FAIR EMPLOYMENT PRACTICE ACT

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES SENATE

SEVENTY-NINTH CONGRESS

FIRST SESSION

ON

S. 101

A BILL TO PROHIBIT DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY

AND

S. 459

A BILL TO ESTABLISH A FAIR EMPLOYMENT PRACTICE COMMISSION AND TO AID IN ELIMINATING DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, CREED, OR COLOR

MARCH 12, 13, AND 14, 1945

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FAIR EMPLOYMENT PRACTICE ACT

MONDAY, MARCH 12, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:30 a m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman) presiding.

Present: Senators Chavez (chairman), Tunnell, La Follette. and Aiken.

Senator CHAVEZ. The committee will come to order.

We have under consideration S. 101 and S. 459, and I will ask that the reporter insert them in the record at this point.

(S. 101 and S. 459 are as follows:)

[S. 101, 79th Cong., 1st sess.]

A BILL To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry

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

FINDINGS AND DECLARATION OF POLICY

SECTION 1. The Congress finds that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production, endangers the national security and the general welfare, and adversely affects commerce.

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

SEC. 2. The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States, which shall not be abridged by any State or by an instrumentality or creature of the United States or of any State.

UNFAIR EMPLOYMENT PRACTICES DEFINED

SEC. 3. (a) It shall be an unfair employment practice for any employer within the scope of this Act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry;

(2) to discharge any person from employment because of such person's race, creed, color, national origin, or ancestry;

(3) to discriminate against any person in compensation or in other terms or conditions of employment because of such person's race, creed, color, national origin, or ancestry; and

(4) to confine or limit recruitment or hiring of persons for employment to any employment agency, placement service, training school or center, labor union or organization, or any other source that discriminates against persons because of their race, color, creed, national origin, or ancestry.

(b) It shall be an unfair employment practice for any labor union within the scope of this Act—

(1) to deny full membership rights and privileges to any person because of such person's race, creed, color, national origin, or ancestry;

(2) to expel from membership any person because of such person's race, creed, color, national origin, or ancestry; or

(3) to discriminate against any member, employer, or employee because of such person's race, creed, color, national origin, or ancestry.

(c) It shall be an unfair employment practice for any employer or labor union within the scope of this Act to discharge, expel, or otherwise discriminate against any person because he has opposed any practices forbidden by this Act or because he has filed a charge, testified, or assisted in any proceeding under this Act.

SCOPE OF ACT

SEC. 4. (a) This Act shall apply to any employer having in his employ six or more persons, who is (1) engaged in interstate or foreign commerce or in operations affecting such commerce; (2) under contract with the United States or any agency thereof or performing work, under subcontract, or otherwise, called for by a contract to which the United States or any agency thereof is a party, awarded, negotiated, or renegotiated as hereinafter provided in section 13 of this Act.

(b) This Act shall apply to any labor union which has six or more members who are engaged in interstate or foreign commerce or in operations affecting such commerce or employed by the United States or any Territory, insular possession, or instrumentality thereof.

(c) This Act shall apply to the employment practices of the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (e) and (f) of section 10, providing for petitions for enforcement and review, shall not apply in any case in which an order has been issued against any department or independent agency of the United States; but in any such case the Fair Employment Practice Commission established by section 5 of this Act may petition the President for the enforcement of any such lawful order, and it shall thereupon be the duty of the President to take such measures as may secure obedience to any such order. Every officer, agent, or employee who willfully violates any such order shall be summarily discharged from the Government employ.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 5. For the purpose of securing enforcement of the foregoing rights and preventing unfair employment practices on the part of employers and labor unions, there is hereby established a commission to be known as the Fair Employment Practice Commission, which shall consist of a Chairman and four additional members to be appointed by the President, by and with the advice and consent of the Senate, who shall serve for a term of five years except that the terms of the members originally appointed shall expire seriatim at intervals of one year. Any member of the Commission may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Three members of the Commission shall at all times constitute a quorum.

REPORTS

SEC. 6. The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President concerning the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Commission, and an account of all moneys it has disbursed, and shall make such further reports on the cause of, and means of alleviating, discrimination, and such recommendations for further legislation as may appear desirable.

SALARIES

SEC. 7. Each member of the Commission shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

TERMINATION OF COMMITTEE ON FAIR EMPLOYMENT PRACTICE

SEC. 8. Upon the appointment of the members of the Commission, the Committee on Fair Employment Practice, established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall be transferred to and become employees of the Commission. All records, papers, and property of the Committee shall pass into the possession of the Commission, and all unexpended funds and appropriations for the use and maintenance of the Committee shall be available to the Commission.

LOCATION OF OFFICES

SEC. 9. The Commission shall hold its sessions in the District of Columbia and at such other places as it may designate. The Commission may, by one or more of its members or by such referees, agents, or agencies as it may designate, prosecute any inquiry or conduct any hearing necessary to its functions in any part of the United States or any Territory or insular possession thereof.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

SEC. 10. (a) The Commission is empowered as herein provided to prohibit any person from engaging in any unfair employment practices within the scope of this Act.

(b) Whenever it is alleged that any person has engaged in any such unfair employment practice, the Commission, or any referee, agent, or agency designated by the Commission for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Commission or a member thereof, or before a designated referee, agent, or agency at a place therein fixed not less than ten days after the serving of said complaint.

(c) The person so complained of shall have the right to file an answer to such complaint and to appear in person or otherwise, with or without counsel, and give testimony at the place and time fixed in the complaint.

(d) If upon the record, including all the testimony taken, the Commission shall find that any person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair employment practice and to take such affirmative action, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this Act. If upon the record, including all the testimony taken, the Commission shall find that no person named in the complaint has engaged in any such unfair employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(e) The Commission shall have power to petition any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia), or, if all the circuit court of appeals to which application might be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair employment practice in question occurred, or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief of restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for enforcement of the orders of the National Labor Relations Board.

(f) Any person aggrieved by a final order of the Commission granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States (including the United States Court of Appeals for the District of Columbia) within any circuit wherein the unfair employment practice in question was alleged to have occurred or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Commission be modified or set aside. Upon such filing, the reviewing court shall conduct further proceedings in conformity with the procedures and limitations established by law governing petitions for review of the orders of the National Labor Relations Board.

INVESTIGATORY POWERS

SEC. 11. (a) For the purpose of all hearings and investigations which in the opinion of the Commission are necessary and proper for the exercise of the powers vested in it by this Act, the Commission, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question, before the Commission, its member, agent, or agency conducting the hearing or investigation. Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

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

RULES AND REGULATIONS

SEC. 12. The Commission shall have authority from time to time to make, amend, and rescind such regulations as may be necessary to carry out the provisions of this Act. Such regulations shall be effective sixty days after transmission to the Congress unless the Congress has in the interim amended or nullified such regulations by appropriate legislation or has adjourned within thirty days after the submission of such regulations. Such regulations shall include the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for the taking of testimony and its reduction to writing, for the modification of the findings or orders prior to the filing of records in court, for the service and return of process and fees of witnesses, and with respect to the seal of the Commission, which shall be judicially noticed, the payment of expenses of members and employees of the Commission, the qualification and disqualification of members and employees and any other matters appropriate in the execution of the provisions of this Act.

GOVERNMENT CONTRACTS

SEC. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter awarded, negotiated, or renegotiated by them, except such classes of contracts as may be exempted from the scope of this provision by regulation adopted pursuant to section 12 of this Act, a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, or ancestry, and requiring him to include a similar provision in all subcontracts.

(b) No contract shall be awarded or executed by the United States or any agency thereof to any person found by the Commission to have violated any of the provisions of this Act or to any firm, corporation, partnership, or association

in which such person has a controlling interest, for a period to be fixed by the Commission not to exceed three years from the date when the Commission determines such violation to have occurred. The Commission may by subsequent order, for good cause shown, reduce any period so fixed. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 14. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Commission or any of its referees, agents, or agencies, in the performance of duties pursuant to this Act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of such Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

DEFINITIONS

SEC. 16. (1) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting in the interest of any employer, directly or indirectly, and includes the United States and every Territory, insular possession, and agency or instrumentality thereof.

(3) The term "labor union" includes any organization in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning the terms or conditions of employment.

(4) Unless otherwise specified, the term "Commission" means the Fair Employment Practice Commission created by section 5 of this Act.

(5) The term "Committee" means the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943.

(6) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or Territory or the District of Columbia or any foreign country.

(7) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

SEC. 17. This Act may be cited as the "Fair Employment Practice Act."

[S. 459, 79th Cong., 1st sess.]

A BILL To establish a Fair Employment Practice Commission and to aid in eliminating discrimination in employment because of race, creed, or color

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Employment Practice Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(a) That the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of race, creed, or color is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, is incompatible with the provisions of the Constitution, foments domestic strife and unrest, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, creed, or color in all employment relations which fall within the jurisdiction or control of the Federal Government.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 3. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the "Commission"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

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

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

(d) Each member of the Commission shall receive a salary at the rate of $10,000 a year, and shall not engage in any other business, vocation, or employment.

(e) When three members of the Commission have qualified and taken office, the Committee on Fair Employment Practice established by Executive Order Numbered 9346 of May 27, 1943, shall cease to exist. All employees of the said Committee shall then be transferred to and become employees of the Commission, and all records, papers, and property of the Committee shall then pass into the possession of the Commission.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents or agencies as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

(g) The Commission shall have power—

(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

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

(4) to issue, from time to time, such regulations as it deems necessary to regulate its own procedure and the appearance of persons before it, and to amend or rescind, from time to time, any such regulation whenever it deems such amendment or rescission necessary to carry out the provisions of this Act;

(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies available to interested Government and nongovernmental agencies.

DUTIES OF THE COMMISSION

SEC. 4. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire, or tenure, terms, or conditions of employment, or union membership, because of race, creed, or color—

(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimina-

tion, as rapidly as possible, in regions or areas where such discrimination is prevalent;

(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and other work performed by it, and shall make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this Act.

INVESTIGATORY POWERS

SEC. 5. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

(b) Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings or hearings.

(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpena issued to any person under this Act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

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

DISCRIMINATION IN EMPLOYMENT BY THE FEDERAL GOVERNMENT

SEC. 6. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed, or color, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 7. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

Senator CHAVEZ. The full committee is holding hearings on another important piece of legislation, and some of the Senators here, I know, consider the hearings at the other meeting of extreme importance; hence, I want to thank them for being here this morning.

I want to read a little statement to the committee with reference to the proposed legislation.

This is a hearing to consider two bills, S. 101 and S. 459, which aim to establish a Fair Employment Practice Commission and to prevent discrimination in the employment of minority workers. The antecedent of these bills is S. 2048, introduced in the last Congress—Seventy-eighth Congress, second session—on which hearings were held in the months of August and September 1944, and which bill was reported out by this committee last September with the recommendation that it pass.

These hearings give opportunity for the elected representatives of the voters of this country to fulfill the party pledges of both major political parties made during the last campaign. The Democratic Party, through the speeches of its presently elected standard bearer, President Franklin D. Roosevelt, indicated its support of such a measure because—and I quote the President's Chicago speech:

Our economic bill of rights, like the sacred Bill of Rights of our Constitution itself, must be applied to all our citizens, irrespective of race, creed, or color.

Similarly, the Republican Party, in its party platform and through the speeches of its Presidential candidate, pledged itself to the establishment of a permanent Fair Employment Practice Committee. On November 1, 1944, Governor Dewey said in his Buffalo Presidential campaign speech:

We shall establish the Fair Employment Practices Committee as a permanent agency with full legal authority.

And today Governor Dewey signs the Ives-Quinn bill establishing a fair employment practice committee with full enforcement powers for the State of New York.

Enactment of similar Federal legislation is now not only consistent with the democratic ideal, consistent with the pledged objectives of both parties, but a matter of practical national necessity.

As contrasted with August 1944, we find the military campaign against Germany rapidly approaching its climax. We have advanced to within 800 miles of the home islands of Japan. We and our allies have wrested the initiative from the Axis on land, sea, and air. But the very program of our military and naval campaigns have called for increase upon increase in production.

Intensification of the fight against Japan will mean tripling the length of our supply lines and transporting millions of men and millions of tons of war matériel and supplies half way around the world. In addition, much of the matériel used in the war with Germany will not be serviceable nor available in the war with Japan, so that our production needs may well be increased rather than diminished.

Also, we are facing a cumulative problem in the replacement of worn-out civilian goods. Our transportation system is beginning to show signs of wear and tear. We have been accustomed to a shortage of oil and now there is every prospect that next year we shall face a shortage of coal.

But the bars of discrimination still stand between full utilization of manpower and full production.

In an attempt to meet this manpower shortage, the Senate has just passed the so-called work-or-fight bill. It is too plain for argument that this bill will not stand the test of constitutionality unless it is administered without discrimination because of race, creed, color, national origin, or ancestry.

But the necessity of nondiscrimination is not limited to war production alone. Our whole program of inter-American cooperation will collapse in the face of demonstrated unfairness to persons of Latin-American descent. We cannot indulge the prejudices of any small group of our population to the sacrifice of Western Hemisphere solidarity. The good-neighbor policy rests on shifting sands when a man is denied the right to work at the level of his qualifications merely because he happens to be of a given racial origin. Friendship is not spelled in these terms.

We must also recognize that the keystone in Japanese propaganda in Latin America and elsewhere is exploitation of alleged American race prejudice against all the darker-skinned peoples of the world. It is certainly good sense not to give our enemies material with which to wage their propaganda war against us.

We have tried elimination of discrimination because of race, creed, color, national origin, or ancestry in industry and labor unions by voluntary action. This has failed. Some gains have been made by the minorities but national necessity will not wait.

We have tried to eliminate discrimination by governmental action, and the successes achieved by the President's Committee on Fair Employment Practice in eliminating discrimination in war industries points the way to what can be done.

It is most significant that the basic positions taken by the President's Committee on Fair Employment Practice have subsequently been approved by the courts. Following a complaint lodged against certain railroads and railroad labor unions, the President's Committee on Fair Employment Practice issued its directive against the railroads and the labor unions to void certain discriminatory contracts. On December 18, 1944, the United States Supreme Court, in the case of *Steele* v. *Louisville & Nashville Railroad Co. and Locomotive Firemen and Enginemen* took exactly the same position.

And in the west-coast shipyards where a certain labor union holding a closed-shop contract refused to accept into the union minority workers except in a subordinate auxiliary status, the F. E. P. C. ordered the union to abandon its auxiliaries and admit the minority workers to full membership. In the case of *James* v. *Marinship, Inc.*, the California Supreme Court on January 2, 1945, concurred in its decision.

These two bills now before us simply request the Congress to implement the principles already established by the courts of the land. What is needed is an administrative agency where workers may gain a hearing without undue delay and prohibitive expense. Relief from

the courts is a far too lengthy and costly process for working men and women.

I shall not attempt a comparative analysis of S. 101 and S. 459, as the merits of the respective bills will be discussed at length in the hearings—except to point to the major difference between the two bills. S. 101 provides for enforcement powers, whereas S. 459 provides only for investigatory and advisory powers.

I close my remarks with the note that, to my mind, it is not sufficient for the Government to exercise investigatory powers aimed at preventing discrimination in employment; it is necessary that the Government take on regulatory powers over such discrimination. Effective regulation means sanctions.

We have drafted our citizens to fight without discrimination as to race, creed, color, national origin, or ancestry. We must guarantee these same citizens the right to work without discrimination.

If the rise and fall of Hitler teaches nothing else, its teaches us that a national policy based on exploitation and discrimination is a certain road to ruin. We should not only write a policy of nondiscrimination in employment into the law, but we should also insist upon it in every official act. If we would save ourselves and our country, we must guarantee every citizen, no matter how humble, the full right to earn his living in accordance with his qualifications and regardless of race, creed, color, national origin, or ancestry.

The committee has quite a list of witnesses who will testify today, and I was going to make this suggestion to those witnesses, due to the fact that we do have so many witnesses, that they make their verbal statement as short as is possible and consistent with a correct expression of the views of the witness, and if they have a written statement, they will file it for the record.

Is Dr. Samuel McCrea Cavert present?

Dr. CAVERT. Yes.

Senator CHAVEZ. Doctor, will you step up, please?

Doctor, do you care to make a statement with reference to the proposed legislation?

Dr. CAVERT. Yes, please.

Senator CHAVEZ. Involved in S. 101 and S. 459?

Dr. CAVERT. Yes.

Senator CHAVEZ. Have you a prepared statement?

Dr. CAVERT. Yes; I have.

Senator CHAVEZ. All right; you may proceed in your own way, first identifying yourself as to whom you represent.

STATEMENT OF DR. SAMUEL McCREA CAVERT, GENERAL SECRETARY, FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, NEW YORK, N. Y.

Dr. CAVERT. My name is Samuel McCrea Cavert. I am general secretary of the Federal Council of Churches of Christ in America, a federation of 26 national denominations, with a combined membership in excess of 25,000,000 in 140,000 local congregations.

These churches have long had a keen interest in the welfare of minority groups in our population, and are now especially concerned over the issue of full justice for them in our economic life. The oppor-

tunity of every citizen to work is so fundamental that any discrimination in industry on account of race, creed, color, national origin, or ancestry seems to us a matter of high moral and spiritual significance.

The right to work is really a part of the right to live, or at least to live in the way that is commensurate with the religious conception of the dignity and worth of human personality. That is why the executive committee of the Federal Council of the Churches of Christ in America, in a message to its own constituency, said, on September 16, 1943:

> As Christians, each of us should give active support to the Fair Employment Practice Committee against discrimination in employment.

A few months later, on March 21, 1944, further action was taken officially, urging our Government to establish some permanent legal procedure for dealing with the problem. This resolution reads as follows:

> Discrimination in employment because of race, creed, or national origin is one of the great moral issues before our Nation today. The right of the worker to be employed and paid solely on the basis of his character and ability is so clear, just, and Christian that it should be protected by law. This right should be safeguarded by appropriate legislative and administrative provisions: Be it therefore
>
> *Resolved*, That the Federal Council of Churches urge our Government to establish permanent procedures for securing the objectives which have been sought by the Committee on Fair Employment Practice.

This same position has been strongly supported by many of the major denominations, meeting separately in their official plenary sessions, including the General Conference of the Methodist Church, the General Assembly of the Presbyterian Church in the United States of America, the Northern Baptist Convention, the General Council of the Congregational Christian Churches through its Council on Social Action, the General Conference of the African Methodist Episcopal Church, the General Conference of the African M. E. Zion Church, the National Baptist Convention, Inc., and also by a large number of local councils of churches, diocesan, and other regional bodies in various denominations.

These resolutions have their significance as manifestations of a widespread moral and social concern, expressing itself in many different quarters and disclosing something like a spontaneous welling up of thoughtful opinion on the subject.

In keeping with the usual procedures of the Protestant churches, they have not endorsed the details of any specific bill now before Congress, but have confined themselves to the basic principles involved in such legislation.

I should like, however, to emphasize the fact that the resolution which I have quoted calls for more than a mere study of the question. It calls for effective action. More specifically, it says that the right to work without discrimination because of race, creed, or national origin, should be protected by law. The general spirit and purpose of our resolution, therefore, supports S. 101.

S. 459, on the other hand, seems to me inadequate in that it includes no provision for ordering any employer or labor organization to cease or desist from any unfair and discriminatory practice if and when adjudged guilty.

S. 459 appears to me to be only a proposal for investigation and education; and processes of investigation and education, important as they are, if they lack measures for enforcement do not have the weight of laws.

I believe that Daniel Webster once said that a law without a penalty is simply good advice.

I submit that the time for good advice has passed. The time has come for positive legal action with appropriate procedures for enforcement.

In conclusion, I desire to put my main emphasis on the fact that there is an awakening of conscience in the churches on the whole question of justice for minority peoples in our national life. When we are asking Negroes and other minority groups equally with the majority to fight and die on the battlefields of the world in the defense of democracy, we face a new moral obligation to strengthen democratic rights in our life at home.

One of the most elementary aspects of democratic rights is equal opportunity for all workers to earn their daily bread. That is why I think there is widespread support throughout the churches for a law which shall include adequate measures of protection against discrimination against properly qualified persons by reason of their race, creed, color, national origin, or ancestry.

Thank you.

Senator CHAVEZ. Are there any questions?

Senator TUNNELL. I would like to ask a question.

How many denominations did you say were in the council?

Dr. CAVERT. Twenty-six.

Senator TUNNELL. How many are there in the country?

Dr. CAVERT. There is a very large number in the country, as recorded in the Federal Census of Religious Bodies, most of which are very small. I believe there are slightly more than 200. As a matter of fact, the Federal council includes approximately two-thirds of the Protestant membership of the country.

Senator TUNNELL. Well, I was trying to get at the total of the membership more than I was the total number of organizations.

Dr. CAVERT. These 26 denominations have a combined membership of approximately 26,000,000.

Senator TUNNELL. Now then, you spoke of that being a majority of the Protestant communicants. Does it represent any part of the Catholic?

Dr. CAVERT. Not of the Roman Catholic Church. That has its own separate organization.

Senator TUNNELL. Well, it is not in opposition to your plea in this respect?

Dr. CAVERT. Oh, no.

Senator TUNNELL. Now, then, has this been pretty generally known to the churches of your organization as to what position you are taking here?

Dr. CAVERT. It has been very much discussed over a period of 3 or 4 years, and especially during the last 12 months or so.

Senator TUNNELL. We don't have a copy of the statement that you read, and you may have covered this, but do you have the backing of the southern churches?

Dr. CAVERT. The Southern Baptist Church, which is one of the very large bodies in the South, is not a member of the council.

Senator TUNNELL. The council was not formed around this particular issue?

Dr. CAVERT. Oh, no; it was formed 36 years ago as a means of securing cooperation and united action in things that the churches had in common.

Senator TUNNELL. What I mean is this: I take it that because a church does not belong to this organization is no indication that it opposes this particular bill?

Dr. CAVERT. Oh, no. Some of them, on principle, prefer to act quite independently rather than in the cooperative movement, quite without reference to this measure.

Senator TUNNELL. Do you think that any law can be enforced on this? What is your idea of the practical side of this issue?

Dr. CAVERT. Of course, I believe that the educational processes are absolutely fundamental and necessary. I think they have been going forward rather effectively during recent years. I believe that the Fair Employment Practice Committee has been one of those important educational forces, and that it has already demonstrated that there is a great support for its policies. And when the time has come that there is a sufficiently strong public opinion to support legislation with enforcement powers, then it seems to me the time has come for such legislation. Unless there is a strong public opinion, I grant you the enforcement may prove to be ineffective, or it might even be woefully ineffective if there were not strong opinion behind it. I believe there is a strong enough opinion behind this measure to justify the expectation that enforcement provisions can be made effective.

Senator TUNNELL. Your answer would indicate that you think that a good deal of this work must be educational.

Dr. CAVERT. I surely do.

Senator TUNNELL. And not particularly penal?

Dr. CAVERT. I would only say on that point that if you believe in legislation, you do believe that there is a place for penalty.

Senator TUNNELL. It isn't a question of whether there is a place for it. In my opinion or in my thought along the line I was following, I was only trying to get at what effect either penalties or education could have, or what their relative effect would be. I wasn't expressing an opinion.

Senator AIKEN. I would like to ask a question.

Do you believe that the act just passed by the New York Legislature had the backing of popular opinion?

Dr. CAVERT. I am convinced that it had a very strong backing in New York State.

Senator AIKEN. What is the reason that New York was the first State to enact legislation with compulsory features, with penalties?

Dr. CAVERT. Being a New Yorker, perhaps I can be forgiven for saying that I think it is because New York is a very progressive State.

Senator AIKEN. Well, is it that, or is it because conditions were worse in New York?

Dr. CAVERT. Perhaps both. I grant you, certainly, that conditions in the State of New York seemed to me to require it.

Senator TUNNELL. At any rate, the opportunity for discrimination is perhaps greater in New York, is it not?

Dr. CAVERT. There is plenty of opportunity, I am sure.

Senator TUNNELL. With its great population and great number of different peoples.

Dr. CAVERT. Yes.

Senator CHAVEZ. Possibly the people of New York felt that the many minorities that make up the large population of New York, who are now making even the supreme sacrifice for the country, made it necessary that justice be done at home to those same minorities.

Dr. CAVERT. Yes.

Senator CHAVEZ. Thank you, Doctor, for your statement.

Dr. CAVERT. Thank you.

Senator CHAVEZ. Is Mr. Hunton present?

Mr. HUNTON. Yes, sir.

Senator CHAVEZ. Will you kindly be seated, Mr. Hunton, and identify yourself for the record?

STATEMENT OF GEORGE K. HUNTON, SECRETARY OF THE CATHOLIC INTERRACIAL COUNCIL AND EDITOR OF THE INTERRACIAL REVIEW, NEW YORK CITY

Mr. HUNTON. I am George K. Hunton, secretary of the Catholic Interracial Council and editor of the Interracial Review.

Senator CHAVEZ. Do you care to make a statement to the committee on these bills?

Mr. HUNTON. Yes, sir.

For more than 25 years I have been deeply interested in social problems and particularly in the question involving prejudice, discrimination, and the denial of opportunities for employment. After being admitted to the New York bar in 1910, I was for 3 years associated with the Legal Aid Society, and for 2 years I was attorney in charge of the East Side office, in New York, an area where there are so many various foreign-language groups residing in close proximity. For the past 12 years I have been active in the interracial movement. I was one of the organizers of the Catholic Interracial Council, a group founded in 1934, of which I am executive secretary, in addition to being editor of the Interracial Review, a monthly magazine devoted to the combatting of prejudice and discrimination, and for the securing of social justice for all, regardless of race. I am a member of the executive committee of the National Council for a Permanent Fair Employment Practice Committee. I have had wide experience with the problem of racial discrimination and with the constructive efforts to check this violation of democratic rights.

Here I should like to point out again that our largest minority is the most depressed minority and the chief victim of the pattern of discrimination.

In my opinion, it would be most unfortunate if the Congress were to enact Senator Taft's bill under the assumption that its provisions would promote fair employment practices. This bill is defective in that it has not made employment discrimination unlawful and has no

enforcement provisions. On the other hand, I believe S. 101, which calls for enforcement, would provide an effective permanent agency to insure fair employment practice and should be enacted.

I believe that the education of the general public is essential to the elimination of all types of prejudices and discriminations. However, in the area of employment discrimination, this is not enough. We recall that in the beginning of the defense effort most employers—even those engaged in war industries—refused to hire thoroughly qualified Negroes, and no amount of persuasion was effective. I recall particularly taking part, with representatives of a number of organizations such as the National Association for the Advancement of Colored People, the National Urban League, and other groups, on behalf of 17 Negro boys, all of whom were graduates of the New York School of Aviation Trades. They applied in vain for employment at three large aircraft plants within the vicinity of New York City. All of their classmates were hired. They were refused.

Conferences, deliberations, correspondence availed nothing for months. It was resisted on the grounds, from the point of view of the personnel officials, that the workers would not work with them. Representatives of the shop committees, in turn, said that they would be perfectly willing to work with them, that it was a question of passing the buck.

In one particular place one of the members of our committee was told: "We have no discrimination against the Negroes; our porter and doorman and a night watchman are Negroes."

And at this very time, gentlemen, every one of those plants was advertising throughout the country in desperation to get thousands of needed workers. Here we had a situation where there were available jobs, where those in charge of carrying out the war production or the defense production earnestly desired to have thousands more workers, and you had these 17 young boys who were ready, able, and equipped, and particularly trained for that work, and they were refused because of race prejudice.

Senator AIKEN. Were those plants in New York?

Mr. HUNTON. Yes; in Farmingdale, Long Island, in Long Island City, and in Bethpage. I refer to the Grumman, the Fairchild, and the Brewster Aircraft companies.

It was not until months later that steps were taken to gradually integrate Negroes in those plants.

Senator CHAVEZ. Was that after the President's Committee was appointed?

Mr. HUNTON. Yes, sir.

In the begining of the defense effort most employers—even those engaged in war industries—refused to hire thoroughly qualified Negroes, and no amount of persuasion was effective.

Later it became necessary for the President to issue Executive Order 8802, and shortly thereafter to set up a Fair Employment Practice Committee. Under this, while progress was made, due largely to the need of manpower, everyone recognizes that this step was not enough.

Meantime I should like to point out that there have been a great number of gains in the area of experience. Tens of thousands of employers have actually found that it is possible, from their point of

view, to have Negro employees. They didn't want it, but they have found that it could be satisfactory.

Hundreds of thousands of white workers, who didn't want or welcome the Negro as a fellow worker, have found that it is satisfactory, and in many cases are taking it in stride as the result of the experience they have had.

I mention that as an indication that it is going to be entirely possible, with an adequate bill that has the enforcement provisions behind it, to make continued progress in the post-war era.

Now, all these things I spoke of took place during the interim period of our great war effort, when the incentives of patriotism, the preservation of national unity, and the maintenance of morale at home and abroad were at their highest peak. If persuasion and public education were insufficient and have proven so under these circumstances, and conciliation, hearings, and arbitrations failed in their purposes, what will be the outcome with the coming of peace and readjustment, if there is no agency to provide relief?

What is needed for the post-war era is a fair employment practice law with the provisions contained in bill S. 101, which provides conciliation, persuasion, and hearings, backed up by legal enforcement and penalties.

The problem of employment discrimination is deep-seated and of long standing—a flagrant denial of a basic fundamental, natural right, a democratic right. Employment discrimination is not hidden, covert, or concealed. It is an employment policy that is openly asserted by those who practice it. Its existence is notorious and no one doubts that it is prevalent throughout the country. It does not require investigation or exposure. No bill of discovery is necessary, nor would it serve any useful purpose. Senator Taft's bill would reveal the precise statistics on discrimination and delay the establishment of an effective remedy.

S. 101 is a bill to prohibit employment discrimination. It declares that the right to work without discrimination because of race, creed, color, or national origin is an immunity of all citizens. It defines employment policies that constitute unfair employment practices—the refusal to hire, the discharge from employment, discrimination in wages and conditions of employment, the hiring through employment agencies that discriminate, and—in the case of labor unions—the denial to full membership, expelling from membership, and discriminating against any member, employer, or employee. Both employers and unions are charged with unfair employment practices where they discriminate against any person who protests or enters a complaint against any unfair employment practices.

Senator Taft's bill is entirely silent regarding these prohibitions, immunities, denials, and unfair practices.

S. 101 covers employers engaged in interstate commerce who have six or more employees, and labor unions coming under the same category. The bill, happily, applies to employment practices of the United States and its Territories and provides the procedure to insure enforcement of decisions.

In direct contrast, Senator Taft's bill does not provide any jurisdiction over those who practice such discriminations, either employers or unions, and does not cover Government employment practices.

Both bills provide for the establishment of a Fair Employment Practice Commission of five members, and propose that the new commission take over the staff, records, and property of the existing Fair Employment Practice Committee. They have similar provisions regarding offices and incidental administration, including the right to conduct hearings, summon witnesses, administer oaths, and take testimony.

In the matter of procedure, the two bills differ widely.

S. 101 empowers the Commission to prohibit any person from engaging in unfair employment practice. The Taft bill has no enforcement provision. It merely requires the Commission to investigate, study, and survey employment discrimination and inquire as to the effect of discrimination and discover methods of eliminating it. Reports are to be prepared and published, in addition to the annual reports sent to the President and the Congress. The Commission confers with offenders and makes recommendations on ways and means to eliminate discriminations and is required to investigate specific complaints as well as other cases where discrimination may be thought to exist. It is similar to a fact-finding commission.

S. 101 would set up a tribunal for the hearing of cases involving discrimination in employment, and the Commission is empowered to hear, determine, and render decisions, and issue orders requiring compliance. It is authorized to petition the United States circuit court for the enforcement of its orders.

It appears amply evident that S. 101 proposes the establishment of a Fair Employment Practice Commission which will have the necessary jurisdiction and authority to be effective. I believe this bill is an excellent bill and that its provisions would prove adequate for its declared objectives of insuring the right to work without discrimination because of race, creed, color, or national origin. It should be enacted.

The Taft bill is inadequate because it has not made employment discrimination unlawful, it lacks the necessary authority, it is merely an investigatory and advisory board, and fails to make any provision with regard to employment discriminations confronting Americans of foreign origin. Two million Spanish-speaking Americans and others of foreign ancestry are without the purview of this bill.

The Catholic Interracial Council is wholeheartedly in favor of the prompt enactment of effective fair employment practice legislation. We endorse the provisions of Senate bill S. 101 and respectfully urge that the members of the Senate Subcommittee on Education and Labor recommend its enactment by the present Congress.

Senator CHAVEZ. Thank you.

Are there any questions?

Senator TUNNELL. I would just like to ask what the present situation is with reference to labor unions and their acceptance of Negroes, for instance. Don't they usually accept them, or is there a discrimination by some of them?

Mr. HUNTON. There is still a discrimination by some of them, Senator.

Senator TUNNELL. Are they the large organizations?

Mr. HUNTON. I should say that they are generally the boilermakers, and some of the other unions, in certain sections of the country; but more and more, both members of the unions of the C. I. O. and of

the A. F. L. are accepting Negroes into membership. But much more remains to be done.

Senator TUNNELL. I have noticed in delegations that have seen me on different matters with reference to labor, and so on, there are usually people of different races. That was the reason I was asking.

Senator CHAVEZ. Senator La Follette?

Senator LA FOLLETTE. No questions.

Senator CHAVEZ. Senator Aiken?

Senator AIKEN. No questions.

Senator CHAVEZ. Could you give us an estimate of the total number of persons that you represent here at this hearing?

Mr. HUNTON. That would be entirely impossible, sir. We are a part of a movement that has auxiliary cooperating groups in many places, student bodies, heads of colleges and universities, not connected directly with our organization but sympathetic with its purposes.

I could give one example and say that, for instance, the Catholic press of the country is entirely in line with the aims and objectives of our Catholic Interracial Council which has sought from the beginning to combat the evil of employment discrimination.

Senator CHAVEZ. Have you not found that people representing religious faiths of the different denominations, as a whole are getting behind some legislation of this character?

Mr. HUNTON. Decidedly, sir, decidedly.

Senator CHAVEZ. To me that was the most encouraging thing that developed at the last hearings in August and September, that the representatives of the different faiths were so unanimous in coming over and expressing their opinions to do something worth while.

Mr. HUNTON. I think that is very important, and I think it is significant that no representative of any religious denomination has been heard in opposition to the purposes of this type of legislation.

Senator CHAVEZ. Thank you.

Rabbi Cohen, will you kindly come forward, please?

Rabbi COHEN. Yes, sir.

Senator CHAVEZ. Please be seated and give your name to the reporter.

STATEMENT OF RABBI JACOB X. COHEN, CHAIRMAN, COMMISSION ON ECONOMIC DISCRIMINATION OF THE AMERICAN JEWISH CONGRESS, NEW YORK, N. Y.

Rabbi COHEN. My name is Rabbi Jacob X. Cohen, chairman of the Commission on Economic Discrimination of the American Jewish Congress, the national office of which is located in New York City.

Senator CHAVEZ. You may proceed.

Rabbi COHEN. Mr. Chairman and members of the Senate committee, we are considering two bills, S. 101 and S. 459, the first proposing education through law enforcement in the field of employment discrimination, and the second, education operating in an enforcement vacuum. The issues presented by these two bills are twofold: The first moral and the second practical. S. 101 would wisely combine both the moral and the practical. S. 459 would vaguely point toward the path of righteous conduct.

As a religious teacher, may I recall that the moral codes promulgated on Mount Sinai, and reechoed in the Sermon on the Mount, have been unquenchable beacons for guidance and education in the Judaeo-Christian civilization of the western world. Loathe as I am to say this, it is yet necessary to point out that throughout the centuries which followed the promulgation of these two sublime moral codes of social conduct, legislators, until this very hour, have been industriously erecting fences, some weak, some strong, to restrain men from antimoral and antisocial acts. The purpose of these fences has been not only to restrain but to guide; to guide men along the high road of moral conduct, to bring them to the personal practice of the ideals enunciated by Moses and Jesus.

But I speak not as a teacher of morals alone. I wish to speak also as one engaged in social action—as a social engineer—as one who is chairman of the Commission on Economic Discrimination of the American Jewish Congress. The experience of this commission, in the more than 15 years of its active operation throughout the United States, through its branches, its affiliates, and its divisions, has clearly demonstrated that employment discrimination has vicious effects upon one's right to earn a living. We have found discriminatory techniques operating in multiple forms, determined in part by a general pattern of prejudice and in part by the ingenuity of the individual seeking to express company policy or personal basis. We have found, for instance, the personnel director of a Nation-wide chain-store organization insistent upon knowing the religion of the applicant because, as he phrased it, "in the event of an emergency we wish to know whether to send for a priest, a minister, or a rabbi," as though merchandising were as hazardous as a battlefield.

In another organization, engaged in interstate activity, we found them inquiring not only as to the religion of the applicant but desirous of knowing the religion of his parents. They did not go the full way of the Hitler technique, which also inquired as to the religion of the grandparents, but if unchecked they may, in the post-war period, initiate that inquiry also.

In one of the largest life-insurance companies in the Nation an applicant for a position in the legal department was told—my informant was a judge in one of the highest Federal courts—that the applicant could not be engaged for the job, for which he was declared technically qualified, because his was a "borderline" case—his mother was a Protestant, but his father was Jewish.

We could make the record of such instances almost as voluminous as the pages of Mein Kampf with such American records of Hitlerian procedures.

Though Germany is on the verge of military defeat it may yet win a spiritual victory over American ideals. We need a law such as S. 101 to curb post-war practices of discrimination, practices aggrandized in many American areas of economic activity in the pre-war period, by German propaganda.

May I take a moment, sir, to reinforce the statement made by the chairman with respect to the good-neighbor policy, and the negative influence of such discriminatory procedures against minority groups. It has been my privilege to travel south of the Rio Grande, clear down to Chile, and in talking to gentlemen representative of what is

known in Latin America as the ministries of exterior relations—our own Department of State would be the equivalent—there was a constant reiteration of the serious impact upon thinking in the countries of Latin America with respect to the acts on the one hand and the declarations on the other hand, particularly with respect to Mexican-Americans and to Negroes.

The most encouraging experience of the commission on economic discrimination of the American Jewish Congress has come during the present war period. We have had the benefit of the close cooperation of the President's Committee on Fair Employment Practice. In numerous instances complaints of employment discrimination which we brought to their attention, or indices of the possibility of such discrimination, were favorably acted upon. These beneficial results flowed from the fact that the President's Committee on Fair Employment Practice operates in an area of essential industry, with a capacity for enforcement that flows from the wartime powers of the President of the United States.

It would be of interest to the members of this committee, and to the Members of the Senate as a whole, if they would obtain a copy of a recent report that is not in general circulation, a report by the War Manpower Commission with respect to region II, which is around New York City. It would be well if the Members of the Senate obtained reports of all of the 13 regions in which the War Manpower Commission operates in the United States. This report covers a short period only, just the 9 months that have passed. In this particular report, in this one, region II of these 13 regions, it was established that numerous discriminatory specifications were filed with the War Manpower Commission. Where the discriminatory specifications came from essential industries, the War Manpower Commission could, and did, achieve the relaxation of these discriminatory specifications.

This was possible because the enforcement powers available to the Fair Employment Practice Committee could, if necessary, be invoked. But in 481 cases which dealt with workers seeking employment in nonessential industries such action was not possible. Of these specifications, 338—70 percent—were directed against Negroes, 83 of the cases—17 percent—were against Jews, and the remaining 60—13 percent—were labeled "others."

In the interest of making placements, the War Manpower Commission representatives interceded with the discriminatory employers and, in about 50 percent of the cases obtained a relaxation of the discriminatory specifications.

But in 239 cases no relaxation was secured. No action could be taken against these employers because they were in nonessential industry. In the same way, if S. 459 were enacted into law, no action could be taken against such discriminatory industries in the post-war period, for all industries would then be nonessential, from the military point of view.

Statesmanship demands that we be alert now to safeguard the gains that have been achieved through the war. Otherwise what has been wisely termed "the explosion of peace" may shatter the wartime barriers erected against discrimination because of race, creed, color, national origin, or ancestry.

May I, in conclusion, refer to the happy circumstance which the chairman has also alluded to, that this very day the Governor of the State of New York, the Honorable Thomas E. Dewey, will sign the bill that will establish a permanent commission for the State of New York to curb and control discrimination in employment. That law very wisely includes processes of social education, but with equal wisdom it contains clear-cut provisions for enforcement. The public debate on this bill, which lasted more than a year in our State, traversing all phases of the problem and all areas of community interest, resulted in the virtually unanimous passage of the act, with enforcement provisions, in both legislative houses of the State of New York.

Just a few days ago a public hearing was held in the statehouse in Massachusetts, to consider legislation to curb and control economic discrimination in that State. Six other State legislatures of our Union are also considering similar acts. These progressive States are planning to control intrastate expressions of bigotry in the field of employment, thus preparing for the post-war conversion period and the serious dangers that loom upon the economic horizon. The Government of the United States can do no less for the interests engaged in interstate activity. Hence I urge, on behalf of the American Jewish Congress and its Nation-wide membership, that S. 101 be speedily enacted into law.

Abraham Lincoln said, near these august premises, "We cannot survive as a nation half slave and half free." May one reaffirm that democracy is indivisible, that we cannot survive as a nation unless we couple with political democracy the substance of economic democracy for all, regardless of race or creed, of color or national origin. God helping us, we can do no less.

Senator CHAVEZ. Thank you, Doctor.

Senator Tunnell, do you have any questions?

Senator TUNNELL. How many Jewish people do we have in the United States?

Rabbi COHEN. About 5,000,000, sir.

Senator CHAVEZ. Senator Aiken?

Senator AIKEN. No questions.

Senator CHAVEZ. Thank you, Doctor.

Rabbi COHEN. Thank you.

Senator CHAVEZ. Is Dr. Will Alexander present?

Dr. ALEXANDER. Yes, sir.

Senator CHAVEZ. Please step up and identify yourself.

STATEMENT OF DR. WILL ALEXANDER, VICE CHAIRMAN, AMERICAN COUNCIL ON RACE RELATIONS, CHICAGO, ILL.

Dr. ALEXANDER. I am Will Alexander, the vice chairman of the American Council on Race Relations, with offices in Chicago.

Senator CHAVEZ. Will you kindly state, for the record, the functions of your organization?

Dr. ALEXANDER. This organization was set up by a group of citizens for the purpose of rendering service to States and local communities in connection with problems involving the relationship of minorities to government, to industry, and to the general community life.

Senator CHAVEZ. Thank you, Doctor, you may proceed.

Dr. ALEXANDER. I have a statement which I will leave for the record, but there are one or two things that I would like to say.

Senator CHAVEZ. Very well, and that statement will be included in the record at the conclusion of your oral remarks.

Dr. ALEXANDER. At the beginning of the defense effort, after having left Washington for a period, I came back at the very beginning to work with the then defense agency on this problem of the use of minority manpower in the defense effort, and a little of that experience might be of value to the record.

Senator CHAVEZ. I believe it would.

Dr. ALEXANDER. I remember, sir, making a trip to the Southwest where it was evident that manpower shortages of very great significance were emerging.

One of the reservoirs of manpower in the Southwest was the large number of so-called Spanish Americans. It was the first time anybody representing the Manpower Commission had been out in that area, and in every city I discovered industry unable, or unwilling, to use that reservoir of manpower represented by the Spanish-Americans—people who had largely been excluded from industry to become migrant laborers in agricultural work, and unskilled laborers, largely, in those areas where they have penetrated into industry.

I came back from that trip by way of Taos——

Senator CHAVEZ. Incidentally we have a very fine man from Taos listening in at these hearings.

Dr. ALEXANDER. I came back by way of Taos and I was told in that community that Taos is a county which is largely Spanish American in its population——

Senator CHAVEZ (interposing). About 90 percent.

Dr. ALEXANDER. Ninety percent; yes. I learned in Taos that there were practically no young men left in the community, that the younger men had gone out with the New Mexican National Guard, and in the very early engagements in the Pacific that guard had suffered great losses, so that many of these young men would never come back.

Senator CHAVEZ. That is right. Some of them were just liberated lately in the Philippines.

Dr. ALEXANDER. And yet their brothers and fathers and sisters and mothers were excluded from helping make the implements with which these men would fight. It seemed to me a very strange sort of commentary on democracy in this country at a time like this. But the handicap was the tradition of employment for those people that went back over many generations.

Therefore, the one point I want to make is that there are more people involved than one group. There are numbers of minority groups. By and large, the employment situation of Spanish Americans at the beginning of the war was even more difficult than with Negroes. They had less hold in industry.

In the matter of discrimination against Jews, we found that everywhere across the country, much more subtle and difficult to get at, but very definite—and against orientals.

So that the problem is a problem that represents the maladjustment of many of our minorities, and it means that we are banishing certain groups of our people from participation in the economic system, and permanent poverty and the things that go with it are inevitable.

Now, we had some experience on this persuasion thing, Mr. Chairman. In the early days of the war the Manpower Commission, in an emergency, with all the prestige that these agencies had—what became the War Manpower Commission had several different names at various times—in spite of the emergency we had no authority to do anything more than persuade. And we went through the persuasion period, and we know, with all sincerity, and with the emergency back of it, how impotent we were to get this thing done by persuasion, and it was not until the President appointed the Fair Employment Practice Committee that we began to get results.

Out of that experience, it seems to me, we have learned something about how we are going to go about this, if we are going to do it for the rest of the war emergency and for the period of the peace which is just as important, because many of these gains which these minorities have made in employment will be lost in the reconversion period if steps are not taken to protect them, and they will be again banished as economic outcasts, without opportunity for making a living.

Therefore, it seems highly necessary that we do, not the least that the Federal Government can do, but the most it can do in dealing with this subject.

There is another thing that might be important. I think that many of these labor unions, and many employers, would have their hands strengthened by some such action as is under discussion here today. These employers need help, and they will follow the lead of the Federal Government, as many of them have under the President's Executive order.

That is true with the labor unions as well. The leadership of labor is undoubtedly aware of this problem, and trying to do something about it. They need their hands strengthened as they would be strengthened by such legislation as is proposed here.

It is also well to remember that as we face the new world in which we are going to have to live, this whole matter of minorities and their treatment on a world-wide scale will become very important. As a nation, in trying to share our international responsibility in protecting minorities internationally, we would certainly be at a great disadvantage if we failed to apply that same principle within our own borders.

Senator CHAVEZ. For instance, we know that they recently had a conference in Mexico City at which they discussed the political and the economic angles of this continent—a thing that, in my opinion, was necessary. I think they made great progress. But speaking of the common man, the rank and file of the people south of the border, what will they think when Americans of their own racial strain, of their own religious strain, brothers and sisters and fathers and mothers, who have sent many Americans of the same racial strain to every battlefield, can't get a job in the Southwest on account of the discrimination? What good will the conference in Mexico City do in that regard?

Dr. ALEXANDER. If we go back to our old practice of eliminating portions of our population from free access to our economic opportunities, we will be discredited across the world.

Senator CHAVEZ. I think that covers it very well.

Dr. ALEXANDER. I have nothing else.

Senator TUNNELL. Doctor, there has been mention made of Negroes, Jews, Spanish-Americans, and orientals, as people who are discriminated against. Are there any other large classes?

Dr. ALEXANDER. Not large; no. It is the tinted peoples that have difficulty.

Senator TUNNELL. Tinted?

Dr. ALEXANDER. Yes; it is the color thing that makes the great difficulty.

Senator TUNNELL. Can you give us any idea as to the total number of all the people that this bill would apply to?

Dr. ALEXANDER. No; I cannot.

Senator TUNNELL. That might be interesting.

