

FEPCC

REPORT

January 1, 1963—June 30, 1964



**FAIR EMPLOYMENT PRACTICE COMMISSION
STATE OF CALIFORNIA**

Edmund G. Brown, Governor

FAIR EMPLOYMENT PRACTICE COMMISSION

Report: *January 1, 1963–June 30, 1964*



STATE OF CALIFORNIA
Edmund G. Brown, *Governor*

DEPARTMENT OF INDUSTRIAL RELATIONS
Ernest B. Webb, *Director*

FAIR EMPLOYMENT PRACTICE COMMISSION
Clive Graham, *Chairman*

DIVISION OF FAIR EMPLOYMENT PRACTICES
Edward Howden, *Chief*

It is impossible to predict whether the commission and other forces will be able, in the face of this forbidding handicap, to bring about significant progress against pervasive and stubborn patterns of housing discrimination.

The commission will, in any event, vigorously and wholeheartedly endeavor to fulfill its educational and affirmative responsibilities in support of equal opportunity in housing.



. . . IT IS NOT ENOUGH *that we eliminate all vestiges of discrimination . . . In addition, we must seek affirmative action, counseling members of minority groups on opportunities . . . urging them to prepare themselves with education and training for jobs. . . . Laws alone are not enough to solve our problems of discrimination. We must search our own hearts and consciences. We must ask ourselves if we are our brother's keeper. We must judge humans as humans, not as members of a race or sect.*

Edmund G. Brown
Governor .

Sacramento
December 12, 1963



FAIR EMPLOYMENT PRACTICE COMMISSION

Clive GrahamChairman
Elton BrombacherCommissioner
C. L. DellumsCommissioner
John Anson FordCommissioner
Louis GarciaCommissioner
Mrs. Audrey M. SterlingCommissioner
Dwight R. ZookCommissioner

DIVISION OF FAIR EMPLOYMENT PRACTICES

Edward HowdenChief
Mrs. Aileen C. HernandezAssistant Chief
Charles E. WilsonLegal Counsel
Frederic R. GunskyEducation Officer
Donald K. HenryArea Supervisor, Northern California
Lawrence LucksArea Supervisor, Southern California

The position of special representative was held by Herman Gallegos until September 1963, by Mrs. Audrey R. Kaslow between December 1963 and November 1964, and by Rafael Vega since July 1965. Cruz Reynoso became assistant chief in June 1965, and Lloyd Zimpel became acting education officer in December 1964.

DEPARTMENT OF INDUSTRIAL RELATIONS

FAIR EMPLOYMENT PRACTICE COMMISSION

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EDWARD HOWDEN
Executive Officer

December 31, 1964

To The Honorable EDMUND G. BROWN
Governor of California

Sir:

A report for the 18-month period from January 1, 1963, through June 30, 1964, of the California Fair Employment Practice Commission and the Division of Fair Employment Practices in the Department of Industrial Relations is submitted herewith, pursuant to provisions of Section 1419(j) of the Labor Code of California. This report covers the stated period in order to adapt the Commission's annual reports to a standard fiscal year basis.

The first period of nearly five years since the Fair Employment Practice Act was passed under your leadership illustrated how effective law can be in promoting equal employment opportunity. From September 1959 through June 1964 FEPC had received over 3,400 individual cases of alleged employment discrimination. In those pursued to a final determination, one-third have resulted in corrective action being taken not only to cease illegal practices, but in some cases also to effect hiring or promotion policies or other positive programs which bring about expanded opportunities for minority workers.

This report also points out how FEPC has supplemented the individual case approach with increasing emphasis on broad-gauged affirmative action programs and general investigations pursuant to Section 1421 of the statute.

During this report period, FEPC was also charged with responsibility for enforcement of the Rumford Fair Housing Law, effective September 20, 1963. At this writing, following the November 1964 election which partially nullified that law, and in view of pending court decisions, the fair housing situation in the State remains clouded.

Recognizing the strong link between unequal job opportunities and a restricted housing market, FEPC feels great concern for correcting inequities in both fields, and will persevere in its endeavors to insure to every California citizen who is subject to discrimination his fundamental civil rights in these and related areas.

Respectfully,

CLIVE GRAHAM, Chairman
Fair Employment Practice
Commission

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INTRODUCTION AND SUMMARY

As the year 1863 marked the nation's first historic step against racial discrimination, so the centennial year 1963 brought with it many significant strides toward assuring full opportunity for all citizens. Nationally, there was the struggle to draft and pass meaningful federal laws against exclusionary practices. In California the year brought heightened awareness of the millions of minority group citizens not allowed full participation in the society they help create.

Negroes, Mexican Americans, Jews, Asian Americans, Catholics, Indians, Seventh Day Adventists—these and many others are part of our state's richly variegated culture. Yet discrimination because of race, color, creed, or national origin continues to be practiced against many.

Since its establishment in 1959 the California Fair Employment Practice Commission has worked with cooperating agencies and with concerned employers, unions, educators, and other groups in paving new pathways to equal employment opportunity for all citizens. But even while many employers acted voluntarily to comply with the law or were brought to compliance through commission efforts, the state's rapid technological growth pointed up other disadvantages for minority citizens. Increased automation and mechanization of industry lessened demand for unskilled and semiskilled workers, with consequent effects on some minority groups long deprived of the adequate education and specialized skills crucial in the employment picture of the sixties.

To aid in countering such growing disadvantages for minorities, the commission during the period covered by this report, January 1, 1963, to June 30, 1964 *, placed emphasis on two phases of its overall program: It acted to supplement the basic individual complaint approach to the employment discrimination problem with formal "affirmative action" projects designed to aid willing employers to take deliberate steps toward expanded employment of qualified minority workers. Such programs apply to initial hiring and to conditions of employment, including promotion and assignment. Secondly, the commission focused more of its educational efforts on career incentives for the state's minority youth, by encouraging continued education and training in preparation for acquiring necessary job skills.

* An 18-month period extending to the end of a fiscal year in order to coordinate reporting periods with fiscal periods.

Fair Housing Duties Added

As the commission moved to keep pace with changing and challenging needs for its services in the employment field, it also officially sought to correct inequities in housing. During this period a fair housing law was passed and placed under FEPC administration, but almost from its inception the statute was under attack by those who sought to nullify its enforcement provisions.

These 18 months also saw a modest but meaningful increase in the number of commissioners, staff members, and offices. Two advisory councils were appointed and the information program was expanded as public interest and acceptance of the commission's aims and policies grew.

Although case statistics tell only a fraction of the story, the additional number of grievances handled during this 18-month period is of interest. The number of individual employment complaints received totaled 1,412, only 60 less than in the previous 24-month period, and nearly $2\frac{1}{2}$ times that of the commission's first 16 months. In addition, 19 investigations were begun under Section 1421 of the FEP Act and 26 affirmative action programs were initiated. Also, in the period of some nine months after the housing law became effective, FEPC docketed 135 cases of housing discrimination complaints.

Of the 1,044 employment cases closed during this period, including Section 1421 investigations, the commission made a determination as to the existence or absence of discrimination in 951, or 91 percent, of the cases. The remaining 93 cases—9 percent—were dismissed because the commission lacked jurisdiction or the complainant failed to proceed. In 30 percent of the 951 cases discrimination was found to exist, and all these were closed by satisfactory adjustment through conference and conciliation.

In the 84 housing complaints closed during this period, the commission determined that there was discrimination in 76 instances; in 59 percent of these corrective action was effected.

Beneficial Results

While it is difficult to measure accurately the effects of an individual case, the constructive consequences generally go far beyond its specific disposition. A case, which is only one statistical unit, may result in opening up scores of new opportunities for applicants formerly excluded. Often the employer, union, or employment agency named in a complaint will be impelled to examine for himself, with FEPC assistance, his entire policy of hiring, promotion, and assign-

ments. Whether the inequities thus often revealed stem from definite discriminatory intentions of other personnel, from less conscious customary practices, or from outside factors, such as restrictive recruitment channels, such a study almost always leads to beneficial results for all concerned.

Achievement of such cooperative compliance, wherever possible, clearly accords with the intent of the Legislature and the basic directives of Governor Edmund G. Brown in this field. In the rare circumstances where such compliance is unattainable, sanctions can be invoked.

ORGANIZATION AND POLICY

During this 18-month period the commission underwent significant change, increasing its jurisdiction under legislative authorization and enlarging its scope in several ways. While the number of individual complaints continued to rise, a shift in emphasis brought increasing attention to general investigations and broad affirmative action procedures. Passage of the Rumford Act added enforcement of fair housing provisions to FEPC duties.

As authorized by the Legislature, the commission was enlarged from five to seven members, additional staff members were hired and two new offices were opened.

Appointed by Governor Brown as new commissioners were Louis Garcia, San Francisco attorney, and Clive Graham, Long Beach realtor. Mrs. Carmen Warschaw succeeded John Anson Ford as commission chairman in January 1964 *.

Staff additions included an associate legal counsel, an assistant education officer, seven consultants and five clerical employees. The new personnel were added pursuant to enactment of the housing law and to staff the newly authorized district offices.

In November 1963, the first of these district offices was opened in Fresno, where one consultant in charge and a secretary handle cases and educational activities in a six-county San Joaquin Valley area. A second such office, similarly staffed, was opened a month later in San Diego. The state headquarters is in the State Building Annex, San Francisco, as is the Northern California Area office. The Southern California Area office is in the Junipero Serra Building, Los Angeles.

Advisory Committees and Councils

Early in 1964, FEPC established its first advisory group, the statewide Women's Advisory Council of 140 members. At its initial meeting April 3, in Sacramento, council members heard Governor Brown, FEPC representatives and other state leaders discuss civil rights priorities for the coming months.

A second advisory group, this one on a community level, was organized in May 1964 at the urgent request of groups in northern

* On Mrs. Warschaw's resignation in October 1964, Mr. Graham was named chairman, and Mrs. Audrey M. Sterling was appointed as commissioner.

San Mateo County. Operating largely in that area, it was designated the San Mateo Area Advisory Committee and consisted initially of 17 members.

The two groups were formed under provisions of the Fair Employment Practice Act and the Fair Housing Act. Both laws empower FEPC to create such agencies for the purpose of studying problems of discrimination and fostering equality of opportunity through education and community effort. Commissioners and staff also conferred with other community agencies and committees throughout the state on formation of similar groups in the future.

Cooperation With Other Public Agencies

Close working relationships developed or continued with several state agencies, including the Departments of Education, Employment, and Social Welfare; the State Personnel Board; the Division of Labor Statistics and Research; the Division of Labor Law Enforcement; the Governor's Advisory Committee on Children and Youth, and the University of California.

Progress of the commission was accompanied by a commitment of these agencies and all others in state government to eliminate discrimination in California. An important factor in the success of many commission projects was the Governor's *Code of Fair Practices*, which FEPC had recommended and assisted in preparing. Governor Brown issued the code in July 1963 and at the same time established the important post of Assistant to the Governor for Human Rights.

Cooperative agreements were also established with other government agencies, including the Housing and Home Finance Agency and the President's Committee on Equal Employment Opportunity.

In July 1963, the division chief was among authorities who testified in Washington before the United States Senate employment and manpower subcommittee of the Committee on Labor and Public Welfare during hearings on FEPC bills. This legislation was later in the main incorporated into the Civil Rights Act of 1964 as Title VII. Commissioners and staff also testified before the State Senate Fact-Finding Subcommittee on Race Relations and Urban Problems (Senator Holmdahl, Chairman).

Early in 1963, FEPC offered advisory assistance to mayors of all California cities in establishing human rights committees to carry out President John F. Kennedy's recommendations that local governments take steps to speed resolution of interracial tensions and the inequities causing them. One result of that project was production and distribution of the *Directory of Human Relations Commissions*.

Mediation Efforts in Demonstrations and Disputes

Early 1964 saw a series of disputes in California between several major employers and civil rights groups who claimed discriminatory job practices were excluding minorities from those particular firms. In the dispute between the Bank of America and the Congress of Racial Equality, FEPC entered the situation in response to the bank's statement that it would submit to the commission, rather than to CORE, personnel statistics classified according to racial or ethnic identity. Soon after this, FEPC and bank representatives began discussions aimed toward reaching a mutually satisfactory cooperative working relationship. These conferences resulted in a "Memorandum of Understanding" between the bank and FEPC, which had the important provision that periodic reports of evaluated data on the bank's employment pattern be published by FEPC*.

