after graduation soon run head-on into the barrier. In the experience of Fred Z. Hetzel, director of the U.S. Employment Service for the Districts

Discrimination frequently perpetuates a flagrant waste of the skills of our young people graduating from Washington's excellent vocational high schools. Many of these graduates desperately need the opportunity to raise themselves by their own bootstraps. You can't preach democracy and opportunity to an 18-year old boy who has the aptitude to become a first-rate craftsman, but will never make it because the union won't apprentice him and employers won't hire him. If this boy takes a third-rate job, he will sooner or later--probably sooner--wind up on the unemployment rolls. 6/

Students who graduate in non-vocational curricula find much the same situation. Many Washington private schools still discriminate in accepting applicants for technical training. 7/

4/ Id. at 65-66.

5/ Id. at 59. (Testimony of Lemuel Penn, D.C. Public Schools.)

6/ Id. (P. 4 of statement of Fred Z. Hetzel.)

7/ Id. (P. 5 of statement of Fred Z. Hetzel.)

A central factor in training discrimination are the restrictive admission practices of the leading business schools. With only one or two exceptions, they have intransigently maintained these practices. There has developed a circular pattern in which Negroes cannot get office training, and then are denied jobs because they do not have the training. ^{8/}

One of the bright spots in the generally dismal picture is the Business and Distributive Education program sponsored by the public schools. There are two kinds of training: the High School Cooperative Program, in which students attend school half the day and work the other half; and the Adult Education Program, which accounts for 90 percent of the students. Albert DeMond, director of the programs, was asked why so few high school students participate.

First they are drained off by academic courses, the counselors send them into other fields, and when they do come into businesses many times they go into stenography or typing in Government jobs, etc. So we have to do a hard selling job to get the students to accept distributive education and we need the cooperation from workers who can really show these students that there are some careers available. They don't believe it because nobody in their family, or nobody they have ever known, ever had a good job in selling. ^{9/}

The adult program concurrently places and trains workers for occupations in selling and distribution. Although many of the employers who participate still practice discrimination, Mr. DeMond gave one heartening example:

A laundry and dry-cleaning association would be glad to recruit Negro driver-salesmen right at this moment--men who can earn \$8,000-\$12,000 a year. And we have people who have passed the eighth grade, never went to High School, and are driving laundry trucks making \$7,500-\$8,000 per year. This I can prove. ^{10/}

^{8/} Id. (P. 2 of statement of Simon Douglas)

^{9/} Id. at 70. (Testimony of Albert DeMond)

^{10/} Id. at 66.

For the few fortunate Negro students who, because of family circumstances or exceptional ability, are able to complete college, the situation is steadily improving. And while jobs of a particular kind may now be open to Negroes, they have a much narrower range of choice of positions within their profession than do their white colleagues.

"For the first time," testified Mrs. Marian Coombs of Howard University's placement office:

We are receiving a release on placement opportunities * * * in the District. In addition, we are having a very decided increase in visits from various agencies of the Federal Government. * * * The increase that we have noticed since 1961 in the number of recruiters from industry, business, and Government * * * reflects a rise of something like 400 percent. * * * Traditionally, medicine, law, dentistry, religion, and teaching were the areas which were commonly considered to be professions to which our graduates might aspire. Now we have every assurance that we can place all of the engineers--Negroes--whom we are able to produce * * * (though) they may not be placed where they want to be placed. We do not, however, have the same success with the liberal arts people, and they recognize that. 11/

From drop-outs to college graduates, job inequalities persist, but those with the most advanced training obviously fare much better. The gravest problem, of course, is to overcome the legacy of discrimination which has resulted in lack of motivation and academic interest among Negro students.

11/ Id. at 110. (Testimony of Mrs. Marian Coombs.)

V. THE "QUALIFIED APPLICANT"

Repeated references were made at the Conference to the lack of qualified applicants among Negroes, in nearly every kind of job--from skilled crafts to behind-the-counter sales. ^{1/} There is undoubtedly some truth to the complaint; it would take a miracle to suddenly produce a qualified labor force after decades of discrimination. But the significant fact is that in all too many cases, different standards exist for qualified whites and "qualified" Negroes.

Companies cited lack of clerical skills, poor mathematical background, and undesirable personal characteristics as some of the principal failings. It is within that final category that a subtle but pernicious form of discrimination may be taking place--not necessarily because of outright bias--but because it tends to penalize the Negro applicant for having been a victim of earlier discrimination.

Philip Stoddard Brown, a Washington economist, analyzed the cyclical nature of the problem:

Most employers say that they will hire any competent person, or one that has a good basic education. They do not say much about police record, the ability of applicants to get along with others, about manners, dress, way of speaking and so forth, yet I suspect that these considerations are often the most important. This is often the big, unspoken reason for refusing to hire many Negro boys and girls. There are still lots of jobs for stupid people in the world, but not so many for those who have a police record or some emotional imbalance --yet it is a remarkable boy, living in a slum area, who has not had a brush with the police, or some cause to be emotionally disturbed. ^{2/}

^{1/} D.C. Employment Conference. (See statements submitted by the Chesapeake and Potomac Telephone Company, Washington Gas Light Company, The Evening Star, Western Union Telegraph, Giant Food Stores, Peoples Drug Stores, American Security and Trust, and the Riggs National Bank.

^{2/} Id. at 80. (Testimony of Philip Stoddard Brown.)

Sometimes there seems to be a lack of communication between employers seeking "qualified applicants" and those who could qualify for the jobs. Calvin Rolark, editor of the New Observer, was asked whether qualified Negroes could be found for positions on The Evening Star, which had expressed its need and willingness to hire them. ^{3/}

*** I think it would be no trouble at all ***
no trouble whatsoever. We have three Negro newspapers here
*** If the Star would utilize these papers to let their wishes be known--that they were looking for qualified Negroes--they would find them. ^{4/}

When asked whether in his opinion, there were qualified Negroes in D.C. to fill positions in the whole range of news media, Mr. Rolark answered:

I have always been a little reluctant answering any questions when the word "qualified" is mentioned. I know that there are numerous Negroes here who pursue journalistic fields, have degrees in journalism, have degrees in business administration, economics, etc. We will find these "qualified" people on the police force, in GS-3 clerk-typist jobs *** These doors are shut in their faces. ^{5/}

Mr. Rolark acknowledged that talk about qualifications means one thing for the Negro and another thing for the white applicant. ^{6/}

"Qualifications" are used in two ways to restrict Negro employment: both as an covert weapon of discrimination, and as a sincere but short-sighted personnel policy which refuses to assume responsibility for the training of applicants who have been injured by a lifetime of prejudice. It is easier to formulate solutions for the discriminatory application of more exacting standards to Negro applicants than to whites. Imagination and responsibility can reveal solutions for the subtle problem of

^{3/} Id. (See P. 2 of statement of John H. Kauffman, Evening Star Newspaper Company.)

^{4/} Id. at 8. (Testimony of Calvin W. Rolark for the National Capital Voters Association.)

^{5/} Ibid. at 9.

^{6/} Ibid. at 9.

the "not-quite-qualified" workers. Philip Stoddard Brown provided a starting point:

Persons capable of education must be trained and advanced to create openings at the lowest levels (for the untrainable and the inexperienced). This I believe to be the only way by which we can surmount our unemployment problem. Now, whose business is it to train people for skilled and professional work? Is it the schools', the business firms', or the parents'? I think the only answer to that is that it is everybody's job. 1/

1/ Id. at 81. (Testimony of Philip Stoddard Brown.)

VI. THE APPRENTICESHIP PROGRAM

Perhaps no single factor is of greater importance in ending discrimination in the trades--particularly the building trades, where it has been most persistent--than the establishment of full equal opportunity in apprenticeship.

Numerous witnesses before the Conference indicted the current apprenticeship programs as discriminatory. "To date," said Aaron Goldman of the Commissioner's Council on Human Relations, "we have not made any progress in breaking down the obstacles to Apprenticeship trades." ^{1/} He was supported by Victor R. Daly, deputy director of the

USES for the District:

Local efforts to place qualified Negro applicants in Apprenticeship training with the craft unions have met with "Massive resistance" by the organized building trades * * * Currently there are 66 registered apprentices in the skilled construction trades * * * 44 are in carpentry, 16 are in operating engineering, 4 are metal lathe apprentices and 2 are training as reinforced concrete rodmen. To our knowledge one of these young men, in carpentry, is nonwhite. In nearby Montgomery County, 128 registered apprentices are enrolled in the county schools, There is not a single Negro * * * in this group. ^{2/}

Later in the Conference the figures cited by Mr. Daly were questioned by the Executive Secretary of the Washington Building Trades Council. He had conducted a telephone survey of the locals affiliated with the Council and had been informed that Negro representation in the unions and their apprenticeship programs was more extensive than the above figures indicate.

^{1/} D.C. Employment Conference (p. 3 of statement of Aaron Goldman).

^{2/} Id. (p. 3 of statement of Victor R. Daly).

The Cement Makers have many. The Carpenters had four the last time I talked to them * * * The Electricians have two * * * The Engineers have 19. * * * but I will say that (the program) is overwhelmingly made up of whites. 3/

Although there is little doubt that Negro participation in the apprenticeship programs has increased in recent years, the persistence of the exclusion was vividly illustrated by the Howard University gymnasium case. Students at this Federally-chartered, predominantly Negro, university noted the absence of Negro craftsmen from the work force on the construction of the gymnasium and bought a detailed description of the situation to the attention of the Conference. 4/

After the Conference the students appealed to the President's Committee on Equal Employment Opportunity to take all necessary steps to bring Negroes into the four craft unions which the students accused of total exclusion or "tokenism". 5/ With public interest aroused in the Howard case, the Secretary of Labor called the contractors and unions involved in the Howard project together and warned them that unless Negroes were brought into the crafts, either as apprentices or from other sources, strong measures would be taken by the President's Committee. As of this writing there are reports of some initial efforts by unions to bring Negro apprentices on to Federal construction jobs. 6/

The persistence of discrimination in work under Federal contracts, all of which contain non-discrimination clauses, dramatizes the need for more effective compliance machinery and enforcement.

3/ Id. at 205-06, 211-12. (Testimony of Joseph Curtice, Washington Building and Construction Trades Council.)

4/ Id. at 21. (Testimony of Stokely Carmichael, Howard University Non-Violent Action Group.)

5/ Washington Post, March 22, 1963, p. 1, sec. C.

6/ Washington Post, May 25, 1963, p. 1, sec. D. Negro craftsmen were solicited for the Howard project by advertisements appearing in local newspapers, including the Afro-American.

Under Secretary of Labor John F. Henning announced at the Conference a long range program by the Federal Government to stimulate a fair apprenticeship program for the District. He explained as background that since 1961 the Bureau of Apprenticeship and Training in the Department of Labor has been requiring non-discrimination clauses in the apprenticeship agreements of firms handling government contracts and in the registration of new apprenticeship programs with the Bureau. Mr. Henning announced that an Industrial Training Adviser had been appointed in the Washington Office of the Bureau to coordinate equal opportunity programs of the Bureau in the Washington area, and that:

* * * the Department of Labor expects to move ahead as promptly as possible with the establishment on a demonstration basis of an apprenticeship information center in the District. This should be a joint enterprise of the Bureau of Apprenticeship and Training, Employment Service, the schools, the D.C. Apprenticeship Council, and employers and unions. Its experience in determining apprenticeship opportunities and in counseling young people regarding them will contribute knowledge that can prove invaluable in determining other actions that may be needed. ^{7/}

Establishment of the information center, which is still in the planning stage, should do much to increase communication between the trades and the Negro community. As the Executive Director of the AFL-CIO Civil Rights Department put it, "one of the central things . . . is that the veil b. torn of secrecy and silence about what goes on in apprenticeship training and what it means." ^{8/}

^{7/} D.C. Employment Conference. (Statement of Under Secretary of Labor John F. Henning.)

^{8/} Id. at 272. (Testimony of Boris Shishkin, Director, AFL-CIO Civil Rights Department.)

A serious obstacle to real progress in opening up the apprenticeship programs to Negroes has been the "buck-passing" between labor and management on this issue. Companies claim they cannot apprentice a Negro because the union will not accept him; the unions say they do not do the hiring and are therefore powerless to act. With both unions and employers involved with the government in the new D.C. Apprenticeship Information Center, one aim of which is promotion of Negro apprenticeship, a genuine cooperative effort could do much to overcome one of Washington's most serious problems in this whole employment field.

VII. SKILLED AND SEMI-SKILLED JOBS

Minority groups have traditionally gravitated toward unskilled work; reared in poverty, barred from acquiring skills and experience in most occupations, unable to postpone entry into the labor market, they have often settled for whatever work was most available. Negroes in the Washington area are no exception. ^{1/}

Although opportunities for acquiring skills have broadened in recent years for nonwhites, the situation in skilled and semi-skilled trades is still highly unsatisfactory. Apprenticeship restrictions are but one of the obstacles to equal employment opportunity.

In the labor movement, the stimulus for full integration has usually come from the AFL-CIO or the international union, but the translation of principle into action at the local level often is quite difficult. The Greater Washington Central Labor Council, a voluntary association of area unions, reported some of the problems at the Conference:

We have tried, by example, by precept, by moral suasion, by argumentation, to persuade local unions that they should have Negro members * * * the Central Labor Council has done an outstanding job in terms of opposing all forms of segregation, and has made it very clear to all local unions that we do not believe there is any room in the American Labor Movement for segregation in any form. * * * We have done this formally. We have done it officially. We have done it informally, and we have done it unofficially. * * * We cannot pick up the charter of a local union because it won't take in Negro members. We can't even expel a local union because it will not take in Negro members. ^{2/}

Admission to union membership can sometimes be obtained by means other than apprenticeship:

^{1/} Skill Survey of the Washington Metropolitan Area, U.S. Employment Service, 1963, p. 19.

^{2/} D.C. Employment Conference at 197. (Testimony of J.C. Turner, Greater Washington Central Labor Council.)

I think that the problem of lateral entry--the taking in of qualified journeymen * * * is probably the area which is overlooked the most in this whole problem of discrimination as it relates to labor unions. I believe that a great deal more emphasis--not that it is not extremely important--is placed on the taking in of apprentices, rather than in terms of the problem of acceptance of qualified Negroes into membership as lateral entries, by the signing up of employers who are employing union journeymen. I would say that the biggest percentage of our people who are Negroes are men who have come in as a result of our going out and contracting and organizing to solicit their membership in the union, and then * * * negotiating a contract in their behalf as a part of the union. 3/

Recently, some previously segregated locals have accepted Negroes on a "token" basis. As the Urban League says:

* * * the opportunity afforded by "tokenism," challenging a rare few with the emotional stability and courage to make a pilot breakthrough in a new job category, cannot be expected to inspire many young people. Without certain knowledge that their years of training will truly get them ahead in later life, nonwhite teenagers are readily tempted to leave school early, seeking immediate fulfillment of very short-range goals. 4/

Thus, in the skilled and semi-skilled occupations, the rapid and complete integration of the labor movement is essential. Since most jobs at this level are unionized, the continued existence of discrimination in unions is felt directly by Negro students in the schools. As long as they see no hope for acceptance, they will continue to drift into unskilled jobs for which the demand is steadily declining.

In those private industries where union discrimination is not a factor, the employment of Negroes in skilled and semi-skilled jobs is on the increase--although employers have also been guilty of discrimination. Even in companies with stated merit hiring policies, the picture is by no means wholly bright.

3/ Id. at 202. (Testimony of J.C. Turner.)

4/ Washington Urban League, Third Annual Report, 1963, p. 7.

Some white-collar positions are available to Negroes in the telephone company, but the technical and craft categories have been opened very recently and these only on a limited basis. Token integration exists in the transit system. Both the gas and electric company have recently initiated merit hiring, however their turnover rates are quite low. * * * In both construction and manufacturing, employers claim not to hire Negro skilled workers because of fear of union reprisal. The League has frequently found limited basis for the claim, although unions bear their share of the guilt. 5/

The instances of "tokenism" are widespread:

For years the practice has persisted to relegate the Negro to driving the hard fuel (coal) trucks and reserving "for white only" such jobs on the oil delivery trucks. In the fall of 1961 * * * (after negotiation) * * * several Negroes (were) hired to deliver oil. As a result of pushing and letter writing the major soft drink companies have hired at least one (Negro) delivery man. The Milk Industry has done the same and at least one bread company has made the attempt. In each of these industries we are the victims of tokenism for window dressing; one Negro is hired and then they boast of being integrated. 6/

5/ Ibid. at 6.

6/ Id. (Statement of Edward A. Halles, D.C. Branch, NAACP.)

VIII. CLERICAL AND SALES WORK

Negro high school graduates with commercial skills experience relatively little trouble in finding employment in the area, primarily because of high demand in government agencies. But for those with skill deficiencies, or those who decide on clerical training after graduation, the problems are manifold.

There is, to begin with, the question of training. Where can a Washington Negro prepare for a career in office work? Generally such preparation is given by a number of private business schools, which also help place their graduates in government and private industry. In a survey made by Iota Phi Lambda Sorority, an organization of business women, in May 1961, thirteen schools were surveyed to determine their admission policy. It was found that seven of these operated with racial restrictions. ^{1/} To date, with the help of various organizations, one of the schools has totally desegregated all of its facilities, and another has partly desegregated. ^{2/} The problem, of course, still remains serious.

Yet even where the Negro can secure the proper training, jobs remain closed. Simon Douglas, placement counselor for the D.C. Public Schools, reported:

The manager of a local business to whom I have been sending various types of workers for the past ten years recently requested a file clerk. Although I had fully-qualified colored applicants available, I was not able to prevail upon (her) to accept one of these applicants. Her reason was that she had never hired a colored person in that type of position. ^{3/}

^{1/} D.C. Employment Conference. (P. 2 of statement of Mrs. Marion H. Jackson, Iota Phi Lambda Sorority.)

^{2/} Id. (P. 3 of statement of Mrs. Marion H. Jackson.)

^{3/} Id. (Statement of Simon Douglas.)

Many sectors of the private economy are almost completely closed to the Negro. In this category are the finance, insurance and real estate ^{businesses,} enterprises in which, incidentally, there is also only token employment of Jews. ^{4/} A few banks have hired a small number of Negroes in recent years; insurance companies, with very few exceptions, have done nothing. Savings and loan associations, mortgage companies, title companies, and stock brokerage firms still limit their nonwhite employees to the menial level: doormen, porters, janitorial workers and messengers. ^{5/}

Placement of Negro white-collar workers is usually far more difficult than for their white counterparts. Mrs. Joan Grossman, of the Temple Secretarial School--the only fully integrated business school in the area--testified on some of her experiences:

We find that very few of our white girls come to us for placement. Very often they have jobs waiting for them, or, if they stay in school long enough to be ready, there is no difficulty at all in getting jobs. * * * we find, unfortunately, even with Government agencies, that there is discrimination. We find that someone will call up and ask for a secretary or a typist or somebody to do some kind of clerical work * * * We ask them whether they will accept a Negro * * * and the answer is, "Well, I personally would, but she would probably be uncomfortable because she would be the only colored person in the office," or, "I personally would, but my superior feels a little bit differently." * * * We have a great deal of trouble placing Negro students. ^{6/}

In the field of sales and distribution, the situation as elsewhere is improving. Some progress has been made in major department stores, but in many cases "tokenism" has again substituted for true equal opportunity.

^{4/} Id. (P. 3-4 of statement of Myer Freyman, Jewish Community Council of Greater Washington.)

^{5/} Id. (P. 5 of statement of Walter B. Lewis, Washington Urban League.) There may be one or two exceptions, but they merely prove the rule.

^{6/} Id. at 115. (Testimony of Mrs. Joan Grossman.)

The role of the employment agencies is particularly crucial in the clerical field. Racial considerations continue to be an important factor in private hiring, and employment agencies accept and fill discriminatory job orders. The United States Employment Service attempts to discourage restrictive practices by refusing to accept discriminatory job orders and by trying to convince the employer that racial restrictions should be removed. "All too often," however, the employer "withdraws his request and fills his needs elsewhere."^{7/} The continued willingness of private agencies to follow discriminatory practices hinders progress in this area.

Ted Wilson, who operates a private employment agency, defended the free operation of employer "preferences," and stated that he felt that skill, not race or religion "governs every hiring process."^{8/} The evidence refutes the latter view. It is interesting to note that a survey of private employment agencies in the Washington area revealed that of 22 agencies sampled, 21 accepted job orders for secretaries which specified "We don't want any Jewish girls here" routinely and without any questions or reservations.^{9/}

In March 1962, an important step was taken in an agreement made between the Merchants and Manufacturers Association and the Urban League. The Association, through its Board of Governors, unanimously approved the principle of merit hiring. The Association and the League agreed to jointly implement the program on a continuing basis.^{10/} Since the Merchants and Manufacturers Association represents

^{7/} Id. (P. 5 of testimony of Fred Z. Hetzel, Director, U.S. Employment Service for the District of Columbia.)

^{8/} Id. (P. 2A of statement of Ted Wilson.)

^{9/} Id. (P. 5 of statement of Myer Freyman.) One agency was unresponsive to the survey.

^{10/} Id. (P. 1 of statement submitted to the Conference by the Merchants and Manufacturers Association.)

an important part of the city's business community, it is hoped that the action will exert increasing pressure on the community as a whole. It is regrettable, in this connection, that the Board of Trade, which includes in its membership many of the major employers, declined to participate in the Conference at all.

As of this date, however, gross examples of discrimination are still found in the retail trade. Illustrating some of the problems were the charges made by Julius Hobson, president of Washington CORE:

*** (Company A) there are no Negro sales representatives.
 *** None of the women who work as hostesses in the company are Negroes. *** All of the driver-salesmen /on certain routes/ are white. *** there have been 26 complaints this company that Negro personnel do not have an opportunity to move ahead.

Now we will move to (Company B) *** I wrote a letter to the president (of the company) *** after having held a hearing myself with 13 of his employees, and made the following observations: *** (1) he pays Negroes differential wages for the same work: (2) that (Company B) requires Negro employees to remain on the job until work is completed, and come in on Sundays and holidays without payment of overtime, under threat of being fired; (3) that this manager uses abusive language to Negroes, and that if they protest they are fired * * *^{11/}

It is CORE's practice to picket retail stores and establishments which they believe practice discrimination. Mr. Hobson cited two examples:

*** (Company C) stores, a chain of shoe stores downtown, *** refuses to hire Negro salesmen. They have one Negro, who, when a picket line is formed, is brought out of the stock room and put on the floor. When the picket line leaves, he goes back into the stock room. * * *

^{11/} Id. at 240. (Testimony of Julius Hobson, Washington CORE.)

We find that there are only five or six automobile companies in town that have Negro mechanics, salesmen, and office personnel. A particular case is that of the (Company D) * * * 65 percent of (its) business (is) with Negroes, but (they) had no Negro sales people, office personnel, or mechanics. 12/

Negroes rarely seek employment in outside sales, although in some cases the monetary rewards can be exceptional. But for psychological as well other reasons, commission sales are difficult for nonwhites. Many companies, of course, will not hire Negroes as sales representatives, even though the demand for such employees is great; often, however, even when Negroes have the opportunity for sales jobs, they are reluctant to enter the field. Edward Faggans of the Fuller Products Company--a Negro-owned manufacturing firm with integration of personnel at all levels--said, ". . . we have to convert Negroes into selling since they haven't been exposed to this thing." 13/

In clerical and sales work, where customer relations are of prime importance, there is evidence that Washington's Negro majority is slowly but steadily influencing changes in employment. Where "the customer is always right," the customer is beginning to make his economic power felt.

12/ Id. at 242 (testimony of Julius Hobson.)

13/ Id. at 50. (testimony of Edward Faggans.)

IX. TECHNICAL AND PROFESSIONAL JOBS

Outside of government employment, widespread bias continues to exist in the hiring of Negro professionals in the Washington area. For technicians, the problem is no longer as severe; recent demand has outstripped the supply, and the awarding of government contracts has made employers conform to equal opportunity regulations. ^{1/}

Melpar, Inc., an Arlington, Virginia, research and development firm, has Negroes employed in professional, scientific, and technical capacities, and its experience is most likely representative of other area firms engaged in government contract work. ^{2/}

Negro professionals in private industry find great difficulty, however, in obtaining managerial or executive positions with firms without governmental contracts. As was noted earlier, ^{3/} employment in real estate companies, the finance industry, insurance, etc., is only open to Negroes at the very lowest levels. In the communications field, the picture is bleak. One major newspaper:

* * * has yet to employ a Negro in its news department * * * none of the Washington daily newspapers have employed Negro citizens in their sales departments * * * The national news magazines published in Washington have yet to employ Negro citizens as news people. * * * In broadcasting, there are no Negro citizens employed as announcers, commentators, or engineers in any network TV stations * * * The other area of communications is the advertising agency. This field is a desert for Negroes. There are no Negroes employed as account men, production specialists, time and space buyers, or in any of the creative fields. ^{4/}

^{1/} D.C. Employment Conference. (P. 3 of statement of Mrs. Marion H. Jackson, Iota Phi Lambda.)
^{2/} Id. at 300. (Testimony of Mrs. J. Lafrank, Melpar, Inc.)
^{3/} See Ch. VIII
^{4/} Id. (P. 2-3 of statement of Calvin Rolark, National Capital Voters Association.) It is recognized that there are now one or two Negro newsmen employed by local television stations.

For the Negro college graduate in science or engineering, many opportunities exist--though his choice is more restricted than the white graduate's.^{5/} But for the degree holder in liberal arts, the traditional fields--law, religion, and teaching--are still predominantly^{6/} the only outlets outside of government service.

5/ Id. at 111. (Testimony of Mrs. Marian Coombs, Director of Counselling and Placement, Howard University.)

6/ Ibid.

X. GOVERNMENT AS EMPLOYER AND CREATOR OF EMPLOYMENT

The Federal and District governments employ over one-third of Washington's labor force. ^{1/} Discrimination against Negroes in hiring and especially in promotion in Government is reflected by the figures cited in Chapter 2, supra. Also revealing is a survey conducted in 1960 by the President's Committee on Government Employment Policy. That Committee studied Federal employment in three cities, New York, Detroit and Dallas-Fort Worth. In the three cities as a whole, 16.8 percent of Federal employees were Negro. Of Negro employees in Classification Act ^{2/} positions, 75 percent were in grades 1 through 4, 24.4 percent in grades 5 through 11, and .64 percent in grades 12 through 15. ^{3/}

Important strides are being made, and the impact of a commitment to equal opportunity will be increasingly felt. There is a long way to go, however, and many pockets of resistance remain. The need is for maximum vigilance and workable procedures to enforce the standards.

The President's Committee on Equal Employment Opportunity, created by Executive Order 10925, effective April 6, 1961, is charged with insuring equal opportunity in employment by the Federal Government and by government contractors. Under the Executive Order, all departments and agencies are instructed to make thorough audits of personnel to find employees who have been passed over for promotion for reasons other than

^{1/} Skill Survey of Washington Metropolitan Area, U.S. Employment Service, 1963, p. 22.

^{2/} 5 U.S.C. §§ 994, 1071-1153.

^{3/} U.S. Commission on Civil Rights, 1961 Report, Volume 3, Employment, p. 29.

qualifications. ^{4/} With the Committee's direction, departments and agencies have established policies and procedures for achieving equal opportunity.

Under its complaint procedure, during the first 22 months of its operation, the Committee received a total of 1,941 complaints of unequal employment opportunity in the Federal Government. 1,136 have been processed to completion, and corrective action was taken in 416 cases. ^{5/}

There was evidence of continued discrimination in certain agencies presented at the Conference. It appears that often the problem results from resistance by individual personnel directors and parts of departments or agencies. Edward A. Hailes, executive secretary of the Washington Branch, NAACP, reviewed some of the complaints received by his organization:

Some agencies are bad, others are outrageous, some are making efforts. * * * in too many instances the officer appointed to make, evaluate, and correct is the Personnel Officer who has created or perpetuated the problem in the first place. * * * The agency from which most complaints come is the Government Printing Office. * * * complaints of failures to promote * * * of segregated sections * * * (of) reprisals for speaking out * * * expressions of fear to seek help from Congressmen, civil rights organizations, and other agencies * * * complaints that favored sections are reserved for whites * * * Our experience has also included complaints from * * * Bureau of Engraving * * * the Agency for International Development, the Department of Interior (Reproduction Section), Park Police * * * ^{6/}

John Fauntleroy, president of the Washington Bar Association, said:

^{4/} As of March 31, 1963, approximately 725,575 out of 2,260,000 employees had been reviewed. 1,060 had been up-graded and given additional responsibilities, and 1,602 others were being prepared for possible promotion. Not all of those affected are nonwhite. Statement of Vice-President Lyndon B. Johnson, May 12, 1963, Press release of President's Committee on Equal Employment Opportunity.

^{5/} D.C. Employment Conference. (Statement of Hobart Taylor, Executive Vice Chairman, President's Committee on Equal Employment Opportunity.)

^{6/} Id. (P. 3-5 of statement of Edward A. Hailes.)

*** the act of discrimination has been greatly refined by supervisors in the government service today. It is very difficult to prove, and when agency hearings (on discrimination) are requested, the hearing panels being all employees of the agency are in a delicate position of either upholding the decision of management or facing the wrath of management in being denied further promotion. In most cases, the hearing panels take the easy way out and abide by the decision of management. *** I would suggest *** that appeal panels in agency discrimination cases be composed of members of the bar of the area in which the agency is located. I think that independent board members, who are lawyers, would do a much better job of conducting the hearings and analyzing the evidence *** (and) would not (be) subjected to the pressures of management. 7/

The suggestion was endorsed by Walter Lewis of the Urban League:

*** fair promotion policies are doomed to failure as long as agencies are required or permitted to investigate themselves *** An effective program will never be developed until an outside agency is charged with the responsibility of receiving, investigating, and adjudicating all charges of discrimination and prejudice. 8/

The problems in the District Government are similar. "Equal Employment Officers" have been appointed in each of the 37 departments. Their task is to process complaints from employees who feel they have been victims of discrimination, and to promote equal opportunity within their jurisdictions. 9/ Commissioner Duncan pointed out some more complicated aspects of the problem:

Many Negroes in the Government are fairly new to public service and seem to be found mostly in the beginning steps and grades. Unfortunately, many with great potential are not qualified by training and experience to take advantage of increasing opportunities. *** conceivably some allowance must be made for those who, for no reason of their own, have been denied the opportunity of acquiring the experience usually required on paper. 10/

7/ Id. (P. 3 of statement of John Fauntleroy.)
 8/ Id. (P. 6 of statement of Walter B. Lewis.)
 9/ Id. (P. 4 of statement of John B. Duncan, D.C. Commissioner.)
 10/ Id. (P. 5 of statement of John B. Duncan.)

The District Government's Organization Order 125, issued April 9, 1958 and amended May 9, 1961, established the Commissioners' Council on Human Relations, charged with advising and assisting the Commissioners to promote the policy of non-discrimination in employment in the District Government and by persons holding District Government contracts. The Council has no enforcement powers.

While the work of the Council and of the equal employment officers have succeeded in "creating a general awareness" ^{11/} of the problems of racial discrimination in the District Government, more substantial progress is needed. As noted above, while 48.1 percent of the 25,553 full-time positions in the D.C. Government were held by Negroes in 1962, less than 8 percent of the jobs graded 12 and above were held by Negroes. ^{12/}

The Council lacks the staff and authority necessary to aid in achieving more significant compliance. ^{13/}

In the field of government contracts, the lack of adequate staff and authority in the Council is more striking. In the words of the Council's Chairman, Aaron Goldman:

To date we have not made any real progress in securing compliance on the part of most contractors with the non-discrimination clause in their contracts with the District. Our Council does not have the field staff necessary for such compliance checks, nor to my knowledge is this job being adequately done by the appropriate contracting officers in the District Building. In all candor, the provisions of this law are not being vigorously enforced. ^{14/}

^{11/} Id. (P. 4 of statement of Aaron Goldman, D.C. Commissioners Council on Human Relations.)

^{12/} The Urban League analysis of the District Government's annual "Report on Manpower in the District of Columbia" for the years 1960 through 1962 revealed that the median salary of Negroes as a percentage of the median salary decrease from 90% to 84% in 1962.

^{13/} Ibid.

^{14/} Ibid.

Thus, there is no significant enforcement of the non-discrimination requirements contained in the contracts made by the District government with contractors, subcontractors and vendors.

For Federal contractors, merit hiring is required by Executive Order 10925, and responsibility for enforcement is in the hands of the President's Committee. The Committee receives complaints and may investigate and adjust them. Throughout the nation, the Committee received 1,738 complaints during the first two years of its operations. Action on 1,040 has been completed. 141 were dismissed because no government contract was involved. Of the remaining 899, findings of discrimination were made and correction action taken in 644 cases, a rate of 72 percent.^{15/}

Some results have also been achieved under the "Plans for Progress" program. A survey of employment changes by 65 participating companies across the nation showed that while Negroes comprised only 4.1 percent of the total workforce of the companies when they entered the program, 22.7 percent of those hired in the first six months of the program were Negro. At the start, Negroes held 1.5 percent of salaried jobs. 9.9 percent of those acquiring salaried position in the six months were Negroes.^{16/}

The progress is encouraging, but the figures show how far there is to go.

^{15/} Statement of Vice President Lyndon B. Johnson, May 13, 1963, Press Release of President's Committee on Equal Employment Opportunity.

^{16/} Report of Hobart Taylor, May 10, 1963, Press Release of President's Committee on Equal Employment Opportunity.

In Washington, the Howard University gymnasium situation (See chapter 6, supra.) shows that the distance between the promise and the reality is great. It has been found that there is little awareness of the non-discrimination requirement among the men who do the actual hiring. ^{17/} Washington is no exception, and the need is for renewed vigor of enforcement.

The intent of the President and the District Commissioners on questions of discrimination in government is crystal-clear. Full implementation of equal opportunity programs will, however, require persistent review, investigation, and vigilance. As has been pointed out earlier--in the Washington area, the influence of Government on all sectors of the economy is often decisive.

The reliance on individual complaints places a heavy responsibility on the private organizations which are active in the civil rights field. Many individuals who are discriminated against are unaware of the procedures which must be followed. The civil rights organizations must increase their efforts to make these procedures familiar, and to assist complainants in their utilization.

Affirmative action by the government, employers, unions and the community are necessary to supplement the individual complaint procedure.

^{17/} U.S. Commission on Civil Rights, 1961 Report, Volume 3, Employment, p. 92.

XI. THE NEED FOR LEGISLATION

In employment as in other fields where bias is predominant, most will agree that "the ultimate solution will rest on the conscience of the American people."^{1/} But there is evidence that conscience will all too often remain dormant unless spurred by law. In Washington, real progress in equal employment opportunity only began about four years ago.^{2/} Nearly all merit hiring policies in private industry have been in force only since that time. Formerly segregated unions and apprenticeship programs have only recently taken in their first Negroes. The upgrading of Negro employees in government was begun in earnest in 1961.

During this four-year period, strong executive action was taken by the Federal and District Governments. Numerous private and quasi-official groups in the area devoted their attention to the problem. It is evident that only through the combined efforts of government and citizens' organizations was any progress made possible.

As this report suggests, much remains to be done. Persuasion, conciliation, and compromise will continue to be important means toward the end, but the limits can only be extended by more forceful and direct action.

Of those who testified at the Conference on Equal Employment Opportunity of the D.C. Advisory Committee to the U.S. Commission on Civil Rights, there was virtually unanimous support for a Fair Employment Practices ordinance by the D.C. Commissioners. The General Counsel of the

^{1/} D.C. Employment Conference. (P. 1 of statement of Right Reverend Monsignor George L. Gingras, Catholic Archdiocese of Washington.)

^{2/} Washington Urban League; Third Annual Report, 1963, p. 1.

U.S. Commission on Civil Rights, in a formal opinion, dated May 9, 1963, submitted to this Committee, concludes that the Commissioners have the power to issue such an ordinance. We fully support that view.

There was widespread support for a minimum wage act for the District of Columbia. The need for increased programs in the District Schools was also supported by a great many witnesses.

In addition, because of Washington's peculiar metropolitan pattern, support was voiced for a Federal FEP Act to include the surrounding communities; without it, Washington will continue to be a city segregated in fact.

Time and patience are often the most comfortable ways by which to solve a problem. Where the problem is relatively insignificant, they may well be the best ways. But, as has been shown throughout this report, equal employment opportunity is neither an insignificant goal, nor can much more time be allowed to pass without achieving it. With each passing month, the legacy of a century of discrimination accrues unto itself greater and more pernicious dividends.