Dr. ALEXANDER. Those figures can be gotten.

Senator TUNNELL. I would like to have them.

Dr. ALEXANDER. There are 13,000,000 Negroes; there are perhaps between two and three million Spanish Americans. I haven't any figures for the orientals.

Senator TUNNELL. And we were just told that there were 5,000,000 Jewish people.

Dr. ALEXANDER. Yes. So it represents a considerable number of people.

Senator CHAVEZ. But the idea of discrimination as a whole—of course, we are trying to cure economic discrimination by the bill—there is no political discrimination, according to law, they are able to vote and to do this and that, but they are starving to death in many instances. But the discrimination in many instances goes further than that, it is even racial and religious. I have heard it stated that an Irish Catholic can't be elected Governor of Pennsylvania. I have heard it stated that an Irish Catholic can't be elected Governor of New Jersey. I have heard it stated in many instances that somebody else can't be elected because he might be from below the Mason-Dixon line—which all goes to make an undemocratic state.

Dr. ALEXANDER. I think, if there were only 100 of these people, it would be un-American and dangerous to the country.

Senator AIKEN. Do you find this discrimination peculiar to certain industries?

Dr. ALEXANDER. No; I should say not. Perhaps in steel, as an illustration, the Negroes have had more opportunity than in some of the other industries, because traditionally they have been steel workers. I should say in the War Manpower Commission's experience that if there was any difference it was that the newer industries were more difficult. I am glad to say that they have improved.

Senator AIKEN. Is that because the employers felt that perhaps a small percentage of certain classes were trained for that work, and it didn't want to bother to train them?

Dr. ALEXANDER. I remember going into one of the great airplane plants of the country and the president sent me out with his assistant, and I think almost every 15 minutes this assistant would say, "You see, these are all young Anglo-Saxon Americans"—that was out in the Southwest—"These are all young Anglo-Saxon Americans." Of course, there was a pride in having them.

Senator AIKEN. Was that because they felt that the majority of the young Anglo-Saxon Americans are more mechanically inclined, particularly with reference to aviation?

Dr. ALEXANDER. In that very plant I had an interesting experience. We went back to the office and the president said, "We can't use Negroes in this industry, we just can't."

Then his assistant said, "But, Mr. President, in our engineering department, on our engineering staff, we have a Negro who has been there from the beginning, he is the authority on our engineering staff on stresses." He said, "When we were young and getting started we got such engineers as we could get, and we picked up this Negro who had had engineering training, and he has been in there ever since and is one of our good men." The president said, "I had forgotten that."

The answer to your question, Senator, is "Yes."

This man had, in his own plant, demonstrated that these people had the capacity in the use of at least one man, and there must be more than one. There are all sorts of reasons. Perhaps there were difficulties, but they were not difficulties that could not be overcome. When these people were introduced into these plants there was very little difficulty, even in the Southwest. Later the plants used their own transportation to go and get these Spanish-American workers and take them out to the plants.

Senator AIKEN. Well, there is the feeling that there are certain classes of people that are peculiarly adapted to certain types of work. For instance, the Swedes are supposed to be mechanically inclined. Give them a screwdriver, a hammer, and a piece of stovepipe and they can make most anything out of it.

On the other hand, the people have been accustomed to thinking of the Negro as agriculturally inclined, and they expect to find most of them on the plantations. Of course, they are disappearing from the plantations rapidly and going into industry.

Dr. ALEXANDER. I am a southerner and my father grew up on his grandfather's plantation. By the way, the old farm has just been flooded by the Fort Loudon Dam of the T. V. A. On that plantation the skilled work was done by Negroes, and my father didn't believe that anybody could do as good skilled work as Negro skilled workers. This tradition that Negroes can't do skilled work is contradicted by the whole experience of the South where, for generations, the Negroes were almost the only skilled workers. The competition with Negro skilled workers was such that the white people of the laboring classes were the unskilled, and even today I should say that the unskilled white people in the South are the most unskilled white people in the world. I think that is true. It is due to competition in the earlier days with Negro skilled labor.

Much of the finest work that was done, most of it, in the earlier days, was done by Negroes, and yet even in the South they have forgotten that and have grown up in the tradition that Negroes can't do skilled work. That whole chapter of history is against that.

Senator AIKEN. I am wondering if a good deal of the discrimination isn't founded on that historical basis?

Dr. ALEXANDER. The historical basis would indicate that they could do it. The demonstration has been made; they have forgotten their history.

Senator AIKEN. Does the average employer know that?

Dr. ALEXANDER. Perhaps not.

Senator AIKEN. I don't think he does. I think a good deal of the discrimination has been unconscious discrimination and an unawareness of the facts.

Dr. ALEXANDER. But you have always got, somewhere, enough people doing these jobs to demonstrate to the contrary.

Senator AIKEN. That is all.

Senator CHAVEZ. Well, you have the many Negroes that have gone into the Detroit area, Gary, Ind., and south Chicago, working in mechanical trades and doing good work.

Dr. ALEXANDER. Certainly.

Senator TUNNELL. I am not a Pennsylvanian, but I heard the comment about the religious discrimination in Pennsylvania and I wondered if that wasn't somewhat answered in the last election in Pennsylvania?

Dr. ALEXANDER. I am not an expert on politics, Pennsylvania politics, so I would rather not comment.

Senator CHAVEZ. Thank you, Doctor.

Dr. ALEXANDER. Thank you.

(The prepared statement submitted by Dr. Alexander is as follows:)

THE NEED FOR A PERMANENT FEDERAL PROGRAM FOR FAIR EMPLOYMENT PRACTICES

THE INTEREST OF THE AMERICAN COUNCIL ON RACE RELATIONS

In response to Senator Chavez's telegram of March 8, 1945, I am happy to represent the American Council on Race Relations at the hearing before the Senate subcommittee of the Committee on Fair Employment Practice. The American Council on Race Relations has been working in more than a score of industrial communities during the last 6 months. It has been concerned primarily with giving counsel and guidance to these communities in meeting their problems of intergroup relations. As a result of this experience, the council believes that the possibility of inadequate job opportunities for minority groups in the post-war period presents the greatest single threat to harmonious intergroup and interracial relations.

THE PROBLEM

It is important to observe that at the close of this war certain minority groups, particularly Negroes and Spanish-Americans, will have more to lose than they had after the First World War. They have made much more occupational advancement and have secured a place in a vastly larger number of industries and individual plants than in World War No. 1. Nor is this all. These workers have made significant gains in labor-union participation. Most important, they have secured a foothold in production work which they did not have prior to the war. Any period of prolonged unemployment or any situation in which minorities are grossly discriminated against will lead to their being relegated to the hot, the heavy, the dirty, the insecure, and to no jobs. This will bring want and misery, but equally important is the fact that it will create frustration and disillusionment. There will be intense resentment on both sides of the color line and serious tensions and conflicts will arise.

The most immediate situation which we face is that of reconversion. It is obvious that this will involve the temporary unemployment of millions of workers. It can lead to the displacement of minorities from the desirable production jobs they have recently entered, and the unavoidable unemployment during the reconversion period may become permanent for certain groups. At the same time, we know that reconversion will involve drastic shifts in the demand for labor. The construction industry will expand, and the number and proportion of workers in service industries, public and semipublic utilities, wholesale and retail trade and the like will increase. These shifts in the demand for labor have serious implications for minorities. They may mean the relegation of minority workers to the unskilled and lowest-paid occupations, or they may mean the expansion of industries which now have strong color bars and which will employ only a small proportion of Negro and other minority-group workers unless their present prac-

tices are changed. One thing is sure, the reconversion period will occasion the rise of pay rolls in industries and firms which, as a whole, employ a lesser proportion of nonwhite workers in a much more limited and lower range of occupations than do most war plants. If there is no vigorous program for encouraging fair employment practices in the near future and during the conversion, many of the occupational gains of minorities will be quickly wiped out in the peace.

Because of the high visibility of certain minorities and the prevalence of the color line, once nonwhites lose their places in desirable types of work, they do not automatically reestablish themselves in these occupations when there is a shortage of labor. The practice of not using them quickly becomes accepted, and their employment is strenously resisted. Meanwhile, they become more insistent and there is constant danger of conflict. The most effective way to minimize this potential conflict is to plan now to preserve and encourage widespread use of minorities in American industry.

THE NEEDS

1. Uninterrupted continuation of effective machinery to maintain desirable racial occupational patterns. The racial occupational patterns which are being established now and which will be established during the early phases of reconversion will do much to determine the number and kinds of jobs minorities will ultimately find in civilian production. Our wartime experience has illustrated that effective Federal action to secure fair employment practices cannot be achieved unless there is a central agency specifically authorized to secure compliance with national policy against discrimination in employment. Such an agency will be needed in the future to see that minorities are given an opportunity to participate fully in civilian production.

2. Establishment of machinery to assure fair employment practices on publicly financed construction. The importance of the construction industry during the transitional period cannot be overstressed. On many local levels, there will be large-scale programs of public works financed, in part at least, by the Federal Government. It is important that these programs establish fair employment practices. Such practices will lead not only to much needed jobs for minorities but will also influence favorably the racial employment patterns of privately financed construction. This is especially true since one of the most difficult problems incident to minorities' employment on construction has been the matter of union affiliation. And the significant gains which have been made by minorities in securing union affiliation in the building crafts in the past have been initiated primarily on publicly financed projects where nondiscrimination contract clauses have been enforced.

3. Establishment of acceptance of minorities in as many new occupations, industries, and firms as possible between now and the end of the war. It is clear that there will be drastic shifts in the demand for labor. Most of the industries, such as shipbuilding, iron and steel, nonferrous metals, and ordnance, which will greatly reduce their post-war labor forces now employ a large proportion of minority-group workers. Most of the industries (with the exception of construction) which will expand their employment, such as electrical goods, printing, public and semipublic utilities, wholesale and retail trade, and amusements, have traditionally hired few nonwhite workers. It is important, therefore, that in the remaining months of full employment before reconversion, efforts be made to introduce minority-group workers in those industries and firms which will be important in the post-war period.

It is obvious that such introduction can be achieved most effectively in a tight labor market. It is also clear that patterns of exclusion will not give way unless there is effective machinery to break them down. The recent experience of the Committee on Fair Employment Practice in effecting the introduction of Negroes as platform operators on local transportation systems indicates the type of development which the Committee on Fair Employment Practice can and must pursue in the near future if minority groups are to be in a position to consolidate their wartime employment gains in the peace.

The American Council on Race Relations has observed these economic problems with great concern. It has analyzed situations on the local level in many cities. In the process of doing this, the council has talked with management, labor, minority groups, community leaders, and the general public. As a result of this experience, it is convinced that the need for a strong, vigorous, and effective Government policy and machinery for fair employment practices is more urgent

today than ever before. New racial occupational patterns have been initiated in many localities, industries, firms, and occupations. Labor unions, industrial management, and community organizations have, under the pressure of wartime necessity, changed practices which they formerly said could not be changed except over a long period and with a slow process of education. It is important that these gains be preserved as far as possible, and in order to preserve them it will be necessary to accelerate and strengthen governmental action to secure fair employment practices.

THE PLACE OF EDUCATION

Whenever social change is proposed and admitted to be desirable, there are those who advocate education as an answer in itself. Usually they fail to realize that the only effective education is that which results from doing. During the past 3 or 4 years, for example, industry, labor, and the public have been exposed to and have participated in more education about minority-group participation in American industry than ever before in our history. But this education came as the result of action.

Industry learned how to integrate nonwhite labor because economic necessity and Government regulations required it to hire colored workers. Prior to the manpower shortage, management stated that the introduction of Negroes and Latin Americans was a social problem, and as such could not be solved by industry. By 1942 the war had occasioned a change of attitude on the part of some employers, and the American Management Association issued an excellent booklet on The Negro Worker. This booklet analyzed management's experience and opinion on the employment and integration of the Negro in industry. It opened with this significant sentence: "Today's urgent need for manpower effectively removes Negro employment in industry from the realm of social reform." The report stated:

"While the war has precipitated the question of the minorities in industry, it is a question that is bounded neither by the beginning nor the end of the present conflict. Prior to the onset of the present emergency, there existed a tacit agreement to refrain from dealing with this personnel problem in an objective, systematic fashion. By failing to make it articulate, by proceeding largely on a trial-and-error basis, it was hoped that somehow the situation would take care of itself."

Management has learned how to introduce and integrate Negro labor. In the process, it has given education to its supervisory staffs and to workers. In some instances, it has taken the lead in educating the public to accept this much-needed change in the racial composition of industrial workers. But it took these measures of education only after it realized that it had to act.

Labor unions, too, have had similar experiences. In some instances, international officers of unions were convinced of the necessity and desirability for nondiscriminatory hiring and union practices. The war and governmental regulations forced them to act or enabled them to take more forthright and direct action. When they faced this necessity, they met the issue of Negro upgrading and initiated most effective educational programs for intergroup understanding. Even in instances where there were union constitutional and ritual bars to Negroes, war and Government policy have occasioned relaxations. And in the wake of these relaxations, there has come effective education.

THE PLACE OF LEGISLATION

Legislation in itself, of course, never eliminates a social evil. But throughout our history we have controlled many undesirable practices by enacting laws and establishing governmental machinery to deal with pressing problems. The denial of equal work opportunities to any group in a democracy is a pressing problem. It can be, as it has been, influenced by Federal action. The problems of the future, however, are different from those which existed in a war when the largest segment of the economy was engaged in filling Government orders. Soon the Government will no longer be the principal customer in this country. Consequently, if the Federal Government is to perform its function of encouraging fair employment practices, it must be prepared to influence racial employment practices in industries engaged in production for interstate commerce. To do this effectively and to encourage a real program of education, it must establish a permanent agency which is not dependent upon emergency, wartime powers for its existence.

If we intend to minimize and ultimately eradicate discrimination in employment, we must start now to deal with this socially undesirable practice in industries which will expand in the post-war period. We must have an agency which has legislative authorization and powers of enforcement. This agency will be effective in encouraging education only if it is prepared and equipped to take action so that education can be centered around new and improving situations. We have made a start in the emergency of war. Just as America's success in achieving full employment during war is a challenge to our peacetime economy, so the success in encouraging fair employment practices through Federal action to date is a challenge to our peacetime democracy.

Senator CHAVEZ. Is Mrs. Worrell here?

Mrs. WORRELL. Yes.

Senator CHAVEZ. Will you kindly identify yourself for the record and tell us whom you represent?

STATEMENT OF MRS. RUTH MOUGEY WORRELL, EXECUTIVE SECRETARY, UNITED COUNCIL OF CHURCH WOMEN

Mrs. WORRELL. My name is Ruth Mougey Worrell, and I am the executive secretary of the United Council of Church Women, and was formerly the executive secretary of the Council of Church Women in Ohio.

I come to express the view of the United Council as testified by their national assembly on November 16, 1944, and in action taken by their national board on November 17, 1944, when it was voted, and I quote:

That the United Council of Church Women work for the passage of H. R. 3986 and S. 2048 by Congress, to establish a Permanent Fair Employment Practice Commission with enforcement measures.

It was further voted at that time to send telegrams to Congressmen and to the President of the United States asking him to put his full weight behind the passage of those bills.

The United Council of Church Women is an organization which, through the denominations working with it, represents some 10,000,000 Protestant women in the United States. From the beginning it has sought to serve all peoples regardless of race. Its president is Mrs. Harper Sibley and its officers and national board are chosen from among women of all races. There are at the present time on the board 6 Negro women, one of which is the third vice president, a Nisei, and a Chinese, as well as an American Indian. Its employed office staff and its committee's volunteer workers are interracial. At the recent biennial assembly, held in Columbus, Ohio, November 14, 15, and 16, 1944, studies which had been prepared by groups of church women in local communities were presented.

The Boston Council of Church Women presented one on "A Critical Study of Prejudice, Its Cause and Cure"; the Chicago Council, a study of "A World View of the Colored Problem"; and the Detroit Council on "Our Profession Versus Our Behavior."

One of the basic bylaws of our council's constitution is that its meetings shall at all times be held "under conditions in which there shall be no racial discrimination." Our United Council feels a keen sense of responsibility for the welfare of all people. It seeks to make real the premises of the Constitution of the United States of America that justice and equality under law be made available to every man, woman, and child.

The minimum requirement in the accomplishment of this seems to us to be the equal opportunity for all people to work. Until every American has this chance, and its ensuing benefits of food, clothing, shelter, and recreation, no American is safe in claiming such a privilege. The moral laws of God for man make it imperative. Because we believe so thoroughly in the basic right of every citizen to work, regardless of race, color, or creed, a principle which we are striving to demonstrate in our own organization, I speak today in favor of Senate bill 101. We believe that a democratic Government should pass legislation that would insure every individual this right to work, without discrimination, and would provide for the enforcement of such law.

We regret that Mrs. Sibley, our president, is not here to speak for us today. She is on the west coast and was not able to appear at this hearing, so I quote the message which she sent to Hon. Irvin M. Ives, of the New York Assembly, during its recent debate on the Ives-Quinn bill for a permanent Fair Employment Practice Commission:

> The United Council of Church Women, meeting in national assembly November 1944, voted to approve passage of bill to establish permanent Fair Employment Practice Commission. We therefore urge now passage pending bills against the discrimination as recommended by the State commission. This action we believe necessary to maintain the integrity of our democracy and the fundamental principles of Christianity on which our country was founded; also to give meaning to statements made by representatives of the United States in recent international conferences.
>
> MRS. HARPER SIBLEY.

I also quote from a message which Mrs. Sibley has written and which has recently been sent to church women of America:

> At this moment, when America is being called upon to take part in the creation of a new world organization with justice for all, we are stabbed by the consciousness of many shortcomings in our own country. Therefore, the United Council of Church Women calls us to meet, each in her own town, to consider how she may minister to its needs. America has dared to anticipate the creation of one world by welcoming to her shores people of every race and tongue and nation and religion. Let us see to it that all these Americans are sharing in the privileges which are ours. Let us ferret out those customs, attitudes, and practices which are unworthy and un-American, that our beloved country may come to its new responsibility with clean hands. I covet for our United Council of Church Women a share in this task of building a new America in the world that is to be.

We believe that, because Senate bill 459 is inadequate in that it does not carry enforcement provisions, that we are going to put our support back of Senate bill 101.

Senator CHAVEZ. That is a fine statement, and we want to thank you very much.

Senator TUNNELL. I think Mrs. Sibley sent a very good substitute.

Mrs. WORRELL. Thank you. I am sorry she couldn't be here.

Senator CHAVEZ. Your organization is national in scope?

Mrs. WORRELL. National in scope, yes.

Senator CHAVEZ. It is represented in every section of the country?

Mrs. WORRELL. Every section of the country, yes.

Senator CHAVEZ. What about the individual States; is every State represented?

Mrs. WORRELL. Every State is represented.

Senator CHAVEZ. Thank you very much.

Mrs. WORRELL. Thank you.

Senator CHAVEZ. Is Mr. Greenberg here?

Mr. GREENBERG. Yes.

Senator CHAVEZ. Will you state your name for the record, and whatever additional information you wish to appear.

STATEMENT OF ARCHIE H. GREENBERG, NATIONAL COMMANDER, JEWISH WAR VETERANS, NEW YORK CITY

Mr. GREENBERG. I am Archie H. Greenberg, the national commander of the Jewish War Veterans of the United States.

All of us at this hearing—those who favor the original S. 101, and those who favor the amendment introduced by Senator Robert Taft—are agreed that discrimination on the basis of race, color, or creed, is un-American. Where we differ is on the basis of whether or not we believe that economic discrimination can be successfully legislated out of existence. No man can definitely say that he knows the answer to this serious problem.

On the other hand we do know that even during the war emergency—during which there has been and still continues to be a critical manpower shortage—there has been a continuing discrimination in employment on the part of some short-sighted employers. In all likelihood, discrimination in employment is likely to be accelerated in the post-war period when over 12 million veterans return to the labor market and when there exists the serious possibility of a slackened industrial production.

Knowing that employment discrimination on the basis of race, color and creed has not been halted even during the critical manpower shortage, it is a very safe assumption that it will not be curbed in the post-war period if we are to continue our laissez faire policy in regard to legislation on the subject of employment discrimination. Surely the record of the war years is not an argument against the creation of a permanent Fair Employment Practice Commission that has the power of enforcing decent American practices in employment.

There is no doubt in my mind that all of us are agreed that no returning American veteran—of all Americans—should be denied employment solely on the grounds of his race, creed, or national origin. Because we have no system of guaranteeing the returning American veteran against discrimination, it thus logically follows that there exists an extremely strong case for the enactment of S. 101, which provides a technique by which recalcitrant employers can be prosecuted if they indulge in employment discrimination. If, while our boys are fighting and dying for the preservation of American democracy, we do not provide guaranties that they will return to a land that provides economic as well as political democracy, the American Congress, as representatives of the American people, will have been negligent in not living up to their sacred obligations to our valiant G. I.'s.

The United States has become the gretest power in the world because our ancestors, who have come to these shores from all over the world, have been pioneers in the truest sense of the word. S. 101, in its unamended form, is pioneer legislation. It mustn't be opposed because it has never been tried before; it mustn't be opposed because it may have some "bugs" in it, or because it may not provide the ultimate so-

lution. Rather, it must be enacted because it is forward-looking legislation that seeks to provide a practical, enforceable technique of correcting a wrong that exists in this country.

The Taft amendment is nothing more than a pious expression against discrimination in unemployment. It doesn't provide the permanent Fair Employment Practice Committee with the power to enforce its decisions, and doesn't compel employers to live up to nondiscriminatory fair-employment practices.

Those who argue against giving the F. E. P. C. the life-giving strength of enforcement, present arguments based upon the bugaboo of Government interference with the right of management to hire such employees as they see fit. Those who seek to cripple the F. E. P. C. by making it entirely advisory and investigatory pretend to see new labor-management abuses that will be intensified by legislation preventing discrimination in unemployment. These are defeatist voices, persons with no respect for democratic practices, and who have absolutely no faith that men of good will can work out disputes in the American way without resort to subterfuge, blackmail, or trickery.

To these people, I would say that the United States Government has conducted the largest mass procurement in the history of the world through a Selective Service Act that worked without discrimination based on race, color, or creed. More than 12,000,000 men have been hired by Uncle Sam to fight for democracy, and they have a right to know that the Congress of the United States has taken steps to provide that when they return to civilian status American industry will rehire them similarly without prejudice based on race, color, or creed.

The Taft bill has no enforcement provision and, in the words of the Washington Post, it thus—

> proposes, by a wave of the legislative wand, to transform the projected Fair Employment Practice Commission into a disembodied spirit.

We want an F. E. P. C. in more than an innocuous state. We want legislation that forbids the Federal Government from giving out contracts without including a clause forbidding discrimination. We want legislation that provides relief for those found to have been discriminated against. We want legislation by the Federal Government itself that will be an example to private industry by providing for the dismissal from Federal service of officials found guilty of willful discrimination. And, most important, we want legislation that gives the F. E. P. C. the power to enforce its decisions through the usual court practices. All this is provided by the original bipartisan bill, S. 101—all this is evaded by the Taft substitute.

Therefore, we of the Jewish War Veterans of the United States stand 100 percent behind S. 101 and 100 percent opposed to the crippling Taft substitute. In behalf of the 250,000 Jewish veterans of World War No. 1, and the more than 500,000 Jews who are presently serving in the armed forces of the United States, some of whom will undoubtedly be restricted in employment opportunities because of their religious faith, if there is no F. E. P. C. enacted, we of the Jewish War Veterans of the United States respectfully and unequivocally urge that this committee report favorably to the Senate on S. 101 in its unamended form.

Senator CHAVEZ. Senator Tunnell, do you have any questions?

Senator TUNNELL. It seems to me from your statement that S. 459 is something more than a pious expression, that it is really a method by which a delay in any effective relief will be brought about, isn't it?

Mr. GREENBERG. Well, I will accept your statement as a fact.

Senator CHAVEZ. Thank you, Mr. Greenberg?

Mr. GREENBERG. Thank you, sir.

Senator CHAVEZ. Mr. Adams?

Mr. ADAMS. Yes, sir.

Senator CHAVEZ. Please identify yourself for the record, and tell us who you represent.

STATEMENT OF DR. JAMES B. ADAMS, CHAIRMAN, COMMISSION OF SOCIAL SERVICE, NATIONAL BAPTIST CONVENTION, INC.

Dr. ADAMS. My name is James B. Adams, chairman of the Commission of Social Service of the National Baptist Convention, Inc.

We have a membership of upward of 4,000,000 communicants.

We are interested in Senate bill 101 and we urge the passage of such a bill to create a permanent Fair Employment Practice Commission, for the following reasons:

This bill will set the pattern for abolishing discrimination against Negroes and other minorities in employment; and, secondly, it will open to the great Republic of the United States of America a new era and a new area, in the execution of the principles to which we are dedicated as a Nation, of freedom and opportunity to all its citizens without regard to race, creed, color, or national origin.

It will contribute materially to the self-respect of the American Negroes, and aid greatly in relieving the altruistic and philanthropic people of America from carrying the burdens of the education of Negroes because of the inequitable salaries and the lack of opportunities offered throughout the country in various industries, public utilities, and private enterprise.

This bill will tend to abolish a now existent second-hand citizenship in America. Such a citizenship is always an expensive and demoralizing citizenship, and tends to encourage discrimination in all areas.

If I may be allowed to indulge in a little preachment, it took the old Roman Empire 150 years to cement the Patricians and the Plebeians into Romans and into full Roman citizenship. So, when the Apostle Paul would have been put to death for preaching the Gospel, he was able, because of a united Roman Empire, to sustain himself by appealing to Caesar and declaring, "I am a Roman citizen."

For nearly 300 years Negroes have been in America, and until now we do not have full citizenship rights to work and to participate or to integrate ourselves into American life.

We found that in December 1941, when Pearl Harbor threw us into the World War, that there were 250,000 Asiatics in America and that they had, in a period of 50 years, accumulated $3,000,000,000 of American wealth. In 80 years of freedom on the part of the Negro, and 300 years on the part of his existence in America, 13,000,000 American Negroes had, in this same time, accumulated only $3,000,000,000 of dollars in American wealth.

The failure of the Negro to accumulate more is due primarily to the discrimination in various areas against Negroes on account of their color or previous condition.

We urge the passage of Senate bill 101 as an instrument to assure all American citizens fair employment and full citizenship.

I wish to quote a paragraph or two from the Statement of Program passed by our convention 3 years successively—in the city of Cleveland in 1941, in the city of Memphis in 1942, and in the city of Chicago in 1943:

Unless the church becomes interested in what goes on in industry, government, racial equality in work, and participation in all phases of American life, equal pay for teachers, equal appropriation for education, justice for farmers, laborers in every trade and craft, other organizations will supplant its influence, and the Negro will be justified in leaving an indifferent church. This program means watching legislations at Washington and every State capital, and every city in the United States. It means the assembly of facts, conditions, and the scientific approach to the problems of our people by an efficient social service national office, and State bureaus in every State.

It means that the National Baptist Convention with its social service commission will keep alert to the meaning and practice of the "four freedoms," as were expressed in the Atlantic Charter. * * *

It means that the National Baptist Convention will have a permanent commission through which to present the causes of the Negro, a commission which will be supported by 4,000,000 Negroes already organized in upwards of 23,000 churches in every hamlet and city in America. * * *

Our program both at home and abroad will focus special attention upon social legislation, social action, and social welfare. This will relate itself to the whole field of employment, relief, and social adjustment. These issues all are not in the main political but moral. They deal with justice and human life, therefore they are religious issues.

I should like to read our resolution passed at Dallas, Tex., in September 1944:

Because of the constant discrimination against Negroes throughout the Nation, purely on account of their color and previous conditions of servitude, and because such discrimination affects the social, the economic, the educational, and the religious life of 13,000,000 American citizens directly and indirectly, and because we feel and know that the worker has the right to be employed and paid solely on the basis of his character and ability, and because this right is so morally clear that it should be protected by law and safeguarded by appropriate Federal and State legislation; be it

Resolved, That the National Baptist Convention, Inc., under its social-service commission, urge the Government to establish a permanent Fair Employment Practice Commission to achieve the objectives which have been sought by the Committee on Fair Employment Practice; be it further

Resolved, That the social-service commission of the National Baptist Convention be authorized to represent this convention at any point in the United States where the question of Negroes is under consideration or discussion for fair treatment in employment or social welfare, and in all areas where discrimination is practiced against our rightful heritage as American citizens.

Senator CHAVEZ. Is the organization that you represent a Nation-wide one?

Dr. ADAMS. Yes, sir.

Senator CHAVEZ. What about the individual States?

Dr. ADAMS. Each State has a separate Baptist convention. The president of each State convention is a vice president of the National Baptist Convention. and we have State conventions in every State in the Union, except Vermont, New Hampshire, and Maine.

Senator TUNNELL. Do you think that S. 101, if enacted into law, will be an effective remedy for your group?

Dr. ADAMS. I do.

Senator TUNNELL. You would be satisfied with that effort, anyway?

Dr. ADAMS. I will certainly be satisfied.

Senator CHAVEZ. Thank you, Doctor.

Dr. ADAMS. Thank you.

Senator CHAVEZ. I understand that there is a delegation present from the State of Michigan, which desires to be heard on these bills. Am I correct in that, and if so, who represents that delegation?

STATEMENT OF REV. HORACE A. WHITE, CHAIRMAN, DETROIT COUNCIL FOR PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

Mr. WHITE. We have a number of people here representing labor, church, civic groups, political units of all kinds, and so forth, and we came down today, certainly representing all of the forces in Detroit, to let it be known that we are certainly for a bill such as S. 101, with enforcement powers.

Senator CHAVEZ. How many persons do you feel you represent?

Mr. WHITE. We know that we represent all of labor—we have C. I. O. people here and A. F. L. people here; the Catholic groups are represented here; the Protestant groups are represented here. We feel that we represent the majority of organized effort in the city of Detroit.

May I read the names of the people and the organizations whom I represent?

Senator CHAVEZ. You might give them to the reporter.

Senator TUNNELL. I would like, in fairness to Horace White who is now speaking, to say that I think he practices what he preaches. I was in Detroit last year and he took pains to be very nice to me. There was no discrimination against me. [Laughter.]

Mr. WHITE. We let him stay at a good hotel and picked him up and fed him well.

Could I say one thing that hasn't been dealt with, Mr. Chairman?

Senator CHAVEZ. Yes.

Mr. WHITE. The argument will come that you can't legislate against prejudice. Nobody is quite so presumptuous. But we can legislate against the result of prejudice, and that is what we have always done, and it seems to me that that is what we ought to stick by in passing any such legislation. You educate people by passing laws. You didn't educate slavery out of this country, you legislated it out, and now we are in process of educating it out.

Senator CHAVEZ. You want it legislated as to economic conditions.

Mr. WHITE. That is right.

Senator CHAVEZ. Thank you very much.

(The persons and organizations in the delegation represented by Mr. White, were as follows):

Mrs. Margaret Smith, Michigan Citizens Committee.
Mrs. Dorene Gentile, Metropolitan Council, F. E. P. C.
Mr. George W. Crockett, Fair Practice Committee, U. A. W.-C. I. O.
Mr. Gloster Current, Detroit Council, N. A. A. C. P.
Mr. Jack Raskin, Civil Rights Federation.
Mr. Harry Reid, National C. I. O. Committee.
Mr. William Valentine, Detroit Urban League.
Mr. Nat Hammond, Local 157, U. A. W.-C. I. O.
Miss Frances Price, Institute of Applied Religion.
Mrs. Sadie Mullins, Council for Permanent F. E. P. C.
Miss Vera Vanderberg, Detroit Council, National Negro Congress.
Miss Mattie Wilkes, Lewis Business College.
Mr. Paul Fields, Lewis Business College.
Mrs. Odell Glover, Lewis Business College.

Mrs. Beatrice Preston, Detroit Association of Women's Clubs.
Rev. C. E. Askew, I. B. P. O. E. of W.
Mr. George Denis, Ford Local 400.
Mr. Frank Newberg, Workmen's Circle of Michigan.
Mrs. Lillian Hatcher, War Policy Division, U. A. W.
Miss Audrey Davis, Lapeer, Mich.
Mr. Robert Nathan, Jewish Community Council.
Hon. Haywood Mahen, Congressman, First Congressional District, Detroit, Mich.

STATEMENT OF HARRY REID, REPRESENTING CATHOLIC INTERRACIAL COUNCIL OF THE CITY OF DETROIT, AND THE NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE

Mr. REID. My name is Harry Reid. I represent 700 000 C. I. O. members in the State of Michigan, through the Michigan C. I. O. Council. I am also here as a representative of the Catholic Interracial Council of the City of Detroit, and I would like to be heard on behalf of both of those groups.

Senator CHAVEZ. Well, we will be glad to hear you, but you will have to make it as short as possible because the Senate is in session and it will be necessary for Senator Tunnell and myself to get back there as soon as possible.

Mr. REID. My statement is extemporaneous and will be very brief.

Senator CHAVEZ. That you, sir.

Mr. REID. We in Michigan are very gravely concerned with this. As you probably know, we have had difficulties and disputes out there. Within the C. I. O., for example, we have set up in the State of Michigan, as we have on the national level, committees to carry out, as far as we can, the very things that are recommended in this legislation.

I am rather unhappy over the fact that anybody has to come to the Congress of the United States to seek this type of legislation. It is unfortunate that in the business world, and likewise in some of our unions—I will say that frankly—we find that there is a need for such legislation. There are certain groups of people that cannot be reached. I only wish I could say that the business organizations of this country were taking the same interest in the problem which we are taking.

We do not believe it a good thing for the United States that 13,000,000 citizens—to mention only the Negroes against whom discrimination is practiced—should be deprived of their opportunity for a job and for equal pay and equal working conditions.

That is what we seek, primarily, in the C. I. O. That is what we are fighting for.

We are opposed to the Taft substitute for Senate bill 101, and to us in the language of the shop—and let me say that our opposition to it is based on the facts—comparing it to a fighting gamecock, it "lacks guts and feathers." That is our opposition to it.

Now on behalf of the Catholic Interracial Council of the City of Detroit, I just want to say that here we approach the thing on a moral ground. If we are to concede that Negroes, particularly, are human beings, we must then accept the brotherhood of man as laid down by Jesus Christ whose gospels we preach every Sunday and listen to in our churches, and we must admit these people to full equality.

As to their opportunity to improve themselves and get somewhere, they cannot do that so long as they are denied their economic rights.

Political rights, gentleman, I shall not go into as they are not concerned in this bill. Thank you.

Senator CHAVEZ. Thank you for your very fine statement.

We had another witness scheduled for today, Mr. Shad Polier, of the commission on law and legislation of the American Jewish Congress, who was unfortunately prevented from attending, but who has submitted a prepared statement which will be incorporated in the record of these hearings.

(The statement of Mr. Polier is as follows:)

STATEMENT BEFORE UNITED STATES SENATE COMMITTEE ON LABOR AND EDUCATION, MARCH 12, 1945, BY SHAD POLIER, ON BEHALF OF COMMISSION ON LAW AND LEGISLATION OF THE AMERICAN JEWISH CONGRESS, NEW YORK, N. Y.

The commission on law and legislation of the American Jewish Congress is a committee of attorneys who are members of the American Jewish Congress. They meet regularly to consider proposed Federal and State legislation affecting the political, economic, and social status and rights of the American people. The commission, therefore, has given long and careful consideration to S. 101, introduced by Senator Chavez, and S. 459, introduced by Senator Taft, both of which bills, we understand, are before this committee for consideration.

The commission on law and legislation has authorized and directed me to appear here to express approval of Senator Chavez' bill and disapproval of Senator Taft's bill.

Both bills recognize, as the American people generally have come to recognize, that discrimination on account of race, creed, color, national origin, or ancestry in employment opportunity and in union membership constitutes a grievous threat to the general welfare. Such practices both bills denounce as tending toward domestic strife and depressing the standard of living of a large part of our population, and adversely affecting the commerce of the United States.

The Taft and Chavez bills are also alike in establishing a permanent Fair Employment Practices Commission to be concerned with these discriminatory practices. At that point, however, the bills diverge basically.

Senator Taft's bill would limit the commission to conducting investigations and studies, publishing reports, and seeking by way of conciliation to secure the cessation of the discriminatory practices. Even in the field of employment by the Federal Government, the commission would not be permitted to take action other than to study, investigate and recommend legislation to Congress.

The Chavez bill goes beyond condemnation of discrimination by employers (including the Federal Government) and by labor unions because of race, creed, color, national origin, or ancestry. It establishes as a Federal right the right of all persons to be free from such discrimination and provides the administrative and judicial procedure necessary to secure the full enforcement of those rights. Discrimination in employment opportunities and discrimination in union membership are denominated unfair employment practices and the commission is authorized, after investigation and hearing, to require that they be terminated and that the injury caused the aggrieved individual be repaired. In common with the procedure of other Federal administrative agencies, the orders of the commission are not made self-enforcing but must be enforced by it in the Federal courts where they are subject to review as to their correctness in law and as to whether their findings of fact are supported by the evidence. Only after the court has by its own order provided for enforcement is disobedience punishable, and it is then punishable as a contempt of the court itself.

As we read the Chavez bill, it does not purport to cover the acts of all employers or the acts of all labor unions. Instead, wisely as a matter of policy, and necessarily as a matter of constitutionality, the Chavez bill restricts its operations to operation in interstate commerce or affecting such commerce. In addition, but entirely in the tradition of Federal legislation, the Chavez bill prohibits discrimination in employment by the Federal Government and by persons holding Government contracts. This last provision, of course, is similar to that in the Walsh-Healey Act of 1936.

The constitutional validity of the Chavez bill is beyond challenge. The Supreme Court of the United States, in *Labor Board* v. *Jones & Laughlin Steel Corp.*, 301 U. S. 1, *Consolidated Edison Co.* v. *Labor Board*, 305 U. S. 197, and in other decisions under the National Labor Relations Act, has firmly settled that the right of

an employer to hire and fire is subject to congressional regulation calculated to protect interstate commerce against disruption. Under the National Labor Relations Act, the Supreme Court had before it legislation prohibiting discrimination on account of union activities. That the constitutional authority of Congress to prohibit discrimination on account of race, color, creed, national origin, or ancestry is no less available, appears clearly from the statement of the Supreme Court in *New Negro Alliance* v. *Sanitary Grocery Co.*, 303 U. S. 552, 561, where the Court said:

"The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any form of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation."

The constitutional authority of the Congress to prohibit unions to discriminate in membership because of the "obviously irrelevant and invidious" considerations of race, creed, color, national origin, or ancestry, is likewise now not open to question. In *Steele* v. *Louisville & Nashville R. R. Co.*, decided December 18, 1944, the Supreme Court of the United States pointed out that both under the Railway Labor Act and the National Labor Relations Act, labor unions are vested with an enormous power. A labor union chosen as the representative by a majority of the employees becomes the exclusive spokesman for all of them. It now has a "power comparable to those possessed by a legislative body both to create and to restrict the rights of those whom it represents." For this reason, the Supreme Court concluded, the Railway Labor Act and the National Labor Relations Act place upon a union "at least as exacting a duty to protect equally the interest (of the employees) as the Constitution imposed upon a legislature to give equal protection to the interests of those for whom it legislates."

It need hardly be added that any labor organization likely to be affected by the Chavez bill is already subject to and derives power and authority from the Railway Labor Act or the National Labor Relations Act. Consequently such labor unions are directly within the holding in the *Steele case.*

Insofar as the Chavez bill would require that persons contracting to do business with the Government shall, during the period of such relationship refrain from discrimination in employment, the authority of the Congress is manifest. As the Supreme Court of the United States has observed, "the Government enjoys the unrestricted power to produce its own supplies, to determine those with whom it will deal and fix the terms and conditions upon which it will make needed purchases." *Perkins* v. *Lukens Steel* (310 U. S. 113, 127.)

Finally, in its own relation as an employer, the Federal Government is, of course, paramount. Here the question of authority to require its agents to refrain from discrimination in employment derives not so much from any provision of the Constitution or to any judicial decision, but rather from the elemental principle that the Government should in the conduct of its affairs be an example to all employers.

The Commission on Law and Legislation opposes the bill introduced by Senator Taft for the simple reason that we believe it will be futile. The practices of discrimination which Senator Taft's bill itself denounces are too deep-rooted to respond to either exposure or conciliation. One might as well have sought to establish the rights of American workingmen to organize and to bargain collectively by a statute setting forth the evils of company unions, labor espionage, and union breaking, but making no provision for their elimination other than the good will efforts of a commission or board. Indeed, that is about what was tried in establishing thee first National Labor Relations Board to secure compliance with section 7–A of the National Labor Industrial Recovery Act.

We still remember, I am sure, the impunity with which that precatory law was flouted. We remember, too, I am certain the terrible disillusionment of American labor when it found that the right which its Government had promised was a right without sanction in law.

Needless to say, the sense of betrayal that will follow the enactment of the Taft bill will be vastly greater. For, to the extent that it was able to organize and by its own economic power achieve its rights, labor did make a reality of the pledge of section 7–A. Minority groups sought to be protected by a fair employment practices commission bill are not in so fortunate a position. Their right to equal opportunity, if it is to have substance, must be safeguarded by governmental action.

The Commission on Law and Legislation, in supporting the Chavez bill (as well as the Norton bill (H. R. 2232) reported by the House Committee on Labor) has no illusion that prejudice and bigotry can be eliminated by laws. They realize that these antidemocratic influences require the fullest utilization of education in our schools, in our churches, in our homes, and in our many community organizations. But the fact that prejudice cannot be outlawed is no reason why discrimination based upon prejudice cannot be stamped out. Discrimination is as capable of proof and of remedial order, whether it be discrimination on account of union affiliation or on account of race, color, creed, national origin, or ancestry.

Just as 10 years ago, this Nation arrived at a point in its history when it realized that a sound social, economic, and political system required that labor be protected in its right to organize and bargain collectively, so today we realize that discrimination in employment and in union membership, because of race, creed, color, national origin, or ancestry, not only can be but must be extirpated. We realize full well that without freedom from discrimination in employment and in union membership, we perpetuate a system in which victims of prejudice are deprived of the ordinary decencies and of the essentials of legal and economic equality. We know now that to permit such discrimination to continue is to fortify the base upon which prejudice maintains itself.

Like the present Fair Employment Practices Commission set up by the Executive order of the President, the Chavez bill has as one of its immediate purposes the fullest mobilization and utilization of our manpower to secure all-out production for the war. The war in another sense accounts also for the imperative desire of Americans for legislation at this time, which will last beyond the war.

Because we are fighting an enemy who has largely come to power through exploiting the creed of racial superiority, we have been made to realize in the deepest sense the gulf between our American ideals and our American practices. We now see clearly how hatred and war are bred by the destruction, subjugation, and humiliation of human beings because of their race, their color, their religion, their national origin, or their ancestry. Today it is impossible for us not to see that our own unity and our democracy are threatened by the continuance of such discriminatory practices in the vital matter of man's right to earn his daily bread.

We are all mindful of the great task of maintaining full employment in the post-war world. Difficult and challenging as that problem is, its wise solution cannot be achieved by dispossessing any person of the equal right to earn his living and support his family because of his race, color, creed, national origin, or ancestry. Readjustment to the economy of peace must be a readjustment for all persons upon an equal basis.

We have always been a Nation of minorities. We have expected, and have not been disappointed in our expectation, that all would respond to the call of the Nation for production on our home front and for valiant and courageous action on our battlefields. This war, waged at so terrible a cost in lives and materials, has welded us into a closer and sounder unity. That unity, however, will be fragmented and the faith of millions of our people in our democracy shaken unless the Congress enact legislation such as is proposed in the Chavez bill.

It is no answer to say that this country for a great many years got along without a Fair Employment Practices Commission. The world has changed, and with it our country has changed. We are waging a war against forces who deny alone in our resources of farms, factories, and manpower. Our strength is in our firm, everlasting conviction in the rightness of our belief that all men are created free and equal. We cannot expect our people to give completely of themselves for that principle in a war, and cast it aside in the pursuits of peace. We cannot expect it, and if true to our tradition we should take all possible means to assure that hereafter in our great Nation, equality in employment opportunity and in union membership will no longer depend upon race, color, creed, national origin, or ancestry.

Senator CHAVEZ. The committee will stand adjourned until tomorrow morning at 10:30 o'clock.

(Whereupon, at 12:15 p. m. the committee adjourned until Tuesday morning, March 13, 1945, at 10:30 a. m.)

FAIR EMPLOYMENT PRACTICE ACT

TUESDAY, MARCH 13, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman) presiding.

Present: Senators Chavez (chairman) and Tunnell.

Senator CHAVEZ. The committee will come to order. Before proceeding with the hearing of testimony, I want to read into the record a statement received by me from the Most Reverend Robert E. Lucey, D. D., Archbishop of San Antonio Catholic Church.

STATEMENT OF HIS EXCELLENCY, MOST REVEREND ROBERT E. LUCEY, ARCHBISHOP OF SAN ANTONIO, TEX., ON THE PROPOSED TAFT BILL TO ESTABLISH A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

The Taft bill to establish a permanent Fair Employment Practice Commission should be warmly welcomed and supported by all who do not believe in justice, good will, or the rights of man. This bill should be particularly pleasing to those employers who hate Latin Americans and colored folks and who show their hatred by unjust discrimination and low wages. The Taft bill is good news for those who prize their own prejudice above full production and peace in industry.

ROBERT E. LUCEY.

Senator CHAVEZ. The committee will come to order.

Due to the fact that there are two or three other committees holding hearings, some of the members of this subcommittee will probably be a little late, and some will not attend. But we will proceed with the hearings.

I will call on Mr. Clark Foreman. Is he present?

Mr. FOREMAN. Yes.

Senator CHAVEZ. State your name for the record, and whom you represent.

Mr. FOREMAN. Clark Foreman, of Atlanta, Ga., president of the Southern Conference for Human Welfare.

Senator CHAVEZ. Do you explain in your written statement the functions of your organization?

Mr. FOREMAN. Yes, I do, sir.

Senator CHAVEZ. Then you may proceed with your statement.

Mr. FOREMAN. All right.

STATEMENT OF DR. CLARK FOREMAN, ATLANTA, GA., PRESIDENT OF THE SOUTHERN CONFERENCE FOR HUMAN WELFARE

Mr. FOREMAN. As an organization of more than 3,000 southern leaders interested in the economic, educational, and democratic devel-

opment of the 13 Southern States, the Southern Conference for Human Welfare is concerned with prevalent practices of discrimination in employment.

We recognize that the general welfare of any region depends upon the use that is made of its manpower. We believe that discrimination against any section of the population harms the entire population. Second-class citizenship or caste preferment for jobs is undemocratic and threatens the freedom of all of us.

So long as this country permits discrimination, our workers will be divided and the sellers of hatred will be able to secure financial support from those who want to keep wages low.

We know that the economic prosperity of the South depends upon the economic and educational welfare of its Negro citizens, as well as its white citizens. In 1940 there were 9,291,792 in the 13 Southern States, representing 25 percent of our population.

During the war many of our Negro citizens have received a chance to use their full abilities in industrial jobs for the first time. In this same period we have witnessed advancements of from 50 to more than 100 percent in average per capita income in every Southern State. At no other time in history have the Southern States been so prosperous and our merchants and small businessmen throughout the South recognize that much of this prosperity is the result of the greater earnings of our Negro citizens. They realize now, as never before, that the prosperity of the South depends directly on the increase in the purchasing power of its people—all of its people.

While many thousands of Negroes have found industrial employment in almost every southern city, there is no city where they have been employed in numbers commensurate with their proportion of the population.