In similar hiring disputes in that period, various civil rights groups established picket lines to emphasize charges of employment discrimination. In these actions, FEPC's role was generally limited to the affirmative one of seeking to bring the principals of each side together for attempted conciliation.

Policy on Racial Surveys of Work Forces

To guide employers and employment agencies or unions in conducting statistical research on employees and job applicants, FEPC in December 1963 issued a statement on surveys and statistics as to racial and ethnic composition of work forces or union memberships, which pointed out that although a job application form may not include racial identification, it is permissible to tally for statistical purposes the approximate number of applicants in each main group. Racial data can be kept on *posthire* records, provided it is never used for discriminatory purposes and does not become part of the individual's personnel record.

Pattern checks or surveys of the number of employees or union members by racial and ethnic identity are usually taken during an FEPC investigation, with suggestions on survey methods presented to each respondent early in the course of the inquiry.

Other Developments in Policy and Program

AFFIRMATIVE ACTIONS

Requests to initiate specific affirmative action projects may come from a commissioner, staff members, or other person or organization. In the event that an action is required between commission meetings,

* See section on Affirmative Actions.

the chief is authorized to initiate such action, assign staff, and report his action at the next commission meeting for approval.

In regard to methods of approach for affirmative action, exhaustive investigation is not usually required; rather, conferences are arranged to discuss hiring, recruitment, and training practices. Emphasis is placed on top-level discussions—for example, with top management, association heads, union leaders or personnel directors.

These programs are geared to obtaining maximum results with minimum effort, firms being selected largely on the basis of their potential for significant progress in the practice of equal opportunity. Efforts are made to contact large new companies or plants locating in an area in order to bring about inclusion of minorities at the initial hiring.

PUBLIC REPORTING ON CASES

During this period the commission further refined its policy governing disclosure of information about cases and affirmative actions. Except for endeavors at conciliation—which by law may not be disclosed or admitted in evidence—the commission assigned to a case and the division chief may exercise discretion concerning information to be released. Generally, such information will not be issued until final disposition of the case has been reached. Sometimes, however, where a case or affirmative action is already in the public arena, public reporting of major developments takes place; when not otherwise released, the assigned commissioner may seek the cooperation of the parties in such reporting. There will be no disclosure of unevaluated data secured from an employer, union, or other organization or agency.

INFORMATION AND EDUCATION

The overall program of the Fair Employment Practice Commission consists of (1) compliance and (2) information-education. Since the success of the state's antidiscrimination efforts depends, in large measure, upon public support, and this support, in turn, is conditioned substantially by the extent of public understanding of the problems to which FEPC is addressed and knowledge of the commission's aims and functions, the educational program assumes increasing importance.

The program is multifaceted to serve the many sections of the public it must reach. Employers—both private and governmental—labor organizations, employment agencies, minority workers, job seekers, communications media, teachers, parents, and students are among the many publics which the commission seeks to address, sometimes as a whole and sometimes with special focus.

Several methods for reaching these diverse groups have been developed: production and distribution of interpretive publications and news releases; audio-visual displays planned for a wide range of audiences; formulation of a career motivation program directed to needs of minority youth; a speaker service through which Californians receive firsthand facts about the commission and the law; and special events scheduled to bring anti-discrimination programs to public notice.

Publications

In its capacity as an information agency, FEPC produced and distributed a number of new publications on both housing and employment during this report period. The list includes:

Negro Californians. A 43-page analysis of employment, income, and education characteristics of the state's Negro population based on material compiled by the Division of Labor Statistics and Research from 1960 census data.

Californians of Spanish Surname. A companion piece to the above, this 53-page publication provides a similar, extensive analysis of census statistics.

Si—Se Puede! (It Can Be Done). A 24-page booklet with 36 action photographs featuring young people of Spanish-speaking background. The text emphasizes the importance of education, training and experience—not national origin, color or race—in achieving worthwhile careers.

Whoever You Are. A four-page leaflet combining three photographs from *Si—Se Puede!* with brief text encouraging minority youth to stay in school.

Promoting Equal Job Opportunity: A Guide for Employers. A point-by-point outline to provide employers with specific recommendations for affirmative action in job policies, recruiting, hiring, training and upgrading. It includes a list of news media helpful in reaching Negroes and Spanish-speaking Californians.

FEPC Reports: 1961 and 1962. A 40-page account of the commission's work during these two years, highlighted by tables, charts, and case illustrations.

Directory of City and County Human Relations Commissions. A compilation of these agencies in the state, with names and addresses of officers and members.

Fair Practices News. Formerly called *Fair Employment Newsletter*, this was published bimonthly and circulated to a mailing list of over 13,000.

Report on Oakland Public Schools. A 32-page record of the commission's investigation of the Oakland Unified School District in regard to its recruiting, hiring, assignment and promotion policies.

Memorandum of Understanding: Bank of America. Text of agreement between the commission and the Bank of America, first step in a far-ranging affirmative action program.

Statement on Surveys and Statistics. Commission recommendations on measuring the racial and ethnic composition of work forces or union membership, detailing what is or is not permissible under the FEP Act.

Laws Regarding Equality of Opportunity in Housing. A leaflet with full texts of both the Unruh Civil Rights Act and the Rumford Fair Housing Act.

Answers To Questions About the California Fair Housing Law. A folder that explains in detail the Rumford Act and how it is administered under the FEPC.

Fair Housing—What the Law Does. Provisions of the Rumford Act in digest form.

You Have the Right to Equal Opportunity for Good Housing. An informational poster, 8½" x 11", which clarifies basic points of the fair housing law, in both Spanish and English.

Opening the Door. Nine case histories of housing discrimination complaints that FEPC investigated and resolved. Illustrated,

FEPC Publications: A Checklist. Compilation of publications and visual aids currently available.

Audio-visual Materials

Opportunity for All, a filmstrip of 50 frames, closely tied to FEPC's 1960 publication, *Success Story*, and depicting minority young people at work in good jobs, was produced and made widely available on a loan basis. The strip and its accompanying script proved especially valuable to school and community groups in building motivational programs.

Two prints of the sound film, *To Find a Home*, were purchased and made available on loan to interested groups. This 30-minute program deals powerfully with the difficulties of a Negro family in its attempts to rent adequate housing.

A series of large photomurals telling the fair employment story was designed and displayed extensively throughout the state. Entitled "Manpower for the Future," it was seen at conferences, schools, libraries, in public buildings and at special exhibitions.

In response to requests for additional display material, early in 1964 the staff designed and built a second photographic exhibit, "Equal Opportunity—Employment and Housing." Among cities in which at least one of these two exhibits was viewed were San Diego, Fresno, Sacramento, Palo Alto, Berkeley, Oakland, Modesto, and Santa Rosa, as well as many locations in Los Angeles and San Francisco. Two portable tabletop display panels produced earlier were also in great demand by varied audiences.

During this reporting period the division also produced and distributed to press, radio and television about 50 topical news releases on FEPC cases and activities. Among those that received particularly wide coverage was "Cases From the Files of FEPC," which summarized 10 employment case histories, Expanded use of minority group and foreign language media increased awareness of the commission's program, procedures and policies, as did television and radio appearances and magazine articles written by commissioners and staff.

In addition to more formal aspects of the information program, the education section answered many written and telephone inquiries, especially in regard to interpretation of the Fair Housing Law.

Library

A valuable adjunct to the information program was development of a reference library containing material on civil rights in the fields of education, employment, housing, law, and intergroup relations, as

well as both general and sociological source material. Pamphlets, booklets and reports in a second section provide data on FEP groups in other states; on state, federal, and private civil rights agencies; and on county human relations units in the state. It has proved a valuable source of reference data for the commission, as well as for legislators, government agencies, and other groups.

Motivation for Youth

Increasingly, FEPC's education program has gone beyond mere dissemination of facts about the law and has concerned career motivation of young people, both by reaching them directly and by advising their counselors, teachers, and parents. The aim here is to provide students, especially those in minority groups, with information about the changing employment picture and the importance of adequate preparation for the good jobs potentially available to minority youth. Several booklets, such as *Si—Se Puede!*, *Success Story* and *Whoever You Are* were enthusiastically received by such groups across the state.

Other positive steps taken by FEPC in this direction include participation in career guidance conferences and distribution of effective audio-visual aids. Commissioners and staff gave planning assistance and spoke at such career-oriented events as the Community Service Organization's Youth Incentive Conference in Fresno; a Santa Monica Parent-Teacher Association meeting on School Dropouts; the Southern California Youth Conference of the National Association for the Advancement of Colored People, in Oxnard; the Orange County Conference on Education of Spanish-speaking Children and Youth; the Career Guidance Center, Los Angeles; the Youth Opportunity School sponsored by the San Francisco Youth Association; the Los Angeles conference, "Youth Opportunities—Unlimited?" and other workshops, meetings and seminars.

Speaker Service

Over 750 speaking engagements were filled by the commission and staff during this period. Although numerous appearances after September 1963 concerned explanation of the Fair Housing Law, many also dealt with employment, career motivation, and the improving outlook for minority job openings.

Throughout the state in communities of all sizes, FEPC representatives were heard by widely varied audiences—bar associations, unions, religious groups, chambers of commerce, intergroup relations units, personnel counselors, educators, realtors, college students and parents. Commissioners and staff members also participated in radio and television programs.

Conferences and Special Events

Among outstanding events in which FEPC helped focus public attention on the employment and housing laws that it administers were the following:

Oroville. Public meeting to discuss citywide equal employment opportunities: May 1963.

San Jose. Formal meeting of commission which included conferences with the city council, city human relations commission, and representatives of San Jose chapters of the NAACP, Mexican American Political Association, and other groups. During the two-day session, commissioners and staff also took part in a television program, and spoke before eight community groups: October 1963.

San Bernardino. Commission met with city and county officials and with representatives of community groups including the San Bernardino Human Relations Commission, MAPA, Leadership Council, American Civil Liberties Union, CSO, CORE, and the NAACP to explore discrimination problems and their solutions: December 1963.

Oakland. During a one-day session which was part of a regular monthly meeting, the commission conferred with Oakland officials and representatives of community groups such as the mayor's committee on full opportunity, Council of Churches, Board of Rabbis, NAACP, CSO, Alameda County of Social Planning, Oakland Redevelopment Agency, MAPA, Bay Area Urban League, and the Baymont District Community Council: March 1964.

San Francisco. Executive officer and staff members spoke at a series of assemblies on civil rights in public high schools of the city, reaching over 19,000 students: March 1964.

San Mateo. Public meeting for the formation of the San Mateo Advisory Council to FEPC, first such community unit organized. Staff members participated in the meeting and in preliminary sessions organized by civic groups: April 1964.

Sacramento. First meeting of Women's Advisory Council to FEPC, attended by over 80 women representing communities and organizations throughout the state: April 1964.

Long Beach. Commission met with city officials, civic leaders, and the Long Beach Human Relations Commission, and heard statements by spokesmen for religious and civil rights groups: April 1964.

COMPLIANCE THROUGH INDIVIDUAL EMPLOYMENT COMPLAINTS

Despite a sharpened focus on broader forms of compliance, such as affirmative action projects, the processing of individual complaints continued as a principal function of FEPC and one that required the greatest proportion of staff and commissioner time. During the 18-month period covered by this report, 1,412 individual employment complaint cases were docketed and 1,035 closed. Nineteen investigations under authority of Section 1421 of the FEPC Act were authorized. (See following section.)

Table 1
**EMPLOYMENT CASES OPENED: TYPE OF
INITIATION**

<i>Type of initiation</i>	<i>July 1, 1963– June 30, 1964</i>		<i>Jan. 1, 1963– June 30, 1964</i>		<i>Cumulative total Sept. 18, 1959– June 30, 1964</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Individual complaints	866	98	1,412	99	3,416	97
Investigations ^a	15	2	19	1	101	3
Total	881	100	1,431	100	3,517	100

^a Ordered by the commission, on receipt of credible information indicating a violation, under authority of Section 1421, Labor Code.

At the close of the 1964 fiscal year, determinations had been made and disposition ordered in a total of 2,654 individual employment cases since September 18, 1959. The number of individual cases in process of investigation or conciliation on June 30, 1964, was 762.

While the monthly intake of individual employment cases during FEPC's first 16 months (September 1959 to December 31, 1960) was about 35, rising to 63.5 during 1961 and 1962, it reached an average of 78 by mid-1964.