If we are not to be saddled with the costs of discrimination--economic, political, legal, and moral--for another generation, the need for action is urgent. It is this sense of urgency, perhaps, that characterizes best the tone and tenor of this Conference.

FINDINGSGeneral

1. The denial of equal opportunity in employment to minority groups is a significant--and may well be the most significant--factor in the high incidence of crime, unemployment, social dislocation, school drop-outs, and political apathy among members of minority groups.
2. Inequality in employment opportunities seriously undermines the stability of any community, decreases the purchasing power of its citizens, adversely affects the rate of economic progress, increases the tax burden, and creates a potentially explosive situation in which crime and senseless violence become overt symptoms of frustration. All of these conditions are in evidence at present in the District of Columbia, where Negroes, still treated as a minority group, constitute in fact a majority of the population. Unemployment in the Washington Metropolitan Area, as elsewhere, hits the Negroes most severely.
3. No civil rights problem in the Washington Metropolitan Area can be considered exclusively within the artificial limits of the District of Columbia. Employment is no exception. The bulk of the labor force is, and will continue to be, employed in the central city, but a large and expanding job market does exist in the Maryland and Virginia suburbs. In these areas, Negroes are almost totally excluded from employment above the menial level.
4. A factor common to all aspects of the problem of securing equal employment opportunity in employment is the demand for "qualified applicants only." In many cases, the demand is merely a cover for discriminatory practices.

In other cases recruiting applicants with the necessary training or experience is difficult. In the latter, an effort to provide on-the-job training would often overcome any real problems. Without a new approach in this area, lack of qualifications resulting from years of discrimination becomes self-perpetuating.

5. Although progress has been achieved through sincere private efforts, it appears that meaningful solution of the problems which remain can only come through Government action. Such action has so far been too limited.

6. The effectiveness of other antidiscrimination measures is reduced by the absence of equal opportunity in employment. Discrimination in housing, for example, is intrinsically connected with the pattern of job inequality.

7. Where firms have taken action to end discrimination, and management's attitude in favor of such action has been clear and forceful, no significant difficulties have been encountered. In firms where Negroes have been employed in previously all-white positions, little if any resistance has been found among other employees or customers.

Industry and the Retail Trade

8. Some progress has been made, particularly among public utilities and government contractors, in considering applicants for non-managerial positions irrespective of race, creed, or national origin. A few firms have followed voluntary nondiscriminatory hiring policies for years, and others have initiated programs recently.

9. Many government contractors, subcontractors, and vendors are still blatantly practicing discrimination in hiring policies. Lack of

investigative and enforcement machinery and failure to use existing powers has all too often placed government in the incongruous position of condoning discrimination while it does battle against it on other fronts.

10. Discrepancies exist between the stated hiring policies of many firms and the conditions as described by such private groups as the NAACP, the Urban League, and CORE. There is reason to believe that discrimination at all but the most menial levels in industry and the retail trade is the rule rather than the exception, and that "tokenism" far too often substitutes for real nondiscriminatory hiring policies.

11. Managerial appointments, on the whole, are still rarely available to Negroes. Part of the reason lies in the long history of discrimination, which has made it difficult, if not impossible, for Negroes to acquire the skills and responsibilities within a company that would lead to high-level appointments. Past discrimination has also discouraged college-trained Negroes from applying for management training programs in firms now willing to accept them. Much too often, token appointments of a few Negroes, in selected departments or localities, to positions of a supervisory nature is considered sufficient progress toward nondiscrimination.

12. In certain fields--notably banking, finance, communications, insurance, and real estate--and with only a handful of exceptions, discrimination in employment has gone on virtually unchanged for decades. In some of these fields, discrimination is directed against Jews as well as Negroes.

13. There is evidence that in some service industries, Negroes and whites are remunerated at different rates for the same work, Negroes are abused by white supervisors, and are threatened with firing or other reprisals if they voice a complaint.

14. In some industries, there is evidence of collusion between management and unions to prevent the entry of Negroes into all-white positions.

Unions

15. Where union membership is a factor in employment, discriminatory practices of local unions are as pernicious a barrier to Negro employment as are the practices of employers. Such labor practices as exist in connection with the apprenticeship programs--exclusive family preferences and secretive selection procedures--and in the hiring halls with arbitrary referral of all-white work crews, have been effective in excluding Negroes from many highly-paid jobs.

16. In Metropolitan Washington, where a large proportion of the labor force is Negro, integration of membership exists in varying degrees in nearly all local unions. A small number of locals, generally of skilled workers in the building trades, still do not have Negro members, despite pressures from the international unions and from the AFL-CIO.

17. Despite integration of membership which exists, the great majority of paid union positions, or of elected leadership positions, is in the hands of white members. This can be accounted for in part by past discriminatory practices, but current prejudice plays a large part. Some locals with large Negro majorities, particularly in the non-craft trades, do have Negro leadership. A few, especially those that represent government workers, seem to be totally integrated in membership and leadership.

18. The fact that not enough effective pressure has been exerted against autonomous locals by the international union or by the AFL-CIO accounts in part for the continuance of pockets of segregation. The AFL-CIO, and the internationals, almost without exception, are committed to a policy of nondiscrimination.

19. In some skilled trades, Negro workers constitute a small fraction of union members. A large proportion of those in the non-skilled trades are Negro. Where exclusive hiring halls exist, management tends to blame the unions for the lack of Negroes; where union or open shops exist, the unions blame management. There is reason to believe that all too often both are responsible for denying equal employment opportunity to Negroes, and that the situation is perpetuated by a mutually accepted and meaningless game of buck passing.

20. Where full integration of unions has been achieved, initial resistance by white members has disappeared almost immediately.

Apprenticeship

21. Discrimination in apprenticeship is one of the most serious problems encountered. Its impact upon Negro youth should not be underestimated.

22. Apprenticeship programs within the trades seem to be most resistant to acceptance of equal employment opportunity. The small number of Negro apprentices in the skilled trades indicates that little progress has been made. In some trades, there has been no progress at all, or none beyond mere tokenism.

23. Government is a partner in apprenticeship through the D.C. Apprenticeship Council, but the inadequacy of its program, as well as lack of coordination between the schools, other governmental agencies,

and the joint apprenticeship committees themselves is to a great degree responsible for the lack of integration in the apprenticeship programs. Some hope for improvement is contained in the proposal outlined by Under Secretary of Labor Henning.

24. In view of the long history of racial discrimination in apprenticeship, Negroes have been discouraged from applying. There is an urgent need to encourage Negro youth to seek participation in apprenticeship training programs.

Clerical Workers

25. Discrimination in the hiring of office help, or for so-called "white collar" jobs, is still extensive. Employment agencies, both governmental and private, report frequent requests by employers for "white workers only," and for "Gentiles only."

26. Occasional requests from government agencies, despite the explicit policies of the Federal and District Governments, are discriminatory in nature, usually due to the individual prejudices of a supervisor or department head.

27. Training for certain types of office positions, such as book-keeping or stenography, is not available to nonwhites in many local private schools. Placements for these positions, which are often handled by the schools, result in inequality of employment opportunity.

28. Negro applicants for clerical positions are often subjected to more demanding standards than white applicants, and offered lower pay in private industry for the same jobs as whites, and generally find that the number of jobs available to them is far fewer than the number of qualified Negro applicants, while exactly the opposite is true for white clerical workers.

Employment Agencies

29. The United States Employment Service now performs a valuable role in making job referrals without regard to race, and in refusing to fill discriminatory job orders.

30. Private agencies are a refuge for those placing racial or religious restrictions on job openings. Discriminatory referrals are made and orders accepted.

31. Discriminatory referrals are often made in anticipation of hiring restrictions which may not exist.

Education

32. Protracted discrimination in employment has had a direct effect on the motivations of Negro students. Many young Negroes, believing themselves destined for unskilled or menial labor whether they finish high school or not, drop out before completing their secondary education.

33. Negro students, for the most part, are less informed about trends and opportunities in the labor market than their white counterparts. Ghettoized housing patterns contribute powerfully to the lack of such information.

34. At the present time, no large-scale program exists to aid a significant portion of the drop-outs, or to train them for skilled or semi-skilled positions. Several thousand youngsters are thus cast loose in the District each year, with little if any work experience and no marketable skills. Increased and improved counselling services for minority youths are needed to prepare them for new training and employment opportunities.

35. The college-trained Negro, especially in technical and scientific fields, finds less and more restricted opportunity to market

his skills than the white college graduate. There has been some improvement.

36. It is particularly disturbing that employment opportunities for Negro liberal arts graduates are still more restricted than for whites. Much progress must be made in this area.

37. Discriminatory admission policies by private business schools are widespread, and exist to some degree in vocational schools.

Federal and District Government

38. Discrimination in Federal government employment is decreasing but the pace is too slow.

39. In the District government, progress beyond formulation of nondiscriminatory policy has been scanty. Responsibility for implementation is scattered among the several departments, and has been largely ineffective. Absence of effective enforcement procedures is responsible for the lack of progress.

40. Negroes in positions above grade 9 (approximately \$7,000 per annum), both in the Federal and District Governments, are still the great exception. Here as elsewhere, long years of discrimination continue to take their toll.

RECOMMENDATIONSPreface

In its findings, the Advisory Committee has pointed out the limited progress and serious deficiencies of programs now in effect to secure equal employment opportunities in the Washington Metropolitan area. The Committee is heartened by the evidence provided by the voluntary action of some employers that employment discrimination can be eliminated without undue friction or damage to profitable business operations. In view, however, of the serious problems which have been shown to exist, and the evidence that voluntary action has not been sufficient to deal with them, the Committee makes recommendations aimed to accomplish the following ends:

- (1) An immediate end to discriminatory practices in employment;
- (2) an immediate end to discriminatory practices by trade unions;
- (3) means provided by law to end such practices;
- (4) active government participation in uncovering and preventing more covert discriminatory practices by employment agencies, unions and employers;
- (5) short-term measures to provide on-the-job training for unqualified and so-called "unqualified" applicants, particularly those who are members of minority groups; and
- (6) long-term programs for education, training, and placement of new minority group entrants into the labor market.

The employment problem is, of course, inextricably linked with a number of other problems--housing, education, etc. Their simultaneous solution is essential to any meaningful progress in equal employment opportunity, just as a solution to the problems of employment is essential to progress in all other fields. In addition to its specific recommendations, therefore, the Committee strongly urges that the District of

Columbia Board of Commissioners without delay issue a fair housing regulation, ban discriminatory practices by real estate brokers and salesmen, and take all other measures for ending racial discrimination in housing recommended by the U.S. Commission on Civil Rights in September 1962, and that related problems be examined at the earliest opportunity.

Recommendation 1. That the Board of Commissioners of the District of Columbia exercising their police power, which is fully adequate in this regard, issue and effectively implement a Fair Employment Practices regulation, making unlawful any discrimination by reason of race, religion, color, or national origin in employment by any employer, employment agency or labor organization, with power to enforce such regulation lodged in an appropriate agency.

Recommendation 2. That, in view of the metropolitan scope of the employment problems, the Commission on Civil Rights recommend the enactment by Congress of National Fair Employment Practices legislation, and that, pending such action by Congress, the Maryland and Virginia Advisory Committees to the Commission on Civil Rights hold public meetings and make recommendations designed to eliminate employment discrimination in those states.

Recommendation 3. That, pending issuance of a Fair Employment Practices regulation, the D.C. Commissioners' Council on Human Relations be charged with enforcement authority to curtail employment discrimination, and that the Council be given adequately increased staff and budget to enable it to discharge these responsibilities effectively.

Recommendation 4. That effective measures be taken to implement the present requirements of nondiscrimination in employment by contractors and

subcontractors with, and vendors to, the District Government, including (a) that all government contracting officers be required to transmit to the Council on Human Relations copies of all complaints of employment discrimination received by them, reports of any action taken thereon, and copies of all surveys of the employment practices of the government agencies and the contractors with which they do business, and (b) that government agencies be directed not to grant any government contract to any prospective contractor with a history of discrimination in employment until the Council on Human Relations shall have investigated and such steps have been taken as will insure that such contractor will in fact abide by the nondiscrimination clause in its contract.

Recommendation 5. That the existing provisions for cancellation of government contracts for violation of nondiscrimination clauses be strictly enforced.

Recommendation 6. That (a) action be taken by national and international unions to eliminate discrimination by their local unions in the areas of membership, training, apprenticeship, employment and the like, and (b) the Federal and District Governments assume their full responsibilities in assisting the unions in eliminating discrimination.

Recommendation 7. That the President and the District Commissioners direct that appropriate measures be taken to (a) provide for dissemination on a continuing basis of information as to job qualifications and availability in the District in government employment, in employment with government contractors, and in industries providing nondiscriminatory employment, and (b) encourage and aid all employers to set up on-the-job training programs for unqualified and so-called "unqualified" applicants, so that the

gap between employers' needs and employee availability, much of which results from existing and past discriminatory practices, may be bridged with all possible speed.

Recommendation 8. That Federal and local executive action be taken to eliminate discrimination in all governmentally supported vocational education, training, and apprenticeship programs.

Recommendation 9. That the United States Employment Service establish an Apprenticeship Information Center for the District of Columbia, as proposed by Under Secretary of Labor John F. Henning, to act as coordinating agency for the promotion of equal opportunity in apprenticeship for the D.C. joint apprenticeship committees, the D.C. Apprenticeship Council, the D.C. schools, labor unions, industry, and voluntary associations active in promoting equal opportunity in apprenticeship.

Recommendation 10. That the Federal and local governments, in the District and adjoining suburban counties, issue directives prohibiting government agencies from accepting referrals from employment agencies or schools which practice discriminatory assignment, referrals, or admissions.

Recommendation 11. That the District Commissioners, under their broad power to regulate the activities of government licensees prohibit private employment agencies from accepting discriminatory job orders and from making referrals on a discriminatory basis.

Recommendation 12. That, because of the particular impact of unemployment on members on members of minority groups caused by discriminatory practices, all government efforts be taken to promote full employment, including (a) expansion of the retraining programs recently initiated in the District under the Manpower Development and Training Act, and other

programs, with particular consideration given to further programs to combat functional illiteracy, (b) increases in the school staff available for vocational counselling and guidance and extension of this work to the elementary schools, at all times assuring that the counselling and guidance is attuned to the needs of the labor market, (c) development and expansion of work-study programs, with cooperation of schools and employers, and (d) steps to make school curricula better suited to the needs of the labor market, taken in consultation with interested employers.

Recommendation 13. That, to further the above purposes, (a) a Department of Labor in the District Government be created, charged with development and implementation of long-range programs to combat unemployment, (b) steps be taken to improve the educational facilities in the District, including the establishment of a municipal college, (c) licensing requirements for private business and vocational schools be provided, and (d) a minimum wage for men be enacted.

Conclusion: A sense of urgency

In conclusion, the Advisory Committee cannot emphasize too strongly that action on the problem of racial discrimination is long overdue.

The steps taken by some private employers toward realizing equal opportunity in employment have met with notable success. The Committee is deeply appreciative of their efforts, and hopes that they will undertake to make their successes more widely known, so that baseless fears may be allayed.

While the signs of progress are welcome, they are all too few and far between. The facts on the extent of racial discrimination in employment are well known. Public discussion may be beneficial, but it has proved

woefully inadequate for the job. The need is not to sit still and contemplate our progress, or even merely to hope that more will be done in the future. The need is for a solution to the problem.

The Committee recognizes that its recommendations are not all-inclusive, and that they will not solve the problems overnight. The recommendations do, however, represent essential first steps which have become imperative. The gap between the expression of our democratic ideals and our practice of racial discrimination must be eliminated.

It is therefore with a sense of utmost urgency that the District of Columbia Advisory Committee presents the above recommendations. It remains for an aroused community to make known its will, and for the responsible officials to do their duty.

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APPENDIX

DISTRICT OF COLUMBIA ADVISORY COMMITTEE
CONFERENCE ON EQUAL EMPLOYMENT OPPORTUNITY:
PROGRESS AND PROBLEMSPresiding Panel:

Ben D. Segal, Chairman
Gilbert Ankeney
Leonard Aries
Ruth Bates
Joseph Beavers
Isaac Franck
Dr. Duncan Howlett
Sterling Tucker

Testimony (in order of appearance):

Honorable Charles A. Horsky, Advisor for National Capital
Affairs to the President
Honorable Berl I. Bernhard, Staff Director, United States
Commission on Civil Rights
Fred Hetzel, Director, United States Employment Service
for District of Columbia
Honorable John B. Duncan, District of Columbia
Commissioner
Honorable John F. Henning, Undersecretary of Labor
Harry Boyd, Personnel Director of the Potomac
Electric Power Company
Aaron Goldman, Chairman of the District of Columbia
Commissioners' Council on Human Relations
James Murray, Chief, Employment Center, District of
Columbia Employment Center
Hobart Taylor, Jr., Executive Vice Chairman of the
President's Committee on Equal Employment Opportunity
Honorable Esther Peterson, Assistant Secretary of Labor
and Director of the Women's Bureau
Lemuel Penn, District of Columbia Public Schools
Hyman Perlo, Job Counsellor for Drop-Outs, District of
Columbia Public Schools
Philip Stoddard Brown, Economist
Mrs. Kathryn Stone, Washington Center for Metropolitan
Studies
Mrs. Eunice Grier, Washington Center for Metropolitan
Studies
Boise L. Brister, Statistician of the District of
Columbia Public Schools
Simon Douglas, Guidance and Placement,
District of Columbia Public Schools

Harold Clark, Director of Vocational Education
 Mrs. Marian Coombs, Student Employment and Graduate
 Placement at Howard University
 Mrs. Joan Grossman, Temple Secretarial School
 Charles D. Thompson, Assistant Vice President,
 Chesapeake and Potomac Telephone Company
 F. W. Amadon, Director of Personnel,
 Washington Gas Light Company
 John H. Kauffman, Business Manager, Washington
 Evening Star Newspaper Company
 A. H. Bowman, Western Union Telegraph Company
 Victor R. Daly, Deputy Director, United States
 Employment Service for the District of Columbia
 Henry L. Dixon, President, District of Columbia
 Federation of Civic Associations
 Richard Elder, Director of Personnel Services,
 George Washington University Hospital
 Edward A. Hailes, Executive Secretary of NAACP
 District of Columbia Branch
 William F. Rogers, Director of Personnel,
 Giant Food Stores
 W. E. Pannill, Personnel Manager, Peoples Drug Stores
 Aaron Goldman, President, Macke Vending Company
 J. C. Turner, President, Greater Washington Central
 Labor Council
 Joseph Curtice, Executive Secretary, Building Trades
 Council
 John Evans, Chairman, District of Columbia
 Apprenticeship Council
 James Rademaker, First Vice President, National
 Association of Letter Carriers
 Frank H. McGuigan, President, Local 400,
 Retail Clerks Union
 Julius Hobson, President, Washington CORE
 Joseph A. Bepko, Jr., Personnel Manager,
 Continental Baking Company
 Walter J. Bierwagon, President, Local 689, Amalgamated
 Association of Street and Electric Railway Employees
 Cypran Tilgman, Local 80, Hotel, Restaurant and
 Bartenders Union
 Boris Shishkin, Director, AFL-CIO Civil Rights Department
 Walter B. Lewis, Assistant Executive Director,
 Washington Urban League
 Reverend Graham W. Howe, on behalf of Reverend Virgil E.
 Lowder, Executive Director, Council of Churches,
 National Capital Area
 Isadore Seeman, Executive Director, Health and Welfare
 Council
 Mrs. E. G. Stoddard, Neighborhood Service Project
 Mrs. Richard C. Simonson, President, District of Columbia
 League of Women Voters
 Carl Shipley, Republican State Committee for District of
 Columbia

Frank D. Reeves, Democratic National Committeeman for D.C.
 John Fauntleroy, President, Washington Bar Association
 Mrs. J. Lafrank, Melpar, Inc.
 K. K. Kobayashi, Japanese-American Citizens League
 Mrs. Carolyn Stewart, Negro Community Council
 Myer Freyman, Chairman, Employment Discrimination
 Committee, Jewish Community Council of Greater
 Washington
 Ted Wilson, Better Employment Agency Committee
 Russell L. Bradley, Executive Director, National
 Conference of Christians and Jews
 Berkeley Burrell, President, National Business League
 and Vice President District of Columbia Commissioners'
 Crime Council
 Walter Davis, Assistant Director, AFL-CIO, Civil Rights
 Department
 John Feild, Executive Director, President's Committee on
 Equal Employment Opportunity
 Mortimer C. Lebowitz, President, Morton's Department
 Store
 Benjamin Orringer, D.C. Recreation Department
 Calvin Rolark, National Capital Voters Association
 Stokeley Carmichael, Howard University Non-Violent
 Action Group
 Richard Gay, Personnel Director, Washington Hospital
 Center
 Leonard Hill, District of Columbia Department of
 Vocational Education
 Reverend Geno C. Baroni, Catholic Interracial Council
 David A. Sawyer, Former Director, Commissioners'
 Council on Human Relations
 Mrs. Marion H. Jackson, Coordinator, Iota Phi Lambda
 Sorority
 Edward Faggans, Fuller Products Company
 Right Reverend Monsignor George L. Gingras,
 Catholic Archdiocese of Washington
 Adrian Roberts, National Vice President of the
 American Federation of Government Employees
 Dr. Albert B. DeMond, Office of Business and
 Distributive Education, District of Columbia
 Public Schools
 Mrs. Marion H. Jackson, District of Columbia
 Chamber of Commerce

Mr. ROOSEVELT. The committee will next hear from E. W. Stearns, Jr., vice president and cashier, who, I believe, is accompanied by Mr. J. C. McCormack, executive vice president of the Riggs National Bank.

We are very happy to have you. I am sure that you know the reason we have asked for your presence is that in the testimony presented to this committee was the direct assertion that the financial community of Washington and the district of greater Washington is still guilty of a lack of a positive nondiscriminatory employment program, particularly in the area of promotion, although it was indicated that in some of the areas that it even went below promotion; it went to basic employment.

We felt that you gentlemen, representing as you do one of the pillars of our financial community, should have the opportunity to come and discuss this with us and make any statement you would care to.

STATEMENT OF E. WILEY STEARNS, JR., A VICE PRESIDENT AND THE CASHIER OF THE RIGGS NATIONAL BANK OF WASHINGTON, D.C., ACCOMPANIED BY J. C. McCORMACK, EXECUTIVE VICE PRESIDENT OF THE RIGGS NATIONAL BANK OF WASHINGTON, D.C.

Mr. STEARNS. I would like to read a statement.

Mr. ROOSEVELT. You may proceed.

Mr. STEARNS. Mr. Chairman and members of the subcommittee, my name is E. Wiley Stearns, Jr., and I am a vice president and the cashier of the Riggs National Bank.

The Riggs Bank has been requested by your counsel, Mr. Foreman, to have a representative of the bank appear before your subcommittee and testify as to the employment practices of the bank. On behalf of the bank, I am pleased to furnish the following information.

For many years, the bank's policy was to start all new clerical employees at the lowest grades. As these employees—mostly high school graduates—developed, they were promoted to higher grades as vacancies occurred. Promotions were on the basis of seniority, all other factors being equal.

In the early 1940's, because of the growth of the bank, there were not enough qualified beginners to meet the constantly growing demand for more highly qualified and experienced personnel. Therefore, the bank was forced to recruit experienced bank employees to fill some of these positions.

Prior to 1961 members of the Negro race were employed by the bank as messengers, chauffeurs, and in the building maintenance force.

During the late 1950's and early 1960's, the Negro race had made great strides, in most parts of the country, in obtaining equal employment opportunities. The bank received numerous requests from organizations and individuals that it grant Negroes equal employment opportunities in its clerical departments.

The most careful consideration was given to this matter, and the bank concluded that in recognition of this advancement, it should adopt a policy of employing Negroes in a clerical capacity even though it was somewhat fearful that such a policy might be met with resistance by the bank's customers and employees. Therefore, after careful preparation of our employees, at that time we adopted our new policy in July 1961.

Consistent with its new policy, in July 1961 the bank commenced the employment of Negroes in clerical capacities. Since 1961, the employment of qualified clerical personnel has been made without regard to race, religion, color, or national origin. All applicants for clerical positions are required to pass a physical examination and a clerical aptitude test. The percentage of Negro applicants failing the clerical aptitude test is quite high. We believe that this is because the best qualified Negroes do not apply for employment by the bank but rather seek employment by the U.S. Government. If the employment is unattainable with the Government, then application is made to private industry.

There has been no discrimination of any kind against our Negro employees. The more senior of these employees, where qualified, have been promoted to better positions in their departments with added responsibilities and increases in salaries.

Our Negro employees use the same facilities as all other employees, are members of the employees' club, and are invited and do attend the various functions of the club. They enjoy the same fringe benefits as all other employees, such as life insurance, sick leave, paid vacations, pensions, et cetera.

We wish to emphasize that, since 1961, no qualified Negro seeking a clerical position with the bank has been refused employment because of being a member of the Negro race.

The bank has experienced no public or employee resistance to the employment of members of the Negro race.

Mr. ROOSEVELT. Thank you very much, Mr. Stearns.

Mr. STEARNS. You are welcome.

Mr. ROOSEVELT. Your statement is certainly an encouraging one. I am particularly happy that your fears which you felt before July of 1961 that there might be some resistance by either the public or employees as to such a program have not materialized. That fits in well with the testimony of the Chesapeake & Potomac Telephone Co. that testified to the same effect. I think that probably it was a little late in arriving at this decision; the fact that you arrived at it is good.

I think that I would like to ask first: Is your clerical aptitude test a written test?

Mr. STEARNS. Yes; it is the Minnesota Clerical Test.

What it is—there are two parts. One is comparing of numbers. There will be two lists of numbers and you check off whether they are the same or different. The other is the comparing of names where you will have a list of two names that look pretty much alike but sometimes they are not.

I am sure you can realize in our bookkeeping department and proof and clearing departments you have got to be apt at comparing numbers and certainly in the bookkeeping comparing names. That is the extent of the test. It is a timed thing.

Mr. ROOSEVELT. Does the bank have any positive program to alert the high schools, for instance, of your change of policy and availability of employment? In other words, as you point out, all of your problem may be the caliber of the applicant and it just might be that the Negro, knowing that his best chance of employment has been in the Federal Government, if what you say is true, that is where he may have gone but if he found out that maybe the Riggs Bank and

other banks were going to treat him fairly maybe he might begin to apply to you, too.

So, have you had any positive program to alert various school systems or other agencies?

Mr. STEARNS. Yes. We have worked with the placement director of the high schools; Douglas, I think is the name.

Mr. McCORMACK. Going back a little further, we worked very closely with a gentleman who is now dead who was a Negro who was the Assistant Superintendent of Public Schools, Clyde C. McDuffie. After he retired, he came and talked with us concerning the employment of Negroes and I think he did more than any one particular individual has done.

I think that at some point everybody had to be convinced on this program. As you, Mr. Chairman, pointed out, even our Federal Government had no such program in the earlier days and, likewise, I think industry has been a little slower than Government to grasp this problem.

We did follow his advice and we have the contacts with the public schools and we find that the placement directors have been most cooperative.

Mr. ROOSEVELT. Have you furnished them with material, for instance, that describes the kind of employment which is available, and do you have written material which is presented in the schools?

Mr. McCORMACK. I don't think we have, sir. We never had such a medium when we were recruiting in the days before we adopted this program. It has not been a part of our program for recruitment of personnel at any time.

Mr. ROOSEVELT. Now, have you ever advertised for personnel?

Mr. McCORMACK. No.

Mr. STEARNS. We have not advertised since before World War II, I think.

Mr. ROOSEVELT. For instance, if you need somebody, a certain type of employee, how do you go about getting them?

Mr. McCORMACK. First of all, let me say Mr. Stearns and I, this is traditional in banking almost generally, that when we were kids out of school we both started as messengers in the bank. Through an upgrading procedure, we arrived at the positions we occupy today. We have trained on the job and we have had supplemental training programs.

For all personnel, regardless of whether it was prior to this program or after, this has been something that has been part of our bank's policy longer than any of us can remember, and I think almost universally that is the way many banks train.

Mr. ROOSEVELT. Mr. McCormack, I think that is fine. I have no objection to people working their way up. I think that is a fine American tradition.

What I am getting at, I think it must be obvious to you as alert citizens of the community, is that the community has a problem. Now, having a problem, it would seem to me that yours being probably the most important bank in the area would perhaps feel that it was a civic duty to try to undertake to let not only the employment director in a school, but other persons, such as the general public, know through printed material or whatever means you might adopt, that your policy

did change in July of 1961, that you now were looking for qualified personnel and that you were encouraging them to come and apply to you.

Otherwise, as I say, many people just may not even know that your policy has ever changed which would perhaps not be very important if we didn't have what would amount very close to an emergency situation.

I don't say that you alone should do this. For instance, the telephone company has put out ads in which they stress the nondiscriminatory policy of their employment hiring. Others do the same.

I tried to get the board of trade to feel that maybe this would be something that they, too, could do along with urging people to hire on a delinquency program as they have done, as I am sure you know, for the summer. It would seem to me that they might get out something, that if the financial community working through them would let it be known that this was their policy.

In other words, I am looking, frankly, gentlemen, for a little more than just a passive, "take it as it goes along" attitude.

It seems to me we have reached the point where it is the civic duty to make that little extra effort.

Mr. McCORMACK. I think our program has been more than just a passive effort. I think it has been a real sincere and successful program.

Mr. ROOSEVELT. I am not doubting your sincerity, but you, yourself, have said in the statement, which is an excellent statement, that the facts are that of the people taking the test, the highest group of failures are in the Negro applicants which should bother you and should make you, it seems to me, do something.

Mr. McCORMACK. That is a problem that I think that the Government has much to do with. The Government personnel directors frankly tell us that they get 80 percent of the graduating classes out of the high schools. We have a problem competing. We have to operate at a profit. We have been successful. We intend to remain a strong institution. We do have problems in actually meeting some of the salary schedules of our Federal Government.

Mr. ROOSEVELT. Mr. McCormack, that is true across the board. That does not meet the problem, the fact that there are more failures in passing the aptitude test on the Negro level. That is true across the board. You admit it yourself, that applies to all elements of the population.

I am talking about curing what obviously seems to be a problem in a particular area. It does not seem to me you have come up with anything.

Mr. McCORMACK. We have acquainted our school system of the fact that we have a changed policy.

Mr. ROOSEVELT. I think that is helpful. I just don't think it is enough under the urgency of the situation. I would hope that you consider as part of your policy that maybe you could get out some printed material which would bring this more widely to the attention of the community and any other factors that you think might help.

I can't tell you exactly how to do it, but I think it requires a little more effort than has been made to date.

I yield to my colleague.

Mr. MARTIN. With regard to this point, I don't think that it is the responsibility of the Riggs National Bank or any other private enterprise business to see that their applicants are educated well enough to pass a simple test for employment.

I think that is a job for our educational institutions and I don't believe it directly concerns the witnesses this morning because I think that is primarily a problem for the schools. They get these people from the employment agencies and they come out of our school systems here in the District. I don't think it is their fault if they don't come up to an average grade in these tests, Mr. Chairman.

Mr. ROOSEVELT. Well, the gentleman is certainly entitled to his opinion.

I certainly disagree on the basis that I think a national banking institution serving the public is as close to a public utility as you can find. I think it has a civic duty to attack a problem of this kind.

If the gentleman does not agree, that is his privilege, of course, but I would say to the gentleman that there are precedents under which the Federal Government has made it very clear that in some areas certain policies in the public interest must be carried out, and the financial institutions have very great help from the Government. They get, for instance, a guarantee of their deposits which unquestionably helps them in doing their business. They are involved with governmental aids.

It seems to me that if they don't want governmental interference in this area, they have to do something a little bit more than just a normal slow process which has produced a problem for them. I am not saying they have not said that the school did not produce qualified personnel, but what they said was that most of the qualified personnel were going to the Federal Government.

Well, what I simply say is I think it is up to the bank to make sure that the Negro community does understand it does not have to go to the Federal Government, that it can also go to the financial community.

I yield to my colleague.

Mr. PUCINSKI. Mr. Chairman, that was a very interesting colloquy between you and the gentleman from Nebraska.

I would like to ask Mr. Stearns if you are getting such a high reject rate among the Negro students who take your aptitude tests, and knowing that the large percentage of the school population in the District is Negro, I wonder, Mr. Stearns, if you could tell us what has the Riggs Bank done as a participant in this community with a social conscience to impress upon the governing bodies and governing authorities the need to improve the school system in the District.

I will agree with Mr. Martin that it is not your responsibility in the first instance obviously to go out and train people; perhaps it is not; but I do think that, as a responsible institution in this community, when it pays taxes and draws benefits that you do have a responsibility. I am sure that you discharge this responsibility in many civic areas. I was wondering, Mr. Stearns, whether or not the bank has done anything toward improving the school structure so that a larger number of Negro students qualify for these aptitude tests.

Now, I said the other day that the test at Amidon School clearly establishes beyond any doubt today that the potential of intellectual

capacity is about the same in the Negro child as it is in the white child. The Amidon example proves it. I think 60 percent of the school population in Amidon are children from Negro families and many of them from poor, economically substandard families, people who live in the public housing projects out there, and yet 94 percent of the children in that school scored above the national average in their aptitude tests.

So we see here concrete proof that the potential is there.

Now, coming to the question, has the Riggs Bank done anything to persuade the District Committee to give the schools of this area more money so that they could produce the kind of people that your bank will need in the future?

Mr. STEARNS. I can't say we have.

Can you Mr. McCormack?

Mr. McCORMACK. No, and I think it is quite understandable.

Try as you will, the individual voice is a little difficult to be heard, and a little difficult to get response to.

Mr. PUCINSKI. Mr. McCormack, the voice of the Riggs Bank is not an individual voice. I think you will have to agree on that.

Mr. ROOSEVELT. And not a little voice.

Mr. McCORMACK. We had some recent experiences that you gentlemen perhaps have read about in the press which lead us to believe that our influence is not so effective.

Mr. STEARNS. It was not so loud in the merger.

Mr. PUCINSKI. You might want to challenge me on that statement.

Mr. McCORMACK. That is entirely irrelevant to this.

I might point out to the chairman that bankers are not just created by the schools. We do have intensive educational programs besides on the job and certainly in Mr. Stearns' statement there was no reflection there about the failure of members of the Negro race who applied for positions to pass tests that are part and parcel of the natural abilities that somebody should have to handle figures and handle accounts.

We say that we are more or less in an unfortunate position by reason of the fact that we have a very serious competitor or, let's say, a competitor that is very hard to compete with in a labor market.

I think you gentlemen know in going back to your home States and around the country that Uncle Sam does here in the city of Washington set a salary pattern.

Mr. PUCINSKI. Mr. McCormack, on that point, if you will be good enough to yield: How many employees do you have in the Riggs Bank?

Mr. McCORMACK. I defer to Mr. Stearns.

Mr. STEARNS. 1,100 roundly.

Mr. PUCINSKI. What percentage of those would you think are Negro?

Incidentally, I will get to the point: It is not a significant point, but what percentage?

Mr. STEARNS. Let's say 1,100, and what we are talking about is clerical now.

Mr. PUCINSKI. 1,100 employees.

How many of these are Negro, at all levels; clerical, watchmen or janitors, vice presidents?

Mr. STEARNS. 120.

Mr. PUCINSKI. 120.

Mr. STEARNS. Yes.

Mr. PUCINSKI. Do any of the Negro employees in your bank have a position other than clerical? Do any of these people have any form of supervisory positions? Foreman, shop steward—no; you would not have those. But manager or whatever you call them? Do any of these people have a supervisory position?

Mr. STEARNS. We do have an assistant to the superintendent of buildings who is a Negro.

Mr. PUCINSKI. Did he come up by the ranks of seniority or was this an appointed position?

Mr. STEARNS. Oh, no. Clyde has been with us for many years.

Mr. McCORMACK. He came up through the ranks; promoted.

Mr. STEARNS. Now, of these clerical, bookkeeping, proof desk and that sort of thing, we do have some of the senior Negroes who have progressed to assistant supervisors. They are doing pretty important work and, frankly, I will say they are doing it very well.

Mr. PUCINSKI. In other words, Mr. Stearns, I can conclude from your statement that a youngster thinking about where to get a job looks at the Riggs Bank and says, No. 1, if he has got the qualifications, he has the same opportunity as anybody else to get the job in the first instance; No. 2, he can move up the ladder commensurate with his seniority and ability and everything else. Is this true? Is this the atmosphere that prevails in regards to the Riggs Bank?

