# FAIR EMPLOYMENT PRACTICES LEGISLATION AND PROPOSALS

Legislative Reference Bureau
Territory of Hawaii
August, 1946

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FAIR EMPLOYMENT PRACTICES LEGISLATION AND PROPOSALS

PART I - FEDERAL LEGISLATION

Legislative history. Federal efforts to establish and require "fair employment practices" had their beginning in the Fair Employment Practices Committee set up by Executive Order of President Roosevelt on June 25, 1941.1/ The committee originally consisted of four members, and was financed through the President's emergency war funds. Its purpose was to eliminate employment discrimination on account of race, creed or color in projects related to the national defense program. Between 1941 and 1943 the membership of the committee was increased to five, and then to six members.2/ In 1944 the congress gave the committee an appropriation of $500,000 per year, but in the 1945 War Agencies Appropriation Act the committee was omitted, and passed out of existence for lack of funds.

In the 78th Congress two bills were introduced which would have established a permanent Fair Employment Practices Commission. These were S. 2048 and H.R. 3986, which were referred respectively to the Senate Committee on Education and Labor and the House Committee on Labor. Both committees reported their bills without amendment, but neither bill was considered before the close of the session.

In the 79th Congress, substantially the same bill was introduced in the Senate, while two house bills were combined and revised to make a companion measure to the Senate bill.3/ Again, both bills were reported without amendment

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1/ Executive Order No. 8802, 6 F.R. 3109.

2/ Executive Orders No. 8823, 6 F.R. 3577 (signed July 18, 1941); No. 9111, 7 F.R. 2330 (signed Mar. 25, 1942); and No. 9346, 8 F.R. 7183 (signed May 27, 1943).

3/ S. 101, 79th Cong., 1st Session, and H.R. 523 and H.R. 679 combined and revised to make H.R. 2232, 79th Cong.

by their respective committees. The Senate bill was brought before the Senate, but as a result of extended parliamentary maneuvering and filibustering it was not brought to a vote. Again, the session closed before any action was taken on either bill.

Provisions of Federal Bills. The provisions of the Chavez bill are sufficiently similar to those of the other bills offered to permit of a consideration of the Chavez measure alone. The bill would declare it to be an unfair employment practice for any employer to refuse to hire, to discharge, or to discriminate against any person because of race, color, creed religion, national origin or ancestry, or to limit recruitment of employees on such basis; or for any labor union to refuse membership or expell from membership, or to discriminate against any employee, employer or member on such grounds, or for any employer or union to discriminate against any person for having opposed practices forbidden by the bill.

There would be established a Fair Employment Practice Commission, which would be authorized to hear complaints, make investigations, and take affirmative action to prohibit persons from engaging in practices declared to be unfair. The commission could petition any circuit court of appeals for enforcement of orders, and parties aggrieved by such orders could petition for review of the commission's orders. The commission would be empowered to order hiring or reinstatement of employees with or without back pay.

The bill further provides that no contractor performing contracts for the government shall engage in unfair employment practices, nor shall government contracts be let to persons found guilty of unfair employment practices.[4/]

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4/ For an outline of the provisions of the Norton Bill, see Congressional Digest, vol. 24, no. 6-7 (June-July, 1945) pp. 168-196. For full text of Chavez Bill (S. 101) see Congressional Record, vol. 92, no. 21, pp. 1235-1237. For digests of bills, see Appendix A, infra.

## PART II - STATE LEGISLATION[5/]

Prior to 1945. While fair employment legislation received widespread public attention in 1945 and 1946, it is not entirely new. Prior to that year anti-discrimination legislation had been adopted in thirteen states, although not all such legislation applied to employment or was as wide in scope as the bills offered in the Congress.

Leader in the anti-discrimination and fair employment field has been New York. Starting in 1909, that state adopted legislation prohibiting discrimination on account of race, color or creed in the right to practice law, to jury duty, and to admission to public schools. In 1918, 1932, and 1939 the state forbade discrimination on those grounds in public employment and in civil service. In 1933 utility corporations were forbidden to discriminate in employment and in 1935 an anti-discrimination clause was required in all public works contracts. In 1939 discrimination in public housing was prohibited, in 1940 denial of membership in any labor union because of race, color or creed was outlawed, and in 1941 discrimination in employment by persons holding defense contracts was forbidden.