Table 2
STATUS OF EMPLOYMENT CASES
As of June 30, 1964

<i>Closed or in process</i>	<i>Total cases</i>		<i>Individual complaints</i>		<i>Investigations</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Cases closed, September 18, 1959-June 30, 1964.....	2,697	77	2,654	78	43	43
Cases in process, June 30, 1964.....	820	23	762	22	58	57
Total cases filed, September 18, 1959-June 30, 1964.....	3,517	100	3,416	100	101	100

Procedure in Handling Complaints

Any individual who believes he has been discriminated against in employment because of his race, religious creed, color, national origin, or ancestry may file a verified complaint with the commission. It is up to an assigned commissioner, after thorough investigation, to determine whether or not the alleged discriminatory act appears to have occurred. Complaints may also be filed by an employer or union (against employees or union members refusing to cooperate in efforts to comply with the law), and by the Attorney General.

Once a complaint is filed, the commission chairman designates one of the seven commissioners to supervise the investigation, in which staff members gather information about the specific circumstances giving rise to the complaint and about the general employment policies and practices of the respondent.

After receiving the report of investigation and other memoranda from the staff, the assigned commissioner begins the process of arriving at a determination. He may ask one or both of the parties to confer with him, in order to gain additional information and to find further evidence in support or refutation of the complainant's charges. Evidence of unlawful discrimination is frequently elusive and difficult to appraise. It is of crucial importance that the commissioner neither fail to find the violation where it has occurred, nor err by reaching an unsubstantiated conclusion against the respondent. The burden of proof is upon the complainant. The commissioner and his staff aides impartially pursue the evidence, pro or con, whichever way it may lead.

The assigned commissioner may find no evidence, or insufficient evidence, to support the allegations, and so dismiss the case. He may find the charges are valid and so proceed with the case or he may find that there is insufficient evidence to credit the complainant's specific charges but that the respondent is engaged in other discriminatory practices. If either of the latter two decisions are made, the commissioner then attempts, through conciliation, to eliminate the discriminatory policy or practice and bring about compliance. The terms of the conciliation agreement are summarized in a closing letter from the commissioner to the respondent, with a copy typically going also to the complainant. Conciliation proceedings are confidential to enhance the possibility that complete candor will lead to an equitable specific remedy and to revision of the respondent's practices to eliminate discrimination entirely.

Satisfactory adjustment of a case may include hiring, reinstatement, back pay, promise of next opening, promotion, promulgation of an effective merit employment policy, compliance in preemployment application forms or advertising, ending restrictive recruitment practices, nondiscriminatory interviewing and referral (employment agency), or admission to union membership and dispatch to jobs.

A complaint may also be disposed of through withdrawal by the complainant with the permission of the assigned commissioner. Or the commissioner may dismiss a case because FEPC lacks jurisdiction.

When the commissioner concludes that discrimination did occur and when his efforts to eliminate the practices through conference, conciliation, and persuasion fail, he may bring the case before a panel of at least four commissioners, excluding himself, for formal public hearing. If the respondent, upon the sworn testimony given at the hearing, is found by the hearing commissioners to have engaged in unlawful practices, they issue formal findings plus an order to cease and desist from such practices and to take such specific affirmative actions as will fully correct the situation and obviate later violations. There were no public hearings during the present report period. Only three such hearings have taken place since the commission was established in 1959.

Forms of Discrimination

Discrimination because of race or color was alleged in 1,198 cases, or about 85 percent of individual complaints, received during the period; of this number 1,166 of the complainants were Negro. National origin was the alleged basis for discrimination in 146 cases and nearly 70 percent of these involved persons of Spanish-speaking

background. In 48 instances religious creed was the basis, with anti-Semitism alleged in over half of these cases. A small number—20 cases—concerned discrimination against Caucasians because of marriage to or association with nonwhites, or because the persons had opposed an employer's exclusionary acts.

Table 3
EMPLOYMENT CASES OPENED: ALLEGED
BASIS OF DISCRIMINATION IN
INDIVIDUAL COMPLAINTS

<i>Alleged basis of discrimination</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Race or color	715	83	1,198	85
Negro	692	80	1,166	83
Asian	8	1	11	1
Caucasian	15	2	21	1
National origin or ancestry	100	12	146	10
Spanish surname	74	9	101	7
Other	26	3	45	3
Creed	36	4	48	3
Jewish	19	2	28	2
Catholic	8	1	8	1
Protestant	8	1	11	1
Atheist	1	^a	1	^a
Opposition to discrimination	15	2	20	1
Total	866	100	1,412	100

^a Less than ½ of 1 percent.

Note: Detail may not add to total because of rounding.

Most frequent types of discriminatory acts charged against employers continued to be either refusal to hire or dismissal from employment. These acts were alleged in 1,046 or nearly three-quarters of the individual cases during this period.

In the following table, which summarizes the various discriminatory acts alleged, "unequal work conditions" may include discriminatory discipline or layoffs, harassment on the job, discriminatory job or shift assignments, denial of permanent status, change of days off, reduction in workweek, or refusal of admission to employee organizations or participation in employee activities.

The "other" category includes failure to register in a vocational school, reprisal for filing a complaint, withholding a job reference or giving a discriminatory reference, failure to give a passing score in oral examination, failure to admit to membership in a private association, and the like.

Table 4
EMPLOYMENT CASES OPENED: ALLEGED
DISCRIMINATORY ACT IN INDIVIDUAL
COMPLAINTS

<i>Act</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Refusal to hire	315	36	550	39
Dismissal from employment	328	38	496	35
Refusal to upgrade	94	11	152	11
Unequal work conditions	189	22	285	20
Employment agency or business school referral withheld	27	3	45	3
Union membership withheld and other union discrimination	37	4	76	5
Other	16	2	26	2
Total ^a	866	100	1,412	100

^a Detail adds to more than total since more than one discriminatory act may be alleged in a single case.

Type and Location of Respondents

As in previous years, private employers were respondents in the majority of individual cases, amounting to 1,057 or about 75 percent, in this reporting period. Public employers were involved in about 18 percent, labor organizations accounted for some 5 percent, and private employment agencies, 1 percent.

Table 5
EMPLOYMENT CASES OPENED: TYPE OF
RESPONDENT IN INDIVIDUAL
COMPLAINTS

<i>Type of respondent</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Private employer	665	77	1,057	75
Manufacturing	278	32	411	29
Transportation, communication, and other public utilities	91	11	154	11
Construction	27	3	40	3
Wholesale and retail trade, except restaurants	108	12	192	14
Hotels and restaurants	37	4	69	5
Finance and insurance	32	4	53	4
Business services	52	6	72	5
Other	40	5	66	5
Public employer, except hospitals	129	15	218	15
City, except employment agency	28	3	45	3
County, except employment agency	23	3	44	3
State, except employment agency	36	4	59	4
Schools	29	3	48	3
Employment agency	13	2	22	2
Public hospitals	17	2	36	3
Private employment agency	11	1	15	1
Labor organization	37	4	76	5
Other	7	1	10	1
Total	866	100	1,412	100

Note: Detail may not add to total because of rounding.

Classification as to the type of occupations concerned showed that operative, service, and clerical occupations were involved in the greatest number of individual complaints. Over twice as many males as females opened individual complaints.

Table 6
EMPLOYMENT CASES OPENED:
OCCUPATION INVOLVED IN
INDIVIDUAL COMPLAINTS

<i>Occupation involved</i>	<i>July 1, 1963— June 30, 1964</i>		<i>January 1, 1963— June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Clerical	169	20	257	18
Crafts	75	9	117	8
Laborer	53	6	80	6
Managers and foremen	35	4	51	4
Operative	226	26	383	27
Professional and technical	102	12	156	11
Sales	32	4	82	6
Service	174	20	286	20
Total complaints	866	100	1,412	100

Note: Detail may not add to total because of rounding.

Table 7
EMPLOYMENT CASES OPENED: SEX OF
COMPLAINANT IN INDIVIDUAL
COMPLAINTS

<i>Sex of complainant</i>	<i>July 1, 1963— June 30, 1964</i>		<i>January 1, 1963— June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Female	254	29	428	30
Male	610	71	981	70
Total	864 ^a	100	1,409	100

^a Additionally, two complaints were filed on behalf of individuals by an officer of an organization.

Cases are under jurisdiction of either the Northern or Southern Area office, with the geographical distribution for this report period as shown in the following table.

Table 8
EMPLOYMENT CASES OPENED: LOCATION
OF RESPONDENT IN INDIVIDUAL
COMPLAINTS

<i>Location of respondent ^a</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
1. San Francisco-Oakland metropolitan area	328	38	535	38
2. Northern and central California except Area 1	94	11	185	13
3. Los Angeles-Long Beach metropolitan area	392	45	602	43
4. San Diego and Imperial Counties	32	4	55	4
5. Southern California except Areas 3 and 4	20	2	35	2
Total	866	100	1,412	100

^a See map on page 27 for counties included in each area.

Determinations and Dispositions

During these 18 months a total of 1,035 individual employment complaint cases was closed. Of these, a determination as to whether or not discrimination had occurred was made in 943 cases. In the remaining 92, the finding was no jurisdiction, or else the complainant failed to proceed.

Evidence of discrimination was found in 275 cases, and all were closed by satisfactory adjustment. The commission dismissed 668 cases because of insufficient evidence or no evidence of discrimination.

Corrective action taken in those cases satisfactorily adjusted included hiring, reinstatement, back pay, promise of next opening, promotion, and other remedies. In many instances, even in cases which lacked sufficient evidence to support specific charges of discrimination, employers agreed to effectuate a policy of nondiscrimination, to improve upgrading policies for minorities, or to expand



recruitment sources in order to locate additional qualified minority applicants. When labor organizations or employment agencies were involved, the action sometimes resulted in improved practices of admission, dispatching, or referral.

Of the 275 individual cases satisfactorily adjusted through conference, conciliation and persuasion, 187 involved private employers and 56 concerned public employers, while labor organizations were respondents in 20 instances and private agencies in six.

Table 9
EMPLOYMENT CASES CLOSED:
DETERMINATION REGARDING
DISCRIMINATION IN INDIVIDUAL
COMPLAINTS

<i>Case disposition</i>	<i>July 1, 1963– June 30, 1964</i>		<i>Jan. 1, 1963– June 30, 1964</i>		<i>Cumulative total Sept. 18, 1959– June 30, 1964</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Determination made as to whether or not there was discrimination	696	91	943	91	2,402	91
No determination made because of lack of jurisdiction or failure of complainant to proceed	70	9	92	9	252	9
Total	766	100	1,035	100	2,654	100

Table 10
EMPLOYMENT CASES CLOSED: DISPOSITION
AFTER DETERMINATION REGARDING
DISCRIMINATION IN INDIVIDUAL
COMPLAINTS

<i>Case disposition</i>	<i>July 1, 1963– June 30, 1964</i>		<i>Jan. 1, 1963– June 30, 1964</i>		<i>Cumulative total Sept. 18, 1959– June 30, 1964</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Discrimination found	206	30	275	29	763	32
Closed by satisfactory adjustment	206	30	275	29	760	32
Accusation filed	—	—	—	—	3 ^a	^a
Dismissed because of insufficient evidence or no evidence of discrimination	490	70	668	71	1,639	68
Total cases in which determination was made as to whether or not there was discrimination	696	100	943	100	2,402	100

^a Less than ½ of 1 percent.

The following three tables show in detail the type of respondent and geographical location, as well as the various occupational categories involved in the cases closed satisfactorily.

Table 11
EMPLOYMENT CASES CLOSED BY
SATISFACTORY ADJUSTMENT: TYPE
OF RESPONDENT IN INDIVIDUAL
COMPLAINTS

<i>Type of respondent</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Private employer	134	65	187	68
Manufacturing	43	21	73	27
Transportation, communication, and other public utilities	20	10	23	8
Construction	7	3	8	3
Wholesale and retail trade, except restau- rants	34	17	40	15
Hotels and restaurants	12	6	15	5
Finance and insurance	6	3	12	4
Business services	5	2	9	3
Other	7	3	7	3
Public employer, except hospitals	41	20	49	18
City, except employment agency	7	3	8	3
County, except employment agency	10	5	10	4
State, except employment agency	9	4	14	5
Schools	10	5	11	4
Employment agency	5	2	6	2
Public hospitals	5	2	7	3
Private employment agency	5	2	6	2
Labor organization	18	9	20	7
Other	3	1	6	2
Total	206	100	275	100

Note: Detail may not add to total because of rounding.