Mr. STEARNS. It is; definitely. We are sincere about it. You will recall in my statement I said that our program started in 1961 and that it takes a little time for an employee to work his way up, but on a merit basis Negro employees are progressing salarywise and jobwise the same as any other employee.

Mr. PUCINSKI. If this is the situation, I have said many times I am not impressed when I walk into a factory and they show me 4 or 5 Negroes or 10 or 20 Negroes or 50 to 100 Negroes and say, well, you see we are a nondiscriminatory shop. This kind of token hiring to satisfy some public urge is not impressive.

I think that the solution here is whether or not a manufacturer, an employer creates a sincere atmosphere which assures the job applicant whether he is Negro, Puerto Rican, Mexican, whether he is a Catholic, Protestant or Jew, whether he is Italian, Pole, Scandinavian, Irish, what have you—if the applicant has reason to believe that this shop or this bank or this institution is going to give him an opportunity to utilize all of his qualifications and explore them to the highest, this is what I think we are shooting for rather than numerical statistics, and percentages.

You might wind up with an 80 percent Negro employment force.

In the District, with the condition prevailing here, if they are qualified, this may be true, and that is why I am wondering: You say you are satisfied that you have created that sort of atmosphere?

Mr. STEARNS. I sincerely say so.

Mr. PUCINSKI. If you have done that, you are to be congratulated.

Mr. STEARNS. You agree with that statement, don't you?

Mr. McCORMACK. Absolutely.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. Out of this approximately 120 Negroes, Mr. Stearns, with the bank today, what is the highest position occupied by one of those?

Mr. STEARNS. Well, I would say probably if we are talking money-wise, the assistant to the superintendent of buildings, but if we are talking about straight clerical, it would be a utility bookkeeper in our bookkeeping department, one who can move from ledger to ledger, help train new ones.

In our proof department, it would be basically the same thing, doing the most senior sort of work in that department and helping train new employees and so forth.

Mr. HAWKINS. Would you say that most of these are messengers or laborers and so forth of the 120?

Mr. STEARNS. Yes. Yes; the majority of them are messengers, chauffeurs, parking lot attendants, in the maintenance.

Mr. HAWKINS. How many would be clerical.

Mr. STEARNS. We have roundly 20 actual clerical now.

Mr. ROOSEVELT. Would my colleague yield?

Mr. HAWKINS. Yes.

Mr. ROOSEVELT. Do you have any tellers?

Mr. STEARNS. No.

Mr. ROOSEVELT. Not a single Negro teller?

Mr. STEARNS. No; not yet. We will. As we pointed out, we start them in beginning positions and upgrade them to the bookkeeping department and then we train them as tellers. When we have a vacancy for a teller, we don't go out and hire somebody and train them to be a teller; we put them through the beginning end of it so when they are tellers I think they are good ones. That is the way we came along and I think it is the proper way to do it.

I say no; not yet, but there will be.

Mr. HAWKINS. The assistant superintendent of buildings is, then, in terms of the amount of money received, the highest ranking employee among the Negro group; is that right?

Mr. STEARNS. I would say that is correct, sir.

Mr. HAWKINS. How long has he been with the company?

Mr. STEARNS. How long would you say? Fifteen years?

Mr. McCORMACK. At least, I would say.

Mr. HAWKINS. At least 15?

Mr. STEARNS. Yes.

Mr. HAWKINS. Then, how long has he been an assistant superintendent?

Mr. STEARNS. My guess would be 3 or 4. He has always been a responsible man you could call upon but he has taken over pretty good duties.

Mr. HAWKINS. He is not likely to become a teller, then, is he?

Mr. STEARNS. No; he will not be.

Mr. HAWKINS. Approximately how many employees have you employed since 1961, rough figures, not specific?

Mr. STEARNS. I would say perhaps 250, maybe.

Mr. HAWKINS. 250.

Do you have any idea how many Negroes were employed since 1961?

Mr. STEARNS. Twenty.

Mr. HAWKINS. About 20.

Mr. McCORMACK. Including the Negro clerical personnel, as contrasted with other Negro personnel. Including the turnover among Negro clerical personnel, the number would be considerably greater than 20.

Mr. STEARNS. No. Just in the clerical. Not including the other category.

Mr. HAWKINS. All of these are in the clerical capacity, aren't they?

Mr. McCORMACK. May I interject?

I think our actual number in clerical would be in excess of 20 because we have had some mortality.

Mr. STEARNS. You are right. I was giving the number we have now. We have had some turnover in there, so the number that we actually have employed would be more than 20 but I cannot give you the figure of the turnover.

Mr. McCormack is right.

Mr. HAWKINS. Thank you.

Mr. MARTIN. I think it is well to point out, Mr. Chairman, that the Riggs National Bank inaugurated this policy in July 1961 in starting these people in at the bottom of the ladder, and, as the two witnesses have said, that is the way they started in the bank; that it is only natural to assume that in 2 years' time you are not going to have any executive officers in the bank because it takes a little bit longer to come up the ladder and deserve the promotion. So, I think it is well to keep that fact in mind in comparing these figures and statistics that we have had in regard to percentage of employees who are Negroes.

I would like to ask you one question in regard to the bill, itself.

All of our witnesses so far, although I missed some of the session so perhaps this might not be entirely correct, have testified in regard to discrimination in regard to the Negroes. But the bill states this:

The Congress hereby finds that, despite the continued progress, the Nation's practice of discrimination in employment against properly qualified persons because of their race, religion, color, national origin, ancestry, or age is contrary to American principles—

and so on.

Now, there are several categories in regard to that which are covered in here, in addition to Negroes, but, yet, all of our testimony has been along this one line.

Do you have any recommendations or thoughts in regard to these other qualifications or other things that are set forth in this bill here, for instance, in regard to age, national origin, and so on?

Do you have any comment on that?

Mr. STEARNS. Not really.

I will say this: That, as far as age goes, this is just an observation, in some categories of work the older person does not do as well as the youngster. I am speaking of bookkeeping machines, the dexterity of the hands and that sort of thing. I won't say they cannot do an acceptable job but they don't do it as well.

Mr. MARTIN. Is it necessary to itemize this in legislation that is going to affect the whole country, all of these various categories, because so far we have only concentrated on one issue and it has been the Negro problem.

I don't know if we are going to have any witnesses, Mr. Chairman, in regard to the other phases of this or not.

Mr. ROOSEVELT. If my friend will yield, he will find if he looks through the record we have had a great deal of evidence in other cities as well as Washington before the committee that relates to both discrimination on age, which the gentleman from Illinois is particularly interested in, and also a discrimination on creed.

I think we probably have a rounded record in these areas and we are now filling up the rest of the testimony with respect to race which, of course, is the most urgent of the present problems.

But the record is very complete on the whole matter and I would like to point out in the bill while we do discuss age we have very carefully said when the reasonable demands of the position do not require such an age distinction, which is the point I think that you were making.

Mr. STEARNS. Exactly right.

Mr. ROOSEVELT. Therefore, if you can make a distinction for age, you will be allowed to make it. I think the gentleman will probably agree, will you not, that one of the problems we have today is the problem of employment for people who have reached the age of, let's say, 40 who, for one reason or another, have lost their job, find a very great problem in employment, do you agree?

Mr. STEARNS. Yes.

Mr. McCORMACK. Mr. Chairman, may I add that Mr. Stearns and I, neither one, probably feel qualified to speak on this bill because neither one of us has seen the bill before.

Mr. ROOSEVELT. We will get you a copy; we would like to have you study it.

Mr. McCORMACK. The other comment that I would make is, as far as discrimination, when we announced our change in policy in 1961, it was a complete policy all the way through that there is no discrimination whatsoever; it is strictly on a merit basis, and when it comes to other nationalities, I can't tell you how many various nationalities we have in the bank.

Mr. STEARNS. There are a good many.

Mr. McCORMACK. There are a good many.

The only thing I can judge is that one local competitor advertised in the newspaper foreign services and commented that they had as many as 14 different languages that they could converse in in their bank. We were curious, so we made a survey and I think we turned up with about 28 different languages that are spoken.

Mr. ROOSEVELT. You have no discrimination because of creed, either?

Mr. McCORMACK. No. No, sir; we have all religions that you can think of in the bank.

Mr. MARTIN. I think you gentlemen are to be complimented for the policy which you have adopted. I would like to point out in 2 years the Riggs National Bank started off the policy of nondiscrimination in July 1961 and they have done a very fine job.

Mr. McCORMACK. Thank you, sir.

Mr. STEARNS. Thank you.

Mr. PUCINSKI. I was wondering, just a point of curiosity, tell us what happened in July 1961 that made you change the policy.

Mr. McCORMACK. Well, it was prior to 1961 that a Clyde C. McDuffie, a Negro and a very fine individual who has since passed away, came into our bank. He was the assistant superintendent of our public schools here.

Mr. STEARNS. That is exactly right.

Mr. McCORMACK. He talked to us, and he had an approach that I don't think anybody else ever presented to us. I can't recall the details, but what he said made sense, and we agreed at that time that we would start our program. He advised us to do it quietly. He referred us to some people in the public schools, placement directors, and we followed his advice right on through which may be in part the answer to your question, Mr. Chairman, why we didn't publicize it.

He recommended that we not publicize it, that we just go ahead in a quiet way and start doing it.

If any of you gentlemen at any time would like to visit our bank and see the situation under which our personnel is working, we would be happy to have you come see us.

Mr. ROOSEVELT. Gentlemen, thank you very much for your cooperation.

I, of course, respect Mr. McDuffie and I think at the time he started he had very little help from anybody else.

Mr. McCORMACK. He was working alone.

Mr. ROOSEVELT. The situation has somewhat changed since that time and I hope you would take into consideration the fact that perhaps the very problem which you know here can be alleviated somewhat by some affirmative steps. I mean if we can help and assist, we would be happy to.

There are other organizations in the community who also I know are anxious to confer with you and try to speed up the process.

We do live in a community where 54 or a greater percentage of the population is Negro so, therefore, it is of rising importance that these things move a little faster and that we find solutions for the kind of question that you brought up.

I want to also agree with Mr. Martin that I think you are to be congratulated for the decision you made in July and I hope, of course, it will be implemented in an increasingly more effective manner.

Mr. McCORMACK. It is a growing program.

Mr. ROOSEVELT. Thank you very much, gentlemen.

Mr. McCORMACK. Yes, sir.

(The following letter was subsequently received from Mr. Robert Fleming:)

THE RIGGS NATIONAL BANK,
Washington, D.C., June 17, 1963.

HON. JAMES ROOSEVELT,
Chairman, General Subcommittee on Labor of the Committee on Education and Labor, House Office Building, Washington, D.C.

DEAR MR. ROOSEVELT: On May 29 1963, at the request of your committee, representatives of this institution—Mr. John C. McCormack, executive vice president, and Mr. E. Wiley Stearns, Jr., vice president and cashier—appeared to testify in connection with H.R. 405 "the proposed Federal Equal Employment Opportunity Act." First, let me express my appreciation to you for the courtesies which you and the members of your committee extended to our representatives.

I trust that you will realize that on our own initiative we started a program of employing colored clerks in July 1961 after making proper preparations therefor. I have read the transcript of the testimony of our representatives

at the hearing which, of course, speaks for itself. However, there is one phase that I would like to call to your attention which was not brought out in the testimony as neither of our representatives is as familiar as I with the background of our efforts to see that proper educational facilities were given to all of our citizens, both colored and white.

In 1955 a program known as the White House Conference on Education was undertaken; each State having been requested to appoint a committee in connection with this program. In the District of Columbia the Board of Commissioners appointed me as State Chairman for the District of Columbia. I assume that they selected me inasmuch as I was the head of the largest financial institution and also fairly familiar with educational matters, having been at that time chairman of the board of trustees of the George Washington University. I was glad to undertake this task of public service. We worked very diligently for months and our committees were integrated. There were colored representatives on the committees. To illustrate, I appointed six major committees, one of which, the Committee on Population Changes, was headed by Mr. Woolsey W. Hall, who is a colored man.

Upon my recommendation, Mr. Hall was elected vice chairman of the Citizens Advisory Council to the Board of Commissioners of the District of Columbia, following my election as chairman when that Council was first organized. After many general sessions and subcommittee meetings, we finally rendered our report on November 7, 1955. I had appointed as my vice chairman, Dr. Hobart M. Corning, who then was Superintendent of Schools, and who was a tower of strength. He has since retired. Mr. Hansen, the present Superintendent of Schools, also participated in our deliberations.

I was able to get through the Chairmen's Conference, when the State chairmen met, a resolution that each State would request the Governor and, in the case of the District of Columbia, the Commissioners of the District of Columbia, to appoint a committee to implement the program and motivate the legislation necessary to effectuate the program. I am enclosing two copies of our report and call your attention, in particular, to the last paragraph of my statement as chairman, carried as a foreword. You will note that we urged the Board of Commissioners of the District of Columbia to appoint a committee of outstanding citizens and educators to render further assistance in implementing this report so that the work of the White House Conference on Education might not be a lost effort. On a number of occasions I have brought to the attention of the Board of Commissioners of the District of Columbia, and so did Dr. Corning prior to his retirement as Superintendent of Schools, the desirability of appointing this committee to implement the report, but to date this has never been done. As head of this institution, of which I was then President and am now Chairman of the Board and Chief Executive Officer, I felt that this public service should have been rewarded by the adoption of, at least, some recommendations contained in our report. Mr. Richard A. Norris, now president of the Riggs National Bank, is preparing a statement on his work as chairman of the municipal finance committee of the Metropolitan Washington Board of Trade, on this same subject.

I mention this in view of the fact that I would not expect you or the other members of your committee to know about this and there was an intimation in the transcript of the hearing, at which our representatives testified, that this bank has not used its influence in the District of Columbia by doing as much as it should in this field. I trust that you, as well as the members of your staff, will have the time to read this report which I believe would correct this impression.

We are continuing our efforts on our program but it must be a developing program. It cannot be done instantly and all at once. We know it will develop as time goes on because all bank employees must be trained thoroughly, regardless of race, and they cannot assume higher positions until qualified by experience as well as training. Furthermore, a bank must be careful to check all applicants for employment as they must be bonded and their qualifications are very carefully checked by the bonding company prior to their employment. Therefore, in order that all races may receive equal opportunity I feel it is imperative, as a prerequisite to employment and advancement in position, that educational opportunities not only be provided but be availed of for in today's complex world proper educational background is vital to employment and essential to advancement in any chosen field of endeavor.

I assure you that we are continuing our efforts on the program of equal employment opportunities which we undertook on our own initiative in July 1961.

Yours very sincerely,

ROBERT FLEMING, *Chairman.*

Mr. ROOSEVELT. The committee will now hear from Mr. Murray Preston, vice president, and Mr. Donald Mowbray, assistant vice president and personnel director, of the American Security & Trust Co.

Gentlemen, if you are here, would you come forward?

We are very happy to have you.

Mr. PRESTON. We are very happy to be here.

Mr. ROOSEVELT. I would just repeat to you what I said to the other gentlemen. You are not here to be criticized by the committee, but merely because the national banks were mentioned in testimony we felt we should have a rounded view. We appreciate your willingness to come and to discuss this matter with us.

I believe you have a statement. If you have a few extra copies, we can follow you.

I suggest that you then proceed at your own convenience.

STATEMENT OF MURRAY PRESTON, VICE PRESIDENT, AMERICAN SECURITY & TRUST CO., WASHINGTON, D.C., ACCOMPANIED BY DONALD MOWBRAY, ASSISTANT VICE PRESIDENT AND PERSONNEL DIRECTOR, AMERICAN SECURITY & TRUST CO.

Mr. PRESTON. Thank you, Mr. Chairman, and members of the committee.

My name is Murray Preston. I am a vice president of American Security & Trust Co., here in Washington.

Our main office is at 15th and Pennsylvania Avenue NW., and we have 20 branches at various locations throughout the District of Columbia.

I have with me here today Mr. Donald W. Mowbray, assistant vice president of our company and head of our personnel department.

We are glad to answer the request of the committee's counsel for information as to our employment practices with particular reference to racial integration.

We have had a similar request for information of this nature earlier this year; on February 6, submitted a statement to the Subcommittee on Equal Employment Opportunity at the request of Mr. Duncan Howlett, Chairman of its District of Columbia Advisory Committee.

In its simplest terms, American Security & Trust Co.'s employment policy is strict merit hiring.

Our efforts to seek applicants for employment through staff referrals, the agencies and newspaper advertising has no reference to race differentials whatsoever. All persons who come and apply for employment are given personal interviews in the personnel department, clerical aptitude tests and various psychological type tests in the field of intelligence, motivation, social skills and other relevant criteria. None of our standards for employment has any direct relationship to the race background of the applicant nor are records of the test scores kept on that basis.

Upon successful completion of the screening process, applicants are referred to the head of the department where the opening might be; and, assuming acceptance by the department head, the employee is placed in a trainee status for the job where an opening exists for

which the applicant's suitability has been demonstrated by the screening process, itself.

It is then up to the new employee to meet the performance standards of the job in which he is hired. Performance on the job is rated by periodic, systematic reports of supervisors, again without regard to race. This policy is well known and fully respected by the supervisors, the employees, and the management of the company. No employee is precluded from promotion into any job in the company by virtue of his race.

In other than blue-collar jobs, we took on our first colored employee just about 2 years ago. She was a colored girl hired as a teller. Since then, we have employed a total of four additional Negro tellers, only one of whom is no longer with us. We presently have six colored girls employed in our deposit accounting division. Two of our nine runner-messengers are also Negroes.

Salary increases for our colored employees have come right along with others in similar jobs with comparable quality of work produced. The same is true of grade increases.

Of course, there is no differentiation for lunchrooms, washrooms, and other personnel type facilities.

We have experienced no real difficulties or any overt resistance by any of our employees. Furthermore, the acceptance of this policy by the customers of the bank seem to be complete. We have no indication of criticism, much less any serious threats of withdrawal of accounts.

American Security & Trust Co. sincerely believes that the policy and the practices described above are sound for the company and the community. They are fair to all concerned. We have no intention of taking any backward steps now or in the future.

Mr. ROOSEVELT. Thank you very much, Mr. Preston.

Certainly, your policy as described is one which is, I am sure, in complete agreement with the views of practically all the members of this subcommittee.

However, just to clarify the situation and try to find out why seemingly the financial community is somewhat under fire from some of the groups in the community who have been working on this problem, and I think you will agree there is a problem, we note for instance that you hired your first colored employee in a non-blue-collar class just about 2 years ago.

How many have you hired in that area, let's say, over 2 years, over a 2-year period?

Mr. PRESTON. Since that time?

Mr. ROOSEVELT. Yes.

I don't mean Negroes; I mean total number.

Mr. PRESTON. I ask Mr. Mowbray to answer that question.

Mr. MOWBRAY. In the area of customer window people?

Mr. ROOSEVELT. Let's start with that.

Mr. MOWBRAY. My best estimate would be a hundred.

Mr. ROOSEVELT. Out of that number, then, you have four or five?

Mr. MOWBRAY. We have four remaining.

Mr. ROOSEVELT. Four out of a hundred, in view of the complex of the community, is not a very impressive figure.

Why do you think it is that low?

Mr. MOWBRAY. It is our experience that this is a very demanding type of job. It is easy to waste a great deal of our earnings through development effort so we set a very high standard.

These standards have not directly been met by our colored applicants.

Mr. ROOSEVELT. In what areas do they not meet the standards?

Mr. MOWBRAY. Well, of course, they do; it is obvious we have met standards in instances and we are finding a more frequent number of cases in which they do.

I believe I would agree with our friends from Riggs that the frequency with which colored applicants come to the bank is increasing and this has been a gradual matter over these 2 years.

Mr. ROOSEVELT. Would you ascribe this to the fault of the school system?

Mr. MOWBRAY. No.

Mr. ROOSEVELT. Where is the fault?

I mean, after all, as Mr. Pucinski pointed out, the school system has already proved that there is no basic difference between a white person and a colored person as to their capability, so why should fewer colored people qualify under whatever test you set up?

Mr. MOWBRAY. I think the fact that there have been only a gradually increasing number of colored applicants is the large difference that we see here. It is true that out of about 10 white applicants we find one who meets the standard. That is not largely different; somewhat, but not largely different to make it—

Mr. ROOSEVELT. Are you trying to say that the number of white applicants is much larger than the number of Negro applicants?

Mr. MOWBRAY. Through this 2 years, most certainly.

Mr. ROOSEVELT. How much difference is it?

Mr. MOWBRAY. This is very difficult to do other than make a rough estimate.

Currently, we are seeing, now that we are actively advertising, about a 50 percent split.

Mr. ROOSEVELT. About 50-50?

Mr. MOWBRAY. That is right.

Mr. ROOSEVELT. So the situation should be changing from now on?

Mr. MOWBRAY. Should be changing and our experience in the last 2 months bears this out.

Out of the clerical employees, five of them have been hired in the last 2 months. This is increasing.

Mr. ROOSEVELT. Five out of how many in 2 months?

Mr. MOWBRAY. You are speaking in the teller field?

Mr. ROOSEVELT. In the clerical.

You said five clerical. How many total clerical have you hired?

I want to get the ratio of what the five is to.

Mr. MOWBRAY. This I have only in larger areas at the rate of roughly 450 people a year of whom probably 350 might have been in the clerical area.

Mr. ROOSEVELT. You see, five again is a kind of a pathetic figure.

Mr. MOWBRAY. Yes; very much.

Mr. ROOSEVELT. And it just somehow does not make sense that if the situation is getting better it is only still around five out of the total.

What I am trying to get at is somewhere there is something wrong. Fifty-four percent of the population here is Negro. I think there is

proof that the school system is turning them out in adequate number of qualified between white and colored, no different, and, yet, somehow the whites get the jobs and the colored people don't.

There must be some answer to it.

Mr. MOWBRAY. I am afraid I could only make guesses in this area because I am not a specialist in these qualifications.

We do set, as I say, a very high standard both within the bank and in our selection procedures, and regularly receive from 7 to 10 applicants for each person that we accept. This is true both white and Negro.

Mr. MARTIN. Will the gentleman yield?

Mr. ROOSEVELT. Yes.

Mr. MARTIN. Do you have a higher percentage of Negroes who fail your tests that you give them than you do whites?

Mr. MOWBRAY. I suspect so. We have not kept records on this matter. It is a general impression. Frequently, we will have numbers who attempt for a particular job, for instance, a clerk-typist, and we will find that among those their typing skills are minimal and they make 20 words a minute on the skill test. This has happened frequently enough for us to notice it, but it is only a matter of degree among those people that we see many fail.

Mr. ROOSEVELT. Gentlemen, you read the papers; you know what is going on. It seems to me that if you find that this is so, and certainly your own experience shows you that it is so, it seems to me that you should be digging in to find out what is wrong, where, why, and that sometime in the near future you should be able to come before this group or any group and be able to either explain in very concrete terms why the ratio is so heavily in favor of white people who are employed and justified or be able to say we think we have found the trouble and we are going out to do something to correct it.

Now, you don't answer either of those questions at the moment; you just say here it is, and frankly that is not a very satisfactory answer, and I don't think it is going to create a solution to the problem. It is going to cause a lot of searching around to try to do something about a possible situation that I am sure you good people are not going to like if it happens.

I would just have to say that, as far as I am concerned, I hope and urge that you, together with the Riggs Bank, together with the other members of the financial community, undertake to get organized and sit down and find out what you can do about this situation.

I think you will find persons willing to sit down with you and discuss it and work out the problem. The quicker you do it the more likely it is that (1) we don't have any troubles which none of us want in the community; and (2) that you really will be creating an equity in the situation which obviously does not exist today.

I think we have enough testimony from ourselves, from the Riggs people, from the Chesapeake & Potomac Co., from everybody, that there is no sound economic reason why it can't be done. There is acceptance of the policy when you put it into effect on every level, including the public level, and certainly the ability to get these people so that they become a more contributing part of the community is going to help the economic situation in the entire Washington area.

So, we would just express that hope to you.

Mr. MOWBRAY. I am sure Mr. Preston will agree this suggestion will have our consideration.

Mr. PRESTON. Indeed; indeed.

We make no case here today for the committee that we have solved all of our personnel procurement or promotion problems. We do present this as a fair statement of the point to which we have come at this time.

We believe that the policy set up is sound for us in that it does give us good personnel qualified for the jobs that are open.

I can say I think without any question by anyone in the bank that those Negro employees whom we have taken are just as good in their jobs as the white people, on the average, in their jobs.

Mr. ROOSEVELT. You have given every evidence that we ought to do something more about it.

Mr. PRESTON. I think that validates the screening process which we have. There has been an excellent acceptance by the bank personnel as a whole of the colored employees in the jobs in which they have been placed.

I don't think it is unfair to say that these are not "Uncle Tom" types which we have. I know, personally, that they are not. They are competing for the jobs on the same basis as the whites, and they are performing the jobs in almost identical job performance results with the whites.

Mr. ROOSEVELT. Basically, then, there should be no reason why it should not be as high a successful ratio of Negro applicants to white applicants. The fact is it is not so today and the fact is, therefore, we have to find out why.

Mr. PRESTON. Yes; to a very great extent, that is true, Mr. Chairman.

I think that the statements that were made on behalf of Riggs here that traditionally here in past years, and this is a fact that we have got in the history books, the financial community has not employed Negro clerical help. We are now beginning to do so.

The job referral agencies, the employment agencies have the information fully from us that we are seeking good qualified Negro employment, and I mean that.

I just checked with Mr. Baker this morning if I could say that, and he said "Yes."

Mr. ROOSEVELT. That is encouraging, and all I can say is let's get out of low gear and get into high gear.

Mr. Pucinski, will you take over? I have to leave. If you will, bear with the other members of the committee.

Mr. PRESTON. Thank you, Mr. Chairman.

Mr. PUCINSKI. Mr. Martin?

Mr. MARTIN. I have no questions.

Mr. PUCINSKI. Mr. Hawkins?

Mr. HAWKINS. I just merely want to commend the witnesses here, both the ones here, as well as the ones representing the Riggs Bank.

We have had many witnesses to come before this committee who have actually, I think, lied about their practices.

I think that it is a wholesome position that we have witnesses who say that they have had a distinct change in their policy; they are not trying to cover up; and who will make forthright statements that

I think have been made here this morning. I don't agree that they have progressed as fast as I would want them to progress, but neither am I a banker.

At least, they have been forthright in stating what their policy actually is, that it was a distinct change as of a particular date, and that as of the present time this is the policy that they intend to follow.

I think they should be commended at least for that forthright position they have taken.

Mr. PUCINSKI. I have one question.

What happened 2 years ago that made you change your policy?

Mr. PRESTON. We had a couple of bank acquisitions, mergers, in 1958 and 1959. Following those transactions, we found that in our own personnel performance, our own efficiency on the job, we were not as good as we wanted to be. We employed a consultant who came in to review the entire personnel policy concerning applicants, intake, promotion, screening; a review from all the various viewpoints. He advised with us over the course of a year and a half, 2 years. He was a professional in this field, originally a Bostonian.

When we got all of the recommendations and all of the proposals under consideration by the management, itself, it became clear that one of the areas in which we might help ourselves was the opening of our clerical employment to—I mean the public opening of it—to well-qualified Negro applicants who would compete for the job and on the job on exactly the same basis as the white employees.

Mr. PUCINSKI. In other words, you people were shown that your policy of discrimination was, in effect, hurting the pocketbook, too?

Mr. PRESTON. Well, actually, I would hate to admit that there was a policy of discrimination prior to that.

Actually, I think it is more accurately stated that we just never faced up to the problem.

Mr. PUCINSKI. Let's rephrase it.

Let's say that you found that your failure to attract competent Negroes as part of your working staff was affecting your business.

Mr. PRESTON. We found that that was probably true. Our policy and our experience is somewhat different from Riggs in that we do not as a matter of company policy start each employee on the very bottom rung of the ladder. They can move onto the ladder at the level in which the screening process seems to indicate their abilities.

Mr. PUCINSKI. It just seems to me, Mr. Preston, that more and more all over this country businessmen are beginning to realize as a reality, they learned it in Birmingham, for instance, you can't on the one hand discriminate against the Negro and yet expect him to go ahead and patronize the central business district.

They learned it yesterday, I believe, in Tennessee, and this is hopeful.

It certainly shows that perhaps we are going to be able to eliminate this discrimination when the business community recognizes that there is an economic factor involved here.

I am very grateful for your testimony.

I agree with Mr. Hawkins that it is refreshing to see witnesses come before the committee and say: "All right, we were wrong up until 1961; we did some surveys; we found we were doing the wrong thing. We are doing the right thing now."

Like Mr. Hawkins, I am hoping there is going to be greater opportunity.

I would like to ask you this final question.

As I said to the gentleman from the Riggs Bank, I am not a supporter of tokenism. An employer comes before this committee and says, "I have 1,000 workers and I have 100 Negroes." Who sets the quotas? Who sets the formula? Who says that you are supposed to have 10 percent or 8 percent or 6 percent or 15 percent?

What I am more interested in knowing is whether or not in your company today there is an atmosphere that a youngster graduating from high school, regardless of his racial origin or religious background, that that youngster can look at your bank and say, "There is a place that if I want to go to work and if I have the qualifications, I can go to work; I am going to be treated right; I have an opportunity to get a job there, and I can progress in that bank like any other employee, regardless of what the color of my skin is."

In other words, what I am trying to get at is this: The atmosphere that now prevails at your institution.

Mr. PRESTON. I am going to give you a very frank answer, Mr. Congressman.

That is a hard question for me to answer. That calls for a subjective answer that is difficult for me to state accurately. You are asking me what somebody else is thinking.

I can say this, that we are actively promoting the atmosphere which you describe. Whether we have been successful on this point, that a given colored man or a given colored girl has really and sincerely the idea that he or she can progress to any point they choose, is something which I do not really know.

I can say this, however, and I am being just as frank as I can now—I don't want to, you know, put a lot of whipped cream on this thing—I don't know whether we have succeeded in that or not.

Our intent is to succeed along that line.

I can give you an instance of this in-grade promotion situation as it is now. I don't know whether it is on the record or not, but one of our colored tellers, a young lady, is a particularly good one. She has made an excellent impression on her fellow employees and on the customers that are served at that branch.

We are seriously considering now whether or not to train her as a new accounts clerk, which is an extremely important job in that bank. That is the bank's first contact with the new customer. We have under consideration at this time the question of whether or not this young lady should be taken out of the job that she is doing very successfully now and moved up into a much more difficult and more delicate job so far as she is concerned, and, so far as the bank is concerned.

Mr. PUCINSKI. Then we are moving in the same direction.

The point I am trying to make is that I am much more impressed by an employer who comes before this committee and says, "Look, we do not practice any kind of discrimination; we hire people on the basis of their qualifications, and if we have 100 employees and 100 Negroes came here and they were qualified, we would wind up with 100 Negro employees."

The point that I am trying to make is that we must create an atmosphere where an American can feel secure that he can go to any em-

ployer in America, regardless of what his color or creed is, and if he has the qualifications and there is a need for a job in that employer's office that this young person or this old person can qualify for that job.

I think that is the purpose of this legislation.

I am much more impressed with an employer like that than one who comes here and says, we have 5 Negroes working for us out of a labor force of 300. That does not impress me at all because this is tokenism. It is token hiring of people to stay with some sort of a spirit of either the community or what have you, and this is why I am encouraged by your testimony.

This young teller that you are now thinking of promoting to a more responsible position would indicate that where a person has qualifications, that person can get hired in the first instance and can progress in the second instance. This is utopia that we are trying to have in America, and I hope that we do it some day.

You have been very helpful to the committee.

We are very grateful to you.

The committee will stand adjourned, subject to the call of the Chair.

(Whereupon, at 12 noon, the hearing adjourned, subject to the call of the Chair.)

EQUAL EMPLOYMENT OPPORTUNITY

THURSDAY, JUNE 6, 1963

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 2 p.m., pursuant to call, in the caucus room, Old House Office Building, Hon. James Roosevelt, chairman of the subcommittee, presiding.

Present: Representatives Roosevelt, Pucinski, Daniels, Hawkins, Ayres, and Martin. Also present: Representative Frelinghuysen.

Staff members present: Jay H. Foreman, subcommittee counsel and Adrienne Fields, subcommittee clerk.

Mr. ROOSEVELT. The committee will come to order, please.

This is the last day of scheduled public hearings on H.R. 405 and related bills. We have the pleasure and the privilege of having as our last witness, our most distinguished witness, the Honorable W. Willard Wirtz, Secretary of Labor, and Vice Chairman of the President's Committee on Equal Employment Opportunity.

Mr. Secretary, may I, on behalf of the committee, welcome you? I would like to take this opportunity, Mr. Secretary, to express my own appreciation and that of, I am sure, the full committee, for the splendid cooperation we have always had from the Department of Labor, particularly from the Solicitor and the other members of your staff.

It is difficult sometimes to express individually these thanks. I hope you will convey them for us.

Secretary WIRTZ. Thank you very much, Mr. Chairman.

**STATEMENT OF HON. W. WILLARD WIRTZ, SECRETARY OF LABOR;
ACCOMPANIED BY JOHN F. HENNING, UNDER SECRETARY;
JAMES E. JONES, OFFICE OF THE SOLICITOR, DEPARTMENT OF
LABOR, AND ROBERT E. NAGLE, ASSISTANT TO THE EXECUTIVE
VICE CHAIRMAN, OF THE PRESIDENT'S COMMITTEE ON EQUAL
EMPLOYMENT OPPORTUNITY**

Mr. ROOSEVELT. I understand you have a prepared statement, Mr. Secretary. We would be happy to have you proceed as you wish.

Secretary WIRTZ. Mr. Chairman, may I first express my very real appreciation not only for the opportunity to be here in connection with this particular program, but for the opportunity to express the great satisfaction which we get from being able to work with you, sir, and the members of this committee on these matters of our common concern.

It adds not only a touch of grace, but of real value, when you say what you have said about the work of the members of the Department of Labor. I shall be very glad to communicate the message to them.

I have with me today Mr. John Henning, whom, I think you and members of the committee know as the Under Secretary of Labor; Mr. James E. Jones, of the Solicitor's Office, and Mr. Robert Nagle, who is Assistant to the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity.

Mr. ROOSEVELT. We would like to welcome them also, Mr. Secretary. The Under Secretary, of course, is an old friend of mine of many years, as well as a fellow Californian. I didn't want to miss the opportunity of adding that.

Secretary WIRTZ. With respect to the presentation, Mr. Chairman, although in most cases it has seemed to me to be to the advantage of the committee, I think that I would suggest a paraphrase of the statement, I should like today to follow rather closely the format of the statement as submitted, for this reason:

In my own view, the gravity of the matter, the importance of the matter which we are considering here is such that there would be great danger if my statement about it was not carefully made.

I have, in the statement which I have filed with the committee, limited myself almost entirely to the presentation of factual material of one kind or another on the theory that that can be most helpful to the committee in connection with its deliberations.

So, if I might, I should prefer to follow this written statement fairly closely, departing from it as particular occasions may develop.

Mr. ROOSEVELT. That will be fine, sir.

Secretary WIRTZ. I will spend no time on a statement of position with respect to this whole matter, except simply to say that with respect to every aspect of the intent to establish in practice and, in fact, the principle of full equality of employment opportunity, we want to support anything that moves in that direction.

With respect to the matter of unemployment and the matter of opportunity to work particularly, I propose to rest only on the statement which President Kennedy made 2 days ago, which is as follows:

Denial of the right to work is unfair, regardless of its victim. It is doubly unfair to throw its burden most heavily on someone because of his race or color * * * Unemployment among American Negroes—and the resulting economic distress and unrest—pose serious problems in every part of the country.

I should like next, Mr. Chairman, to give you the most complete picture we can in terms of statistics of the situation which we are here discussing. I have prefaced the presentation of these statistics with this warning statement, a warning to myself and to anyone else:

There are several sets of figures which are very important in this field. One is the figures for unemployment, itself, which I propose to give you on the basis of the distinction between the white and the nonwhite situation.

I cannot emphasize too strongly what seems to me the necessity of weighing these figures along with figures which show at least two other things.

One is the direction in which we are moving in this particular situation, and the other those figures which bear upon the fact not just of unemployment, but of some of the reasons for unemployment, in-

cluding particularly those factors which have contributed in some case to a difference in qualifications for participation in certain kinds of work.

The hard central fact is that among male family breadwinners, the unemployment rate today among nonwhites is three times what it is among whites.