There follow figures showing the percentage of Negro population—1940—in selected southern cities and the percentage of Negro employment in war industries for these same cities—November 1944:

	Population	Employed		Population	Employed
Richmond, Va	31.7	29.0	Birmingham, Ala	40.7	37.9
Jacksonville, Fla	35.7	18.3	Chattanooga, Tenn	28.4	14.6
Fort Worth, Tex	14.2	7.4	Dallas, Tex	17.1	8.0
New Orleans, La	30.1	19.7	Houston, Tex	22.4	11.5

These figures represent sizable increases over pre-war Negro employment, but the gaps between percentage of employment and population are ample evidence that we do have a long way to go. And though we are thankful for the inroads made on discrimination in hiring, there is still a gigantic task to break down discrimination on the job and in firing. Advancements in position for Negro workers are not guaranteed by the fact of their employment, and protection for them and other minorities will provide a most important function for the proposed Fair Employment Practice Commission.

Nor do the foregoing figures represent all the industries of the South. The greatest of southern industries—the textile industry—still uses very little Negro manpower and excludes Negroes from skilled jobs. This same industry, it is well to note, has made constant demands on the War Manpower Commission for additional help in the manufac-

ture of its vital goods, while refusing to avail itself of the large reservoir of Negro citizens.

The broad support of business, labor, agriculture, and professional groups for the establishment of a Fair Employment Practice Commission is testimony to the need. Proposals for additional study and for advisory commissions are subterfuges by those who would retard the economic development of the Nation, divide labor, and hinder the progress of some of our racial and religious minorities. Those small groups who oppose the establishment of an F. E. P. C. with power to prevent discriminatory employment practices stand in opposition to the most fundamental and hallowed of American rights—equal opportunity.

A permanent F. E. P. C., guaranteeing equal opportunity for those with equal training and experience, irrespective of race, religion, national origin, creed, and the other qualities which put every American into one or more minority groups, is an important step on the way to genuine equality of opportunity.

The Southern Conference for Human Welfare views the establishment of a permanent F. E. P. C. as basic social security. It is essential to the security of individuals in racial, religious, and foreign-origin groups, and in that it protects our Nation from those practices which foster disunity and hatred, it is a measure for national defense. It is an elemental need if we are to build the economy of the South in accordance with its great natural resources and its wealth of strong manpower.

Senator CHAVEZ. How many persons would you estimate that the conference represents?

Mr. FOREMAN. Our membership, sir, is about 3,000 people in the South, whom we consider leaders. It is impossible to say how many people they would, in turn, represent, since it is an individual-membership organization.

Senator CHAVEZ. I believe that you stated the businessmen of the South were commencing to appreciate the fact that, due to the emergency probably, the income or the purchasing power of the Negro was increasing?

Mr FOREMAN. Yes.

Senator CHAVEZ. Putting it in simple language, the white man at the corner grocery store can sell more to a Negro who earns $30 a month than if he was earning $15 a month.

Mr. FOREMAN. That is right, absolutely.

Senator CHAVEZ. And you feel that the businessmen are commencing to appreciate that end of it?

Mr. FOREMAN. I think they are, and I think they are very anxious, the great majority of them, to keep that good business, which is only sound, common sense, as you say.

Senator CHAVEZ. Thank you, Doctor.

Mr. A. Philip Randolph, please. Will you identify yourself for the record?

Mr. RANDOLPH. I am president of the Brotherhood of Sleeping Car Porters.

Senator CHAVEZ. You may proceed.

STATEMENT OF A. PHILIP RANDOLPH, PRESIDENT, BROTHERHOOD OF SLEEPING CAR PORTERS, NEW YORK, N. Y.

Mr. RANDOLPH. S. 101 is a bill designed to enact legislation in the interest of fair employment opportunities for all workers, regardless of race, color, religion, national origin, or ancestry. The tragic display of racial discrimination in the various industries throughout the country has seriously hampered war production, and has provided an opportunity for a false cry on manpower shortage. The so-called manpower shortage would soon vanish were workers accepted without regard to race or color, and their labor and skills fully utilized in every phase of war production. For instance, in the railroad industry alone, according to the United States Railroad Retirement Board's report, setting forth some of the personnel needs of railroads as of February 1, 1945, were as follows:

Baggagemen, 49; boilermakers, 977; brakemen, 2,457; carmen, 3,131; electricians, 558; locomotive engineers, 70; locomotive firemen, 851; machinists, 3,356; telegraphers, 1,392; switchmen, 2,994.

Now, while the railroad industry needs the aforementioned number of employees in the various classifications named to do its war job, Negro workers who are competent to fill a number of these vacancies are not allowed to do so, because of racial discrimination. In fact, according to the hearings of the President's Committee on Fair Employment Practice in the case of the Negro railroad employees, held in Washington, D. C., September 15–18, 1944, a Southeastern Carrier's agreement was signed, February 18, 1941. This agreement was concluded between the Brotherhood of Locomotive Firemen and Enginemen and 22 southern railroads, in order to reserve "featherbed jobs" to the whites. These jobs meant firing locomotives with mechanical stokers or Diesel engines. By stipulating that only "promotable" men should be employed on Diesels—"promotable" meaning white—and by other clauses, this agreement meant that Negroes on all but two southern railroads were restricted to the ancient steampower, hand-stoked engine, and the lowest-paid and least desirable runs.

The net result of the nonpromotable agreement—said Dr. Herbert R. Northrup, consultant, President's Committee on Fair Employment Practice, has been and is likely to be a wholesale displacement of Negro firemen.

Some of the undisputed facts established by the evidence at the hearings were:

That the present shortage of skilled white railroad labor has caused delay in the transportation of troops and war matériel, damage to rolling stock, and death or mutilation of young, inexperienced workers.

That racial discrimination has been practiced by the white brotherhoods over a period of 30 years as a definite attempt to drive colored workers from the desirable jobs; that close union collaboration with certain carriers permitted the development of intricate systems of employment and promotion control. That evasions, chicanery, and intimidation have been and are today being used against Negroes on the job by unions and management.

That during depression periods in 1921 and 1931–34 there were outbreaks of violence in the lower Mississippi region and Negro firemen were literally shot out of their cabs; 15 were killed and 29 wounded.

That though the white brotherhoods bar Negroes from membership, they assume to represent them in making contracts with the companies and in dealing with Government agencies. The evidence showed that the unions would handle no grievances for Negro workers if they involved more than routine matters between them and the management.

That the campaign to eliminate the skilled Negro from the roads has been so successful that between 1930 and 1940 the percentage of Negro firemen on the southern roads dropped from 41.4 to 29.5; and since 1910 the percentage of colored trainmen from 29.8 to 15 percent.

The Railroad Retirement Board report shows the personnel needs of individual railroads that are a bit enlightening. For instance, as of February 1, 1945, the Alton Railway Co. needed 13 locomotive firemen, 14 machinists, 10 brakemen. The Atchison, Topeka & Santa Fe Railway Co. needed 56 boilermakers, 28 electricians, 8 locomotive firemen, and 146 machinists. The Atlantic Coast Line Railway Co. needed 11 boilermakers, 63 brakemen, 104 carmen, 68 locomotive firemen, 35 switchmen, 54 machinists. The Baltimore & Ohio Railway Co. needed 325 brakemen, 33 boilermakers, 92 carmen, and 75 locomotive firemen. The Central of Georgia Railway Co. needed 12 boilermakers, 19 machinists, and 9 switchmen. The Illinois Railway Co. needed 29 locomotive firemen, 40 boilermakers, 39 brakemen, and 96 machinists. The New York Central Railroad Co. needed 97 boilermakers, 295 machinists, and 95 locomotive firemen. The Seaboard Air Line Railway Co. needed 19 boilermakers, 50 brakemen, 16 locomotive firemen, 74 machinists, and 30 switchmen.

These are but a few railroads that are in need of additional personnel, in the aforementioned classifications. Of course, there are a large number of other skilled jobs that are unfilled on the railroads, but it must be remembered that Negro workers are only acceptable in these jobs under pressure, and on some jobs even pressure, that is the request type of pressure, has failed to open the doors.

Yet, let me emphasize the fact that there are Negro firemen, switchmen, brakemen, machinists, boilermakers, electricians, and so forth, throughout the country now looking for work. But discrimination, on account of race and color, which is permitted to do business as usual, steps between the Negro workers and these jobs, and the consequence is, our war effort is hindered.

Now, if it is difficult to get Negroes into jobs for which they have the skills under the pressure of war needs, how much more difficult it will be for Negroes to get fair employment opportunities when the country moves from a war to a peace economy. But this problem of discrimination against minorities in employment relations in peace will not be any less challenging than it is during these times of war.

The same type of discrimination which prevails in the railways also obtains in the public utilities and many other industries throughout the country. The policy of some employers not to employ Negroes is justified by the claim that the Negro workers don't have union cards. Upon receiving this information, some of the Negro workers promptly go to the unions and request the opportunity to join in order to receive union cards to work in a plant under a closed-shop agreement, and they are politely advised that they cannot get union cards until they get union jobs. Thus they are caught between the two forces of

union evasion and employer discrimination. May I say that this is not true of all unions or all employers, but it is sadly true of far too many. Obviously, the Negro worker is victimized when both the shops and unions are closed. But, may I observe here, that I am by no means opposed to the principle of the closed shop, if the union is open to all workers, regardless of race, color, religion, or national origin.

But objection is raised to this bill, S. 101, on the grounds that it is coercive and that it is an attempt to eliminate race prejudice out of the hearts of employers and the workers; and hence S. 459, stressing education and legislation without enforcement powers, is urged. The fallacy of the Taft bill is to pose education as the opposite of legislation with enforcement powers. This is an example of setting up a straw man to knock down.

Legislation, in fact, is an important part of the process of popular education. Legislation provides the arena in which opportunity is afforded for the people in the schools, barber shops, churches, trade-unions, chambers of commerce, and fraternal lodges to discuss, debate, and explore all aspects of vital social issues so as to develop sound social thinking for the welfare of the country. But the people cannot discuss that which is not brought before them. The fight to secure the enactment of bills into law dramatically presents social questions to the people and helps to awaken and inform public opinion as to the significance of these questions.

This bill, S. 101, is not concerned with race or religious or nationality prejudice. It deals with only one thing, and that is the practice of discrimination on the grounds of color, religion, national origin, or ancestry, which deprives a worker of a job, or rather, his right to live, because on the job the worker receives wages, and with wages he buys food, clothing, and shelter, the basis of his life. Therefore, whoever seeks to prevent a worker from securing a job, because of any reason, is seeking to deny him the right to live, which is a very definite nullification of the basic principles of the Declaration of Independence and the Federal Constitution.

It is a fallacy to construe race prejudice as synonymous with racial discrimination. They are two different things. Race prejudice is an emotion or feeling. Racial discrimination is a practice. While we cannot by law make a white worker love a Negro worker, or a Protestant worker love a Jewish worker, or a worker in Boston love a worker in Atlanta, Ga., we can stop the workers from closing the shops and the unions at the same time. Laws can stop hoodlums from smearing synagogues and cathedrals with swastikas. Laws can stop mobs from lynching people for any reason.

I do not condemn the trade-union workers who discriminate against Negro workers and other minorities. Fundamentally, black and white workers do not fight each other because they hate each other, but they hate each other because they fight each other, and they fight each other because they do not understand each other. But if they work together, they will understand each other.

Now, the fair employment practice bill, S. 101, does not seek to make white workers, black workers, or Jewish, or Catholic workers love each other, but to respect each other's rights to work and to live. If laws are ineffective to prevent discrimination, why maintain them to continue discrimination, such as a Jim Crow car and so forth?

It is well-nigh axiomatic that the instinct to live in human beings, regardless of race or color, religion or national origin, is so strong that they will fight for the right to work in order to live.

Hence, it is apparent that color wars may beset and plague our country in the post-war period, as a result of increased tensions incident to discriminations in employment relations, unless the Congress shows the social vision and wisdom to enact S. 101. For this reason, the enactment of this bill will play an effective and constructive role in achieving social peace in our various communities in the post-war era.

Without fair employment to supplement and complement full employment, the poison of Hitler's fascism may get into the blood stream of our country and run to the heart of our Nation. In very truth, there cannot be full employment unless there is fair employment. This is true not only with respect to numbers but also in relation to the utilization of the skills of the minorities, and it is apparent that there cannot be fair employment without an F. E. P. C. law with enforcement powers.

This question of increased racial tensions in the area of employment is not an imaginary, but a real, danger. Now, the Taft bill cannot serve any useful purpose, because it has no enforcement powers and fails to make economic discrimination unlawful. Today, the 22 southern railroads and the Brotherhood of Locomotive Enginemen and Firemen have flouted the directives of the President's Committee on Fair Employment Practice. The Stacy committee, appointed by the President to attempt to unravel this problem, has been without effect and force. Why? Precisely because the President's Executive Order 8802 has no enforcement powers.

If this is true in wartime, how much more true will it be in peacetime, when we do not have a war emergency with which to appeal to the patriotic spirit of employers and unions?

The argument that a law with enforcement powers cannot achieve its objective will not bear examination. Witness the National Labor Relations Act, which has served the useful national purpose of providing an opportunity for workers to choose their bargaining agent, without coercion, interference, or intimidation. Before this act was on our Federal statute books employers discriminated against union workers, just as some of them now discriminate against minorities. The workers were afraid to join unions lest they be fired or not hired. The company union held sway, and the "yellow dog" contract was jammed down the throats of the wage earners. This is not so today. But 25 years ago violent abuses and recriminations were heaped upon the heads of the American workers who sought to organize. Union men were damned and secret detective agencies were employed to frame union men to destroy the unions. This is largely history now. The National Labor Relations Act is chiefly responsible for this change. Now we have a considerable measure of labor-management cooperation. The employers no longer look upon labor leaders as some dreadful monsters with horns on their heads, daggers in their teeth, and torches in their hands, bent upon the destruction of industry. The War Labor Board will attest that the war effort has been greatly advanced by labor-management committees in industries from one end of the country to the other.

If we enact this fair employment practice measure, S. 101, it will serve as a legislative educational force that will some day make it a matter of history when workers, on account of race or color, national origin or religion, are the victims of the abuses and violence and misrepresentation that are now their unhappy lot.

The present F. E. P. C. ends in June 1945 unless further funds are appropriated. The problem of fair employment practices, however, will not end. It goes right on through the war and the reconversion and the peace. What is urgently needed now is a permanent F. E. P. C. with its own enforcement provisions, with the same status as the S. E. C. and the N. L. R. B. and other Government regulatory commissions.

I feel that the F. E. P. C. is not a Negro question—though there are 13,000,000 Negroes in the United States, one-tenth of our population. It is not a minority question—though there are many Jews, Mexicans, Catholics, and other minority groups.

It is an American question. It is the four freedoms at home, where we and the rest of the world can see that the Atlantic Charter is not globaloney and help to make a democracy a reality in New York and Alabama, for our black and white, Jewish, Catholic, Protestant, Mexican, Filipino boys, when they return from the foxholes in the Southwest Pacific and other battlefields and the seven seas of this war.

This bill, S. 101, does not only serve the cause of better relations for the minorities in America, it also constitutes one of the major bastions of American democracy.

American democracy will support S. 101. Note the following poll:

NEGRO RAILROAD ENGINEERS SHOULD BE GIVEN CHANCE, SAY MAJORITY OF WHITE PUBLIC

Seventy-two percent of white people in the United States believe that Negroes qualified to be railroad engineers should be given a chance at the job, according to a Nation-wide survey by the National Opinion Research Center, University of Denver, released March 10, 1945.

Eighty-two percent of those interviewed in the North, but only 43 percent in the South, would give a Negro a chance at a railroad engineer's job.

Public attitudes on this issue are of particular interest, in view of the recent decision of the United States Supreme Court, which denied the right of the Brotherhood of Locomotive Firemen and Enginemen to enforce contracts discriminating against Negro engineers and firemen.

National Opinion Research Center's personally trained interviewers talked with a national cross section of the white civilian adults in every section of the United States—men and women, young and old, rich and poor, city residents, townspeople, and farmers. All were asked this question:

"If a Negro is qualified to be a railroad engineer, do you think he should be given a chance at this job?"

	Percent
Yes	72
It depends	3
No	20
Undecided	5
Total	100

Senator CHAVEZ. Is that the end of your statement?

Mr. RANDOLPH. Yes, sir.

Senator CHAVEZ. You stated that there were two railroads in the South that did use Negro employees. What is the record of their work—is it satisfactory?

Mr. RANDOLPH. Yes; satisfactory. The Florida East Coast Railroad has used all Negro locomotive firemen for many years, and about 2 years ago white firemen were employed. They have about six now.

Senator CHAVEZ. What is the other railroad?

Mr. RANDOLPH. The L. & N.

Senator CHAVEZ. They use Negro trainmen and enginemen?

Mr. RANDOLPH. Yes. And, of course, practically all of the southern railroads use Negroes in various capacities as brakemen, flagmen, and firemen. But the process of elimination has been going on as a result of the activity of the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen.

Senator CHAVEZ. You made a very fine statement, and I want to compliment you.

Senator Tunnell, do you have any questions?

Senator TUNNELL. No; I have no questions.

Senator CHAVEZ. Mrs. Allan Knight Chalmers, please.

Will the lady identify herself for the record?

Mrs. CHALMERS. I am Mrs. Allan Knight Chalmers, of New York City, representing the national board of the Young Women's Christian Association.

Senator CHAVEZ. Will you proceed with your statement?

STATEMENT OF MRS. ALLAN KNIGHT CHALMERS, NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION, NEW YORK, N. Y.

Mrs. CHALMERS. It is a privilege to come before this committee this morning as a representative of the national board of the Young Women's Christian Association, to present its views on the important legislation under consideration to establish a permanent Fair Employment Practice Commission, with the purpose of prohibiting discrimination in employment because of race, creed, color, or ancestry.

This is not the first time that the national board of the Young Women's Christian Association has appeared to support such legislation. In the summer of 1944 Dr. Emily G. Hickman, the chairman of the public affairs committee of our organization, testified before the Committee on Labor of the House of Representatives, urging passage of similar bills.

The concern of the Young Women's Christian Association in this bill arises out of the kind of organization we are; and, with your permission, I will read a letter written to Senator Chavez by Mrs. Henry A. Ingraham, our president, because it expresses so well the basis for our deep interest and concern:

> The Young Women's Christian Association includes all kinds of people within its constituency. Large numbers of its women and girls stem from the dominant native and religious groups in this country; that is, they are native-born or second-generation white people, and Protestants. Our latest national reports show that, in addition, our membership includes 7,443 foreign-born white people, 49,202 Negroes, 4,505 Indians and Orientals, while religiously we number 5,219 Jews and 59,407 Roman Catholics. These membership figures represent only a small part of our total constituency; within our groups of volunteers and participants in Y. W. C. A. service, education, and recreational programs throughout the country are numbered many other women and girls, many of them from the minority groups.
>
> The concerns of these people are, and must be, the concerns of the Young Women's Christian Association. Therefore, our interest in the bills to "prohibit discrimination in employment because of race, creed, color, national origin, or

ancestry" is no academic interest. It is a living, vital interest which roots in the daily lives of thousands of the people for whom, and through whom, we exist. We are concerned about all the facets of a full, abundant life for every individual we touch. We are at base a Christian organization, with deep concern for the spiritual welfare of our constituents; but we realize that just as man cannot live by bread alone, neither can he live without bread. For many years the public-affairs program adopted by our national conventions has included a section on economic welfare, which has given our national movement a charter to support proposals for the solution of our Nation's basic economic problems and to secure for Negroes and other minority groups an equitable share in economic opportunities.

We know from actual experience that there are many among the participants in our program today who are denied employment because of their race, religion, or nationality. Employment policies which limit opportunities to "white Christians" deny a fundamental right to many of our own members. Chief Justice Hughes in 1915 in a case involving immigrants said: "The right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the fourteenth amendment to secure. * * * (The contrary) would be tantamount to the assertion of the right to deny them entrance and abode, for in ordinary cases they cannot live where they cannot work."

We call this to your attention in connection with the bill your committee now has under consideration because we are convinced that a Committee on Fair Employment Practices, given legislative sanction and set up on a permanent basis, is one of the surest safeguards to the personal freedom and opportunity for which the United States of America traditionally has stood. We believe that without such a safeguard our country is all too sure to return when the hostilities between nations have ceased to a system which hires last and fires first the people of minority groups; and we shall have lost on our home front the struggle to make all the men in all the lands free people.

In addition to our desires to see our democracy maintain equal economic opportunities for all of our people, we are anxious to avoid the disastrous consequences of not doing so. To refuse economic opportunities to any group is to compel that group to remain at a low standard of living and to perpetuate for them bad housing conditions, high sickness and death rates, inadequate food, clothing, and education which sooner or later result in delinquency, and even criminal conditions and the possibility of race riots.

There is no need for the continuance of such conditions in our American life for our American citizens. They can be made largely to cure themselves if we will secure for the people involved adequate economic opportunities. In our opinion, this legislation will go far to insuring that members of minority groups shall find economic opportunities and we shall be enabled to improve their standards of living. Furthermore it would help to remove from our democracy the practice of economic discrimination against our own citizens.

Sincerely yours,

MRS. HENRY A. INGRAHAM, *President.*

I wonder if you gentlemen of the committee realize how great is the interest in this legislation among Y. W. C. A. groups throughout the country? The point I would like to make is that it is an informed interest. You may have had the experience that I have had with a good many people when I have spoken of going to Washington on F. E. P. C. legislation. A puzzled look comes over their face and they repeat blankly, "F. E. P. C., what is that?" That would not happen in the majority of the Y. W. C. A.'s of the country, I am sure.

Since the issuance of Executive Order 8802, we have sent out information from the national office so that our people across the country have had a chance to follow the ups and downs of the President's committee, and are fully aware why it is so important that there be a permanent commission with its authority stemming from an act of Congress, and with enforcement powers.

Furthermore, they are informed about the differences between various bills. May I express at this time what the National Board, in letters and telegrams to legislative leaders here, has expressed over and

over again? We are concerned that the legislation will be so drawn that it will be an enforceable instrument to deal with discrimination. For this reason we are firmly opposed to such a bill as S. 459, introduced by Senator Taft, because it provides for a voluntary system, which seems to us to be quite meaningless and ineffective in carrying out the purport of the bill.

If I may speak of a personal experience, I recently attended the hearing in Albany on the New York State F. E. P. C. bills, which have since been passed by overwhelming majorities, and signed yesterday by Governor Dewey. The thing that impressed me about the hearing was that the people expressed themselves in unmistakable terms as favoring this kind of legislation. They were not to be put off by proposals for a referendum or by suggestions that provision for enforcement powers be stricken from the bill. The overwhelming sentiment was for an effective instrument which would do away with the discrimination now suffered by members of minority groups.

I am told that the same sentiment prevailed at the Massachusetts hearings in Boston last week.

So I can say, as one representing the Young Women's Christian Association, and behind me please in imagination see a great throng of women and girls of the majority group, white, Protestant, and of the various racial, nationality, and religious backgrounds, please give us a strong, effective bill, such as S. 101 sponsored by your chairman, Senator Chavez. We are not to be put off with substitutes. We want real legislation which, with the aid of an informed public opinion which we pledge ourselves to continue to help informing, will result in doing away with the injustices and discriminations which now mar our American life.

Senator CHAVEZ. Thank you, Mrs. Chalmers, you have made a wonderful statement.

Senator TUNNELL. What is the total membership of the Y. W. C. A. in America?

Mrs. CHALMERS. I am told that it is around 3,000,000—the figures that I give you were a break-down of our membership as to racial, nationality, and religious backgrounds—but, of course, our constituency would embrace a much larger group than that, the girls that come in for health education services, and that sort of thing. So it is a very large group.

Senator CHAVEZ. Thank you very much.

Mr. Richter, will you come forward, please?

Please identify yourself for the record.

Mr. RICHTER. My name is Irving Richter. I am national legislative representative of the United Automobile Workers, C. I. O.

Senator CHAVEZ. You may proceed.

STATEMENT OF IRVING RICHTER, NATIONAL LEGISLATIVE REPRESENTATIVE OF THE UNITED AUTOMOBILE WORKERS (CONGRESS OF INDUSTRIAL ORGANIZATIONS), ACCOMPANIED BY FRED M. JOSEPH, LEGISLATIVE ASSISTANT

Mr. RICHTER. Mr. Fred M. Joseph, on my left here, is legislative assistant.

Mr. Chairman and Senator Tunnell, Mr. George F. Addes, our secretary-treasurer, and the chairman of our own fair employment prac-

tices committee, was called out for some very urgent business, and therefore is unable to attend, and I am to read his statement in his absence.

Senator CHAVEZ. We will be glad to hear it.

Mr. RICHTER. I am here to record the views and the desires of the more than one and one-half million U. A. W.-C. I. O. members located in all sections of this country. Our union, Mr. Chairman, affirmatively supports S. 101, a bill to establish a permanent Fair Employment Practice Committee, and to confer upon the Federal courts power to enforce the orders of that Commission.

Before beginning my testimony, however, I should like to enter into the record at this point three documents:

The first is the statement of our international president, R. J. Thomas, which was presented to the Senate Labor Committee of the Seventy-eighth Congress in support of S. 2048, the predecessor to the present Senate bill.

Senator CHAVEZ. That will be received.

(The statement referred to is as follows:)

STATEMENT BY R. J. THOMAS, INTERNATIONAL PRESIDENT, UNITED AUTOMOBILE WORKERS, CONGRESS OF INDUSTRIAL ORGANIZATIONS, IN SUPPORT OF S. 2048 AND H. R. 3986

My name is R. J. Thomas and I am international president of the United Automobile, Aircraft, and Agricultural Implement Workers, an affiliated union of the Congress of Industrial Organizations.

I am told that the United Automobile Workers, Congress of Industrial Organizations, with a membership of more than a million workers, is the largest labor union in the world.

I desire to place our union on record as favoring the passage of Senate bill No. 2048, "a bill to prohibit discrimination in employment because of race, creed, color, national origin, or alienage."

It may seem strange to some of you who heard or have read the testimony of Mr. James B. Carey, secretary-treasurer of the Congress of Industrial Organizations, as given at House Labor Committee's hearing on the companion bill, H. R. 3986, that organized labor favors Federal legislation which, among other things, prohibits labor unions from denying membership to any worker because of race, creed, color, or nationality. But I don't think this is strange. I prefer to think that its just another instance of American trade unionism rising to the demands of their rank and file membership and to the call of real democratic action here at home.

The war and the noble cause for which we soldiers on the Nation's production lines have been fighting, have opened our eyes to a number of shortcomings in our traditional way of life. We are aware now that America can neither speak unashamedly at the peace table nor make sincere promises of freedom and justice to the liberated peoples of Europe, Asia, and Africa so long as we, the dominant group here in America, deny even the simplest rudiments of liberty and equality to our more than 5,000,000 Jews, 13,000,000 Negroes, 21,000,000 Catholics, 3,000,000 Spanish-American, and 20,000,000 immigrants or first-generation Americans here at home. That is the primary reason why we of the labor movement favor the enactment of this legislation now. We want to see our country put its own house in order first; then go forward to assist in straightening out the affairs of others.

There is a second reason why we think these bills should be reported favorably and passed by the Congress. For many years now organized labor in this country has had to devise way and means of meeting and coping with management's technique of "divide and conquer." We have seen our local unions weakened and almost wrecked by employer-inspired "hate" strikes. One racial or religious group is pitted by management against another in an effort to silence justifiable union complaints about low wages, long hours, or refusal to bargain collectively.

The United Automobile Workers, Congress of Industrial Organizations, Mr. Chairman, does not ask the color of a man's skin or his race, nationality, or whether he is a worshipper of a minor creed. We ask only that he be a fellow

worker in the automobile, aircraft, or agricultural implement industry and a believer in the democratic principles underlying the Congress of Industrial Organizations.

We have found, however, that some unscrupulous employers are using our liberal racial and religious policies as an argument to dissuade employees from joining or continuing their affiliation with our organization. This technique is comparatively simple for management to use with a new and growing union like ours; and once the seeds of racial or religious discord are planted, the damage is done and it is extremely difficult to repair the wreckage. Within the past 6 months more than 100,000 of our union members have been adversely affected by "hate" strikes, due in whole or in part to management's fanning the smoldering embers of minority ill will.

We do not deny that some workers, both within and without the ranks of organized labor, have racial and religious preferences and dislikes. But we do deny the existence of any right on the part of management to capitalize upon those preferences or dislikes based upon race, creed, color, or nationality, when we of organized labor are doing our level best to educate all of our members to the point where they not only will read but also will believe that the founders of our country meant it when they said "all men are created equal" and should have an equal right "to the pursuit of happiness."

Happiness, Mr. Chairman, for the 62,000,000 Americans who make up the minority groups I have mentioned means, in plain every-day English, equality of opportunity to seek, obtain, hold, and progress in a decent job, at decent wages and without being continually reminded that there are some jobs in this land of the free which only white, Protestant, Gentile, fourth-generation Americans may hold.

Our progressive labor organizations are today trying to do a job that Government and many of our social and educational agencies have left undone for the past three-quarters of a century. We are trying to teach and to demonstrate to our membership—and to some employers also—that a man's race, creed, color, or nationality has nothing whatever to do with his ability to operate a lathe or a drill press and to render a satisfactory day's work. We in the automobile, aircraft, and agricultural-implement industry have seen that, given the same training and an equal opportunity to do the job, the members of minority groups will become just as efficient workers as those of any other group—and they make good union members, too. The more than 300,000 Negroes, Mexicans, and Japanese-Americans included in our union's membership are giving daily proof of this fact.

For, obviously, it does little good for us to distribute educational pamphlets, arrange conferences, and conduct summer-school courses on discrimination, if the prejudiced-minded employers I have mentioned are to be left free first to incite racial and religious ill-will, and then to capitalize upon their nefarious handiwork by refusing employment to qualified minority group workers with the flimsy excuse that the members of our unions just will not work with Jews, or Negroes, or Mexicans.

The United Automobile Workers, Congress of Industrial Organizations, has accepted the responsibility of bringing its members' thinking into line with the American ideal of fair play. We have done this without any urging from the Government. We feel justified, therefore, in asking that our Federal Government accept the responsibility for inducing or compelling these business concerns over which it has jurisdiction to likewise conform to the national policy that there shall be no discrimination in employment because of race, creed, color, or national origin.

Finally, Mr. Chairman and members of this committee, like all other thinking Americans, the members of the United Automobile Workers, Congress of Industrial Organizations, here at home and our more than 200,000 brothers who are in the armed forces, are becoming more and more concerned about the kind of life our country will offer the millions of American doughboys who are now risking their lives on the battlefields of France and Italy, in the far reaches of the South Pacific, and in the outpost of Burma, China, and India.

I have just returned from a tour of the fighting fronts in France. I have talked with our soldiers there. And I have found that the average American soldier, through his experiences, has become more anti-Fascist than our average civilian. They have seen more of the forces in the world that threaten democracy. People say that the unions had better look out when the men come home. But I say the anti-democratic forces in America had better look out.

Thousands of the returning veterans will be numbered among the minority groups this legislation is intended to protect. Will they come home to find the doors of employment closed in their faces for no other reason than that they

happened to have been born a Jew or a Negro or a first generation Pole? The answer rests with the Congress and we think it is adequately summed up in this bill.

Mr. RICHTER. The second document is a copy of the resolution unanimously adopted at the last U. A. W.-C. I. O. convention at Grand Rapids, Mich., in favor of permanent F. E. P. C. legislation.

Senator CHAVEZ. That will be received.

(The resolution referred to is as follows:)

COPY OF RESOLUTION ADOPTED AT THE NINTH ANNUAL CONVENTION, UNITED AUTOMOBILE WORKERS, CONGRESS OF INDUSTRIAL ORGANIZATIONS, IN SUPPORT OF A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE

FAIR EMPLOYMENT PRACTICE COMMITTEE

Whereas the Fair Employment Practice Committee has been a powerful force in strengthening American democracy and making possible the full utilization of the skills and abilities of minorities for the fullest prosecution of the war; and

Whereas the continued existence of the Fair Employment Practice Committee is essential to the unity and security of the American pepole in the post-war world; and

Whereas the United Automobile Workers has signed an agreement with the Fair Employment Practice Committee for the protection of the rights of minority workers under our jurisdiction: Therefore be it

Resolved, That the ninth annual convention of the United Automobile Workers Congress of Industrial Organizations, call for the establishment of the Fair Employment Practice Committee on a permanent basis: be it further

Resolved, That we call upon our Congressmen and Senators to support the permanency of this committee.

Adopted September 15, 1944.

Senator TUNNELL. How many did you say was the total membership?

Mr. RICHTER. One and a half million. That includes the three-hundred-thousand-some-odd we have now in the armed services who are members in good standing.

The third is a list of approximately 100 cases of alleged employment discrimination in plants in Michigan which have collective-bargaining contracts with our union.

Senator CHAVEZ. That will be received.

(The list of cases referred to will be found on file with the committee.)

Mr. RICHTER. Mr. Chairman and Senator Tunnell, it is generally expected, I think, throughout the country that this Congress will adopt some form of permanent fair-employment-practice legislation. Nation-wide sentiment favors such action, and both candidates in the last Presidential election promised as much. One of those candidates, although defeated, has demonstrated his recognition of the popular will as expressed in the 1944 elections by recently insisting upon and signing such legislation for his own State; the other candidate repeatedly has indicated his desire for such congressional action.

The need for legislation of this kind on a national scale is apparent. The list of cases I have mentioned above is taken from only one industrial area—from only one industry in that area—and from plants where the local unions are actively combating intolerance, yet that list shows shameful state of affairs. By far the overwhelming majority of the cases are cases of outright refusal to employ because of race, creed, or color. It does not require much imagination to see how widespread

this evil of race, creed, and color discrimination in employment must be in other sections and industries in our country.

The appropriateness of Federal legislation creating an F. E. P. C. likewise is apparent. For more than 80 years we have gone along fooling no one but ourselves with the thought that education alone is the only proper answer to the problem of racial and religious employment discrimination in this country. We seem to forget that action—the every-day mechanics of working, living, and meeting together—is the best form of education for democratic tolerance. It is time now that we face this fact; it is time we admit that the kind of education we have been talking about—the speeches, the pamphlets, and the conferences—have been tried to little or no avail. They simply have proved ineffective in opening the employment gates to a large proportion of our citizenry.

Moreover, as a recent editorial in the Washington Post for February 11, 1945, points out, legislation itself is an "immense force * * * in the educative process." Discrimination in employment because of race, creed, or color is no different in principle from discrimination because of union activities. We have not relied entirely upon abstract education to correct this latter evil; instead we outlawed it by adopting the National Labor Relations Act. Why not the same remedy for the former evil? Why not a Fair Employment Practices Commission with powers analogous to those of the National Labor Relations Board?

I might add in here for the record that a delegation of people from Michigan saw Senator Taft several weeks ago and we asked him how he would get enforcement if he found a recalcitrant employer who insisted on discriminating, and he said, "We would call him in to the chamber of commerce, and the employers in that community would persuade him and would use moral persuasion to get him to do it."

One of the people—who, incidentally, had been locked out for a year or two before the Wagner Act was adopted in a town in Ohio—asked him, "Where would we have been if we had left it up to the Chamber of Commerce of Ohio to enforce the Wagner Act?"

Senator CHAVEZ. We can go a little further, Mr. Witness, than that. The Ten Commandments have been in existence for quite a while, and yet we pass laws against murder, and the Mosaic laws have been in existence for a long time. Nevertheless, human society cannot depend on them alone, and we have to pass legislation.

Mr. RICHTER. Quite true.

The need for and the appropriateness of F. E. P. C. legislation being thus apparent, what are the objections to it?

Only two objections thus far raised have the semblance of merit, and, on closer study, it will be seen that they, too, are without merit. The first is that the law should not apply to labor unions. The second is that no enforcement provisions are needed.

Concerning the first objection, the U. A. W.-C. I. O. believes that labor unions are properly included within this measure. As we see it, there should be no place in the American labor movement for any organization which excludes workers from its midst, and from needed employment, because of the accident of their race, color, religion, or national origin. If such organizations have not, after all these years, seen the economic desirability of organizing and uniting all employees

in their industry or craft, regardless of race, creed, or color, then it is evident they will not do so unless directed to do so by law.

Our union, the U. A. W.-C. I. O., has nothing to fear from such legislation. Indeed, Mr. Chairman, we welcome it as an effective complement to the action we already have taken to end employment discrimination in the automobile, aircraft, and agricultural implements industry. Partly in anticipation of such legislation and partly because we needed it irrespective of Federal action in this field, the U. A. W.-C. I. O. has established its own fair practices committee and has authorized that committee to hear, determine, and recommend to its executive board appropriate action to be taken in all cases of alleged discrimination by any of its 1,000 local unions or their officers or members. The prompt and efficient manner in which our fair practices committee has disposed of the cases coming to its attention convinces me, as its chairman, that a union is not powerless to curb discriminatory practices within its midst provided only it sincerely desires to do so. Legislation will induce that desire where it otherwise does not exist.

I might insert in the record at this point a poster which every one of our local unions now has in its halls, on this question of the fair employment practices committee, informing every member of the union of his rights under that committee.

(The poster referred to will be found on file with the committee.)

Mr. RICHTER. Employment discrimination, however, is not always the fault of the union. I think we can go further and say, in the large majority of instances, it is the fault of the employer or of collusion between the employer and the local union officials. Where the international union, as in our case, is prepared to throw the full weight of its position behind a national policy of no discrimination in industry, there still remains the question of how management can be brought in line short of a work stoppage which none of us want.

The approach of management, as the experiences of our own fair practices committee and those of the President's Committee on Fair Employment Practice have shown, almost always determines the attitude of the workers in the plants. If the employer knows that Federal action will result from his failure to adhere to a nondiscrimininationation policy, his plant's gates and employment office will be opened to Negroes, Jews, Mexicans, and our other so-called minorities; and these workers, likewise, will be given the full benefit of the seniority and the skills they have achieved. Where, however, both the employer and the local union officers know that at most the Government can only "direct" and cannot or will not enforce its directives in this regard, nothing will be done; unless, of course, the international union itself exerts pressure on both of these recalcitrants.

In addressing myself to the first objection raised to permanent F. E. P. C. legislation, namely, that it would apply to labor organizations, I seem to have dealt also with the second objection, namely, the enforcement features of this legislation. With your permission, Mr. Chairman, I should like to add one concluding word about this last point—the need for enforcement machinery.

I understand that Senator Taft of Ohio has proposed recently that the Congress pass legislation for a permanent F. E. P. C. but omit any enforcement provisions; that it allow moral persuasion and the pressure of public opinion to accomplish what otherwise would be accom-

plished under Senate 101 by an order of the Federal court enforcing the Commission's decision.

The U. A. W.-C. I. O. is opposed to the Taft proposal.

We oppose it because we know it will not work. It is nothing more than a plan whereby something like the present temporary F. E. P. C. will be given a permanent status but will retain all of its present glaring infirmities. It is a plan that contains the germs of another Philadelphia Transit disturbance; and another Washington Capital Transit impasse.

Moreover, we oppose it because the history of labor legislation in this country demonstrates that laws passed for the protection of workers are of little avail unless they carry with them some effective means whereby they can be enforced. The first Railway Labor Act lacked enforcement features. It, too, relied upon "moral persuasion and the pressure of public opinion." And Congress soon found it necessary to add language which would enable the courts to compel obedience to the law's mandate.

The act of Congress guaranteeing to workers the right to organize into unions of their own choosing free from employer discrimination—the old N. I. R. A.—likewise lacked enforcement provisions; and here again Congress found it necessary to correct this omission by adopting the National Labor Relations Act and giving to the courts authority to enforce this right.

The decisions of the War Labor Board, both for and against the workers, were unenforceable during the early stages of the war; and we in the labor movement have painful recollections of the frequency with which we were deprived of our rights. The employers have also; which probably accounts in part for the present Smith-Connally Act giving some measure of enforceability to the orders and directives of the War Labor Board.

We have ample precedents, therefore, Mr. Chairman, for our distrust of such proposals as that advanced by the Senator from Ohio; a distrust which, I should add, does not reflect upon the integrity of that gentleman.

For all of these reasons, the United Automobile, Aircraft and Agricultural Implement Workers of America, C. I. O., respectfully urge that this Senate committee report Senate 101 favorably and that the Senate adopt this measure.

Senator TUNNELL. Mr. Richter, I just wanted to call your attention to the fact that S. 101 is dated January 6, 1945, and S. 459 is dated February 5, 1945. So it is a fair assumption that the difference between these two bills represents the objection to S. 101, and that the part they didn't like has been cut out?

Mr. RICHTER. Yes, sir.

Senator TUNNELL. And you have stressed that part?

Mr. RICHTER. Yes.

Senator TUNNELL. As I understand it, S. 459 really not only doesn't have any enforcement provision, but it has no provision at all providing for relief. It is simply an investigatory act; isn't that right?

Mr. RICHTER. Yes, sir; investigation and the education which presumably will result from such investigations being made public, if they are made public.

Senator CHAVEZ. Giving a simple illustration, suppose the traffic laws or the traffic regulations or the customs of traffic in the District

of Columbia were dependent upon education and moral persuasion, do you think they would have more effect on the automobilist observing the red light than if he were to be fined $10?

Mr. RICHTER. I think our casualties under such a law would have been greater than they have been on the battle fronts since Pearl Harbor.

Senator TUNNELL. We have all heard of the horse that the fellow attempted to teach to live on nothing, and he kept reducing the quantity until finally he had him educated, but he was dead. [Laughter.]

Mr. RICHTER. That expresses our sentiments, precisely.

I failed to add, Senator—I think we ought to put it into the record—that we have approximately 300,000 Negroes in our Union, either working today or in war service: and also that a substantial percentage of our white and Negro membership is in the Southern States.

Senator TUNNELL. Twenty percent of your membership, approximately?

Mr. RICHTER. Yes, sir.

Senator CHAVEZ. Thank you.

Is Mr. Dudley in the room?

Mr. DUDLEY. Yes.

Senator CHAVEZ. Identify yourself for the record.

Mr. DUDLEY. Senator, I am Tilford E. Dudley. I am associate general counsel for the United Packinghouse Workers of America. That is a C. I. O. union that has a very large percentage of people among the minority groups, including the colored groups, the Mexican groups, and people of other nations.

Senator CHAVEZ. Will you proceed with your statement?

STATEMENT OF TILFORD E. DUDLEY, ASSOCIATE GENERAL COUNSEL, UNITED PACKINGHOUSE WORKERS OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS), WASHINGTON, D. C.

Mr. DUDLEY. This matter is of such great concern to our union that our union has officially prepared a statement which it has officially approved and desires to submit to you as a statement of the entire union; and if I may, I would like to offer you copies of the statement and ask that it be incorporated in the record.

Senator CHAVEZ. We will incorporate it in the record, and then you may proceed and make a verbal statement, if you so desire.

(The statement referred to is as follows:)

REASONS FOR THE UNITED PACKINGHOUSE WORKERS OF AMERICA FAVORING THE CREATION, BY CONGRESS, OF A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, AS PROVIDED IN S. 101—STATEMENT SUBMITTED MARCH 13, 1945, TO THE SUBCOMMITTEE FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION OF THE UNITED STATES SENATE COMMITTEE ON EDUCATION AND LABOR

Because of the concern of the United Packinghouse Workers of America with the need for building sounder race and nationality relations, particularly among those employed in the meat-packing industry, the international executive board of the union provided for the setting up from its own membership of an anti-discrimination committee. In line with its responsibility, this committee requested that the research department of the international organization prepare an analysis setting forth the reason why the packinghouse workers favor the provisions by Congress of a permanent Fair Employment Practice Commission.

The material which follows was thereupon prepared. It has been studied and approved by the union's antidiscrimination committee.

In leading meat-packing centers of the United States a high proportion of production workers in the plants are Negroes. War Manpower Commission reports indicate that about 50 percent of the production workers in the Chicago area are Negroes. For the country as a whole, Negroes provide about 25 percent of the working force. In a number of centers, Mexicans are also employed in significant numbers.

Thus, discriminatory practice in hiring does not appear to exist as a major problem. Moreover, the constitution of the United Packinghouse Workers of America, to which most of the unionized employees belong, requires that employees be admitted to the union without regard to "nationality, race, color, or creed." The union's agreements with packing companies also uniformly contain a nondiscrimination clause. Under this clause the packinghouse workers seek to adjust such discrimination cases as arise directly with the managements, utilizing the grevance procedure for ths purpose.

These considerations might seem to indicate that the current activity of the Fair Employment Practice Committee or the continuance in permanent form of any similar agency are matters of minor importance to the United Packinghouse Workers. This is not our position, however. We look upon the existence and excellent performance of the Fair Employment Practice Committee as highly salutary in creating an atmosphere conducive to the favorable disposition, through direct dealing with management, of such discrimination cases as arise in the packing plants. Not infrequently, merely the hint from a steward or other local officer that the issue of discrimination will be presented by the union to the Fair Employment Practice Committee is sufficient to bring about a satisfactory adjustment with the management directly. In addition, in looking ahead toward certain contingencies that may develop, particularly during post-war, we are convinced that a compelling need exists for making permanent provision for a Fair Employment Practice Commission.

The discussion which follows directs attention almost altogether to experience in the meat-packing industry. However, we believe that the major problems confronting us are duplicated in essential respects in other industries. Therefore, what is presented here may be looked upon as portraying a situation which exists for the labor movement as a whole. And beyond this, we are convinced that how fairly the problems of race discrimination in hiring and promotion are dealt with is one of the crucial tests determining exactly how far Americans are prepared to go in living up to their democratic professions.

At present, in a period of wartime full employment, and later, when there may occur at least temporary large-scale unemployment, it is essential to have Federal protection against discrimination. The force of law is required to deal with discrimination, actual and potential. This will bulwark the Federal protection to collective bargaining which is contained in the National Labor Relations Act. For the collective bargaining relationship can be undermined just as completely as a result of race and allied types of discrimination as through the "unfair labor practices" which are specified in the National Labor Relations Act. Therefore, the "unfair employment practices," as defined in the bill before this committee, must also be made illegal under Federal law.

In order to explain why this union strongly urges the provision by statute of a permanent Fair Employment Practice Commission, it is necessary to sketch briefly the relevant historical factors in meat-packing industrial relations. We also submit for this committee's consideration our appraisal of certain features in the current race relations picture, pointing out how such features—in large degree now passive—present a serious threat for the future.

Consideration of these matters will make clear that realism requires taking account of community attitudes, prejudices, and fears as they influence both managements and employees in this industry. Stated differently, to understand the discrimination problem, actual and potential, it is necessary to look outside as well as inside the packing plants. For example, in Chicago, besides Negroes, there are many workers of Polish, Lithuanian, Mexican, Irish, and German extraction, together with other nationality groups who work in packing. Upon entering the plant each day, these employees do not automatically dispense their acquired emotional attitudes toward one another. And all the evidence indicates that this equally, if not more so, holds for foremen and other management personnel in their attitude toward the production workers.

Besides attempting to show the great importance of these outside influences, this discussion cites examples of discrimination which have taken place in meat packing. Explanation is given of how the union deals with these cases.

A very significant feature in some instances is this: Under certain conditions, a just and equitable disposition of the discrimination issue depends on the existence—even when there is no resort to it—of an agency which exercises Federal authority. This discussion also shows how this feature, in the event of great job scarcity, can easily become more pronounced.

In reviewing the past, attention will be chiefly directed to Chicago. This is justified because developments in this dominant packing center are usually decisive for the rest of the country. Experience has also been much the same in such important middle western packing centers as Kansas City, Omaha, and East St. Louis.