In addition to this legislation, New York is the only state having an anti-discrimination clause in its state constitution which provides that "No person shall, because of race, color, creed or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State."[6/]

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5/ This discussion is based in part on "Efforts to Secure Action by the States", in Congressional Digest, vol. 24, no. 6-7 (June-July, 1945), pp. 165-166.

6/ Article I, sec. 11, Constitution, State of New York (adopted 1938).

Among the other states having anti-discrimination laws prior to 1945 is California, which in 1939 adopted an Act which provided that no discrimination in employment shall be made on public works "because of the race, color or religion of such persons."7/ In addition, an Act adopted in 1941 provided that any employer who discharged, threatened to discharge, or in any other way discriminated against an employee because the employee had filed complaint with or testified in an investigation by the Industrial Accident Commission would be guilty of a misdemeanor.8/

Other states which had adopted anti-discrimination legislation before 1945 included Connecticut, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, Pennsylvania, and Wisconsin. Some of these Acts apply to civil service employment only, while others cover public works employment, housing projects, defense contracts, or labor unions.

1945 and Later. The outstanding legislation in this field during 1945 was the New York Law Against Discrimination, which went into effect July 1, 1945.9/ The Act set up a State Commission Against Discrimination. This Commission of five members may restrain an employer from refusing to hire, or from discharging, or from discriminating in terms of employment or pay, on the grounds of race, creed, color or national origin.

During 1945 seven other anti-discrimination bills were offered in state legislatures, of which four became law. In New Jersey, an Act was adopted which set up a seven-member council in the Department of Education, and empowered the commissioner of education to enforce the orders of the council with

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7/ c. 614, L. 1939, adding s. 1735 to the Labor Code.

8/ c. 401, L. 1941, adding s. 132a to the Labor Code.

9/ c. 118, L. 1945, approved March 12, 1945. For Digest see Appendix B.

penal provisions for violation.[10] In Indiana, an Act of a different sort was adopted, authorizing the Department of Labor to make investigations and studies of discrimination in employment and methods for its elimination, but without providing any penalty for discrimination or empowering the department to take any action in cases of unfair employment practices.[11] A nine-member advisory board is created composed of the lieutenant-governor, four senators, and four representatives, to be appointed by the governor.

In Utah, a resolution similar in general nature was adopted. This provided for a three-member investigating committee, to be appointed by the president of the senate, to make a study and report to the legislature on discriminatory practices in employment because of race, color or creed, now existing in the state.[12] It was out of a similar study that the New York Act came.

The Wisconsin Act[13] closely resembles the Indiana Act, in setting up an advisory committee of seven members to work with the Industrial Commission to investigate and hear complaints of discrimination in employment, advise parties to complaints, and at the commission's discretion to publicize their findings.

The states in which such legislation failed to pass were California, Colorado, Connecticut, Illinois, Kansas, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Ohio, Pennsylvania, Rhode Island, Washington and West Virginia.

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10/ c. 169, L. 1945, approved April 16, 1945.

11/ c. 325, L. 1945, approved March 9, 1945.

12/ S. Res. 2, adopted March 8, 1945.

13/ c. 490, L. 1945, approved July 17, 1945.

Operations of State Acts and Agencies. Much of what has been published on the operations of the state acts and the agencies administering them is highly colored and slanted from one viewpoint or another. Some idea of the findings and reactions of responsible officials may, however, be deprived from the letters reproduced in Appendix C.

## PART III - LOCAL PROVISIONS[14]

The city of Chicago, in 1945, adopted an ordinance which made it unlawful for the city, its contractors or subcontractors, or any employer in the city to discriminate in employment because of race, creed, color, national origin or ancestry, and providing fine and imprisonment for violation of the ordinance.