The percentage figures are 9 percent for nonwhites and 3 percent for whites in that particular group. If you look at the younger workers, age 14-19, the picture is that the unemployment rate today for whites is 12 percent, for nonwhites, Negro boys and girls, it is 24 percent.

The total number of nonwhites in the civilian work force is 8 million, which represents 11 percent of the total work force. Compare with that the fact that there are in this work force today 600,000 men and women who have been out of work for more than 26 weeks, and more than 1 out of every 4 in this group of long-term unemployed is nonwhite.

So, where the Negro constitutes only 11 percent of the work force, he makes up 25 percent of the hard-core unemployed figure. Nonwhite workers are also increasingly bearing the brunt of involuntary part-time work.

The proportion of employed nonwhites working part-time in non-farm industry for economic reasons is 10 percent, which is more than triple the 3-percent rate for whites. Significantly, this rate has been moving up for nonwhites for the past 6 years, but has remained virtually unchanged as far as white employees are concerned.

Furthermore, the Negro has fallen steadily and consistently behind in terms of unemployment. In 1947, the nonwhite unemployment rate was 64 percent higher than the white. In 1952, it had gone up to 92 percent.

In 1957, it was 105 percent higher, and last year, in 1962, it was 124 percent higher. Furthermore, when the Negro is employed, it is a significantly different kind of employment from what the white worker finds available.

Thus, for example, 17 percent of the employed nonwhites have white-collar jobs. The corresponding proportion among white employees is 47 percent.

Take the converse of that: In nonagricultural industries, 14 percent of all employed nonwhites are unskilled laborers. The corresponding proportion among whites is only 4 percent.

Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half percent of all professional engineers are nonwhites. There are no more than 3 percent of male Negroes employed in each of 19 of the 26 standard professional occupations for which we have data; for example, accountants, architects, chemists, farm assistants, and lawyers. These numbers are depressingly small.

There were only about 250 professional male Negro architects in 1960; the largest number in any of the 19 professions was about 4,500, which is the figure for doctors.

These are the raw statistics of an imperative demand. This demand has got to be met. It is vitally important that it be met in a manner which recognizes all the elements in the situation.

It will prejudice the meeting of this demand if there is any failure to recognize the degree, inadequate though it is, by which an advance on the objective is now being made.

The average wage and salary income of nonwhite males has increased by seven times since 1940. Twenty-odd years ago, the income of the nonwhite male was about 40 percent that of his white counterpart; today, it is about 60 percent.

The percent of nonwhite men working as skilled craftsmen more than doubled between 1940 and 1962, as did the percentage in professional and technical professions. In each of these groups, nonwhites gained faster than whites.

The number of nonwhites working in Federal, State, and local government quintupled since 1940 and now totals about 12 percent of all such employees.

Back in 1948, 1 out of every 250 nonwhite families had an income of \$10,000 or more a year; now that proportion is 1 out of every 18.

The proportion of nonwhite families living in homes they own has gone up by more than 50 percent since 1940.

The life expectancy of nonwhites, at birth, has increased by 10 years since 1940.

These are gains. They do not reduce, however, the impact of the current statistics of unequal employment opportunity.

There is another factor in this situation which must of necessity be given full account.

The disparity between the white and the nonwhite unemployment figures reflects in part the fact of differences in white and nonwhite worker qualifications for the skilled and semiskilled jobs which make up an increasing proportion of the total of jobs available. This difference must also be eliminated.

Any approach to this situation which leaves out either the fact of discrimination or the fact of different qualifications—and the necessity for eliminating both—is incomplete.

Qualification for skilled and semiskilled jobs is basically—but not entirely—a matter of education. So these facts become relevant:

In 1940, about 55 percent of the nonwhite school age population was actively enrolled in school; today it is about 73 percent.

The biggest gains in school enrollment have been made among nonwhites in the critical early teenages—14 to 17 years of age. Among these, the proportion enrolled in school has moved up from 68 percent to 87 percent since 1940.

As a result, the proportion of nonwhites recently finishing school and who completed 4 years or more of high school has increased 3½ times—from 12 percent in 1940 to 42 percent in 1962.

But today, the average education attained by the young adult white population is above the 12th grade (or high school graduation) level; for nonwhites, this average is barely at the 11th grade level. Twice as high a percentage of young adult whites as of nonwhites carry their education through at least 1 year of college.

These are the statistical facts of the current inequality of employment opportunity, of discrimination in hiring and promotion practices, and the facts of different qualifications for employment.

I turn now to a summary of the existing programs of the Federal Government which are directed at meeting this situation.

The most direct approach is in the establishing of an equal employment opportunities standard—and in the requiring of adherence to this standard—in the area of employment within the Federal Government and by Government contractors.

Executive Order No. 10925 was issued by President Kennedy on March 6, 1961. It established the President's Committee on Equal Employment Opportunity. Vice President Johnson has been the active Chairman of this Committee and has devoted much of his extraordinary energies to its program.

New and significant concepts were embodied in the President's action which distinguish it from previous Federal efforts to eliminate discrimination in these important areas. For the first time in Executive Order 10925:

1. A single committee was appointed to coordinate and initiate programs in both the Federal and the Government contract employment fields.

2. An obligation for "affirmative action" to provide equal employment opportunity was impressed both on governmental agencies and contractors.

3. Means of assuring compliance, including provision for the use of contract debarment procedures, were authorized.

As Vice Chairman of the President's Committee, charged with "general supervision and direction of the work of the Committee and of the execution and implementation of the policies and purposes of * * * [the] order," I can report that in the 2 years of its operation the Committee, under the leadership of the Vice President, has produced significant result in both Federal and Government contract employment.

Personnel files of employees have been reviewed to locate any underutilized personnel.

Training programs to permit promotion and transfer from jobs which restrict opportunities for promotion have been instituted.

Employees and supervisors have been instructed in the new equal employment procedures.

A complaint procedure is in operation, and it provides not only for investigation but also for the correction of any instances of discrimination.

As of April 30, 1963, the Committee had received 2,156 complaints relating to Government employment, more than twice the number received by its predecessor Committee during the entire 6 years of its life.

To date, two-thirds of these cases have been closed; corrective action was found necessary and was taken in 38.3 percent of the cases.

Recruiting programs have been enlarged and broadened to embrace colleges and universities with predominantly Negro student bodies to insure that no person or group is overlooked or excluded from the Government's efforts to hire the most qualified applicants regardless of race or creed.

Where appropriate, suggestions have been made which would strengthen the curriculums of these schools in order to enhance the opportunities of their graduates to secure governmental positions.

This program has already paid off. The Committee's annual census of employment in the Federal Government shows that in the period

June of 1961 to June of 1962, the number of Negroes employed by the Federal Government increased by more than 10,000.

Over half of this increase took place in the middle grades (jobs paying from \$4,500 to \$10,000 annually), an increase of almost 20 percent and a rate of increase over three times the rate of all employees in those grades. Even more dramatic progress was achieved in the higher grades, where the number of Negroes at or above GS-12 increased over 35 percent.

These are encouraging results; but more remains to be done—and is now underway.

At its meeting last week, the President's Committee requested the Civil Service Commission to direct Federal agencies to cease recruiting visits to, and acceptance of referrals from, business or secretarial schools, employment agencies or training institutions which are not operated on a nondiscriminatory basis, and to cease training employees at such places.

This policy will end official use of such schools, agencies, or institutions in connection with Federal employment. It should be understood, however, that graduates of schools that do not comply with this policy will still receive consideration for employment on their individual merit.

In the field of Government contract employment, Executive Order 10925 requires contracting agencies to include in their contracts a set of provisions designed to insure not only that Government contractors will not discriminate but that they—

will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.

The processing and disposition of individual complaints against Government contractors is a primary responsibility of the Committee. Thus far, 914 complaints have been fully investigated and corrective action has been taken in 641 cases. This 70-percent correction rate contrasts with a 20-percent rate under the previous Committee.

These cases have provided more than a basis for adjudicating the rights of the individual complainants; in many of them where corrective action was indicated, the Committee and the contracting agencies have been able to effect a change in the general pattern of employment of the company involved.

Surveys of the compliance reports which Government contractors are required to submit have also been utilized to attack discriminatory patterns of employment in industries or geographic areas.

In conjunction with these compliance efforts, the President's Committee has also undertaken two programs to secure the voluntary cooperation of employers and unions in promoting equal employment opportunity—"Plans for Progress," as they involved the participation of the companies, and "Programs for Fair Practices," as they involve the cooperation of the unions.

"Plans for Progress" have been signed with 105 companies employing more than 5 million persons. These firms have agreed to take leadership in removing unjust discrimination in employment. Data thus far available indicate that almost 25 percent of the new hires of these companies have been of minority group members—including significant numbers in classifications such as sales from which they were previously almost entirely excluded.

Of course, signatories to these plans remain subject to review under our contract compliance activity and secure no exemption from such compliance by making the voluntary commitments contained in the "Plans for Progress."

In fact, the Committee is now engaged in intensive followup efforts to review the action being taken under these agreements—company by company, plant by plant, union by union, and local by local.

"Programs for Fair Practices" have been signed with 118 international union affiliates of the AFL-CIO, which have a combined membership of almost 13 million workers. These programs enlist the active support of the international union officials in the Committee's efforts to end employment discrimination. A questionnaire is being circulated to each of these unions asking for a progress report on their efforts.

In his June 4 statement, 2 days ago, President Kennedy asked—that all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training.

On the following day, which was yesterday, I set up a 50-man task force to make this review. It will be conducted on an on-the-site basis. The first inspections are being made today. We will have preliminary reports on from 50 to 100 projects, in all parts of the country, within a week. We will use the full sanctions provided in Executive Order 10925 if violations of its terms are disclosed and are not corrected.

The President has also announced 2 days ago his intention to issue, shortly, an Executive order extending the authority of the Committee on Equal Employment Opportunity to include construction of buildings and other facilities undertaken by States, local governments, and private agencies under Federal grant-in-aid programs. This will extend the prohibition against racial discrimination in hiring practices to all such projects.

(The following table was submitted by Secretary Wirtz:)

Special survey of employment practices in Federal construction—Summary by city (revised)

City	Project	Total employees	Negro employees	Total journeymen (non-laborer)	Negro journeymen (non-laborer)	Total apprentices	Negro apprentices
Aiken, S.C.	Savannah River Plant	314	70	238	11	8	0
Alameda, Calif.	Carehart housing	205	43	168	18	5	1
Atlanta, Ga. (Robins AFB)	100-family housing units	61	37	25	6	1	1
Austin, Tex.	Post office and FOB	175	64	81	2	7	0
Baltimore, Md.	OAST extension to annex	84	27	55	9	6	1
Brooklyn, N.Y.	Courthouse and FOB	58	2	41	2	2	0
Charleston, S.C.	Housing project	35	21	19	6	1	1
Chicago, Ill. (Great Lakes)	Recruit messhall	17	1	13	0	0	0
Cincinnati, Ohio	Federal office building	280	66	183	5	16	0
Clarksdale, Miss.	Post office and courthouse	30	14	14	2	0	0
Cleveland, Ohio	VA hospital	315	44	242	8	15	1
Dayton, Ohio (Wright-Patterson AFB)	Air Force Technology Institute	68	9	40	4	1	0
Denver, Colo.	Federal courthouse	227	3	184	3	14	0
Des Moines, Iowa	Veterans hospital	62	3	46	0	16	3
Detroit, Mich.	INS remodeling	10	2	9	1	0	0
Dyersburg, Tenn.	Post office and FOB	26	2	21	0	0	0

Special survey of employment practices in Federal construction—Summary by city (revised)—Continued

City	Project	Total employees	Negro employees	Total journeymen (non-laborer)	Negro journeymen (non-laborer)	Total apprentices	Negro apprentices
East Orange, N.J.	VA Hospital Center.....	55	14	25	0	2	1
Gainesville, Fla.	Post office and courthouse.	36	12	18	1	0	0
Huntsville, Ala.	NASA Saturn superstructure.	156	18	113	2	2	0
Kansas City, Mo.	Bendix AEC plant.....	51	0	45	0	1	0
Los Angeles, Calif.	FOB.....	210	73	137	13	14	1
Louisville, Ky.	Radio telescope building No. 19.	5	1	3	0	1	0
Memphis, Tenn.	Courthouse and FOB.....	163	23	116	3	17	0
Mercury, Nev.	Space nuclear weapons testing ground.	1,352	228	1,469	29	9	0
Miami, Fla.	FOB.....	105	21	74	0	9	0
Middletown, Pa.	Olmstead AFB.....	105	10	65	1	9	0
Mobile, Ala. (Dauphin Island).	PHS Shellfish Research Center.	37	11	24	4	8	4
Montgomery, Ala.	Elementary school.....	46	31	20	9	2	0
Muskogee, Okla.	Alterations VA hospital.....	13	3	8	0	1	0
New Orleans, La.	Saturn installation.....	199	59	148	13	3	0
New York, N.Y. (Foley Square).	Courthouse and FOB.....	25	4	18	4	2	0
Newark, N.J.	515 Mount Prospect housing project.	103	28	64	19	8	0
Norfolk, Va.	Naval Capehart housing..	369	175	240	62	6	0
Oak Ridge, Tenn.	ORNL.....	522	15	388	9	13	0
Philadelphia, Pa.	Va hospital renovation.....	59	11	43	0	5	0
Pittsburgh, Pa.	FOB.....	333	25	264	3	16	0
Princeton, W. Va.	Forest Marketing Laboratory.	13	1	9	0	0	0
Richmond, Va.	Post office station.....	55	28	13	3	0	0
St. Louis, Mo.	Air conditioning, buildings 1 and 2.	106	1	96	0	5	0
San Francisco, Calif.	FOB and courthouse.....	385	28	311	7	35	2
Saunderstown, R.I.	Shellfish Laboratory.....	24	0	18	0	2	0
Shreveport, La.	Air conditioning, buildings 1 and 2.	56	8	36	0	8	0
Tampa, Fla.	FOB.....	64	19	31	0	2	0
Tupelo, Miss.	FOB.....	177	95	73	30	10	0
West Point, N.Y. (USMA).	New cadet library.....	78	2	57	0	5	0
Wilmington, Del.	VA hospital.....	68	7	56	0	5	0
Wood, Wis.	VA hospital.....	398	23	300	11	12	0
Total		7,795	1,339	5,658	300	303	16

Secretary WIRTZ. I call the subcommittee's attention, too, to the current investigation by the President's Committee of the situation in the construction industry in the District of Columbia.

This investigation began as a result of protests by students and officials at Howard University about discriminatory employment practices occurring in connection with the construction of a new gymnasium at that university.

It has confirmed the fact that there is not equal job opportunity in many trades in Washington, D.C. It has also revealed that in some of the trades there is real equality or the beginning of such opportunity.

The figures, I want to add, Mr. Chairman, are roughly these, and I would like to include them because there has been specific question about them and some misunderstanding.

There are about 24,500 people working in the various trades which are represented by 22 unions in this city. Of the 24,530 people, 7,702, as nearly as we can determine it, are Negroes. I think it is important that the record be clarified to correct what I think has been a misunderstanding on that point.

The rest of the picture is that among 15 unions, with a total membership of 12,115, there are only about 46 to 50 Negroes. This picture is one which I think nobody defends, but it is one which no one should exaggerate.

There are two aspects of it. One is that there is substantial Negro employment in the construction industry in Washington, D.C. The other is that there are some unions, too many, in which there has been an experience which has produced the discriminatory practices which have been the subject of severe and, I think, proper comment.

But, I want to make it clear that there are both parts of this picture.

I want to make it clear, also, that there is presently the most complete cooperation being received by the Department of Labor and by the President's Committee on Equal Employment Opportunity from the representatives of the trade unions in the District of Columbia.

We are engaged presently in what are daily conversations about this problem, the most recent of which took place this morning when it was my opportunity to talk about this matter with Mr. J. C. Turner, president of the Greater Washington Central Labor Council, vice president of the Washington Building and Construction Trades Council; Mr. Joseph F. Curtice, who is the executive secretary of the Building and Construction Trades Council in the District, and Mr. Robert McAlwee, the business agent of local 26, of the International Brotherhood of Electrical Workers who appeared before this committee yesterday, I think.

I want to make it clear again, Mr. Chairman, that there is today, in my judgment, the most complete cooperation with respect to meeting the present situation from these representatives of the union movement.

I call your attention to the resolution which has been adopted by the Building Trades Council of the District of Columbia, a copy of which I do not have at hand but would like very much to add to the record, which expresses the unqualified subscription of the council to this principle.

(The above-mentioned resolution follows:)

At the Executive Board Meeting of the Washington Building and Construction Trades Council of April 24, 1963, the following resolution was adopted:

"The Washington Building and Construction Trades Council unequivocally affirms as its basic policy its determination to make fully secure equal rights for all in every field of life and to assure for all workers in our trades the full benefits of union membership without regard to race, creed, color, national origin, or ancestry.

"We support, and are pledged to carry out the policy of assuring and furthering nondiscrimination in union membership, in employment and in apprenticeship training, a policy mandatory and binding upon this Council by previous actions of the Building and Construction Trades Department, AFL-CIO and of the American Federation of Labor and Congress of Industrial Organization."

Fraternally yours,

JOSEPH F. CURTICE, *Executive Secretary.*

Secretary WIRTZ. I call attention, too, to the fact that we are establishing an information center to work with those who will be entering the apprenticeship trades in the District of Columbia, and that there is full participation by the District of Columbia Building Trade representatives in this particular enterprise.

I want to call attention, too, to the figures which bear on the importance of the apprenticeship problem, which has been the subject of a good deal of attention and concern here in the District of Columbia.

There has been, beyond any possibility of denial, discrimination in connection with the admission of younger workers to the apprenticeship program.

It has been an important factor in this situation. I have two things to point out to the committee in this connection, however. One is that we are engaged currently, again on the basis of day-to-day negotiations or conferences, with representatives of the building trades in the District of Columbia, to work out the specific changes that must be made in these apprenticeship programs.

There will be apprentices added or apprenticeship programs started in most of the building trades within the next 30 days. There is every effort being made, with every reasonable expectation of favorable results, to see that there is no discrimination whatsoever in connection with this particular matter.

But, I want to point out that the possibilities of immediate accomplishment in connection with the revision of apprentice practices has to be recognized as limited. It will be possible, in my judgment, to eliminate discrimination in the apprenticeship programs in the building trades in the District of Columbia, and eventually on a broader basis.

But it must be clear that there will be probably only between two and three hundred total apprentices admitted of all races in the District of Columbia this year, and I don't want to permit there being any misunderstanding of the possibilities of large-scale accomplishment in that connection.

The other thing I want to make as clear as I can, in terms, I think, of this broad statement:

On the basis of our conferences and conversations with representatives of the building trades in the District of Columbia, I am completely confident that not as a matter of principle alone, or as a matter of theory, but that as a matter of hard practice and rule there will be no further discrimination, as far as entrance to apprenticeship programs in the District of Columbia is concerned, and there will be no discriminatory exclusion on any racial basis of qualified workers from construction in the District.

This is a deliberate statement which is made with full realization of its breadth, with full realization that there will unquestionably be, inevitably, as there is in any program, some deviation from that particular pattern.

But the statement is made on the basis that anything of that kind brought to our attention can be and will be recognized.

Mr. MARTIN. Mr. Chairman, may I ask a question to clarify a point?

Mr. ROOSEVELT. Mr. Martin?

Mr. MARTIN. You referred, Mr. Secretary, to the fact that only about 200 to 300 Negroes would be brought into the apprenticeship training programs this year. What is the total figure?

Secretary WIRZ. No. That is the total figure. That is my point, Congressman. There has been a good deal of exaggeration of how

much we can accomplish, and how fast. Because of the current employment situation in the building trades, although we can't tell for sure, the total picture will be probably only between 200 and 300.

I make the point to indicate that we are not entitled to hope for too much as far as this particular point is concerned in the immediate future.

Mr. ROOSEVELT. Mr. Secretary, may I say that the thing that disturbs me about that is that on the other hand, you have already said that it has proven exceedingly difficult to find Negro workers in the District who are qualified to fill the available jobs and who desire to take them. Then, in the next breath you say there will only be 200 or 300 that can be taken into the apprenticeship program.

It seems to me that somewhere that is an indication that there needs to be a little rethinking about having a special kind of apprenticeship training program which will make available a training program so that you cannot have the kind of a situation which you say now exists, that is, an inadequate supply of qualified people.

Secretary WIRTZ. I agree completely, Mr. Chairman. This must be done as part of a broader program which meets these other parts of the problem, not only in connection with the apprentices, but in connection with already qualified workers.

And, as you suggest, in connection, too, with the qualifications of people for apprenticeship programs, because that is going to be a problem, too.

Mr. ROOSEVELT. It has been pointed out to us by some of the labor people who came here that part of their problem is that they have long waiting lists, and even though they may not discriminate today the first Negro to get in there without bumping or displacing somebody, will require a considerable amount of time.

This, of course, occurred because there was discrimination in reverse. I suppose my direct question would be: Does the Department of Labor believe that under the Manpower Retraining Act, or any other legislation, it can initiate, on its own, some kind of program today to take up the slack, if necessary, by a special apprenticeship program which would make these people qualified to apply for the jobs that you now say there will be no discrimination against them when they apply?

Secretary WIRTZ. May I answer your question, Mr. Chairman, in terms of a point to which I was coming later in my testimony, but which applies here with direct relevancy, and reply in terms of two programs?

In his statement which he issued 2 days ago, President Kennedy also issued instructions to me as Secretary of Labor that in the conduct of my duties under the Federal Apprenticeship Act and Executive Order No. 10925, that I should require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis.

In carrying out this directive, I have now, as of last night, following this Executive order, sent out a letter to the joint apprenticeship committees here in the District of Columbia in all trades, and to representatives of the apprenticeship committees throughout the country in which we have set out standards which are included in my statement here, to accomplish the purpose of nondiscrimination in the

apprenticeship program, the second of which, and bearing precisely on your question, is as follows:

That the apprenticeship program will not be approved from here on either under the Federal Apprenticeship Act of 1937 or for purposes of Executive Order No. 10925 unless those in charge of the programs take whatever steps are necessary in acting upon application lists developed prior to this time to offset the effect of previous practices under which discriminatory patterns of employment have resulted.

This means that with respect to the particular points you raised, if there is a list already prepared, and any discriminatory factors have entered into the preparation of that list, the program will not be approved unless there is compensation for an offset to that fact.

The second part of my answer to your question and to the second part of it is—

Mr. PUCINSKI. Before you go to that, Mr. Secretary, on that point the youngsters who have been waiting to get into the apprentice program and are going to be bumped now, what happens to them?

Secretary WIRTZ. I don't mean to try to find a soft answer to your question, because I don't think there is a soft answer. This approach, taken in the terms in which it is written will mean that some people who have been on the apprenticeship lists will be bumped off those lists, their places to be taken by qualified nonwhite applicants if they are available.

The only justification for that that I know of, Congressman, and it is not a sufficient and complete justification, is that if the list was originally prepared on the basis of a discriminatory approach, or resulted from a practice of that kind, then those on the list are the beneficiaries of a principle which we cannot accept.

I don't like that answer, and I hope it will be possible to work this out on a basis which will either avoid or minimize that result. We are working on it, not just on the basis of the general principle, but with each international union and each local union on a case-by-case basis, with the hope of avoiding those cases.

But, if we come to that showdown, there is no question what this means.

Mr. ROOSEVELT. Of course, if a youngster had nothing to do with setting the discriminatory policies of that union, he nevertheless is going to be eliminated, as far as contesting or competing for the job?

Secretary WIRTZ. I have answered as the logic of this instruction and its letter would require me to answer. It is with equal candor that I say to you, Congressman, that I have reason to hope we can avoid virtually all of those situations.

I point out that we have a certain degree of flexibility in connection with the total number of apprentices who will be admitted. I hope it will be avoided.

On the other part of your question, Mr. Chairman, it had to do with the broader training program. If it is all right to postpone that and take it up as a final point of the testimony, I would prefer that.

It is obviously one of great importance.

With respect to the situation in the District of Columbia. I should like to refer to only one other fact in this picture. There can be no

disregarding the fact and the implications of the fact that we face a very real problem, particularly at this stage, in identifying and finding those persons, nonwhites, who are qualified both for the apprenticeship program and for hiring on the job as journeymen.

This, too, is the product of the past. We encountered it in particular form in connection with our efforts to clear up the situation at Howard University, finding there the reflections of discrimination in hiring policies, and we immediately set out to find, working with or through the employment service in the District and with the Committee, qualified Negroes who would be entitled to the jobs.

I will tell you that we interviewed over 200 and it was possible to find only a very few who were in a position to do this work and who were interested in doing this work. In my judgment, this is only the reflection of another part of the problem in this situation, which is that the past has resulted both in attitudes of noninterest and in incompleteness in training for it.

But it is part of the problem which we have to face as we move in on this matter here in the District and elsewhere today.

I have covered in my answer to your question some of the material in my statement, and would be inclined not to repeat it, sir.

Mr. ROOSEVELT. Without objection, Mr. Secretary, may we include it in full?

Secretary WIRTZ. Thank you.

I will move to page 13, going to a slightly broader aspect.

In connection with this broad apprenticeship program, we are setting out to meet two needs which it presents through several steps that we are taking through administration of the Executive order and our apprenticeship program.

First, ability of a construction contractor to comply with the equal employment obligations will be determined at the time of contract award.

Once construction is underway it is often difficult, if not impossible, to provide meaningful changes in employment practices on that project, because of changing work requirements and referral or apprenticeship arrangements.

Second, contractors will be given a clearer understanding of what their "Affirmative action" obligations are, particularly as they relate to referrals and apprenticeship.

Third, apprenticeship programs will be scrutinized on a continuing basis rather than on a project-by-project basis.

In connection with the apprenticeship programs:

The Bureau of Apprenticeship and Training has designated four minority specialists to work full time in various parts of the country to promote equal apprenticeship opportunity.

An information center is being established in the District of Columbia to serve as a clearinghouse for information about apprenticeship openings and requirements, and this program will be promoted in other cities throughout the country.

A National Advisory Committee on Equal Opportunity in Apprenticeship and Training has just been established. The Committee is chaired by Under Secretary of Labor Henning and is composed of representatives of employers, labor, education, minority groups, and the public.

This Committee held its first meeting on May 14. At that meeting it endorsed the establishment of local information centers and advisory committees throughout the country, authorized a survey of the racial composition of apprentice programs and a study of the advisability of preapprenticeship programs and urged action to assure compliance with the nondiscrimination clauses required in programs registered with the Bureau of Apprenticeship and Training.

I have referred to the President's action 2 days ago in connection with the apprenticeship program and also to the steps which are already being taken in the Department to follow up on that program.

Next, I want to turn to another area in the administration of what we think of as the equal opportunities program. One of the significant breakthroughs in dealing with the problem we are discussing today occurred with the passage of the Manpower Development and Training Act of 1962.

The act, in my opinion, represents a very correct reading of our education and unemployment returns and their emphasis on the need to make a more perfect match between the jobs we are getting and the people available to fill them.

To train and retrain those who had an inadequate educational background to begin with, and those whose skills are obsolescing under the impact of automation and technological change, is an absolutely necessary condition for any kind of meaningful advance in improving the employment situation generally—and among Negroes particularly.

In less than 10 months of operations, we have approved training and retraining programs covering approximately 44,000 men and women.

Fifteen thousand of these trainees have already been enrolled, and this number is moving up very rapidly now with each passing week.

Of these trainees, 20.3 percent are nonwhites—which is very close to the proportion they represent of the total unemployed in this country.

More than one out of every five nonwhites enrolled in training courses had been unemployed for 52 weeks or more. Fifty-four percent of these met the official definition of long-term unemployed—jobless for 15 weeks or more.

Just as important, is the kind of jobs for which these unemployed are being trained. For example, 27 percent of our nonwhite trainees are taking courses leading to various white-collar jobs—about double the proportion of nonwhites generally employed in these fields.

Similarly, 27 percent are being trained for employment in a number of skilled occupations—four times the proportion of nonwhites generally working in these trades.

We recognize fully, however, that a still larger proportionate impact must be made on those with low levels of educational attainment. While more than 60 percent of our nonwhite trainees have their high school diplomas, only about 30 percent of all the unemployed nonwhites who recently completed their education have that much schooling.

That is the situation in general to which you referred, Mr. Chairman, and very near the root of this whole problem.

Because it is more difficult to give the regular courses of training and retraining to persons of very low educational background, we

have undertaken the support of a number of specially designed programs to help these people.

In such different areas as Norfolk, Va.; New York, N.Y.; New Haven, Conn.; Cincinnati, Ohio; we have contracted with private agencies to give special guidance, counseling, testing, training, and placement to disadvantaged youth—especially those of minority groups. I have directed our staff to step up the pace of these programs.

Mr. ROOSEVELT. Mr. Secretary, could we ask that this committee be kept informed as to the specific figures that are involved in this special guidance and counseling program?

Secretary WIRTZ. In the special guidance program? Yes. Because of the importance that we attach to this program, Mr. Chairman, I get a weekly report on the developments under the plan Training and Retraining Act, which would include this as one of the items.

I would be glad to make that report, which is an internal report but certainly of importance to all of us, on a week-by-week basis.

Mr. ROOSEVELT. Thank you.

Secretary WIRTZ. I am putting special emphasis on these special programs because our initial experience demonstrates the tremendous potentialities for success of these efforts.

The New Haven, Conn., project, for example, is being undertaken in six neighborhoods of high youth unemployment among low-educated groups, especially among minority groups.

These youth are receiving training for jobs in several of the city's largest industrial firms which, as a general policy, do not hire those who have dropped out of school.

These firms have agreed to participate in order to determine the possibilities of preparing disadvantaged young people for gainful employment.

One of the courses involved—that of industrial X-ray technician—will actually be completed ahead of schedule, this week, tomorrow, I think, because of the high motivation of the group. Eleven of the thirteen students in this first group already have been assured of jobs at salaries of \$98 a week.

And so it is with 40 teenage, minority group youth, who dropped out of school, who are in need of occupational training and physical rehabilitation, and who are being given on-the-job training in New York City; 40 migratory farmworkers in southeastern Missouri, being retrained for year-round jobs on and off the farm; 250 young persons being given special guidance, counseling, testing and referral to training in Cincinnati; 100 intractably unemployed Negroes with low levels of literacy in the Norfolk area of Virginia who are being given special occupational training under the sponsorship of Virginia State College.

The numbers so far are small, but each of these projects is showing, in real-life situations, what can be done with these people who were committed, before we started, to lives of frustration and failure.

Mr. ROOSEVELT. Mr. Secretary, may I ask you at that point this question: Once you establish it can be done, then do you think you have enough of a program to make sure that it is done to a sufficient degree to really have an impact on the situation? I think it is fine

to prove that you can do something, but if you don't do it, it doesn't seem to me that you have really accomplished the purpose.

Secretary WIRTZ. It is a very real question, and I think very properly put just at this moment in your minds and, frankly, in ours.

We are at this stage: We are about to complete the first year of the administration of the Manpower Development and Training Act. There was an appropriation of \$70 million. The present expectation is that that will go up to about \$140 million in the next fiscal year.

We are still uncertain as to what will develop with respect to the vocational education program, with respect to the Youth Employment Act, and also with respect to the adult education provision.

Mr. ROOSEVELT. The vocational training program?

Secretary WIRTZ. I should have mentioned the vocational educational bill. I should have mentioned that. The responsible answer to your question would have to take account of the question about the future of these programs.

With our present facilities, we will simply have opened up these possibilities and will not be in a position to exploit them. Depending on what the emerging program is on this broader front, I just don't know whether we will have the full opportunity or not.

Mr. ROOSEVELT. Would you feel that by next January, for instance, you might be in a position to assess these various situations and come back with a more definite answer to this picture?

Secretary WIRTZ. Yes. We will know a good deal more by next January, but I don't mean to suggest any vagueness about the situation now. I think, given the fact of the adoption of the administration proposals in these various other fields, I think the candid answer to your question is "Yes, we will be in a position to take advantage of this experience," except possibly in the particular area that we are talking about right now.

These are extremely expensive programs. We can retrain an individual under the Manpower Development and Training Act, on an on-the-job training program, for \$400 or \$500, and under an institutional program but as part of the regular course, for about \$1,000 to \$1,500.

But when we go into one of these, the expense skyrockets, because it is really a basic education, although only the elementals of it are programed. It takes a lot more time.

I have listed here some of our experiments with it. It may well be that in this concentration on the intractable unemployment, given the situation of the individuals' present lack of basic information, we will not be sufficiently equipped.

The information on this is being brought together right now. It bears very much on this area of minority group employment opportunity. It is a broader problem. It is illustrated most specifically by any man who, without a basic education, now loses his job, not only the youngsters but later on. The information on this is accumulating very rapidly.

I am sorry to have taken so long in answer to your question, but the question is directed right at one of the areas in which we are presently least equipped with full information.

Mr. FRELINGHUYSEN. May I ask a question on this point?

Mr. ROOSEVELT. Mr. Frelinghuysen?

Mr. FRELINGHUYSEN. You mentioned the Youth Employment Act, and the Vocational Education Act, and other pending legislative proposals as bearing on this general question of equality of opportunity.

You mentioned also that the Manpower Retraining Act which Congress passed last year is a major breakthrough. I wonder whether you would care to enlighten the committee as to your views about the advisability of writing in language which would prohibit discrimination in any of these areas. As you know, an effort was made to put in such a provision when the Manpower Retraining Act was under consideration last year.

In my opinion, it was unfortunate that it was not included. We have also been unsuccessful this year in including, generally speaking, any kind of meaningful antidiscrimination provisions in the legislation to which you have just referred.

Specifically, I would think that this is a way in which Congress might be of help in preventing the kind of discrimination that we all agree should not occur, instead of just leaving it up to the Administrator of the act to try to see that there is no discrimination.

How do you feel about these provisions?

Secretary WIRTZ. The next section of my testimony bears on it, but I should prefer, if it is all right, to put it in terms of an answer to your question rather than in the form of the testimony.

It is a matter of the next two or three pages.

Our experience on that, Congressman, has been this: In connection with the administration, not only of the Training Act, but also of the whole employment security programs, is that there has arisen this problem from time to time.

The problem is, to some extent, complicated by virtue of the fact that it is a Federal-State program, so there is the necessity of working out the administrative relationships between the Federal offices and the State offices. There has been some problem of that kind in the past.

There has been great gain in the administration of these programs in most States. There remain, however, some peripheral remaining problems with respect to those, as a consequence of which I am, as I have stated in this statement, proceeding right now to take those actions which will mean these things, without any qualifications or exceptions: That all services furnished by the Employment Security Agency, such as selection and referral—I am at the top of page 19.

Mr. FRELINGHUYSEN. But this is not referring to the question that I asked you. This is referring to what the administration is doing, which I think is commendable. What I am asking you is whether you do not think it would be helpful to have a provision written into the basic legislation saying that there shall not be discrimination in federally assisted programs.

Secretary WIRTZ. My answer to that question would be that everything that is necessary in that area can be done and is being done administratively.

Mr. FRELINGHUYSEN. Are you arguing that we should not put such provision in the legislation? I am not criticizing in any way what you are doing.

Secretary WIRTZ. I understand.

Mr. FRELINGHUYSEN. I am trying to make it easier or to facilitate or to expedite what you are doing, or what you are planning to do. You are not advocating that we should not include such a provision?

Secretary WIRTZ. No. I am not advocating that.

Mr. FRELINGHUYSEN. Would you think it might be helpful?

Secretary WIRTZ. I will limit my statement on that simply to that with respect to which I think I am competent to testify; whether from the administrative standpoint, it seems to be necessary or would add anything to the present situation.

My answer on that is unqualifiedly that I think the present situation without that provision does give me an ample basis for administering it on a completely nondiscriminatory basis.

Mr. FRELINGHUYSEN. Mr. Secretary, I can hardly see how it would not add anything to the powers which you already have if we say that there is to be no Federal money made available to programs where there is discrimination.

How would that not assist you in seeing to it that there should be no funds made available? You are in effect saying, "We can do this without a direction by Congress that the funds shall not be made available," as I understand your position.

Secretary WIRTZ. I am limiting my answer to those programs which are within my administrative authority, and that would be my answer with respect to those.

Mr. PUCINSKI. Would the gentleman yield?

Mr. FRELINGHUYSEN. Yes.

Mr. PUCINSKI. For your information, Mr. Secretary, in the legislation which our committee reported out today, dealing with education, there are various safeguards against discrimination. Not only is this to be made available to all people, but it very clearly spells out in the definition of area vocational education that schools must be available to all residents.