Table 12
EMPLOYMENT CASES CLOSED BY
SATISFACTORY ADJUSTMENT:
LOCATION OF RESPONDENT IN
INDIVIDUAL COMPLAINTS

<i>Location of respondent ^a</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
1. San Francisco-Oakland metropolitan area	88	43	121	44
2. Northern and central California except Area 1	45	22	65	24
3. Los Angeles-Long Beach metropolitan area	60	29	69	25
4. San Diego and Imperial Counties	6	3	8	3
5. Southern California except Area 3 only	7	3	12	4
Total	206	100	275	100

^a See map on page 27 for counties included in each area.

Table 13
EMPLOYMENT CASES CLOSED BY
SATISFACTORY ADJUSTMENT:
OCCUPATION INVOLVED IN
INDIVIDUAL COMPLAINTS

<i>Type of occupation</i>	<i>July 1, 1963– June 30, 1964</i>		<i>January 1, 1963– June 30, 1964</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Clerical	23	11	36	13
Crafts	26	13	28	10
Laborer	5	2	8	3
Managers and foremen	5	2	7	3
Operative	63	31	85	31
Professional and technical	25	12	30	11
Sales	22	11	28	10
Service	37	18	53	19
Total complaints by individuals closed by satisfactory adjustment	206	100	275	100

Terms of conciliation, detailed in the following table, represent the corrective action agreed on by respondents in conference with commissioners. In about half of these cases, the respondent offered immediate hiring, reinstatement or promotion. In most cases respondents agreed to put into effect or strengthen FEP policy by adhering to a merit employment policy or by eliminating unlawful preemployment inquiries or other undesirable practices. More than one term of compliance was required of the respondent in many cases.

Table 14
EMPLOYMENT CASES CLOSED: TYPE OF
ADJUSTMENT IN INDIVIDUAL
COMPLAINTS

<i>Type of adjustment</i>	<i>July 1, 1963– June 30, 1964</i>		<i>Jan. 1, 1963– June 30, 1964</i>		<i>Cumulative total Sept. 18, 1959– June 30, 1964</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Offer of immediate hire, reinstatement, or promotion of complainant	88	43	134	49	365	47
Offer of immediate hire or promotion of person other than complainant	28	14	43	16	88	11
Commitment to hire or promote at first opportunity..	19	9	26	9	64	8
Commitment to consider hiring or promoting at first opportunity	20	10	23	8	88	11
Working conditions corrected	29	14	36	13	67	9
Back pay granted	12	6	18	7	57	7
Fair employment policy promulgated or strengthened ^a	164	80	219	80	630	80
Labor union practices corrected	18	9	20	7	57	7
Employment agency referral agreed to	10	5	12	4	46	6
Recruitment sources broadened	97	47	132	48	152	19
Other	4	2	4	1	23	3
Total	206	100	275	100	784	100

^a Includes promulgation of fair employment practice order, ceasing unlawful pre-employment practices, etc.

Note: Detail adds to more than total since more than one term of conciliation may be agreed to in a single case.

EMPLOYMENT CASE SUMMARIES

Discipline or Discrimination?

A Negro checker in a large supermarket chain who was involved in an off-duty altercation was discharged soon afterwards and told that the action was disciplinary and a result of his after-hours trouble. Believing his discharge was caused by racial discrimination, the employee filed a complaint with FEPC. Investigation revealed that a Caucasian employee had been involved in a nearly identical off-duty situation without receiving disciplinary action. In the course of conciliation the differential treatment was considered, and the market management reinstated the Negro worker, paying him four weeks' back pay for the time he lost from work.

One Job Opens Up Others

A Negro worker alleged that although he had been hired temporarily by the respondent factory, he was denied full-time work because of his race. FEPC investigation revealed that no Negroes were employed in any capacity in the plant. After consultation with FEPC staff, the management agreed to offer the next vacancy to the complainant, and also hired several other Negro workers.

Inquiry Brings Reinstatement

Two high school principals, a Mexican American and a Jew, were demoted to less responsible positions. Each felt that his demotion was the result of racial discrimination. Extensive FEPC investigation disclosed, among other things, that the supervisors of both principals reported satisfactory performance of duties, and that members of the school board were divided in their attitude toward the demotions. Following conciliation, both men were reinstated as principals at full pay for the positions.

Friendships Figure in Firing

A Caucasian waitress was fired from her job, allegedly because of her friendship with Negroes. When her employer was confronted with the complaint she filed with FEPC, he admitted that resentment toward her Negro friends by employees and customers may have

influenced him in dismissing her. Following an FEPC conciliation conference, he agreed to rehire her.

Trained But Not Hired

A young Negro woman was hired as a clerk-typist by an industrial firm and given sporadic training over a four-day period. When she reported for work on the fifth day, the office manager said that because of her inexperience and the "tension created by employing a Negro" he would have to let her go. Following FEPC investigation and conciliation, the employer admitted a "misunderstanding" had occurred and paid the young woman one week's pay in settlement.

Complaint Uncovers Other Inequities

An extremely poor pattern of minority employment in a large manufacturing firm came to light during FEPC investigation of a Negro employee's claim that he had been discharged because of racial discrimination. While investigation indicated that race was probably not a factor in the discharge, it uncovered the company's generally inequitable employment practices. After counseling by FEPC staff, the company management recognized the importance of adopting positive and continuing efforts to recruit minority employees through advertising, employee referrals, and requests to minority organizations.

Firm Changes Nationwide Policy

The bakery division of a large supermarket chain revised its job upgrading policy nationally, following FEPC review of what appeared to be discriminatory promotional practices. The problem was disclosed when six Negro members of the custodial force claimed discriminatory practices blocked them from promotion to better jobs on the bakery production force. Investigation revealed that the company followed a policy of hiring new people from the outside rather than permitting custodial personnel to be considered for transfer and promotion. As a result of FEPC recommendations this restriction was abolished. The company promoted the six qualified Negroes and decided to upgrade other such personnel as vacancies occur.

Conference Clears the Air

A Negro stenographer alleged in an FEPC complaint that her supervisors in a state agency were harassing her with threats about

losing her job. She believed that the harassment was at least partially based on racially biased attitudes. FEPC investigation revealed discrimination was involved. A subsequent conference with her supervisors cleared the air, and the stenographer was assured that her job was not in jeopardy.

Progress at Two Plants

Ten Negro men and women were hired as textile workers in a new plant that had earlier refused to allow Negroes to apply for jobs. At another plant, Negro guards were reassigned to more desirable shifts after investigation supported charges of segregation and unequal treatment. A Negro maintenance man was assisted in qualifying himself for promotion to building mechanic, and began serving his probationary period in the new capacity.

Race . . . Records . . . Referrals

A Negro keypunch operator was awarded back pay and a promise of employment with a dairy company after investigation revealed she had been denied employment because of her race. . . . An employment agency agreed to discontinue recording the race of applicants on its application forms. . . . A training school for medical and dental assistants dropped discriminatory referral and placement procedures following investigation of a complaint from a Negro graduate of the school. . . . A Negro salesman at a drive-in dairy received back pay after he was discharged for racial reasons.

BROAD COMPLIANCE AND COOPERATIVE EMPLOYMENT PROGRAMS

I. SECTION 1421 INVESTIGATIONS

While the FEPC continues to devote the bulk of staff and commissioner time to individual complaints, during 1963-64 it placed increased emphasis on two other types of compliance undertaking: Section 1421 investigations and affirmative action projects.

An investigation under authority of Section 1421 of the FEP Act may be undertaken by the commission when it appears that a violation has occurred, even though no individual complainant has come forward. The commission is empowered to seek correction of such a violation only through conciliation endeavors, not through a public hearing or enforcement if conciliation should fail. It is possible, however, that the Attorney General may choose to file a complaint with the commission concerning a violation that could not otherwise be resolved.

Normally far more extensive and time-consuming than an individual complaint, these general investigations correspondingly have had a more comprehensive effect in terms of broadened job opportunities. Such investigations covered large firms, firms and unions controlling a given occupation in an important area, or major employers within a certain industry. Hundreds of job opportunities for minority workers were often involved.

Requests to initiate action under this section of the law almost always come as a request from an organization, agency or individual that is able to show substantial evidence indicating a probable violation.

Because of their magnitude, the number of such investigations was limited to only 101 from the start of the program until mid-1964. Of this number 43 had been closed and 58 were still in progress at that time. A small percentage were changed in category to affirmative action status. During this report period, 19 Section 1421 investigations were begun and 8 closed.

The following three tables show the alleged discriminatory act, the type of respondents and their location for the investigations begun during this reporting period.

Table 15
EMPLOYMENT CASES OPENED: ALLEGED
DISCRIMINATORY ACT: INVESTIGATIONS
UNDER SECTION 1421

<i>Act</i>	<i>July 1, 1963– June 30, 1964 Number</i>	<i>January 1, 1963– June 30, 1964 Number</i>
Refusal to hire	9	13
Dismissal from employment	1	1
Refusal to upgrade	5	7
Unequal work conditions	4	4
Employment agency or business school referral withheld	2	2
Union membership withheld and other union discrimination	2	2
Total ^a	15	19

^a Detail adds to more than total since more than one discriminatory act may be alleged in a single case.

Table 16
EMPLOYMENT CASES OPENED: TYPE OF
RESPONDENT: INVESTIGATIONS
UNDER SECTION 1421

<i>Type of respondent</i>	<i>July 1, 1963– June 30, 1964 Number</i>	<i>January 1, 1963– June 30, 1964 Number</i>
Private employer	7	9
Manufacturing	4	4
Construction	1	1
Wholesale and retail trade	1	2
Business services	1	1
Other	—	1
Public employer	4	6
City	2	3
Schools	2	3
Private employment agency	2	2
Labor organization	2	2
Total	15	19

Note: Detail may not add to total because of rounding.

Table 17
EMPLOYMENT CASES OPENED: LOCATION
OF RESPONDENT: INVESTIGATIONS
UNDER SECTION 1421

<i>Location of respondent ^a</i>	<i>July 1, 1963– June 30, 1964 Number</i>	<i>January 1, 1963– June 30, 1964 Number</i>
1. San Francisco-Oakland metropolitan area....	6	8
2. Northern and central California, except Area 1	2	2
3. Los Angeles-Long Beach metropolitan area	4	5
4. San Diego and Imperial Counties.....	—	1
5. Southern California, except Areas 3 and 4	1	1
All of northern California ^b	1	1
All of southern California ^b	1	1
Total	15	19

^a See map on page 27 for counties included in each area.

^b Investigations covering respondents with branches throughout 1 and 2, or 3, 4, and 5.

Note: Detail may not add to total because of rounding.

In the following three tables, data on investigations closed during this period relate to determination regarding discrimination, their disposition and types of respondents.

Table 18
EMPLOYMENT CASES CLOSED:
DETERMINATION REGARDING
DISCRIMINATION: INVESTIGATIONS
UNDER SECTION 1421

<i>Case disposition</i>	<i>July 1, 1963– June 30, 1964 Number</i>	<i>Jan. 1, 1963– June 30, 1964 Number</i>	<i>Cumulative total Sept. 18, 1959– June 30, 1964 Number</i>
Determination made as to whether or not there was discrimination	6	8	39
No determination made be- cause of lack of jurisdic- tion or failure of com- plainant to proceed.....	1	1	4
Total cases closed	7	9	43

Table 19
EMPLOYMENT CASES CLOSED: DISPOSITION
AFTER DETERMINATION REGARDING
DISCRIMINATION: INVESTIGATIONS
UNDER SECTION 1421

<i>Case disposition</i>	<i>July 1, 1963– June 30, 1964</i>	<i>Jan. 1, 1963– June 30, 1964</i>	<i>Cumulative total Sept. 18, 1959– June 30, 1964</i>
	<i>Number</i>	<i>Number</i>	<i>Number</i>
Discrimination found, closed by satisfactory adjustment	6	8	32
Dismissed because of no discrimination	—	—	7
Total cases in which determination was made as to whether or not there was discrimination	6	8	39

Table 20
EMPLOYMENT CASES CLOSED BY
SATISFACTORY ADJUSTMENT: TYPE
OF RESPONDENT: INVESTIGATIONS
UNDER SECTION 1421

<i>Type of respondent</i>	<i>July 1, 1963– June 30, 1964</i>	<i>January 1, 1963– June 30, 1964</i>
	<i>Number</i>	<i>Number</i>
Private employer	4	6
Manufacturing	3	4
Wholesale and retail trade	1	2
Public employer	2	2
State	1	1
Schools	1	1
Total	6	8

Note: Detail may not add to total because of rounding.