Milwaukee adopted a similar measure on May 13, 1946, providing a $10.00 fine or five days imprisonment for violation. The Milwaukee ordinance also applies to both city and private employers. Eight other cities have similar measures under consideration.[15]

## PART IV - ARGUMENTS PRO AND CON[16]

The fundamental issues in the consideration of fair employment practices legislation are not easy to discover, clouded as the argument is with

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14/ The discussion following is based on "Municipal Development in Review," in State League Notes, American Municipal Association, vol. VIII, no. 6, (May 31, 1946).

15/ Detroit, Los Angeles, Minneapolis, Philadelphia, Phoenix, St. Louis, Seattle, and Toledo.

16/ This discussion is based on "Should Congress Pass a Law Prohibiting Employment Discrimination?", Congressional Digest, vol. 24, no. 6-7, June-July 1945; Congressional Record, January 27-February 9, 1946; and Appendix C.

regional and economic accusations and counter-accusations. Stripping the discussion to essentials, there would seem to be two primary questions which arise: (1) Should discrimination in employment be permitted with the sanction of the state?; (2) if not, what means should be adopted to prevent or eliminate such discrimination?

On the first question there has been no discernible difference of opinion in public statements by congressmen or public leaders. The crux of the argument is to be found in the second question.

On this point, the opposing camps in congress seem, as nearly as can be determined from their remarks in the Congressional Record, to have developed their cases as follows:

A. Pro
   1. Agreed that discrimination in employment is not only unjust but constitutes a menace to the foundations of a democratic state.
   2. It is therefore imperative that the state take action to eliminate discrimination in employment.
   3. Such action must be vigorous, positive, and backed by power to enforce the duly supported orders of the state with respect to discriminatory practices in employment.
   4. Such power must include punishment of violators of such standards of fair employment practices as may be agreed upon.
   5. Such action must be taken without delay.

B. Con
   1. Agreed that discrimination in employment is not only unjust but constitutes a menace to the foundations of a democratic state.
   2. It is therefore imperative that the state take action to eliminate discrimination in employment.
   3. In form such action must be educational only
      a. The practices complained of are deeply ingrained in society.
      b. Sudden and violent attempts to uproot such long-established practices will result in conditions even less desirable than those complained of.
      c. Changes in attitudes and mores cannot be brought about by legislative or administrative directive overnight, but rather only by gradual education.

On the state level, the arguments have taken much the same course, as can be seen from the letter reproduced in Appendix C, part II, page 20. Few defenders of discrimination are to be found, but there is difference on means to the agreed end. The objections cited by Mr. Turner, chairman of the New York State Commission Against Discrimination as raised by management and industry at the time of the bill's consideration were that the proposal was ". . . another instrument of government regulation which would subject business to blackmail and harrassing governmental investigations following unwarranted complaints," that ". . . the employment of numbers of minority groups would be resented by employees and disrupt present employee personnel," and that ". . . enactment of the law would cause industry to leave the state." All of these objections are classifiable as an argument in the form of point 3b on the anti-FEPC side, namely, that sudden and violent attempts to uproot such long-established practices will result in conditions even less desirable than those complained of.

The great mass of material published on either side would seem to be reducible to three general types, either variations of arguments in the forms listed above, attacks on the workability of particular bills as drawn and offered, or so-called arguments founded largely in emotionalism and directed to particular economic, regional, racial or other groups. The first type has been outlined, the second can only be judged on the basis of the experience of those jurisdictions which have adopted fair employment practices acts, and the third is not for consideration in a report of this nature.

APPENDIX A

DIGEST OF CONGRESSIONAL BILLS RELATING TO FAIR EMPLOYMENT PRACTICES[17/]

79th Congress, 1st Session

Part I - Senate Bills

S. 101. Chavez et al.; January 6, 1945.

Fair Employment Practices Act. - Declares as an unfair employment practice (a) by any employer the refusal to hire, the discharge of, or the discrimination against, any person because of race, color, creed, religion, national origin or ancestry, or the limitation of recruitment on that basis; (b) by any labor union the refusal of, or expulsion from membership or the discrimination against any employee, employer or member on the foregoing grounds, and (c) by any employer or union, discrimination etc., against any person because he has opposed practices forbidden by this Act. Establishes a Fair Employment Practice Commission (to supplant the Committee on Fair Employment Practice established by Executive Order 9346) which is empowered to prohibit persons complained of from engaging in any practice declared to be unfair, to hold hearings on complaints of such practices, to order persons complained of to cease and desist therefrom, and to take appropriate affirmative action, including hiring or reinstatement of employees with or without back pay, and to petition any circuit court of appeals for enforcement of such orders. Permits judicial review of the commission's orders upon petition of aggrieved