So that subject has been covered by the committee and has been included in the legislation.

Mr. FRELINGHUYSEN. I think the record should show, Mr. Chairman, that the effort was made to include an antidiscrimination provision, and that was rejected by a narrow margin yesterday. There is no protection in the bill as reported out, unless the change was made today. Unfortunately, I was not in the committee today.

Mr. PUCINSKI. If the chairman will permit, it was rejected because it is already in the bill.

Mr. FRELINGHUYSEN. It is not in the bill if it was rejected. I think that is obvious. Again, I am not sure how such language could do any harm in expediting what the administration says it is trying to do.

Mr. ROOSEVELT. Mr. Secretary, may I just make one further inquiry? It may sound like a political question, and I guess it is a political question.

If the vocational training bill or the youth opportunity bill, any of the bills that affect the situation, do not pass, would it not be true that the failure to pass these would make this problem that we have been discussing here considerably more difficult?

Secretary WIRTZ. Yes, it would, Mr. Chairman. I don't want my earlier statement to be misunderstood as a blanket assurance that these programs in themselves will permit us to take full advantage of this

experience which is emerging here, which was the point of your question.

Mr. ROOSEVELT. Thank you.

Secretary WIRTZ. I will summarize very briefly, because it is the same matter which Congressman Frelinghuysen has spoken about, the points on page 19 of my statement, in order to be absolutely sure that there is complete subscription to the established policies of the Department, we are taking additional steps to be certain that all services furnished by the Employment Security agencies, such as selection and referral for employment and for training opportunities, are to be furnished without regard to race, creed, color, or national origin; and office facilities shall be provided and administered on this same basis.

It is a prior condition of approval of training programs that the trainees will be selected and referred for training without regard to race, creed, color, or national origin.

Employment of Employment Service personnel is to be on a merit system basis, without regard to race, creed, color, or national origin, and there is to be provision for review of any allegations of departure from this rule.

I understand your question, Congressman Frelinghuysen, to be exactly in the area, and it is my view that I have the authority to take the full steps with respect to these matters.

Mr. FRELINGHUYSEN. I don't want to belabor the point, but the fact that you have the authority, the fact that you are now spelling out what you call operating rules with respect to no discrimination, does not seem to me to be the same as having Congress write into the law what you now declare is the policy of the administration.

In other words, you say, that, as a practical matter from now on, it is a prior condition of approval of training programs that the trainees will be selected and referred for training without regard to race, creed, color, or national origin.

My question is: Why would your hand not be strengthened if a provision to that effect was written into the basic law with respect to training programs?

I am not saying you can't do it, but you, in effect, may be flouting the views of Congress if they have not been expressed in support of your position. I am not trying to say that we are not reaching for the same objective.

I am saying that we would like to provide you with the weapons that might be desirable in reaching that objective.

Mr. ROOSEVELT. If the gentleman will yield to the Chair, it doesn't seem to me that the Secretary should be asked to pass upon the propriety of legislative action. That seems to me to be up to the legislative branch to do what it thinks it wants to do and should do.

Mr. FRELINGHUYSEN. I am not asking a question about the propriety of legislative action, Mr. Chairman, I am asking a question as to the advisability of writing into the legislation language which would be helpful in the administration of that legislation.

It has nothing to do with the propriety of the legislation. Of course, the legislation is proper or we wouldn't be enacting it. I assume that.

Mr. ROOSEVELT. But, I think the Secretary has answered you directly when he has said that he has, he believes, the power, administratively,

to do what he has outlined in his testimony, and that he is proceeding to do it.

Now, in my view, I would endorse what the gentleman from New Jersey has said, and my vote in the committee, I think, will show that I do endorse what he has said, to the point that I think it is important to establish a Government policy beginning on the legislative level.

I have supported and will support, therefore, this declaration of policy in legislation of the kind we have under discussion. But I think it is only proper to say, and I don't want to put words into the Secretary's mouth, that that is up to us. He is proceeding with powers that he understands he has today. I think it is up to us to decide.

My own view is that those who have not been willing to go along with a declaration of the committee have done so for political reasons relating to the ability to get the legislation to the floor and successfully passed into law.

My own feeling is that that is not a sound argument, that if the issue was properly presented, and if the proper cooperation between Republican members on the Rules Committee and the Democratic members was forthcoming, that is not an impediment.

But it certainly is a reasonable ground, based upon the past, to feel that there might not be that cooperation between the Republican members and the Democratic members, who give lip service to this kind of principle, and that the bill, therefore, might be killed before it had an opportunity to become law.

That seems to me a reasonable judgment. I happen to disagree with that philosophy now because I happen to believe that the time has come to face that basically, across the line, and I think that is what the gentleman from New Jersey feels, too.

Mr. FRELINGHUYSEN. I only wish there were more on the gentleman's side of the aisle who felt as he did and had the courage of his convictions. I do not feel this is a matter of political expediency, but it is a matter of principle. I think it would be helpful if the administration would speak up and say, "It will help us execute these laws without racial discrimination if we had some language which would prohibit such actions."

We know, Mr. Secretary, do we not, that we must acknowledge that the existing vocational educational programs in this country in many cases are subject to racial discrimination? If we are going to expand the Federal role in this area, it would seem to me obvious that we must try to prohibit such discrimination. Would you agree with me or not?

Secretary WIRTZ. Congressman, you know my feeling on this matter from previous discussion.

Mr. FRELINGHUYSEN. I wish you would help us, then, Mr. Secretary.

Secretary WIRTZ. I am very grateful for the chairman in suggesting a distinction, which I think is in the interest of all concerned, which I respect. I know fully the sensitivity of the area which we are discussing.

It is with complete candor that I say to you, and I think this exhausts the limit of my helpfulness, officially, to the committee, I say to you that with respect to all of the programs over which I have administrative responsibility, I find in the present laws and in the proposal full authority for administering them on a completely nondiscriminatory basis.

I have been doing so, and to whatever extent any problem seems to me to exist in this situation requiring review in light of the present very valuable attention on this problem, I have the full authority to say further there is to be none of this even by accident or anything, and that is what I am trying to say here. I think I can only say to you that as I interpret it, from the administrator's standpoint, I have been given instruction and full authority to accomplish the purpose of nondiscriminatory administration of the programs over which I have responsibility.

I respect the additional question of whether, as a matter of legislative determination, you would feel it preferable to do more than that.

But, as an administrator, I can say no more than I have.

Mr. FRELINGHUYSEN. Mr. Secretary, I want to commend you for your statement. I think it is a very penetrating and provocative statement. I want to commend you for your attitude in the administration of existing law and that being proposed.

But, it seems to me that for you to interpret silence on the part of Congress as an authority for you to proceed in certain ways is not as strong a basis for action as if you had assurance, because of the language in the law, that you should be forbidding any aid to any vocational school in Mississippi which practices discrimination, as an example.

You presumably are going to take such action or refuse to allow such assistance from now on. It seems to me that your job would be much easier if there was some language in the basic legislation which you were administering to support your position.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will just read the bill that this committee reported out this morning dealing with vocational education, he will find that we have done all the things that he has brought up here, and that we are going to certainly give the administrator of this agency a greater arsenal of tools to make sure that every child in this country who wants to attend a vocational school, regardless of race, color, creed, or ethnic background, has that opportunity.

I will not rehash the vocational education bill before this committee, because we want to get to other parts of the Secretary's statement.

But, I think that this record should show that this committee has taken action in that field.

Mr. ROOSEVELT. Mr. Hawkins?

Mr. HAWKINS. I regret that the gentleman from New Jersey has dragged this issue into this hearing. I am a little weary of certain liberal Republicans bringing this issue up constantly, when the record indicates that, as the other afternoon, they talked all afternoon about civil rights after having voted in the morning against a move which would have helped to create a Department of Urban Affairs, a civil rights issue. We have the youth employment bill in the Rules Committee today, and it has been there for several weeks. There is the impacted school aid bill which, with the support of this side of the committee, did put an antidiscrimination amendment into that bill.

When the Republicans indicate by their votes as well as by their big talk that they support civil rights, I am quite sure they are

going to get a lot of support from the Democrats, certainly the north-eastern Democrats in this House.

Mr. FRELINGHUYSEN. I wish we could get the support in the committee.

Mr. HAWKINS. May I complete my statement? I do not want to sit here and have them try to give the impression to the country that they are supporting civil rights when they do everything in the committee and in their votes to defeat civil rights, not only to defeat civil rights but in addition to defeat social legislation in this House.

Not only are they setting civil rights back many years, but they are also trying to lower manpower training and education and other things that would certainly lessen the gap between persons of different racial grounds, and, in that way, indirectly if not directly, they, to me, are doing a great disservice not only to the country but certainly their own party.

I, for one, resent the fact that they wish to drag this issue into every hearing in which we have thus far been involved.

Mr. FRELINGHUYSEN. I would resent very much what the gentleman has just said if I felt it referred to any member of this committee, Mr. Chairman.

However, I don't see that he makes those allusions to any Republicans on this committee. I am not sure what he is referring to.

What strikes me as incomprehensible is that the Democrats on this committee, and I will include the Democrats on this committee who vote for an antidiscrimination measure in one of the bills before us this year and then turn around and vote against it in another, especially when the area is primarily concerned with discrimination against Negroes, such as vocational education.

It is incomprehensible to me—

Mr. ROOSEVELT. The Chair will have to say—excuse me. The Chair suggests that we might continue this discussion at a later time and allow the Secretary to proceed with his testimony.

Secretary WIRTZ. I think in the course of the discussion the other points in the statement have been pretty well covered. I would just like to conclude, Mr. Chairman, and gentlemen of the committee, by this brief statement of broader position with respect to this matter.

In my judgment, discrimination against the Negro and other minority groups is an appalling waste of our manpower resources and a constant reflection on a Nation dedicated to the proposition that all men are created equal.

Morally and economically, our Nation cannot afford to tolerate the human misery and the waste which results from racial and religious prejudice. The Department of Labor is working overtime to assure that its programs make the maximum contribution possible to the elimination of this condition. These efforts will continue to be unrelenting.

The entire administration is pledged to the cause of equal rights and equal opportunities. We will continue to pursue this pledge.

Thank you, Mr. Chairman.

(The statement of Secretary Wirtz follows:)

STATEMENT OF W. WILLARD WIRTZ, SECRETARY OF LABOR

Mr. Chairman and members of the General Subcommittee on Labor, I am grateful for this opportunity to participate in your assessment of the equality—

or inequality—of employment opportunity in this country, and in your consideration of whether further steps are necessary to guarantee that the opportunity to work is not conditioned on a person's race, creed, color, or national origin.

Two days ago, President Kennedy made this statement: "Denial of the right to work is unfair, regardless of its victim. It is doubly unfair to throw its burden most heavily on someone because of his race or color * * * Unemployment among American Negroes—and the resulting economic distress and unrest—pose serious problems in every part of the country."

Statistics are an inadequate expression of what is essentially a human condition. They offer a basis, however, for appraisal of a problem. There are several sets of figures which bear on the fact of unequal employment opportunity—as between white and nonwhite workers—in this country. The key figures are those which describe the present situation; but these figures take additional meaning from their comparison with those for previous periods.

The statistics for unemployment can be evaluated properly, furthermore, only in terms of the relevant data regarding the availability of qualified workers; and, equally, any figures indicating the unavailability of qualified workers are incomplete unless the reasons for such a condition can be evaluated. So the statistics I bring to the subcommittee's attention are presented with the urging that what is involved here is too important to justify either their protest or defense in terms of numbers alone.

The hard central fact is that among male family breadwinners, the unemployment rate today among nonwhites is three times what it is among whites. The percentage figures are 9 percent for nonwhites, 3 percent for whites.

Among younger workers, age 14 to 19, the unemployment rate today for whites is 12 percent, for nonwhites, it is 24 percent.

The total number of nonwhites in the civilian work force is 8 million, which represents 11 percent of the total work force. There are in this work force today 600,000 men and women who have been out of work for more than 28 weeks. More than one out of every four in this group of "long-term unemployed" is nonwhite.

Nonwhite workers are also increasingly bearing the brunt of involuntary part-time work. The proportion of employed nonwhites working part time in nonfarm industries for economic reasons is 10 percent—more than triple the 3-percent rate for whites. Significantly, this rate has been moving up for nonwhites for the past 6 years, but has remained virtually unchanged for whites.

The Negro has steadily and consistently fallen behind in terms of unemployment. In 1947, the nonwhite unemployment rate was 64 percent higher than the white's; in 1952, it was 92 percent higher; in 1957, it was 105 percent higher; in 1962, it was 124 percent higher.

When the Negro is employed, it is a significantly different kind of employment from what the white worker finds available. For example, 17 percent of the employed nonwhites have white collar jobs; the corresponding proportion among whites is 47 percent. On the other hand, 14 percent of all employed nonwhites are unskilled laborers in nonagricultural industries; the corresponding proportion among whites is only 4 percent.

Negroes make up 90 percent of the nonwhite population and also receive the brunt of the burden of discrimination. Only one-half percent of all professional engineers are Negroes. There are no more than 3 percent of male Negroes employed in each of 19 of the 26 standard professional occupations for which we have data (e.g., accountants, architects, chemists, pharmacists, lawyers). The numbers involved are depressingly small. There were only about 250 male Negro professional architects in 1960; the largest number in any of the 19 professions was about 4,500, for doctors.

These are the raw statistics of an imperative demand. This demand has got to be met. It is vitally important that it be met in a manner which recognizes all elements in the situation.

It will prejudice the meeting of this demand if there is any failure to recognize the degree—inadequate though it is—by which an advance on the objective is now being made.

The average wage and salary income of nonwhite males has increased by 7 times since 1940. Twenty-odd years ago, the income of the nonwhite male was about 40 percent that of his white counterpart; today, it is about 60 percent.

The percent of nonwhite men working as skilled craftsmen more than doubled between 1940 and 1962, as did the percentage in professional and

technical professions. In each of these groups, nonwhites gained faster than whites.

The number of nonwhites working in Federal, State, and local government quintupled since 1940; now totals about 12 percent of all such employees.

Back in 1948, 1 out of every 250 nonwhite families had an income of \$10,000 or more a year; now that proportion is 1 out of every 18.

The proportion of nonwhite families living in homes they own has gone up by more than 50 percent since 1940.

The life expectancy of nonwhites, at birth, has increased by 10 years since 1940.

These are gains. They do not reduce, however, the impact of the current statistics of unequal employment opportunity.

There is another factor in this situation which must of necessity be given full consideration.

The disparity between the white and the nonwhite unemployment figures reflects in part the fact of discrimination. This must be eliminated. This disparity also reflects in part the fact of differences in white and nonwhite worker qualifications for the skilled and semiskilled jobs which make up an increasing proportion of the total of jobs available. This difference must also be eliminated.

Any approach to this situation which leaves out either the fact of discrimination or the fact of different qualifications—and the necessity for eliminating both—is incomplete.

Qualification for skilled and semiskilled jobs is basically—but not entirely—a matter of education. So these facts are also relevant:

In 1940, about 55 percent of the nonwhite school age population was actively enrolled in school; today it is about 73 percent.

The biggest gains in school enrollment have been made among nonwhites in the critical early teenages—14 to 17 years of age. Among these, the proportion enrolled in school has moved up from 68 to 87 percent since 1940.

As a result, the proportion of nonwhites recently finishing school and who completed 4 years or more of high school has increased $3\frac{1}{2}$ times—from 12 percent in 1940 to 42 percent in 1962.

But today, the average education attained by the young adult white population is above the 12th grade (or high school graduation) level; for nonwhites, this average is barely at the 11th grade level. Twice as high a percentage of young adult whites as of nonwhites carry their education through at least 1 year of college.

These are the statistical facts of the current inequality of employment opportunity, of discrimination in hiring and promotion practices, and of different qualifications for employment.

I turn now to a summary of the existing programs of the Federal Government which are directed at meeting this situation.

The most direct approach is in the establishing of an equal employment opportunities standard—and in the requiring of adherence to this standard—in the area of employment within the Federal Government and by Government contractors.

Executive Order No. 10925 was issued by President Kennedy on March 6, 1961. It established the President's Committee on Equal Employment Opportunity. Vice President Johnson has been the active Chairman of this Committee and has devoted much of his extraordinary energies to its program.

New and significant concepts were embodied in the President's action which distinguish it from previous Federal efforts to eliminate discrimination in these important areas. For the first time:

1. A single committee was appointed to coordinate and initiate programs in both the Federal and the Government contract employment fields.

2. An obligation for "affirmative action" to provide equal employment opportunity was impressed both on governmental agencies and contractors.

3. Means of assuring compliance, including provision for the use of contract debarment procedures, were authorized.

As Vice Chairman of the President's Committee, charged with "general supervision and direction of the work of the Committee and of the execution and implementation of the policies and purposes of * * * [the] order," I can report that in the 2 years of its operation the Committee, under the leadership of the Vice President, has produced significant result in both Federal and Government contract employment.

Personnel files of employees have been reviewed to locate any underutilized personnel.

Training programs to permit promotion and transfer from jobs which restrict opportunities for promotion have been instituted.

Employees and supervisors have been instructed in the new equal employment procedures.

A complaint procedure is in operation, and it provides not only for investigation but also for the correction of any instances of discrimination. As of April 30, 1963, the Committee had received 2,156 complaints relating to Government employment, more than twice the number received by its predecessor Committee during the entire 6 years of its life. To date, two-thirds of these cases have been closed; corrective action was found necessary and was taken in 88.3 percent of the cases.

Recruiting programs have been enlarged and broadened to embrace colleges and universities with predominantly Negro student bodies to insure that no person or group is overlooked or excluded from the Government's efforts to hire the most qualified applicants regardless of race or creed. Where appropriate, suggestions have been made which would strengthen the curriculums of these schools in order to enhance the opportunities of their graduates to secure governmental positions.

This program has already paid off. The Committee's annual census of employment in the Federal Government shows that in the period June 1961 to June 1962 the number of Negroes employed by the Federal Government increased by more than 10,000.

Over half of this increase took place in the middle grades (jobs paying from \$4,500 to \$10,000 annually), an increase of almost 20 percent and a rate of increase over three times the rate of all employees in those grades. Even more dramatic progress was achieved in the higher grades, where the number of Negroes at or above GS-12 increased over 35 percent.

These are encouraging results; but more remains to be done—and is now underway.

At its meeting last week, the President's Committee requested the Civil Service Commission to direct Federal agencies to cease recruiting visits to, and acceptance of referrals from, business or secretarial schools, employment agencies, or training institutions which are not operated on a nondiscriminatory basis, and to cease training employees at such places. This policy will end official use of such schools, agencies, or institutions in connection with Federal employment. It should be understood, however, that graduates of schools that do not comply with this policy will still receive consideration for employment on their individual merit.

In the field of Government contract employment, Executive Order 10925 requires contracting agencies to include in their contracts a set of provisions designed to insure not only that Government contractors will not discriminate but that they "will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin."

The processing and disposition of individual complaints against Government contractors is a primary responsibility of the Committee. Thus far, 914 complaints have been fully investigated and corrective action has been taken in 641 cases. This 70 percent correction rate contrasts with a 20 percent rate under the previous committee.

These cases have provided more than a basis for adjudicating the rights of the individual complainants; in many of them where corrective action was indicated, the committee and the contracting agencies have been able to effect a change in the general pattern of employment of the company involved.

Surveys of the compliance reports which Government contractors are required to submit have also been utilized to attack discriminatory patterns of employment in industries or geographic areas.

In conjunction with these compliance efforts, the President's Committee has also undertaken two programs to secure the voluntary cooperation of employers and unions in promoting equal employment opportunity—"plans for progress" and "programs for fair practices."

"Plans for progress" have been signed with 105 companies employing more than 5 million persons. These firms have agreed to take leadership in removing unjust discrimination in employment. Data thus far available indicate that almost 25 percent of the new hires of these companies have been of minority group members—including significant numbers in classifications such as sales from which they were previously almost entirely excluded.

Of course, signatories to these plans remain subject to review under our contract compliance activity and secure no exemption from such compliance by making the voluntary commitments contained in the "plans for progress." In fact, the Committee is now engaged in intensive followup efforts to review the action being taken under these agreements—company by company, plant by plant, union by union, and local by local.

"Programs for fair practices" have been signed with 118 international union affiliates of the AFL-CIO, which have a combined membership of almost 13 million workers. These programs enlist the active support of the international union officials in the Committee's efforts to end employment discrimination. A questionnaire is being circulated to each of these unions asking for a progress report on their efforts.

In his June 4 statement, President Kennedy asked "that all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training."

On the following day, which was yesterday, I set up a 50-man task force to make this review. It will be conducted on an on-the-site basis. The first inspections are being made today. We will have preliminary reports on from 50 to 100 projects, in all parts of the country, within a week. We will use the full sanctions provided in Executive Order 10925 if violations of its terms are disclosed and are not corrected.

The President has also announced his intention to issue, shortly, an Executive order extending the authority of the Committee on Equal Employment Opportunity to include construction of buildings and other facilities undertaken by States, local governments, and private agencies under Federal grant-in-aid programs. This will extend the prohibition against racial discrimination in hiring practices to all such projects.

I call the subcommittee's attention, too, to the current investigation by the President's Committee of the situation in the construction industry in the District of Columbia.

This investigation began as a result of protests by students and officials at Howard University about discriminatory employment practices occurring in connection with the construction of a new gymnasium at that university. It has confirmed the fact that there is not equal job opportunity in many trades in Washington, D.C. It has also revealed that in some of the trades there is real equality or the beginning of such opportunity.

The present situation here is complicated by the results of past bias: lack of knowledge, interest, skill, or seniority on the part of those discriminated against. It has proven exceedingly difficult to find Negro workers in the District who are qualified to fill the available jobs and who desire to take them. Over 200 have been interviewed, and only a very few have been found qualified for referral. There have been no rejections of qualified workers brought to our attention.

The reasons for this situation are deep rooted. Opportunities for significant numbers of minority group apprentices must be created. Even this step in turn requires, however, additional action, because the patterns of the past have left marks on the motivations and awareness of Negro youngsters. As these trades are being opened, qualified applicants must be encouraged to apply by being assured that they will be treated fairly and by being fully informed of the work involved and the skills required. The staff of the President's Committee, in conjunction with the local employment service and schools is seeking actively to provide such assurance and information. This service is a continuing program.

There have been a series of meetings between the staff of the Committee and the joint apprentice committees of those trades which have the largest programs. I believe there is full recognition of the need for action and a willingness to proceed. The next month, during which most of the apprentices will be selected, will demonstrate whether this is right and whether the necessary action will be taken. If it is not, then we will have no alternative but to determine that the contracts involved are no being carried out in compliance with the requirements of the Executive order.

Procedures are now being established and implemented to meet these needs: First, ability of a construction contractor to comply with the equal employment obligations will be determined at the time of contract award. Once construction is underway it is often difficult if not impossible to provide meaningful changes

in employment practices on that project because of changing work requirements and referral or apprenticeship arrangements.

Second, contractors will be given a clearer understanding of what their "affirmative action" obligations are, particularly as they relate to referrals and apprenticeship.

Third, apprenticeship programs will be scrutinized on a continuing basis rather than on a project-by-project basis.

In connection with the apprenticeship programs :

The Bureau of Apprenticeship and Training has designated four minority specialists to work full time in various parts of the country to promote equal apprenticeship opportunity.

An information center is being established in the District of Columbia to serve as a clearinghouse for information about apprenticeship openings and requirements, and this program will be promoted in other cities throughout the country.

A National Advisory Committee on Equal Opportunity in Apprenticeship and Training has been established. The committee is chaired by Under Secretary of Labor Henning and is composed of representatives of employers, labor, education, minority groups and the public. This committee held its first meeting on May 14. At that meeting it endorsed the establishment of local information centers and advisory committees throughout the country, authorized a survey of the racial composition of apprentice programs and a study of the advisability of preapprenticeship programs and urged action to assure compliance with the nondiscrimination clauses required in programs registered with the Bureau of Apprenticeship and Training.

In the statement he issued 2 days ago, President Kennedy directed me "in the conduct of [my] duties under the Federal Apprenticeship Act and Executive Order No. 10925, to require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis."

Pursuant to that directive, I wrote yesterday to all joint apprenticeship committees in the District of Columbia and to all State apprenticeship councils, setting out the standards which will be applied in Government contract situations and to all federally registered apprentice programs to determine if apprenticeship opportunities are being provided on a nondiscriminatory basis.

Those standards provide that :

1. Where selections themselves would not demonstrate that there is equality of opportunity, apprentices will be selected solely on the basis of merit, in accordance with objective standards which permit review, after full and fair opportunity for application ; and

2. Whatever steps are necessary, shall be taken, in acting upon application lists developed prior to this time, to offset the effect of previous practices under which discriminatory patterns of employment have resulted.

It is my expectation that the District of Columbia Apprenticeship Council and the various State apprenticeship councils will adopt similar standards for determining whether apprentice programs are in fact providing opportunities for qualified minority group applicants.

One of the significant breakthroughs in dealing with the problems we are discussing today occurred with the passage of the Manpower Development and Training Act of 1962. The act, in my opinion, represents a very correct reading of our education and unemployment returns and their emphasis on the need to make a more perfect match between the jobs we are getting and the people available to fill them. To train and retrain those who had an inadequate educational background to begin with, and those whose skills are obsolescing under the impact of automation and technological change, is an absolutely necessary condition for any kind of meaningful advance in improving the employment situation generally—and among Negroes particularly.

In less than 10 months of operation, we have approved training and retraining programs covering approximately 44,000 men and women. Fifteen thousand of these trainees have already been enrolled, and this number is moving up very rapidly now with each passing week. Of these trainees, 20.8 percent are nonwhites—which is very close to the proportion they represent of the total unemployed in this country. More than 1 out of every 5 nonwhites enrolled in training courses had been unemployed for 52 weeks or more. Fifty-four percent of these met the official definition of long-term unemployed—jobless for 15 weeks or more.

Just as important, is the kind of jobs for which these unemployed are being trained. For example, 27 percent of our nonwhite trainees are taking courses

leading to various white collar jobs—about double the proportion of nonwhites generally employed in these fields. Similarly, 27 percent are being trained for employment in a number of skilled occupations—four times the proportion of nonwhites generally working in these trades.

We recognize fully, however, that a still larger proportionate impact must be made on those with low levels of educational attainment. While more than 60 percent of our nonwhite trainees have their high school diplomas, only about 30 percent of all the unemployed nonwhites who recently completed their education have that much schooling.

Because it is more difficult to give the regular courses of training and retraining to persons of very low educational background, we have undertaken the support of a number of specially designed programs to help these people. In such different areas as Norfolk, Va., New York, N.Y., New Haven, Conn., Cincinnati, Ohio, we have contracted with private agencies to give special guidance, counseling, testing, training and placement to disadvantaged youth—especially among minority groups. These youth are receiving training for jobs pace of these programs.

I am putting special emphasis on these special programs because our initial experience demonstrates the tremendous potentialities for success of these efforts. The New Haven, Conn., project, for example, is being undertaken in six neighborhoods of high youth unemployment among low-educated groups, especially among minority groups. These youth are receiving training for jobs in several of the city's largest industrial firms which, as a general policy, do not hire those who have dropped out of school. These firms have agreed to participate in order to determine the possibilities of preparing disadvantaged young people for gainful employment. One of the courses involved—that of industrial X-ray technician—will actually be completed ahead of schedule, this week, because of the high motivation of the group. Eleven of the thirteen students in this first group already have been assured of jobs at salaries of \$98 a week.

And so it is with 40 teenage, minority group youth, who dropped out of school, who are in need of occupational training and physical rehabilitation, and who are being given on-the-job training in New York City; 40 migratory farmworkers in southeastern Missouri, being retrained for year-round jobs on and off the farm; 250 young persons being given special guidance, counseling, testing, and referral to training in Cincinnati; 100 intractably unemployed Negroes with low levels of literacy in the Norfolk area of Virginia who are being given special occupational training under the sponsorship of Virginia State College. The numbers so far are small, but each of these projects is showing, in real life situations, what can be done with these people who were committed, before we started, to lives of frustration and failure.

Various aspects of the equal employment opportunities issue arise in connection with the administration of the training and employment service programs. To whatever extent the legislation underlying these programs bears directly on this issue, its direction is clear; these programs are to be administered without regard to race, creed, color, or national origin. This policy has been repeatedly expressed by the Department of Labor in its rules and regulations and procedures covering these programs.

In the past several years, significant progress has been made by State employment security agencies in improving employment services for minority group jobseekers.

There remains, nevertheless, some differences in the administration of these programs in some of the State offices through which these programs are carried out. In order to remove any possible elements of discriminatory practice which may have developed, and in order to insure adherence to the equal employment opportunity principle, I am proceeding currently to assure complete compliance with these operating rules:

1. All services furnished by the employment security agencies, such as selection and referral for employment and for training opportunities, are to be furnished without regard to race, creed, color, or national origin; and office facilities shall be provided and administered on this same basis.
2. It is a prior condition of approval of training programs that the trainees will be selected and referred for training without regard to race, creed, color, or national origin.
3. Employment of employment service personnel is to be on a merit system basis, without regard to race, creed, color, or national origin, and there is to be provision for review of any allegations of departure from this rule.

It is essential to the discharge of the responsibility of the Department of Labor, in connection with the financing of the employment service program, that all necessary steps be taken to require adherence to these rules.

We have also been fully aware that discriminatory barriers and lack of equal opportunity extend to the Negro who has had the opportunity to achieve a higher education. To assist in this area, the Department has sponsored a series of four sectional conferences with college presidents and executives of predominantly Negro institutions of higher learning. During the past 5 months practically every such college in this country has taken part in these meetings.

Representatives of various Federal Government agencies have also attended these sessions. The objective of these conferences was to acquaint college officials with Government resources and facilities available to advance education, training, and employment of Negro college students. Discussions centered on labor market services, employment counseling and occupational testing, recruitment and other activities which would increase Negro employment and assure full utilization of potential skills and aptitudes.

The evidence presented to this committee both this year and last fully demonstrates the magnitude of the problems we face. Discrimination against the Negro and other minority groups in employment is an appalling waste of our manpower resources and a constant reflection on a nation dedicated to the proposition that all men are created equal.

Morally and economically our Nation cannot afford to tolerate the human misery and the waste which result from racial and religious prejudice. The Department of Labor is working overtime to assure that its programs make the maximum contribution possible to the elimination of this condition. These efforts will continue to be unrelenting.

This entire administration is pledged to the cause of equal rights and equal opportunities. We will continue to pursue this pledge.

Mr. ROOSEVELT. Thank you, Mr. Secretary, for a complete and helpful statement, with respect to the particulars and the statistics which you have supplied to the committee. I think I would, Mr. Secretary, have to point out, though, that after you have given figures to us with respect to the discrepancies in unemployment figures between non-whites and the white population and the problems involved, that perhaps we have touched a little too lightly on the problems which lie outside of the basic problems of education, the basic problems of apprenticeship, and we have not really borne down upon the legislation which does not really go into the job that the Government is doing within Government employment, in any manner.

It, I think, sort of gives you a pat on the back and says, "You are doing fine. Just keep going." We may have some questions we would like to put to you about that. But the general emphasis, it seems to me, in this legislation, is on the climate that exists for private employment, for private employment not only in the beginning stages of apprenticeship, but in the many areas where apprenticeship does not come into the picture at all.

We have held hearings, as I am sure you know, considering employment in the District of Columbia on a private basis. I noticed that in last night's paper that some young lady didn't enjoy what I had advised the bankers of the District of Columbia to do, but I would repeat the advice, that I think the time has come when we shouldn't just leave it to the 18 or 20 large States, New York, New Jersey, California, Ohio, Pennsylvania, and the others, that have set up the kind of commission which is certainly based upon the maximum of conciliation, the maximum of effort, to not do anything with a heavy hand.

I think I would have to ask you point blank: Is it not true that if this was a necessity in these big industrial areas, that it would be equally true that the Federal Government had a responsibility not to

lag behind what these States have done, and come forward and implement a program? In the program which we are proposing to implement, H.R. 405, do you find in that bill anything which you would want us to change in order to make it acceptable to the administration?

Secretary WIRTZ. That is a very broad question. I don't know that my detailed consideration qualifies me to answer it without qualification.

In general, my answer would be that I see nothing whatsoever in it that would present any question of its consistency with what I understand to be the basic essential and necessary policy of full, fair employment.

Mr. ROOSEVELT. Thank you, sir. I am happy to have that statement.

On pages 7 and 8, you mentioned a few things which I would like to, briefly for the record, make sure that I am correctly interpreting the statistics.

You say on page 7:

To date, two-thirds of these cases have been closed. Corrective action was found necessary and was taken in 38.3 percent of the cases.

Is that of the cases that were closed, of the total complaints files?

Secretary WIRTZ. That is of the cases which have been closed.

Mr. ROOSEVELT. 38.3 percent of the cases that were closed?

Secretary WIRTZ. That is correct. We are working with a group of 2,156 complaints, of which between 1,400 to 1,500 have been closed, and of the 1,400 to 1,500 corrective action was found necessary and taken in a little over a third, 38.3 percent.

Mr. ROOSEVELT. On page 8, at the top, the second sentence, you say:

Even more dramatic progress was achieved in the higher grades where the number of Negroes at or above GS-12 increased over 35 percent.

If the number started at a ridiculously low figure, 35 percent wouldn't mean much, would it?

Secretary WIRTZ. The point is very well taken.

Mr. ROOSEVELT. So, where did we start from?

Secretary WIRTZ. I will be glad to add to the record the absolute numbers as well as the percentages. But to confirm the suggestion you make, you get the high percentage in part because you start with such a distressingly low base.

(The information referred to follows:)

Pay category	June 1961			June 1962			Change			
	Total employees	Negro		Total employees	Negro		Actual		Percent	
		Number	Percent		Number	Percent	Total	Negro	Total	Negro
GS-12 through GS-18.....	153,943	1,037	0.7	168,562	1,406	0.8	+14,619	+369	+9.5	+35.6

Mr. ROOSEVELT. That is really what I was trying to point out, that I don't think we should wave the flag because we have raised, let us say, the portion from 3 to 5 by 35 percent. That is not very meaningful.

Secretary WIRTZ. There is a more solid figure in broader terms. Negroes in employment as a whole in the Government, increased 10,000

in 1 year, which is standing by itself to be, I think, a commendable figure.

Mr. ROOSEVELT. I think that is important, but I must say that within the last few weeks I have had an opportunity to go around some of the schools in the District and I am amazed how many of the children got up and said to me, "I know I can get a job in the District government or the Federal Government, but after I get that job I might get to be a GS-5 or a GS-6, but I haven't any chance to go up to the 12's and the 14's, and the few who get up there are the ones who know how to 'polish the apple,' but nobody gets there by merit any more."

I think just as important as the growth is the question of how many are getting into the upper levels.

Secretary WIRTZ. On that, if I may, Mr. Chairman, I wish I could say in some way to all of the group about whom you are speaking that there are today infinitely larger opportunities for qualified nonwhite people at the higher skilled and semiskilled jobs in private industry and in the Government than they appreciate in any sense.

Part of the problem in this is that we have to some way break this circle because they think, and you certainly accurately describe why they think as they do, there is that lack of motivation which results in a failure to qualify themselves for positions which are now available not on the basis of "polishing the apple" but on the basis, I really think, of a pretty general acceptance that this is an area in which we have been derelict and delinquent as a society, and we are prepared to supply those opportunities, not out of any sense of magnanimity but out of a sense of decency.

There is a much greater opportunity today in the higher branches of private work and private professions and in the Government for Negroes than most Negro youngsters realize.

Mr. ROOSEVELT. I agree, sir, and I think it is partly a problem of communication.

Secretary WIRTZ. It is.

Mr. ROOSEVELT. If I may respectfully suggest, I think that the Government has to do more in the area of communication with these people.

Secretary WIRTZ. I left out of the reading of my statement, because of the time being so late, my reference to the fact which is that we have, within the past 3 months, held conferences between Department of Labor officials and the administrators and teachers of between 40 and 50 of the Negro colleges in the country.

We have set up four regional meetings which we have devoted to talking about just exactly the thing you mentioned here.

Mr. ROOSEVELT. We have to get down to the high schools.

Secretary WIRTZ. That is correct, and they have said that to us. They have said, "We realize what must be done in the colleges," and exactly what you said, that we have to do the same thing down to the primary grades.

Mr. ROOSEVELT. On page 9 at the top, you list the 914 complaints and you say they have been fully investigated and corrective actions have been taken in 641.