Old-timers in meat packing recall that in the eighties there was much ill feeling and rivalry in the Chicago packing plants between the Irish and the Germans, who together made up the bulk of the working force at that time. This was a chief difficulty to be overcome in forming an effective union. Managements are reported to have capitalized on this situation by such a practice as placing an Irish foreman over a German gang and vice versa. In time, however, the Irish and Germans closed up ranks. This enabled them to win the 1886 strike in Chicago. But within a short time the companies began to employ Polish and Lithuanian workers in much larger numbers. On occasion, these newcomers to meat packing were used to break strikes initiated by the Germans and Irish. Ill feeling between the "old" and "new" immigrants was created, and time and effort were again required to patch up differences, with unionism weakened in the interval.

Negroes were employed as strikebreakers in Chicago as early as 1894. But they did not enter the northern centers' meat packing plants in large numbers until World War I. Then, as now, manpower shortages made the packers receptive to employing them. During the war, unionism grew in strength. But many Negroes felt a certain gratitude toward the packing companies for giving them jobs. Negroes were also convinced that they were not accepted within the union of that day on a basis of complete equality with white workers. A principal complaint was the union officers' lack of interest in seeing that Negroes were given a chance at the more skilled and higher-paid jobs.

Then in Chicago occurred an event which was to influence strongly for many years the interrelated problems of racial discrimination and the attainment of effective union action within the packing plants. This was the race riot of 1919. Union members who observed what happened at that time and in the years immediately following agree that the 1919 riot was a grave set-back to the cause of organized labor. (The 1917 riot in East St. Louis undoubtedly had a somewhat similar effect.)

This was the situation, even though most of the rioting took place outside the Chicago stockyards area. Negroes very generally believed that the whites—including the white working people—were "against" them. Where Negroes had jobs, as in meat packing, their feeling of dependence on the company was increased, and they did not wish to risk management antagonism by belonging to a union known to have intense opposition from the company. This attitude was strengthened by the Negroes' conviction, following the riot, that when it came to a show-down white workers would not stand by them. An allied factor in meat packing was the continuance of discriminatory practices within the union which were looked upon by Negroes, with justification, as Jim Crow.

In 1921 the seeds planted in the 1919 riot bore their bitter fruit. In all the chief packing centers, hard-fought strikes occurred during 1921, in opposition to drastic wage cuts. Negroes in some centers joined the strike, while in others, for the most part, they remained at work. But in all the centers where Negroes formed an important part of the labor supply, numbers of them acted as strikebreakers. Besides vivid memories of the riots and antagonism to white employees because of Jim Crow practices, an influential factor was widespread unemployment in the depression year 1921, with its worst incidence among Negroes hungry for jobs and food. Organized labor was not only defeated on the wage issue, but in addition, the local unions lost such precarious partial recognition as the packing companies had extended during the war years of full employment. For all practical purposes, unionism was almost completely ousted from the packing plants.

Many white workers placed the chief responsibility for this loss of union protection on the Negroes. This attitude prevailed even though many of these same white workers were convinced that the companies, just as the managements were believed to have done in earlier years, through encouraging friction between the Irish and Germans and, later, of both against the nationalities from eastern

Europe, had followed a course designed to pit whites against blacks and blacks against whites. In conformity with a familiar psychological practice, many white workers found it was more satisfying and comforting to place the entire blame on the Negroes rather than explain their strikebreaking as largely stemming from the 1919 riot (initiated by whites) and from union (that is, white) discrimination in varying form.

Consequently, there followed a long period of almost complete sterility so far as unionism and real collective bargaining in meat packing were concerned. Negroes in the main centers had become a major factor in the employment picture. But to most Negroes in meat packing the jobs supplied by the companies seemed more valuable than any promise of future security which was made by organizers during the sporadic attempts to unionize the plants. In fact, union promises were typically regarded with suspicion as emanating from whites who had proven themselves unreliable.

The National Recovery Act, with its provisions which sought to protect the right to collective bargaining, gave encouragement to organizing activity in meat packing as well as in other leading industries. The stronger provisions of the National Labor Relations Act, particularly after the favorable Supreme Court decision in 1937, gave further stimulus to unionism in the packing industry. However, without minimizing the value of government protection to the right to join a union and bargain collectively, the great practical contribution must be emphasized of the Committee for Industrial Organizations' appearance in 1935. The Congress of Industrial Organizations encouraged the industrial form of unionism and thereby sought to bring collective bargaining to the less skilled and lower paid, among whom Negroes and other minority groups were most heavily represented. And the Congress of Industrial Organizations also took a strong stand against discrimination because of race, color, nationality, or religion.

Negroes and others were persuaded that the Congress of Industrial Organizations meant what it said about discrimination, both in its early committee set-up and in its later permanent form. Most assuredly, this has been the situation in meat packing—in the beginning, when the packinghouse workers organizing committee functioned under direct Congress of Industrial Organizations management; and later (starting in October 1943), when the present United Packinghouse Workers of America became an international union within the Congress of Industrial Organizations.

More than Congress of Industrial Organizations professions of good intention has brought about this significant shift in attitude on the part of Negro workers. For the Congress of Industrial Organizations unions, including the Packinghouse Workers, actually have come to grips with the problem of discrimination at all key points. Among these are discrimination within the union itself, discrimination by management in hiring, and discrimination by management in regard to such matters as working conditions and upgrading within the plants.

To be sure, Negro workers were in a receptive mood when the Congress of Industrial Organizations appeared upon the scene. In the thirties they learned the hard way that merely because numbers of them had been given jobs in meat packing during the twenties was no assurance of a satisfactory and secure niche in the industry. For one thing, Negroes, in common with white workers, experienced the hardship of substandard wage scales and irregularity of work at the packing plants.

This significant development also took place in the thirties: Negroes were displaced in appreciable numbers by whites. Much of this came about through hiring whites for such openings as occurred; in many cases these jobs had "belonged" to Negroes. While this displacement typically took place in piecemeal rather than wholesale fashion, it happened on a sufficient scale to remind Negroes forcefully that discrimination in hiring and in lay-offs was still a controlling factor in their lives. Any company gratitude because of Negro "loyalty" during the 1921 and other strikes, it became clear, was sharply qualified. Of course, in matters of job allocation and promotion, Negro workers had always been convinced that they received a raw deal from management. They had a real basis for this conviction, for they could point to many examples which proved their ability to perform work of the highest skill. But they were not permitted to fill such jobs to the extent they were qualified.

Brief reference to a widely known fact should be made. It is that Negro workers, during the relatively short time since the Congress of Industrial Organizations has won effective collective bargaining in the meat-packing plants,

have became strong converts to unionism. The Negroes' chief reliance for job protection is now the United Packinghouse Workers rather than the employing companies. This is not only because the union's efforts have improved pay scales for Negroes in common with those of white workers; even more, the alertness of the Packinghouse Workers to demand equal treatment on the job and their quick resort to the collective agreement's grievance procedure, when discrimination involving race shows itself, proves to Negro members that the union agreement is one of the most useful weapons for attacking the entire problem of discrimination.

Increasingly, Negro members have come to look upon the Packinghouse Workers as a place where they are accepted and "belong" and through which the uphill struggle to achieve complete emancipation within industry can be immeasurably advanced.

Our Negro members, of course, realize that the gains which have been made in breaking down race discrimination on the job are conditioned largely on Negro white cooperation within the union. This is something deserving of closer attention. First, however, it will be of value to cite several specific instances which illustrate how grievance procedure operates to win an equitable adjustment in situations where race discrimination is involved.

There is the case of the company which, although it had Negro watchmen, had never employed any of them in its offices or stockrooms. The matter was presented to the management through the local union, with the outcome that the company finally saw the wisdom of removing the ban against employing Negroes in this position.

A somewhat similar instance arose when a qualified Negro girl for some days was given the "run around" in her effort to be transferred to a department where meat is dehydrated—a department where additional workers were needed but where, down to that time, no Negroes had been employed. Warning that an issue of this discriminatory policy would be made by the local union under the grievance procedure eventually brought the company around to a change in attitude.

Sometimes the problem is more complicated. For example, there occurred a situation where a Negro girl, new in the department, was given a wet and otherwise disagreeable job. She felt that the job was harmful to her health and asked for a transfer to some other work where, it happened, only white girls were employed. The company was unwilling to make the transfer. A further consideration was that the girl stood at the bottom of the seniority list in this department. The matter was finally adjusted by making mechanical repairs which eliminated the objectionable wet feature of the work, thus reducing the health hazard. Since this girl was outranked in seniority, it was a normal procedure to give her the least desirable job.

This example directs attention to the attitude of white workers in gangs or departments which have been traditionally "lily white." In the instance just cited, this feature did not become conspicuous because the factor of seniority was controlling. However, if there did exist any opposition among white union members to a Negro's working at the same bench with them, the way the case was handled would have permitted additional time for the local union to engage in necessary educational activity among the white members.

Not surprisingly, prejudices have not been entirely eliminated even from the membership of an organization such as the United Packinghouse Workers. This holds, even though Negroes have long been an important factor in the industry and in spite of the fact that stewards and other union officials are alert to combat discrimination, whether manifested by rank-and-file members or by management. Within the union itself we think much progress has been made toward creating an understanding among the membership that discriminatory attitudes and practices threaten effective collective bargaining with the companies, as well as being contrary to the American principles of democracy. But it would be emulating the ostrich to maintain that every white member, upon subscribing to the United Packinghouse Workers' policy of no discrimination, immediately dispenses with all the emotional baggage which he has accumulated in a lifetime on the race problem.

By the same token, those union officials upon whom rests the responsibility to enforce the no-discrimination policy must do much more than crack down on members who step out of line. It is not enough to take appropriate disciplinary action. In addition, it is necessary to explain, patiently and carefully, that discriminatory practices or attitudes within the union prevent the attainment of that sense of unity which is its most valuable asset. In this

connection the members must be made to realize that discrimination by any of them toward their brothers and sisters affords an inviting opportunity to those managements or individual foremen who (often without top management sanction) grasp at indications of disunity, capitalizing upon them for purposes of undermining the union.

A valuable aid in this process of education is the existence and work of the Fair Employment Practice Committee for the principles upon which the Fair Employment Practice Committee is based, embodying as they do an expression of sound public policy, can be persuasively pointed to as demonstrating what the correct procedure and conduct should be in given situations.

Again, an illustration will make for a clearer understanding of some of the strands in the tangled race problem. Recently a stoppage occurred among employees (all white) of the pork-pack department at a certain plant, in protest against placing a Negro worker in the department. After local union officials quickly got the employees back on the job, a committee of three members was appointed to investigate what caused the walk-out.

The committee discovered that one individual, with a strong anti-Negro bias, had agitated among the other white members, persuading them to stop work. Action was taken, on recommendation of the committee, demanding that the company discharge the offending worker. Such action followed only after a talk with this member to discover whether there were any extenuating circumstances. In this case, a very recent one, the company refused to discharge the worker who was mainly responsible for the stoppage. The local union has therefore filed a grievance, and the issue will be disposed of ultimately under the procedure prescribed in the agreement.

Involved in this case are several significant considerations. There is evident the need for an improved educational program among the white members who were misled into stopping work. The task here is not merely to get them back to work—which the union officers immediately succeeded in doing—but, even more, to make them understand why their action was mistaken and to see the issues so clearly that they will not commit the same error again.

In brief, this case illustrates what is more and more widely understood: that the so-called "Negro problem" primarily results from the attitude of a certain number of whites—that, essentially, there is a white problem underlying the Negro problem. It is not too serious a reflection on white workers to realize that they, more than Negroes, are under the necessity of readjusting their emotional preconceptions if a union's ideal of brotherhood within its own ranks is to be realized in fact. The ever present task of meeting this challenge is intensified in wartime, when turn-over in the packing plants—and therefore among the union's membership—is extremely high.

Frequently white workers believe that many Negroes are overly touchy. And cases do arise where Negroes suspect discrimination by the management or by white employees when, actually, discrimination has not occurred. But it is not surprising that this sensitiveness should exist. And it is one of a union's obligations to make white workers comprehend more clearly that many Negroes react in this manner because they experience so much thoughtlessness, callousness, and worse, at the hands of white people.

The point just made is a familiar one. But it directs attention, more concretely, to a consideration mentioned earlier: that workers—both Negroes and white—bring to the packing plant a complex of attitudes on race which they have acquired largely outside the plant. Since the attitude of whites is more decisive, it is worth exploring this factor somewhat further. In what follows, Chicago is principally in mind, but the situation portrayed also applies substantially in other packing centers.

Observers have noted that for some months there as been increasing irritation expressed by whites concerning Negroes. Talk is heard on streetcars and in other public places which gives vent to this feeling. The Negroes, some say, are "getting too big for their pants" and want to take over. After the war Negroes will have to be eliminated from white men's jobs. And there is frequent complaint about Negroes, in search of living quarters, attempting to invade white neighborhoods.

When an attempt is made to explore this attitude more fully, it is discovered that there are numerous rumors and hearsay reports circulating, which purport to reflect on Negro honesty, character, work habits, and so on, all seeking to place him on an inferior level to whites. In all of this, there is nothing really new, except that the volume of misinformation and prejudice now circulating has grown so substantially that it takes on added significance.

This evidence that a sizeable body of whites, many of them wage earners, is talking so extensively about the Negro is symptomatic. The mosaic of prejudice thus revealed doubtless has multiple origins. But it is significant because it indicates a stepped-up awareness of Negroes on the part of disapproving white citizens. Much of this doubtless grows out of wartime strains and inconveniences, with the accompanying desire to find a scapegoat. But, even more, there is involved fear over possible unemployment and income losses after the war, a feeling accentuated because of the prevailing belief that the war will be over soon.

In the drastic curtailment of job opportunities, which is feared, many whites feel that Negroes, as recent job holders, should remove themselves or be removed. And whites are aware that Negroes, so many for so long a time in the wilderness of unemployment and relief, now feel intensely that fair play demands they continue to hold jobs, at least in proportion to their numbers.

This description oversimplifies, of course. All whites are lumped together, whereas, actually, their attitudes vary. Some of them apparently have become obsessed with an anti-Negro phobia much more virulent than has been indicated here. On the other hand, fortunately, there is a growing body of white workers who realize that the Negro is entitled to equal rights under our democratic system, that the Negro is in American industry to stay and that, as workers, whites will harm themselves incalculably if they allow their search for job security to be diverted into the blind alley of race animosity and discrimination.

To be most effective, the attitude of these more understanding and farsighted white workers must be channeled through organization. And the union is the form of organization most promising for accomplishing successfully this far from easy educational task of straightening out confused and backward white workers. This is stated in full knowledge that too often certain unions have fostered and institutionalized discrimination in such a way as greatly to increase the task of breaking down white prejudice. But the very effectiveness of such unions points to the labor movement as occupying a key position in the struggle to eliminate discrimination—this together with the excellent record those unions have made which take a firm stand against discrimination.

Why the need, then, for a permanent Fair Employment Practice Commission? And, specifically, what contribution could such a Federal agency make in an industry such as meat packing where Negroes are now employed, on a Nation-wide basis, at a somewhat higher percentage than their proportion of the total population? In part, the answers to these questions are indicated in much of the preceding discussion. And perhaps the detour which the discussion has involved will serve to bring into view more clearly the destination to which we have been headed.

On the wholly practical ground of needing to eliminate discrimination in order to make themselves stronger in their collective bargaining, the unions which are most clear on this problem as a rule operate under at least one of two serious handicaps. The first is that they tend to be in war industries where the heavy influx of Negro workers is of very recent date and where withdrawal of war orders will almost certainly cause at least temporary large-scale unemployment, with resultant fear among workers that they will be displaced permanently from the industry.

The second handicap is that most unions which follow the right policy on the issue of discrimination have attained an effective collective-bargaining status only in recent years. Collective bargaining was usually entered into with extreme reluctance by the management. And there is often reason to believe that many such managements will seek to "get out from under" at the first chance. Where either or both of these conditions exist, it is evident that there may develop an inviting opportunity to utilize race or nationality issues in an effort to eliminate or make innocuous any union or unions the management views with disfavor.

This is not a prediction that every management will act in the manner thus envisaged. Many would not initially follow such a course. But too often the better type of management might eventually be forced, for competitive reasons, or because of a perverse twist in "public opinion," to fall in line with those anti-union employers who are willing to resort to the dangerous device of race or nationality prejudice to attain their ends.

Meat packing, in spite of great expansion in output to satisfy war requirements, is not an industry which had to go through extensive technological conversion to equip it for wartime tasks. Nor will this industry be compelled to undergo drastic reconversion preparatory to the return of peace. Therefore, it

might be assumed that with little "reconversion unemployment" in store, competition among workers for jobs will be slight. Consequently, little or no racial friction will be engendered from this source. But this would be too limited a view of the potential dangers.

The chief reason is because of the second handicap, referred to above, which confronts many unions subscribing to a democratic race relations policy. This is that many packing-house managements are far from converted to complete acceptance of unions. Again, it must be added at once that on the question of unionism, managements in our industry, as in most others, vary considerably. A significant number appear to believe that unionism provides the leverage to place industrial relations on a much-improved basis. But there are very important units in the industry which show every evidence of opposition to real collective bargaining.

In this connection, it is relevant to quote from the National War Labor Board's panel decision of October 23, 1942, on the Big Four.[1] The panel decision states:

"Labor relations in the Big Four have been characterized by sudden and violent eruption. The incidents connected with the break-down of organization following the last war have left wounds still unhealed. The passage of the National Labor Relations Act inspired a new organizational drive, marked by intense opposition. Each of the Big Four, in the period following adoption of the National Labor Relations Act, was found guilty of unfair labor practices under the act. It is only within the past year or two that members of the Big Four have signed contracts with the Packinghouse Workers Organizing Committee * * *. The employment of a large percentage of colored persons, although evidence that the companies themselves have no racial prejudice, enables persons or groups opposed to the Packinghouse Workers Organizing Committee or to organized labor in general to play off a colored or white majority against a colored or white minority, subjecting the union to the risk of loss of an entire bloc of its members at any time. An adequate form of union security will offset this threat, and protect not only the union but the companies and the public as well against outside attempts to foment racial disturbances."

If and when unemployment becomes extensive outside of meat packing, anti-union firms in the packing industry, as in other industries, may look upon this as the opportune time to break away from existing collective-bargaining arrangements. Should this happen, the chance of capitalizing upon and intensifying race friction might afford a very tempting weapon to the firm which has been biding its time to sever relations with the Packinghouse Workers. There is no need here to attempt a detailed description of how this might be accomplished. Suffice it to say that in the past those who seek to divide in order to conquer have not been at a loss for methods. The brief historical account previously cited shows that there is a tradition in meat packing of playing off nationality groups and races against one another.

Concerning the potentials of management policy in meat packing, one important aspect needs to be noted. On the problem of race discrimination, apparently top managements often have a better attitude than many foremen and straw bosses. This is noted because of frequent complaints from our Negro and Mexican members (several examples have been given) that they are barred from certain types of work or departments and that there is also widespread favoritism extended to native white and European-born workers relating to conditions of employment.

Negroes, for example, are seldom if ever found in the sliced bacon or sausage departments. Negro mechanics are also very uncommon, although they are engaged in occupations (an instance is ice knockers, who typically do a certain amount of pipe fitting) which would easily permit upgrading. And Negroes are never found among the large number of office employees. There are many of the more skilled and higher-paid jobs from which Mexicans are also evidently excluded by management policy. Negro women have come into packing in additional numbers during the war. But there are certain companies, some of them fairly large, which continue to avoid hiring Negro women—this at a time of serious labor shortage but when Negro women workers are still available. It is also common knowledge in the packing industry that although Polish workers have been employed in large numbers for many years, relatively few individuals of Polish extraction hold supervisory positions higher than that of "straw boss."

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[1] The Big Four consist of the following companies: Swift, Armour, Cudahy, and Wilson. The panel decision was on cases 181, 186, 187, 188, 189, and 245.

It is easy to see that discrimination, as practiced by the lower levels of management, has real possibilities of becoming much more serious in a period of extensive unemployment. In such a period, for example, foremen and straw bosses will be besieged by friends and relatives, and their friends and relatives, to find them jobs in meat packing. If and as the great new war plants in packing centers like Chicago, Kansas City, Omaha, and in the St. Louis area drastically curtail their staffs, white workers who left meat packing by the thousands for higher-paid and more agreeable jobs are likely to be flocking back to the packing plants. They may do this, even though they expect to remain only temporarily in packing. Some of them will make strong pleas that they are entitled to "their" jobs once more—particularly if those jobs are filled by "niggers." (These pleas will be directed, it should be remembered, to white men exclusively, for Negroes rarely if ever get to be even straw bosses; in itself circumstantial evidence of discrimination in promotion.)[2]

In indicating the possibility of pressure upon management by whites to displace Negroes, it may seem that this is not likely to have influence—either because the lower levels of management do not hire or because seniority clauses in union agreements would protect the worker on the job against pressure from a former employee who voluntarily left the firm. But with respect to who controls hiring: "it all depends." In a market oversupplied with workers clamoring for jobs, strict impartiality is likely to break down on a significant scale, particularly when within the group of unemployed white workers there are many with extensive experience in the industry.

Concerning seniority, this is to be said: The Packinghouse Workers of America will insist on the enforcement of provisions in their contracts, without regard to race, creed, or nationality. However, some plants are not under union agreement—including, in certain locations, a few important units among the Big Four. In a period of extensive unemployment, it would be of great practical importance to the unionized workers that these plants do not engage in discriminatory hiring practices. For such discrimination would operate as a competitive (and psychological) entering wedge making the task more difficult of enforcing the union's agreements, including the provisions on seniority. (It is also evident that at present in nonunion plants, discrimination and race friction can be intensified as methods of staving off unionization. Here is an area of the industry where the protection afforded by Fair Employment Practice Commission takes on added meaning, with the outcome of great importance to the unionized plants as well.)

A related consideration must also be frankly stated. It goes back to the previously mentioned possibility that some packing firms or plants, in a period of large-scale unemployment, may seek to break off relations permanently with the union. That would mean tearing up the agreement, including its seniority provisions. It is not farfetched to take account of such a contingency, for the antiunion employer would almost certainly hold out strong strike-bearing inducements to those workers who felt no compunction about accepting what were formerly "white men's" jobs but which are now filled by Negroes. Any scruples about seniority rights would seem of no weight to such individuals.

This possibility that white working people might be utilized as strikebreakers against Negroes, does not preculde the reverse situation. Presumably, any companies which were out to smash organized labor would follow whatever course seemed most promising. And in certain instances they might believe that the more traditional device of attempting to obtain the services of Negroes as strikebreakers would be the method best calculated for them to benefit from and stimulate race feeling.

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[2] The following statement from an affidavit by one of this union's members reveals an attitude in management which, during extensive unemployment, is calculated to lead to much more damaging discriminatory acts than are now possible:

"* * * while working on the string machine in the gut string department, my foot slipped off of the pedal. As a result, the wheel of the machine pressed the top of my hand, bruising it severely to the extent that it required medical attention. Following this accident, I approached the superintendent, for permission to see the doctor. He replied that I should have been more careful, saying that a trip to the doctor would involve the filling out of too many charts and records. However, he granted me the permission. When I returned from the doctor, my hand was still paining me. I asked the superintendent if I can go home. He answered that the fact that the wheel had pressed against my hand wouldn't hurt me so much. He stated, 'I've worked here for 20 years and we have never had an accident like that. That's the trouble with all the niggers. They should be sent back to the South.'"

It is worth noting that when the local union committee presented this matter to the top management, an apology was immediately made.

The possibilities, as outlined, are by no means looked upon as certainties. They become such only in a period of extensive and, perhaps, prolonged unemployment. A major protection against this kind of threat would be the quick attainment of full employment.[3] The fears, out of which discrimination in thought and feeling pass over to action, would be allayed in a condition of peacetime full employment. And there would be further opportunity to press forward along the lines which this and other unions have made notable progress in bettering race relations.

However, preparations for the future should not be based solely on assuming the best possible outcome. Any realistic program will also take account of the problems and dangers that must be dealt with if events turn out unfavorably. This does not mean that we anticipate the worst. The worst in Chicago might be repetition of the 1919 riot, with a resultant tragic set-back to unionism and other group relationships which have been so instrumental in promoting social progress. With the good work now being carried on by the present Fair Employment Practice Committee, by interracial committees and by other groups, including many of the unions, there is reason to expect that racial tensions in most communities will be held in check before the riot stage is reached. But, short of that stage, there could develop serious strains in race relations, and such strains could cause grave damage to the encouraging progress made toward accepting and integrating minority, racial, and nationality groups in our democracy.

To hold and to extend the gains already made, more than one means of protection and enlightenment will be necessary. The United Packinghouse Workers will continue their efforts which seek to eliminate discrimination within the packing plants. Besides the union's activities in the plants, we are participating in community programs which seem certain to yield valuable results. In Chicago, the chief feature to date is close cooperation with the Back of the Yards Council, an organization which engages effectively in varied activities among a large population of white workers. In the area back of the stockyards, families of Polish origin predominate and many of the residents are employed in meat packing. One of the measures planned in cooperation with the Back of the Yards Council is the showing in white neighborhoods of the War Department's excellent film, The Negro Soldier. Another step taken with the help of the Back of the Yards Council is to set up a rumor committee. This committee will investigate and expose rumors which, if allowed to grow, would generate suspicion and bad feeling between Negroes and whites.

In addition, to complement and strengthen our own efforts, Packinghouse Workers recognize the compelling need for Federal legislation. This holds at present, even in a period when there are labor shortages in most packing centers—a condition largely responsible for the increased employment of Negro and Mexican workers. The union believes the preferred method is to take up discrimination cases within the plants, attempting to solve them through its own initiative. But we recognize the very beneficial and salutary influence of having the Fair Employment Practice Committee to which we can turn if necessary. Moreover, the fact that the committee is standing by, ready to be called in, aids greatly in achieving the correct disposition of discrimination cases raised by the union under the grievance procedure.

Most of the preceding discussion has sought to show that the role of a Fair Employment Practice Commission may become a much more active one in meat packing during the period of transition to post-war. The strong possibility of extensive unemployment, from the point of view of the United Packinghouse Workers, is of itself alone sufficient justification for Congress to make permanent provision for a Federal agency with power to act in matters of discrimination. And even if, as we hope, resort by this union to the procedure prescribed by a Federal agency remains occasional rather than frequent, the case for having such a permanent agency is conclusive.

Not only would the workers in meat packing continue to receive the type of benefit now obtained. In addition, we recognize that there are large groups of workers in other industries, widely distributed throughout the United States where the problems of discrimination are more acute than they are in meat packing. Workers so situated need the kind of active day-to-day protection which a Fair Employment Practice Commission will provide. Unless they are protected,

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[3] This is a subject with which the United Packinghouse Workers are deeply concerned. We have recently published a post-war plan entitled "Meat During Post-War—Will There Be Enough?"

the gains that have been made for millions of other workers—including those in the meat-packing industry—will be in constant jeopardy.

Thus, working people, whether unionized or not, need the force of Federal law to help stamp out race and allied types of discrimination. The organized labor movement, while its own record is not perfect on the discrimination issue, is the spearhead in the attack on this source of antidemocratic practice. As an important section of organized labor, the United Packinghouse Workers of America recognize the need for Federal authority in this crucial area of the struggle to attain a more perfect democracy.

Mr. DUDLEY. Now, of the United Packinghouse Workers, about 50 percent of the production workers in the Chicago area are colored people. About 25 percent of our entire national membership are colored people. In addition to that, we have a high percentage of Mexican people, and a high percentage of Poles, Lithuanians, Irish, and Germans. Those facts we pointed out to you on the first pages of our statement.

The history of our union, we think, shows the reason why we are so concerned with this problem. Going back into the history of the packing-house industry, which commences at page 3 of our statement, we find that in the old days the companies used to stir up rivalry between the Irish and the Germans. Sometimes they would put an Irish foreman over a German crew. At other times they would put a German foreman over an Irish crew. By stirring up ill will between those two national groups, they attempted to keep the employees angry at each other and to prevent them from uniting.

In time, the Irish and the Germans closed ranks, and then the companies began to hire Polish people and Lithuanians, and again attempted to get the split between the employees.

Senator CHAVEZ. The Irish and Germans were against the Lithuanians and the Poles, then?

Mr. DUDLEY. Yes.

Subsequent to that, Negroes were brought into Chicago, and they began their role in the capacity of strikebreakers. The packinghouse companies were following the same procedure that they had followed before, of trying to keep cliques of employees fighting against each other so that they could not form unions.

That ill will came to a head in East St. Louis in the 1917 race riot and in Chicago in the race riot of 1919. The effect of that on unionism indicates the reason why our union is now so gravely concerned with the problem.

In 1921 there were hard-fought strikes through all of the packinghouse industry. At that time the ill will which had been created between the colored and the white bore fruit in favor of the companies. As we have pointed out on pages 3 and 4 of our statement, that ill will caused the strike, for all practical purposes, to be lost. The union lost it, and the companies won it.

Now, as a result of the loss of that strike and the ill will between the employees, there was almost complete sterility for the years following that. There was no serious attempt and certainly no success at organization.

In time, however, when you got to the employment days of the late 1920's, then the colored people began to realize that, although the companies had shown them preference in jobs and bringing them in as strikebreakers, that that was no guaranty, and that they could not

depend upon the companies for security and certainly not for prosperity.

With that realization on the part of the colored people, you began to get a union of the whites and the colored people in the packing-house industry. As the result of that union between the two, you had a union of employees as laborers, which now is the United Packing House Workers of America.

Our history, then, as I have pointed out to you, indicates that in the past the employees were disunited, and the union was prevented and frustrated by ill will between national groups and between racial groups, and it was not until that ill will was overcome that those employees could unite to form a strong union.

Naturally, we are interested in that union continuing in its strength and continuing in its work of getting benefits for the employees.

I might point out to the Senators, and I would also like to file for the record, if I may, our preamble. The preamble consists of only three paragraphs, and you will notice that the second paragraph of that preamble recites the importance of the employees proceeding without any discrimination on grounds of race, nationality, or creed.

Therefore, the bill which you are now considering and which you have introduced is based upon a principle that is fundamental to the existence of our union, and is recognized as such by the founders and by all of the current employees.

I would like to leave this preamble with the committee.

Senator CHAVEZ. We will be glad to have it.

(The preamble and constitution referred to will be found on file with the committee.)

Mr. DUDLEY. I would like also for the Senators to know something of what our union has been doing to prevent discrimination along the lines of education. I would like, if I might, to give you copies, which you may have for the record, of the current issue of our magazine, The Packing House Worker.

Now, you might think, by looking at this paper, that it was built especially for the purpose of this hearing, but that is not true.

I call your attention first to page 4. On page 4 of the newspaper, which came out only last week, you will find marked a note from Washington about the push being given the F. E. P. C. bill, which you are now considering.

At the bottom of page 4 you will note one of the major types of pamphlets which our union distributes and encourages our people to read is on "Race Problems."

On page 5 you will notice a column which we are running in every issue, on "The Pan-American World," which deals with the problems of the Mexican workers. This particular column deals with the problem of Mexican workers in the United States. Other issues deal with the problems of people all over the pan-American countries, including those here as well as those in their own countries.

You will also notice on page 5 an item about the C. I. O. at the Mexico City Conference; a telegram sent by the international president to the Mexico City Conference; and at the bottom of page 5, a special plug given the C. I. O. bulletin on Latin-America.

Then on page 7 you will notice a long story of a special dinner meeting held in New York City in honor of one of our international

representatives in the New York office, who happens to be a colored man; and you will notice high-lighted the picture of our vice president, who is a colored man, as well as William Rix, in whose honor the dinner was given. And you will notice there that the statement as reported in the paper features the "Fight for F. E. P. C."; and features also, on page 7, the need of a "permanent F. E. P. C." with enforcement powers.

Now, that speech wasn't given for the benefit of the Senate; that speech was given because our people realized that this is important, and our people realized the importance of educating all of our members, not only on F. E. P. C. but on the over-all problem of unity without any regard to race, nationality, religion, or sect.

Senator CHAVEZ. You speak, Mr. Dudley, about sending a representative to the conference in Mexico City. I believe that the average American understands what was done there. But do you believe that, notwithstanding the good work done in Mexico City, that if some American of Mexican ancestry is discriminated against by some packing house, or some other industrial activity, that they can be so sure, among the rank and file, that we mean what we are supposed to have said at Mexico City?

Mr. DUDLEY. Mr. Cooper, our research director, who is sitting on my left, has prepared for you a special statement on the problem of people who are descended from the Spanish nationality and who have come up from Latin-America.

Senator CHAVEZ. I am talking about this unity business and good-will proposition.

Mr. DUDLEY. I know that he is going to emphasize that for the pan-American people, the Mexican people; we can't hope to have a good-neighbor policy unless we can prove that in our own country we are willing to cooperate with the Mexicans who happen to be here, and that conferences in Mexico City are only the beginning. We have got to follow up in this country in having no discrimination and in enforcing no discrimination for the Mexicans as well as colored people and all others.

What I have tried to point out to you is the importance of this problem to our union from the point of view of our history, and also the importance which we attach to it in our educational work. I would like to leave this newspaper with the committee.

Senator CHAVEZ. It may be filed with the committee.

(The issue of the Packing House Worker referred to will be found on file with the committee.)

Mr. DUDLEY. There is one other point I wish to call your attention to, and that is this: In all of our contracts we have provisions which prohibit discrimination by the company against any employee because of race, nationality, color, creed, and so forth. We do our best to enforce the provisions of those contracts. That means that if a company is discriminating against an employee, we can take that up through the grievance procedure and can, to some extent at least, succeed in doing away with discrimination against the employees.

There is, however, one point that we have been unable to touch. That point is that the companies, although they will hire people, apparently, without discrimination, will discriminate in regard to departments. For example, both colored and Mexican people are usu-

ally put in the departments that are known as "dirty departments," they are hard-work departments. You will find no colored people or no Mexican people in the departments of the sliced bacon, for example: None of them in the clerical departments. You will find very few of them in the mechanical skill departments.

Senator CHAVEZ. They do not make good butchers or clerks?

Mr. DUDLEY. That is correct, they don't want them in the nice departments or the skilled departments.

Now our seniority is departmental, and we are not able to touch that with our contract. That is something that can be handled only if there is a Federal law with enforcement powers; so that the companies, in hiring men to the departments, can do so without discrimination. Once they are in there, we can use our grievance procedure, but before that we can't do anything about it.

Likewise, the companies discriminate in promoting the employees to supervisory jobs. Again, we can use our grievance procedure as a means of upgrading and promoting within the departments and within the nonsupervisory jobs, but we don't have any right to tell the company that this man was discriminated against because of his color in becoming a foreman, let us say. That is the companies' prerogative and not ours. There again you have to have a law that can go farther than we can go.

The final point I want to urge is this: I have tried to show you quickly how much time and effort and money we are spending on this problem. Now frankly, sir, we have not been able to do the job at all. We have done all the educating that can be done. We have done all the persuading and all the resort to facts and logic that we can. The only way to complete the job, which is admittedly serious, is by a law. If that law likewise has only educational tools, it can do no more than we are already doing.

What we need is a law that has teeth in it, and that means the bill which you, Senator, have introduced, S. 101.

Now Mr. Cooper would like to call your attention to the very serious position this will play in the program of our union for post-war security. As research director, he has turned out a pamphlet on our post-war program, and he is vitally concerned with the post-war phase of the packinghouse industry.

He also would like to deal specifically with the Pan-American problem, and those people in our country.

That is all I have.

Senator CHAVEZ. Thank you, sir. Do you have any questions, Senator?

Senator TUNNELL. Do you think S. 459 would have any effect as delaying legislation, as a delaying proposition?

Mr. DUDLEY. Of course, people may say, "Well, you have got a law, isn't that enough?" Of course, the answer is that it isn't enough, but it may take a couple of days to explain that.

Senator TUNNELL. On the other hand, if nothing were passed but S. 459, you would have nothing in the way of enforcement?

Mr. DUDLEY. We would really have nothing more than we have now, which is not sufficient.

Senator TUNNELL. And this opportunity for the passage of something effective, would have been lost?

Mr. DUDLEY. That is correct.

Senator CHAVEZ. Now, Mr. Ccoper, will you state your full name and representation for the record?

STATEMENT OF LYLE COOPER, RESEARCH DIRECTOR, UNITED PACKING HOUSE WORKERS OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS)

Mr. COOPER. My name is Lyle Cooper, and I am research director of the United Packing House Workers of America, C. I. O.

I will, as Mr. Dudley said, deal with two subjects, the situation affecting the Spanish-American workers in our industry, and looking ahead a bit to certain post-war contingencies which we, along with other labor groups, face.

I would like to first give you the statement which we prepared with regard to the Spanish-American workers, which statement I will summarize briefly, but I will present it for the record.

(The document referred to is as follows:)

STATEMENT OF UNITED PACKING HOUSE WORKERS OF AMERICA BEFORE SENATE SUBCOMMITTEE ON EDUCATION AND LABOR IN BEHALF OF S. 101, PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION WITH ENFORCEMENT POWERS, MARCH 13, 1945—THE INTERESTS OF THE SPANISH-AMERICAN WORKERS

The forms of discrimination in employment experienced by Spanish-American workers in meat packing are much the same as those encountered by Negroes. The over-all situation is one where, in certain respects, the Negro workers are discriminated against more than Mexicans and in other respects the position of the Spanish-American workers is actually inferior to that of the Negroes. This brief discussion calls attention to the more important of the special handicaps under which Spanish-Americans work in the packing industry. It is shown that the case for a permanent Fair Employment Practice Commission to protect the employment interests of Spanish-American workers is essentially like the case for such legislation to assure fairer treatment to Negroes employed in meat packing.

The circumstance that a large proportion of the Mexicans do not speak English creates a special handicap for them. In many departments of the typical packing plant the ability to speak English has been set up as a prerequisite for employment. Failure to learn English might be regarded as the fault of the Mexicans. But this must be viewed in the light of the residential segregation which, Negroes state, is more strict for Mexicans—even in a northern city like Chicago—than it is for Negroes themselves. In the Los Angeles area, where the proportion of the Spanish-Americans is much higher in packing than it is in Chicago, the same residential segregation applies.

Coupled with these language and segregation handicaps must be mentioned another. This is the fact that many workers who migrated from Mexico have not become naturalized. Again, lest this be thought of as a fault of the Mexican, the fair-minded will realize that not becoming naturalized is mainly the result of the forms of discrimination, in social relations and in employment, which the Spanish-American experiences. If the worker who has come from Mexico finds he is not accepted in our social system, the problem of returning some day to Mexico is simpler than it would be for Europeans.

These factors in the social scene are important to get in correct focus. For as with the Negro, they control or condition much that goes on inside a manufacturing plant—packing included—in the way of extending special favors and/or of limiting employment to certain departments, with resultant effects on upgrading.

Companies vary somewhat in the Chicago area. Some managements limit Mexican workers largely to the sweet pickle and green meat (chiefly fresh meat for pickling) departments. Other companies employ Mexicans in the hide cellar and one or two other departments. All of these are extremely disagreeable places in which to work—cold, damp, or dusty. And most of the jobs in them are relatively low paid with few openings for upgrading to skilled classifications. Outside of these departments, in the Chicago plants Mexican workers are only occasionally found in higher paid and more desirable skilled positions. As with

Negro workers, they are never observed in the mechanical departments or in the offices. And promotions to supervisory work have been limited to a very few straw bosses.

In addition to the previously mentioned language handicap which keeps Mexican workers out of many departments, two other factors deserve mention in respect to which Mexicans do not fare as well as Negroes. One is that on the killing floors Negroes are represented fairly heavily in skilled jobs, in part as a result of having been given such jobs when they acted as strikebreakers in 1921. Many of such jobs have continued to "belong" to Negroes down to the present. In contrast, most of the Mexicans in the Chicago area arrived there beginning in 1925.

The second effect of this later date at which Mexicans came into meat packing has resulted in their failure to acquire as much seniority as Negroes in those departments where either or both groups are employed. Thus, in those companies which had a seniority arrangement predating the seniority procedure which has been introduced through collective bargaining, Negroes have received some promotions, here and there, through upgrading, which Mexican workers have not experienced. This arises because Negroes have been in meat packing for a much longer period and therefore, in given instances, have accumulated seniority for longer periods than it has been possible for Mexicans.

Here it is worth emphasizing that the benefits of seniority, both for Negroes and Mexicans, are greatly limited where — or whatever reason and by whatever devices—standards and practices are followed which keep the bulk of the particular minority group confined to certain departments in the plant.

Mexicans and Spanish-Americans born in the United States, in the bigger plants of the Los Angeles area, are numerically much more important than in the Chicago plants. In one large plant, according to latest information, they provide about 70 percent of the entire working force. But their representation in the skilled jobs is far below their total employment, and they perform almost all of the disagreeable and dirty work where, generally speaking, wage rates are lowest. In this plant to which reference is made, only one Spanish-American held the rank of foreman. The numerical importance of the Mexican in these plants of the Los Angeles area closely corresponds to that of the Negro in Chicago, with each minority group experiencing much the same narrowly limited outlook for advancement within the industry.

It is not necessary to repeat here what has already been said concerning the role of the United Packinghouse Workers in combating specific discrimination cases, together with the reasons why we strongly urge the provision by Congress of a permanent Fair Employment Practice Commission. Everything that was stated in our longer discussion, which centers attention chiefly on the problems of Negro workers, applies with equal force when the situation of the Spanish-American employee in meat packing is examined.

In this connection it is relevant to point out that the Spanish-American worker in the packing industry is a strong believer in unionism.

Our organization finds that almost 100 percent of these workers are already "sold" on the need for collective bargaining and union protection. Obviously, this attitude originates in part from the special handicaps under which these Spanish-American workers suffer. But, just as clearly, the socio-economic setting creates an atmosphere in which the case for Federal authority, to hold in check and eventually eliminate discriminatory employment practices, is overwhelming.

Taking measures to guarantee that Spanish-American workers have a square deal with respect to employment opportunities is not purely a domestic problem. The good-neighbor policy in our relations with Latin-American nations inevitably draws attention to any practices or conditions within the United States which raise questions about our good faith. As is well known, there are elements in Latin America who, for their own reasons, seek to cast doubt on the motives of the United States in its dealings with nations below the Rio Grande. Federal protection of the nature embodied in S. 101 represents the kind of tangible, practical action by our Nation which speaks louder and more convincingly than declarations of good intention, however sincere they may be.

That statement centers attention mainly on two areas, the Chicago area and the Los Angeles area.

In Chicago the number of Spanish-Americans, mostly Mexican workers, is not very large, it being probably about six or seven hundred in the packing industry; but they experience essentially the same

handicaps and forms of discrimination as Negro workers do. They are limited to certain departments such as, in the language of the industry, the "sweet pickle department," where hams and other pork cuts are prepared for curing; the green meat department—meaning fresh meat: the hide cellar, which is described to me by workers in the industry as pretty much of a hell hole; and in some companies there is a scattering of workers in a few other departments.

Now it just happens, as I have learned from talking to a good many people in Chicago, in the industry, that the Spanish-American workers undergo certain handicaps more severely even than Negro workers. That arises out of the following circumstances. In the first place there is the language difficulty for many of these workers. A large portion of them, in the Chicago area at least, came up in the 1920's.

Senator CHAVEZ. The older people?

Mr. COOPER. Yes. And they have been segregated. I am told that the housing restrictions are even more severe in Chicago for Spanish-American workers than for Negroes, if that is possible, and my informants on that are Negroes.

The language handicap operates in this manner, that in most companies the ability to speak English is a requisite for employment in many departments. That automatically bars these workers from such departments.

Senator CHAVEZ. Of course, in many instances, the reason for the language requirement would be for safety and security reasons, isn't that correct?

Mr. COOPER. Yes.

Senator CHAVEZ. But nevertheless the handicap is still there.

Mr. COOPER. That is correct.

Another consideration relates to seniority. Since these workers came up fairly recently, many of them, in those departments where they are employed often find that other workers, including Negroes, have acquired a longer period of seniority. Therefore, promotions or upgrading automatically operates against them.

Now in the Los Angeles area, which is becoming an increasingly important packing-house center, the Spanish-American workers play almost exactly the same role that the Negroes do in Chicago, that is to say, in respect to numbers.

In one large plant, for example, 70 percent of the entire working force consists of Spanish-Americans. These 70 percent are limited, confined to certain departments. These are the lower-paid, the less-skilled, and the more disagreeable types of work. In that particular plant, over a long period of years only one individual has become a foreman, and, as in the Chicago area, no Spanish-American workers are in the office force.

Well, this describes the condition, I think, and in some ways the picture is essentially the same as that confronting the Negroes; but in certain respects, due to circumstances, it is even worse.

If you will bear with me I would like to read the final paragraph of this short statement, because it directs attention to a feature which I think is of extreme importance:

> Taking measures to guarantee that Spanish-American workers have a square deal with respect to employment opportunities is not purely a domestic problem. The good-neighbor policy in our relations with Latin-American nations inevitably draws attention to any practices or conditions within the United States which

raise questions about our good faith. As is well known, there are elements in Latin-America who, for their own reasons, seek to cast doubt on the motives of the United States in its dealings with nations below the Rio Grande. Federal protection of the nature embodied in S. 101 represents the kind of tangible, practical action by our Nation which speaks louder and more convincingly than declarations of good intention, however sincere they may be.

Now briefly, in regard to the post-war perspective, as Mr. Dudley said, 2 or 3 months ago we prepared a post-war plan, which seems to be the thing nowadays, and in that we point out that the prospects for full employment in the general economy throughout the country really govern what happens, first with regard to the fortunes of livestock growers; then, with regard to the meat-packing companies themselves; and, of course, our immediate concern, the prospects for employees in that industry.

Now, along with this outlook, which, of course, is contingent on certain things happening, whether we have full employment—we take into consideration the fact, as Mr. Dudley said, that we have such a high proportion of Negroes and other minority groups in our industry.

In the Chicago area it is well understood by people who reside there, that during the last 6 months or so there has been rising talk, gossip, loose talk, if you like, about the need to oust Negroes particularly from employment. This arises out of the fear that in post-war there will be extensive unemployment and that there won't be enough jobs to go around.

In the packing-house industry, as such, we think we have that, under present conditions, under good control. We carry on an educational program among our own membership. But we can't be purely Utopian in looking ahead to what may happen. We have to think of the worst possibilities as well as the best, and these worst possibilities could very easily involve a repetition of the 1919 riots, a breaking down of the good start which we have made in the field of industrial relations with the packing-house managements.

To be realistic we must admit that some of these managements are not completely sold on the idea of unionism. To be realistic we must also understand that under certain contingencies of extensive unemployment, and the opportunity to get out from under collective bargaining, the old device which has been used successfully in the past, of generating friction among nationalities and racial groups, could be resorted to again. We hope that won't happen and we don't think certain companies would initiate that sort of, shall I say, un-American conduct. But, as realists we must admit that if one or more companies started that sort of thing, and were able to get away with it, they would, through competitive reasons if for no other, induce or force other companies to follow suit.

Well, I think you see what I have been heading for, namely, the importance and the essential need for Federal protection of the sort which is embodied in S. 101, in order to strengthen and maintain the gains which have been made, which we feel are not only desirable from the standpoint of labor as a whole, but surely in our industry represent great gains for these minority groups.

Thank you very much.

Senator CHAVEZ. Thank you, Mr. Cooper. Are there any questions, Senator Tunnell?

Senator TUNNELL. I have none.

Senator CHAVEZ. Is Mr. Epstein present?

Mr. EPSTEIN. Yes, sir.

Senator CHAVEZ. State your name to the reporter, and the name of the organization which you represent.