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17/ From Library of Congress, Digest of Public General Bills, 79th Congress, 1st Session, no. 4, Washington, 1946.

parties. All government contracts and subcontracts shall stipulate that the contractor or subcontractor unless specifically exempt by regulation shall not engage in unfair employment practices, and no government contracts shall be awarded to persons found by the Commission to have violated any of the provisions of this act.

## Part II - House Bills

H.R. 2232. Norton, February 16, 1945. (Combined from H.R. 523 and H.R. 679.

Identical to S. 101 except in provisions for judicial review: H.R. 2232 would provide for judicial review and enforcement of orders of the commission in the same manner as orders of the National Labor Relations Board, except orders directed to Government Agencies, which would be subject only to action by the President. In addition, confers on the commission investigatory powers.

APPENDIX B

DIGESTS OF STATE FAIR EMPLOYMENT PRACTICES LAWS

I - New York (c. 118, L. 1945)

Declares that practices of discrimination against any citizens of the state are a matter of state concern, and not only abridge the natural rights and privileges of those citizens but also menace the institutions and foundations of the state.

Declares it unlawful for any employer, because of the race, color, creed or national origin of any person to refuse to hire or to discharge such person, or to discriminate against him in compensation, or in terms of employment; for a labor union, for any of the reasons cited, to exclude or expel from membership any such person, or to discriminate in any way against any of its members or against any employer or any individual employed by an employer; for any employer or employment agency to advertise, or use any form of application for employment, or make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination on account of race etc., unless based on a genuine occupational qualification; or for any union, employer or employment agency to discriminate against any person because he has opposed any practices illegal under the law, or has filed a complaint, testified, or assisted in any investigation under the law.

Exempted from the provisions of the law are employers employing less than six persons, and non-profit organizations.

Creates a State Commission Against Discrimination, consisting of five members appointed by the governor with the consent of the senate, each member to serve a five-year term at a salary of $10,000 per year, unless sooner

removed, after notice and hearing, by the governor for neglect of duty, misconduct or malfeasance in office, but the first appointees are to serve one, two, three, four and five year terms in order to provide staggered terms.

The commission is given investigatory powers, and power to hold hearings and pass on complaints. In addition the commission may create local, regional or state-wide councils where, in its judgment, they are needed.

After hearing on complaint, the commission is authorized to issue cease and desist orders, and to order rehiring, reinstatement or up-grading of employees, with or without back pay, or restoration to membership in a respondent labor organization. Aggrieved parties may appeal from such orders to the state supreme court.

Violation of or impeding the operation of the law is punishable by fine of not over $500 or imprisonment for not more than one year, or by both.

II - New Jersey (c. 169, L. 1945)

Declares the right to employment without discrimination on account of race, creed, color or national origin to be a civil right whose abridgement is a matter of concern to the state, and menaces the foundations of a democratic state.

Creates within the State Department of Education a Division against Discrimination, to consist of the Commissioner of Education and a council of seven members, appointed by the governor with the advice and consent of the Senate for five-year staggered terms, to serve without pay except for expenses.

It is declared an unlawful employment practice for an employer to refuse to hire, to discharge, or discriminate in matters of terms of employment or compensation against any person by reason of such person's race, creed, color

APPENDIX C

REPORTS OF OPERATIONS OF STATE FAIR-EMPLOYMENT AGENCIES[18]

I

Copy of letter to Governor Edge (New Jersey) Containing Preliminary Report of the First Five Months' Work of the Division Against Discrimination.

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
DIVISION AGAINST DISCRIMINATION

Newark, December 20, 1945.