That is a very fine record. However, we have had some complaints against Federal departments or agencies, where the President's Com-

mittee's initial investigation consisted of sending the complaint back to the department or agency for investigation.

In other words, if a man is complaining about his department, the policies in his department, you refer it back to the department, to an individual in that department that you have selected.

This is a little bit like saying that the accused is going to have his case judged first by an antagonistic party.

Secretary WIRTZ. What you say is correct, but subject to one addition. It is referred back not to the personnel officer who would have been involved in the original determination, but goes, in one form or another, to special employment policy officers who have been set up in each agency.

It is still susceptible to the criticism that you have suggested, that it is within the agency in which the case developed, but I think, quite respectfully and candidly, that by establishing a separate office outside the regular personnel lines, we have gone very far to meet the problem to which you refer.

Mr. DANIELS. Is that a review office?

Secretary WIRTZ. We have in virtually all offices in the Government now separate employment policy officers who would be in a position to consider this matter among others which might come to them.

There is also the complete policy for review on an appeal process which comes to the head of the agency, itself, on any employee who feels that he has been discriminated against.

Mr. DANIELS. This agency about which you speak, would they review the complaint prior to making the firm decision, or would a decision be rendered by the office to which it was referred and then an interoffice review take place before an official appeal?

Secretary WIRTZ. May I ask Mr. Nagle to respond to that question? I frankly don't know the answer.

Mr. ROOSEVELT. Mr. Nagle?

Mr. NAGLE. In practically all agencies the complaint would be investigated in the first instance by a deputy employment policy officer who makes an initial determination, and that can be reviewed by the employment policy officer and then the head of the agency makes the final decision.

Subsequent to that, the complainant has an opportunity for review of the record by the committee.

Mr. ROOSEVELT. However, Mr. Nagle, then it would be true, as Mr. Daniels, I think, pointed out, that all three of these steps are still within the agency about which he was first complaining?

Mr. NAGLE. That is right.

Mr. ROOSEVELT. Don't you think it would be reasonable to consider, Mr. Secretary, a somewhat more independent reviewing process at some stage prior to the final appeal back to the President's Committee?

Secretary WIRTZ. Yes, sir; I quite frankly do. I would be grateful in that connection, if there has been brought to the attention of this committee any information which would suggest any of the specifics of this problem, I would like to talk to the committee staff about getting whatever you have on that.

Mr. ROOSEVELT. We would be happy to give it to you. The Urban League is one that has criticized this rather directly. We will give you other instances of it.

Mr. NAGLE. I might mention in that connection that the deputy employment policy officer and the employment policy officer who would be reviewing this within the agency are very unlikely to be involved in the same office in which the complaint arose. For example—

Mr. ROOSEVELT. But they are within the same Department?

Mr. NAGLE. They are with the same Department. Then, there is a review, as I think I mentioned, by the committee, on what has been done by the agency.

Mr. ROOSEVELT. After it finally gets up to you?

Mr. NAGLE. That is right.

Mr. ROOSEVELT. But you are pretty far away from it by that time. The three intervening steps have all been by somebody still within that Department.

I think our feeling was in response to the testimony of Mr. Walter Lewis, the assistant executive director of the Washington Urban League office, that he did have a fairly good point here, that there wasn't enough of what you might call an independent review of the complaint outside of the area or the Department where the complaints originated.

Mr. NAGLE. I might say that the committee's review is not generally too late. It is required to be submitted to us within 60 days, unless there has been a hearing, in which case it is 90 days.

So, we do get to it within a fairly close period of time.

Mr. ROOSEVELT. I still don't think you have covered the principal, though. You are telling me yes, it is done, and you do it in the end.

But, I think the individual parts were a rather hopeless feeling of not even wanting perhaps to initiate it.

He says, "Look, I am going to embarrass myself. I have to go right back before the people that I work with every day in the same Department, or in the same general area, and I am going back to be judged by these same people. I would much rather go almost initially to an outside area where at least I would feel that I am not starting with somebody who is prejudiced against me."

I think it is something worth thinking about.

Secretary WIRTZ. It will be considered.

Mr. Chairman, I am afraid that in one of my answers I got the discussion away from the Government contract figures with which you started to this matter of Government employment in which we now find ourselves, and I would like to correct the record when it comes to us to correct that shift.

Mr. ROOSEVELT. Yes, sir.

Mr. PUCINSKI. Mr. Secretary, you have certainly given us one of the finest statements we have heard in this series of hearings on this entire subject.

I would like to clear up one point that was raised by the witness for the ADA, Americans for Democratic Action. Since you are the Vice Chairman of the President's Committee on Equal Employment Opportunity. Mr. William Hale Thompson, testifying for the ADA, said:

The evidence to date sadly reveals that the President's Committee on Equal Employment Opportunity, chaired by Vice President Johnson, is not doing the job for which it was created in a thorough and complete fashion.

The high moral tone of the Committee Chairman's speeches is no substitute for the Committee's action; namely, full compliance with the President's

Executive order that includes prohibition of race discrimination by firms that do business with the Government.

You have certainly given us an excellent statement on the impressive job that the President's Committee is doing, and particularly the depth of sincerity of interest displayed by Vice President Johnson.

I particularly like your reference to his inexhaustible energy. But, Mr. Secretary, since you are the Vice Chairman of this Committee, I would like you to have an opportunity to express your views on the merits of this statement made by Mr. Thompson to this committee.

Secretary WIRTZ. My reply, Congressman, would include these elements. First, an expression of great respect for W. Hale Thompson and his testimony here. Second, a suggestion that I don't ever expect to get upset about being criticized in this field for not having moved fast enough, so any approach of this kind doesn't put me into a defensive frame of mind at all.

It is just important enough that the more of that almost the better. Third, that his facts are not correct and that his appraisal of the success of the program which has been conducted in a very real sense, as you know, under Vice President Johnson's immediate day-to-day leadership, has accomplished a great deal more than his testimony would suggest.

His testimony went into some detail about a situation which received some publicity involving some of the companies in Atlanta, Ga. We went in to follow up on that situation to see what it was. We found an infinitely more complete record of tangible accomplishments than the original protest had suggested.

What I am trying to say is I don't think we have this program completed or licked yet. We are doing right now some additional things to be sure that the plans for progress and the other programs are being satisfied and lived up to in every single case.

I am reluctant in my answer only because I agree that not everything which can be done and not everything which should have been done has been done.

But I have to say in equal candor that the appraisal of Mr. Thompson would be completely different from the appraisal I would give you on the basis of my responsibility with the committee. I think a very great deal has been done in the 2 years of this operation, a very great deal.

Mr. PUCINSKI. Also one other point that Mr. Thompson made before this committee, which I think you ought to clarify if you so wish, is in the discussion of the whole field of job discrimination. Mr. Thompson said:

I think they could have done more, as I have indicated in my testimony. The executive branch is in a position to do a better job.

I asked Mr. Thompson:

Is there any doubt in your mind that the administration is supporting this legislation?

Mr. Thompson replied:

If my memory serves me correctly in the President's message on civil rights to the Congress, I read no mention of this type of legislation. I may be in error, but it seems to me that the President's message did not cover this particular kind of legislation.

His message was fine and I think it had the right philosophical tone from my point of view, but it did not get down to the specifics insofar as the legislation we are considering today is concerned.

So I asked again:

Mr. Thompson, is there any doubt in your mind that the President and his administration are supporting this legislation?

To which Mr. Thompson replied:

No, there is no doubt in my mind that the President is supporting it, but I would like the President to speak out on this particular piece of legislation because I am greatly concerned about it and many, many other American citizens are greatly concerned about it.

In reading and listening to your testimony, Mr. Secretary, as I say you have done a magnificent job of spelling out the problems before us and the country in this field of equal opportunity.

But you have not said anywhere in this statement that I can find that you are in favor of H.R. 405. Mr. Thompson raises this point. Therefore, I would like to have some clarification so that there is no question in the minds of people like Mr. Thompson and others as to just where does the administration stand on this legislation.

Mr. ROOSEVELT. If the Chair may interpose a comment, I think I asked the Secretary pretty much the same question and I think he did answer it affirmatively by saying that the bill was acceptable as far as he had made a study of it up to this point, and that it was completely in line with the President's policy.

Mr. PUCINSKI. Mr. Chairman, if you will review the question that you asked, and the exchange between you and the Secretary, I believe you asked if there was anything objectionable in the bill, and I believe the record will show the Secretary replied that there was nothing objectionable in the bill, and that certainly they would be able to administer it if passed.

Mr. ROOSEVELT. I think he added it was in line.

Mr. PUCINSKI. The Secretary now has that opportunity. Mr. Thompson raises this point now. It would appear to me, that the point should be clarified, so that there is no question on where we stand on this legislation, and I am sure that this question will come up if we get this bill to the floor, which I hope we do. Mr. Secretary, I wonder if you would care to comment: What is the administration's position specifically on this legislation?

Secretary WIRTZ. I will be glad to speak to it and not disingenuously, as we both know what is involved here.

First, there is no question whatsoever about the administration's complete support for the principle of equal employment opportunities, without qualification, and obviously this bill is completely consistent with that principle. I realize the questions that leaves, at least as a matter of form, and I don't mean to avoid those questions.

Some of us, and you and I have been together on personal terms, have been fighting the battle for equal employment opportunity here and in Illinois and every place we have had a chance at it.

Neither of us is any stranger to the fair employment practices concept or history. You will know the great admiration I have for anybody who is pushing that program, Mr. Chairman, the way you and the members of this committee are. This is a situation, Congressman Pucinski, where we in the administration are pushing this thing in

terms of the most completely effective, immediate result program that we can devise.

The things that I have mentioned today constitute the elements of that program. I am completely aware of the tendency in this field to count people up and down on the basis of whether they do or do not subscribe to a single proposition, the proposition of fair employment practice.

I have no difficulty, when that question arises, expressing my own position about it. Equally, I say that I have the most infinite respect for and the most complete subscription to an administration program which says "Here are the things which we can do, and we can do now, and they will pay off fastest and most immediately and we will put everything we have behind it."

If in addition to that there is a suggestion from the legislative branch of a Fair Employment Practices Act in addition, or an Equal Employment Opportunities Act, everything we are doing is completely consistent with that, and that would be completely consistent with everything we are doing.

It seems to us, as an administration position, that what I have spelled out here does constitute a program which is effective not only in itself, but in reflecting not in words but in hard administrative deeds complete subscription to that policy.

Mr. PUCINSKI. Thank you very much, Mr. Secretary, for that statement. In your opening paragraph you spoke of your concern about steps that are necessary to guarantee that the opportunity to work is not conditioned on a person's race, creed, color, or national origin.

This legislation also includes age. In your analysis of the unemployment situation, you have made a very strong point, properly so, of the disproportionate ratio in the unemployed ranks of the non-whites to the whites. I wonder, Mr. Secretary, whether you have made any studies and whether you have any views on the equally tragic discrimination that is going on all over America today against Americans who are being displaced by automation or because of shifting of industry sites and locations, Americans who are unable to get a job in this country for no other reason than because they are chronologically too old.

They have the experience, the physical standards, all the other things, and yet when they go to apply for a job in America, the first question asked of those people is "How old are you?" and if they are past 40, in their middle forties, late forties, early fifties, regardless of how good their qualifications may be they are told they are too old and they are denied an opportunity to earn a livelihood.

For that reason, Mr. Secretary, I was wondering whether you had omitted age because of an oversight or whether there was some other reason. I wonder if you would comment on the problem in America of discrimination because of age.

Secretary WIRTZ. My reactions would be these, Congressman Pucinski: First, again with respect to the principle involved here, we would subscribe to it completely. Second, with respect to the administrative provisions involved in this section, I am not completely confident that they represent the best approach to this problem, and frankly for the reason that it seems to be, so far, the least considered, unrecognized minority problem in the work force today.

Everyone else is getting attention except the individual between the ages of about 45 and 65 who loses his job, and he is probably the most unrecognized disadvantaged individual we face. We have considered the question of whether just a general reference to age in itself as a basis for possible discrimination is enough.

I think it would possibly have to be spelled out more specifically than that to be effective. We would support not only your suggestion that this is an extremely important problem, but the suggestion that it should be covered by some kind of affirmative program.

Mr. PUCINSKI. Then, Mr. Secretary, can this subcommittee look forward to getting some recommendations and suggestions from the Department, as long as you would have to administer this act, some constructive suggestions and perhaps some suggested language that we could incorporate into this act? My own feeling is very strong that if you are going to pass legislation in this Congress or any other Congress dealing with discrimination, dealing with equal employment opportunities, you cannot avoid age.

The moment you avoid age, you open up a big gap for the same practices to continue, except among the very young people. I said before this committee many times that the people of these minority groups, for instance the Negro who is unemployed today, unfortunately if he is in his forties has two strikes on him:

No. 1, he is being discriminated against because of the color of his skin. But if he is past 40, assuming that you have State laws, as 22 States now do have, barring discrimination because of race, color, creed, or national origin, that Negro, if he is past 40, like his white brother, is still discriminated against in those States because they automatically say if you are past 40, you cannot get a job.

I would be very grateful to your Department, in view of the statement that you have made here, about the forgotten man, this man in his late forties and early fifties, if your Department would prepare for this committee some suggested language that would make this provision of age meaningful in this legislation.

Do you think that could be done?

Secretary WIRTZ. We will look forward to getting in touch with you in your office immediately on this matter.

Mr. PUCINSKI. I am grateful to you for your fine testimony today, Mr. Secretary.

Mr. ROOSEVELT. Mr. Ayres.

Mr. AYRES. Mr. Secretary, I too have enjoyed your testimony. On page 3 you state that there are no more than 3 percent of male Negroes employed in each of the 19 of the 26 standard professional occupations.

Is it your assumption, Mr. Secretary, that there are no more than 3 percent because of discrimination or lack of equal opportunity?

Secretary WIRTZ. I am not sure about the last part of the question. I think this reflects two factors. Oversimplifying the two, one is discriminatory attitudes, and the other is incompleteness of qualifications.

When you say denial of equal opportunity, if that means to include denial of equal opportunity for education and so on and so forth, I would answer yes. But I understood your question, Congressman, to mean is it all a consequence of discriminatory attitudes on the part of other people, and I don't think it is only that. I think there is also the matter of training, differences in training and qualification.

Mr. AYRES. In other words, you recognize that there is a possibility that percentagewise the Negro who is qualified to carry on the higher training, the percentage of people who are Negroes, it would be lower in that classification?

Secretary WIRTZ. That is right.

Mr. AYRES. And that may be traceable to a lack of education over a number of years and so forth and so on.

Secretary WIRTZ. That is correct.

Mr. AYRES. But we can't say that the percentage is as low as it is because there is discrimination.

Secretary WIRTZ. No. It is not that alone.

Mr. AYRES. I was curious about your statements on page 18, where you have this program of 100 Negroes who have had difficulty getting along, with low levels of literacy in the Norfolk area of Virginia. You are working in conjunction with the Virginia State College. Is that a Negro college?

Secretary WIRTZ. Yes, it is a Negro college.

Mr. AYRES. In other words, it isn't integrated at all?

Secretary WIRTZ. I would have to check on it. I am advised by Arthur Chapin, my special assistant in this area, Congressman, that all of the student body at Virginia State College is colored, that its rules do permit the inclusion or the entrance of both white and Negro. But, as a practical matter, it is entirely colored.

Mr. AYRES. In other words, we are caught here by admitting that there is a segregated school that might be able to do a job for us?

Secretary WIRTZ. I understand your point, Congressman.

Mr. AYRES. I was just curious.

Mr. ROOSEVELT. Would the gentleman yield?

Mr. AYRES. Yes.

Mr. ROOSEVELT. I suggest you try to find somebody who would like to enter the Virginia State College and take them down to see if you can get them entered.

Mr. AYRES. I have already taken my literacy test. On page 19 under point No. 1, following up what Congressman Frelinghuysen had asked you previously, you state there that all services furnished by the employment security agencies such as selection and referral for employment and for training opportunities are to be furnished without regard to race, creed, color, or national origin.

The office facilities shall be provided and administered on this same basis. In view of some of the circumstances that we are confronted with today, Mr. Secretary, just how would you go about enforcing that provision in a State that refused to cooperate?

Secretary WIRTZ. I don't believe we will find that State. I don't mean to avoid your question. I want to answer it specifically. It is a matter of Federal funds and the administration of Federal funds.

Mr. AYRES. This ties in with what Congressman Frelinghuysen asked you?

Secretary WIRTZ. Yes. That is the basic element involved in answer to your question, if we have to get there. But there is a considerable body of evidence to suggest that there is no question left in anybody's mind about what the policy is about these things.

It will be worked out without going to that extreme. I think particularly of one of the most graphic illustrations of it. We found a

couple of years ago that there were still a number of actually segregated employment facilities so that Negroes and whites came to different buildings to do their business with the employment service.

That was true in about 12 to 15. We got that down to four and those four are in the process of elimination now. It will be when we get the new buildings and so forth. We didn't have to resort to the end sanction. I think we can do that on all these others.

In fact, I don't mean to put this in the future because in general this is the policy that is being followed and it is a matter of a cleanup of peripheral problems of one kind or another.

Mr. AYRES. But if it shouldn't work out as you see now you think it will, then you would not be the least bit hesitant to come back to this committee and ask for help regarding such an amendment as Mr. Frelinghuysen referred to?

Secretary WIRTZ. I would not.

Mr. AYRES. We will assume then, Mr. Secretary, that you are for H.R. 405, the bill?

Secretary WIRTZ. I want to be careful about the form of the question so as not to be misunderstood. I have not expressed here a formal endorsement of all the provisions in that bill, if that is what your question means. I have not in my statement gone that far.

I have left no question whatsoever about the complete subscription to the principle of the bill and I have said in answer to the chairman's question that I see, after very careful reading of the bill and the attention to it, no provision that we would be inclined to raise any question about from the standpoint either of its desirability or of its administrability.

Mr. AYRES. In other words, this isn't on the must list?

Secretary WIRTZ. I don't mean to spar. I would want to know what you mean by the must list.

Mr. AYRES. We hear a lot up here, Mr. Secretary, about certain bills that have top priority.

Secretary WIRTZ. My predecessor went through this same discussion with the same committee last year. I am not sure whether he satisfied you. I am not sure that I could. There was a long colloquy, questions about priorities and nonpriorities, and the importance to all of us of all of the bills which we identify.

I have to get into that. I state affirmatively that there is no more important problem, no more important necessity in the views of the administration today, than the fullest, most effective possible meeting of the problem of racial discrimination.

Mr. AYRES. I think we all agree on that, Mr. Secretary. Can we put it this way: Do you feel that H.R. 405 is a step in the right direction?

Secretary WIRTZ. Congressman, is your question whether I think if 405 were adopted and became the law of the land it would be a step in the right direction? I have no difficulty with the answer to the question at all. Yes.

Mr. AYRES. But you don't want to say flatly that you indorse the bill?

Secretary WIRTZ. We would be talking about different things in the two statements.

Mr. AYRES. Thank you very much.

Mr. ROOSEVELT. Mr. Daniels.

Mr. DANIELS. I wish to compliment the Secretary for a forthright statement here today. My thought was on the same question of H.R. 405, questions which were directed to you by my colleague on the other side of the aisle.

You say in principle you support the elimination of discrimination. Have you had an opportunity to examine the bill, Mr. Secretary?

Secretary WIRTZ. Yes.

Mr. DANIELS. Do you think that a bill such as this kind is necessary in order to eliminate discrimination which we do know exists in industry and in various parts of our country, and to make a more effective and earlier step in that direction that legislation of this kind is necessary?

Secretary WIRTZ. Again, if I may distinguish between what I think would be the results of there being on the books a law of this kind on the one hand, and the question, which I am not inclined to beat around the bush at all about, so far as I am concerned, of formal endorsement as part of the legislative-executive process at this time, if I may distinguish in the answer to your question between those two, my reply to the first one would be that the existence of such legislation would contribute very greatly.

Your question was in terms of whether I think it would be necessary to do it. That gives me some pause, and for a reason different from what you might expect. I think part of the question about this whole thing is about the comparative effectiveness of an immediate action in terms of taking steps of one kind or another, on the one hand, and the establishment of a principle on the other.

I tried to indicate my feeling that the most immediate necessities, as far as anything we can do is concerned, lies in the area I have talked about. I am trying to suggest, and not very well, that the establishment of a principle is not enough.

This bill would go considerably beyond the establishments of a principle. That would be necessary.

Mr. DANIELS. Of course, the President's committee has set up two programs, its plans for progress and the program for fair practices. I can appreciate that great strides could be made in those areas where the Government plays a role. But our concern is not only with that area, but also in the private sector.

Secretary WIRTZ. That is correct.

Mr. DANIELS. It is because of my concern in the private sector that I feel that legislation of this type is necessary. I have no further questions.

Mr. ROOSEVELT. Mr. Martin.

Mr. MARTIN. I would like to ask a few questions. To go back to page 3 at the top of the page, and Congressman Ayres asked you about this, where you say there are no more than 3 percent of male Negroes employed in each of 26 standard professional occupations, and so forth. What is the relationship between this percentage and the percentage of Negroes in these colleges and universities that teach these courses?

Is it about the same? Is it less or more?

Secretary WIRTZ. Let me be sure I understand the question, and I will then check the data for you. The question would be then whether more than 3 percent of the teaching profession at the university level would be Negroes?

Mr. MARTIN. No; not the teaching profession. For instance, you have lawyers in here. What is the percentage of Negroes in all the law colleges in the country, in enrollment? To get a proper perspective as to what these figures mean, it seems like to become a lawyer you have to go to law school.

Secretary WIRTZ. I think the answer would be roughly the same.

Mr. MARTIN. It would be about the same?

Secretary WIRTZ. Yes.

Mr. MARTIN. So in proportion to their educational background in preparation for these fields, they are employed in about the same percentages when graduated?

Secretary WIRTZ. I think that is right. The only possible difference would be in connection with some few who might take a certain kind of education and then not use it professionally. But I think the answer would be that it is about the same.

Mr. MARTIN. Wouldn't that indicate, Mr. Secretary, that it is not a case of discrimination, then, but that you have to back up to the educational process itself, as to the admission or the qualifications of these people of the Negro race to attend these professional schools?

Secretary WIRTZ. Congressman, I answer in terms of a personal experience, and apologies go when I do it. I taught law school for 20 years. In 1960 I took the graduate from the Northwestern Law School who stood second in his class at Northwestern Law School. He was a Negro.

I tried for 6 months to find that boy a spot in a Chicago law firm. I have to report to you that the legal profession in Chicago is completely segregated so that it was impossible to place the No. 2 man and one of the most attractive fellows I have ever known, the No. 2 man in Northwestern Law School in a Chicago firm in which there were white lawyers, too.

This particular boy preferred not to go into a Negro firm. I couldn't do it.

Mr. MARTIN. I agree with you, Mr. Secretary—

Secretary WIRTZ. Sure there is discrimination.

Mr. MARTIN (continuing). You always find exceptions to every rule. But taking your own figures of approximately 3 percent which you use here—and I believe you just stated that it was probably in the same proportion—3 percent of the total enrollment, in the various professional schools.

That would indicate to me that although you do have exceptions as you just pointed out, that this problem is not one of discrimination but one of qualification for our professional schools in the first place; and, secondly, in Negroes gaining admittance to these professional schools.

Secretary WIRTZ. The previous question, Congressman, was whether it was entirely discrimination, and I answered I did not think it was entirely discrimination, but that it also included discrimination.

But if the question is now whether there is any discrimination, I

have to answer that I think there is a great deal of discrimination reflected in these figures, that that is part of the problem.

Mr. MARTIN. In these professional fields?

Secretary WIRTZ. Yes, sir.

Mr. MARTIN. Turn over to page 18. Congressman Pucinski brought up this point and I would like to go a little bit further into it. You have used the words, in the second paragraph, and I think in two or three different places, "Without regard to race, creed, color, or national origin."

Most of your testimony and the testimony of other witnesses, at least this year at these hearings, has been in regard to the Negroes. The bill itself, uses the words "race, religion, color, national origin, ancestry, or age."

Unfortunately, practically all of our testimony has been directed toward the Negroes. Can you document that we have discrimination in this country in regard to religion, for instance, national origin, ancestry, and age? It seems to me this is a bit superfluous to include in this bill when we haven't had testimony in these other lines.

Secretary WIRTZ. When you say can I document it, we could supply a good deal of information of one kind or another bearing on the other areas to which you refer. We don't have the overall kind of statistics we have with respect to this particular situation. But, yes; I think there is evidence.

Mr. MARTIN. We just haven't had any witnesses who presented any evidence to us in regard to these fields other than with regard to discrimination to Negroes.

Mr. ROOSEVELT. It is true, of course, Mr. Secretary, that this year we have taken practically no testimony. But I think my colleague, Mr. Pucinski, will verify this, that we held hearings in various cities last year. In Chicago, for instance, we found one bank that openly said to us that their general policy was not to hire Catholics.

We found in New York City that the insurance companies said very frankly to us that up until very recently, before a new State law had come into effect, they didn't hire people of the Jewish faith. In Los Angeles, there were other kinds of ethnic prejudices, employers who wouldn't hire people of oriental backgrounds.

So we very frankly felt that the record was substantially filled in that respect, and that the time had come when the predominant issue of the moment was with relation to the Negro parts of the population, and that this was the largest part of the discrimination that was affecting the country in a very adverse fashion from almost every angle, and, therefore, this had better be documented beyond any question.

Would my friend from Chicago agree with that?

Mr. PUCINSKI. Yes. And this year we had the testimony of a representative of the American Jewish Congress who testified and enumerated situations all over the country. There continues today to be very serious discrimination because of religious beliefs or ethnic background.

If my colleague from Nebraska would yield, I would like to ask this question, and perhaps it would be for the good of both of us: This type of discrimination, because of his religious beliefs is insidious to the extent that it cannot be detected as easily as perhaps racial discrimination.

You can walk into a factory and you will see 200 workers. You will see that there isn't a single Negro in that factory. It is reasonable to assume that there is a pattern of discrimination against the Negro or the Puerto Rican, or the Mexican, in that factory, or against a Japanese or a nonwhite.

But the problem that I have seen in these hearings is the apparatus for detecting the type of discrimination that we see in America because of a man's religious beliefs or because of his ethnic background.

I was wondering, if my colleague will permit, if the Secretary has any comments on what the Department is doing, if anything, to detect this type of discrimination going on in America today? What tools do you use? What is the modus operandi for detecting this type of discrimination, if any?

Secretary WIRTZ. We could supply you with a substantial amount of research data in the field, but I don't think that is what your question really means, except with respect to our own employment policies, with respect to which we are quite sensitive on the matter.

Except with respect to that, I would say not a great deal. You ask how do you detect it. Again, the answer is that although there is enough data available to give you a respectable answer to your question, there is not really any broad-scale approach to the detection of that kind of thing.

We would give you information on religious discrimination which comes from our working with B'nai B'rith. They would have it. We would give you information in other areas which might have been developed by the American Friends, and so on and so forth. But your real question is how much is the Government doing to detect that kind of discrimination, and the answer is—mightily little.

Mr. PUCINSKI. My question was not so much what you are doing, but how you detect it.

Mr. MARTIN. I decline to yield further, Mr. Chairman.

Mr. ROOSEVELT. The gentleman declines to yield further.

Mr. MARTIN. The Taft-Hartly law requires, I believe, a plan to join a union within 30 days after securing a job where it is a union job.

Secretary WIRTZ. No, it does not. It permits the company and the union to enter into such an agreement.

Mr. MARTIN. If a union, after this 30-day period or within the 30-day period refuses to grant membership to a particular individual, what would you propose to do, to a Negro?

Secretary WIRTZ. There is another provision in the Taft-Hartley Act, 8(b) (2) I think, which provides that the union may, when it has that kind of agreement, exclude a person only for his nonpayment of dues, or for a similar matter, so the law would not permit the situation to which you have referred, Congressman.

Mr. MARTIN. I believe it is only that they cannot ask for his dismissal from the job, isn't it?

Secretary WIRTZ. You are one ahead of me. That is the correct distinction, the one you have made. They may, so far as that section of the law is concerned, exclude him from membership, although there would be some question about it in other places, but they could not ask for his dismissal.

Mr. MARTIN. If the gentleman will yield, isn't that a good reason for this bill, because there is that discrepancy? They may refuse him membership in the union.

Secretary WIRTZ. I only confirm your point, a point of fact, and that is there would be the difference between 405 and the Taft-Hartley Act in that it would require his admission to the union.

Mr. MARTIN. If a union in the construction field continues to discriminate against Negroes or discriminate because of race, color, and creed and so forth, what would be the penalties inflicted upon that union under this legislation? How would you go about inflicting a penalty on a union?

Secretary WIRTZ. Under H.R. 405?

Mr. MARTIN. Yes.

Secretary WIRTZ. The provisions, as I understand them, parallel quite closely those in the Taft-Hartley Act. You would have the same sanctions, same legal procedures, the unfair labor practice procedures, which you have under the act.

Mr. ROOSEVELT. Briefly speaking, we issue a cease-and-desist order, or go to court to ask for a cease-and-desist order, and if the violations continue we go through the contempt proceeding.

Secretary WIRTZ. That is my understanding, paralleling the enforcement provisions of the Taft-Hartley Act.

Mr. MARTIN. Would you order a union to make up the back pay if an employee had been discriminated against?

Secretary WIRTZ. I would have to check it, but I don't see the provision in the bill for the back pay.

Mr. ROOSEVELT. No, it is not. Would the gentleman like to offer that as an amendment?

Mr. MARTIN. I think it would be proper and fair to include something like that.

Mr. ROOSEVELT. We will be happy to consider it when we get to marking up the bill.

Mr. MARTIN. You mentioned, Mr. Secretary, in case of noncompliance with this bill in various programs—Federal programs—throughout the country that if you had some trouble with it in some States you would cut off funds.

Under what authority, under the law as now written, do you have that authority to cut off Federal funds?

Secretary WIRTZ. If I may modify the paraphrase of my statement, it was to confirm the suggestion from one of the members of the committee that the act would include that authority, that the present situation would include that authority; my answer was that I would expect that that necessity would never be reached as a matter of application, and that our experience would confirm that expectation.

Mr. MARTIN. On laws that are already on the books, do you mean?

Secretary WIRTZ. I may have lead to some confusion. We are talking here about the administration of the Employment Service and the Manpower Development Act.

Mr. FRELINGHUYSEN. Would the gentleman yield?

Mr. MARTIN. Yes.

Mr. FRELINGHUYSEN. On the bottom of page 10, Mr. Secretary, you suggested that the President is about to issue another Executive order which would refer to grant-in-aid programs involving the construction of buildings and other facilities undertaken by States, local governments, and private agencies. Presumably this Executive order would extend a prohibition of some kind against racial discrimination.

I would like to ask you whether this would not also involve suspension or prohibition of any Federal grants money if the racial discrimination continued. In other words, don't you anticipate, under the Executive order to be enunciated, that you are going to use the force of withholding Federal money if there is racial discrimination in housing projects using Federal funds?

Isn't that what the purport of this Executive order would be?

Secretary WIRTZ. If you would just leave out the word "housing" because I haven't checked those acts yet. With respect to the various programs which this would clearly cover, the answer is "Yes," without qualification.

Mr. FRELINGHUYSEN. Did I say "housing"? I meant "construction."

Secretary WIRTZ. Then the answer is an unqualified "Yes." I was about to apologize, Congressman Martin, because I think I had contributed to a confusion between this program, with respect to which the answer is exactly as I made to Congressman Frelinghuysen, and on the other employment programs, with respect to which you get into a much more involved area with respect to administrative responsibility.

But with respect to this program, that is a sanction that is provided in Executive Order 10925, and would apply if the Executive order is extended in the same form to this other situation.

Mr. MARTIN. Do you expect, Mr. Secretary, if H.R. 405 is enacted into law, that it would be difficult to administer? It seems to me that because of the nebulous necessity of this subject that it would fall a little bit in the category of the prohibition law or constitutional amendment that we had for so many years that was difficult to enforce.

Do you anticipate you will have any difficulty in enforcing this legislation?

Secretary WIRTZ. I find it difficult to answer, in that what was done in the prohibition law was wrong and what is done in this law was right. That, in the long run would be the answer to the question.

But in a more hopefully constructed answer to the question I would call attention to the fact that there already is accumulated experience, in I think, 22 States, in connection with administration of these programs, and we don't start from scratch as we would have 20 years ago.

You are surely right in suggesting that the experience in those States shows difficulty as well as accomplishment. But my answer to your question is that it could be administered effectively.

Mr. MARTIN. It seems to me it is a little bit like legislating that everyone shall be honest. But how do you keep everyone honest?

Secretary WIRTZ. That is what we do in all of our criminal laws.

Mr. MARTIN. That is all.

Mr. ROOSEVELT. Mr. Hawkins.

Mr. HAWKINS. Mr. Secretary, I too want to commend you for the work that you, as Vice Chairman of the President's Committee on Equal Employment Opportunity, are doing. My questions are not in criticism of that committee and certainly not in criticism of what you are doing on that Committee.

There are several statements that to me are somewhat confusing in terms of the areas which are now covered by that committee and the areas which are left to be covered by legislation such as H.R. 405.

On page 8 of your statement you speak of the President's Committee having requested the Civil Service Commission to direct the Federal agencies, and so forth, in terms of the acceptance of referrals. Would that include Federal-State employment offices as well?

Secretary WIRTZ. It would be the State offices of the employment service, for example?

Mr. HAWKINS. Yes.

Secretary WIRTZ. I think the Civil Service Commission's order would not go to those agencies.

Mr. HAWKINS. So they would not be covered under any action which the President's Committee has taken?

Secretary WIRTZ. I would want to check to be sure. There is a precise document on this, but I answer subject to correction that it would not apply.

Mr. HAWKINS. It seems to me as far as you had gone, you had done an excellent job. If the State employment services are not included, then it seems to me one great area of recruitment has been left out.

Secretary WIRTZ. May I answer with respect to that that the only authority over those State agencies, Congressman, would come through the Department of Labor as distinguished from the President's Equal Employment Opportunity Commission.

Mr. HAWKINS. With that authority would you say that you would have the authority to issue such an order which would direct any State employment office that is involved in discriminatory hiring referrals to cease from such activity?

Secretary WIRTZ. I think so. Frankly, it hadn't occurred to me until this moment, and I would like very much to consider that possibility carefully.

Mr. HAWKINS. On page 10 of your statement, you speak of the 118 international unions with a membership of almost 13 million workers. Are you implying that the authority of the President's Committee over those internationals would include the membership even though that membership is not federally connected in any way, that is not involved in a Federal contract?

Secretary WIRTZ. The only sanction, the only authority, the only power, the only teeth, would come in connection with their work on Federal projects.

Mr. HAWKINS. The 13 million workers does not mean that that many workers would actually be covered by any order, and that there may be large numbers of workers who would not in any way be covered under the President's Committee's operation.

Secretary WIRTZ. That is correct. I want to correct any misimpression that may be involved in that.

Mr. HAWKINS. On the bottom of the page, you speak of including construction of buildings and other facilities undertaken by States, local governments, and private agencies under Federal grant-in-aid programs.

You make the statement that it will extend the prohibition against racial discrimination in hiring practices to all such projects. Do you mean the hiring practices as they relate to construction, or do you mean the hiring practices of these agencies after they have been constructed?

Let us assume a private agency which is constructed might be involved under the Federal grant-in-aid program. Would an equal

hiring practices order still be involved after the construction of the building?

Secretary WIRTZ. The frank answer is, I don't know. This is an Executive order which is still under consideration. I should have thought prior to your asking the question that the answer would be limited to the work done in connection with the construction.

But I say, your asking the question makes me realize that we have a similar possibility with respect to personnel practices, and that should be explored.

Mr. HAWKINS. Then there is the possibility that under all the laws to which you have referred in this statement there may be many areas that are not yet covered and which should be covered under a proposal such as H.R. 405 or some of the proposals?

Secretary WIRTZ. I want to make it very clear that there is a large area of employment which is not in any way affected by Executive Order 10925.

Mr. HAWKINS. Thank you.

Mr. ROOSEVELT. Mr. Frelinghuysen.

Mr. FRELINGHUYSEN. Mr. Secretary, I should like to compliment you on an excellent presentation of a somewhat difficult subject. I think it has been very helpful to us all to have had this very exhaustive testimony on your part and I think we are all grateful.