STATEMENT OF HENRY EPSTEIN, CHAIRMAN, PUBLIC RELATIONS COMMITTEE, NATIONAL COMMUNITY RELATIONS ADVISORY COUNCIL

Mr. EPSTEIN. My name is Henry Epstein. I speak as chairman of the public relations committee of the National Community Relations Advisory Council.

This organization is a national organization which encompasses within its membership the Jewish community councils of 18 metropolitan cities from Boston, on the Atlantic coast, to San Francisco, on the Pacific. In addition, its membership includes the following national agencies:

American Jewish Committee.

American Jewish Congress.

Anti-Defamation League of B'nai B'rith.

Jewish Labor Committee.

Jewish War Veterans of the United States.

Union of American Hebrew Congregations.

The National Community Relations Advisory Council formulates the policies and coordinates the activities of these 18 national organizations.

All of these metropolitan centers are beset by the problems of racial and minority tensions which seem to be accentuated more as economic conditions become fluid, so that there is no established clear vision of a stable period.

In its plenary session the national council unanimously went on record as favoring Senate bill 101 inasmuch as it believes that this bill embodies within it the greatest single weapon for implementing our political democracy with industrial democracy, and that for that purpose no other measure comparable to it has ever been placed before the Congress of the United States in the field of implementing the political democracy, which is instinct in the immortal Declaration, and which is found in effective form within the Constitution of the United States.

I shall be brief, with due deference to the committee's time.

All over the world the forces of democracy at the present time are on the offensive, destroying what I might say are the Lore-"lies" of Nazi racism in the Rhineland, and in the jungles of the Pacific and among the mountain passes of Asia these forces are at work.

Here in the United States the democratic forces which are represented in the spirit and the letter of the Senate bill 101, are marching ahead despite the opposition of certain forces of reaction which seem at this time to have begun to creep out, if I may say, from their hiding places.

My own very brief experience as counsel in preparing the evidence for presentation at the railroad hearings of the President's Fair Employment Practices Committee in December of 1942 and January of

1943, gave me ample opportunity to see the helplessness of voluntary efforts. I was retained as the first general counsel to conduct those hearings, and prepared, in collaboration with the staff of the President's F. E. P. C., the evidence for presentation at the hearings which were scheduled for January 25 and 26, 1943.

Then, when the evidence was prepared, and we were about to proceed, the President had departed for Casa Blanca and the head of the Manpower Commission suddenly canceled the hearings. I then resigned as counsel in order to point up what then seemed to me to be an attempt to evade the issue which was of paramount importance, in the marshaling of the forces of manpower for the war effort in this country.

The hearings, which were subsequently held in September of that year, presented that evidence and showed that, while you could find out where certain discriminations were experienced and practiced in several industries, and where, in view of the wartime conditions you could accomplish certain minimal effects as a result of the very inquiry and the personal contacts, that when you came to the serious problems dealing with mass industries and with large-scale discriminations, with historic backgrounds and traditions, you couldn't accomplish anything unless you had the sanctions of enforcement.

The major acts in violation of the most elementary principles of democracy in action, have as yet, in industrial America, gone untouched and unpunished.

Those who speak in opposition to S. 101 because, as they remark, "You cannot legislate prejudice or morals out of people's hearts or minds," fail to appreciate that legislation is the greatest single educational force which democratic government has at its command.

A test, made through the agencies of a research group, ascertained that in the grade schools you found feelings of anti-Semitism in 14 percent of the children; in 18 percent of the children in the secondary schools; and to the extent of 34 percent in the colleges. Now that doesn't mean that the forces of education generate prejudice. It means that as they grow older they absorb the effects of environmental conditions, and they reflect them, whether they are of a higher grade of education or a lower grade of education.

In the experience of an educator recently, in pointing up this question of the gradual approach to opposition to people who are different, in the nursery school period and up to the age of 6, it was found that youngsters occasionally, when they were in classes with Negro children, would put their hands on the skin of the Negro child and then look at their hands to see whether the color had come off. There was the simple, naive reaction of the child's mind, and in all other episodes of play and so forth there were no expressions or indications or manifestations of prejudice.

When you reach the age of adolescence, about 16 to 20, you find generated, as the result of the absorption of the influences of community, family, organizations, and so forth, a very definite feeling of antipathy to different groups that can be distinguished.

When you reach the ages of 35 to 45 you find the keenest amount of that feeling of antipathy, because there you have the frustration of early manhood and the desire to find some manner of expression which

will seek, through the frustration of the individual, to find what is known popularly as the scapegoat.

While it is true that you cannot legislate prejudice out of people's hearts and minds, it is a fact, established by our history, that you can legislate the manifestations of that prejudice out of their actions insofar as they affect their neighbors, community, and the Nation, and in a remarkably short time the barriers of that prejudice must, perforce, fall through the force of facts in action, by democracy at work.

Now, at San Francisco the United Nations are going to meet to formulate a program for big and little peoples to live within one world. In that one world we must always keep in mind that one-fourth is white and that three-fourths are black and brown and yellow; that religious differences abound; that the United Nations' soldiers, including our own, are fighting on all fronts side by side, and we know that in battle and in death there is no discrimination because of race or color or creed or national origin.

The Shepherd of Galilee in His humble way did not preach that there should be any discrimination in life itself.

It is the future, Senators, that you are building by your legislative acts today as at no other time in the history of this country and in the history of the world.

This Fair Employment Practice Act, S. 101, permanent, with teeth intact, will be, if I may paraphrase the Holy Book, as a sign upon the doorposts to the peoples of the world that the United States of America has really come of age, and that here we will practice what our immortal Declaration and our matchless Constitution have preached, and to some extent practiced—democracy, political and industrial democracy.

This bill is the logical complement and counterpart to the political democracy instinct within the Constitution of the United States.

On behalf of the organizations which I represent, may I urge that favorable action be taken by your committee on Senate bill 101, and that you do so with its eye teeth and its molars intact.

Thank you.

Senator CHAVEZ. Thank you for your very fine statement.

Do you have any questions, Senator?

Senator TUNNELL. I have no questions; no.

Senator CHAVEZ. The committee will stand adjourned until 2:30 this afternoon.

(Whereupon, at 12:15 p. m., the committee adjourned until 2:30 p. m. of the same day.)

AFTERNOON SESSION

(The committee reconvened at 2:30 p. m., pursuant to recess.)

Senator CHAVEZ. The committee will be in order.

Mr. Henderson is the first witness. Will you kindly identify yourself for the record?

STATEMENT OF DONALD HENDERSON, PRESIDENT, FOOD, TOBACCO, AGRICULTURAL AND ALLIED WORKERS UNION OF AMERICA (CONGRESS OF INDUSTRIAL ORGANIZATIONS)

Mr. HENDERSON. My name is Donald Henderson. I am international president of the Food, Tobacco, Agricultural, and Allied Workers Union of America, C. I. O.

I appreciate this opportunity to appear here today to speak in behalf of a permanent Fair Employment Practices Commission.

The fight to wipe out discrimination in the United States is one of the major concerns of our union, and a direct concern, since a high proportion of our members are from minority groups—Spanish-speaking people, Negroes and Filipinos.

We feel that establishment of a permanent F. E. P. C. is imperative, and I should like to briefly cite some situations in our plants and industries to illustrate why we have this sense of urgency.

When I speak of a permanent F. E. P. C., I of course refer to an agency which will have teeth in it, enforcement powers such as are provided in Senate bill 101. I want to make it quite plain that we consider the so-called Taft bill wholly inadequate. I am sure that in our industries especially, general investigations and publicity as are proposed by the Taft measure would be wholly inadequate to solve the problems. Such an agency would be merely a mockery of an F. E. P. C., with no substance. When we advocate a permanent F. E. P. C., therefore, we speak for a flesh-and-blood bill like S. 101, which would honestly tackle the problems and concern itself with solving them.

In agriculture, in the canning, tobacco, and fresh fruit and vegetable packing industries, and in the miscellaneous food and fiber processing industries, Spanish-American, Negro, Filipino, Chinese, and even Indian workers have historically been employed in large numbers.

Senator CHAVEZ. What do you mean by "Indian workers"—American Indians?

Mr. HENDERSON. American Indians; yes.

Wages in these industries are among the lowest in the country and it can fairly be said that discrimination against minority groups has been a major cause of low wages. The resulting disadvantaged economic status of all the workers in these industries has produced social, health, and other problems of outstanding proportions.

During the war many of these groups have been able for the first time to achieve a higher degree of economic equality. Workers from minority groups have been able to put into effect their desire to contribute to the war effort. The Fair Employment Practices Committee has helped to guarantee this basic civil right of equal opportunity in the interest of the prosecution of the war.

I want to take the Filipino people first. Over half of the 5,000 members of our local union in Seattle are Filipino people. These members man the Alaska salmon canneries for the 2 or 3 months' season each summer. Before the war, within the local union they found full democratic opportunity. The union achieved great progress because of the unity of all the workers, regardless of nationality. Wages and conditions were corrected in the industry to the point where a notorious sweat-shop industry could be said to meet modern standards of conditions and pay.

Boats used for transportation to the canneries, and living quarters in Alaska were cleaned up and the food improved through union negotiations, even to the point of having precise union menus written into union contracts, so that the canned-salmon workers lived at an American standard of living. Wages were increased as much as 500 percent, so that today a man can earn from $600 to $900 for the season in Alaska.

Senator CHAVEZ. How long is the season?

Mr. HENDERSON. Two or three months.

But this is only a small island of democracy for these people. For the rest of the year the only work open to them, before the war, was agricultural labor up and down the west coast.

After Pearl Harbor, more than 1,500 members of the local joined the Filipino battalions—a recruiting officer signed the men up right in the union hall, and numbers of others found that war jobs in the factories were opening up to them as a result of the war.

Are the men who are fighting today in the Philippines going to be told after the war that they are not good enough to man machines for the remaining 9 months of the year? Are they going to be told that they must earn their living on their knees in the fields simply because of their nationality? To ask the question is to answer it. And knowing the history of discrimination against these people I can predict that we must have a Federal agency with authority if we are to enforce "no discrimination," so far as these people are concerned, after the war.

The Spanish-speaking people are similarly situated. There is a sordid past in employment practices for Latin Americans, particularly in the Southwest, where every effort was made by selfish interests to condemn and brand these workers as "cheap labor." For them it was only the stoop labor, the track labor, the wet labor in fields and plants, the intense labor in the heat of the desert, the cold work while thinning sugar beets on hands and knees, often with snow still on the ground. They were to become and remain the "birds of passage"—rootless, isolated, ostracized people, moving with the harvests from spring to fall, and wintering unemployed in squalor, accused of pauperism.

The food-processing and fresh-fruit and vegetable-packing industries in California are replete with examples of discriminatory wage structures and discriminatory practices in hiring and upgrading of workers. For example, in the citrus-packing industry in California, which employs some 30,000 workers, there is a differential between the rates in southern California, where a large proportion of Latin-American workers are employed, and in central California, where there is a very much lower proportion employed. The southern California rates are generally and frankly referred to as the "Mexican wage rates" and are, on the average, 15 percent below the central California rates.

Until very recently there were a number of packing sheds in southern California which employed no Mexican workers, although they were located in communities which are made up largely of Spanish Americans. The workers in these communities were forced to travel considerable distances to obtain employment. However, the wage rates in these packing sheds were kept at the "Mexican wage rate" level, a clear-cut example of the manner in which a wage structure depressed through the exploitation of a minority group, results in low wages for all workers in the industry.

The citrus-packing industry as a whole, as compared with other packing industries in California such as lettuce, melon, tomato packing, and so forth, has historically had a lower wage structure. This is a direct result of the fact that the noncitrus sections of the industry have employed very few Mexican workers in the past. During the

war large numbers have been employed in the noncitrus sheds, which are now almost wholly under contract with our union.

There are outstanding examples of discrimination against Mexican workers in the canning industry in and around Los Angeles. Mexican workers have in the past been employed only seasonally, but have not been given year-round jobs and have been held to the lower rated jobs. With the organization of those plants, upgrading of Mexican workers is now taking place, and they are being employed to a greater extent as year-round workers through the efforts of our union.

However, there are indications already that when the war ends attempts will be made to reverse this trend. Unless a permanent agency is created to handle this type of problem, there will be an intensification of the economic and social problems which already exist.

Without a Federal F. E. P. C., the future of the Latin-American peoples in this country is indeed dark. Unless we have such an agency, it will be difficult for the union alone to prevent complete reversion to the old-time discriminatory practices, and virtually impossible for the union to promote more upgrading and equal job opportunity. The Taft bill would be wholly useless in connection with people of Latin-American background, for they are not even covered by the grounds for discrimination outlined in the Taft bill.

In many plants in our industries Negro people have been hired during the war for the first time, and as a result have made a major contribution to the remarkable war-production record of the food industry in the United States. Companies hesitant to start hiring Negro people have been encouraged to do so because of President Roosevelt's order against discrimination, and because the Fair Employment Practices Committee is able to assist in enforcing the policy.

At the Campbell Soup plant in Camden, N. J., which employs about 70 percent women, no Negro women were employed until November 1942. Today, out of a total of some 8,000 workers there, there are some 3,000 Negro women, and the proportion of Negro men has also increased. In fact, about 50 percent of the Campbell Soup workers are Negroes in the Camden plant, which is famous for its war-production record and is a holder of the "A" award.

The Negro people were not hired as a matter of course. The union engaged in long negotiations with management prior to adoption of the new hiring policy in 1942, and, in fact, used the existing of the Fair Employment Practices Committee as the final argument which convinced management.

Race relations at the plant now are entirely smooth, and for this large credit must be given to the Fair Employment Practices Committee. The mere existence of the F. E. P. C. bolstered the union program for hiring of Negroes strategically, even though it did not have to take direct action.

What will happen after the war? At this time a Fair Employment Practices Commission, ready to arbitrate disputes which may arise and to insist on continuation of no discrimination, will be essential.

It is quite possible that production will be maintained at a high level at the Campbell Soup plant, but lay-offs may well occur in transition periods and between seasons. At this time the union is fearful that the company's latent preference for white employees may make itself felt. Under the senority clause ability is taken into consideration in lay-offs. Supposing 50 of the women must be laid off a job and produc-

tion records and lengths of service are about equal among Negro and white workers. Since company spokesmen still speak of Negroes as less efficient, will they not discover that most of the Negro women are less efficient than the white women? Should disputes of this nature arise, it would be imperative that a Federal Government agency arbitrate before the issue becomes a hot race question, with all the seeds of civil discord which that implies.

The union believes that production may expand over war levels in this plant, but we suspect that where labor is plentiful the company will decide to return to its pre-war policy of hiring white women only. It would require the authority of a Federal agency to prevent such abandonment of the nondiscriminatory policy in hiring labor.

The situation in the other Campbell Soup plant in Chicago, also under contract to our union, is very similar.

A further illustration is the situation in the American Tobacco Co.'s plants, which are typical of a number of tobacco companies. Production in these plants is not as essential as in food plants, but with a higher proportion of the cigars going to the armed services we can take pride that production has been maintained and should note that it is Negro people who filled the breach created by workers leaving for the Army and for higher-paid war jobs.

At the American Tobacco Co.'s plant in Charleston, S. C., some 1,300 Negro and 500 white workers man the plant today. Before the war there were about 1,000 white workers and 500 Negro. In the Philadelphia plant of the same company, Negro employment has increased from about 40, out of a total of 650 workers before the war, to over 200 workers today.

In both of these plants Negroes have been upgraded to skilled cigarmaking jobs. They were employed and upgraded in increasing numbers from 1942 on, as labor became progressively scarcer.

What will happen after the war? Our members in Charleston, S. C., recall an incident back in 1931 which they feel gives a clue to the answer. M department was closed down and Negroes who worked there were either sent home or transferred to other jobs. When the department was opened again, it was staffed wholly by white people. To be sure, at that time there was no union contract with seniority provisions, but should such a policy of discrimination against Negro people set in after the war the union would have a situation on its hands pregnant with overwrought race feelings, and not only the union but the community as a whole would face the problem.

A fair Federal policy of nondiscrimination, applied and enforced by a permanent Fair Employment Practices Commission, would seem to me to be the only sure means of keeping the keel level. This is doubly important in a southern city, for it would indeed be a tragedy should the old game of playing off race against race, to keep the wage level low, be reinstated in full force. Certainly this would militate seriously against an expanding national economy based on full employment throughout the country.

In the examples discussed it is clear that progress has been made in our plants in breaking down discrimination against Negro people, and that we not only desire, but believe it imperative, that this be maintained after the war. Thousands of like situations exist throughout the rest of our union and throughout the rest of American industry.

But there are also many plants where this is not true. It is not enough for us to fight for no discrimination in our plants. The problem cannot be isolated. Should employment, for reasons beyond our control, fall off in organized plants, Negroes who are laid off must have an equal chance with white people to find employment in unorganized plants

This is not the case at present. In Camden, Chicago, Philadelphia, or Charleston, the location of the plants which I have cited as examples, there are many other plants where Negro workers who are laid off could not find employment.

I have confined myself so far to a statement indicating the need of many of our members for a permanent F. E. P. C. I now want to make it clear that our union, the Food, Tobacco, Agricultural and Allied Workers Union of America, is fully aware that wiping out discrimination at home is an immediate concern of all Americans, and not only the concern of the minority groups directly affected.

We know that energetic and consistent national policies against discrimination are an important factor in continuing to improve our good relations with Latin-American countries, with countries populated by colored peoples, and with the Philippine Islands.

We know that to realize the program of 60,000,000 jobs, and lasting peace for all the people of the United States, we must do away with discrimination. A country cannot be prosperous which tolerates suppression of millions of people, preventing them from taking their full place in the production and consumption of goods and services.

I had a personal experience, Senator, in Texas, that made a deep impression upon me. It had to do with the workers in the pecan-shelling industry in San Antonio. We had a little local down there of some 20 or 30 workers. Industry tried to cut the wages from 4½ cents an hour to 4 cents an hour, and some 10,000 workers struck, all of them Spanish-speaking workers.

I was privileged to go in there and give successful leadership to that strike. It went on for several weeks, and it was pretty bitter.

It made an impression upon the President of Mexico and he made the remark, "My God, an American union is putting up a fight for the Latin-Americans."

I don't think anything would have more repercussions for good than an evidence on the part of the American people to wipe out, even in small measure, to make a beginning of wiping out, the vast discriminatory practices that are employed against the minorities in this country. The failure to do that can likewise have a tremendous repercussion for bad——

Senator CHAVEZ (interposing). Well, of course, when we meet at a place like Mexico City for the Inter-American Conference, generally the ones who meet are the representatives of government. The rank and file, outside of this particular one, are not generally represented. Now they did have members of the Farmers' Union and of C. I. O. and other labor organizations in Mexico City. But I don't care how many meetings they have, if they are going to pay 70 cents a day for picking cotton in the Southwest just because they happen to be Mexicans, they are not going to meet the problem; it is impossible.

Mr. HENDERSON. Well, I have very strongly the feeling that through an effective Fair Employment Practices Committee such as is envisaged

in Senate bill 101, whatever progress can be made—and I am not under any illusion that we are going to automatically and very quickly wipe out all of these discriminatory practices and customs, and especially in the economic field, overnight——

Senator CHAVEZ (interposing). No more than you can prevent murder by saying that murder is a crime.

Mr. HENDERSON. That is right. I do think that Senate bill 101 gives us an opportunity to make a beginning, and to compare it to the Taft bill, Senate bill 101 appears to me to be an effective kind of education in getting rid of a lot of the things that we put under the heading of discrimination; whereas, the Taft bill is a perfectly ineffective method of education. There is no use digging up facts perpetually when what is needed is action in order to further the educational process.

I feel that this problem in relation to the post-war economic and peace situation, can have tremendous repercussions for good or for ill. My personal experiences have been that whenever we in this country do anything to help remove discrimination against the Spanish-speaking peoples in this country, whether citizen or non-citizen, that this receives a great deal of attention throughout the South and Central American countries, and the failure to remove these discriminatory practices equally has the reverse effect and gets a great deal of attention.

We cannot impress our Latin-American brethren and our other colored peoples throughout the world with our good faith in any more effective way than to pass Senate bill 101 and make a beginning in getting rid of these discriminatory practices.

Thank you very much.

Senator CHAVEZ. Thank you, Mr. Henderson, for a very fine statement.

I understand that Mr. Zimmerman is not present but that Mr. Umhey will take his place?

Mr. UMHEY. That is correct.

Senator CHAVEZ. Please identify yourself for the record, Mr. Umhey.

STATEMENT OF FREDERICK F. UMHEY, EXECUTIVE SECRETARY, INTERNATIONAL LADIES' GARMENT WORKERS UNION (AMERICAN FEDERATION OF LABOR)

Mr. UMHEY. My name is Frederick F. Umhey and I am executive secretary of the International Ladies' Garment Workers Union, an affiliate of the A. F. of L.

I am appearing here on behalf of our 325,000 members in hundreds of communities in almost every State of the Union, who are virtually unanimous in support of Senate bill 101, the bill for a permanent F. E. P. C. now before Congress.

We feel very deeply that discrimination in employment on racial, religious, or national grounds should be outlawed by Federal enactment and we respectfully appeal to your committee and to the Congress to adopt this legislation as speedily as possible.

There is surely no need to emphasize the urgency of the situation that calls for action. According to the best estimates there are nearly

50 million people in this country who in one way or another are subject to discrimination in economic opportunity because of their race, religion, or national origin. While we are fighting to crush the evil forces of hatred and oppression abroad, can we permit that same evil philosophy to prevail in our own economic and social system at home?

Of all forms of discrimination, that which affects economic life is perhaps most vicious, for it strikes at a man's opportunity to make a living for himself and his family and thus at his very right to existence. Yet discrimination of this sort on grounds of race, religion, or national origin, was rampant in our country before the war. There has been some improvement in the situation in wartime, but this should not lull us into false security. Naturally, when there are two jobs available for every worker, discrimination tends to become less virulent, but what will happen after the war when the employment situation is reversed and there are more men than jobs? Shall we wait until bitter competition for jobs again breaks out and the members of our minority groups, whether Negroes, Jews, Catholics, or Latin-Americans, again feel the heavy weight of bigotry and are again denied access to the opportunities to which their skills and abilities may entitle them? Would it not be wiser and more far-sighted to act now and as part of our planning for the better and finer America of tomorrow, to lay the foundations for genuine equality of opportunity among all sections of the American people? To evade this responsibility would be treason to our democratic ideals and to the cause for which millions of our boys are now fighting on the battle fronts of the world.

I know that in this committee, as in Congress and among our people, there is general agreement that racial and religious discrimination is an intolerable shame and must be eliminated as speedily as possible. Experience has shown that such discrimination has the most disastrous consequences not only for those who are its victims, but also for the Nation as a whole. It hampers the full development of economic resources and the improvement of living standards; it prevents a large portion of our people from contributing to the national welfare to the limit of their abilities; it undermines national unity and divides the Nation against itself; and above all, it poisons our national ideals at their very source and turns our professions of democracy into a hollow mockery. The democratic way of life, which we are fighting to preserve, cannot survive side by side with racial hatred and intolerance.

The International Ladies' Garment Workers' Union feels very strongly on this subject, not only out of concern for the future of American democracy, but also because in our ranks are to be found large numbers of members belonging to those minority groups that are the common victims of racial or religious intolerance. At our international convention, held in Boston at the beginning of June 1944, a resolution was unanimously adopted "strongly endorsing the movement for a permanent F. E. P. C." and urging the adoption of the Scanlon-Dawson-LaFollette bill, the predecessor of the present bill S. 101.

In our own organization, and as far as our influence extends, we show no quarter to bigotry or prejudice. Hundreds of thousands of our members of many races, religions, and national origins work side

by side in the factory and in the union in a spirit of fraternal equality and good will. We earnestly hope to see a similar spirit permeate all of American life and we believe that the adoption of the legislation before your committee will be a big step in that direction.

Senate bill 101 appears to us to be the best legislation for this purpose. It is a carefully drafted measure to give permanent statutory basis to the Fair Employment Practice Committee that has done such notable work in the past three and a half years. It outlaws discrimination in employment on grounds of race, color, creed, or national origin, and applies equally to the Federal Government, to firms working on Government contracts, to concerns in interstate or foreign commerce, and to labor unions in such areas of jurisdiction. It establishes a quasi-judicial tribunal to be known as the Fair Employment Practice Committee, to implement the law, and empowers this agency, after proper hearings and as a last resort after efforts at voluntary compliance have failed, to resort to the usual court processes of enforcement.

Management is left free to determine its hiring, promotion, and discharge policies any way it pleases so long as there is no arbitrary discrimination because of race, creed, color, or national origin. In the same way, labor unions are left free to manage their affairs in their own way except that they cannot deny the advantages of union membership and collective bargaining to any person on the above grounds. We believe that this measure deserves the full support of your committee since it is but the legislative embodiment of the American spirit of equality of opportunity that lies at the foundation of our democracy.

The superiority of S. 101 to Senator Taft's substitute proposal seems to us obvious on its face. Indeed, the Taft bill, by eliminating all enforcement powers of the proposed F. E. P. C., would virtually destroy the entire idea. Senator Taft proposes to rely upon public sentiment and upon that alone. Of course, enlightened public sentiment is essential to the success of any antidiscriminatory legislation, as indeed to any legislation at all. But experience has shown that public sentiment alone cannot do the job. A law without a penalty is mere advice, and if advice were all that were needed, there would be no problem, for good advice has been forthcoming for decades. Good advice and public sentiment were abundant on public utilities, the control of trusts, and labor's right to organize and bargain collectively; yet, until legislation with provisions for enforcement was enacted, neither the advice nor the public sentiment could make itself effective. We should not ignore this lesson when we come to deal with so crucial a problem as the eradication of undemocratic discrimination in employment.

On the basis of a careful examination of Senate bill 101, and the Taft bill, we conclude the former to be superior on the following grounds:

1. S. 101 specifically makes discrimination in employment unlawful. The Taft bill does not.

2. (*a*) The Taft bill excludes "national origin or ancestry" from the improper grounds of discrimination listed in S. 101. This, it is feared, would deny protection to several million Americans of Mexican and Latin-American origin, and to other millions of foreign ancestry.

(*b*) The Taft bill provides merely for the investigation of discrimination in Federal employment, while S. 101 would refer such cases to the President for action when necessary.

(*c*) The Taft bill does not provide that contracts entered into with the Government must contain a clause forbidding discrimination, whereas S. 101 does.

3. The Taft bill has absolutely no enforcement provision, as mentioned above. S. 101, on the other hand, gives the Commission authority to enforce the law through the usual court procedure. The present F. E. P. C., it is true, has no enforcement powers, either, but it operates under conditions of acute manpower shortage and with the President's special wartime powers. Neither of these conditions would exist after the war.

4. The Taft bill does not provide protection against reprisals to employees who complain to the Commission. It does not provide for relief of those found to have been discriminated against. Both of these provisions are included in S. 101.

Legislation against discrimination in employment is of more than economic significance. It goes to the very roots of our American way of life. Millions of our men now fighting to destroy the barbaric forces of racial hatred belong to minority groups subject to discrimination. Are they to return, after victory has been won abroad, to find America denying them their equal rights at home? This must not be. We earnestly appeal to your committee to report out S. 101 and to do everything in your power to procure its speedy passage by Congress.

Senator CHAVEZ. Does that conclude your statement?

Mr. UMHEY. That concludes my statement.

Senator CHAVEZ. Thank you, sir.

Mr. UMPHEY. Thank you.

Senator CHAVEZ. Mr. Minkoff?

Mr. MINKOFF. Yes sir.

Senator CHAVEZ. Will you state your name for the reporter, and the name of the organization which you represent?

STATEMENT OF NATHANIEL M. MINKOFF, REPRESENTING THE JEWISH LABOR COMMITTEE

Mr. MINKOFF. My name is Nathaniel M. Minkoff, representing the Jewish Labor Committee.

Senator Chavez, the Jewish Labor Comittee, which I have the honor of representing before you today, is a national federated organization established in 1933, with headquarters at 175 East Broadway, New York City. It has a total membership of over half a million, mostly Jewish workingmen and workingwomen, affiliated with the A. F. of L. or C. I. O.

I appear before your committee to express the unanimous hope and prayer of these men and women that the bipartisan antidiscrimination bill, S. 101, which you are considering, will be favorably reported by you and ultimately enacted into law. We feel it is one of the most urgent pieces of legislation now before Congress.

Surely I need not rehearse before your committee the evil consequence of racial and religious bigotry throughout the ages. Since time immemorial, from the age of Pharaoh to the age of Hitler, Jews have been the victims of such prejudice and bigotry, with results only too clearly recorded in history. Deprived of equal opportunity in economic life, frequently denied the equal protection of the laws, exposed to discrimination and hatred, the great mass of Jews throughout

Europe have been prevented from acquiring a secure and normal position in society and have, therefore, been condemned to hopeless poverty or else forced to overcrowd the few occupations left open to them—and then this very condition has been held against them as indicating their unwillingness or inability to fit into the normal pattern of national life. Thus does prejudice feed upon the condition it creates, and at one and the same time robs its victims of their means of existence, and the community of the full measure of their service.

In our own country, manifestations of economic discrimination, though far less pronounced than in the Old World, have not been absent. Many employments and economic opportunities have been virtually closed to Jews, as to members of other minority groups. The emergency of the war has shown that all sections of our people, whatever their race, color, creed, or national origin, are capable of contributing to the national welfare in equal measure and of taking their equal part in the upbuilding of America.

The war, happily, is approaching a victorious conclusion. We are already looking forward to peacetime reconversion. Shall we reconvert to racial prejudice, national bigotry, and religious discrimination, or shall we reconvert to genuine equality for all Americans? That is the question which confronts your committee, Mr. Chairman. By approving S. 101 you can do a great service toward strengthening the foundations of our democracy and securing to our people equal opportunity in making a living, upon which the pursuit of happiness, promised under the Declaration of Independence, depends.

I am making this plea not merely on behalf of our Jewish fellow citizens but on behalf of all the racial, religious, and national minorities in our country, which embrace some thirty or forty millions of our people. I plead, as well, for the Negroes, for the Catholics, for our people of Latin-American and oriental origin. All are subject, in varying degrees, to discrimination and prejudice in the field of economic opportunity, and all look to your committee and to Congress for relief.

Although the condition with which we are confronted is an old one, the need for action is most urgent. The immediate post-war period is bound to be one of great difficulty, and the first to suffer the brunt of deflation and readjustment will certainly be the members of minority groups, such as Negroes or Jews, who even today have not yet obtained a secure foothold in American industry. We cannot, we must not, wait until the sharp competition for jobs breaks out again, generating a new wave of intolerance in which a fair and objective consideration of the problem will be well-nigh impossible.

Now is the time for action while the thought of the Nation is directed toward laying the foundations of the America of the future—an America, let us fervently pray, free from the blighting curse of hatred, bigotry, and discrimination. To fail to act at this time would shamefully belie our professions of equality and democracy in the name of which our boys are bleeding and dying on the far-flung battle fronts of the world.

Now, I am not unmindful, Senator, that there are some among us who do not feel the way we do on this subject, who are opposed to the bill under consideration. That should not dissuade us from going ahead. In a free country there should be room for differences of opinion. It is only in the totalitarian countries that everybody thinks the

way the leader thinks. But in America, thank God, we can have our disagreements, and yet by discussion——

Senator CHAVEZ (interposing). May I interrupt you?

Mr. MINKOFF. Yes, Senator.

Senator CHAVEZ. The discouraging thing is that once in a while we see people whose ancestors have suffered intolerance, tolerating intolerance.

Mr. MINKOFF. Indeed, Senator, that is true.

Senator CHAVEZ. Take the strike in Philadelphia. As I recall it, the two leaders of the strike—and the strike was called for the reason that Negroes were going to be employed—had Irish names, those same two men forgetting that if anyone has suffered from intolerance it has been the Irish, even in this country. It was stated here before this committee at the last hearings, by Monsignor Ryan, speaking about that particular strike—he said:

> They forget that 160 years ago, right here in Philadelphia, the same place where the strike took place, they were burning Catholic churches and killing Irish people.

That is a discouraging thing, once in a while.

Mr. MINKOFF. That is to be regretted.

May I say, therefore, that every move in the direction of progress in this country, in the way of social and labor legislation, has been met with similar objections. We recall very well in connection with the program for social legislation in Congress, for all forms of legislation, that there were those among us who, for one reason or another, saw fit to file their objections. But that is no reason why those of us who see the light should not go ahead.

We have carefully examined the legislation now before Congress dealing with this problem of economic discrimination and we have come to the conclusion that the bipartisan bill, S. 101, is most adequate. It specifically outlaws discrimination in employment on grounds of race, creed, color, or national origin over the widest areas of economic life subject to Federal regulation, and it provides a machinery of enforcement that is effective at a minimum of interference with management and with organized labor. Therein lie the fine features of this bill.

We are particularly concerned over attempts, such as that made by Senator Taft, to emasculate this measure by stripping it of its emforcement provisions and placing all reliance on voluntary compliance and a more enlightened public opinion. This appears to us a dangerous mistake. Of course, we need a better public sentiment, but that is no argument against antidiscriminatory legislation with real powers of enforcement. S. 101 does not attempt to outlaw prejudice, which cannot be legislated out of the human heart. All it tries to do is to curb overt acts of discrimination in employment opportunities on grounds of race, color, religion, or national origin. Such legislation obviously needs the support of an enlightened public opinion in order to be fully effective, but this is in a measure true of all legislation. Legislative action and the improvement of public opinion should go hand in hand; both are needed. And it should not be forgotten that legislation for economic and social democracy is one of the greatest educational forces at the disposal of a democratic society.

Thirteen or fourteen States have already adopted legislation aiming to put an end to economic discrimination. One witness before you this morning, Senator, referred to the hearings on a similar bill which was under discussion and which was passed in the State of New York, my own State, and I can testify from my personal experience, having been a witness before the Commission and having attended the hearings, that not within the memory of many of us has there been such a splendid public demonstration in behalf of any measure. It was gratifying to note that representatives of the church, of all denominations, Catholic, Protestants, and Jews, all were harmoniously united in support of that measure.

Only yesterday that bipartisan coalition bill was signed by Governor Dewey.

A Federal law, outlawing discrimination in employment, would now prove very helpful in equalizing conditions throughout the country in cooperation with State laws where these exist. Such legislation would open a new frontier of American democracy.

Millions of our boys are now fighting to vindicate the principles of democracy and the freedom and dignity of the individual against the challenge of a new barbarism based on race hatred and intolerance. It is for us at home to root out all vestiges of that same evil philosophy in our economic and social structure. It would be a national disaster if Congress failed to pass this antidiscriminatory legislation at the present session, and a disaster almost as great if it passed such legislation without providing for adequate enforcement.

We earnestly hope, Senator, that your committee will see its way clear to recommending the adoption of Senate bill 101.

Senator CHAVEZ. There is one peculiar thing about the hearings this year and last year, both in the House and in the Senate, and that is, that no one has appeared in opposition to the provisions of such legislation as is proposed in Senate bill 101, or as contained in the bill last year, H. R. 2048. We still want to hear the reasoning of the opposition, if any. I do hope, if you know of anyone who is opposed to the proposed legislation, that you will send him over.

Mr. MINKOFF. I shall be glad to. Thank you, Senator.

Senator CHAVEZ. Thank you.

Our next and last witness today is Mr. Bisgyer. Will you state your name and connection for the record, please?

STATEMENT OF MAURICE BISGYER, NATIONAL SECRETARY, B'NAI B'RITH

Mr. BISGYER. My name is Maurice Bisgyer and I am the national secretary of B'nai B'rith.

So much has been said here, and said so well, that I am just going to give you a summary in about 3 minutes, of our position.

I appear here on behalf of B'nai B'rith, the largest Jewish service organization in the United States, which has a membership of 216,000 and which recently observed its one hundredth anniversary. We support Senate bill 101 and the establishment of a permanent Fair Employment Practices Commission, not only because Jews have long felt the effects of discrimination in employment, but as a matter of simple justice to all others who have also been denied equal economic opportunity.

We realize from long experience that legislation cannot eliminate prejudices, but we do feel that enactment of this bill will at least isolate the problem in this one very important area. The history of the present wartime F. E. P. C. shows that discriminatory practices can be definitely discouraged and their extent reduced, but we must have greater enforcement provisions.

From the larger point of view, this benefits not merely the individual but the Government and the people as a whole. By permitting full utilization of the human resources of the United States, we add to the productive capacity of industry and enhance our whole national economy.

After all, the establishment of a permanent F. E. P. C. would merely implement the statement in the Declaration of Independence that all men are endowed with the unalienable right of pursuit of happiness—just as many other fundamental rights guaranteed in the Constitution are safeguarded and carried into execution by specific statute.

An inherent freedom is of no avail if the means to its enjoyment is denied by the practice of discrimination for reasons of religion, race, or ancestry.

The world has seen, in the cataclysm of this war, the disastrous culmination of the false doctrine of "superrace" carried to its extreme. American boys are giving their lives today so that their fellows may come back to a land free of such vicious notions.

Certainly it is not too much to expect that their Government should do everything possible to break down these tendencies at home.

This bill, Senate 101, maintains as far as possible the rights of both management and labor unions, but at the same time it does protect the individual against denial of employment for un-American reasons. It restates the principle of the dignity of man, that an individual should be judged upon his own worth.

It appeals to the fundamental decency of humanity.

Senator CHAVEZ. Thank you for your very fine statement.

The next hearing will be tomorrow morning at 10:30. We have quite a long list of witnesses so I would request that they be here at 10:30 sharp. We have a long day but we hope to be able to complete the witnesses that are scheduled for tomorrow.

We will now adjourn until tomorrow morning at 10:30.

(Whereupon, at 3:25 p. m., the committee recessed until Wednesday morning, March 14, 1945, at 10:30 o'clock.)

FAIR EMPLOYMENT PRACTICE ACT

WEDNESDAY, MARCH 14, 1945

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:30 a. m., in room 357, Senate Office Building, Senator Dennis Chavez (chairman), presiding.

Present: Senators Chavez (chairman) and Aiken.

Senator CHAVEZ. The committee will come to order.

The committee will hear so many witnesses today that we will have to be prompt and proceed as quickly as possible. Other members of the committee are expected to attend within a few minutes.

Mr. Driscoll, just be seated and identify yourself for the record.

Mr. DRISCOLL. Yes, sir.

STATEMENT OF DENIS J. DRISCOLL, ST. MARYS, PA., TRUSTEE OF ASSOCIATED GAS & ELECTRIC CORPORATION, IN REORGANIZATION

Mr. DRISCOLL. My name is Denis J. Driscoll. I am a resident of St. Marys, Pa. I have an office at 21 West Street, New York City, where, since March 1940, Dr. Willard L. Thorp and myself have been acting as the two trustees in reorganization of the bankrupt Associated Gas & Electric Corporation. In the same system there is another concern called Associated Gas & Electric Co., likewise in reorganization, and of that Mr. Stanley Clarke is the trustee.

The three trustees were appointed by Hon. Vincent L. Leibell, one of the judges of the United States District Court for the Southern District of New York, and the reorganization is under his judicial control.

The business under supervision of the trustees and the reason for their interest in the general subject before this committee will appear in a statement made by C. F. Brows, a member of our legal staff, who testified before the New York State Commission Against Discrimination, on December 6, 1944, and which I will present to you a little later.

Senator CHAVEZ. Do you feel, then, that you are approaching the matter or the discussion from the standpoint of management?

Mr. DRISCOLL. Yes, sir. I will cover that, I think, in the very next sentence, Senator.

Our operating utilities are mostly in New York, New Jersey, and Pennsylvania, with smaller operations in seven other States of the Union. At the time of our appointment we operated or had operating

companies in 26 States of the Union. In our operating companies and in the main offices in New York City we have at this time 15,909 employees. We also own the electric utility service in Manila and adjacent parts of the island of Luzon. In them we had something more than 3,000 employees, and those utilities are now, we hope, about to be returned to us.

My cotrustees and myself are deeply interested in the objects of the legislation contemplated by Senate bills 101 and 459, both of which I understand are being considered here today. I presume that the merits of the proposed legislation and the objectives sought have been pretty thoroughly discussed in the hearings before this committee for the last few days. Speaking for my cotrustees, as well as myself personally, we strongly favor legislation that will prohibit discrimination in employment because of race, creed, or color; and likewise because of national origin or ancestry. Senate bill 459 does not mention national origin or ancestry. My observation over many years leads me to believe that discrimination arises from those two things—that is, national origin or ancestry—quite as much as from the other things that are mentioned in the preamble of both bills.

There is a very general demand now for legislation against discrimination in employment, and in my mind it is appropriate that such a measure should be part of the congressional program now, in view of the declarations made in the platform of each of the great parties in 1944. Let us look at them.

The Republican platform read as follows:

> We unreservedly condemn the injection into American life of appeals to racial or religious prejudice * * *

The next sentence has something to do with conditions in the Army, not pertinent to this investigation, and it wound up by this sentence:

> We pledge the establishment by Federal legislation of a permanent Fair Employment Practice Commission.

The Democratic platform read thus:

> We believe that the country which has the greatest measure of social justice is capable of the greatest achievements. We believe that racial and religious minorities have the right to live, develop, and vote equally with all citizens and share the rights that are guaranteed by the Constitution. Congress should exert its full constitutional powers to protect those rights.

While the one platform declares specifically for a "permanent, Fair Employment Practice Commission," the other declares that Congress should exert its full constitutional powers to protect the rights guaranteed by the Constitution. Certainly the Constitution by implication, if not in direct words, guarantees the right to live and work without discrimination because of race, creed, color, national origin, or ancestry. The Declaration specifically mentioned the pursuit of happiness as one of the unalienable rights, for the securing of which governments are instituted among men. Article IX of the Constitution of the United States says:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The fourteenth amendment also recognizes that right as one vested in the citizen, and even in the alien resident legally within our borders. The Supreme Court of the United States, speaking through then

Associate Justice Hughes, 30 years ago, in the case of *Truax* v. *Raich* (239 U. S., p. 33), said:

> The right to work for a living in the common occupations of the community is of the essence of that personal freedom and opportunity which it was the purpose of the fourteenth amendment to secure.

It would be a waste of words, Mr. Chairman, to assume or assert that the right to work exists, or a man's right to support his family by his work exists, and then say that Congress should not enact appropriate legislation to protect a man in that right.

I see nothing in either of these two bills that contemplates social equality. They contemplate equality of economic opportunity.

At this very time democracy is on trial in the world, and now, as never before, thoughtful men and women are, and should be, more conscious of our shortcomings where democracy is concerned. Abstractly, we all have a right to work. What the minority, which has been the subject of discrimination, wants is an opportunity to work.

A measure somewhat similar to those now under consideration was before the New York State Legislature last month and passed the senate by a vote of 49 to 6, and the assembly by a vote of 109 to 32. It was signed by Governor Dewey on Monday of this week.

In my own State of Pennsylvania, a similar bill was introduced recently into the house of representatives, as we call the lower house, by Representative Homer S. Brown, of Pittsburgh, who was for many years chairman of the judiciary committee in the Pennsylvania House of Representatives. I hope that bill will pass.

In introducing his bill, Representative Brown answered the argument that an antidiscrimination law could not be enforced because of public sentiment, by saying:

> After all, we are a government of law anyway. This bill simply is the machinery to carry out the idea expressed in the Declaration of Independence—the idea on which our State Constitution was founded and the idea back of all decency and justice.
>
> We don't feel that we ought to wait to crystalize our educational process before a man is entitled to decency and justice. There is no need to halt the law until the people are educated in the broadest sense.

Addressing myself to the general merits of the proposed legislation, I feel that I cannot do better than to incorporate in my remarks a few paragraphs taken from the statement which the trustees of Associated Gas & Electric Corporation and the trustee of Associated Gas & Electric Co. filed with the New York State Commission Against Discrimination, which had hearings on this question last December. The matter was presented to the commission by Miss Clarice F. Brows, a member of our legal staff. I quote from her statement as follows:

> Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas & Electric Corporation, and Stanley Clarke, trustee of Associated Gas & Electric Co., appear by counsel, Clarice F. Brows, and submit this statement in support of the proposal to make unlawful any discrimination in employment on the basis of race, creed, color, or national origin.
>
> Associated Gas & Electric Corporation is a holding company, in reorganization in the Federal courts, and has as subsidiaries both holding companies and operating public utilities scattered throughout the country. In New York State, in which the trustees maintain their offices and staff, there are at the holding company level about 200 employees. The system operating companies within the State employ approximately 5,500 employees, whose employment is, of course, already subject to the antidiscrimination provisions of the civil-rights law. It has, of course, been impossible, in the time permitted to prepare this statement

of their views, for the trustees to poll these 5,500 employees as to their views. This is, therefore, necessarily a statement of the trustees' views as employers and as individuals.

The trustees of Associated approve this legislation which specifically includes fiduciaries appointed by the courts. In their opinion, it behooves officers of the court, even more than ordinary employers, to maintain the highest standards in their personnel practices. That Federal court trustees are subject to regulatory action by States and their administrative bodies is well settled by section 65 of the United States Judicial Code as well as by decisions of the United States Supreme Court (*Gillis, Receiver* v. *California*, 293 U. S. 62; *Palmer* v. *Massachusetts*, 308 U. S. 79).

As men of long and varied experience in business, the trustees are convinced that discrimination in employment is unprofitable to business. They believe that discrimination in employment is economically unsound because ultimately it raises the cost of production. This effect is caused by narrowing the number from whom a choice must be made. If one is seeking 40 grade A stenographers and may choose only from among green-eyed redheads, the likelihood of having to take grade B or C stenographers where grade A is needed is apparent. The capacity of the employee to do the job instead of being the sole consideration becomes secondary with the resulting higher cost of getting the job done.

It is clearly to the interest of the business which hires, the community which trains, and the purchaser who consumes that the abilities and skills of the members of the labor force be used where they are needed and not shut off by arbitrary barriers. We see no reason why business should object to this principle being incorporated in legislation.

In their capacity as trustees, they have followed a policy which is completely in accord with the aims of the proposed legislation. They have thus had an opportunity to observe the effects of including on a single staff employees of various ethnic, national, and religious origins. They conclude on the basis of actual experience that they are proud of their staff and of the way its members have worked together. Since the reorganization proceeding to which they and their staff have devoted themselves is drawing to a close, they foresee a reduction in the number of their employees. They thus have a direct interest in seeing this legislation enacted so that their employees may go out into the labor market and find employment for which they are fitted regardless of considerations which have no bearing, direct or indirect, on merit.

Because, as trustees, we are interested and enthusiastic about the proposed legislation, we are concerned that it be drawn so as to be most effective. * * *

The remainder of the statement presented by Miss Brows had reference to particular provisions of the proposed statute in New Work. Her final paragraph, however, was as follows:

Conclusion: There is a vital need for legislation against discrimination in employment. That legislation should be so drafted as to express not only the principles but the vigorous will of the community to make those principles a living reality.

If I may be permitted to make a suggestion, I would like to call the attention of this committee to section 5 of Senate bill 101 and section 3 of Senate bill 459. Each of these sections authorizes the creation of a Commission to be known as the Fair Employment Practice Commission, and each section provides that the proposed Commission shall consist of five members to be appointed by the President, by and with the advice and consent of the Senate. I do not see any provision in S. 101 for the selection of a chairman or for the filling of vacancies on the Commission. S. 459 provides that the President shall appoint one member to serve as a chairman, and provides for the filling of a possible vacancy. I regret to state, gentlemen, that those are the only things in S. 459 which I think are better than S. 101.