HON. WALTER E. EDGE,
Governor of New Jersey,
Statehouse, Trenton, N. J.

MY DEAR GOVERNOR EDGE: Herewith is submitted a preliminary report on the work and activities of the Division Against Discrimination of the Department of Education from July 1, 1945, up to and including December 14, 1945. The headquarters of the division is located at 1060 Broad Street, Newark, and at the present time has seven full-time employees. During the first two weeks in July the division had four employees and most of the time was spent in securing equipment and organizing the office set-up. This report, therefore, covers approximately five months of actual operation.

COMPLAINTS

A total of 66 complaints have been filed with the division up to

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18/ Congressional Record, vol 92, no. 10, pp. 400-402.

December 14. These complaints fall in two major classifications, employment and miscellaneous. A total of 44 employment complaints have been registered. Twenty-three of these employment complaints were dismissed in the office of the division by means of careful screening. The screening process used was able to dismiss these complaints in some cases through wise counselling and in others because of insufficient evidence or lack of jurisdiction. The remaining 18 employment complaints have been or are being processed. Fourteen of these were refusals for hire, 2 were charges of discriminatory discharge, and 2 were complaints who refused to work with Negroes. Seventeen of these complaints were because of color and one because of religion.

Parties charged by these complaints were industry 13, government 2, small business 1, and employees 2. Twelve of these cases have been satisfactorily settled while 6 are in process of settlement. To date it has not been necessary to carry any case to the hearing state. Instead, methods of conciliation, conference, and persuasion, as stated in the law, have been successful. Two important factors were probably responsible for keeping the number of complaints to a minimum. First is the employment situation in general; second, the fact that the law calls for complaints to be verified and made by an aggrieved individual.

Twenty-five miscellaneous complaints have been made dealing with all types and charges of discrimination other than employment. While the law does not give the division any specific power to deal with all types of complaints, the division as a public agency has attempted through various methods to handle complaints of this type satisfactorily. In some cases other agencies of the State were consulted, and in still others representatives of the division dealt directly with the problems involved.

Many of these miscellaneous complaints dealt with civil rights laws, some involved methods and materials used in public schools, and others fringed on the employment situations. The advice of Mr. Dominic A. Cavicchia relative to many of both the miscellaneous and employment problems has been invaluable.

## EDUCATIONAL ACTIVITIES

The advice of the State council in policy-making has been very sound in the setting up of advisory agencies and regional councils as called for in the law. The State council has decided to organize these regional councils on a county basis composed of representative citizens from each county consisting of not less than 7 nor more than 25. The actual number of members in each county is to be determined by local conditions. These councils are being organized at present, and in some counties should begin to function after the first of the year. It is also planning as a matter of policy to have a member of the staff of the division help these regional councils organize and attend all subsequent meetings in the role of a technical advisor.

Numerous meetings have been attended as well as conferences held with school officials in regard to school programs designed to break down prejudices and increase human understanding and good will toward all groups in America. Many New Jersey schools have been conducting outstanding programs in this area of learning for some time. Efforts of the division are being made to spread this type of work throughout the State.

A series of meetings have also been held with leaders in the field of adult education. Sample courses have been drafted for use in these schools and many promises of cooperation received that they will be used when new schedules become effective. One of the large Newark schools is planning to launch its

first course in February. So many other phases of the work of the division are also educational, it is necessary to list other activities under a separate heading.

## MEETINGS AND CONFERENCES

Members of the staff have addressed some 93 meetings mostly between September 1 and December 14. These meetings were attended by over 14,000 people composed of the following: Personnel managers, industrial executives, owners, labor union delegates, teachers, college students, club women, and religious groups. Efforts have been made to explain the workings and interpret the spirit of the law.

A series of 25 conferences have also been held with representatives of industry, labor, education, government officials, the press, the clergy, and minority groups. These conferences have been held in a friendly vein, and for the most part have resulted in greater understanding of the purpose of the law. A list of meetings attended and conferences held is appended to this report. (Omitted from this appendix).