I would like to get back to this expected Executive order because it does involve, it seems to me, a very important principle, or it seems to involve one. In this Executive order, as I understand it, it is to be proposed that Federal money be withheld if the recipients of this Federal grant money do not practice certain nondiscriminatory activities that you feel are important.

I am wondering whether this theory is valid if there is no provision to enable a Federal program to be suspended because of such practices. In other words, I still am disturbed that you do not feel that the legislative branch of the Government has any role to play in helping you achieve desirable objectives.

You suggest that the Executive order in this case is sufficient. I wonder whether it is. Also I wonder if it is adequate, whether it wouldn't be at least helpful to have that position backed up by language in the legislation which you are administering.

Why is there this shying away from an effort to help on the part of the legislative branch of the Government? Do you feel that an Executive order, without any reference in the law to a suspension of aid if certain practices are followed or not followed, is appropriate?

Secretary WIRTZ. I answered you frankly before and I will now. With respect to these areas of administrative responsibility, which we were discussing before, I said to you that I was completely satisfied that I had, and am in a position to exercise, that administrative responsibility without any discrimination.

I say equally frankly, Congressman, that this is a new area that is involved in this proposed new Executive order and I would not be sure that the answer would be the same on that.

Mr. FRELINGHUYSEN. This is what worries me. It seems to me that the executive branch may be trespassing into areas where they mean well but don't have the basic authority. I am not suggesting that we interfere with the appropriate discharge of your duties,

but it seems to me that may be helpful and even necessary to have specific legislative authority.

I would think that somewhere along the line we could help point the finger which you say you are planning to point even to the point of refusing aid, Federal grant aid, which is presumably made available under certain conditions. Those conditions are not spelled out in the basic law at all. You are going to use those as a reason for refusing aid.

It just strikes me as possibly dangerous grounds for you to be moving without assistance in the form of specific provisions in the legislation.

Secretary WIRTZ. I understand, I respect your point. I don't know whether there is similar basis in that area.

Mr. ROOSEVELT. Will my colleague yield? On the point the gentleman from New Jersey has just made, I think this committee would request that you consult with the Attorney General. Give us the results of your consultation as to whether, in these areas, you do not feel that there is at least a possibility of the need for additional legislation such as he has referred to, and very frankly, also consult with him as to whether or not the area that I believe Mr. Daniels brought up, with reference to private employment services, if the Department has existing power to reach to them, and the area of unions, that we might then know.

If the answer is "Yes," that you have the power and the responsibility, then we might look somewhat differently on this area and we would look to you to see that it was being implemented. If there is some question as to whether you have it, then it would become obvious that congressional legislative action was necessary.

I think that we have a month to consider the marking up of this bill. I think the committee, without objection, would ask that you give us the result of these consultations at the earliest possible time.

Frankly, after I listened with great care, I think your answers were as frank as these can be but my feeling was that if I was writing a newspaper story tomorrow morning, I would write a story in which I would have to say that the administration gives a lukewarm blessing to an equal opportunity bill.

I would have to say to you very frankly that you have endorsed it in principle but you have not gone so far as to say that you think it is a necessary part of the overall program. Yet I think we have developed, Mr. Frelinghuysen, Mr. Daniels, Mr. Pucinski, and others have developed, that there is certainly in the area of employment far more basic effect on the economy by the private sector of employment than there is in the Government sector, and far more than you are able to reach just through Government contracts, and that perhaps there is a loophole here that affects a very large part of the population within which the job just isn't going to be done.

Very frankly, we would like you to consult, to come back with the answers to Mr. Frelinghuysen's questions, and the questions of the other members of the committee, so that we can be sure whether or not we are doing something that is not just an exercise in futility but an exercise which will really pin down and close the loopholes that exist in the ability of the Government to do away with discrimination in employment.

I must say very frankly that I admire, and I congratulate you and the administration on everything you have done and are doing in the whole area of race relationships. I think perhaps you are so busy in the one area that we have overlooked the fact that you are carrying out these tremendously important things. At the present time there is a job left undone and open which could be done and could be now done by the agency envisioned in H.R. 405. We very frankly want to know whether or not if you don't have the power to do this today, whether or not this is not the vehicle that we should put into operation in order that it can be done.

Secretary Wirtz. I can only conclude that a good deal of what I have said has been misunderstood. Your first point, Mr. Chairman, was with respect to Mr. Hawkins' question about the extension of Executive Order 10925 to a wide area of employment. There can be no question about that.

It extends only to a precise area of employment and leaves uncovered the other area, and there can be no question about that. There can be no question either about the points with respect to which there was discussion with Congressman Frelinghuysen.

In my judgment the matter is very clear with respect to the administrative responsibility over the personnel policies which may be involved in the administration of the employment and training program, and it is equally not clear with respect to the area which would be covered by the proposed extension of Executive Order 10925.

It is not clear because there has not been an opportunity to explore it. But there is no uncertainty about it. Nor is there any uncertainty or lukewarmness with respect to the position about equal employment opportunity, none whatsoever, Mr. Chairman.

There may be lines which would be drawn with respect to what might be considered the competence of administrative testimony with respect to this matter, but none with respect to the principle, none whatsoever.

And no question of any kind about the desirability of the extension of the principle of fair employment throughout the whole of the American employment relationship, none whatsoever. I just didn't want to leave any question about it with respect to the discussion of the matter with the Attorney General.

Mr. ROOSEVELT. You see, you are still dealing with the area of generalities. You are for the principle, but you have to implement the principle. The Attorney General is going to the Judiciary Committee with specific proposals to give him the ability to do the job where he thinks that the law doesn't now provide him with the tools to do the job.

We say to you, Is there not an area in private employment in which your Department has the basic interest where you will need this kind of legislation, and possibly the additional kind that Mr. Frelinghuysen is talking about, and if there is that need why don't you come up here with the same kind of legislation?

We are not wedded to H.R. 405. We will throw it out the window tomorrow morning if you will come up and give us what you think will do the job. But you tell us that you are for it and it ought to be done. Then why not come up here and tell us if you don't like this, how it should be done.

We just don't think you can attack this problem piecemeal. Every part of this dam has to be built, and certainly not leave a big hole in the middle.

Secretary WIRTZ. Well, we are all trying to build the dam in various parts.

Mr. ROOSEVELT. But I think we have forgotten this part of it.

Secretary WIRTZ. My own concern is about any implication that could be left about lukewarmness. There could be a good many things, but there is too much depth of conviction to call it that.

Mr. FRELINGHUYSEN. I have no desire to commit the Secretary to a flatfooted position on H.R. 405. I don't want to make a flat statement myself with respect to that. I appreciate his support of the general principle that we are in favor of equality of opportunities for all our citizens.

I am too. But what does disturb me quite frankly, Mr. Secretary, is not your unwillingness to support unreservedly this particular legislative proposal, but your feeling perhaps that there is no room that we can move, in what Mr. Roosevelt might call a piecemeal fashion, to prevent discrimination in areas where we know it presently exists.

This is what disturbs me, quite frankly. You point out that not only is discrimination a problem, but that lack of qualifications, the basic opportunities for an adequate education to meet the skills which are demanded today, create the problem in part.

Since that is the case, and since vocational education programs are aimed in large part at the minority races, I would hope that we could write into an expansion of that act a provision saying what I assume you are going to do, that no Federal funds will be made available to any vocational educational program which practices discrimination.

This is what disturbs me, where equivocation is undesirable and hard for me to comprehend. You have indicated that you feel it is clearly within the Executive power to issue an Executive order stopping grant-in-aid programs even though there is no provision in the law for such stopping on grounds of discrimination.

You seem to feel that it is an inherent right to establish your own rules and regulations which you assume are fair. You apparently are saying "We don't feel we need any legislative spelling out of what we consider a reasonable position in this matter because we want it left to our own discretion."

I can't help but feel that that is perhaps a dangerous course and perhaps one where you need assistance. It is in this area that I am somewhat disappointed in your testimony, to tell you the truth.

Mr. ROOSEVELT. Mr. Pucinski.

Mr. PUCINSKI. I was discussing this problem of other forms of discrimination, hiring practices, during Mr. Martin's time. He declined to yield to me further. I wonder, Mr. Secretary, if I can get from you some sort of expression on what, if any methods, does the President's Committee on Equal Employment Opportunity, or what, if any, methods does the Department of Labor or anyone else in the Government that you know use now to establish whether or not there is any discrimination for reasons other than racial in the Government?

Is there any activity going on now to make such a survey or make such findings or get such information?

Secretary WIRTZ. I think I should probably answer that question by supplementing the record. I just have to answer you, Congressman Pucinski, that so far as I know there is little or none. I am not sure that is the right answer. I therefore would like to have an opportunity to bring to the committee's attention anything which goes beyond that.

Mr. ROOSEVELT. Without objection, the record will remain open so that you may do that, Mr. Secretary.

(Material to be furnished follows:)

METHODS OF UNCOVERING DISCRIMINATION FOR REASONS OTHER THAN RACE

The same methods are used to detect and eliminate discrimination because of national origin and religion as are used when race is involved. The primary methods are complaint processing and affirmative action approaches used by the Committee and by the agencies.

All complaints filed with the Committee involve an investigation by the agency in which the alleged action occurs with the full right of appeal by the complainant, including an oral hearing by the department or agency and a review of the decision of the agency by the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity. Through this process, all available evidence bearing upon the case of any complainant is assembled by the Committee and used as a basis for making its final determination as to where discrimination has occurred.

Training sessions for agencies' personnel charged with implementing Executive Order 10925, conducted by the Committee and those conducted internally by departments and agencies with assistance by the Committee emphasized the full scope of the order as to the kind of persons covered. For example, it is made clear that if a person feels that he has been disadvantaged because he is of Mexican, Italian, or Polish origin or is of the Jewish faith, he has the right to file a complaint with the Committee and have it fully processed and a decision rendered on its merits.

Agencies are required to take the initiative in bringing about equal employment opportunity for all of their employees and applicants for employment without regard to religion or national origin as well as race. In order to provide an objective picture of the minority pattern of employment, within all agencies an annual census is conducted by the Committee through the facilities of the Civil Service Commission. This information is given to the employment policy officer of each department and agency to be used as a basis for appraising its pattern of minority employment. The Committee has requested specifically in directives from the Executive Vice Chairman that such appraisals be made. Where evidence of minority underutilization is found, specific investigation must be made to determine whether such limitations are due to discrimination and to take initiative in correcting practices which are discriminatory.

The annual census has been confined to the Negro and other easily visible minorities because of the necessity that it be conducted by means of a "head count" by line supervisors in such a way that the identification of the individual person is not possible. Present Government regulations prohibit the designation of race, religion, or national origin of the individual in personnel records of Government departments and agencies. For these reasons, it has not been possible to include religious groups and those national origin groups which cannot be visually distinguished. However, committee and agency personnel concerned with equal employment opportunity are required to utilize fully all corrective techniques developed for the discovery and elimination of inequities in opportunity because of race where the conditions reveal similar patterns existing for religious or national origin groups.

Mr. PUCINSKI. So that I understand the procedures of the President's Committee on Equal Employment Opportunity, does the committee wait until discrimination complaints are brought to them or does the committee initiate its own investigations?

Secretary WIRTZ. The answer to that is a little involved. In the beginning there was substantially exclusive reliance on the filing of

complaints programs. We have instituted the survey program and are right now in the process of making a complete plant by plant, union by union survey, and the answer to your question is that we are not, at the present time, relying entirely and solely on the individual complaint, and are proceeding into a program that will involve enforcement on our own initiative.

Mr. ROOSEVELT. You previously had done that in the executive branch, department by department?

Secretary WIRTZ. That is correct. I was thinking of the question in terms of Government contracts. Within the Government there is complete authority to act on own initiative.

Mr. PUCINSKI. This survey that is now going on, I presume that this is in an effort to establish what, the patterns of discrimination? What is the purpose of of the survey?

Secretary WIRTZ. It is to find facts. I understand your question. The survey could reveal to us a pattern which would seem to us to warrant further investigation as to whether this pattern was the result of discrimination which had not been brought to our attention by complaints, that is correct.

Mr. PUCINSKI. But specifically, what are we looking for in the survey? Are we looking for how many nonwhites are employed in the various agencies, by the contractors, in the apprentice programs, or what is it that the survey will investigate? What is it for?

Secretary WIRTZ. The survey emphasizes a racial factor. There is no question about it.

Mr. PUCINSKI. So the main thrust, and perhaps quite properly so, in the survey now, is to determine the extent, if any, of racial discrimination?

Secretary WIRTZ. That is correct. I think a necessary answer to your question would be to say that although so far as administration of complaints is concerned, the handling of complaints, any of these other types of discrimination would come to our attention as they might be brought up by the individuals. The survey as presently conceived, the survey approach as presently conceived, has been concentrated on the racial question.

Mr. PUCINSKI. I can appreciate that. But I am wondering, Mr. Secretary, whether or not we can prevail upon your Committee when it is running the survey, which I presume is a time-consuming thing, to find whether or not we can't make these people aware of the fact that there are other forms of discrimination that we are concerned about.

We have talked about it here in the hearings today and we have talked about it before. I am concerned about racial discrimination. I am equally concerned about discrimination because of religious beliefs or because of ethnic background, because these two forms are just as insidious but so much more difficult to find.

It has been my experience in talking to the agencies that while we have done an excellent job, within the last few years, particularly, under your administration, under the direction of President Kennedy, under the dynamic direction of Vice President Johnson, I think we have done a very good job of alerting everybody to the fact that we are concerned about racial discrimination and thank God that we have. However, I think we have put so much empha-

sis on eliminating racial discrimination that many of these agencies are completely oblivious to the fact that we are equally concerned about religious discrimination and about national origin discriminations.

We can go into agency after agency and they can tell us immediately what they have been doing to eliminate racial discrimination. I think the record is not as good as it should be because there is always room for improvement. I remember Attorney General Kennedy sitting in the same chair where you are, saying that he is never satisfied with the progress, because there is always room for improvement. I think that is a healthy attitude by an important official such as Mr. Kennedy.

But you can go into agency after agency and you will find that there is absolutely no work being done to ascertain the degree, if any, of discrimination because of national origins or religious beliefs. It would be my hope that we could encourage our Government, as long as it is running a survey, to include these aspects along with age into the survey.

I don't want to in any way diminish our great thrust in the area of racial discrimination. I don't want to in any way diminish that. I think we should continue, full speed, as we have been. But I think as long as we are doing it, we ought to also emphasize that there are other forms of discrimination that we are equally concerned about, which have been somewhat too often relegated to a secondary position. Could this be done, Mr. Secretary?

Secretary WIRTZ. I would like to say in the most sincere manner possible that the great value of hearings such as this from our standpoint is that it does bring to our attention something that we may be overlooking as we emphasize other things.

I take quite seriously the suggestion from you, Congressman, and from the committee as a whole, that we should be careful that we don't emphasize too much this one discriminatory problem, which has an element of visibility about it, which some of the others may not.

My only reaction is to concur completely, but not just as a matter of soft conversation, but beyond that, to say to you that I think the suggestion you have made, Congressman Pucinski, is a warning well placed, that we should be looking at some of these other areas of discrimination more vigorously than we are.

Mr. PUCINSKI. Thank you very much, Mr. Secretary, for the privilege of hearing your testimony today.

Mr. ROOSEVELT. May I thank you and your colleagues for very generously giving us your time and efforts.

We look forward to continuously working with you in the same harmony that we have in the past. We may look as if we are pushing for something that we believe in, but we do it in the spirit that you carry on your job, which is to carry it out to the fullest extent that you possibly can.

We do it on the same basis. I particularly want to thank you for having accommodated the committee by letting us change the date and coming earlier than you had originally planned. I think you have done a magnificent job, giving us much food for thought.

We look forward to continued cooperation with you.

Secretary WIRTZ. Thank you, Mr. Chairman. May I say in conclusion because of the danger of any possible misunderstanding, that the matter on which I have testified today, the provision of equal employment opportunity for every single person in this country, is a matter on which the administration feels more strongly than with respect to any other involving the domestic situation in this country today, and that with respect to every part of it, every part of it, the employment in the Government service, the employment by Government contractors, the employment by private employers in this country, our feeling is not lukewarm.

It is stronger than on any other single matter before this country today. Thank you very much.

Mr. ROOSEVELT. Thank you, sir.

The committee will stand adjourned subject to the call of the Chair.

(Whereupon, at 4:45 p.m., the subcommittee was adjourned, subject to call of the Chair.)

(The following material was submitted for the record :)

CHAMBER OF COMMERCE OF THE UNITED STATES,
June 27, 1963.

HON. JAMES ROOSEVELT,
*Chairman, General Subcommittee on Labor, Committee on Education and Labor,
U.S. House of Representatives, Washington, D.C.*

DEAR MR. ROOSEVELT: Mr. Arch N. Booth, our executive vice president, has asked me to respond to your June 3 request for the views of the Chamber of Commerce of the United States on section 6 of H.R. 405, relating to nondiscrimination in employment because of age.

It is my understanding that your subcommittee, in reporting H.R. 405 to the full House Labor Committee, deleted section 6 but that you still desire our views on that section.

The national chamber recognizes that a substantial number of the 16 million persons over 65 desire jobs but cannot find them. Some of these persons need employment in order to maintain a modest standard of living, but getting new jobs presents a serious problem for some persons of this age.

If the size of this age group increases in the years ahead as rapidly as predictions indicate, the problem of finding jobs for them could become even more difficult.

The national chamber has long recognized that every reasonable effort should be made to make our older citizens a constructive and productive element in the economy. They represent a sizable reservoir of employable manpower that ought to be utilized.

There are many factors in favor of older workers, who frequently score high on such attributes as stability, attendance, experience, work performance, and attitude. Unfortunately, there are other factors, such as strength, speed, illness, and adaptability, which often weigh heavily against them. In addition, employee benefits present a major problem in hiring older workers because of the possible cost factors in connection with pensions, workmen's compensation, and accident, sickness, and hospitalization insurance.

The national chamber does not favor additional legislation on this subject because the problem involves so many considerations that any bill comprehensive enough to cover all of them would, in all probability, do more harm than good.

The better approach to the problem is a combination of voluntary efforts and increased education to insure better understanding of the need. The national chamber, accordingly, has strongly urged its thousands of organization and business members to provide maximum job opportunities for older workers.

During recent years, there has been real progress in facing up to the needs of our senior citizens. This has taken the form of voluntary promotion of employment opportunities and better old-age benefits through taxation and private pensions.

Legislation designed to force employment of older workers almost certainly would divert attention from these efforts, and would only raise false hopes in the minds of many older citizens.

Sincerely yours,

THERON J. RICE.

NEW YORK, N.Y., July 9, 1963.

Representative ADAM C. POWELL,
House Office Building, Washington, D.C.:

Understand that bills for enacting fair employment practices legislation are before House Committee on Education and Labor. Would like to submit position of the National Council of Churches.

The general assembly of the National Council of Churches voted in December 1960 to encourage and support the adoption of legislation which provides for employment on the basis of ability and qualifications without regard to race, color, religion, or national origin and legislation to provide a statutory base for the President's Committee on Government Contracts. The current name of the above-named committee is the Committee on Equal Employment Opportunity.

At this time when race relationships are critical we believe that such legislation should apply to both employers and labor unions. It should cover upgrading and promotion on the basis of ability; outlaw barriers based on race, religion, or national origin to union membership and to apprenticeship training. Moreover we believe that such legislation should provide counseling services, placement services, as well as programs for training and retraining in skills to people of racial minority groups as well as to those who are economically deprived. This is necessary by virtue of long denial of such opportunity.

From experience we know that such legislation must have adequate enforcement provisions if it is to be effective. We urge your strong support of strong enforcement provisions.

J. OSCAR LEE,

*Executive Director, Department of Racial and Cultural Relations,
National Council of Churches.*

STATEMENT OF THE AMERICAN PAPER & PULP ASSOCIATION

This statement is submitted by the American Paper & Pulp Association to the general Subcommittee on Labor of the House Education and Labor Committee concerning H.R. 405, a bill to prohibit discrimination in employment.

The American Paper & Pulp Association is a national association representing the preponderance of the domestic paper and pulp industry, an industry with sales for the year 1962 totaling approximately \$14 billion, representing the products of some 400 companies with 369 pulpmills, 813 papermills, and more than 4,000 converting plants located in nearly every State in the Union. The industry employs some 600,000 people, and the total wages paid exceed \$3½ billion per year. Approximately \$600 million per year are paid in taxes.

As an industry we agree wholeheartedly with the basic concept of H.R. 405 and similar legislation which has, as its stated purpose, to prevent discrimination by employers because of race, religion, color, national origin, ancestry, and age. However, it is our contention that there presently exist workable State laws which govern discrimination in employment because of race, religion, color, national origin, ancestry, and age, and additional Federal legislation in this area would create serious conflicts of law.

In addition, such a Federal law would create serious and unnecessary problems in regard to mandatory retirement ages negotiated in our labor-management bargaining agreements, and in general, to all pension plans negotiated or otherwise.

The proposed legislation fails completely to consider the complexity of job seniority and job sequence, both negotiated and historical, and fails to consider the problems that are inherent in the necessary and continued improvement in technology and automation.

It is well recognized that it is mandatory in certain industries, or portions of industries, to consider only certain age brackets at time of employment because of the necessary sequence of job promotions that follow employment, the necessity of long years of training, and many other problems. A case in point is the selection of new recruits for State and city police departments and the armed services; here the concept of age limitation is well recognized. In numerous instances a similar situation exists in an industry such as ours, where long years of training are necessary before an employee can progress through the job sequence as required by the bargaining agreements or necessary historical policy of companies in our industry.

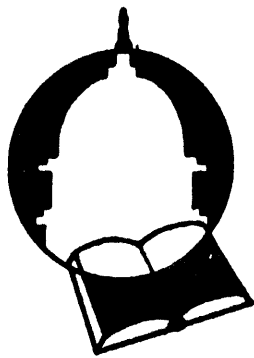
In conclusion, we support the aim of H.R. 405, in that, as an industry we oppose any facet of discrimination; however, where job requirements, both in the physical sense and in the need for extensive training, make it impossible not to consider the age of an applicant for employment, we feel H.R. 405 fails to be realistic.

We would therefore strongly recommend that H.R. 405 and related bills not be reported out of committee.

Respectfully submitted.

ROBERT E. O'CONNOR,
Executive Vice President.

**STATE LAWS
DEALING WITH NON-DISCRIMINATION
IN
EMPLOYMENT**



**By
Goler T. Butcher
Legislative Attorney
American Law Division
December 7, 1962**

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Part I

ALASKA

1. Alaska has no antidiscrimination law applicable to public contracts.
2. Alaska Compiled Laws Annotated, Title 43, Chapter 5, Sec. 1 - 10.

Title - The Fair Employment Practice Act.

Coverage - The act covers any employer, excluding domestic workers and social and religious associations, employment agencies and labor unions. The term "employer" is not defined therein so as to include the state or the political subdivisions thereof.

Unfair Employment Practices - Discrimination by reason of race, religion, color, national origin or ancestry is made an unlawful labor practice.

Enforcement - The act is administered by the Department of Labor which is empowered to investigate any complaint filed under the act; to endeavor to eliminate any unfair practice by conciliation; to hold hearings, if necessary; and to issue cease and desist orders. Judicial review is provided. Violation of the act is a misdemeanor.

ARIZONA

1. Arizona Revised Statutes, Title 23 §§372-375. (1955).

Title of Act - Equal Public Employees Opportunities Act.

Type - The Act makes it unlawful for a public employer and for a public contractor to discriminate against an individual because of his race, religion, color and ancestry.

Coverage - Public contractor means any person engaged in the state in the furnishing of goods or services to a public employer pursuant to a written contract calling for the expenditure of public funds in an amount exceeding one thousand dollars.

Public employer means the state, a county, city, town, municipal corporation, school district, public educational institution or political subdivision, agency, agent or officer thereof.

Discriminate includes segregate.

National origin includes race, religion, color and ancestry.

Unlawful Employment Practices - It is unlawful for a public employer, or public contractor in connection

with the performance of work under a contract with a public employer: to refuse to employ, to discharge, or to discriminate against an individual with respect to hiring, tenure, advancement, compensation or other terms of employment because of his national origin; to use advertisement relating to employment indicating a discrimination based on national origin; to utilize an employment agency which so discriminates; to penalize an individual who has opposed any practice forbidden by this article, or one who has made a charge under this article; to abet the doing of an act forbidden by this article.

Requirement of non-discrimination clause in contract - Contracts negotiated between public contractors and public employers shall contain a contractual provision to this effect.

The contractor agrees to post notices setting forth the provisions of the non-discrimination clause.

Extension to subcontracts - The contractor is to agree to insert the non-discrimination provisions in all subcontracts, except subcontracts for standard commercial supplies or raw materials.

Enforcement - Any violation of such provision constitutes a material breach of the contract. A violator

is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars.

2. Arizona has no law requiring a non-discrimination policy in private employment.

CALIFORNIA

1. California Labor Code §1735.

Title of Act - Public Works and Public Agencies; Discrimination in employment because of race, color, or religion.

Type - This section of the Act of Public Works prohibits discrimination in the employment of persons on public works because of the race, color or religion of such persons.

Coverage - Public works means: construction, alteration, demolition or repair work done under contract and paid for in whole or in part out of public funds, except work done by a public utility; work done for irrigation, utility, reclamation and improvement districts, and other districts of this type; street, sewer or other improvement work done under any officer of a public body of the State, or of any political subdivision thereof.

§1720.

Political subdivision includes any county, city, district, township, public housing authority, or public agency of the state, and assessment or improvement districts. §1721.

Unfair Employment Practices - Discrimination in the employment of persons upon public works because of the race, color or religion of such persons is proscribed.

It is unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as indentured apprentices on any public works, solely on the ground of the race, creed, or color of such employee. §1777.6.

Requirement of a non-discrimination clause - The statutory enactment does not require the inclusion of a non-discrimination clause in contracts for public works.

Enforcement - Every contractor for public works violating this section is subject to all the penalties imposed for a violation of this chapter, §§1720-1735.

2. California Labor Code §§1410-1432 (1959)

Title - The California Fair Employment Practice Act.

Coverage - Employers of five or more persons are covered, excluding agricultural and domestic workers and exempting social and religious non-profit associations. Employment agencies and labor unions are covered. Section 1413(d) provides that the state, or any political or civil subdivision thereof and cities, are included in the definition of "employer".

Unfair Employment Practices - The act prohibits discrimination in employment on the basis of race, religious creed, color, national origin, or ancestry.

Enforcement - The act is administered and enforced by the Commission in the Division of Fair Employment Practices in the Department of Industrial Relations. The right of judicial review is extended to a party adversely affected by the order of the Commission. Violation is a misdemeanor.

COLORADO

1. Colorado Revised Statutes 80-21-1, 80-21-2.

Title - Colorado Labor on Public Works.

Type - The Act provides that no less than 80 percent of the labor employed on public works shall be "Colorado labor" defined to mean bona fide residents of the

state for a period of not less than one year, without discrimination as to race, color, creed or religion.

Coverage - Public works means works financed in whole or in part by funds of the state, counties, school districts or municipalities thereof.

Requirement of non-discrimination clause in contract - All contracts for public works shall contain provisions for the preference in employment of Colorado labor (as above defined).

Enforcement - Any officer or agent of the state, counties, school district or municipalities of the state, or any contractor who violates the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year or both.

2. Colorado Revised Statutes 80-24-1--80-24-8

Title - The Colorado Antidiscrimination Act of 1951, repealing L. 1951.

Coverage - This act applies to any person employing for compensation six or more employees, excluding domestic workers, and to public employers, which include

the state and every county, city, town, or other political subdivision thereof, except school districts, educational institutions and other political subdivisions regularly employing less than six persons in addition to elective officials. Employment agencies and labor unions are covered.

Unfair Employment Practices - Discrimination in employment on the ground of race, color, creed, national origin or ancestry is prohibited.

Enforcement - The Colorado Anti-Discrimination Commission is charged with administering the act, which provides for judicial review, injunctions, and cease and desist orders against private or public employers. The act does not impose criminal sanctions.

CONNECTICUT

1. Connecticut has no antidiscrimination law for public contracts.
2. Connecticut Revised Statutes 31-122 - 31-128 (1949)
Title - The Fair Employment Practice Act.
Coverage - Coverage extends to any person with five or more persons in his employ exclusive of domestic workers. The act specifically defines "employer" to include the state and all political subdivisions thereof. Employment agencies and labor unions are covered.

Unfair Employment Practices - Discrimination

in employment on the grounds of race, color, religious creed, age, national origin or ancestry is made an unfair labor practice.

Enforcement - The act creates a Commission on Civil Rights with power to issue cease and desist orders. Judicial review is provided. Fines may be imposed in cases of contempt of court and violation.

DELAWARE

1. Delaware has no provision respecting non-discrimination in public contracts.
2. Delaware Code, Title 19, §§710-713 (1960)
Title - Fair Employment Practice Act of Delaware.

Coverage - The act does not require a minimum number of employees for coverage. The state and its political subdivisions are not included in the definition of "employer". Employment agencies and labor unions are covered.

Unfair Employment Practices - Discrimination
against any individual in employment or conditions thereof on the basis of race, creed, color or national origin,

or age is made an unfair discriminatory practice.

Enforcement - The Division Against Discrimination has jurisdiction to administer and enforce the law. Criminal penalties are provided if, after judicial review, violation is found.

IDAHO

1. Idaho has no law applicable to public contracts.
2. Idaho Law, ch. 309, L. 1961.

Type - The act prohibits discrimination in public accommodations and in employment. The act states the public policy of the state whereby the right to be free from discrimination because of race, creed, color, or national origin is recognized as and declared to be a civil right, and to include the right to obtain and hold employment without discrimination. The nature of violation is a misdemeanor.

ILLINOIS

1. Illinois Revised Statute, Ch. 29. §§17-24 (1933)
2. Illinois Revised Statute, Ch. 48. §854 (1961)

Title - Illinois has two statutes relating to public projects: 29-17, 29-18, prohibiting discrimination in Employment Under Public Construction Contracts, and

48-854, section 4 of the Illinois Fair Employment Practices Act, pertaining to Public Contracts.

Type - The former act prohibits discrimination and intimidation on account of race or color in employment under contracts for public buildings or public works. The latter provides that every contract to which the state or any of its political subdivisions is a party shall be conditioned upon the requirement that contractors, suppliers, and subcontractors not commit any unfair employment practice as defined therein.

Coverage - The former act prohibits discrimination in any manner in connection with the contracting for or the performance of any work or service of any kind performed by any contractor or subcontractor on behalf of, or for the benefit of the state, or of any department, bureau, commission, board, or other political subdivision or agency thereof.

The latter act extends on one hand to the state, any of its political subdivisions or any municipal corporation, and on the other, to the supplier of materials or services or the contractor and his subcontractors, and all labor organizations furnishing skilled, unskilled, and

craft union skilled labor, or whoever may perform any such labor or services, as the case may be in any contract to which the state may be a party.

Unfair Employment Practices - The former act, extends to the refusal or denial of employment in any capacity. The latter act covers refusal to hire, segregation, and any discrimination in employment.

Contractual provisions - The provisions of the former act automatically enter into and become a part of each and every contract or other agreement for public work. The provisions of the act are to be inscribed on the face of each contract. The latter act states that every public contract is conditioned upon compliance with the terms thereof and that, to the full extent to which the state may have authority with respect to such contracts, the section is applicable.

Extension - The acts apply to subcontractors and suppliers.

Enforcement - The former act provides criminal penalties for violation thereof. In the latter act, it stated that violations thereof may be punished as for civil contempt of court.

2. Illinois Revised Statute, Chapter 48, §§850-866 (1961).

Title - Fair Employment Practices Act.

Coverage - Coverage extends to employers of 100 or more persons exclusive of agricultural and domestic labor, prior to 1963, employers of 75 or more persons in 1963, and employers of 50 or more after December 31, 1963. Social and religious nonprofit associations are excluded. Employment agencies and labor unions are covered. Coverage extends to the state and the political subdivisions thereof.

Unfair Employment Practices. - Discrimination in employment on the ground of race, color, religion, national origin or ancestry is prohibited.

Enforcement - The Illinois Fair Employment Practices Commission administers the act. Judicial review is provided. The Court may punish for violation as in cases of civil contempt.

INDIANA

1. Indiana Statute 40-2316

Title - The non-discrimination provision with respect to public contracts is contained in section 10

of the Indiana Fair Employment Practices Act, 40-2306 - 40-2317.

Type - This section requires that all public contracts contain a non-discrimination clause.

Coverage - This provision applies to every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities. Public contracts must provide for adherence to the state non-discrimination policy by the contractor and his subcontractors.

Unlawful Practices - It prohibits discrimination because of race, color, religion, national origin or ancestry with respect to employees and applicants for employment with respect to hiring, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment.

Requirement of non-discrimination clause - A non-discrimination covenant is required in public contracts.

Extension - The act extends to subcontractors.

Enforcement - Breach of this covenant is a material breach of the contract.

2. Executive Order No. 5, effective December 15, 1961, prohibits in Part I, discrimination in State employment, and in Part II, discrimination in employment in public works contracts.

3. Indiana Revised Statute 40-2301 - 40-2306 (1961 repeal in 1945, as amended 1953).

Title - The Indiana Fair Employment Practices Act.

Coverage - The act applies to any person employing one or more persons within the state, excluding domestic workers and religious associations not supported with public funds. It defines employer to include the state, or any political or civil subdivision thereof. Employment agencies and labor unions are covered.

Unfair Employment Practices - The act states that the public policy of the state requires equal opportunity in employment without regard to race, creed, color, national origin or ancestry.

Enforcement - The Fair Employment Practices Commission has the task of implementing this public policy through informal persuasion, education and recommendation.

IOWA

1. Concurrent resolution of Iowa legislature.

Apr. 24, 1953.

Title - Anti-Discrimination Policy

Type - The resolution is declarative of the policy of the State of Iowa, that no person be deprived of the right to work at his chosen occupation for any employer, public or private, because of race, creed, color, national origin or ancestry. The Governor is authorized to appoint a commission for study and recommendation.

Coverage - The announced policy covers public and private employers.

KANSAS

1. Kansas General Statutes 21-2161 - 21-2463.

Title - Denying public employment on account of race and color.

Type - The act makes unlawful the denial of employment on account of race or color by one contracting with the State.

Coverage - The Act extends its benefits to any citizen of the United States. It proscribes the refusal or denial of employment in any capacity on the grounds of race of color, or discrimination in any manner by reason

thereof, in connection with any public work, or with the contracting for or the performance of any work, labor, or service of any kind on any public work by or on behalf of the state of Kansas. The coverage extends to the state, any department, bureau, commission, board, or official thereof, as well as to any county, city, township, school district, or other municipality of said state.

Unlawful Employment Practice - The refusal or denial of employment, or any discrimination on account of race or color in connection with any public work is made an unlawful employment practice.

Requirement of non-discrimination clause in contract - The provisions of the act shall apply to and become a part of any contract made by or on behalf of the aforementioned state agencies with any corporation, association or person or persons, which may involve the employment of laborers, workmen, or mechanics on any public work.

Extensions to subcontracts - The act applies to contractors, subcontractors, or other persons doing or contracting to do the whole or a part of any public work contemplated by said contract.

Enforcement - The enforcement provisions extend to any officer of the state or its political subdivisions; to any person acting under or for such officer; to any contractor, subcontractor, or other person, violating the provisions of the act.

Each offense shall be punished by fines of not less than fifty dollars nor more than one thousand dollars, or by imprisonment of not more than six months or by both fine and imprisonment.

2. Kansas Revised Statute 21-2424. This law makes a misdemeanor the denial of civil rights through the making of any distinction on account of race, color, religion, national origin or ancestry by any of the state educational organs, innkeepers, any place of public amusement for which a license is required, or by the owners of any means of public carriage within the state.

3. Kansas Revised Statute 44-1001 - 44-1009 (1961)

Title - Kansas Act against Discrimination.

Coverage - Coverage extends to any person employing eight or more persons, excluding domestic labor and exempting certain social educational and religious non-profit associations.

Unfair Employment Practices - The act makes it an unlawful employment practice for any employer, for an employment agency, or a labor union, to discriminate in regard to employment on the ground of race, religion, color, national origin or ancestry.

Enforcement - The act creates an Anti-Discrimination Commission to administer its provisions. Judicial review is provided. Penal provisions are established.

MASSACHUSETTS

1. Massachusetts has no anti-discrimination law for public contracts.
2. Massachusetts Annotated Laws Chapter 151B §1 - 10 (1946, as amended).