Of the investigations closed, one was in northern California, two in the San Francisco-Oakland metropolitan area, and a third involved an organization with branches throughout all of the northern part of the state. Three were in the Los Angeles-Long Beach metropolitan area, and one in San Diego County.

Report on Oakland Schools

Results of three major Section 1421 investigations were published during the period of this report. The first study, which concerned the Oakland Unified School District, placed its principal emphasis on the district's role as an employer and on its attitude toward minority group students and their preparation for future employment commensurate with their abilities and interests. The investigation covered the district's policies on recruitment, hiring, and assignment of personnel, as well as the counseling given to Negro, Mexican American and other minority group students. During the study, an FEPC consultant visited 100 schools, interviewed principals and faculty members, and observed teaching and counseling methods. Begun at the request of citizens' and teachers' groups, the investigation resulted in specific recommendations for corrective action and, subsequently, marked improvement in hiring, placement, and promotion of minority group personnel.

Report on Los Angeles Schools

Another school district investigation, this one in Los Angeles, focused on the concentration of minority group teachers in certain schools and areas more than on employment opportunity in itself. The preliminary report cited the disparity between the percentage of Mexican American teachers (2.2 percent) and the estimated proportion (11.5 percent) of that ethnic group in the city's population, in contrast to data showing that 13.3 percent of the teaching force was Negro while the estimated Negro population was 14.4 percent of the total. As a result of an ethnic survey pattern and other phases of the investigation, hiring and placement practices were substantially improved and the district moved toward carrying out other FEPC recommendations.

Report on City of San Diego

Civil service hiring procedures in the City of San Diego were examined in another investigation, requested by city officials. The study revealed that although the hiring practices were not inherently discriminatory, the city had failed to project a strong image of equal opportunity in the minority community, with the result that there were few minority applicants and an uneven distribution of minority employees in various departments. The commission recommended an increase of qualified minority people in public contact positions, better ethnic distribution on oral examination panels, annual ethnic surveys of city employees, and assignment of workers throughout

the city on an integrated basis. Progress has already been noted in many of these areas, and will be examined at regular intervals as the project continues.

Other Investigations

Inequitable practices among employment agencies, public as well as private, activated several Section 1421 investigations. Remedial actions instigated by FEPC include formation of advisory groups which include representatives from the minority community; elimination of discriminatory referral practices; issuance of nondiscrimination policy statements to private agency association members, and surveys of placement and referral practices.

Although comparatively few investigations of manufacturing firms were undertaken, and some of these showed there were no hiring inequities, the FEPC program was effective in many areas such as adoption of positive merit employment policies; revision of application forms; broadening of recruitment sources; improvement in training programs and promotion criteria; and increases in total number of minority workers, in minority employees holding supervisory and professional positions, and in public contact occupations.

While complaints from union members sometimes led to investigations of employers' practices, in several instances the trade unions themselves were examined for racially restrictive actions. Many of these investigations are still in progress. A significant breakthrough in opening union membership to minorities was achieved during an investigation which involved both a sporting events operator and an employees' guild. It resulted in employment of Negroes as parimutuel clerks for the first time, and was followed by improvement in the overall hiring pattern, with minority workers getting jobs as waiters, ushers, ticket takers, and concessionaires.

In another union case FEPC conciliation efforts brought agreement by a local unit to admit a Negro trainee, thus canceling a scheduled public hearing on an individual complaint case. FEPC investigations of unions have reached those in transportation, service, plumbing, food, entertainment, and beverage industries among others. Noteworthy achievements include election of new union officials; opening of membership to all racial groups; inclusion of nondiscrimination clauses in union contracts; increased apprenticeship opportunities for minorities; scheduling of ethnic surveys, and, in one case, expanded recruitment of Negroes so that 80 out of 200 new union registrations in May 1963 were of that ethnic group.

Other investigations included—

Entertainment Industry. Increased the number and occupational categories of minority employees; broadened sources of recruitment, and helped minority workers locate housing close to work.

Wholesale Auto Parts Firms. Corrected practice of giving discriminatory job orders to employment agencies; directed personnel to adhere to employment policies.

Auto Assembly Plant. Progressed from no Negro foreman or other salaried employees to more than 25 such workers; adopted positive merit employment policy.

State Agency. Improved vocational training program for minority groups; encouraged personnel to improve attitudes and practices at all facilities.

Chain of Retail Stores. Corrected deficiencies in all problem areas; raised percentage of Negro "new hires" to 16.7 percent.

II. AFFIRMATIVE ACTIONS

Another major type of FEPC compliance undertaking, designated as affirmative action, differs from the Section 1421 investigation in two main respects: the effort does not stem from an allegation or supposition that an actual violation of the FEP Law has occurred, and the action is entirely a voluntary matter on the part of the employer or other organization concerned.

Key features of the entire affirmative action process are willing cooperation of the employer, his positive commitment to full equality of employment opportunity throughout his establishment, and his use of FEPC's consultative services.

The first formally designated affirmative action was undertaken in 1963, although similar work in positive compliance, as with the metropolitan airport case described below, had already been going on for several years. By mid-1964, 26 such efforts had been launched and were still in progress. All were begun on the basis of alleged discrimination because of race, national origin or ancestry. Twenty-two were private employers, two were public employers, one a labor organization and one a public employment agency. Occupations most frequently involved were clerical, operative, professional and technical, and service. Nineteen of the programs were conducted in north-

ern California, four in southern California, and three were statewide industries.

Table 21
TYPES OF EMPLOYERS AND OCCUPATIONS
INVOLVED IN AFFIRMATIVE
ACTION PROGRAMS

<i>Types of Employers Involved</i>		<i>Occupations Involved</i>	
Manufacturing	8	Clerical	14
Transportation	2	Operative	7
Public utilities	2	Professional and technical	5
Wholesale and retail trade	3	Service	5
Hotels	2	All jobs	4
Other (entertainment)	2	Crafts	2
All principal firms in one city	1	Laborer	2
All principal firms in one county	1	Sales	2
Finance	1		
Public schools	1	Total *	41
City government	1	* More than one occupation may be investigated in a single case.	
Public employment agency	1		
Labor organization	1		
Total	26		

Voluntary participation in these programs came from a wide variety of the state's leading employers—large industries, major utilities, firms in trade and commerce, statewide educational institutions, governmental agencies, federal defense installations, and labor organizations.

The advantages of the affirmative action approach have become increasingly obvious. Basic recruitment and hiring patterns are modified to include workers of every group. A single affirmative action agreement between FEPC and a cooperative employer may lead to employment of hundreds of minority workers.

Through these affirmative actions the commission addresses itself, on a planned basis, to main problem areas and to employment situations likely to yield good results—rather than relying solely on individual complaints. Well conceived affirmative actions carried out on a large scale over a considerable period can result in a gradual decline in the number and complexity of individual complaint cases. Such activity can build employment situations which become less likely to give rise to complaints. It is a means of *prevention* of discrimination in recruiting, hiring, assignment, and upgrading.

Table 22
LOCATION OF EMPLOYERS INVOLVED IN
AFFIRMATIVE ACTION PROGRAMS

<i>Location of employers</i>	<i>Number</i>
Employers in San Francisco-Oakland	1
Employers in northern and central California, except above.....	16
Employers with branches throughout northern California.....	2
Employers in Los Angeles-Long Beach.....	2
Employers in San Diego and Imperial Counties.....	1
Employers in southern California, except above.....	1
Employers with branches throughout all California.....	3

A few case histories from FEPC files show how various kinds of affirmative actions have worked in broadening the job market for minority job seekers.

A Metropolitan Airport

When the Los Angeles International Airport was opened in 1961, the first minority workers were employed mostly in such "traditional" jobs as porters. It was at this time that FEPC staff, under direction of a commissioner, made contact with the various concessionaires in the huge airport complex and urged upon them unreserved adoption of equal employment opportunity, with particular stress upon considering nonwhite applicants for public contact jobs in which they had previously not been employed.

The idea of cooperative compliance with the full spirit of the law evoked good response on the part of the employers. Following groundwork discussions, contacts between FEPC and employers were renewed periodically, and in 1964 a thorough check was made among the restaurants, bars, newsstands, tobacco stands, and car rental agencies. These concessions alone employed nearly 600 people. About one-fourth of that number were Negro, with other minorities also employed.

Many of the positions filled by these new employees were those in which minorities were not normally found—such as cashiers, waitresses, snack bar attendants, and rental agents. It is additionally significant that during the period in which FEPC and the airport employers were working together, at least three major airlines began employing Negro hostesses for the first time.

A Large Public Utility

Affirmative action is also a valuable procedure for a firm that seeks to close certain gaps between its intentions and its practices in employment integration.

In 1959, following passage of the FEP Act, a major communications utility reaffirmed its policy of affording "opportunity in employment without discrimination because of race, religious creed, color, national origin or ancestry." This had been management's stated policy for many years—but there was a serious lag in the way it was being carried out at lower levels.

In late 1960, FEPC made its first contact with the utility in northern California, and discovered that the problem for minority applicants began with the initial job interview. Interviewers, bypassing the company's stated policy, were found to extend different treatment to Negro and white applicants. Investigation over several months revealed few minority employees in public contact jobs and none in management. It was also discovered that past treatment given many Negroes in job interviews had influenced the Negro community generally to consider it futile to apply for work with the company.

From 1961 through 1963, FEPC staff consulted regularly with the company's general employment manager in order to encourage and aid the implementation of a fully equal job policy throughout the entire structure of the company. This was done by the company through advertising in minority newspapers, through contact with schools and colleges that have high minority enrollments, by close liaison with minority specialists in all State Department of Employment offices in given hiring areas, by issuing an attractive brochure showing minority employees at work with the company, and by making every effort to place minority workers in public contact positions. The company also undertook to look beyond the scores of aptitude tests taken by minority prospects in an effort to find those who had the capability to learn, regardless of test results.

Additionally, the company participated in several local job training programs for minority youth, and developed an audio-visual program effective both in urging young people to stay in school and in pointing out the types of training needed for good jobs with the company.

By 1964 the fruits of this affirmative action were apparent. An excellent pattern of employment had been established, and, as a predictable result of the open-door hiring policy, minority workers began to move into responsible management and public contact positions—employment interviewers, office supervisors, outside salesmen

and field interviewers. Several years of intensive cooperative endeavor by the company and FEPC had gone into the program, with successful results.

A Sugar Processing Firm

Midway in 1963 FEPC learned that a large sugar company was shortly to open a new processing plant near Fresno. A telephone inquiry by FEPC to the company's headquarters brought ready agreement to confer informally concerning opportunities at the new plant. The assigned commissioner and staff opened discussions with personnel authorities of the large firm, then surveyed employment patterns in three other company installations to gain a view of what hiring practices might be expected in taking on workers for the new plant.

Although all three of the company's other locations employed Mexican American workers, it was discovered that of the firm's 1,500 employees only about 25 were Negroes.

In subsequent meetings FEPC representatives and the employer worked out ways in which the recruiting practice of the employment office at the new plant could be broadened to include more minority applicants, specifically from the sizable Negro population.

Company hiring officials, with FEPC aid, developed several ways to reach greater numbers of prospective job seekers. They informed the local Department of Employment office that they wanted to interview, among others, qualified Negro applicants. Through newspaper advertisements they stressed their equal opportunity policy, and they informed the private employment agency which they also used for recruitment that "all qualified applicants will receive consideration for employment without regard to race, color, creed or national origin."

Operating on this broadened recruitment base, the plant opened in September 1963. FEPC maintained contact with the company and in 1964 checked the employment pattern. Over 300 employees had been hired and about 50 of these were Mexican American, 40 were Negro and one was an American Indian. When FEPC staff visited the company a few months later, they learned that a number of minority employees had been upgraded to higher positions.

In light of these definite results and the full cooperation of the employer, the program was closed. Subsequently, in line with usual commission practice, informal contact has been maintained, permitting FEPC and the firm to review recruiting, hiring and upgrading practices to keep the equal opportunity program moving forward.