## CONTACTS WITH OTHER STATES

Efforts have been made to keep in close touch with the New York State Commission. Early in August, three staff members met for several hours with four members of the New York Commission. The assistant commissioner met with the New York chairman, and members of the Commerce and Industry Association of New York City in October. In addition, an all-day conference was held in November with Mr. Cavicchia, the assistant commissioner, counsel for the New York Commission, and its chairman, Mr. Henry C. Turner. Regardless of some

press stories, a feeling of mutual understanding exists and pertinent information is constantly being exchanged through correspondence as well as by means of the conference mentioned above.

The Governor of California has called upon New Jersey for help and information in that he had two personal representatives spend several hours in the division office gathering facts and material. Likewise, the Governor of Massachusetts sent a special representative to New Jersey who also spent several hours going over the workings of the law in particular, and the division in general.

General inquiries have come in by mail from all parts of the United States and specific requests for definite information have been received from Wisconsin, the city of Chicago, and the executive secretary of the council of State governments.

## PUBLIC REACTION

Fears that were expressed by many people regarding the wisdom of an anti-discrimination law have failed to materialize. In practically all groups and conferences attended by staff members, a large majority of the people present have indicated a recognition of the principle of fundamental justice on which the law is based. The public press has been most cooperative in its efforts to help people understand the work of the division. A number of industrial concerns have on their own initiative modified personnel policies in keeping with the spirit of the law.

While progress have been made in breaking down and eliminating practices of discrimination in employment, there is no doubt, much discrimination continues to exist. The division, now that it is organized and under way,

should attempt through study and research to discover these areas as a first step toward their elimination in the State of New Jersey.

Prejudices against some minority groups have existed for centuries and it should not be expected that they can be eliminated except by means of a long continuous common-sense program of effort.

Respectfully submitted,

JOHN S. BOSSHART,
Commissioner of Education.

JOSEPH L. BUSTARD
Assistant commissioner of Education.

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II

Copy of letter to Hon. H. Alexander Smith, United States Senate, relating to experience under the New York Law Against Discrimination.

STATE OF NEW YORK
STATE COMMISSION AGAINST DISCRIMINATION

New York, N. Y., January 24, 1946.

HON. H. ALEXANDER SMITH,
United States Senate,
Committee on Education and Labor,
Washington, D. C.

MY DEAR SENATOR SMITH: In response to your letter of December 27, making inquiry with respect to our experience with the New York law against discrimination (the Ives-Quinn law) and how, in my judgment, this matter of discrimination can best be dealt with from a Federal viewpoint, I submit the

following:

The New York statute differs materially from any of the bills with which I am familiar as having been introduced into the Congress. It imposes upon the commission created by the statute a three-fold duty:

(1) Of research, study and recommendation with respect to the problems of discrimination in all or specific fields of human relationship;

(2) By education, community spirit or otherwise to foster good will, cooperation and conciliation among the groups and elements of the population, and

(3) To enforce the law with reference to defined unlawful employment practices.

Our experience leads me to the conclusion that these duties are wisely united, and that their combination in one commission has materially aided in the administration of the law.

Opposition to the enactment of the Ives-Quinn law was strongest from organized industry who professed to find in the proposal another instrument of government regulation which would subject business to blackmail and harrassing governmental investigations following unwarranted complaints. The fact that the function of the commission is educational as well as regulatory has, in some considerable degree, abated these fears. It has enabled us to invite management to consult with us respecting their practices and procedures and thus avoid offense under the statute.

In illustration of the point, we have reviewed upon request approximately 500 employment application forms containing objectional matter and with no exception to the present time, we have had full compliance with our suggestions. We have had approximately 400 inquiries, either by mail or orally, with respect to the operation of the law to which we have made answer. In addition, the

members of the commission have addressed more than 60 meetings explaining the operations of the law and most of them have been before industrial management groups and at their invitation. As against these figures only some 200 complaints of discrimination have been filed with the commission in the 6½ months of our operation.

Many of our interviews and talks have been with trade associations, chambers of commerce and similar groups as the result of which their cooperation has been obtained to the extent of the circularization among their members of fair abstracts of our interpretations of the statute.