Coverage - The act extends to employers of six or more persons, excluding domestic labor and certain social, educational and religious associations. Section one specifically defines "employer" to include the Commonwealth and all political subdivisions, boards, departments, and commissions thereof, in all respects except age. Employment agencies and labor unions are covered.

Unfair Employment Practices - The act makes discrimination in employment because of the race, color,

religious creed, national origin, age, or ancestry of any individual an unlawful employment practice.

Enforcement - The act creates a Massachusetts Fair Employment Practices Commission for the enforcement of this law. Judicial review and criminal sanctions are provided.

MICHIGAN

1. Michigan Statutes Annotated, 1955 Supplement §17.458(4).

Title - The non-discrimination provision with respect to public contracts is contained in section 4 of the 1955 Michigan State Fair Employment Practices Act.

Type - This section requires that all public contracts contain a non-discrimination clause.

Coverage - The clause applies to every contract to which the state or any of its political or civil subdivisions is a party. It concerns hiring, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.

Unlawful Practices - The provision prohibits discrimination on the grounds of race, color, religion, national origin or ancestry.

Extension to subcontractors - The provision extends to contractors and subcontractors.

Requirement of non-discrimination clause in contract - The provision makes the inclusion of a non-discrimination clause in the aforesaid contracts mandatory.

Enforcement - Breach of the covenant required by this provision is to be considered a material breach of the contract.

2. Michigan Statutes Annotated, 423.301 - 423.311 (1948)

Title - The Michigan State Fair Employment Practices Act.

Coverage - The act extends to employers of eight or more persons, excluding domestic labor. The term "employer" is defined to include the state or any political or civil subdivision thereof. Employment agencies and labor unions are covered.

Unfair Employment Practices - The opportunity to obtain employment without discrimination because of race, color, religion, national origin or ancestry is declared to be a civil right. It is an unfair employment practice for any employer to deny such a right.

Enforcement - The act is administered by a Fair Employment Practice Commission. Enforcement provisions, judicial review, and criminal sanctions are established.

MINNESOTA

1. Minnesota Statute Annotated 181.59.

Title - Discrimination on account of race, creed, or color prohibited in public contracts.

Type - The Act makes discrimination or intimidation in the employment of any person under any contract with the state a misdemeanor and requires the inclusion of a non-discrimination provision in all public contracts.

Coverage - The act covers every contract for or on behalf of the state, or any county, city, borough, town, township, school, school district, or any other district in the state. Contracts for materials, supplies, or construction are affected. The provision extends to the hiring of common or skilled labor for the performance of any work under any contract thereunder.

Proscribed practice - The Act prohibits discrimination against, or intimidation, or the prevention of the employment of any persons who are citizens of the United States by reason of race, creed, or color.

Extension to subcontractors, etc. - The act extends to any work done under such contract by a contractor, subcontractor, material supplier, or vendor.

Enforcement - The act provides that any violation of this provision is a misdemeanor, and that contracts thereunder, upon violation, may be canceled or terminated by the public contracting authority and all money due, or to become due thereunder, may be forfeited for a second or any subsequent violation of the terms or conditions of such contract.

2. Minnesota Statute 363.01 - 363.13 (1961)

Title - The Minnesota Fair Employment Practices Law.

Coverage - Employers of eight or more individuals, exclusive of domestic labor are covered. The act is defined so as to include the state and its departments, agencies, and political subdivisions. Employment agencies and labor unions are covered.

Unfair Employment Practices - The act, which includes segregation within the definition of discrimination, makes discrimination because of race, color, creed, religion or national origin, an unfair employment practice.

Enforcement - The State Commission Against Discrimination is charged with administering and enforcing the act. Judicial review and criminal sanctions are provided.

MISSOURI

1. Missouri has no anti-discrimination law for public contracts.

2. Missouri Revised Statutes, Chapter 296.

Title - The Missouri Fair Employment Practices Act.

Coverage - Employers of fifty or more persons are covered, excluding associations owned and operated by religious and sectarian groups. The state and its political subdivisions are covered. Employment agencies and labor unions are covered.

Unfair Employment Practices - Discrimination in employment on the ground of race, creed, color, religion, national origin, or ancestry is prohibited.

Enforcement - The Missouri Commission on Human Rights administers the act. The Commission may obtain an order from the court for the enforcement of its decision. The wilful violation of such order is a misdemeanor.

NEBRASKA

1. Nebraska Revised Statute 48-215.

Title - Military supplies; production, distribution; discrimination prohibited.

Type - This act prohibits those engaged in production of military or naval equipment for the State of Nebraska or for the government of the United States from discrimination in employment.

Coverage - The section covers any person, firm, or corporation, engaged to any extent whatsoever in the state in the production, manufacture or distribution of military or naval equipment or supplies for the state or the federal government.

Prohibited practices - The law makes it unlawful for such person to refuse to employ any person in any capacity, if said person is a citizen and is qualified, on account of the race, color, creed, religion or national origin of said person.

Extension - The act extends to those engaged in production, manufacture or distribution of military or naval material, equipment or supplies.

Requirement of Clause - No contractual provision to this effect is required.

Enforcement - Section 48-216 of the act makes violation thereof a misdemeanor subject to a fine of not less than five hundred dollars nor more than one thousand dollars, and imprisonment of not less than thirty days nor more than ninety days. Each violation is deemed a separate offense.

2. Nebraska has no Fair Employment Practices Law.

NEVADA

1. Nevada Revised Statutes Title 28, §338.125
(1959)

Title - Fair employment practices; Contents of contracts concerning public works; breach of contract.

Type - The act requires a non-discrimination covenant in public contracts.

Coverage - This provision covers contracts negotiated between contractors and the state, or any of its political subdivisions, when payment of the contract price, or any part of such payment, is to be made from public funds.

Unfair employment practices - The act makes it an unfair employment practice to refuse to employ or to discharge from employment any person because of his race, color, creed, national origin or sex, or to discriminate against a person with respect to hiring, tenure, advancement, compensation or other terms, conditions or privileges of employment because of his race, creed, color, national origin or sex.

Requirement of non-discrimination clause in contracts - The law requires that a stipulated contractual provision be contained in all the aforementioned contracts.

Extension to subcontracts - The contractor must agree to insert this provision in all subcontracts thereunder, except subcontracts for standard commercial supplies or raw materials. The provision extends to training for apprenticeship.

Enforcement - Any violation of such provision by a contractor shall constitute a material breach of contract.

2. Nevada Revised Statutes, Ch. 364, L. 1961.

Title - The Fair Employment Practices Act.

Type - The Act declares the public policy of the state to foster the right of all persons to obtain employment without discrimination because of race, religious creed, color, national origin or ancestry. The act stipulates that all personnel actions taken by state, county, or municipal departments, agencies, boards, or appointing officers thereof shall be based solely on merit and fitness; that the aforesaid departments shall not discriminate in regard to employment, or any of the conditions thereof on the ground of race, creed, color, national origin or sex. The Nevada Commission on Equal Rights of Citizens is to carry out a program of study, education, and recommendation.

3. Nevada Revised Statutes 284.155 - relating to the Classified Service, provides that no person shall be discriminated against on account of his religious opinions or affiliations or race.

NEW JERSEY

1. New Jersey Statute 10:2-1 - 10:2-4

Title - Employment on Public Works.

Type -- The Act provides that all contracts for public works shall contain a non-discrimination clause.

Coverage - The act covers every contract for or on behalf of the state or any county or municipality for the construction, alteration or repair of any public building or public work.

Prohibited practices - The act prohibits discrimination against any citizen of the state by reason of race, creed, color, national origin, or ancestry in the hiring of laborers, workmen and mechanics for the performance of work under the aforementioned contracts.

Requirement of clause in contracts - The act requires the inclusion of a stipulated provision.

Extension to subcontracts - The contractual provision is to apply to any contract or subcontract under the primary contract.

Enforcement - The act provides for a deduction of five dollars for each calendar day during which such person is discriminated against, or intimidated, in violation of the provision of the contract; and the act provides for cancellation, or termination, or forfeiture, for a second or subsequent violation thereof.

2. New Jersey Statute, Title 18, Ch. 25.

Title - The New Jersey Law Against Discrimination.

Coverage - Employers of six or more are covered, excluding domestic labor and exempting social, educational and religious non-profit associations. The term "employer" is not defined to include the state. Coverage extends to labor unions and employment agencies.

Unlawful Employment Practices - Discrimination in employment on the ground of race, creed, color, national origin, ancestry or age is declared an unlawful employment practice.

Enforcement - The Division on Civil Rights administers the act. Enforcement, judicial review, and criminal sanctions are provided. Violation is a misdemeanor.

NEW MEXICO

1. New Mexico General Laws 59-4-5 (1949)

Title - The relevant provision is contained in section five, Government Contracts, of the New Mexico Law on Equal Employment Opportunities.

Type - The statutory provision requires the inclusion of a non-discrimination clause in public contracts.

Coverage - The provision applies to every contract to which the state or any of its subdivisions is a party.

Proscribed practices - The section prohibits discrimination against any employee or applicant for employment under such contract by reason of any matter directly or indirectly related to race, color, religion, national origin or ancestry.

Requirement of provision in contract - The statute requires that a non-discrimination clause be contained in every such contract.

Extension - the statute extends to the contractor and his subcontractors.

Enforcement - Breach of the required covenant is to be regarded as a material breach of the contract.

2. New Mexico General Statutes 59-4-1 - 59-4-14 (1949).

Title - Equal Employment Opportunities Act.

Coverage - The act covers person with four or more employees, excluding domestic workers and exempting social and religious non-profit organizations. Section four of this statute includes the state or any political or civil subdivision thereof in the term "employer".

Employment agencies and labor unions are covered.

Unfair Practices - Discrimination in employment on the basis of race, color, religion, national origin or ancestry is contrary to the public policy of the state as therein defined.

Enforcement - The Fair Employment Practices Commission is charged with administering the act. Judicial review and judicial enforcement is provided.

NEW YORK

1. New York Labor Law 220-e (1945).

Title - Provisions in contracts prohibiting discrimination in employment of citizens upon public works.

Type - The act requires a policy of non-discrimination by public works contractors.

Coverage - The act covers every contract for or on behalf of the state, or a municipality, for the construction, alteration, or repair, of any public building or public work. The act prohibits discrimination against citizens of the state of New York.

Prohibited practices - The act prohibits discrimination by reason of race, creed, color or national origin in the hiring of employees for the performance of work under such contracts.

Requirement of clause in contract - The act requires that a stipulated provision be included in the aforementioned contracts.

Extension to subcontractors - The act extends to subcontractors or any person acting on behalf of the contractor or subcontractor.

Enforcement - The act provides for a penalty payment in case of violation; or for forfeiture in case of a second violation.

2. New York Executive Law 290-301 (1945, as amended 1961).

Title - Law Against Discrimination.

Coverage - The act covers employers of six or more, excluding domestic workers and exempting social, educational and religious associations. The term "employer" is not defined specifically to include the state. Employment agencies and labor unions are covered.

Enforcement - The State Commission for Human Rights administers the act. Enforcement provisions, and judicial review are established. Violation is punished as contempt of court.

OHIO

1. Ohio Revised Code, Title I, Chapter 53, Section 99 (153.99).

Title - Discrimination and intimidation on account of race, creed, or color.

Type - The Act prohibits discrimination by a public contractor and requires a nondiscrimination clause in the contract.

Coverage - The Act covers every contract for or on behalf of the state, or any township, county, or municipal corporation thereof, for the construction, alteration, or repair of any public building or public work in the state.

Proscribed practices - In the hiring of employees for the performance of work under the aforementioned contracts there shall be no discrimination by reason of race, creed, or color against any citizen of the state in the employment of labor or workers. The act also prohibits intimidation of any employee on account of race, creed or color.

Requirement of clause in contracts - The act provides that every such contract shall contain provisions by which the contractor agrees to abide by a stipulated non-discrimination policy.

Extension - The covenant is to read that no contractor, subcontractor, nor any person on his behalf shall breach the prescribed non-discrimination policy.

Enforcement - Furthermore, the contract is to provide that as a forfeiture for any breach of the provisions against discrimination: there shall be deducted from the amount payable to the contractor twenty-five dollars for each person discriminated against, or intimidated, in violation of the contract; that the contract shall be cancelled, or terminated, and all to become due thereunder forfeited for a second or subsequent violation thereof.

2. Ohio Revised Code, Title 41, Ch. 12, (as amended 1961).

Title - The Fair Employment Practice Act.

Coverage - No minimum number of employees is required for coverage. Domestic labor is excluded. Employer is defined to include the state, or any political or civil subdivision thereof. Employment agencies and labor unions are covered.

Unfair Practices - Discrimination in employment because of race, color, religion, national origin or ancestry is prohibited.

Enforcement - The Civil Rights Commission administers the law. Enforcement includes cease and desist orders, judicial review. Violation is punishable as contempt.

OREGON

1. Oregon has no anti-discrimination for public contracts.

2. Oregon Revised Statutes, Title 51, Ch. 659. (1949, as amended 1961).

Title - The Oregon Fair Employment Practice Act.

Coverage - Employers of six or more are covered. The term "employer" is not defined to include the state or the political subdivision thereof. Domestic labor and social and education and religious non-profit organizations are excluded. Employment agencies and labor unions are covered.

Unfair practices - Discrimination on the basis of race, creed, color, national origin and age is prohibited.

Enforcement - The Commissioner of the Bureau of Labor is empowered to take the necessary action to prevent discrimination in employment in the administration and enforcement of the act. Judicial review and enforcement is provided.

PENNSYLVANIA

1. Pennsylvania Statutes, Title 43, Chapter 5, Section 153.

Title - Labor on Public Works: Discrimination on account of race prohibited.

Type - This act prohibits discrimination in contracts for public work and requires the inclusion of a clause to this effect in such contracts.

Coverage - The act covers every contract for, or on behalf of, the Commonwealth of Pennsylvania or of any county, city, town, or poor district, for the construction, alteration or repair of any public building or public work.

Prohibited Practices - In the hiring of employees for the performance of work under such contract there shall be no discrimination by reason of race, creed, or color against any citizen of the state.

Extension - These provisions apply to the contractor, subcontractors, or any persons acting on their behalf.

Requirement of clause - Every public contract shall contain non-discrimination provisions.

Enforcement - The act provides for a penalty deduction for the first violation, and for forfeiture on a second or subsequent violation.

2. Pennsylvania Revised Statutes Title 43, §§951-963 (1955, as amended 1961).

Title - Pennsylvania Human Relations Act.

Coverage - Employers of twelve or more persons, exclusive of domestic labor, are covered. Social, charitable and religious non-profit organizations are exempt. The term "employer" includes the Commonwealth and political subdivisions, boards, departments, and school districts thereof. Employment agencies and labor unions are covered.

Unlawful Discriminatory Practice - Discrimination in employment on the basis of race, color, religious creed, ancestry, age or national origin is prohibited.

Enforcement - The act is administered by the Pennsylvania Human Relations Commission. Judicial enforcement and criminal sanctions are provided.

RHODE ISLAND

1. Rhode Island has no anti-discrimination law for public contracts.
2. Rhode Island General Law, Title 28, Chapter 5 (28-5-1 - 28-5-27) (1949, as amended 1956).

Title - The State Fair Employment Practices Act.

Coverage - Employers of four or more are covered. Domestic labor is excluded. Social, educational and religious non-profit organizations are exempted. Employer is not defined to include the state. Employment agencies and labor unions are covered.

Unlawful Employment Practices - The denial of equal employment opportunities because of race, color, religion, or country of ancestral origin is prohibited.

Enforcement - The Rhode Island Commission Against Discrimination is charged with administering and enforcing the law. Judicial review is provided.

WASHINGTON

1. Washington has no anti-discrimination law for public contracts.
2. Washington Revised Statute, Ch. 49.60 (49.60.060 - 49.60.320) (1949).

Title - The Washington Law Against Discrimination.

Coverage - Employers of eight or more are covered. Domestic labor is excluded. Social and religious non-profit organizations are exempt. The law provides that "person" includes any political or civil subdivisions

of the state, and any agency or instrumentality of the state. Employment agencies and labor unions are covered.

Unfair Practices - This act prohibits discrimination in employment by reason of race, creed, color or national origin.

Enforcement.- Administration of the act is by the Washington State Board Against Discrimination, which is given enforcement power. Judicial review is provided. Further, the governor is empowered to act in whatever manner he deems appropriate to secure compliance with orders of the Board against the state, or any political or civil subdivision thereof.

WEST VIRGINIA

1. West Virginia has no antidiscrimination law for public contracts.
2. Chapter 135 of the 1961 acts of the West Virginia legislature contains an amendment to chapter five of the code of that state, adding thereto a new article relating to the creation and establishment of the West Virginia human rights commission and providing for its personnel, powers, functions and services. This body is conciliatory and advisory only. The act, which contains no unfair employment practices, or other proscribed

conduct, authorizes the Commission to receive complaints involving discrimination by reason of racial, religious or ethnic group tensions, prejudice, disorder or discrimination.

WISCONSIN

1. Wisconsin has no anti-discrimination law applicable to public contracts.
2. The Wisconsin Fair Employment Law, 111.31 - 111.36 (1945), declares the State's non-discrimination policy. Ch. 266, L. 1957, gave the Industrial Commission, which administers the law, the power to issue orders to comply with its regulations. Under the 1961 amendment, the State policy was extended to embrace discrimination by reason of sex as well as discrimination on the grounds of race, creed, color, national origin or ancestry, and age. The term "employer" is not made applicable to the State. Nor does it include non-profit or social organizations. The findings and orders of the Commission are subject to judicial review.

Part II

Since 1948 more than forty cities have enacted Fair Employment Practices Ordinances. In fact, in many of the States, the local anti-discrimination laws have preceded the action of the State legislatures. Some of the State statutes, for example, the Pennsylvania one, expressly recognize the municipal ordinances. In others such as Minnesota, the prevailing interpretation is that the local laws are not invalidated by the passage of the state law. On the other hand, the Michigan FEP law specifically provides that municipal ordinances are thereby superseded. [Mich. Rev. Stat. 423,301]. The California Law also expressly repeals existing municipal FEP ordinances.

The following municipalities have antidiscrimination ordinances, or an antidiscrimination policy, authorizing the city attorney to enforce the law where employers, labor unions, or employment agencies do not comply with the cease and desist orders of the commission. (This list does not purport to be complete). (In those cases where it is definitely known that the fair employment practices law includes the requirement of a non-discrimination clause in public contracts; where the policy

is limited to this requirement as in the case of the District of Columbia; or where the fair employment practice policy specifically includes the state, this is stated.)

ARIZONA

Phoenix - Mar. 1955. This legislation bars discrimination in public employment and in firms holding public contracts.

CALIFORNIA - FEP ordinances

Bakersfield

Fresno

San Francisco - Ordinance No. 10478.

IDAHO

Boise - FEP ordinance

ILLINOIS

Chicago - August 21, 1945. A Fair Employment Practices Ordinance applicable to the city and its contracting agencies. A non-discrimination provision is required in city contracts.

INDIANA

East Chicago - July 15, 1952. Discrimination in employment contracts negotiated with the city or its contracting agencies is specifically prohibited. A non-discrimination clause is required.

Gary - the ordinance applies to the city and its contracting agencies. A non-discrimination clause is required in city contracts.

IOWA

Des Moines - FEP ordinance

MARYLAND

Baltimore - May 1960. The Department of Public Works ordered the inclusion of a non-discrimination clause in all city contracts. This action was taken in conjunction with the July 1960 enactment of a fair employment practices ordinance with enforcement provisions.

MICHIGAN - (By opinion of the Attorney General, the enactment of the State FEP laws has cast doubt upon the validity of the municipal ordinances).

Ecorse

Hamtramck (Both ordinances are applicable to the city and require a nondiscrimination clause in all contracts negotiated with the city.)

Pontiac - Nov. 18, 1952. The ordinance applies to the city, and requires provisions in all contracts of the city, its departments or contracting agencies as to nondiscrimination. No payments are to be made on such contracts until the filing by the contractor of a sworn statement of compliance with the nondiscrimination policy.

River Rouge - Nov. 4, 1952. The provisions of this FEP ordinance are to be observed by all departments and contracting agencies of the city with respect to all contracts and orders requiring the employment of labor. A nondiscrimination clause is required in all such contracts.

MISSOURI

St. Louis - FEP. Any company failing to comply with this policy will be barred for one year from bidding on city contracts, as a penalty for non-compliance.

MINNESOTA

Duluth - June 10, 1953. This ordinance requires the city and all its contracting agencies to include a nondiscrimination provision in all contracts.

Minneapolis - January 31, 1947. An FEP ordinance prohibits discrimination in public or private employment. Said city and all its contracting agencies and departments are required to include in all contracts non-discrimination provisions and clauses obligating the contractor to include similar covenants in his subcontracts.

St. Paul - FEP ordinance

NEW JERSEY

Newark - Oct. 16, 1952. This ordinance establishes a commission to aid in the enforcement of the State law against discrimination and any acts supplementary thereto. The city and all its departments is required to cooperate in all respects.

Red Bank - March, 1955. A non-discrimination clause is to be included in all construction contracts for Garden State Parkway.

OHIO

Campbell - FEP ordinance

Canton - FEP ordinance

Cleveland, - May 16, 1950. The FEP ordinance defines employer to include all contractors and subcontractors engaged in the performance of any contract with the city or its contracting agencies.

Girard - FEP ordinance

Hubbard - FEP ordinance

Lorain - FEP ordinance

Lowellville - FEP ordinance

Niles - FEP ordinance

Steubenville - FEP ordinance

Struthers - FEP ordinance

Toledo - the ordinance applies to the city and requires a nondiscrimination in all city contracts.

Warren - Feb. 19, 1951. FEP ordinance.

Youngstown - Sept. 18, 1950. This ordinance applies to every contract awarded by the city or its contracting agencies and requires a provision as to nondiscrimination in all contracts and subcontracts therewith.

PENNSYLVANIA - FEP ordinances

Braddock

Clairton

Duquesne

Erie - March 21, 1954. The ordinance does not require a nondiscrimination clause in city contract, nor does it include the city in the term "employer"

Farrell - June 16, 1951. The ordinance includes the city and the governmental units as to which the city has power to legislate.

Johnstown

Monessen - Dec. 13, 1950. The term "employer" includes the city and its agencies.

Philadelphia - May 29, 1950. This act, unlike many of the city ordinances, was specifically upheld in the later state FEP law. Moreover, this act applies to any employer within the city who hires more than one employee, excepting his parents, spouse, or children, whereas the state act applies only to employers of twelve or more. The city act includes the city within the term "employer".

Pittsburgh - Jan 1, 1953. Employer includes the city and its agencies. Persons entering into contracts with the city shall include nondiscrimination provisions in their contracts.

Sharon - FEP ordinance.

WISCONSIN

Milwaukee - May 13, 1946 - The ordinance makes it unlawful for any department of the city any city official, any private employer performing work within the city involving any public works of the city to wilfully refuse to employ or to discharge any person because of race, color, creed, national origin or ancestry. A nondiscrimination clause is required in contracts with the city.

DISTRICT OF COLUMBIA

On Nov. 16, 1953, the District Government established a policy requiring the inclusion in all contracts to which the District is a party of an antidiscrimination clause in which the contractor agrees to insert a similar provision in all subcontracts, with the exception of those for standard commercial materials or for raw materials.

CHART I**

STATE	State Law Citations	Clause Required in Contracts
Alabama		
Alaska		
Arizona	23-371	X
Arkansas		
California	Labor Code §1735	
Colorado	80-21-1 - 80-21-2	X
Connecticut		
Delaware		
Florida		
Georgia		
Hawaii		
Idaho		
Illinois	29:17-19 and §4 of F.E.P.C.	X
Indiana	40:2316	X
Iowa		
Kansas	21:2461 - 21:2463	X
Kentucky		
Louisiana		
Maine		
Maryland		
Massachusetts		
Michigan	17.458 (4)	X
Minnesota	181.59	X
Mississippi		
Missouri		
Montana		
Nebraska	48:215 - 21 1/2	
Nevada	338:125 1/2	
New Hampshire		
New Jersey	10:2. :1	
New Mexico		
New York	Labor 220-e	X
North Carolina		
North Dakota		
Ohio	153:59 - 60	X
Oklahoma		
Oregon		
Pennsylvania	43:5:153	X

CHART II**

FAIR EMPLOYMENT PRACTICES LAWS

	:State Law :Citations	:Applicable :to State :Political :Subdivi- :sions	:Unfair Employ- :ment Practice	:Extends to: :Labor :Unions and :Employment- :Agencies	:Minimum :Number Of :Employees :For :Coverage	:Domestic :Employees :Excluded	:Non-Profit :Social, Fra- :ternal, Re- :ligious, :Charitable :Educational :Associations :Excluded
Alabama							
Alaska	:43-5-1-43-5-6:		X ^{2/}	X	:No minimum:	X	X
Arizona							
Arkansas							
California	:Labor Code :§1410-§1432	X	X ^{7/}	X	5	X ^{8/}	X
Colorado	:81-19-1 et seq:	X	X ^{4/1/}	X	6	X	
Connecticut	:31-122 et seq:	X	X ^{7/}	X	5	X	
Delaware	:19:710-19:713:		X ^{5/7/}		:No minimum:	X	
Florida							
Georgia							
Hawaii							
Idaho	:C. 309, L. 1961		X ^{5/}				
Illinois	:48:850-48:866:	X	X	X	100 17/	X ^{8/}	X
Indiana	:40:2307 - :40:2317	X	X	X	1	X	X ^{13/}
Iowa	:Resolution :(4/24/53)	X	X		:No minimum:		
Kansas	:44:1001-1014	X	X	X	8	X	X ^{14/}
Kentucky							
Louisiana	: 2/						
Maine							
Maryland	: 12/						
Massachusetts	:151B:1-10	X	X ^{7/}	X	6	X	X
Michigan	:17:458 et seq:	X	X	X	8	X	
Minnesota	:363.01-363.11:	X	X		8	X	
Mississippi							
Missouri	:S. B. L. 1961 :(8/1/61)	X	X	X	50		
Montana							
Nebraska							X ^{14/}
Nevada	:19:2 - 19:9		X				
New Hampshire							

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CHART II**

FAIR EMPLOYMENT PRACTICES LAWS

	:State Law :Citations	:Applicable :to State :Political :Subdivi- :sions	:Unfair Employ- :ment Practice	:Extends to: :Labor :Unions and :Employment :Agencies	:Minimum :Number Of :Employment :Agencies	:Domestic :Employees :Excluded	:Non-Profit :Social, Fra- :ternal, Re- :ligious, :Charitable, :Educational :Associations :Excluded
New Jersey	:18:25:1 - :18:25:26		XI/	X	6	X	X
New Mexico	:59:4:1 et seq.	X	X	X	4	X	X9/
New York	:Exec. Law :290-301		X7/	X	6	X	X
North Carolina							
North Dakota							
Ohio	:R.S. 4112.01 :et seq.	X	XI/		No minimum	X	
Oklahoma							
Oregon	:R.S. 659.010		X7/	X	6	X	X
Pennsylvania	:43:951 - 963	X	X7/	X	12	X	X10/
Rhode Island	:28:5:1 et seq.		X5/7/	X	4	X	X
South Carolina							
South Dakota							
Tennessee							
Texas							
Utah							
Vermont							
Virginia							
Washington	:49.60.010 :et seq.	X	X5/7/	X	8	X	X 11/
West Virginia	:C. 135 L. 1961						
Wisconsin	:111.31 - :111.36		X7/18/		No minimum	X	X6/
Wyoming							
District of Columbia:							

* Unless further noted, this column refers to unfair employment practices defined to include discrimination because of race, creed, color, national origin or ancestry.
 ** This is a listing of all states, including those which have no pertinent statutory provision.

CHART III**

STATE	FAIR EMPLOYMENT PRACTICES ENFORCEMENT PROVISIONS	
	: Agency Charged With En- forcement	: Criminal Sanctions
Alabama	:	:
Alaska	: Department of Labor	: X
Arizona	:	:
Arkansas	:	:
California	: FEP Commission	: X
Colorado	: Colorado Anti-Discrimina- tion Commission	:
Connecticut	: Commission on Civil Rights	: X
Delaware	: Division Against Discrim- ination	: X ^{3/}
Florida	:	:
Georgia	:	:
Hawaii	:	:
Idaho	:	: X
Illinois	: F E P C	: X ^{3/}
Indiana	: F E P C 15/	:
Iowa	: Anti-Discrimination Pol- icy 15/	:
Kansas	: Anti-Discrimination Com- mission	: X
Kentucky ^{12/}	:	:
Louisiana	:	:
Maine	:	:
Maryland	:	:
Massachusetts	: F E P C	: X
Michigan	: F E P C	: X
Minnesota	: F E P C	: X ^{3/}
Mississippi	:	:
Missouri	: Mo. Comm. on Human Rights	: x
Montana	:	:
Nebraska	:	:
Nevada	: Nevada Commission on Equal Rights of Citizens ^{15/}	:
New Hampshire	:	:
New Jersey	: Division on Civil Rights	: X

CHART III**

STATE	FAIR EMPLOYMENT PRACTICES ENFORCEMENT PROVISIONS	
	: Agency Charged With En- : forcement	: Criminal : Sanctions
New Mexico	: F E P C.	:
New York	:Commission for Human Rights	: X
North Carolina	:	:
North Dakota	:	:
Ohio	:Civil Rights Commission	: X ^{3/}
Oklahoma	:	:
Oregon	:Bureau of Labor	: X
Pennsylvania	:Pennsylvania Human Rela- : tions Commission	: X
Rhode Island	:Rhode Island Commission : Against Discrimination:	:
South Carolina	:	:
South Dakota	:	:
Tennessee	:	:
Texas	:	:
Utah	:	:
Vermont	:	:
Virginia	:	:
Washington	:Washington State Board : Against Discrimination:	: X ^{3/}
West Virginia	:West Virginia Human Rights : Commission ^{15/}	:
Wisconsin	:Industrial Commission	:
Wyoming	:	:
District of Columbia:	:	:

**This is a listing of all states, including those which have no pertinent statutory provision.

FOOTNOTES TO CHARTS I, II AND III

- 1/ Apprentice agreements must contain a non-discrimination clause. Ch. 76. L. 1960.
- 2/ Louisiana R.S. 23:893 prohibits discrimination in employment because of age.
- 3/ Violation is punishable as contempt of court.
- 4/ Discrimination by reason of national origin is not specifically made an unfair employment practice.
- 5/ Discriminatory employment practices because of ancestry is not specifically prohibited.
- 6/ Only fraternal and religious non-profit organizations are excluded.
- 7/ Discrimination in employment by reason of age is an unfair employment practice.
- 8/ Agricultural employees are also excluded.
- 9/ Only social, fraternal and religious non-profit organizations are excluded.
- 10/ Exclusions only applicable to fraternal, charitable, non-profit organizations and to religious and sectarian organizations, if not supported by government funds.
- 11/ Exclusions are applicable to social, fraternal, religious, and sectarian non-profit organizations.
- 12/ Maryland has an Inter-Racial Commission authorized to make studies and surveys.
- 13/ Only religious non-profit associations are excluded from coverage.
- 14/ Exclusions applicable only to religious and sectarian associations.
- 15/ Law is declaratory only.
- 16/ Non profit sectarian associations are also excluded.
- 17/ See discussion under Illinois FEP law.
- 18/ Discrimination by reason of sex is an unfair employment practice.

DISTRICT OF COLUMBIA REPUBLICAN COMMITTEE,
Washington, D.C., May 23, 1963.

HON. JAMES ROOSEVELT,
*Chairman, General Subcommittee on Labor, Cannon House Office Building,
Washington, D.C.*

DEAR CHAIRMAN ROOSEVELT: The District of Columbia Republican Committee is hopeful your subcommittee will favorably report H.R. 405, to prohibit discrimination in employment because of race, if it is made to apply to the Nation's Capital. We also, believe you should amend the bill to prohibit racial discrimination in local labor union membership. Here in the Nation's Capital a great majority of the labor unions practice calculated racial discrimination in membership, apprenticeship training, and the other benefits of labor organizations. We have drafted a bill which will be introduced on the floor of the House on Monday, May 27 by Congressmen Schwengel and Taft, which would cover not only fair employment practices but fair labor union practices as well. Certainly a local labor union practicing racial discrimination should be denied the benefits of the National Labor Relations Act, and should be subject to unfair labor practices proceedings on complaint of an aggrieved party.

Will you please make this letter a part of the record of hearings on H.R. 405?

Sincerely yours,

CARL L. SHIPLEY, *Chairman.*

FAIR EMPLOYMENT PRACTICE ACTS

By Grover S. Williams, American Law Division, the Library of Congress, Legislative Reference Service

State	Statutory citations	Who may bring charges	Cease and desist orders	Proceedings, where initiated
1. Alaska	Alaska Compiled Laws Annotated secs. 43-5-1 through 54-5-10.	Aggrieved persons	Commissioner may issue cease and desist orders.	With the commissioner; judicial appeal provided.
2. California	West's California Codes. Labor Code secs. 1410-1432.	Commission or aggrieved persons	do	In commission; judicial appeal provided.
3. Colorado	Colorado Revised Statutes secs. 80-241 through 80-24-8.	Aggrieved person	do	Do.
4. Connecticut	Connecticut Revised Statutes secs. 31-122 through 31-128.	Commission or aggrieved person	do	Do.
5. Delaware	Delaware Code Annotated title 19 secs. 710-713.	Aggrieved person	No provision for cease and desist orders.	In division against discrimination; judicial appeal provided.
6. Illinois	Smith-Hurd Illinois Annotated Statutes title 43 secs. 850-866.	do	Commission may issue cease and desist orders.	In commission; judicial appeal provided.
7. Indiana	Burns Indiana Statutes secs. 40-2207 through 40-2317.	Commission or aggrieved person	No provisions are found authorizing cease and desist orders. Commission is authorized to use persuasion and conciliation to induce compliance.	In commission.
8. Kansas	General Statutes of Kansas secs. 44-1001 through 44-1014.	Aggrieved person	Commission may issue cease and desist orders.	In commission; judicial appeals provided.
9. Massachusetts	Massachusetts General Laws Annotated 151B secs. 1-10.	do	do	Do.
10. Michigan	Michigan Statutes Annotated secs. 17.456(1) through 17.458(11).	Aggrieved persons	do	Do.
11. Minnesota	Minnesota Statutes Annotated secs. 363.01 through 363.12.	Commission or aggrieved person	do	Do.
12. Missouri	Vernon's Annotated Missouri Statutes secs. 296.010-296.070.	do	do	Do.

13. Nevada-----	Nevada Revised Statutes sec. 223.010-223.090.	Aggrieved person or the Commission.	No provisions found for cease and desist order. Commission makes its findings and recommendations to the Governor. Commissioner may issue cease and desist orders.	In commission.
14. New Jersey-----	New Jersey Statutes Annotated Title 13 sec. 25-1 through 25-18.	Aggrieved persons or commissioner of labor and industry. Attorney general or commissioner of education.	Commissioner may issue cease and desist orders.	With the commissioner of education; judicial appeal provided.
15. New Mexico-----	New Mexico Statutes sec. 59-4-1 through 59-4-14.	Aggrieved person-----	do-----	With the commission; judicial appeal provided.
16. New York-----	McKinney's Consolidated Laws of New York. Executive Law sec. 290-301.	Aggrieved person, industrial commissioner, or attorney general.	do-----	Do.
17. Ohio-----	Page's Ohio Code sec. 4112.01-4112.39.	Aggrieved person, commission may initiate investigations.	do-----	Do.
18. Oregon-----	Oregon Revised Statutes, sec. 659.010-659.999.	Aggrieved person-----	do-----	With the commissioner, judicial appeal provided.
19. Pennsylvania-----	Purdon's Pennsylvania Statutes, 43 sec. 951-963.	Commission or aggrieved person	do-----	With the commission, judicial appeal provided.
20. Rhode Island-----	General Laws of Rhode Island, sec. 28-5-1 through 28-5-39.	Aggrieved persons or commission	do-----	Do.
21. Washington-----	Washington Revised Statutes, sec. 49.60.010-49.60.220.	Aggrieved persons-----	Board may issue cease and desist orders.	With the board; judicial appeal provided.
22. West Virginia-----	Laws of 1961, ch. 125.	Aggrieved person-----	No cease and desist powers are provided.	With the commission.
23. Wisconsin-----	West's Wisconsin Statutes, sec. 111.31-111.57.	do-----	Order by commission for enforcement is provided. Order may be enforced by suit in equity.	With the commission; judicial review provided.