A Rubber Factory

In July 1963, FEPC staff learned that a rubber company planned to open a large new plant in the San Joaquin Valley, and immediately arranged to meet with the firm's industrial relations director for a discussion of recruitment and hiring policy.

During the meeting FEPC learned that the company proposed to hire 400 production workers for the factory. About 90 had already been hired, none of whom were Negroes. Another 100 persons were to be employed in the office, and of the 65 office people already hired, none were Negroes.

The firm was most willing to implement a broad, equal opportunity policy, and to have FEPC advice to this end. The company conducted its recruiting entirely through the local Department of Employment, so FEPC discussed with the manager of that office the expansion of recruiting methods to include larger minority representation in referrals to the rubber plant. It was decided that it would be desirable also to recruit through the Department of Employment offices in nearby communities, permitting inclusion in the pool of possible employees a larger number of Negroes and Mexican Americans.

Contact was maintained by FEPC with the operation and by mid-1964 the company had hired 466 employees; 26 percent of these were Mexican American, 5 percent Filipino, and almost 4 percent Negro. Negro workers included front office personnel and one in the important position of plant nurse. Supervisory staff included two Mexican Americans and one Oriental.

Of special interest was the fact that as the company actively extended its employment recruiting to the full range of potential applicants, the levels of minority representation in the work force became approximately those which obtain in the population generally in that labor market area. In any event, the firm was able to maximize the pool of recruitment prospects for selection of qualified workers.

Other Actions

Unlike most affirmative actions, FEPC's major undertaking with the Bank of America received extensive public attention from its inception in the spring of 1964, when the bank addressed an open letter to the commission affirming its equal employment policy and indicating its intention to submit periodic personnel statistics relating to this policy. A formal agreement between FEPC and the bank was subsequently signed; it specified the kinds of personnel data to be submitted and provided for continuing consultation, inspection of

practices, and independent public reporting by FEPC. Developments are periodically set forth in published reports*.

Table 23
NUMBER OF EMPLOYEES INVOLVED IN
AFFIRMATIVE ACTION PROGRAMS

<i>Number of employing groups (unions or companies)</i>	<i>Number of employees</i>
2	20 to 50
4	51 to 100
6	101 to 500
4	501 to 1,000
2	1,001 to 5,000
3	5,001 to 10,000
4	10,001 to 50,000
1	50,001 to 80,000

The potential for extending such affirmative action programs is great. Across the state many firms that employ large numbers of workers may show apparent indifference toward equal opportunity and make no move on their own to institute better practices. Yet, once approached, they may be willing to cooperate in extension of their hiring and upgrading policies to include applicants and workers of all groups, and to utilize FEPC consultative assistance to this end.

* First report, September 1964; second report, March 1965.

FAIR HOUSING PROGRAM

"An historic step towards giving every Californian the right to live where he pleases," according to Governor Edmund G. Brown, was taken when the California Legislature passed Assembly Bill 1240, making California the 10th state in the union to have an enforceable fair housing law on its statute books.

Known as the Rumford Fair Housing Act, after the author, Assemblyman W. Byron Rumford, the law became effective September 20, 1963. It named the Fair Employment Practice Commission, staffed by the Division of Fair Employment Practices, as the administrative and enforcement agency.

Table 24
STATUS OF HOUSING CASES

As of June 30, 1964

<i>Closed or in process</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Cases closed, January 1, 1963-June 30, 1964	36	27	48	36	84	62
Cases in process, June 30, 1964	26	19	25	19	51	38
Total cases	62	46	73	54	135	100

Note: Detail may not add to total because of rounding.

Recognizing the Problem

Since 1959, California law had recognized the serious social results of restricting minority group families to ghetto areas. In that year, the Unruh and Hawkins Acts were passed—the first dealing with prevention of discrimination in all kinds of business establishments, and the second with equal opportunity in publicly assisted housing. Provisions of both these laws were incorporated in the Rumford Act, and there was added assignment to FEPC of responsibility for administration of the law and for conducting a program of education and

affirmative action to eliminate discrimination in housing. The Unruh Act remained in effect and provided an alternative recourse for aggrieved persons who preferred to seek remedies directly in the courts.

Table 25
HOUSING CASES OPENED: ALLEGED BASIS
OF DISCRIMINATION

<i>Alleged basis of discrimination</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Race or color	59	44	69	51	128	95
Negro	56	41	69	51	125	93
Asian	3	2	—	—	3	2
National origin or ancestry....	2	1	4	3	6	4
Spanish surname	—	—	3	2	3	2
American Indian	1	1	—	—	1	1
East Indian	—	—	1	1	1	1
Greek	1	1	—	—	1	1
Creed	1	1	—	—	1	1
Jewish	1	1	—	—	1	1
Total	62	46	73	54	135	100

Note: Detail may not add to total because of rounding.

Coverage

In brief, the Rumford Act declares that discrimination because of race, color, religion, national origin or ancestry in housing accommodation is against the public policy of the State of California. It prohibits discrimination in housing sales, rentals, leasing or financing and establishes methods of preventing and remedying violations.

The act covers public and redevelopment housing; publicly assisted, owner-occupied, single-unit homes; apartments in structures of three or more units, and all activities of real estate brokers and salesmen as well as activities of persons or firms engaged in the business of housing or mortgage lending.

Excluded from coverage are housing operated on a nonprofit basis by religious, fraternal, or charitable organizations; privately financed single-family homes, and duplexes.

Table 26
HOUSING CASES OPENED: ALLEGED
DISCRIMINATORY ACT

<i>Act</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Refusal to rent accommodations	40	30	48	36	88	65
Refusal to sell accommodations	12	9	10	7	22	16
Conditions of housing	8	6	13	10	21	16
Loan withheld	—	—	2	1	2	1
Aiding and abetting discrimination	2	1	—	—	2	1
Total	62	46	73	54	135	100

Note: Detail may not add to total because of rounding.

Procedures

Investigation of signed, verified complaints of alleged housing discrimination is carried out in the same manner used with employment complaints. The case is assigned to a commissioner, under whose direction a consultant ascertains the facts from which the commissioner determines either to dismiss the case for insufficient or no evidence of discrimination, or to issue a finding of probable cause to believe the allegations of the complaint. Where probable cause is found, the commissioner immediately endeavors to meet with the respondent and eliminate the unlawful practice through conference, conciliation and persuasion. Only if these efforts fail does the case go to public hearing, where a panel of commissioners, excluding the commissioner originally assigned to the case, hears evidence for both sides. Such hearings are conducted in accordance with the California Administrative Procedures Act.

Table 27
HOUSING CASES OPENED: TYPE OF RESPONDENT

<i>Type of respondent</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Apartment owner or manager	38	28	51	38	89	66
Tract developer or builder.....	3	2	5	4	8	6
Individual homeowner	3	2	—	—	3	2
Mortgage company	—	—	2	1	2	1
Trailer court owner and/or manager	—	—	3	2	3	2
Real estate company	8	6	4	3	12	9
Real estate company and home owner	5	4	7	5	12	9
Apartment sublessor	2	1	—	—	2	1
Public housing authority or state official	3	2	1	1	4	3
Total	62	46	73	54	135	100

Note: Detail may not add to total because of rounding.

Remedies in Public Hearing Cases

If the panel of hearing commissioners decides that a discriminatory act occurred, the respondent will be ordered to cease and desist from the unlawful practices found and to take one of the following actions:

1. To sell or rent the housing accommodation to the aggrieved person if it is still available.
2. To sell or rent a like accommodation, if available, or the next vacancy in a like accommodation.
3. If neither of the above remedies is available, to pay damages to the aggrieved person in an amount not to exceed \$500.

Aside from receiving and processing complaints under provisions of the act, the FEPC was also instructed by law to conduct programs of education designed to promote good will and minimize or eliminate discrimination among all elements of the population. To this end, publications that interpret the housing law and outline experiences under it were prepared and distributed, a continuing program involving statewide communications media was maintained, and hundreds of speaking engagements to a wide variety of audiences were filled by commissioners and staff.

Table 28
HOUSING CASES OPENED: TYPE OF
ACCOMMODATION

<i>Type of accommodation</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Single-family, nontract house	9	7	5	4	14	10
Apartment	46	34	58	43	104	77
Homesite	1	1	—	—	1	1
Tract house	3	2	6	4	9	7
Public housing or state-owned property	3	2	1	1	4	3
Trailer space	—	—	3	2	3	2
Total	62	46	73	54	135	100

Table 29
LOCATION OF RESPONDENT
IN HOUSING CASES

<i>Area ^a</i>	<i>Cases opened</i>		<i>Cases closed with</i>	
	<i>Number</i>	<i>Percent</i>	<i>Corrective action</i>	<i>Number Percent</i>
1. San Francisco-Oakland metropolitan area	55	41	20	44
2. Northern and central California, except Area 1	7	5	2	4
3. Los Angeles-Long Beach metropolitan area	61	45	18	40
4. San Diego and Imperial Counties	5	4	1	2
5. Southern California, except Areas 3 and 4	7	5	4	9
Total	135	100	45	100

^a See map on page 27.

Note: Detail may not add to total because of rounding.

One Public Hearing

In the single Rumford Act case that went to public hearing, a San Fernando rental agent admitted advising his clients, owners of two apartment structures with six units each, against renting to a

retired Negro couple. The sole basis for his action was the prospective tenants' race. The agent claimed the possibility of economic loss if other tenants should move out in reaction to having Negroes for neighbors. After hearing testimony, the panel of commissioners meeting in Los Angeles in January 1964, found that unlawful discrimination had occurred and ordered that the next available like accommodation be offered to the aggrieved couple.

Table 30
HOUSING CASES CLOSED: DETERMINATION
REGARDING DISCRIMINATION

<i>Case disposition</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Determination made as to whether or not there was discrimination	33	39	43	51	76	90
No determination made because lack of jurisdiction or failure of complainant to proceed	3	4	5	6	8	10
Total	36	43	48	57	84	100

Law Challenged

The Rumford Act was under attack almost from the moment it was passed by the Legislature. First, an attempt was made to secure enough signatures to refer the law to public vote. When this attempt failed, a group composed largely of real estate board members and apartment house owners mounted an initiative campaign for amending the State Constitution to nullify the enforcement provisions of the Rumford and Unruh Acts with respect to owners of residential property, and to prevent future enactment of such laws except after further amendments of the Constitution.

Proponents of the initiative campaign obtained sufficient signatures to qualify the measure for a place on the November 1964 general ballot as "Proposition 14."*

* See Appendix III for text of the Constitutional amendment passed in the November 1964 election, and Appendix IV for subsequent FEPC analysis of the status of the Rumford Act pending final adjudication of the constitutionality of Proposition 14.

By the end of June 1964, an intensive campaign was being waged by those for and against the measure. Starting early in the year, FEPC experienced an increased demand for information about provisions of the housing act and details regarding its administration. Through the speaker service program, publications, and other means, such information was provided to diverse groups throughout the state, including property owners, realty boards, apartment house associations, voters' study groups and the scores of citizens' fair housing groups that were quickly organized.

Table 31
HOUSING CASES CLOSED: DISPOSITION
AFTER DETERMINATION REGARDING
DISCRIMINATION

<i>Case disposition</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Corrective action effected ____	22	29	23	30	45	59
Dismissed because of insufficient evidence or no evidence of discrimination ____	11	14	19	25	30	39
Public hearing held _____	—	—	1	1	1	1
Total _____	33	43	43	57	76	100

Note: Detail may not add to total because of rounding.

Table 32
HOUSING CASES CLOSED WITH
CORRECTIVE ACTION: TERMS
OF CONCILIATION

<i>Terms of conciliation</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Offer to rent accommodations _____	12	27	16	36	28	62
Offer to sell accommodations _____	6	13	1	2	7	16
Monetary settlement _____	1	2	1	2	2	4
Correction of other discriminatory housing practices ..	3	7	5	11	8	18
Total _____	22	49	23	51	45	100

Table 33
HOUSING CASES CLOSED WITH
CORRECTIVE ACTION: WHETHER
COMPLAINANT OBTAINED HOUSING

<i>Whether complainant obtained housing</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Offers made to rent or sell....	18	40	17	38	35	78
Offers accepted						
rental	4	9	6	13	10	22
sales	2 ^a	4	—	—	2	4
Offers rejected						
rental	8	18	10	22	18	40
sales	4	9	1	2	5	11
Monetary settlement	1	2	1	2	2	4
Correction of other discrimi- natory practices	3	7	5	11	8	18
Total	22	49	23	51	45	100

^a One case concerned the purchase of undeveloped land.
Note: Detail may not add to total because of rounding.