I would suggest, in view of the importance of this Commission, and the unquestioned high character of the Commissioners who will be appointed to administer the law, and the far-reaching effects of the Commission's action on all classes of citizens, that a provision

be inserted in the bill for making the Commission nonpartisan. Why not provide that not more than three of the members appointed shall be of the same political party? You have such a provision in the acts creating the Interstate Commerce Commission, which says that only 6 of the 11 shall be members of the same party; the Federal Reserve Board, while it is not a political classification, it says that in making the appointment, due regard shall be given to commercial, industrial, geographical, and other considerations, and that there shall be only 1 appointed from any Federal Reserve district; the Federal Communications Commission, the Federal Power Commission, the Federal Trade Commission, and the Securities and Exchange Commission, and many other agencies of the Government, have a similar provision.

I have had the benefit, by reason of my trusteeship and otherwise, of rather extended observation and some experience with the workings of some of these commissions.

I may say, parenthetically, that thus far in our trusteeship we have had 422 decisions or orders handed down by the Securities and Exchange Commission. The high character and ability of the men appointed to that Commission and the fact that different schools of political thought are represented on the Commission go far to give people confidence in its rulings.

I doubt not that you Senators, both in your professional careers and in the discharge of your high and honored duties as Senators, have reached the same conclusion as to the wisdom of nonpartisan administrative bodies. That should be particularly true in the objectives of the measure now being considered, for I see, in addition to your name as the sponsor of S. 101, Mr. Chairman, that you were joined as cosponsors by three Republican Senators and by three Democratic Senators.

Assuming that there is no question of the desirability, and even of the necessity, of this legislation, I would like to make a comparison of the two bills now before your committee:

COMPARISON OF TWO BILLS

SECTION 1

FINDINGS AND DECLARATION OF POLICY

S. 101	S. 459
(1) Mentions race, creed, color, *national origin or ancestry.*	Race, creed, or color. Silent on *national origin or ancestry.* (How about Mexicans, Puerto Ricans, etc.?)
(2) Endangers national security and the general welfare.	Silent on this aspect of the case.
(3) Policy of United States to eliminate such discriminations.	Policy of United States is to *bring about* the elimination.

UNFAIR EMPLOYMENT PRACTICES DEFINED

S. 101	S. 459
On employer's part, four things defined.	Not a word.
On labor union's part, three things defined.	Not a word.
On the part of employer or labor union, four things defined.	Not a word.

SCOPE OF ACT

S. 101	S. 459
(4) Applies to—	
(*a*) Employers of six or more persons.	Not a word.
(1) Interstate commerce.	Not a word.
(2) Under contract with United States.	Not a word.
(*b*) Labor union of six or more members.	Not a word.
(*c*) United States, every Territory, insular possession, agency, or instrumentality thereof.	Not a word. (S. 459 gives no information; makes no statement on any of these matters.)

FAIR EMPLOYMENT PRACTICE COMMISSION

S. 101—Sections 5 and 7; S. 450—Section 3

Provisions for appointment, confirmation, salaries, removal, etc., are about the same in each.

S. 101	S. 459
But—Nothing in S. 101 on chairman or on vacancies.	Provides for chairman. Provides for filling vacancies.

INVESTIGATORY POWERS

S. 101—Section 11; S. 459—Section 5

The powers to be conferred on the Commission are practically the same in both measures—so far as making investigations are concerned, or so far as invoking action of a United States court to compel compliance with a subpena.

WILFUL INTERFERENCE WITH COMMISSION AGENTS

S. 101—Section 14; S. 459—Section 7

The provisions of these two sections are practically identical

RULES AND REGULATIONS

S. 101	S. 459
Section 12: Empowers Commission to make, rescind, etc., necessary regulations (effective 60 days after transmissions to Congress—unless Congress amends or nullifies, etc.) "to carry out the provisions of this Act."	Section 3 (g) (4): Commission shall have power to issue regulations "to regulate its own procedure," etc. (Nothing about congressional approval.)

REPORT TO CONGRESS AND PRESIDENT

S. 101—Section 6	S. 459—Section 4 (b)
Report annually on cases, decisions, and on its employees in detail, disbursements, further recommendations, etc., etc.	Practically the same, except disbursements are not mentioned.

PROHIBITION OF UNFAIR EMPLOYMENT PRACTICES

S. 101—Section 10	S. 459
Commission is authorized to prohibit engaging in unfair employment practice as defined: (b) Action on complaint. (c) Rights of defendant. (d) Hearing and decision. (e) Recourse to circuit court of appeals for order of enforcement. (f) Appeal from order.	No such provisions in S. 459.

Now, I almost felt like calling up Mr. Ripley when I searched in S. 459 and found no provision of any kind on that subject.

The real difference between the two measures will appear from a comparison of section 10 of S. 101, abstracted above, and section 4 of S. 459. The latter rather unique section, in my mind, does nothing to remedy, correct, or remove the evils so eloquently denounced in section 2 of the same act. These are practically the same evils S. 101 points out.

Section 4, speaking now of S. 459, makes it the duty of the Commission "to bring about the removal of discrimination," and so forth, and so forth, and prescribes six ways of doing it, I don't believe any of them do it, they are—

(1) By making comprehensive studies of discrimination and of the effect of such discrimination—

Although it is already plainly stated in section 2 that the result is, and I presume has been, to foment domestic strife and unrest, deprive the United States of the fullest utilization of its capacities for production and defense, and to burden, hinder and obstruct commerce. And you are asked in S. 459 to create a commission to inquire into the very things that are pointed out in the introductory section of that bill as the evil that we are trying to cure.

In my mind, gentlemen, the best way to eliminate such discrimination is to enact S. 101.

(2) By formulating in cooperation with other interested public and private agencies comprehensive plans for the elimination of such discrimination—

And so forth.

To my mind, again, the best way to do that is to enact S. 101, the measure that both of you gentlemen, I believe, have joined in introducing.

(3) By publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it.

Just what good result will come from the publication or dissemination of such information, I do not understand. I think we have before us a state of facts, plainly indicated in the declaration of policy set forth in both these bills, which calls for the removal of the condition.

(4) By conferring * * * and furnishing technical assistance to employers, labor unions, etc., for the elimination of discrimination.

That isn't the complete sentence, but that is the substance of it.

Again, my answer to that is the same: Pass S. 101 and you have furnished offending employers, labor unions, and others with the best possible program for elimination of discrimination.

(5) By receiving and investigating complaints and by investigating on its own motion.'

Well, I have no quarrel with that.

(6) By making specific and detailed recommendations to the interested parties as to ways and means for the elimination of discrimination.

Why not disclose what those ways and means are? I read in the newspaper yesterday that some witness here Monday quoted Daniel Webster to the effect that a bill that carried no penalty was nothing but good advice.

There is a lot of good advice—and we have been struggling along with it in this country for a hundred years—a lot of good advice in this S. 459, and both it and S. 101 now point out a condition which would be remedied by the enactment of S. 101; and if S. 459 were favorably reported by this committee to the Senate, and passed, and received Executive approval, you would be just where you are now.

That, gentlemen, is what I have written on the subject. It arises from a deep conviction of my observation and experience over a good many years.

Senator CHAVEZ. May I ask you a question?

Mr. DRISCOLL. Yes, sir.

Senator CHAVEZ. If discrimination of the type that we are trying to correct by the bills should be corrected if industry is the offender, is there anything, in your mind, as to why, when a labor union itself discriminates, it should not be included in this bill?

Mr. DRISCOLL. Certainly not.

Senator CHAVEZ. Would you care to elaborate on that?

Mr. DRISCOLL. My opinion is—and I think there is something in S. 101 here that contemplates the correction of any evil practice by a labor union as much as by an employer—I don't belong to a labor union. I happen to be an employer, but I think it should apply to both.

Senator CHAVEZ. You think the law should apply to all of us?

Mr. DRISCOLL. Yes, sir.

Senator CHAVEZ. There is no particular reason why labor unions, if they are offenders, should be exempt?

Mr. DRISCOLL. I can't think of any. I am ready to be informed if there is any reason.

Senator CHAVEZ. Well, we might get some information to that effect, but I rather doubt it.

Mr. DRISCOLL. I will be glad to sit by and listen to it.

Might I say one other word? I was reading the Bible last Sunday—I also made this tabulation of comparative statement in my office last Sunday—by way of recompense, and I came across the complaint of one of the prophets. Doubtless you gentlemen search the Scriptures daily, and you will recall the quotation. You will remember that one of the prophets said he had been shown iniquity, and he had been caused to behold grievance, and that spoiling and violence were before him, and that there were those who raised up strife and contention. He had seen all those things, and he said that the law was slacked—our law isn't slack; we haven't any—and in consequence judgment did never go forth; for the wicked did compass about the righteous.

That is just what is happening here.

Senator CHAVEZ. I think Senator Aiken wants to ask you a question.

Senator AIKEN. Can you draw a brief comparison between S. 101 and the law as enacted by the New York State Legislature?

Mr. DRISCOLL. I don't know so much about the law passed in the New York State Legislature, Senators.

I regret to say that in my enthusiasm, I forgot to hand you this comparative statement, after all my work Sunday.

Senator CHAVEZ. That only refers to the comparison between S. 101 and S. 459?

Mr. DRISCOLL. Yes.

Senator CHAVEZ. Are you acquainted with the provisions of the New York law?

Mr. DRISCOLL. Well, I appeared at the hearing on December 6 last, and I believe Mr. Tuttle, from New York City, is here this morning. He can tell you about that. He was counsel for the Commission. I don't now recall it. I recall it in a general way. I am not a resident or a citizen of New York: I merely make my living there.

Senator CHAVEZ. Thank you very much.

Mr. Tuttle, will you come forward?

Will you kindly identify yourself for the record before you proceed with your general statement?

STATEMENT OF CHARLES H. TUTTLE, NEW YORK CITY, N. Y., COUNSEL, NEW YORK STATE TEMPORARY COMMISSION AGAINST DISCRIMINATION

Mr. TUTTLE. My name is Charles H. Tuttle. I was admitted to the bar of the State of New York in 1902, and I have been practicing ever since, and I am one of the two senior members of the law firm of Breed, Abbott & Morgan.

Senators, I appreciate very much the privilege of being here, and perhaps I can best aid the thought that these hearings have to deal with by giving a very brief account of the New York legislation, because I had the privilege of acting as counsel.

Senator CHAVEZ. Have you ever occupied any position with Government, either locally or Federal?

Mr. TUTTLE. Yes, I was United States attorney for the southern district of New York from April 1927 to September 1930. I am a member of the Board of Higher Education of the City of New York, and have been such since 1913. I have had certain other positions, but I think those are matters which come to my mind at the present moment.

The Governor, in 1944, sent a message to the legislature, in which he stated that while we had a number of laws on the books in New York State, these laws were not integrated and did not provide a cohesive and constructive plan for dealing effectively with discrimination in race, creed, color, and national origin. Governor Dewey's message resulted in the passage of a law by the legislature, in the early part of 1944, creating a commission of 23, of whom 8 were designated by the legislature and the remaining number by the Governor. Of those designated by the legislature, 4 were Republican members of the legislature, and 4 were Democratic members.

I emphasize that, because from the very beginning I was very fortunate that the legislature, the Governor, and the people, conceived of this effort to enact a constructive law on the subject of discrimination as one that should be carried through without any taint of politics, and with the avoidance of partisanship.

The members designated by the Governor were outstanding and representative citizens who had, because of civic interest, connection with this subject.

He requested me to act as counsel to the commission, and I was very glad to do so. I did stipulate that for those services I should have the privilege of receiving no compensation.

The commission began its labors in July 1944. We speedily came to the conclusion that there were various alternatives:

(1) A mere goodwill commission, such as had already been created in New Jersey by legislation.

(2) The possibility of setting up a merely advisory commission that should advise business and labor unions. I believe a bill of that character has been introduced into the Senate by Senator Taft.

(3) To give greater implementation to education on this subject. We have in the State of New York, under our constitution, a State education department, which is charged with entire responsibility for and power over all the educational processes of the State.

(4) That we should proceed as had been done in New York up to that time, to wit, to declare various acts of discrimination a misdemeanor and provide a penalty therefor. We had a lot of those statutes. They never, for one reason or another, had proved useful, and there was no judicial decision applying any one of them, so far as reported cases are concerned, in the field of employment. That fact justified the Governor in his message, as I have said, to the legislature, calling for a better integrated and constructive system.

(5) To come to grips directly with the subject and provide measures of enforcement which, however, should be accompanied with the constructive processes that are represented by conciliation, education, and the marshalling of the good-will resources of the communities of the State.

Shortly after election, the commission, through its chairman, the majority leader of the assembly, Mr. Irving Ives, arranged for seven public hearings in the principal cities of the State. We had prepared, at that time, certain tentative proposals embodying the basic principles which were subsequently contained in the bills presented to the State legislature and now enacted into law in New York. These tentative proposals were circulated by the thousands; they were advertised in the public press; copies were sent to all kinds of organizations—business, industrial, labor unions, civic, religious, educational, and so forth—throughout the State. And everybody was invited to come to these hearings.

We were warned by some pessimists that so explosive a subject as that carried through the State of New York in open meetings would result, perhaps, in increasing strain rather than in mitigating it.

The contrary proved to be the case. We had very democratic hearings. It was a fine example of the democratic process in operation.

The bills were revised in such wise as I think it can be fairly said that the people of the State of New York themselves participated in writing this legislation.

Just before the 1st of February, they were presented to the legislature by the commission; and at the same time the Governor, Governor Dewey, sent a message to the legislature in which he commended these bills for careful consideration and for enactment, at least in principle, by the legislature.

The legislature made no change in the bills as submitted by the State commission except that they did remove a provision that we had therein, that the members of the commission should not engage in any private business or calling whatever. It was the opinion of the legislature and the Governor that that might hamper the selection of desirable members for the commission.

You have already been told this morning of the votes by which those bills were overwhelmingly passed in the State legislature. I know of no legislation which approaches this legislation in social importance, which has been carried by such majorities.

I think that is an expression of the fact that public opinion is back of this legislation, back of the principles which are embodied in the New York bills and, inasmuch as the Federal bills embody the same principles, back of the Federal bills.

I think that is important, because some pessimists have expressed the idea that legislation dealing directly, through enforcement, with matters originating in prejudice, cannot have the necessary support in public opinion.

The Legislature of the State of New York held a public hearing on these bills before voting on them, and the expression that came from the great organizations that have to do with humanitarianism, with religion, with education, with labor, was simply overwhelming in favor of the bills.

There was no doubt where public sentiment stood after that public hearing.

Senator Chavez, you asked about labor a moment ago. I will say that these bills were publicly supported at this public hearing before the legislature by the State federation of labor through their official spokesman, and by the C. I. O. It was also supported by various unions affiliated with those organizations. There was only one dissent from full support of the bills from the labor side.

Now on Monday, at a ceremony at Albany, which I had the privilege of attending, the Governor signed these bills, stating at the same time that they represented a great social advance in the interpretation and application of the principles of democracy.

Senator Chavez. May I interrupt?

Mr. Tuttle. Certainly, Senator.

Senator Chavez. Do you happen to have a copy of the New York bill with you?

Mr. Tuttle. Yes. I have here a pamphlet which I will be very happy to leave with this committee. It is the report of the New York State Temporary Commission Against Discrimination. It presented three bills to the legislature, the principal one of which is the bill setting up a State commission.

Senator Chavez. Was that the one that passed and was signed?

Mr. Tuttle. Yes, sir; this was the one that passed. That bill is attached at page 77, as appendix E. The other two bills are of a minor character. One, which is appendix F, enlarges the function of the attorney general of the State of New York in such wise as to give him,

to a limited degree, concurrent power with the district attorneys over the enforcement of all civil-rights laws. If he feels that the district attorney has erred in not bringing a prosecution, he may step in. And the third bill is known as the uniformity bill. We have had so many civil-rights laws which have referred, in different terms, to the same subject matter that the object of this uniformity bill was to use in all civil-rights laws, even though they were already on the books, the term "race, creed, color, and national origin."

I think those two other bills will also pass the legislature.

Senator CHAVEZ. I think it would be well for the record to include the bill which recently passed the New York Legislature, and I will ask that it be incorporated at the conclusion of your statement. We would also like to have you leave the complete report on file with the committee.

Mr. TUTTLE. I will be glad to.

(The New York bill referred to will be found at the conclusion of Mr. Tuttle's statement; the Report of the New York State Temporary Commission Against Discrimination will be found on file with the committee.)

Mr. TUTTLE. This report contains also a commentary on the provisions of the New York bill, explaining the reasons which actuated the Commission in framing the various sections, their conception of the social, civic, and democratic principles that were involved, and it may be that those comments and the rest of the report will be of aid here.

There was, of course, attention given to the constitutional questions that legislation of this character necessarily raises. We were fortunate, in the State of New York, in having a unique provision in the State constitution, written into it by the voters of the State, by a tremendous majority, in 1938, and that constitutional provision has now become part of our State bill of rights and it reads as follows—it is but one sentence:

> No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State.

Building on that, we erected this State commission law. We, of course, gave consideration to the question whether there was any provision in the Federal Constitution which would bar compulsory legislation of this character, and we came unanimously to the conclusion that not only was there no such bar, but that there was no reasonable argument which could be brought forward for assuming that there was such a bar. On the contrary, the Supreme Court of the United States having upheld the constitutionality of the Fair Labor Standards Act, of the National Labor Relations Act, and other Federal legislation dealing with matters of employment, under the powers of Congress over the interstate commerce clause, they say that these decisions must necessarily establish that laws prohibiting an unfair practice in employment of a major character, such as to deny the right to work and therefore the right to live, in the broad sense of the term, must be constitutional.

As I said at the public hearing of the New York Legislature, if this legislation is unconstitutional, then democracy itself is unconstitutional.

The Supreme Court has taken occasion to observe that discriminations because of race, creed, or color are a greater unfair labor practice than those dealt with in the Wagner Act and in the Fair Labor Standards Act.

I can say, parenthetically, that the question of constitutionality is indirectly, at least, to be argued before the Supreme Court at the end of this month. That comes about in this wise. The Railway Mail Association, which is an association of postal clerks, and one of the railway brotherhoods, brought an action in the State of New York about a year ago for a declaratory judgment to the effect that it was not such a labor organization as was contemplated by the prohibitions of section 43 of our civil rights law; and that in the alternative, if it was such a labor organization, that section was unconstitutional as violative of the fourteenth amendment, and as violative also of several provisions of the Bill of Rights of the Federal Constitution.

Section 43 of the civil rights law is extremely pertinent here because of its parallel with the Federal legislation and with our State legislation. It says:

> No labor organization shall hereafter, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members or otherwise, deny a person or persons membership in its organization by reason of his race, color, or creed, or by regulations, practice, or otherwise, deny to any of its members, by reason of race, color, or creed, equal treatment with all other members in any designation of members to any employer for employment, promotion, or dismissal by such employer.

Now this Railway Mail Association has in its constitution this provision—it is in one sentence:

> Any regular male railway postal clerk or male substitute railway postal clerk of the United States Railway Mail Service, who is of the Caucasian race, or a native American Indian, shall be eligible to membership in the Railway Mail Association.

Obviously section 43 nullifies that provision in the constitution of this association, providing that association was a labor organization within the meaning of that section.

The Appellate Division of our Supreme Court, and the court of Appeals of the State of New York, unanimously held (1) that this association was a labor organization within the meaning of that section of the civil rights law, and (2) that the civil rights law was not violative of any provision of either the State constitution or the Federal Constitution.

That provision of the civil rights law creates a misdemeanor and provides for fine and imprisonment.

The Railway Mail Association has carried the case to the Supreme Court, and as I say, it is to be argued in the latter part of this month.

Now, implicit in what I have told you is the rejection by our temporary State commission in framing the New York legislation, the rejection by the legislature and the rejection by Governor Dewey, of the idea that legislation should be confined to merely an advisory commission which should exhort business and labor unions, and the public generally, against discrimination in the field of employment or otherwise. It is also rejection of the idea that it is enough to rely on educational processes. We have been relying on educational processes in the State of New York—although as you will see from the report of our commission, we do not believe those educational processes have

been carried on with sufficient comprehensiveness—for many years. And yet unquestionably we do have very serious discriminations against certain minorities.

It is also a rejection of the idea that the matter can be effectively dealt with merely by declaring this, that, and the other discrimination a misdemeanor and providing a remedy solely through the criminal courts.

I can conclude by saying that our New York bill uses all these methods of approach to the subject, and I think that is its great virtue. It sets up a commission which is authorized to appoint advisory agencies from representative citizens in the community and the State at large, who will serve without compensation and who will act as a marshaller of the good-will resources in local communities or elsewhere, to deal with all phases of discrimination in all fields of human activity, not only employment but in all fields of human activity where discrimination occurs.

It authorizes the commission, and it authorizes these advisory groups which the commission can call into being, to hold hearings, make investigations, and submit recommendations to any department of the State government, including the State education department and the State legislature, and the Governor himself—recommendations for advance in this warfare against discrimination.

The first duty of the commission, when it receives a complaint, is to resort, through one of the commissioners personally and not through mere subalterns, to a conciliation process, getting the parties together and talking about it. That commissioner is thereafter debarred from taking part judicially in whatever trial proceedings may subsequently occur. The reason for that is that we want the commissioner and the parties free to deal with this subject from the point of view of conciliation and compromise, because we believe, both from the experience of the F. E. P. C. under the Federal Executive order and also from the experience which we have had in the State of New York with the workings of the war council's committee on this subject, that in 95 percent of the cases these things can be handled effectively and satisfactorily through conciliation, and we have called upon all the organizations of the State of New York that have backed this bill to cooperate in making that process effective. It is only where that process fails that the commission then conducts a trial proceeding before three members of the commission. They may make findings of fact, they may make recommendations by way of directing employment, directing reinstatement, directing upgrading with or without back pay; and those findings are the subject of judicial review, because the commission is authorized to take its findings and report into court and ask for an enforcement order by way of cease and desist, backed by the contempt powers of the court.

On the other hand, if any of the parties are aggrieved by the order of the commission, such party can appeal to the courts.

The judicial procedure is very simple, we have simplified it to the utmost possible. The findings of the commission are made conclusive, so far as they deal with the facts, provided that they are supported—and this is the phraseology—provided that they are supported by sufficient evidence on the record as a whole.

That language is taken directly out of the leading case on administrative review in the courts, as decided by our court of appeals. It is half-way, perhaps, between the bare language which you have in your bill, "supported by evidence", and the provisions of our New York Code setting up a machinery for judicial review of administrative findings, which code makes it conclusive only if those findings are not against the preponderance of the evidence.

You can see that the language used in our bill is designed to assure that the court may look at the whole record, and not the testimony of a single witness, no matter how many witnesses may testify to the contrary.

I think, Senators, I have concluded my survey of the New York legislation, and I am happy to leave this report and our New York bill with you. The only change, I say, in the appendix attached to the report, is that the provision that the members of the commission shall not practice any outside business or calling has been removed. That clause does nothing to the principle of the bill or to its terms or substance otherwise.

Senator CHAVEZ. You are acquainted with the provisions of S. 101?

Mr. TUTTLE. Yes.

Senator CHAVEZ. I hate to do this without offering compensation from the committee, but I want to ask you a legal question.

Mr. TUTTLE. Well, I have been answering legal questions on this subject, without compensation, for 8 months now, and I guess I can go a little while longer.

Senator CHAVEZ. Looking at S. 101 as a whole, have you any doubt in your mind, from your acquaintance with and investigation of its provisions, as to its legality from any standpoint?

Mr. TUTTLE. I have no doubt whatever on that subject. I am sure that it is both legal and constitutional. Of course, it isn't a lawyer's prerogative to anticipate decisions by the Supreme Court of the United States, but basing my opinion solely on opinions already rendered, I will put it that way, I am entirely confident of the constitutionality of the proposed legislation here, precisely as I am confident of the constitutionality of the New York legislation.

Senator CHAVEZ. I want to thank you. The testimony that you have given this morning is a little different from what we have been getting the last 2 days, which has dealt with other matters and aspects of the proposed legislation, and it will be most constructive and advantageous to the committee. Thank you.

Mr. TUTTLE. Thank you.

(The New York bill ordered to be incorporated in the record, being appendix E to the report of the New York commission, is as follows:)

APPENDIX E

AN ACT To amend the executive law in relation to prevention and elimination of practices of discrimination in employment and otherwise against persons because of race, creed, color, or national origin, creating in the executive department a state commission against discrimination, defining its functions, powers, and duties, and providing for the appointment and compensation of its officers and employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter twenty-three of the laws of ninteen hundred nine, entitled "An act in relation to executive officers, constituting chapter eighteen of the con-

solidated laws," is hereby amended by inserting therein, after article eleven, a new article, to be article twelve, to read as follows:

ARTICLE 12

STATE COMMISSION AGAINST DISCRIMINATION

§ 125. PURPOSES OF ARTICLE. This article shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights; and the legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is hereby created with power to eliminate and prevent discrimination in employment because of race, creed, color, or national origin, either by employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, creed, color, or national origin, as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 126. OPPORTUNITY FOR EMPLOYMENT WITHOUT DISCRIMINATION A CIVIL RIGHT. The opportunity to obtain employment without discrimination because of race, creed, color, or national origin is hereby recognized as and declared to be a civil right.

§ 127. DEFINITIONS. When used in this article:

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

2. The term "employment agency" includes any person undertaking to procure employees or opportunities to work.

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

4. The term "unlawful employment practice" includes only those unlawful employment practices specified in section one hundred and thirty-one of this article.

5. The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if such club, association, or corporation is not organized for private profit, nor does it include any employer with fewer than six persons in his employ.

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

7. The term "commission," unless a different meaning clearly appears from the context, means the state commission against discrimination created by this article.

8. The term "national origin" shall, for the purposes of this article, include "ancestry."

§ 128. STATE COMMISSION AGAINST DISCRIMINATION. There is hereby created in the executive department a state commission against discrimination. Such commission shall consist of five members, to be known as commissioners, who shall be appointed by the governor, by and with the advice and consent of the senate, and one of whom shall be designated as chairman by the governor. The term of office of each member of the commission shall be for five years; provided, however, that of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years.

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

The members of the commission shall not actively practice in their respective professions or callings but shall devote their time to the duties of their respective offices. Each member of the commission shall receive a salary of ten thousand dollars a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

Any member of the commission may be removed by the governor for inefficiency, neglect of duty, misconduct, or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

§ 129. GENERAL POLICIES OF COMMISSION. The commission shall formulate policies to effectuate the purposes of this article and may make recommendations to agencies and officers of the state or local subdivisions of government in aid of such policies and purposes.

§ 130. GENERAL POWERS AND DUTIES OF COMMISSION. The commission shall have the following functions, powers, and duties:

1. To establish and maintain its principal office in the city of Albany, and such other offices within the state as it may deem necessary.

2. To meet and function at any place within the state.

3. To appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

4. To obtain upon request and utilize the services of all governmental departments and agencies.

5. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this article, and the policies and practice of the commission in connection therewith.

6. To receive, investigate, and pass upon complaints alleging discrimination in employment because of race, creed, color, or national origin.

7. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners.

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

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

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

10. To render each year to the governor and to the legislature a full written report of all its activities and of its recomendations.

11. To adopt an official seal.

§ 131. UNLAWFUL EMPLOYMENT PRACTICES. It shall be an unlawful employment practice:

1. For an employer, because of the race, creed, color, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment.

2. For a labor organization, because of the race, creed, color, or national origin of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

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

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

5. For any person, whether an employer or an employee or not, to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this article, or to attempt to do so.

§ 132. PROCEDURE. Any person claiming to be aggrieved by an alleged unlawful employment practice may, by himself or his attorney at law, make, sign, and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The industrial commissioner or attorney general may, in like manner, make, sign, and file such complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this article, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

After the filing of any complaint, 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; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization, or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before three members of the commission, sitting as the commission, at a time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission

or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing the commission shall find that a respondent has engaged in any unlawful employment practice as defined in this article, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limted to) hiring, reinstatement, or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the industrial commissioner, the attorney general, and such other public officers as the commission deems proper. The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within 90 days after the alleged act of discrimination.

§ 133. JUDICIAL REVIEW AND ENFORCEMENT. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the supreme court of the State within any county wherein the unlawful employment practice which is the subject of the commission's order occurs or wherein any person required in the order to cease and desist from an unlawful employment practice or to take other affirmative action resides or transacts business. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and the issuance and service of a notice of motion returnable at a special term of such court. Thereupon the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court and by any appellate court as expeditiously as possible and with lawful precedence over other matters. The jurisdiction of the supreme court shall be exclusive and its judgment and order shall be final, subject to review by the appellate division of the supreme court and the court of appeals in the same manner and form and with the same effect as provided in the civil practice act for appeals from a final order in a special proceeding. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost and for the purposes of judicial review of the order of the commission. The appeal shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within thirty days after the service of the order of the commission.

§ 134. PENAL PROVISION. Any person, employer, labor organization or employment agency, who or which shall willfully resist, prevent, impede or interfere with the commision or any of its members or representatives in the performance of duty under this article, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor and be punishable by imprisonment in a peni-

tentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both; but procedure for the review of the order shall not be deemed to be such willful conduct.

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

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

§ 2. Existing article twelve of such chapter, as added by chapter eight hundred fifty-four of the laws of nineteen hundred forty-one and renumbered by chapter five of the laws of nineteen hundred forty-four, section one hundred forty-four having been amended by chapter two hundred sixteen of the laws of nineteen hundred forty-two, is hereby renumbered article twelve-a.

§ 3. This act shall take effect July first, nineteen hundred forty-five.

Senator CHAVEZ. Mr. James Carey?

Mr. WEAVER. I would like to present Mr. Carey's statement.

Senator CHAVEZ. All right.

Mr. WEAVER. My name is George Weaver. I am Director of the National C. I. O. Committee to Abolish Discrimination, and Mr. Carey's assistant.

Senator CHAVEZ. You are Mr. George Weaver?

Mr. WEAVER. Yes.

Senator CHAVEZ. You may proceed.

STATEMENT OF JAMES B. CAREY, SECRETARY-TREASURER, CONGRESS OF INDUSTRIAL ORGANIZATIONS, AND CHAIRMAN OF NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE TO ABOLISH RACIAL DISCRIMINATION, PRESENTED BY GEORGE WEAVER, DIRECTOR OF NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS COMMITTEE TO ABOLISH RACIAL DISCRIMINATION AND MR. CAREY'S ASSISTANT

Mr. WEAVER. As I understand it, the question before this committee is not "Shall we approve a permanent F. E. P. C. bill," but rather, "What kind of a permanent F. E. P. C. bill shall we approve?"

I say that because only last September, this committee reported favorably a bill which had the wholehearted endorsement of the Congress of Industrial Organizations—a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, and to establish an agency to enforce that prohibition through the usual democratic governmental channels.

Today your committee has before it that same bill known as S. 101 and another bill introduced by Senator Taft relating to the same question which would not prohibit discrimination but merely deplore it. It is only because of the introduction of the Taft bill that we have again requested an opportunity to appear before your committee so that we might reiterate our support for S. 101 and urge your rejection of the substitute that Senator Taft has proposed.

To deplore discrimination, even to condemn it, is not enough. Imagine the chaos if the National Labor Relations Board's authority was restricted to pleading that the contending parties appearing before it comply with its directives.

America is a law-abiding Nation, and we recognize the need for and welcome the enforcement of laws in the common interest. There is little doubt that it is in the common interest to abolish racial discrimination.

A close and careful examination of the Taft bill indicates that it discriminates against persons who suffer economic inequality because of national origin or ancestry. Senator Taft has said that he does not recognize any but Americans. He maintains that when people migrate to this country, they and their children want to be considered Americans. That is very true. The question remains, however, what recourse do they have when others deny them that consideration? Senator Taft, by this strange process of reasoning, wishes away discrimination against these people and then withholds even the coverage of his advisory F. E. P. C. from the 3,000,000 Americans of Mexican or Hispanic origin and the millions of other Americans of recent foreign ancestry.

The Taft approach to discrimination in employment in the Federal Government itself is even more peculiar. Where private industry is concerned, the agency proposed by Senator Taft would at least have the authority to recommend the elimination of discrimination, but where Federal employment is concerned it would not even have that authority. In a case of discrimination in Federal employment, the Taft bill authorizes the Commission to investigate and subsequently to recommend to Congress—not to the bureaus at fault—a plan to eliminate such discrimination. Remember, 25 percent of the cases handled by the existing F. E. P. C. involved Federal employment. Instead of calling upon the Federal Government to put its own house in order and set an example, Senator Taft asks less of government than he does of private industry.

Another important area of Federal jurisdiction is altogether ignored by the Taft bill. The Executive order under which the present F. E. P. C. operates requires that all Government war contracts contain nondiscrimination provisions. S. 101 would continue that requirement, but Senator Taft's bill omits it.

As chairman of the National Committee to Abolish Racial Discrimination, I am constantly in contact with areas in which discriminatory practices have existed or continue to exist. We have witnessed democracy in action, at times given impetus by the demands of wartime production and the aid of the present Committee on Fair Employment Practice. With this stimulation, I have seen unreasoning prejudices and apathy give way to new understanding and collaboration. Our experience has demonstrated that men of all colors and creeds will work together. Having shared this experience, no decent American is willing to condone a reversion to the pre-war patterns of American discrimination. That is why, in conformity with its traditional policy, the 1944 C. I. O. convention unanimously and emphatically approved a resolution calling for a permanent F. E. P. C. with enforcement powers.

From my observations of the operations of the present P. E. P. C., it has become apparent that its essential weakness is the lack of enforcement powers. It may seem hard to believe that after almost 4

years of operation of the F. E. P. C., war jobs are still kept vacant by discrimination.

The War Manpower Commission reports that 30,200 additional workers are needed in air-frame production. Only 4.7 percent of the workers in this industry are nonwhite. Some plants, located in areas where large numbers of Negroes are available, refuse to employ them on production jobs. Many others fail to upgrade experienced minority workers in accordance with growth of their skills.

Approximately 10,000 additional workers are needed to produce heavy artillery ammunition. In spite of the fact that 11 percent of the workers in this industry are nonwhite, very little use is made of their skills by some of the plants in this program.

About 45,000 additional workers are said by the War Manpower Commission to be needed to meet the increased requirements for small-arms ammunition. Nonwhite workers represent 8.5 percent of the total jobs, and one concern in this critical program refuses to hire any Negro workers. Labor utilization is particularly poor in the St. Louis area, where the increased manpower requirements are concentrated.

The cotton-textile industry, upon which the Army is dependent for tenting material, is reported to require a net increase of about 3,000 workers in addition to meeting its difficult turn-over problem. Nonwhite workers represent only 3.8 percent of total employees in the entire textile industry, and their utilization is particularly poor in the areas where law or custom requires segregated facilities. While some mills, including some in the South, have upgraded Negro workers to advanced skills or have used them to man entire shifts, most textile mill operators refuse to hire any Negroes for production work. If wages and working conditions are first improved, the use of Negro workers could solve the manpower problems in the industry.

Thousands of additional workers are needed in foundries in tank manufacturing plants, in the production of tires and tubes, in the manufacture of dry cell batteries, in the production of heavy trucks and truck components, in the radar industry, in the manufacture of rocket shells, and in other vital munitions programs. In each of these, the utilization of minority workers varies greatly from plant to plant and the uniform full utilization of their skills would go far toward solving the manpower problem.

Following public hearings held in August 1944, the President's Committee on Fair Employment Practice issued a series of seven decisions finding that seven St. Louis companies engaged in discriminatory employment practices against Negroes. A summary of the findings follows:

1. McQuay-Norris Manufacturing Co.: This company manufactures small-arms ammunition, employs more than 2,000 persons. Although it employs more than 500 women and has a critical need for more employees, it refuses to employ Negro women. Latest W. M. C. figures indicate that there are 4,000 Negro women seeking employment in St. Louis. In addition, the company confines Negro men to janitor and unskilled laborers' jobs regardless of their qualifications.

2. St. Louis Shipbuilding & Steel Co.: This company is engaged in the manufacture of warships and employs about 1,300 persons, but employs Negroes only in custodial jobs.

3. Bussman Manufacturing Co.: This company manufactures fuses and other war material, employs about 1,400 persons, refuses to employ Negro women, although it has employed 1,100 white women.

4. Amertorp Corporation: This company manufactures torpedoes for the Navy. Although one-third of its employees are women, it refuses to employ Negro women.

5. Carter Carburetor Corporation: This company is engaged in manufacturing essential war material. It refuses to employ Negro women although it has many white women in its employ.

6. Wagner Electric Corporation: This company manufactures electrical equipment for the armed forces. It employs 2,500 persons, of whom 1,600 are white women. It refuses to employ any Negro women.

7. United States Cartridge Co.: This company is engaged in the manufacture of small-arms ammunition, employs more than 10,000 persons, but arbitrarily restrict the percentage of Negroes to 10 percent, the population ratio in St. Louis. When the company reaches the top of the Negro quota, it refuses to hire any more Negroes, although it needs manpower.

The foregoing does not present a pretty picture. Imagine the difficulties this Nation will face in reconverting to peacetime economy. A permanent F. E. P. C. with enforcement powers as proposed in S. 101, will not guarantee jobs for all minority workers; only full employment can do that. But it can prevent the suffering and strife that would result from the singling out for discharge certain workers for no better reason than that they are black, brown, Catholic, Mexican, or Jewish. It can insure that in the placement of jobs of our returning servicemen and displaced workers, the criterion will be ability and not false theories of racism that plunged us into this war.

We in the C. I. O. are aware that a depressed minority group is a threat to our individual and national security. Only the interests that derive a profit from discrimination are served by the maintenance of groups of workers labeled "second class." They make a convenient reservoir of cheap labor, willing or not, because they must eat. The enlightened labor movement considers this problem of discrimination a workers' problem, not a minority problem, and we are working toward solving the problem within the C. I. O. by refusing to countenance discriminatory practices. Instead of creating chaos as Senator Taft has predicted, our policy has helped push war production to phenomenal levels, strengthened our organization, and proved that prejudice can be overcome.

Because our 6,000,000 members represent all the virtues and frailties of the people of America, we maintain our own national committee to abolish racial discrimination. This committee, of which I am chairman, is perhaps comparable to the F. E. P. C. It is working effectively within the C. I. O. to eliminate any discriminatory practices where they arise. Yet we recognize that we are in need also of the backing and complete coverage of a Federal F. E. P. C. with enforcement powers. We need enforcement of an over-all national policy of nondiscrimination. We realize that the maintenance of special groups of workers at depressed levels is a constant threat to workers at higher levels. It is sound trade-union policy to see that this threat is removed. We realize also as good citizens, interested in the national welfare, that it is a violation of all standards of decency and de-

mocracy and economically unsound. We, therefore, wholeheartedly endorse S. 101.

Senator CHAVEZ. Thank you.

Miss Stevens, will you come forward?

Please be seated and identify yourself for the record.

Miss STEVENS. I am Thelma Stevens, executive secretary of the department of Christian social relations in the woman's division of the board of missions of the Methodist Church.

Senator CHAVEZ. You may proceed.

STATEMENT OF THELMA STEVENS, EXECUTIVE SECRETARY, DEPARTMENT OF CHRISTIAN SOCIAL RELATIONS, WOMAN'S DIVISION, BOARD OF MISSIONS, METHODIST CHURCH, NEW YORK, N. Y.

Miss STEVENS. On February 20, the following letter went out from our department to 400 Methodist women leaders in 103 conferences across the United States, and from them to 27,000 local units of about 2,000,000 Methodist women:

DEAR FRIENDS: This is an urgent S O S.

You will recall that the woman's division took action last March and again in September, urging support of legislation for a permanent Fair Employment Practice Commission with adequate coverage for all groups, prohibiting discrimination because of race, creed, color, national origin, or ancestry. The bills pending in the last Congress were H. R. 3986 and S. 2048. The new bill introduced into the Senate as a successor to S. 2048 is S. 101. Copies of same may be secured by writing your Senator.

Recently Senator Taft, of Ohio, introduced S. 459 to establish a permanent Fair Employment Practice Commission, with only investigatory and advisory duties and without any enforcement powers whatsoever. Please note the attached analysis of the Taft bill as compared with the bipartisan S. 101.

Please call this matter to the attention of the women in your conference as soon as possible and urge them to write their convictions quickly to their Senators, urging the necessity for a full coverage of all groups and adequate enforcement powers. Letters to local newspapers, discussions of the respective bills in study groups, forums, and local radio coverage would all be major helps.

Let us flood our Senators with a half million letters on this topic as quickly as possible.

This letter is only one of many similar letters that go regularly to women across the country, urging them to express their convictions to their Congressmen and Senators on issues relating to vital domestic problems, and to our responsibility for world cooperation. We believe that our representatives in Washington must come to grips with these issues, but we also believe that we must become a more enlightened and articulate people, making our convictions known in Washington.

The question of a functioning Fair Employment Practice Commission has been a grave concern of Methodist women for the past 2 years. Specific recommendations for action have been made from time to time. In September 1944, the following action was taken by the woman's division of the Methodist Church:

1. Whereas we may expect increasing tensions in the area of employment as we approach the period of demobilization and the reconversion of industry; and

Whereas the woman's division has taken action urging legislation for fair employment practices and the general conference has endorsed the principles underlying the Fair Employment Practice Committee, and believing that fair employment practices are essential to democracy, we recommend—

(*a*) That Methodist women support and work for the passage of H. R. 3986 and S. 2048.

(*b*) That we commend the liberal press, the Federal Council of Churches, the National Committee for Permanent Fair Employment Practice Committee (1410 H Street NW., Washington, D. C.), and the other agencies who are seeking to safeguard employment opportunities without discrimination based on race, creed, color, or national ancestry.

This action was in keeping with the general principle enunciated by the general conference of the Methodist Church in May 1944, namely, that—

We endorse the principles underlying the Committee on Fair Employment Practice and urge all agencies involved in the administration of the act to improve that administration.

We have recognized with gratification the work of the F. E. P. C. since it was created by Executive order as a war emergency measure. With the end of the war nearer, it is even more imperative that we have a permanent F. E. P. C. by legislative action with full protection of all groups, and adequate provisions for enforcement of same. S. 101 meets these requirements.

The emphasis of S. 549 is concerned with "study" and "investigation," both of which are necessary, but without value unless followed by specific action. For too long we have studied conditions and investigated injustices, and stopped short of action. The Christian Church has been too long guilty of dealing in platitudes and the discussion of ideals. That pattern is rather general. Fortunately, we have been stabbed awake by the stark reality of war, and can we be less concerned for human justice in building peace? This is no time to appease the reactionary forces of the land. The majority of people in the United States want democracy in employment practices and we expect Congress to make adequate provision for same. The need is evident North and South, East and West.

My home is in Mississippi, one of the most conservative States of the Union. The reactionary forces are strong in my State, and their influences are felt in Congress. Yet there are increasing signs of promise even in Mississippi. We need F. E. P. C. in Mississippi to protect nearly 50 percent of the State's citizens from the exploitation of political demagogues and indifferent prejudiced employers. One or two voices raised against provisions for democratic practices, using Fascist technique of "filibuster," represent only a small percentage of the citizens of my State and others like it. The majority, even though not permitted in many cases to be articulate, want justice for all people regardless of race, creed, color, national origin, or ancestry, and we want this justice safeguarded by adequate enforcement measures.

Legislation and education are two major ways of effecting social change. Both must many times go hand in hand in order to be effective. We are living in a fast-moving age, when change is inevitable. Someone has said that the only stability attainable in the world is the stability of a spinning top. We are depending on Congress to give us adequate far-sighted leadership in the enactment of legislation to meet the needs of this period. Group tensions and racial injustices are evident on every hand. There is grave need for security of employment for all peoples. The provisions of S. 101 include protective measures for all groups in Government employ, industry, and unions alike. Jim Crow practices in all these areas, with reference to employment, will be outlawed. As this law becomes increasingly effec-

tive throughout the country, tensions will lessen. Insecurity at any point makes for tension. Job discrimination is a major cause of tension.

The church must increasingly undergird such legislative action by education and interpretation and by practicing within its own agencies the democratic process. The Senator from Ohio, in introducing his bill S. 459, stated that if the F. E. P. C. Act carried a compulsory or enforcement provision, that "the Methodist Book Concern will have to employ Catholics." The Methodist Publishing House (successor to the Methodist Book Concern) has never had an employment policy of discrimination because of creed. Doubtless there are Catholics and Jews employed at present, and there will be others as time goes on.

I returned last week from a 3-day conference of Negro and white church leaders in New Orleans, La., where more than 150 key ministers and lay men and women from both races met together to discuss problems of demobilization and the church's job. Major attention was given to what the church can do to influence the community to make provision for a program of full employment for all peoples. Malcolm Ross, chairman of the President's Committee on Fair Employment Practice, was one of the speakers, and with him was Don Ellinger, regional director of F. E. P. C. The group was vitally concerned that Congress should pass legislation establishing a permanent F. E. P. C. with adequate provisions for all people and full power for enforcement. Those people are working also through their local branch of the National Council for a Permanent F. E. P. C.

Methodist women are seeking practical ways "to make real and effective the teachings of Jesus as applied to individual, class, racial, and national relationships." We believe that fair employment practices are essential to security of family life and to the safeguarding of all human values. We believe that this war should result in a recognition of the essential worth of every person and his right to live and work in security in every community from Maine to Mississippi and East and West.

We believe that the passage of S. 101 will be a major step in this direction. Therefore, we urge the committee to speedily bring a favorable report on same, and urge immediate consideration by the Senate.

Senator CHAVEZ. Does that conclude your statement?

Miss STEVENS. Yes; that is my statement.

Senator CHAVEZ. Thank you very much.

Miss STEVENS. Thank you.

Senator CHAVEZ. Mr. Stephens, will you come forward. Please be seated and identify yourself for the record.

STATEMENT OF RODERICK STEPHENS, PRESIDENT, STEPHENS FUEL CO., INC., NEW YORK, N. Y., FORMERLY PRESIDENT, BRONX BOARD OF TRADE

Mr. STEPHENS. Senator Chavez, my name is Roderick Stephens. I come from the borough of the Bronx, in the city of New York. I am engaged in the retail coal business there.

I am president of Stephens Fuel Co., Inc., one of the larger retail fuel concerns in the city of New York. We employ all types of labor,

skilled, unskilled, and white-collar workers. We have always avoided discrimination in all of our purchases, our sales, and our employment policies. We have considered it good business to do so, and bad business otherwise.

As a businessman, this issue of both Federal and State Fair Employment Practice legislation has been a live topic of discussion among my associates individually and in various business organizations with which I am connected.

Parenthetically, I am a former president of the Bronx Board of Trade, the largest business organization in the Bronx, which itself is a community of over a million and a half people. Also, I am former President of the National Retail Coal Merchants Association, and was Chairman of the National Code Authority on Coal during N. R. A. days.

Very few of my business associates, and practically no business organizations that have recorded their position publicly on this issue of legislation to prevent discrimination, have questioned the desirability of the avoidance of discriminating practices. Very few deny that dscriminations are practiced to such an extent as to make this an evil of serious moment.

Where differences of opinion occur is when we discuss how this evil can best be minimized.

Those who have had Federal contracts or whose functions have contributed to the war effort and thus have lived with an F. E. P. C. since June 1941, are best qualified to judge. I have yet to meet one such businessman who has had difficulties as a result of his contacts with F. E. P. C.

Now it might appear that their contacts have been with an F. E. P. C. lacking enforcement powers, but the truth is that as businessmen we know that an agency that is backed by the prestige of the President, in time of war, has substantial powers behind it.

Some of my friends and associates say that while they have had no difficulty in integrating employees of different races, creeds, and colors, during wartime, they are fearful of what may happen when victory has been won and they enter the reconversion period.