These opportunities, together with the very fact of the enactment of the law, have caused many employers to change their practices. In the nature of things the number of those so conforming may not even be estimated at this early date, but the evidence available indicated that it is considerable, not only in small establishments but by large employers, notably of white-collar workers, including banks, insurance companies, and department stores. There can be no legitimate doubt that the enactment of the Ives-Quinn law has brought about in New York State a definite trend of improvement in the employment practices toward which it was directed.

Another objection raised by management to the enactment of the law was that the employment of numbers of minority groups would be resented by employees and disrupt present employee personnel. Our experience demonstrates that this bogey is without substance. As far as we have been able to gather information, in only one case has an employee left his job because of the advent of members of a minority group and in that case it was only a single employee who went out. On the other hand, we have had many evidences of employee cooperation.

It was urged that enactment of the law would cause industry to leave the state. This argument is not valid, of course, in the case of a Federal

statute. Nevertheless, it is interesting to note that we have not found a single instance where there has been such withdrawal, while on the other hand, and notwithstanding the statute, new industries have moved into the state.

The expanding employment of members of minority groups in itself is dissipating the phantoms of fear by which many were haunted.

Another respect in which the Ives-Quinn law differs from the bills now before the Congress is in the procedure of the enforcement provisions. Each complaint when filed is referred to a member of the commission who is charged with the direct responsibility of its investigation. This presents opportunity for a screening process by which unjustified or unworthy complaints are screened out. Furthermore, if evidence of discrimination is shown, the commissioner is charged with the duty of attempt by "conference, conciliation, and persuasion to eliminate the unlawful employment practice." The results of this (a) screening process and (b) the conciliation procedures is evident from the following figures. Out of 200 complaints filed, 51 were dismissed because of lack of jurisdiction (not involving employment); 11 were withdrawn of abandoned by the complainant; 28 were dismissed on the merits (as a result of the screening process); 63 were settled as the result of conference and conciliation and it has not yet been necessary to bring any complaint to a formal hearing.

In addition to the formal complaint, the Commission has instituted 59 investigations of alleged discriminatory practices as the result of information filed with us, of which 36 have been disposed of -- 10 developing no discrimination and 26 resulting in a discontinuance of the unlawful practice -- and no investigation has resulted as yet in the institution of procedures leading to a formal hearing.

The statute calls for the cooperation of the State department of education in the educational program and procedures are now being set up to effect

this result.

Our commission is also engaged in setting up local voluntary councils, as a part of our agency, the better to deal with conditions on local levels whereby close association with local conditions will aid cooperative efforts and interpret local situations and problems to our commission. We are also forming State-wide councils to study specific problems and make reports.

From all of the foregoing we are definitely of the opinion that our law is practicable, and indeed that it is working well, notwithstanding that our program is not yet fully developed. As time passes and experience accumulates, we are more firmly established in our belief that a fair employment practices law is a definitely workable and useful agency in ameliorating and ultimately removing, to all practical purposes, those discriminations which breed resentment and lack of faith in our professions of democracy and thus tend to weaken our national structure.

(Some remarks on the Federal bills are here omitted.)

Respectfully yours,

HENRY C. TURNER
Chairman

Executive Order No. 8802, 6 F.R. 3109 (Setting up first Committee on Fair Employment Practices) Signed June 25, 1941.

Executive Order No. 8823, 6 F.R. 3577 (Amending Executive Order 8802) Signed July 18, 1941.

Executive Order 9111, 7 F.R. 2330 (Amending Executive Order 8802) Signed March 25, 1942.

Executive Order 9346, 8 F.R. 7183 (Revoking Executive Order 8802 and substituting an entirely new Committee) Signed May 27, 1943.

Senate Report 1109, 78th Congress (September 27, 1944) Report on Senate Committee on Education and Labor on S. 2048.

House Report 2016, 78th Congress (December 4, 1944) Report of House Committee on Labor on H.R. 3986.

Senate Report 290, 79th Congress (May 24, 1945) Report of Senate Committee on Education and Labor on S. 101.

House Report 187, 79th Congress (February 20, 1945) Report of House Committee on Labor on H.R. 2232.