Table 34
HOUSING CASES CLOSED WITH
CORRECTIVE ACTION: TYPE
OF RESPONDENT

<i>Type of respondent</i>	<i>Northern California</i>		<i>Southern California</i>		<i>Total</i>	
	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>	<i>No.</i>	<i>Pct.</i>
Apartment owner or manager	14	31	19	42	33	73
Home owner	2	4	—	—	2	4
Real estate company	2	4	—	—	2	4
Real estate company and owner	3	7	2	4	5	11
Trailer court owner and/or manager	—	—	1	2	1	2
Tract developer or builder....	—	—	1	2	1	2
Tenant	1	2	—	—	1	2
Total	22	49	23	51	45	100

Note: Detail may not add to total because of rounding.

HOUSING CASE SUMMARIES

"Waiting List" for Negroes

On December 2, 1963, Mr. and Mrs. A, a Negro couple in their thirties with two young children, saw a newspaper advertisement for two-bedroom apartments in the "children's section" of a large apartment complex in Los Angeles. Both the advertised rent and the location were suitable.

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

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

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

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

A few minutes after Mr. and Mrs. B learned this and saw for themselves that apartments were indeed vacant, Mr. and Mrs. A again called at the rental office, only to be told there were still no vacancies. They did elicit from the agent a promise to have the manager call them, which he did, early the next morning, saying that there was one vacancy among the several hundred units—a one-bedroom apartment which he himself planned to occupy at once. But, he said, if the A's were interested they could file an application by mail. The couple did not agree to this, preferring a personal inspection of the apartment they might rent.

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

The FEPC consultant, acting under direction of the assigned commissioner, then met with the operating manager of the company that owned the apartments, and the firm's attorney. These representatives disclosed that 14 two-bedroom apartments in which children were acceptable were currently vacant. They told the consultant that Mr. and Mrs. A could inspect an apartment immediately and file an application—which they promised would be evaluated without discrimination and handled exactly the same as all other applications.

On advice of the consultant, the A family at last filed their application on January 4. Three days later when the FEPC consultant checked with the apartment manager to make sure the application was being processed, he was told that an apartment was being made available to the A family.

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

Rent Goes Up When Owners Find Applicant Is Negro

After seeing an "apartment for rent" advertisement in a newspaper, a Negro mother called to inspect the dwelling and offered to rent it at once. She was put off with vague and unsatisfactory excuses for not renting at that time. The next day she telephoned again with an offer to rent the unit and was told that the owners had decided to furnish it and hold it for a higher rent. She filed a complaint of discrimination. The assigned FEPC consultant telephoned the respondent to determine the facts. His conciliation efforts in the ensuing conversation were successful. The complainant and her child moved into the apartment immediately thereafter.

"To the Bottom of the List"

On February 1, 1964, a young Negro bacteriologist filed a complaint with FEPC, charging the owner and manager of a five-unit apartment building with racial discrimination against him when he

attempted to rent a one-bedroom apartment. The young man had paid a \$30 deposit to the manager, who assured him he could move in as soon as the application was approved. A day later he was told the application had been denied because he had not provided financial references. If he filled out a new application he would have to go to the "bottom of the waiting list." However, the next day a Caucasian friend was able to rent the apartment in question within a few hours of applying. After receipt of the complaint, FEPC investigated and undertook intensive conciliatory efforts. As a result, the owner called the complainant and offered him an apartment in the same building. The next day, February 4, the complainant signed a rental agreement and within the week moved into his new apartment.

Question on Race Dropped

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

"No Vacancies" to Students

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

Owner Directs Open Rentals

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

Agent's Deception Corrected

A Negro man seeking to purchase a home for himself and his family made an offer and put a deposit on a house in the San Francisco Bay area. The next day the real estate agent returned the deposit, explaining that the owner had decided to withdraw the house from the market. Believing he was being discriminated against because of his race, the prospective buyer filed a complaint with the FEPC. Investigation showed that the property was held under an FHA-insured loan. A conference with the agent revealed that he had been deceptive in his dealings with the prospective buyer and also disclosed a pattern of inferior service to other nonwhites. Following advice by FEPC, the complainant submitted a new offer which the agent forwarded to the owner. It was accepted and the Negro purchaser applied for financing to complete the transaction.

APPENDIX I

THE FAIR EMPLOYMENT LAW

The California Fair Employment Practice Act (Labor Code, Sections 1410-1432) was passed by the Legislature and signed into law by Governor Edmund G. Brown on April 16, 1959. It took effect September 18, 1959.

The law declares as the public policy of the state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgement on account of race, religious creed, color, national origin, or ancestry. Such opportunity is declared to be a civil right. The law states:

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for such reasons, foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advance, and substantially and adversely affects the interests of employees, employers, and the public in general.

The act establishes a Fair Employment Practice Commission of seven members, appointed by the Governor, serving in the Division of Fair Employment Practices of the Department of Industrial Relations, and a chief of the division, who also is appointed by the Governor, and who is the commission's principal executive officer. The division is the administrative agency which assists the commission in the fulfillment of its responsibilities by providing essential staff services.

In preventing or eliminating unlawful practices, the commission is instructed to stress conference, conciliation, persuasion, and education. Complainants and those named in complaints are protected against disclosure of what has transpired in their endeavors at conciliation. If conciliation fails, the commission is authorized to call public hearings and, if necessary, to seek court enforcement of its orders.

Provisions of the FEP Act

The California Fair Employment Practice Act provides that it shall be unlawful employment practice:

For an employer—

- * To refuse to hire or promote a person, to discriminate in any terms or conditions of employment, or to discharge him from employment because of race, religious creed, color, national origin, or ancestry.

- * To ask, before employment, questions that express, directly or indirectly, any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry, or to make any such specification in help-wanted advertising or orders to employment agencies.

- * To discharge, expel, or otherwise discriminate against any person because he has filed a complaint, testified or otherwise opposed practices forbidden by the act.

For a labor organization—

- * To exclude, expel, or restrict from its membership any person because of race, religious creed, color, national origin, or ancestry.

- * To provide second-class or segregated membership or to discriminate in any way against any of its members, against any employer, or against any person employed by an employer because of race, religious creed, color, national origin or ancestry.

- * To expel or otherwise discriminate against a member because he has filed a complaint, testified or otherwise opposed practices forbidden by the act.

For an employment agency—

- * To fail to refer any qualified job applicant to an opening on an equal basis, or to accept discriminatory job orders.

- * To make any inquiry regarding prospective employment that expresses any limitation, specification or discrimination as to race, religious creed, color, national origin, or ancestry.

- * To print or circulate any publication relating to employment or to use any form of application for employment indicating the above facts.

For any person—

- * To aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this law.

The California Fair Employment Practice Act does not interfere with—

- * The employer's right to select or reject a worker unless that action is taken on the basis of race, religion, or ancestry.

* The right of unions to make agreements unless the agreements compel discrimination based on race, religion, or ancestry.

How the Act Is Enforced

A complaint may be filed by any person claiming to be aggrieved by unlawful employment discrimination; by the State Attorney General, or by any employer whose employees refuse or threaten to refuse to cooperate with the provisions of the law. It may be filed in person or by mail, preferably on FEPC forms, in the FEPC San Francisco or Los Angeles offices; or in other cities at offices of the Division of Labor Law Enforcement (Labor Commissioner) or Division of Industrial Welfare, Department of Industrial Relations.

Investigation. Complaints are assigned to a commission member for investigation, with the assistance of staff.

Conciliation. If investigation sustains the charges made in the complaint, the assigned commissioner endeavors to eliminate the unlawful employment practice by conference, conciliation, and persuasion. Commissioners and staff are restrained by law from disclosing what has transpired in endeavors at conciliation.

Public Hearing. When conciliation and persuasion fail to eliminate an unlawful employment practice, the assigned commissioner may issue a formal accusation requiring the person, employer, labor organization, or employment agency to appear and answer charges at a public hearing before at least three of the remaining four members of the commission. The assigned commissioner takes no part in the hearing commissioners' deliberations or decision. Witnesses and records may be subpoenaed.

If, after hearing, the commission finds the charges valid, it may order the offending party to cease and desist from the unlawful practices and to take affirmative action to remedy the situation. If the commission finds that the facts do not warrant the charges in the complaint, it dismisses the complaint. Every final order or decision of the commission is subject to judicial review.

Enforcement. The commission may bring an action in superior court if the unlawful practice continues despite the commission's order. The act makes it a misdemeanor punishable by six months' imprisonment or a fine not to exceed \$500, or both, to resist, prevent, impede, or interfere with the commission in its work.

Exemptions. The following are exempt: the employer of fewer than five persons; nonprofit social, fraternal, charitable, educational, or religious associations; children, parents, or spouse; domestic workers employed in the home; and live-in farmworkers.

APPENDIX II

THE RUMFORD FAIR HOUSING ACT

CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

Sec. 35700. The practice of discrimination because of race, color, religion, national origin, or ancestry in housing accommodations is declared to be against public policy.

This part shall be deemed an exercise of the police power of the State for the protection of the welfare, health, and peace of the people of this State.

CHAPTER 2. DEFINITIONS

Sec. 35710. When used in this part:

1. The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers or other fiduciaries.

2. The term "housing accommodation" includes any improved or unimproved real property, or portion thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations operated by a religious, fraternal, or charitable association or corporation not organized or operated for private profit; provided, that such accommodations are being used in furtherance of the primary purpose or purposes for which the association or corporation was formed.

3. The term "publicly assisted housing accommodation" includes any housing accommodation within the State:

(a) Which at the time of any alleged unlawful discrimination under Section 35720 is granted exemption in whole or in part from taxes levied by the State or any of its political subdivisions; provided, that nothing herein contained shall apply to any housing accommodations solely because the owner thereof enjoys any type of tax exemption by virtue of his veteran status.

(b) Which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of 1949.

(c) Which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction.

(d) The acquisition or construction of which is, at the time of any alleged unlawful discrimination under Section 35720, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

4. The term "owner" includes the lessee, sublessee, assignee, managing agent, real estate broker or salesman, or any person having any legal or equitable right of ownership or possession or the right to rent or lease housing accommodations, and includes the State and any of its political subdivisions and any agency thereof.

5. The term "discriminate" includes to segregate or separate.

6. The term "multiple dwelling" means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, public institution, or a building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one housing accommodation occupied by not more than two families. The term "family" means either a person occupying a dwelling and maintaining a house-

hold, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

CHAPTER 3. DISCRIMINATION PROHIBITED

Sec. 35720. It shall be unlawful:

1. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodation because of the race, color, religion, national origin, or ancestry of such person or persons.

2. For the owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to discriminate against any person because of the race, color, religion, national origin or ancestry of such person in the terms, conditions or privileges of any publicly assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

3. For any owner of any publicly assisted housing accommodation which is in, or to be used for, a multiple dwelling, with knowledge of such assistance, to make or cause to be made any written or oral inquiry concerning the race, color, religion, national origin or ancestry of a person seeking to purchase, rent or lease any publicly assisted housing accommodation for the purpose of violating any of the provisions of this part.

4. For the owner of any publicly assisted housing accommodation which is a single family dwelling occupied by the owner, with knowledge of such assistance, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

5. For the owner of any dwelling, other than a dwelling containing not more than four units, to commit any of the acts prohibited by subdivisions 1, 2, and 3.

6. For any person subject to the provisions of Section 51 of the Civil Code, as that section applies to housing accommodations, as defined in this part, and to transactions relating to sales, rentals, leases, or acquisition of housing accommodations, as defined in this part, to discriminate against any person because of race, color, religion, national origin, or ancestry with reference thereto.

7. For any person, bank, mortgage company or other financial institution to whom application is made for financial assistance for the purchase, organization, or construction of any housing accommodation to discriminate against any person or group of persons because of the race, color, religion, national origin or ancestry of such person or persons, or of prospective occupants or tenants, in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

8. For any person to aid, abet, incite, compel or coerce the doing of any of the acts or practices declared unlawful in this section, or to attempt to do so.

CHAPTER 4. ENFORCEMENT

Sec. 35730. The State Fair Employment Practice Commission created by Section 1414 of the Labor Code is empowered to prevent violations of Section 35720, after a verified complaint has been filed with the commission pursuant to Section 35731.