There, to my mind, lies the nub of this problem. Shall we fight a war to uphold the freedom and dignity of man, and then expect millions of our people to return to the status of second-class citizens when victory has been achieved?

We hear the forthcoming statutory F. E. P. C. characterized as a potential bureaucracy by some. Others call it a gestapo in the making. I am quoting now from statements made and communications read by opponents to such legislation at the legislative hearings at Albany, which I attended.

The first group show a lack of faith in the normal processes of democracy. The second group show a lack of faith in their fellow citizens.

Granted that business recoils from regimentation and from bureaucracy, does that mean that we shall not effectuate the guaranties of our Federal and State Constitutions by the most effective means available to a government of laws? Whoever uses the word "gestapo" in that connection has lost his sense of proportion and is no safe guide for policy or conduct.

If we truly believe that all men are created equal and are endowed by their Creator with certain unalienable rights, let us extend these rights to all men. On this subject, E. Stanley Jones, the eminent evangelist and author of the Christ of the American Road, writes that "the history of the word 'all' is the history of the progress of America, and our future progress depends upon what we do with it."

The Negro and the Jew, in common with all minority groups, have done their full part in defense of our land and its freedoms. By their service, their suffering, and their sacrifice, they have earned a citation "Well done, citizen, first class."

That is what this F. E. P. C. signifies, Senator Chavez.

In the course of the recent historic legislative hearing in Albany on the State F. E. P. C., I heard A. F. of L. and C. I. O. top leadership united in support of the principle and enforcement of nondiscriminatory practices in employment and in labor unions. By the very words he uttered in opposition, the only objecting representative of labor made their position stronger and demonstrated the weakness of his own position.

Even from within the Military Establishment, where precedent and tradition rule, we find eloquent testimony to the practicability of racial integration rather than segregation.

In the foxholes, on the beaches, on the Stillwell Road, in the Philippines, and at Cabanatuan Prison Camp, where the rescue party was less than one-third white and more than two-thirds brown-skinned guerrillas. I am told that little is said about racial superiority. Likewise, in the dressing stations, field hospitals, and hospital ships, this Nazi dogma and practice is fast becoming a myth.

Perhaps the explanation for the refusal of Filipinos to cease their resistance to the Japs lies in the fact that, from the time General MacArthur saw the approach of war and the necessity to unify all forces available for the defense of the Philippines, he and his fellow white officers and men treated their brown-skinned brothers in arms "with respect and as equals," to quote Lieutenant Colonel Dino, personal physician to the President of the Philippines.

As a fellow Republican—I am sorry Senator Aiken has left; I was hoping we would have a bipartisan audience, at least.

Senator CHAVEZ. Well, my dad was a Republican, too, so that is all right. [Laughter.]

Mr. STEPHENS. Of course, I would have liked to have had Senator Taft here.

Fortunately, our 1944 standard bearer, Mr. Dewey, the titular head of our party, has been true to the principles and program of his party's platform and has demonstrated his "private honor and public faith"—I am now quoting from the Republican 1944 platform—in respect of the "establishment of a permanent F. E. P. C." He advocated such legislation in the jurisdiction of the State of New York and created an honestly intentioned State F. E. P. C.—not a weak-kneed caricature as now proposed by the honorable senior Senator from Ohio. Mr. Dewey came clean with his conscience, his party, and his people. That is the kind of leadership we Republicans should follow.

Lieutenant Commander Stassen, a Republican, whose pre-war record was a source of pride to all forward-looking members of the party, in his recent keynote statement as a delegate to the San

Francisco United Nations Conference, said some things that are pertinent. He said:

> We need not scoffers today; we need men. Men to assault the pill boxes of lethargy, the emplacements of prejudice, the spitting guns of intolerance * * * to make freedom and liberty and peace living symbols to men and women and children, and not mere words in speeches or charters—

and may I interpolate—

> or in party or preelection platforms or in the express provisions of the Constitution of these United States.

Finally, I remind my fellow Republicans what our national chairman, Herbert Brownell, suggests as essential to national as well as party welfare. Mr. Brownell called for "liberty and opportunity, a program around which all of our people, particularly our youth, can rally."

He did not say "liberty and opportunity for whites." He did not say "a program around which all of our white people, particularly our white youth, can rally." He said "all of our people," and I believe he meant all of our people, and, if I am wrong, let him say so, and, as a Republican, I shall hang my head in shame.

If I am right, let him say so, and let the honorable senior Senator from Ohio, as one who, on this critical issue of human rights, has not maintained his private honor or his public faith, hang his head in shame.

As the honorable opposition, let us oppose privilege, not opportunity.

Let there be no unholy alliance to perpetuate a second-class citizenship for any minority, black or white, for which there is no justification in the provisions of the Constitution, in the facts of science, in the teachings of religion, or in the principles or experiences of democracy.

Finally, as citizens of a great nation, more concerned with justice and peace and prosperity for all than with partisan interests, I urge that there be no party alinement on this bill. Every Senator or Representative who believes with Jefferson and Lincoln that our people can safely be trusted to administer the constitutional guaranties of freedom and equality for all, must recognize that enforcement procedures are needed to supplement educational processes.

The voice of freedom has spoken in the cosmopolitan State of New York. It is about to speak in other States. It must not be silenced in the Halls of Congress.

Thank you, sir.

Senator CHAVEZ. May I say that I know of my own knowledge, and I speak as a partisan liberal Democrat, that there are thousands and thousands of fine A–1 Americans who are Republicans. [Laughter.]

Mr. STEPHENS. Thank you, Senator.

Senator CHAVEZ. May I also add that our military enemy do not discriminate, either in a partisan way or a racial way, against the Americans that are facing them. Governor Saltonstall's boy was killed. The Jap didn't care that he was a Republican or came from a fine New England family.

And Levine, a little Jewish boy from Brooklyn, they didn't discriminate against him, they just shot him.

And in my own State we get the releases from the War Department and the Navy Department every day listing the casualties, which include the Espinosas, the Valdezes, the Chavezes, the Garcias, and many others, on every battlefield. The enemy does not discriminate, they just shoot them and kill them, the same as any Americans.

So it seems rather depressing that such a thing should happen in the United States, and that we do nothing about it.

Mr. STEPHENS. Of course, we are believing that you are going to do something about it, Senator Chavez.

Senator CHAVEZ. I think we will.

Mr. STEPHENS. Thank you, sir.

Senator CHAVEZ. We will take one more witness before we recess for the noon hour, and we will try to come back early.

Dr. Tobias, will you come forward? Kindly state your name for the record, and identify yourself.

STATEMENT OF CHANNING H. TOBIAS, CHAIRMAN, SOCIAL-WELFARE COMMISSION OF THE COLORED METHODIST EPISCOPAL CHURCH; SECRETARY OF THE NATIONAL COUNCIL OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION, NEW YORK, N. Y.

Mr. TOBIAS. My name is Channing H. Tobias. I am chairman of the social-welfare commission of the Colored Methodist Episcopal Church; I am a secretary of the national council of the Young Men's Christian Association.

My Government services, on a voluntary basis, include service on two committees, the President's Advisory Committee on Selective Service and the Joint Army and Navy Committee on Welfare and Recreation.

My conviction as to the importance of a national Fair Employment Practice Act has not been arrived at through pressures from without. It is rather a studied conviction, based upon what I believe to be a predominant sentiment on the part of the rank and file of the people of this country that such an elemental right as freedom to work without discrimination on account of race, creed, color, or national origin should be safeguarded by the National Government.

I appear here today officially representing the social-welfare commission of the Colored Methodist Episcopal Church, but I belong to boards and commissions of many religious, socio-religious, and community organizations, whose membership runs into the millions, and I can truthfully testify that, although there may be differences of opinion as to minor details in such a bill as S. 101, I have in my wide range of acquaintanceship discovered little difference of opinion as to the desirability of having such legislation enacted.

I have heard the bill objected to on the ground that it invokes the power of the law to compel employers to comply with the nondiscriminatory requirements of the act. My answer to that is that the scriptures themselves state that the law performs the function of a schoolmaster leading us into right action. The assumption that education alone can be depended upon to assure to people their rights could lead to ridiculous conclusions. We might just as well argue from such a premise that there is no need for courts of law or constabulary forces of any kind because educational opportunities are within reach of all the people. Of course, it is always to be hoped for

that there may be as little necessity for invoking penalties as possible, but the law involving penalties must always be there as a reminder to those who are selfish or inconsiderate of the rights of others that, as a last resort, they can be compelled to conform to those regulations that are in the interest of the common welfare.

It is because the bill recently offered in the Senate by Mr. Taft—so often referred to here this morning—falls down at this point that I regard it as not only inadequate but worse than no bill at all. The Republican platform, of which Mr. Taft himself was the chief architect, was so explicit in calling for effective legislation to do away with unfair employment practices, that I am little surprised that Mr. Taft, who is usually so keen in detecting inconsistencies, would not have been conscious of his own in offering his bill. At this point it might not be inappropriate to quote a remark made just day before yesterday by the titular head of the Republican Party after signing the Ives-Quinn bill at Albany, N. Y. Said Mr. Dewey:

> By this act the State declares the simple principle that in employment there shall be no discrimination by reason of race, creed, color, or national origin. It expresses the rule that must be fundamental in any free society—that no man shall be deprived of the chance to earn his bread by reason of the circumstances of his birth.

Another objection that I have heard advanced against S. 101 is that some of the States are now enacting fair-employment-practices legislation, and that therefore there is no need for national legislation. My answer to that is that it would be just as logical to say that there is no need of national labor legislation because most of the States have some form of legislation to protect labor organizations in such rights as bargaining collectively in the interest of the welfare of the workers within those States. But such legislation was long since regarded as inadequate, and far-reaching national legislation of which some of you honored gentlemen were fervent supporters, was passed by the Congress.

There is, therefore, in my judgment, no more reason why we should consider State legislation in this field as sufficient, than we would consider the existence of a State labor commission or a State industrial commission as obviating the necessity for a national labor relations board.

One final observation I would like to make is that there is nothing in this legislation that need be feared by any organizations or groups who mean to be fair in their employment practices as respecting minorities. The very fact that one objects to a fair employment practices act with enforcement power of itself has the effect of arousing suspicion that he does not desire to be governed by fair employment regulations. Furthermore, the record of the present Fair Employment Practice Commission shows that there has been no attempt to abuse the rights of employers, labor unions, or employment agencies but rather has there been every indication on the part of the Commission to deal reasonably with all parties concerned. I understand that literally thousands of complaints have been handled without recourse to hearings or threats of prosecution. I predict that with the passage of S. 101 with enforcement powers the result will be equally effective and satisfactory. I therefore urge early passage of Senate bill 101.

Senator CHAVEZ. Thank you, Mr. Tobias. That was a fine statement.

Mr. TOBIAS. Thank you.

Senator CHAVEZ. The committee will now recess until 2 o'clock.

(Whereupon, at 12:25 p. m., the committee recessed until 2 p. m., of the same day.)

AFTERNOON SESSION

(The subcommittee reconvened at 2 p. m., pursuant to recess.)

Senator CHAVEZ. The committee will be in order.

Is Mr. Thomas here?

Mr. THOMAS. Yes, sir.

Senator CHAVEZ. State your name and address and tell us who you represent.

STATEMENT OF JULIUS A. THOMAS, DIRECTOR, DEPARTMENT OF INDUSTRIAL RELATIONS, NATIONAL URBAN LEAGUE, NEW YORK CITY, N. Y.

Mr. THOMAS. Mr. Chairman, my name is Julius A. Thomas, and I am director of the department of industrial relations of the National Urban League with headquarters at 1133 Broadway, New York City.

The National Urban League is a national social service organization that has been actively engaged since 1910 in the improvement of the working and living conditions of Negroes. Affiliated with the national organization are 50 local agencies whose programs and activities are closely geared to the over-all objectives of the Urban League.

The National Urban League since its organization has been deeply concerned with the economic and occupational problems of Negro wage earners. It has recognized that the success or failure of the efforts to raise the standard of living among them must ultimately be determined by their ability to make satisfactory occupational adjustments. To assist Negro workers in this endeavor, the National Urban League and its affiliates have carried on programs of education and research designed to interpret the Negro worker's problems to the community. Similarly, the League has sought to impress upon Negro workers the necessity for preparing for jobs that afford opportunities for maximum use of their latent skills and talents. This program is now in its thirty-fifth year, and the statements which I shall make are predicated on a broad organizational experience with the day-to-day problems of Negro wage earners during that period.

The National Urban League endorses the proposed legislation, Senate bill 101, to abolish discrimination in employment on account of race, creed, color, or national origin or ancestry, and to establish a permanent Fair Employment Practice Committee. We believe the enactment of this legislation will be an important step in the direction of eliminating inequalities in employment opportunities available to a large number of American citizens. Further, we are convinced that this legislation, if enacted, will assure Negro veterans as well as veterans of other minority groups, fair and impartial treatment in the matter of employment when the war is over. It will strengthen the faith of the American people in the fundamental soundness of the democratic processes and institutions which every American citizen cherishes.

The past 4 years have witnessed startling changes in the occupational status of Negro workers in American industry. The most reliable estimates of the number of these workers presently employed in all categories of industrial work reveal that between one and a half and two million Negroes are building tanks, planes, radios, guns, and other vital war materials. The reasons for this dramatic change are indeed obvious. All-out war requires all-out production and all-out production demands an adequate labor supply. Negro and other minority group workers constituted the largest untapped labor reserve when the ever-increasing demand for manpower could not be met otherwise.

But let us turn back the calendar to 1940 for another picture of the Negro wage earners. I quote a paragraph from a Government report based on the 1940 United States Census of Occupations:

Striking differences between the occupations of whites and Negroes were shown in 1940 census statistics released today by Director J. C. Capt, of the Bureau of the Census, Department of Commerce. Farmers, farm laborers, and other laborers constituted 62.2 percent of all employed Negro men and only 28.5 percent of all employed white men. Only about 5 percent of all employed Negro men, compared with approximately 30 percent of employed white men, were engaged in professional, semiprofessional, proprietary, managerial, and clerical or sales occupations. Skilled craftsmen represented 15.6 percent of employed white men and only 4.4 percent of employed Negro men. More than half of the Negro craftsmen were mechanics, carpenters, painters, plasterers and cement finishers, and masons.

Equally large differences are shown between the occupations of white and Negro women. Almost 70 percent of employed Negro women, as compared with 22.4 percent of employed white women, were engaged in service occupations. Clerical and sales workers constituted almost one-third of employed white women but only about 1 percent of employed Negro women. The proportion of employed white women who were operatives (20.3 percent) was more than three times that for employed Negro women (6.2 percent). Amongst 16 percent of employed Negro women and only about 2 percent of employed white women were farmers or farm laborers.

Statistics on the occupational distribution of Negroes and members of other nonwhite races are especially important at this time in connection with the current effort to meet labor shortages in essential war production through the elimination of hiring practices which have discriminated against the employment of minority racial groups. The accompanying table shows the number of persons and the percentage distribution by race for each occupation. These figures focus attention upon differences among occupations in employment opportunities for members of minority groups. They show, for example, that employment opportunities for Negroes were extremely small in skilled craft occupations as a whole, since Negroes constituted only 2.6 percent of all men employed in this major group. In certain specific craft occupations, however, opportunities for Negroes were much greater. For example, of all men employed as plasterers and cement finishers, molders, and masons, 14.8, 7.9, and 7.2 percent, respectively, were Negroes.

While the section of the report quoted provides an accurate description of the status of Negro wage earners in the national economy, it does not tell the whole story. It is doubtful if any organization in America has had more experience in the struggle to remove barriers to the employment of Negroes than the Urban League. Months before the issuance of the Executive Order 8802, members of the League staff in all sections of the Nation endeavored to secure the acceptance of Negro workers by employers working on Government contracts. Our files will show that the vast majority of these industries either refused to consider the employment of Negroes or limited their employment to certain types of menial and unskilled jobs. It was not

until the early part of 1942 that Negro workers were employed in significant numbers in war production. I am deliberately omitting much of the statistical evidence of this painfully slow process because I am certain that this committee has already received adequate factual information on this point.

I am convinced, and I believe the members of this committee share my conviction, that discrimination in employment because of race, creed, color, or national origin is undesirable, unnecessary, and un-American. I believe also the committee is earnestly seeking the most appropriate means of combating this evil. To those of us who have devoted a lifetime to a tedious job, there are two roads before us as we face the problems of the period of reconversion and readjustment to peacetime living. One road leads back to the days of laissez faire—the days of widespread unemployment and insecurity—the days of intolerance and misunderstanding. I do not believe we want to travel that road.

The other road leads to a dynamic economy of full production and full employment—an economy in which every man will have an equal chance to market his labor and his skill. But this road cannot be traveled unless we take positive steps to safeguard a man's right to a job without the paralyzing discrimination which has excluded millions of American wage earners. The first step in this direction is the passage of the legislation now under consideration, S. 101. I say "first step," and I think I should like to underline the two words. The Urban League considers this only a beginning—which must be made before real progress can be achieved. For many years to come the process of education that must follow the enactment of this legislation will be a consuming task. Not for one moment do we believe that legislation alone can accomplish the job before us.

In closing this statement may I call attention to that section of the bill which refers to the discriminatory practices of certain labor unions. While I am not unmindful of the fact that many employers have refused to employ Negro and other minority group workers, thus setting a pattern which they have been reluctant to change, I am certain that a number of labor unions have aided and abetted them in this practice. I have here the results of a painstaking study of labor unions which by constitutional provision, ritual, or tacit agreement, contrive to exclude workers of certain races or creeds. I would like to submit this study for the record.

Senator CHAVEZ. It will be inserted in the record at the conclusion of your statement.

Mr. THOMAS. The actions of these groups are equivalent to "compounding a felony," and they should be required to bring their union practices in line with those of industry and commerce if we are to accomplish the purposes set forth in the proposed legislation.

On behalf of the Urban League may I express our appreciation for the time and attention this committee has given to this statement.

Senator CHAVEZ. Thank you very, very much.

Mr. THOMAS. May I add one thought?

Senator CHAVEZ. Certainly.

Mr. THOMAS. In the last year and a half it has been a part of my job to go around the country and discuss with prominent industrial leaders the question of this proposed legislation, and I would like to put into the record the impressions that I have gained from many of

the men who have done the best job of integrating minority group workers.

The president of one corporation which now employs 15,000 Negro workers and several thousand workers of other groups, made this very unequivocal statement just 2 weeks ago, that unless this legislation is enacted, there will not be a ghost of a chance of retaining the gains that have been made in the last 4 years in spreading employment opportunities to the people of America.

Senator CHAVEZ. I think he might be correct.

Mr. THOMAS. Well, I am inclined to agree with him entirely.

Senator CHAVEZ. Thank you.

(The study of labor unions ordered to be incorporated in the record at the conclusion of Mr. Thomas' statement, is as follows:)

I. The following unions exclude all races by constitutional provision or ritual except white (13):

American Federation of Labor.

1. American Wire Weavers Protective Association (white, Christians).
2. Order of Sleeping Car Conductors.
3. Airline Pilots Association.
4. Association (International) of Machinists (ritual).
5. Switchmen's Union of North America.
6. Railway Mail Association.
7. Order of Railroad Telegraphers.

Independent.

1. Order of Railway Conductors.
2. American Association of Train Dispatchers.
3. Brotherhood of Locomotive Engineers.
4. Brotherhood of Locomotive Firemen and Enginemen (white born).
5. Railroad Yardmasters of North America.
6. Brotherhood of Railroad Trainmen.

II. Unions that have constitutional restrictions limiting Negro rights and privileges (5).

American Federation of Labor.

1. International Brotherhood of Blacksmiths, Drop Forgers, and Helpers (auxiliary locals for colored helpers under jurisdiction of white locals; colored members may not be promoted, may not transfer except to other auxiliary colored locals, and are not admitted to shops where white helpers are employed).
2. Brotherhood of Railway Carmen (on railroads where employment of colored persons has become a permanent institution they shall be admitted in a separate lodge).
3. Brotherhood of Maintenance of Way Employees (separate lodges: must select white delegates to represent them).
4. Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees (separate auxiliary lodges—no representation in conventions).

Independent.

1. National Rural Letter Carriers Association (only white delegates seated in national conventions.)

III. Informal restrictions against Negroes:

American Federation of Labor.

1. Seafarers International Union (Negroes in steward section only).

Independent.

1. Marine Firemen, Oilers, Watertenders, and Wipers Association, Pacific Coast (membership restricted informally to members of white race).

IV. Unions that have dropped "white" from their constitutions:

American Federation of Labor.

1. Commercial Telegraphers Union of North America.
2. National Organization of Masters, Mates, and Pilots of America.

Independent.

1. Railroad Yard Masters of America.

V. Miscellaneous:

American Federation of Labor.

1. Sailors Union of the Pacific (Affiliate Seafarers International Union of America). (No record of admitting colored.)

2. International Brotherhood of Boilermakers and Iron Shipbuilders and Helpers of America. (Without constitutional or ritualistic provisions, Negroes are expected to be members of auxiliary locals expressly organized for them.)

Senator CHAVEZ. Mr. Wilkins.

Will you identify yourself for the record, please?

STATEMENT OF ROY WILKINS, ACTING SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, NEW YORK, N. Y.

Mr. WILKINS. My name is Roy Wilkins, and I am acting secretary of the National Association for the Advancement of Colored People, located at 69 Fifth Avenue, New York City.

The National Association for the Advancement of Colored People appreciates the invitation of this committee to appear and make a statement on the legislation under consideration. This association has more than 400,000 members, colored and white, in some 800 local chapters located in 44 States and the District of Columbia.

Discrimination in employment against Negro and other minority racial and religious groups is so notorious as not to require a detailed statement before this committee today. Walter White, secretary of this association, appeared before the House Committee on Labor June 13, 1944, in support of bills H. R. 3986, 4004, and 4005, to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry. That testimony was made a part of the official hearings before this committee September 6–8, 1944, in support of S. 2048 designed to achieve the same purpose. The statements made by Mr. White at that time are as valid today as they were then, and I request that they be made a part of this record.

Since that time, however, two developments have occurred which I feel should be brought before this committee. Recently the Fair Employment Practice Committee released a study showing the wartime employment of Negroes in Government agencies. Although there has been a sharp increase in the employment of members of the colored race by Government agencies, amounting to roughly 12 percent of the total personnel, the overwhelming majority of these employees are limited to custodial, industrial, and minor clerical positions so that the increase in employment does not in any wise reflect any basic changes in the governmental policy of limiting Negroes to laborious and unremunerative jobs. I should also like to call attention to certain hearings conducted by the President's Committee on Fair Employment Practice, involving discrimination against Negroes in the railroad industry.

These hearings were held September 16–17–18, 1943. The committee found that Negroes were (*a*) refused employment, (*b*) denied their seniority rights and promotions, and (*c*) barred from Diesel-electric locomotives—all through an agreement entered into between certain carriers and the Brotherhood of Locomotive Firemen and Enginemen

in February, 1941. In spite of the directive from F. E. P. C. to the railroads and labor unions involved to cease such practices of discrimination, more than a year later the defendant parties have not complied. In fact, they defied the committee and stated flatly that they did not intend to comply.

The aggrieved employees found it necessary to institute independent court action against these recalcitrants, and in the October term, 1944 the Supreme Court of the United States vindicated the original findings and directives of F. E. P. C. by holding that the discrimination practiced against Negroes in the industry was unconstitutional. In the words of Mr. Justice Murphy:

> The economic discrimination against Negroes practiced by the brotherhood and the railroad under color of congressional authority raises a grave constitutional issue that should be squarely faced. * * *
>
> The utter disregard for the dignity and the well-being of colored citizens by this record is so pronounced as to demand the invocation of constitutional condemnation.

In concluding his opinion, Justice Murphy stated:

> The Constitution voices its disapproval whenever economic discrimination is applied under authority of law against any race, creed, or color. A sound democracy cannot allow such discrimination to go unchallenged. Racism is far too virulent today to permit the slightest refusal in the light of a Constitution that abhors it, to expose and condemn it wherever it appears in the course of a statutory interpretation.

Now, Mr. Chairman, private litigation is lengthy and expensive. Even where there has been an abuse of statutory authority as found by the court in *Steele* v. *Louisville & Nashville Railroad Co., Brotherhood of Locomotive Firemen and Enginemen, et al.*, few of those aggrieved would be able to prosecute their complaint to a conclusion. It is, therefore, imperative that an administrative agency with quasi-judicial powers be created by the Congress to protect and secure the privileges and immunities of American citizens belonging to minority groups against the undemocratic and unlawful employment discrimination of which they are victims.

It is our considered opinion that S. 101 will achieve that purpose.

Under this bill, the right to work without discrimination because of race, creed, color, national origin, or ancestry is properly declared to be an immunity of a citizen of the United States. It defines with precision what practices shall be considered unfair within the meaning of this act; it creates procedures which adequately safeguard the constitutional rights of persons charged with discrimination; it gives the Commission power to enforce its findings against those who are recalcitrant.

The speedy adoption of S. 101 would give real meaning to democracy for 13,000,000 Negroes. Its enactment into law by the Seventy-ninth Congress would testify more eloquently than words that the Negro, the Jew, the Catholic, the Spanish-American, the new citizen, man or woman, who has served his country on the battlefronts has not fought in vain.

I understand that this hearing also covers S. 459, a bill to establish a Fair Employment Practice Commission, introduced February 5, 1945. It is our considered opinion that this bill is as inadequate to achieve its declared purpose as S. 101 is efficacious. A cursory examination of S. 459 shows that it is not designed to eliminate discrimination in employment on account of national origin and ancestry. I

am not willing to say that an American citizen of Polish, Italian, or Mexican ancestry is not entitled to be employed under our laws and our theory of government without discrimination because of his ancestry or origin. I feel that if these citizens were good enough to work to build this country and good enough to serve and die during time of war, they are good enough to be protected in their basic right to earn a living. Under this bill, the duties of the Commission would be limited to study and recommendation. That there is discrimination on account of race and national origin is too obvious to require argument. The New York State Commission Against Discrimination, after considerable research, arrived at that conclusion, and during the course of its hearings limited testimony to methods of dealing with it.

Likewise, the Fair Employment Practice Committee has within its files reams of material showing the actuality of racial discrimination in employment. It is clear, therefore, that the problem which faces this Congress is how such discrimination shall be effectively eliminated and not whether discrimination exists.

As I indicated earlier, clear recommendations, in fact, directives, were sent to 16 railroads with a view to bringing their employment policies in line with the national policy. As far as I have been able to ascertain, this has not been done as yet. It is apparent, therefore, that employment discrimination is not the result of oversight or ignorance, but rather the product of a calculated plan by certain employees and unions. To provide, therefore, that an agency created by this Congress to eliminate discrimination in employment shall have only the power to recommend that persons so found change their policies will leave us where we are today. In fact, the present committee has recourse to the President and his war powers, whereas S. 459, looking to the post-war period, does not even contemplate Presidential intervention against those who refuse to comply with the orders of the Commission.

Moreover, under S. 459, where the Commission actually finds that a person has been discriminated against in his right to earn a living, it is powerless to relieve that person from his disability. This is in sharp contrast to the effective and efficient way the situation would be handled under S. 101. The latter bill provides for the hiring or reinstatement of the employee who has been discriminated against, with back pay.

Another criticism of S. 459, the Taft bill, would be that it has no defined area in which to operate, even assuming that there were powers. Obviously, the Federal Government has no authority under the Constitution and existing statutes to deal with employment in industries not involved or affecting interstate commerce. The failure, therefore, of the bill to set forth with definiteness the spheres over which the Commission would have jurisdiction could only result in protracted litigation. This is one of the weaknesses inherent in S. 459.

Another weakness is its failure to provide for the inclusion of nondiscrimination clauses in contracts let by the Government. It seems to us to be fundamental that a national policy of nondiscrimination on account of race should be incorporated into every contract and subcontract made for the performance of service to the Government in which employment would be involved.

Senator CHAVEZ. How can you expect the individual industrialist to do it if the Government won't?

Mr. WILKINS. Precisely so.

The Federal Government is, and will probably be for years to come, the largest single employer in this country. Yet, in spite of the known practices of discrimination on the part of Government agencies, S. 459 remains wholly silent on the matter of giving the Commission jurisdiction to deal with the Government with appropriate appeals to the Chief Executive.

The right to employment has been held in several instances to be a civil right. It is thus defined in the laws of the State of New York. Therefore this bill, if enacted, would merely protect by appropriate legislation, as the Congress has the right to do, the right of citizens of the United States to equality of opportunity in the task of earning a living.

Our Constitution, our Bill of Rights, and our national policy as it has been shaped by legislation, decisions of the United States Supreme Court, and customs built up over the years, all stand in opposition to discrimination between citizens on the basis of race, color, creed, or ancestry, so that this bill, if enacted, will not merely protect what has been declared to be a civil right, but will implement the national policy against discrimination.

For the foregoing reasons, then, Mr. Chairman, which represent merely a cursory examination of the bill, the N. A. A. C. P. is opposed to the Taft bill, S. 459, and urges that this committee take no action with respect to it. At the same time, we respectfully and strongly urge that the committee report out S. 101 in its present form.

Senator CHAVEZ. Thank you very much.

Mr. WILKINS. Thank you.

Senator CHAVEZ. Dr. Castaneda. Doctor, will you state your name and identify yourself for the record, as to residence, occupation, and so forth?

STATEMENT OF DR. CARLOS E. CASTANEDA, REGIONAL DIRECTOR, FAIR EMPLOYMENT PRACTICE COMMITTEE, REGION 10, SAN ANTONIO, TEX.

Dr. CASTANEDA. I am Dr. Carlos E. Castaneda, of San Antonio, Tex., regional director for F. E. P. C., region No. 10, former professor in the history department of the University of Texas, where I have taught for 17 years, and I am now on leave of absence to work for the committee.

Senator CHAVEZ. Have you a statement that you care to make before the committee?

Dr. CASTANEDA. Yes, Senator, I have a statement which I would like to present at this time.

Senator CHAVEZ. All right.

Dr. CASTANEDA. Eighteen months of investigation in connection with complaints filed with the President's Committee on Fair Employment Practice involving Mexican-Americans in Texas, New Mexico, Colorado, Arizona, and California, shows that in spite of the constantly increasing demand for manpower for the successful prosecution of the war, the Mexican-American reservoir of available labor has been neither exhausted nor fully utilized at the highest skill of the individual worker.

In the oil industry, basic and essential to the war effort, Mexican-Americans have been refused employment in other than common labor, yardman, and janitor classifications regardless of qualifications or training in higher skills. The practice is so firmly entrenched that it has been reduced to the blueprint stage. Employment charts in general use throughout the oil industry restrict the employment of Mexican-Americans to the three positions mentioned.

The railroads and the brotherhoods and railway unions have likewise generally restricted the utilization of available Mexican labor supply. By Mexican, no distinction is made between Mexican nationals and American citizens of Mexican extraction, who are restricted in general to common labor, trackmen, general maintenance labor, and car droppers, regardless of previous training, time of service, or other qualifications.

The mining industry in the Southwest with very few exceptions employs Mexicans only in common labor and semiskilled jobs. In many instances they are restricted from underground work, where wages are higher and the danger is less. Mexicans can be oiler helpers, crane operator helpers, and helpers to most skilled job positions and machine operators, but they never can be employed or classed as master craftsmen or machine operators.

In military installations throughtout the Southwest, where large numbers of civilians are employed, Mexicans are hired but not always on a level of equality, be they of American citizenship or not. Frequently they are found in jobs that do not utilize their highest skill. They have been promoted slowly and with evident reluctance.

Public utility companies and telephone and telegraph companies throughout the Southwest have failed to utilize the available Mexican labor supply in other than common-labor jobs, with a rare exception here and there.

The aircraft and shipbuilding industries, be it said in all justice, have given the Mexican worker practically equal opportunities to develop his various skills and to attain promotion in accord with his qualifications. This is true also of muntition and arms factories. But since these are essentially war industries that on VE- and VJ-day will not be readily reconverted to civilian gods production, their workers will be the first to seek employment in the newly acquired industrial skills.

Wives, sisters, and other women relatives of men in the armed forces have been refused employment in war and essential industries because of their Mexican origin. One Maria Garcia, of Clifton, Ariz., declared that her son was in the Army; that he had previously worked in the mines and had been the chief support of the family; and that when she learned that women were being employed by the mining company, she applied for a job, but was told that no Mexican women could be hired.

Another complainant, one Cleo M. Garcia, speaking for herself and seven others, said, "We applied at an ordnance plant in north Texas. Here is what was told me: 'We cannot hire you because the Latin-American people, men and women, are not capable of doing war work.' When I asked him why, and how did he know that we were not capable of doing work if he did not give us a chance to prove we could, and that it is our right as much as anybody else to work in this kind of work, he very rudely disregarded my question and told me

that there was a lot of janitor work that had to be done, and that that was the only place where they could place us or any other Mexicans. We feel this is an injustice to our boys by holding up production when there's a lot of people that are willing to work to speed victory."

Is the Mexican unfit or incapable of adaptation to other than common or agricultural labor? Mr. Floyd L. Wohlwend, member W. M. C. Management-Labor Committee, and personnel officer in the California Shipbuilding Corporation, stated recently:

> Generally speaking our Mexican workers for the most part have come to us in recent months. * * * They just lately began to filter in and our majority of Mexican employees have come in the last 18 months. * * * The Mexican Americans are not only capable, but the variety of jobs at which they can be utilized is limitless if employers, managers, and general management simply will make a point of using them. * * * Production records indicate that they have an equal aptitude with other groups or other individuals. * * * They are definitely on a par * * * there is no difference.

Mr. Robert Metzner, president, Pacific Sound Equipment Co., whose company began to employ Mexican-Americans in 1942, impelled by the shortage of labor, adds:

> As the result of training, Mexican-Americans qualified for skilled jobs, inspectors, both class A and class B, radio repairmen, machinists, turret lathe operators, spot welders and leadmen.

Increasing shortage of labor has forced industry to give the Mexican-American a try, but not without the greatest reluctance and misgivings. Employers agree generally that they produce with the same efficiency as members of any other group. The Fair Employment Practice Committee, set up by Executive Order 9346, has helped to overcome the reluctance of employers to utilize more fully and effectively this remaining pool of available labor. How effective it was in overcoming discriminatory practices in employment and proper utilization has been described in the statement made before this committee in the hearings held during the previous session of Congress on September 8, 1944, in connection with Senate bill 2048, identical to bill S. 101 now before you.

The President's Committee on Fair Employment Practice is a war agency. During its short period of operation it has effectively contributed to the partial integration of Mexican-Americans and the other minority groups in war and essential industries and in Government employ. Bill S. 101, now being considered by your committee, will assure equal economic opportunities, the right to work and earn a decent living on a par with all other persons regardless of race, creed, color, national origin or ancestry, to all Americans now and in the post-war era. The right to work and to earn a decent living without discrimination is a basic principle of American democracy which will be safeguarded by the establishment of such an agency as bill S. 101 proposes.

Senator CHAVEZ. Does that conclude your statement?

Dr. CASTANEDA. Yes, Senator.

Senator CHAVEZ. Doctor, I would like to ask you one or two questions. You have been teaching in the history department of the University of Texas for how many years?

Dr. CASTANEDA. For 17 years, Senator.

Senator CHAVEZ. Within the State of Texas there are many Mexicans?

Dr. CASTANEDA. Yes, that is correct, Senator.

Senator CHAVEZ. Many of those so-called Mexicans are native-born citizens of the State of Texas, and of the United States. Is that correct?

Dr. CASTANEDA. That is correct.

Senator CHAVEZ. And a portion of them are immigrant population—Mexican nationals?

Dr. CASTANEDA. Yes, Senator.

Senator CHAVEZ. Have you been able to yourself observe the economic treatment of both those classes of people, both the so-called Mexican-Texan, and the Mexican national?

Dr. CASTANEDA. Yes, Senator. In connection with the work of the committee, and also in the years previous to the establishment of the committee, I have been interested in the condition of the Mexican-American, or the Latin American, in the State of Texas. There are in Texas approximately 1,000,000 persons of Mexican extraction, of which more than 60 percent are American citizens. In employment practices there is no difference made whatsoever between a Mexican national and an American citizen of Mexican extraction. If a worker's name is a Spanish one, he is considered as a Mexican and treated as such.

During the days of relief, the various agents who distributed relief, allowed much less to Mexican families on relief than to Anglo-American families, anybody with a Spanish name, be he an American citizen or not, and they went on the assumption that a Mexican does not have to eat so much, that he is not used to eating butter and bacon and other rich foods, and that if they gave it to them it might make them sick.

Senator CHAVEZ. Well, we have heard that a similar argument was used by some of the States in the South. So it is not particularly new. But the reason for my question is because we have heard so much of this good-will business, about how much the people of the United States, and the United States Government, love the people south of the border. Only lately, as you know, we had the big meeting in Mexico City where there developed that charming charter of democracy, the Chapultepec Charter. How much effect do you think that that charter, or our lip service, or our so-called feeling of good-will, will have on the average man south of the border when he knows that the conditions that you have just described to the committee exist in Texas?

Dr. CASTANEDA. Senator, I would rather leave the answer to the question, which is obvious, to anybody else.

Senator CHAVEZ. But from your experience as a member of the F. E. P. C. agency, you know that those conditions that you have described exist not only in Texas but throughout the entire Southwest, wherever Americans of Mexican or Spanish extraction live?

Dr. CASTANEDA. In speaking before clubs interested in Pan-Americanism, the question has been asked, "Do the people south of the Rio Grande feel kindly toward this country?" And I have had to say that there are many people south of the Rio Grande who seriously doubt the protestations of friendship made, when the ways in which the Mexican-Americans and Mexican nationals are treated in the Southwest are reported in Mexican newspapers.

Senator CHAVEZ. In order to be fair wouldn't you say, though, that as far as Government is concerned, including the great State of Texas, they are trying to remedy the situation?

Dr. CASTANEDA. Yes; I think there is a sincere effort being made. We have been trying that for many years and at present there are even greater efforts being made through persuasion, but the roots of prejudice are so deep-seated in the Southwest that it is going to take something more than persuasion to bring about a change of conditions.

Senator CHAVEZ. You would, then, say that legislation such as is proposed by Senate bill 101, which contains some enforcement powers, would help out the educational features and efforts that are being made by good-hearted people?

Dr. CASTANEDA. As an employee of the Fair Employment Practices Committee I could not make such a statement without it possibly being interpreted in the wrong light.

Senator CHAVEZ. Why should an employee of the Federal Government, just because he happens to be an employee of the Federal Government, not be allowed, in our democracy, to express his opinion?

Dr. CASTANEDA. It might be interpreted as an effort to perpetuate the agency that employs him, which is temporary.

Senator CHAVEZ. Well, suppose we were to abolish that agency, and its personnel, would you still be for a Fair Employment Practices Committee?

Dr. CASTANEDA. Yes. I would say that we in Texas—and I am speaking now not as an employee of the F. E. P. C. but as one of those who has worked for many years in trying to eradicate discrimination against Mexican-Americans—I would say that we in Texas are convinced that the solution to the problem is legislation, legislation that can be effectively enforced so as to restrain that small minority, but very aggressive minority, who, because of ignorance, perhaps, practice discrimination that brings shame upon our American democracy.

Senator CHAVEZ. And isn't it true that the more ignorant they are, the more is their sense of superiority emphasized?

Dr. CASTANEDA. That has always appeared to me to be the case.

Senator CHAVEZ. May I also add this, that the sponsors of Senate bill 101 are not interested in the personnel, Doctor, of the F. E. P. C., whatsoever, but they are interested in the legislation.

Dr. CASTANEDA. Thank, you, Senator.

Senator CHAVEZ. Thank you. Doctor, for your very fine statement.

Mr. Quevedo. Please state your name, Mr. Quevedo, to the reporter.

STATEMENT OF EDUARDO QUEVEDO, PRESIDENT, COORDINATING COUNCIL FOR LATIN-AMERICAN YOUTH, LOS ANGELES, CALIF.

Mr. QUEVEDO. My name is Eduardo Quevedo. I am the president of the Coordinating Council for Latin-American Youth and I reside in Los Angeles, Calif.

Mr. Chairman, for years, a great number of the English-speaking Americans in the United States have believed that the people of Mexico and the Latin-Americans in the Western Hemisphere harbored a feeling of hatred against them. In fact, immediately after

Pearl Harbor rumors were spread by our enemies that Mexico was pro-German. This is erroneous.

Very recently the Honorable Adolfo de la Huerta, former President of Mexico, and a great friend of the American people, stated to me, and I quote:

> How can anyone conceive the idea that we hate Anglo-Americans when the record shows that when Mexico is at peace an Anglo-American can travel from Juarez, Chihuahua, to Mexico City, at all times treated with courtesy, friendliness, and cordiality. In contrast, when a Mexican or Latin-American enters the United States his attention is immediately drawn to numerous cases of discrimination toward his people. I am sure that the word to use is not hatred. They have resentment, perhaps even fear, because they doubt the sincerity of the good-neighbor policy. When the true good-neighbor policy is demonstrated here in the United States to the 3,000,000 Mexican-Americans with fair treatment and better human understanding, the Mexican and Latin-American countries will believe in the true sincerity of their neighbors to the north.

I believe this gentleman was expressing the sentiment of many others.

In a previous conference with Mr. Nelson D. Rockefeller, who was then Coordinator of Inter-American Affairs, he outlined to me the fine work that his office was doing outside of continental United States. I then felt it my duty, as an American, to impress Mr. Rockefeller with the necessity of doing the same fine work within the United States. Because I am convinced that the 3,000,000 Spanish-speaking Americans constitute the soundingboard for the Western Hemisphere, at this time I am convinced that the Coordinator took a wise step by establishing some of the activities of his office within our own country, and certainly has been instrumental in bringing about better understanding, and is helping us in the direction of an early assimilation.

The interviews I have just related, and many others too numerous to mention, came about as a result of my active participation in various social and civic organizations—activities that I first became interested in in my early youth and have been carrying on in California for the past 18 years.

I have been an active member for many years of the Federation of Spanish-American Voters, Inc.; president of the Coordinating Council for Latin-American Youth; officer of the Citizens' Committee on Latin-American Youth, appointed by the Los Angeles County Board of Supervisors: Adult Americanization Program of the Roosevelt High School; I was appointed by the former Governor of California, Culver L. Olson, to the Committee Investigating Discriminatory Practices in the Whittier State School; director of the Los Angeles Mexican Chamber of Commerce; field commissioner of the Boy Scouts of America; and many other national associations interested in better understanding between the Anglo and Latin American.

In fairness to justice, I feel it my responsibility to bring to the attention of this committee the fact that there are on the west coast industries which have seemingly tried since the beginning of the war, and undoubtedly some of them before our present conflict, to be as fair as possible to the minorities. Among them I can mention the California Shipbuilding Corporation at Terminal Island, Calif., whose officers, in conjunction with Navy officials, went out of their way to help me clear many thousands of Mexican nationals through proper author-

ized Government channels, and who employ and retain them to this day without any discrimination that I know of.

That holds true, also, for the American Brakeshoe & Foundry Co., and the Owl Drug Co. of California. It is also true that Lockheed Aircraft, Douglas Aircraft, and others now have what we may call a fair policy, these latter ones as a result of the efforts of the President's Committee on Fair Employment Practice.

However, as an American, I feel it my duty also to report at this time the other side of the picture, and this is not a bright one.

I have information from reliable sources that there are files to show that discrimination is increasing in the area of southern California.

Indications from F. E. P. C. files show that discrimination is increasing in this area. During the past 4 months the "walk in" or unreferred cases validated by F. E. P. C. have been as follows: November 1944, 12; December 1944, 16; January 1945, 20; and February 1945, 23. The total number of cases validated since the opening of the office, September 16, 1943, in this area, is 488. Private businesses have been the parties charged in 79 percent of the cases, Government agencies in 17 percent of the cases, and labor unions in 4 percent of the cases.

In the category of race, under the reasons for discrimination, there has been a noticeable increase from 59 percent, on September 1, 1944, to 62 percent on December 31, 1944. However, the category of creed has decreased from 14 percent to 12 percent; and national origin has decreased from 27 to 22 percent. The persons of the Jewish faith and Mexicans have been reluctant to report cases of discrimination and the indication is that they still are, despite the increasing reports of numerous incidents.

The types of discrimination show alarming increases in two categories. Refusals to hire have increased from 39.2 to 45 percent and discriminatory working conditions, from 25.9 to 33 percent since September 1944. Testimony given by complainants indicate that the subtle statement "No openings today," made to minortiies 6 months ago, has been changed now to a bold, "We are not hiring your kind any more; we never wanted you anyway." Other statements are, "Let's make it so tough for the ——— that they'll quit;" and threats of bodily harm have been reported. While discriminatory discharges have remained at 18 percent, discriminatory union conditions have decreased from 16.5 to 4 percent since September 1944.

Senator CHAVEZ. Let me get that right. The percentage of 16.5 percent was in what year?

Mr. QUEVEDO. Up to September of 1944 it was 16.5 percent.

Senator CHAVEZ. That is where the unions were doing the discriminating?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. And that has now been reduced to 4 percent?

Mr. QUEVEDO. That is right, sir.

Thirty-six percent of the cases have had to be dismissed on merits mainly because of high absenteeism and tardiness rates, and refusals to accept assignments in outlying plants when their nearby branches were reducing personnel or being closed. When the absenteeism and tardiness rates were investigated a direct relation was found in the housing and transportation problems.

It was found that a disproportionate number of minority group workers are having to travel 30, 50, and 80 miles per day to and from industries because they must live in designated areas which have been prohibited from expansion by restrictions elsewhere. Reports show that only 3,000 Negro families are in public housing projects; 550 families in restricted and vacated areas; and only 500 families in privately constructed war housing units. Negroes have filed 55 percent of the current eligible applications for public war housing while they constitute only about 4 percent of the population. The reports show further that these conditions have caused overcrowding, "hotbeds," and transportation problems which, in many instances, have resulted in high absenteeism and tardiness rates. Of course the industries are interested in the efficient and constant employee.

Other indications may be inferred from a special 2-day survey on January 23–24, 1945, made in Six Los Angeles County U. S. E. S. offices. The report states that "The special 2-day tally should, however, reflect with reasonable accuracy the general proportion of Negroes in the various labor markets at present." Reception contacts were as follows: Negro percentage of total, Los Angeles (Eleventh and Flower Sts.) 14.2; Los Angeles (Casual Labor Office) 79; San Pedro, 25.7; Wilmington, 18.9; Long Beach, 4.8; and Huntington Park, 14.6. It has been impossible to get such figures on other minority groups.

Despite the unemployment figures mentioned above, the following statements are found in current cases and have been made in conferences:

1. We will reconsider the employment of Negroes if a directive is issued by higher authorities.
2. We employ Negroes and Mexicans in our Los Angeles plant, but we don't think it can work out, out here.
3. The confidential information we have indicates that the integration of workers has not been successful.
4. I want to be fair about this but the United States Employment Service seems to send me only Negro workers. My white workers are beginning to talk and ask why we have to hire so many, while none are hired over there.
5. The other Jews here don't complain about discrimination.
6. The Mexicans seem to be better fitted for that type of (dirty) work.
7. One of our oldest employees, in number of years, is a Jew.

I have individual cases, Mr. Chairman, and I would like to call your attention to two or three of them, and if I may I would like to file this report, showing a number of individual cases, by name, with the committee.

Senator CHAVEZ. Well, you refer to the two or three cases that you want to, and then you may file the remainder of the list with the committee.

Mr. QUEVEDO. Mrs. Mary Delgado, of 2021½ Irving Avenue, San Diego, complained against the Consolidated Aircraft Co. and Mrs. Peggy Clayton, of the personnel department, that she was refused employment because she was of Mexican descent.