Sec. 35730.5. The commission, in connection with its functions under this part, shall have the following powers and duties:

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

(b) To appoint an attorney, and such clerks and other employees as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(c) To obtain upon request and utilize the services of all governmental departments and agencies.

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

(e) To receive, investigate and pass upon verified complaints alleging discrimination in housing accommodations, as defined in this part, because of race, religious creed, color, national origin or ancestry.

(f) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and, in connection therewith, to require the production of any books or papers at such hearings relating to any matter under investigation or in question before the commission.

(g) To create such advisory agencies and conciliation councils, local or otherwise, as in its judgment will aid in effectuating the purposes of this part, and may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances or discrimination because of race, religious creed, color, national origin, or ancestry, and to foster, through community effort or otherwise, good will, co-operation, and conciliation among the groups and elements of the population of the State and to make recommendations to the commission for the development of policies and procedures in general. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay.

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

(i) To render annually to the Governor and biennially to the Legislature a written report of its activities and of its recommendations.

Sec. 35731. Any person claiming to be aggrieved by an alleged violation of Section 35720 may file with the commission a verified complaint in writing which shall state the name and address of the person alleged to have committed the violation complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the commission. However, no such complaint may be made or filed unless the person claiming to be aggrieved waives any and all rights or claims that he may have under Section 52 of the Civil Code and signs a written waiver to that effect.

No complaint may be filed after the expiration of 60 days from the date upon which the alleged violation occurred. This period may be extended for not to exceed 60 days following the expiration of the initial 60 days, if a person allegedly aggrieved by such violation first obtained knowledge of the facts of such alleged violation after the expiration of the initial 60 days from date of its occurrence.

The State Fair Employment Practice Commission may thereupon proceed upon such complaint in the same manner and with the same powers as provided in Part 4.5 (commencing with Section 1410) of Division 2 of the Labor Code in the case of an unlawful employment practice, and the provisions of that part which are not inconsistent with this part as to the powers, duties and rights of the State Fair Employment Practice Commission, its chairman, members, attorneys or agents, the complainant, the respondent, the Attorney General and the superior court, shall apply to any proceeding under the provisions of this section. However, Section 1430 of the Labor Code shall not apply to this part, and the Attorney General may not make, sign, or file a complaint under this part.

Sec. 35732. (a) If such verified complaint alleges facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Section 35720, the chairman of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff, prompt investigation in connection therewith. If such commissioner determines after preliminary investigation that probable cause exists for believing the allegations of the complaint, he shall immediately endeavor to eliminate the alleged unlawful practice by conference, conciliation, and persuasion.

(b) If, after the preliminary investigation, probable cause does not exist for believing the allegations of the complaint, the assigned commissioner shall dismiss the complaint. Notice of dismissal shall be sent to the respondent and the complainant by registered mail—return receipt requested and the complainant then shall then have 15 days from the receipt day to file an appeal to the dismissal.

If the assigned commissioner fails to eliminate such alleged unlawful practice and believes probable cause still exists, he may issue and serve in the name of the commission, a written accusation together with a copy of such complaint, as the same may have been amended, requiring the owner named in such accusation, hereinafter referred to as "respondent," to answer the charges of such accusation at a hearing.

The written accusation, hearings, and all matters pertaining thereto shall be in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commission shall have all the powers granted therein.

Sec. 35733. After a verified complaint has been filed with the commission pursuant to Section 35731, and the preliminary investigation thereof has been carried out, or a 20-day period has elapsed from the filing of the verified complaint, if the preliminary investigation has not then been completed, an appropriate superior court may, upon the motion of the respondent, order the commission to give to the respondent, within a specified time, a copy of any book, document, or paper, or any entries therein, in the possession or under the control of the commission, containing evidence relating to the merits of the verified complaint, or to a defense thereto. The commission shall comply with such an order.

Sec. 35734. The commission, at any time after a complaint is filed with it and it has been determined that probable cause exists for believing that the allegations of the complaint are true and constitute a violation of this part, may bring an action in the superior court to enjoin the owner of the property from taking further action with respect to the rental, lease, or sale of the property until the commission has completed its investigation and made its determinations; but a temporary restraining order obtained under this section shall not, in any event, be in effect for more than 20 days. In such action an order or judgment may be entered warding such temporary restraining order or such preliminary or final injunction in accordance with Section 527 of the Code of Civil Procedure.

Sec. 35735. All matters connected with any conference, conciliation, or persuasion efforts under this part are privileged and may not be received in evidence. The members of the commission and its staff shall not disclose to any person what has transpired in the courses of such endeavors to conciliate. Every member of the commission or its staff who discloses information in violation of this section is guilty of a misdemeanor. Such disclosures by an employee subject to civil service shall be cause for disciplinary action under the State Civil Service Act.

Sec. 35736. When an owner is contacted by the commission, a commissioner, or a member of the commission's staff, he shall be informed whether the contact is for the purpose of investigation or conference, conciliation, or persuasion; and if it is for conference, conciliation, or persuasion, he shall be informed that all matters relating thereto are privileged.

Sec. 35737. The commission shall without undue delay cause a copy of the verified complaint that has been filed under the provisions of this part to be served upon or mailed to the owner alleged to have committed the violation complaint of.

Sec. 35738. If the commission finds that a respondent has engaged in any unlawful practice as defined in this part, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such practice and to take one of the following affirmative actions, as, in the judgment of the commission, will effectuate the purpose of this part:

- (1) The sale or rental of the housing accommodation to the aggrieved person, if it is still available.
- (2) The sale or rental of a like accommodation, if one is available, or the next vacancy in a like accommodation.
- (3) The payment of damages to the aggrieved person in an amount not to exceed five hundred dollars (\$500), if the commission determines that neither of the remedies under (1) or (2) is available.

The commission may require a report of the manner of compliance.

If the commission finds that a respondent has not engaged in any practice which constitutes a violation of this part, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said accusation as to such respondent. A copy of its order shall be delivered in all cases to the Attorney General and such other public officers as the commission deems proper.

Any order issued by the commission shall have printed on its face references to the provisions of the Administrative Procedure Act which prescribe the rights of appeal of any party to the proceeding to whose position the order is adverse.

CHAPTER 5. MISCELLANEOUS

Sec. 35740. Nothing contained in this part shall be deemed to repeal any of the provisions of any other law of this State relating to discrimination because of race, color, religion, national origin or ancestry.

Sec. 35741. Nothing in this part shall be construed to affect the title or other interest of a person who purchases, leases, or takes an encumbrance on a housing accommodation in good faith and without knowledge that the owner or lessor of the property has violated any provision of this part.

Sec. 35742. Nothing contained in this part, shall be construed to prohibit selection based upon factors other than race, color, religion, national origin, or ancestry.

Sec. 35743. As it is the intention of the Legislature to occupy the whole field of regulation encompassed by the provisions of this part, the regulation by law of discrimination in housing contained in this part shall be exclusive of all other laws banning discrimination in housing by any city, city and county, county, or other political subdivision of the State. Nothing contained in this part shall be construed to, in any manner or way, limit or restrict the application of Section 51 of the Civil Code.

Sec. 35744. The provisions of this part shall be liberally construed for the purpose of effectuating the public policy contained herein.

Sec. 3. Section 1414 of the Labor Code is amended to read:

1414. There is in the Division of Fair Employment Practices the State Fair Employment Practice Commission. Such commission shall consist of seven members, to be known as commissioners, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated as chairman by the Governor. The term of office of each member of the commission shall be for four years; provided, however, that of the commissioners first appointed two shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The term of office of each member of the commission appointed pursuant to the 1963 amendments to this section shall also be for four years; provided, however, that of the two commissioners first appointed pursuant to the said amendments, one shall be appointed for a term which shall expire September 18, 1966, and one for a term which shall expire September 18, 1967.

Sec. 4. Section 1419.5 is added to the Labor Code, to read:

1419.5. The commission is empowered to prevent discrimination in housing as provided in Part 5 (commencing with Section 35700) of Division 24 of the Health and Safety Code.

Sec. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

APPENDIX III

SECTION 26, ARTICLE I OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

(Passed as Proposition 14 in the November 3, 1964 election)

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

'Person' includes individuals, partnerships, corporations and other legal entities and their agents or representatives but does not include the State or any subdivision thereof with respect to the sale, lease or rental of property owned by it.

'Real property' consists of any interest in real property of any kind or quality, present or future, irrespective of how obtained or financed, which is used, designed, constructed, zoned or otherwise devoted to or limited for residential purposes whether as a single family dwelling or as a dwelling for two or more persons or families living together or independently of each other.

This Article shall not apply to the obtaining of property by eminent domain pursuant to Article I, Section 14 and 14½ of this Constitution, nor to the renting or providing of any accommodations for lodging purposes by a hotel, motel or other similar public place engaged in furnishing lodging to transient guests.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this Article are severable.

APPENDIX IV

STATUS OF THE RUMFORD ACT AS MODIFIED BY PROPOSITION 14

*Adopted by FEP Commission, meeting in Los Angeles
January 6, 1965*

The results of the November 3d balloting on Proposition 14 became effective December 7, 1964, as Article I, Section 26 of the California Constitution. Many uncertainties remain as to the precise legal consequences of this amendment; these will be resolved in due course by our courts of law. Pending such judicial determinations, the Fair Employment Practice Commission must continue to discharge its duties and conduct its program on the basis of the best available legal advice. This statement seeks to answer, insofar as possible, main questions which are being asked as to the impact of Proposition 14 on FEPC's work in the field of housing discrimination. The following points appear to be free of serious doubt:

Proposition 14 does not repeal the Rumford Act. Nowhere in the text of the new Article I, Section 26 is there reference to that law or to any other statute. While the new amendment refers to *owners* of residential property with respect to their decisions on rentals or sales, it does not change the coverage by existing law of individuals, associations, or corporate entities engaged in dealings in homes or rental units of which they are not the owners. Thus real estate brokerage offices, as business establishments, and lenders or financial institutions which service the housing market are still clearly covered by the law. Complaints of unlawful discrimination by such offices, persons, or institutions which are filed by any aggrieved person with FEPC will be investigated and, if the facts warrant, will become the subject of the same conciliation or enforcement processes as existed prior to the adoption of Proposition 14.

Apart from the foregoing enforcement jurisdiction which remains unchanged by the new amendment, the commission is still authorized to engage in a broad range of educational, advisory, research, conciliatory and affirmative activities in service of the objective of equal housing opportunity. No conflict with the new constitutional section arises, for example, if the commission (a) investigates complaints

of housing discrimination and seeks conciliated adjustment of valid grievances, where the owner is willing to cooperate; (b) puts forth an intensified educational program to eliminate or reduce misunderstandings, fears, and other sources of prejudicial restrictions in housing; (c) creates advisory agencies or conciliation councils to study problems in this field, to foster good will and cooperation, and to make recommendations to the commission concerning its work; (d) conducts or brings about needed research relating to achievement of an open housing market; and (e) initiates or assists in various types of affirmative action with the housing industry toward the above objective. With regard to such approaches to the acknowledged problem of discrimination in housing, the commission's legal authority under the Rumford Act stands unchanged by the adoption of Proposition 14.

This interpretation of the effects of Article I, Section 26 of the State Constitution is based upon the advice of the commission's staff counsel and that of the office of the Attorney General, which also serves as counsel to FEPC. This analysis is in basic accord with that of the Legislative Counsel of the State of California. It is consistent also with statements frequently made during the recent campaign by leading proponents of Proposition 14 and spokesmen for the real estate industry.

Grave Questions Remain

Admittedly, grave questions of constitutional authority and statutory interpretation remain to be answered. No decisive answers to these questions can be secured at this point, nor can they be considered in the abstract. They may be determined preliminarily and in part by the commission—as they will be decided ultimately in the courts—on the basis of concrete complaints and factual problems which are brought to the commission's attention.

It must be recognized, however, that even in those areas where the authority of the commission remains clear, the task of fulfilling the public policy against discrimination in housing, inherently difficult and complex prior to last November 3d, assumed far weightier dimensions with the adoption of Proposition 14. The commission is left with important statutory responsibilities which it must endeavor to carry out in the face of the new declaration of absolute right, enshrined in our State Constitution, which sanctions and thus inevitably tends to encourage those acts of racial and religious discrimination decried by both proponents and opponents of Proposition 14.