Senator CHAVEZ. May I say that I recall that name very vividly. That happened about 3 years ago when the war effort first started around the San Diego area. I had a letter from this girl and two other girls, that the three of them were graduates of high schools in the city of San Diego; the three of them wrote passing English, good English; and every one of them stated that the city of San Diego had provided training that would qualify them to go to work in the air-

craft industry, but that they had been turned down, notwithstanding their qualifications and their training that the citizens had paid for, because they happened to be of Mexican descent.

I wrote to Mr. Fleet, at that time the president of the company, and I am glad to say that I think the matter was rectified.

Mr. QUEVEDO. That matter was corrected, Senator, but many, many others are not yet corrected and won't be until S. 101 goes through.

Lee J. Montoya, 3431 Smith Street, Los Angeles, complains against the Pacific Fruit Express Co., their car department at Los Angeles, that they refused to up-grade seven Mexican nationals who had seniority rights, but that newcomers took preference.

Miss Elis M. Tipton, 213 South San Dimas Avenue, San Dimas, Calif., has a complaint against the San Dimas Orange Growers Association and the San Dimas Lemon Association, of San Dimas, Calif., of discrimination against Mexican workers; that it has been their policy to do so for the past 20 years; and that those living in close proximity to plants have to travel far to find employment.

The others run along the same line, and I ask your permission to file that at this time with the committee.

Senator CHAVEZ. That may be done.

(The list of discriminatory cases submitted will be found on file with the committee.)

Mr. QUEVEDO. I would like, with your permission, Mr. Chairman, to recall to your attention the quotation that I just mentioned by Adolfo de la Huerta, the former President of Mexico. You will recall that he said "when Mexico is at peace an Anglo-American can travel" from one end of the Nation to the other, being treated with courtesy, friendliness, and cordiality. I asked him what he meant or intended to imply when he said "when Mexico is at peace." I remember his answer distinctly. He said, "the reason I put it there is because I want my people to be treated in peacetime in your country as well as they have been treated in wartime."

Then in Los Angeles County itself we have better than 300,000 Spanish-speaking Americans. In the entire State of California there are very close to three-quarters of a million.

Senator CHAVEZ. Are you talking now of citizens of the United States?

Mr. QUEVEDO. No; that is the total population of that particular group. But the best estimates and surveys made show that out of the 310,000 Americans of Mexican extraction residing in the county of Los Angeles, State of California, 65 percent are either American-born or naturalized citizens of the United States.

Senator CHAVEZ. Then they are citizens of the United States?

Mr. QUEVEDO. Correct.

Senator CHAVEZ. Subject to all the duties and obligations that go with citizenship. They go to war, do they not?

Mr. QUEVEDO. Well, Mr. Chairman, with your permission I would say that this statement is heard quite often in Los Angeles and throughout the State. Not only do the American citizens of Mexican extraction go to war but in fact it is common knowledge that the only time in the history of the United States where these people have been treated with equality was immediately after Pearl Harbor when they were called to the colors to wear the uniform.

In discussing some of these cases at public meetings, in committee work, it is interesting to note that the parents, and brothers and sisters of these boys in uniform are not anxious to see the war end, Mr. Senator. We always talk of an early victory and of the peace that will follow, but their reaction is this: "We are not happy about it; when our boys come back we are going to be treated just as bad as we were treated before."

Mothers of soldiers who have died in the front lines of battle today cannot come to visit their folks in the United States, although their sons were good enough to go to war.

So there is a strong sentiment, and I can safely say here in the name of the Coordinating Council for Latin-American Youth, which represents 72 organizations with an approximate membership of 15,000 in the county of Los Angeles, and we have various other organizations, that the entire American population of Mexican extraction in the State of California is 100 percent for the passage of Senate bill No. 101.

Senator CHAVEZ. Now, let's get that a little clearer. You represent a certain group of people in California?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. Who happen to be of Spanish or Mexican extraction?

Mr. QUEVEDO. That is right.

Senator CHAVEZ. But they are citizens of the United States and naturally, probably believe in the right of petition, like the rest of us do?

Mr. QUEVEDO. Yes.

Senator CHAVEZ. What is it that you feel that the people that you represent want, or that the Americans of Mexican or Spanish extraction desire from the Government, with reference to this bill; what is it?

Mr. QUEVEDO. That is a fine question, Mr. Chairman.

We want to assume all our responsibility and obligation to Government; we want to do our duty by Government. We do not want any special privileges whatsoever. We do not even want a job, or feel that we are entitled to a job, just because we happen to be of a certain racial extraction. But inasmuch as we accept our duties and responsibilities as Americans, even to the extent of losing our lives as Americans, we do not want to be deprived of a job on account of our ancestry or national origin or race. We desire an equality of opportunity and to have some dignity as citizens.

Senator CHAVEZ. I think that is a fine answer. Thank you, Mr. Quevedo.

Mr. QUEVEDO. Thank you.

Senator CHAVEZ. Does that conclude your statement?

Mr. QUEVEDO. That concludes my remarks; yes.

Senator CHAVEZ. Mr. Paz? Please state your name and your connection for the reporter.

STATEMENT OF FRANK PAZ, PRESIDENT, THE SPANISH-SPEAKING PEOPLE'S COUNCIL OF CHICAGO

Mr. PAZ. My name is Frank Paz. I am a resident of, and member of, Hull House in Chicago. I am also the president of the Spanish Speaking People's Council of Chicago, interested in the establishment of a permanent F. E. P. C.

Senator CHAVEZ. How much of a population, of Spanish or Mexican extraction, is there in Chicago?

Mr. PAZ. In the Chicago area there are 45,000 Spanish-speaking people, residents of the Chicago area.

Senator CHAVEZ. And is that Cook County alone or does it extend into Indiana?

Mr. PAZ. I would include in those 45,000 people, part of Indiana as well as the southern part of Wisconsin, including Milwaukee.

Mr. Chairman, I am interested—as well as the other people residing in the Chicago area of Spanish extraction—in the passage of bill S. 101, for the simple reason that we are interested fundamentally in the principles of American democracy.

In American democracy there is no room or place for racial discrimination. Our people, as other speakers have already said, do not want any special privileges. All they want is the right to enjoy full citizenship.

I will tell you the relation of the people living in the Chicago area with the Southwest. In Chicago, of the 45,000 people that live there, they are primarily occupied in three industries—in the railroad industry, in the steel mills, and in the packing industry. But just as they are occupied primarily in these three industries, they also find employment in very peculiar jobs in these respective industries.

In the railroads, the overwhelming majority of these employed find employment only as section hands. Very few find employment in the higher skilled trades. And it is ironical, when there are thousands and thousands of Mexican-Americans, workers, on the railroads today, that one of our railroads in Chicago is bringing in, within 5 weeks from now, 150 workers from Mexico to work as skilled laborers, as electricians, as pipe fitters, steam fittters, millwrights, and so forth. Yet they refuse to give oportunity to these people who are residents of the Chicago area and the overwhelming majority of them citizens of this country. Those people who are coming here from Mexico are coming on a temporary basis, so that when the contract is finished they will go back to their country. But we, who will remain as part of this country, are not given the opportunity to use our skills to the fullest.

Let me give you a couple of instances of how Mexicans are discriminated against. In one of our steel mills there is a man who has been working there for over 20 years. His name is Ramon Martinez, and his address is 8817 South Buffalo Avenue. At this mill he works in the yard—and most of the Mexicans that are employed in the mills work in the yard—which means that they have to work outdoors during the heat of the summer and the cold of winter and in rainy weather. The other group works in the coke plant where they burn the coke and extract the poisonous gas. Also there is a group employed as chippers, and now and then you may see—but as a rule you do not—people employed in other departments.

This Ramon Martinez was put in charge of a gang of workers in the yard because they were Mexicans and he could speak their language. He was supposed to be a foreman and he discovered that he was making $50 a month less than the wages paid to the average foreman in the same capacity as he was working. He went to the proper authorities in the plant and asked why he was receiving much

less money than the others. The answer was that he was not a citizen of the United States. True, at that time he was not. He was interested enough in his country to acquire his citizenship, and, after he acquired his citizenship, he went back and said that he was a citizen of the United States and still he was not receiving the normal wages of other foremen.

Excuse number 2 given to Mr. Martinez was that he had not a high-school education. Mr. Senator, you as well as everyone else here knows that the average education of a foreman is not necessarily that of a high-school graduate. Nevertheless, this man was interested enough to go to evening school and he received a high-school diploma.

Again he went and asked for the same wages as the other foremen. The answer was that he had to be there a longer period of time than he had been there. That is the steel industry.

Senator CHAVEZ. Was that case reported to the F. E. P. C., do you know?

Mr. PAZ. We had a meeting with Mr. Williams of the Chicago area, where Mr. Martinez related his case. Whether the F. E. P. C. will follow through on that, or not, I do not know.

Then there is a man by the name of Garcia Herrera, of 728 West Fourteenth Place, who works in a packing plant, in the car shops. He has been working there for the last 20 years. That is a mechanics shop and he works there as a helper and has for 20 years. He was interested enough to go to evening school and learn welding. As a welder he applied for that position. Up to now that position has been refused to him "because they have no room." Yet ironically enough he has trained many of the younger men, not of Mexican descent, who have come to the car shops to be trained for higher skilled jobs.

These are some of the incidents that have happened.

Today in Chicago we have a crisis in streetcar transportation. There are signs all over the city asking for workers to work on the streetcars. A boy—and I say a boy because he is only 22 or so—by the name of Vilar, decorated with the Purple Heart, discharged, honorably discharged, from the United States Army after 3 years and 3 months of service in the Pacific—he was one of the very first to arrive in the Pacific, Guadacanal, and other islands—applied for a position with this streetcar company and the answer was, "Our policy up to now has been not to discriminate, but our experience has been that you are from a minority group and we don't know whether that would work so well if you were to work in the street railway industry."

Senator CHAVEZ. Just a minute. Mr. Ross, will you kindly come forward, please? I don't know whether you heard this last incident described or not?

Mr. ROSS (chairman, Fair Employment Practice Committee). I heard a good deal of it but I didn't hear where it was.

Mr. PAZ. In Chicago.

Senator CHAVEZ. Here is a boy who was given the Purple Heart—and as I understand it that is only given after you suffer the agonies of the damned in combat against the enemy—who was refused a job by the streetcar company in Chicago because he happened to belong to a certain minority racial group. The boy is an American. I wish you would make a note of that and look into it for the committee.

Mr. Ross. I will, Senator.

Mr. Paz. Therefore, Senator, we are interested in this bill for only one reason, for the equality of opportunity that this bill will make possible for the people to find employment, not to be deprived of work due to their national origin, race, or religion.

I believe that this bill is fundamentally American. I believe in the principles of democracy that give an opportunity for all to achieve their proper place. I believe that this bill will not only tend to improve the conditions and relations on a more sincere level between this country and the 20 other republics of this hemisphere but it also implies that in this country we will find the true path to democracy—and discrimination is un-American, undemocratic, and un-Christian.

Senator Chavez. Thank you, Mr. Paz.

Mr. Paz. Thank you.

Senator Chavez. Alonso Perales.

STATEMENT OF ALONSO S. PERALES, CHAIRMAN, COMMITTEE OF ONE HUNDRED, DIRECTOR GENERAL, LEAGUE OF LOYAL AMERICANS, SAN ANTONIO, TEX.

Mr. Perales. My name is Alonso S. Perales; I am chairman of the Committee of One Hundred and director general of the League of Loyal Americans.

Senator Chavez. What is your home city?

Mr. Perales. San Antonio, Tex., sir.

Senator Chavez. What is this League of Loyal Americans, and what is the Committee of One Hundred?

Mr. Perales. The Committee of One Hundred, sir, is strictly a political organization composed of American citizens of Mexican descent. The League of Loyal Americans is a civic and patriotic organization composed also of Americans of Mexican descent.

Furthermore, sir, I have with me credentials from organizations throughout the State of Texas which I believe warrant me in stating that I represent 1,000,000 Americans of Mexican descent from the State of Texas.

Senator Chavez. That is what we want to know.

Mr. Perales. Including over one-quarter of a million American soldiers of Mexican descent from Texas now in the battlefields of Europe and other parts of the world.

Senator Chavez. Mr. Perales, you are a native of Texas, are you not?

Mr. Perales. Yes, sir.

Senator Chavez. You have written some works on Texas, have you not?

Mr. Perales. Yes, sir.

Senator Chavez. Will you state for the committee's information the names of some of the works you have written.

Mr. Perales. Sir, I have devoted over 25 years to this problem of discrimination and better relations with our brethren south of the border. In fact, I have written two books entitled "En Defensa de Mi Raza," which, translated into English means "In Defense of My Race."

I served in the diplomatic service of the United States for a period of 10 years, on 13 different assignments which carried me to Central

and South America and the West Indies. I also served in the First World War. Since 1930, however, I have devoted my entire time to the practice of law in San Antonio.

With your permission, sir, I should like to incorporate in the record or offer at this time a little biographical sketch regarding the speaker, which I think will save a lot of time.

Senator CHAVEZ. Very well; that may be put into the record.

(The biographical sketch referred to is as follows:)

Perales, Alonso S.: Lawyer, legal adviser to the United States Electoral Mission in Nicaragua, 1932. Born in Alice, Tex., October 17, 1898. Married. Graduated from public schools of Alice, Tex., and preparatory school, Washington, D. C. Attended School of Arts and Sciences, George Washington University; graduated from the School of Economics and Government, National University, A. B.; and from National University Law School, LL. B.; admitted to Texas bar, 1925. Served with the United States Army in Texas during the World War; 2½ years in the Department of Commerce, Washington, D. C. Served in the Diplomatic Service of the United States as assistant to Hon. Sumner Welles, personal representative of the President of the United States in the Dominican Republic, 1922; assistant to the United States delegation, Conference on Central American Affairs, Washington, D. C., 1922–23; assistant to Inter-American High Commission, Washington, D. C., 1923; attorney and interpreter, United States delegation, Plebiscitary Commission (Gen. John J. Pershing, president), Tacna-Arica arbitration, 1925–26; special assistant to United States delegation to Sixth International Conference of American States, Habana, Cuba, 1928; attorney with agency in the United States, General and Special Claims Commission, United States and Mexico, 1928; attorney, United States Electoral Mission in Nicaragua, 1928; special assistant in United States delegation to International Conference of American States on Conciliation and Arbitration, Washington, D. C., 1928, 1929; special legal assistant, Commission of Inquiry and Conciliation, Bolivia and Paraguay, Washington, D. C., 1929; assistant to United States delegation, Congress of Rectors, Deans, and Educators, Habana, Cuba, 1930; legal adviser to the United States Electoral Mission in Nicaragua in 1930. At present engaged in the private practice of law in San Antonio, Tex.

Senator CHAVEZ. You may proceed with your statement.

Mr. PERALES. At the outset, Mr. Chairman, in the name of the people that I represent, I wish to thank the committee for this opportunity of appearing before it to express our views on Senate bill 101 and Senate bill 459.

In the first place we are strongly in favor of Senate bill 101 and opposed strongly to Senate bill 459, for the simple reason that Senate bill 459 has no teeth in it, and Senate bill 101 does; and in order to get anywhere, Mr. Senator, we have to have Federal legislation with teeth in it—plenty of teeth.

Also I should like to ask permission, Mr. Chairman, to have incorporated in the record of this hearing my statement made to this committee at the previous hearing in connection with Senate bill 2048, last September.

Senator CHAVEZ. That may be done.

(The testimony referred to will be found on file with the committee.)

Mr. PERALES. The President's Committee on Fair Employment Practices, Mr. Chairman, has proved to be, beyond the shadow of a doubt, the most constructive piece of legislation ever enacted by our Federal Government, both in justice to Americans of Mexican descent and to the end of cementing better relations with the 130,000,000 inhabitants of the Western Hemisphere that happen to be of Mexican or Spanish lineage.

To illustrate—before the President's Committee on Fair Employment Practices came into existence, we had a most deplorable situation in Texas, particularly in San Antonio.

At Kelly Field, for example, where our Federal Government employs 10,000 people, approximately, on three shifts, our men of Mexican descent never could hold a position of a higher category than that of laborer or mechanics' helper.

Our Government, the Federal Government, established at San Antonio what was known as an aircraft school in order to train these young men from high school to become mechanics. Our boys of Mexican descent went directly from high school there, together with the boys of Anglo-Saxon descent, and they graduated with good grades, were assigned by the United States Aircraft School, to Kelly Field for employment. And our boys of Mexican descent were employed as laborers or as mechanics' helpers: and the Anglo-American boys began as laborers and mechanics' helpers, the same as the Mexican boys, but the Anglo-American boys in a very short time were promoted to junior mechanics, senior mechanics, and journeymen: whereas our boys remained as laborers and mechanics' helpers forever.

Now, here is an example:

STATEMENT OF ROMAN ALVARADO

I have been employed at the San Antonio Air Depot, Kelly Field, Tex., since October 5, 1942, as a classified laborer. During this time I have had occasion to observe that the American citizen of Mexican descent does not have the same opportunity to advance that is given to citizens of other extractions. He is looked upon with indifference by the supervisors. He is always given rough, hard work; and, to make matters worse, they are placed under Negro foremen. There is only one foreman of Mexican descent, while in the section where I am working there are about eight or nine Negro foremen. I am speaking of the second shift, which is from 3:15 p. m. to 11:45 p. m., and am referring only to the section where I work.

Citizens of other racial lineages, including those of Negro extraction, have opportunity for promotion.

There are about 200 classified laborers employed in the shift I am referring to.

Witness my hand at San Antonio, Tex., this 20th day of May, A. D. 1943.

ROMAN M. ALVARADO.

The next is a statement by Jose Doroteo Salas, made under oath:

My name is Jose Doroteo Salas. I am 32 years of age and married. I reside at 1702 San Fernando Street, in San Antonio, Tex. I was born in Seguin, Guadalupe County, Tex., and I am a citizen of the United States of America. I am able bodied, and am enjoying good health. I am an air-raid warden.

On February 24, 1943, about 3 p. m., I went into the United States Employment Service, 210 West Nueva Street, San Antonio, Tex., for the purpose of applying for a job as a watchman. I was interviewed by an Anglo-American man who appeared to be about 30 years of age. I do not know his name. He asked me what kind of a job I preferred, and I told him that I would like to be a watchman. He replied that he would not consider Spanish people for that kind of job because those jobs were reserved for "white" people only. I told him that I am an American citizen, white, and just as good as any other citizen, whereupon he said: "Well, those are the orders I have." When I asked him who had given him such orders, he refused to answer.

Now, Mr. Chairman, I have read those two statements just as an example of the situation existing on the economic phase of this problem. I have many, many more here, but I am not going to bore the committee with them. I just want the committee to know that the evidence is here, open to the inspection of the committee.

Now the Shell Oil Co., in Houston, in 1942, entered into an agreement with a chapter of the C. I. O. union at Houston whereby Mexicans, regardless of skill, could be employed only as gardeners, yardmen, and laborers.

Senator CHAVEZ. That is kind of a new one for the C. I. O. union to do that.

Mr. PERALES. It actually happened, sir. So that a Mexican who was an electrician, a mechanic, or a plumber didn't have a ghost of a chance to get in there unless he wanted to work as a gardener, a yardman, or a laborer. But even in those three categories of employment, Mr. Chairman, the agreement—and it was a written agreement, and I have a copy of it——

Senator CHAVEZ (interposing). You say you have a copy of that?

Mr. PERALES. I am sure I do. I may have left it in San Antonio, but I can get it.

Senator CHAVEZ. I would like to see it.

Mr. PERALES. Very well; I will furnish you with a copy.

But even in those three categories, Mr. Chairman, the agreement was that the Mexican laborer or yardman or gardener was to receive less pay than the Anglo-American laborer or yardman or gardener——

Senator CHAVEZ. When they were referring to Mexican labor, that Mexican laborer could have been a citizen of the United States who had been in continental United States, and possibly in Texas, longer than the fellow who made the agreement?

Mr. PERALES. Yes, sir; and it was broad enough to cover any worker of Spanish or Mexican descent, regardless of what country he was a citizen of.

Senator CHAVEZ. It might have included the descendants of some of the boys of Mexican extraction who died at the Alamo?

Mr. PERALES. Yes; exactly.

Senator CHAVEZ. Of course, there were some Mexican-Texans who died at the Alamo, too.

Mr. PERALES. Quite a number.

Senator CHAVEZ. With Bowie and with Travis?

Mr. PERALES. Yes.

Senator CHAVEZ. And nevertheless the descendants of some of those boys who fought for Texas' independence were subjected to this type of contract?

Mr. PERALES. Yes, sir.

Now that was in the year 1942. The Fair Employment Practices Committee came into being, as I remember it, around about July or August of 1943, and just as soon as that Committee got into action we made it our business to see that the Committee had plenty of work, and we sent them a lot of complaints, and I am happy to report that the situation is greatly improved, thanks to the President's Committee on Fair Employment Practices.

The Shell Oil Co., for example—and I say this to illustrate the value of the persuasive method—had the matter taken up with them by the Fair Employment Practices Committee as soon as the committee came into being. They talked and talked with them, they negotiated for a year and a half, and they got nowhere until the Fair Employment Practices Committee had to threaten them with a public hearing, and even then they wouldn't give up.

So they had the public hearing in Houston, Tex., on December 28, 1944. Because I am interested in the problem, I made it my business to be there. Well everybody got ready for the big case. The Shell Oil Co.'s battery of lawyers appeared on the scene, and the Fair Employment Practices Committee appeared with a battery of lawyers and others who were just as good and perhaps knew more about the matter than the lawyers. And just as they were going into the actual trial of the case, the Shell Oil Co. asked for a private hearing. They didn't want it public, because, they said: "We believe we can get together; we are beginning to see the light of reason."

So they had the private hearings, much to the disappointment of those of us who had gone all the way from San Antonio to be in on the kill. And after a few days' negotiation the Shell Oil Co. agreed to a directive proposed by the Committee on Fair Employment Practices. The directive was issued by the proper authorities in Washington, and the situation there is remedied; the problem has been solved.

As I say, the situation is greatly remedied, also, thanks to the F. E. P. C., at Kelly Field.

Now at this time, Mr. Chairman, I should like to state that I am not on the pay roll of the Fair Employment Practices Committee; I have no connection whatever with them. I am here stating these facts because it is only fair——

Senator CHAVEZ (interposing). Well, most of the witnesses who have appeared before this committee are outside of the F. E. P. C.

Mr. PERALES. I see—the same as the speaker?

Senator CHAVEZ. Yes.

Mr. PERALES. In fact, I have come here at my own expense, sir.

Now, Mr. Chairman, I believe that in order to get a good picture of this problem we ought to touch very lightly, briefly, on the various aspects of the discrimination problem, because, sir, it is our honest conviction that this problem is of the utmost importance; and next to the war in which we are now engaged, it is our considered opinion that it is the gravest problem facing our Nation today, and it calls for action by our National Congress now, for tomorrow may be too late.

The discriminatory situation in Texas is truly a disgrace to our Nation. Mexicans, regardless of citizenship—and, for that matter, citizens of Honduras, Venezuela, Colombia, Argentina, and the other republics, have been humiliated merely because they happened to be of Spanish or Mexican descent, time and again.

I have compiled here, Mr. Chairman, a list of 150 towns and cities in Texas where there exist from 1 to 10 public places of business and amusement, where Mexicans are denied service, or entrance. I have here the name of the city or town, the name of the place—that is the name of the establishment—and the name of the owner. In nearly every town and city in Texas the Mexican children are segregated from the Anglo-Saxon children in the public schools. In nearly every town and city in Texas there are residential districts where Mexicans are not permitted to reside, regardless of their social position. The purpose, Mr. Chairman, has been to keep the Mexican at arm's length and to treat him as an inferior.

Senator CHAVEZ. Possibly you had better give that list to some of the boys who are going to San Francisco. [Laughter.]

Mr. PERALES. I will.

Senator CHAVEZ. That list may be filed with this committee, Mr. Perales.

(The list referred to will be found on file with the committee.)

Mr. PERALES. The same situation exists, Mr. Chairman, in the States of Arizona, Colorado, California, and I am sorry to say, in a part of New Mexico.

Now soldiers of Mexican descent, members of the United States Navy—their medals, their Purple Heart, their uniform, make no difference. They too are victimized, they are the victims of these Nazi tactics.

THE STATE OF TEXAS,
County of Bexar:

Before me, the undersigned authority, on this day personally appeared Jose Alvarez Fuentes, seaman, second class, United States Navy, Pvt. Joe D. Salas, Army Serial No. 38557190, Company B, Sixty-fifth Battalion M. R. T. C., United States Army, and Pvt. Paul R. Ramos, Army Serial No. 38557067, Company B, Sixty-fifth Battalion, M. R. T. C., United States Army, who being by me duly sworn upon oath depose and say:

Our names are Jose Alvarez Fuentes, Joe D. Salas, and Paul R. Ramos. We are members of the armed forces of the United States as above indicated. We are permanent residents of the city of San Antonio, Tex., but are temporarily residing elsewhere. We are now on furlough. On Tuesday, March 7, 1944, about 2:30 p. m., when we were on our way home the bus stopped at Fredericksburg, Tex.——

Senator CHAVEZ (interposing). Where?

Mr. PERALES. Fredericksburg—the home of Admiral Nimitz. [Continuing:]

We were hungry and, therefore, we went into the Downtown Cafe, at 323 East Main Street, Fredericksburg, to order something to eat. We sat on stools at the counter. There were two waitresses in the restaurant, but neither one waited on us. One of them went and told the manager or proprietor that we were there. He came to where we were and Seaman Jose Alvarez Fuentes told him that he wanted a barbecue sandwich. The manager or proprietor said, "I am sorry, but I cannot serve you in front; you will have to go out and around to the rear." Seaman Alvarez Fuentes asked him why and he said: "Those are the orders." Whereupon we left the place. Seaman Juan Garcia, United States Navy, was also with us at the time. He lives in San Antonio, Tex., and he too was on his way home on a furlough.

Then the next one:

THE STATE OF TEXAS,
County of Bexar.

Before me, the undersigned authority in and for said county, State of Texas, this day personally came and appeared Alejo Lara to me well known, and who, after being by me duly sworn, did depose and say:

My name is Alejo Lara. I am 45 years of age and a native-born citizen of the United States of America. I reside at Ozona, Crockett County, Tex.

On or about August 16, 1944, Pvt. Tomas Garza, United States Army, who was born and reared in Ozona, Tex., went to the Ozona Drug Store, at Ozona, Tex. I accompanied him. Private Garza sat at the counter and ordered a Coca-Cola. An Anglo-American lady told Private Garza that she was sorry, but that she could not sell refreshments to Mexicans. Then Private Garza asked her why she would not sell to him, that his money was just as good as anybody else's and, furthermore, he was a soldier. The lady replied that all that did not make any difference. A watchman named Fleetcoats happened to be there drinking a refreshment and he got up and told me to tell Private Garza to leave the drug store. I told the watchman for him to tell Garza, that perhaps he had more authority than I. Whereupon the watchman said to Garza: "You had better leave here at once". Just then Sheriff Frank James arrived, pistol in hand, and ordered Private Garza to leave the drug store immediately. Then Garza started to leave, but as he did so he told Sheriff James that he was going to report the case to his captain in order that the latter might come and have the place closed.

Sheriff James told Garza to go ahead and tell the captain. Private Garza went to the telephone office to call his captain and when he arrived he placed the call, but the telephone operator refused to make the connection for him. Private Garza was wearing the United States uniform at the time.

About 4 months ago Pvt. Arturo Ramirez, United States Army, went to the same drug store accompanied by his wife, and ordered some refreshments, but they refused to sell same to them merely because they were of Mexican descent. Private Ramirez was killed in action in France about July 10, 1944.

Imagine the disappointment this soldier of ours must have felt, knowing that his wife had been denied the sale of a refreshment in a drug store in his home State of Texas, and yet there he was giving his life, the last measure of devotion, in order, according to the theory of the Nazi-minded, that that owner of the drug store might be here free, safe, secure, that he might have the privilege of denying such boys as Ramirez a Coca-Cola because they happened to be of Mexican descent.

I have an affidavit here referring to the same incident, but it adds one important fact, and that is that this Sheriff James was the one that went and ordered the telephone operator not to make the connection for the soldier so that the soldier could not speak with his captain.

I have some more about soldiers here, but I am not going to bore the committee with reading them.

Senator CHAVEZ. I wish you would file them with the committee.

Mr. PERALES. I will, sir.

Senator CHAVEZ. Are they certified; are they taken before notaries public?

Mr. PERALES. Yes, sir.

(The affidavits referred to will be found on file with the committee.)

Senator CHAVEZ. Then you feel that a bill like this bill, S. 101, is a good thing?

Mr. PERALES. It is indispensable, sir.

Now it has been said, Mr. Chairman, that men who, like the speaker, are constantly pointing out these blunders on the part of certain citizenry of ours, are agitators. I have not lost a bit of sleep over the accusation, sir. But for the record I should like to quote very briefly two or three words from each man that I am going to refer to, of other extractions, as to how they feel about this shameful situation.

Before I do that I would just like to quote very briefly here what happened in San Antonio, in regard to the housing situation. This was published in the San Antonio Light:

Anthony van Tuyl, director of the War Housing Center in the Municipal Auditorium, said he had 306 listings of apartments for rent, but that not one of the apartments could be rented to Latin-Americans or Negroes who are supplying thousands of workers for local fields and camps.

Senator CHAVEZ. Who was that person?

Mr. PERALES. Anthony van Tuyl, director of the War Housing Center in the Municipal Auditorium at San Antonio, Tex. He went on to explain, sir, that the owners of these 306 apartments had so requested him that he should not offer them to Latin-Americans or Negroes.

Senator CHAVEZ. They were private homes?

Mr. PERALES. Presumably, sir, and apartment homes.

Senator CHAVEZ. Well, they weren't governmentally owned?

Mr. PERALES. That is right.

Here is the case of a man who sent a long telegram from McCamey, Tex. His name is Casillas. He says that he works in McCamey but in order to get a haircut he has to travel 45 miles to Fort Stockton, because there is no barder shop in McCamey that would cut his hair. There are no Mexican barber shops there, only American barber shops.

Senator CHAVEZ. And he has to go to Fort Stockton?

Mr. PERALES. Yes.

Senator CHAVEZ. I understood that was just as bad.

Mr. PERALES. He probably found a Mexican barber shop there. By the way, Fort Stockton is also on my list of 150 cities and towns in Texas which I filed with the committee. Yes; it is just as bad.

At Big Springs the public sentiment against the Mexicans apparently went so far as to influence the commanding officer of an Army field there to cause a sign to be erected at the field saying, "Any soldier who considers himself white shall not go into the Mexican district of Big Springs, Tex."

I have two additional affidavits that I am going to file with the committee with your permission.

One of them refers to a Fourth of July celebration at Lockhart, Tex., where they roped off several blocks for dancing purposes, and some of the citizens of Mexican descent went there, since they had heard so much about the good-neighbor policy, and they thought they would join their Anglo-American neighbors in celebrating the Fourth of July.

Well, somebody got up, who was acting as master of ceremonies, and made the following announcement:

"I have been asked to make this announcement: That all Spanish people gathered here must leave the block." (This part of the announcement was received with many cheers and hurrahs by the people of Anglo-American extraction). "Since this is an American celebration," the speaker went on to say, "it is for the white people only." (This other part of the announcement was likewise received with great applause and hurrahs on the part of the Anglo-Americans.)

That is a good way to promote the good-neighbor policy.

Senator CHAVEZ. Our time is getting short, Mr. Perales. Of course those matters that you are discussing now are most interesting but they do not have to do with the meat of the legislation that we have in mind at the moment.

Mr. PERALES. That is correct, but it shows the broad picture.

Senator CHAVEZ. That is true, but I wish you would devote a little more time to the proposition of Senate bills 101 and 459, and you may file all of that with the committee. But we would like to save a little time because time is getting short, it is getting late, and we want to close this afternoon, and there are still several witnesses to be heard.

Mr. PERALES. Yes, sir. I would like to file that affidavit with the committee and also one covering a similar situation at Poteet, Tex., during an Armistice Day celebration.

Senator CHAVEZ. That may be done.

(The affidavits will be found in the files of the committee.)

Mr. PERALES. Now I am just about to close. But, Mr. Chairman, would you object to my reading one paragraph from a statement made by the Archbishop of San Antonio regarding the situation, both economic and otherwise?

Senator CHAVEZ. No; I wouldn't object to that.

Mr. PERALES. This is an extract from an address delivered by His Excellency, the Most Reverend Robert E. Lucey, archbishop of San Antonio. The title is, "Are We Good Neighbors."

This is the story of a large minority group in the United States, our Latin-American brothers, generous and warm-hearted, simple, charming, and lovable yet segregated, persecuted, and submerged. It is the story of many Anglo-Americans who have shown stupidity, ignorance, and malice in treating their Mexican brethren with injustice, discrimination, and disdain. It is not a lovely story; it is profoundly disturbing because it tells of poverty and tragedy, of disease, delinquency and death.

During the past quarter of a century many good citizens of our country sincerely believed that the race question might well be let alone to work itself out to a happy conclusion by the slow, sure formula of peaceful evolution and patient progress. It was a comfortable philosophy and if not very hopeful to the minority groups it largely satisfied the master race.

But the present world-wide and devastating conflict has disturbed peaceful consciences, opened unseeing eyes, and posed stubborn questions that simply will not be downed without direct and adequate answers. Some of these questions sound like this: Why did the Burmese natives refuse to fight for England? What truth is there in the Japanese contention that the white races despise the yellow men? Can we keep our self-respect if we demand that the colored American fight for freedom in Africa and deny him freedom at home? Can we make the Western Hemisphere a bulwark of liberty and law while we maim and mangle Mexican youth in the streets of our cities? Can we condemn our Latin-Americans to starvation wages, bad housing, and tuberculosis and then expect them to be strong, robust soldiers of Uncle Sam? Can we tell our Spanish-speaking soldiers that dishonorable discharge from the Army will deprive them of civil rights when they never had any civil rights? In a word, can we, the greatest Nation on earth, assume the moral leadership of the world when race riots and murder, political crimes and economic injustices disgrace the very name of America?

These sharp questions are getting under the skin of every decent American and all are agreed that something has got to be done about it.

The Honorable Sumner Wells, former Under Secretary of State, writing recently about this situation, said: .

The visit of President Roosevelt to Mexico last April, and the visit paid by President Avila Camacho to this country, immediately thereafter, signalized the commencement of a new epoch in Mexican-American understanding.

But no such relationship as that which the vast majority of people of both countries desires to see built up can long continue if unfair, humiliating and wounding discriminations are practiced by communities in either nation against nationals of the neighboring country.

Discriminations of this character inevitably cut deep. They create lasting resentments which no eloquent speeches by Government officials, nor governmental policies, however, wise, can ever hope to remove. They exist only in a few places. They are regarded as detestable, and as wholly un-American, by every thinking United States citizen. But so long as they continue anywhere in the United States they are bound to undermine the foundations which the two Governments have laid for those cooperative ties which are so greatly to the interest of both countries, and they will, in the wider sense, impair that inter-American relationship which is today more necessary than ever before. Unless these discriminations are obliterated, and obliterated soon, the term "good-neighbor policy" will lose much of its real meaning.

Now, Mr. Chairman, I notice that you asked some of the previous speakers, at least one or two, what in their judgment was the reaction of the people from Mexico regarding this problem. Well, sir, I am happy to have here the reaction of the Mexican press, which I think reflects public opinion in Mexico, referring to the Spears bill. We have a bill, sir, pending before the Texas State Legislature now, unfortunately it doesn't include a F. E. P. C.; we tried to get it in there, but whoever was in charge of it in the senate, where the bill originated, omitted the F. E. P. C. provision, and limited it only

to the social phase of discrimination—but this is how Fraternidad, the official organ of the Comite Mexicano Contra el Racismo, of Mexico—a strong committee fighting racism and fighting discrimination—puts it, in an editorial dated February 1, 1945.

The antidiscrimination bill presented by Senator J. Franklin Spears before the Senate of the State of Texas is one of the most important bills that will come before the Texas legislators during the session that began more than a month ago.

The interest which the presentation of such a bill involves is not only local, it is not something that concerns only the population of Texas, nor only the Mexicans and Latin-Americans by birth or origin residing in that State. Its importance is of national North American and continental scope.

* * * * * * *

On the other hand, public opinion in our Latin countries would see in the approval of the Spears bill strong proof that the legislators of Texas know how to interpret the sentiment of the majority of the North American people and understand the spirit of the good-neighbor policy, which would contribute, in a larger measure than many other acts of collaboration, to reaffirm the basis of a true and genuine continental friendship.

In Mexico there exists the conviction that the great North American masses do not harbor any racial sentiment and that they repudiate the theory of the superiority of one race over another, which has made so many victims—especially among the Jews—in Europe. Likewise, public opinion in Mexico applauds the efforts of President Roosevelt to broaden the basis of North American democracy, which must necessarily include the abolition of discriminatory acts against racial minorities. But Mexico knows that it is not sufficient to live persuaded of these positive realities, but rather prefer deeds that will put an end to the painful situation of many of our compatriots in the southern section of the United States, which has prevented a complete understanding and a frank friendship between the people of Mexico and the people of the United States.

This shows that while the governments of the Americas are united now, the peoples of the Americas, Mr. Chairman, are not united and never will be until discrimination is ended in the United States once and for all time to come.

Now a newspaperman, referring to the conference of foreign ministers—Mr. Chairman, you referred to the conference that is to take place in San Francisco in the near future—well, this conference took place in Mexico City. Every effort was made to interest the foreign ministers of these various republics, beginning with our Secretary of State Stettinius to enter into an agreement, international agreement, designed to abolish discrimination in all its phases in the Western Hemisphere.

This is an extract from an editorial which appeared in La Prensa, of San Antonio, Tex., on February 21, 1945, and is from an article by M. J. Montiel Olvera, one of Mexico's outstanding newspapermen, writing recently from Mexico City in an article entitled, "The Approaching Conference of Foreign Ministers and Racial Discrimination."

We do not understand how it is possible for such cordial friendship to exist from country to country, nor for our contribution to the war effort to be overestimated, at the same time that our fellow-citizens in certain sections of the North American Union are segregated as though they were afflicted with leprosy.

We do not understand the attitude of those who deny to the good neighbor admission to a restaurant, a theater, or a church, after said neighbor has offered his blood in the fields of battle against nazi-ism and nipponism.

We do know that on the one hand there is the most cordial attitude on the part of the American Government toward our Government and our people, and on the other hand there is the different, diametrically opposed and positively adverse attitude of the private citizens of that Republic.

While I am at it, without reading it, I should like to have incorporated this additional statement, an extract from an editorial in a Mexican newspaper, Novedades, dated January 12, 1945, entitled, "In the Interest of Good Neighborliness."

Senator CHAVEZ. That may be made part of the record.

(The editorial referred to is as follows:)

EXTRACT FROM AN EDITORIAL IN NOVEDADES, MEXICO D. F., DATED JANUARY 12, 1945, IN THE INTEREST OF GOOD NEIGHBORLINESS

We have never been satisfied with the sporadic recommendations made by various authorities or private institutions in the sense that an effort be made not to humiliate the Mexican and men belonging to that same race. We have very much appreciated such gestures because we understand the magnificent intention which inspires them, but we have not been able to see in them any effective force when it comes to the atmosphere in which there seems to exist the conviction that a hostile spirit to things pertaining to us must be maintained as if it were a matter of a social physionomical characteristic of vital importance. We have contended that it is necessary that these recommendations be taken into consideration as human premises for something else; that is, of something that will have to be heeded as an imposed obligation. In other words, we have striven for the creation of antidiscriminatory legal provisions, with all the characteristics of positive norms, including penalties for those who refuse to observe them. This is what can be done in Texas.

Withal, this moment we witness the most important phenomena, perhaps, in the history of our relations with the United States. We have been living in a climate of official understanding between the two Governments, with basis which do not fit precisely in the legal texts, but in principles of cooperation, of continental solidarity, of mutual aid and good will. Should the antidiscrimination law encounter unsurmountable legal obstacles, perhaps it could be based upon those principles * * *. It will have to be that way, sooner or later, because it is not possible indefinitely to perpetuate errors against which a strong propaganda has been launched.

Mr. PERALES. So much for Mexican public opinion, Mr. Chairman, which I think is something to be taken very much into consideration by our country if we want to continue to have the support and cooperation of those people, those 130,000,000 people south of the border, in time of peace.

Senator CHAVEZ. I think that is extremely important in the development of the theory of the bill and the justification for the bill, but if you don't mind, if you have some other things to insert, just give them to the reporter and I would like to have you limit yourself as much as possible to what we have here under consideration.

Mr. PERALES. I have a written statement, a summary of what I have said, Mr. Chairman, as to what the people of Mexico and the other countries think of our way of dealing with the people of Mexican descent here. However, I will not read it but would like to have that inserted in the record.

Senator CHAVEZ. We would be glad to have that inserted in the record.

(The document referred to is as follows:)

STATEMENT OF ALONSO S. PERALES, LAWYER, SAN ANTONIO, TEX., BEFORE THE SENATE COMMITTEE ON LABOR AND EDUCATION, IN THE HEARINGS HELD MARCH 13, 1945, ON BILLS S. 101 AND S. 459, TO PROHIBIT DISCRIMINATION BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, OR ANCESTRY

We, and you, have heard again and again that progress against discrimination must be gradual and only by voluntary cooperation and education. But we, in Texas, and in the entire Southwest, and on the west coast, have been trying to make progress against discrimination for 25 years, ever since the end of the last

World War, by means of cooperation and education, with no results. We, American citizens of Mexican extraction, variously designated as Spanish-Americans, Latin-Americans, Mexican-Americans, some 3,000,000 in Texas and the Southwest, find that our efforts to eliminate discrimination by mutual cooperation and education, have accomplished nothing. We are discriminated against more widely today than 25 years ago—socially, politically, economically, and educationally. American citizens of Mexican extraction, whether in uniform or in civilian attire, are not allowed in public places, cannot buy food or clothes except in certain designated areas, cannot secure employment in any industry except as common or semi-skilled labor, cannot receive the same wages as other Americans in the same area, because of the widely held theory that a Mexican does not need as much to live. There are the conditions that exist today after 25 years of patient effort to eradicate discrimination by mutual cooperation and education.

We are convinced that legislation is the only solution to the problem today—legislation with effective powers of enforcement and not merely a pronouncement of pious good intentions. Those who claim that education is the solution ignore the fact that legislaton has a powerful educative effect. What little progress has been made in securing for the Mexican-Americans equal economic opportunities for employment and promotion in the last 18 months can be traced directly to no other factor than Executive Order 9346, which set up a temporary war agency known as the Fair Employment Practice Committee. This war agency has done more in 18 months toward removing discrimination against Mexican-Americans in war and essential industries than all the educational efforts of various private and governmental agencies in the last 20 years, including the Coordinator's Office for Inter-American Affairs.

We, the American citizens of Mexican extraction in the Southwest, are firmly convinced that it is time for the Government of the United States to go unequivocally on record in support of the doctrine that all Americans have an equal right to jobs. The passage of Senate bill 101, to establish a permanent Fair Employment Practice Commission, is essential, in our opinion, to the preservation of American democracy. It, and it alone, will guarantee to every American citizen, regardless of race, creed, color, national origin, or ancestry, his rights to equal opportunities for employment, promotion in industry, and to earn a decent living.

If we want to prevent the sad spectacle of human misery and suffering that followed the last World War, if we want to prevent Pachuco riots (California and Colorado), Sleepy Lagoon cases (California), Leveland mock trials (Texas), and economic strife in the post-war era, which is almost at hand, if we want to build for an enduring peace at home and abroad, we need to take steps now to remove all possibilities for a continuation of economic discrimination by the passage of a bill such as you are considering today. Would to God it eradicated all forms of discrimination.

Mr. PERALES. If you will permit me, I would like to quote one little paragraph—and I am not going to leave this letter because I treasure it highly—to show how our Mexican-American soldiers feel about this thing—the ones who are in the trenches right now, fighting for democracy.

This young man, Mr. Chairman, prepared for the Diplomatic Service of the United States. He graduated from the University of Texas, took the examination for the Foreign Service offered by the United States Department of State, and was awaiting his assignment when he was drafted into the United States Army. He served as a buck private for over a year and took part in the invasion of Normandy. He is a first lieutenant, by the way, now. Here is what he has to say:

When I think of the men left dead on the beaches I wonder if the people at home understand their tremendous sacrifice. I wonder particularly if those who are charged with the responsibility of framing the peace to come fully realize the cost of victory. I pray that when the fighting is all done our boys can go back with the utmost assurance that they can live and work in peace and that America still remains the symbol of liberty, justice, and freedom. I have sworn that if ever the combatants of this war are cheated of the things they risked their lives for, and for which thousands of their comrades gave their lives, I shall take the stump loud and strong and shall not cease in my condemnation of such fraud.

With these words, Mr. Chairman, I say again thank you for having invited us, and we sincerely hope that your committee will approve Senator bill 101 because it has faith in it. and it will undoubtedly make the Mexican-American feel more secure.

Senator CHAVEZ. Well, if we ever get through with the hearings we will report the bill out. [Laughter.]

Mr. PERALES. It will strengthen his faith in our American form of government and our institutions.

Senator CHAVEZ. Thank you.

Mr. Wasserman, will you kindly come forward and identify yourself for the record?

STATEMENT OF WILLIAM STIX WASSERMAN, INVESTMENT BANKER, PHILADELPHIA, PA.

Mr. WASSERMAN. My name is William Stix Wasserman, and I am engaged in the investment banking business in Philadelphia. I served the Government during the war as lend-lease commissioner in Australia and as chief executive officer in the Department of Economic Warfare.

My purpose in appearing before you is to support the passage of Senate bill 101 with its enforcement powers, because its enactment would be an aid and a weapon for businessmen of good will and social conscience throughout the country who need a law to wipe out pernicious hiring policies in their own plants.

The so-called freedom to operate business for which one shoulders all or part of the responsibility of management is a very limited thing today. It is a profound mistake to believe we businessmen can do as we please, or even that we dream we should have the right to do just as we please. From minimum-wage and maximum-hour laws, child-labor laws, regulations issued by the Securities and Exchange Commission, safety regulations of many kinds, to regulations issued by O. P. A., W. P. B., N. L. R. B., and the rest of the alphabetical range, we move in narrow permissive areas. In fact, batteries of attorneys are retained by business firms to clearly advise what we may do and how we may do it without running afoul of the law. These limitations are laid upon us by the Congress and the local governments in order to protect the welfare of the many. Businessmen have accepted these proscriptions for the most part because they know that without community and national well-being the business world itself suffers.

But, there is another fence against which many businessmen chafe helplessly. And that is the one propped up by the unwritten laws of prejudice. In many cases it is not possible, and in many more at least extremely difficult, to wipe out discriminatory hiring practices in plants in which you share control by a signed memorandum. These are days of complex business operations coupled with acute labor shortages in many areas, and management bows to the frequent prejudices and mediocre talents of employees in high and low positions. The threat of walk-outs, even in small groups, is a major consideration especially when supplies for our troops are in question.

I may say that I am a part owner of a small shipyard in Philadelphia. I was very anxious to get some colored people to work in

that yard. Most of our help came from the southern or southeastern shore of Maryland. I was told by the management that if I pressed my demands for the employment of colored people they would have a strike on their hands. I feel quite certain that if we had had a law with teeth in it, which would have made it illegal for the unions to call a strike in that plant on that account, we could have had our quota of necessary colored help.

The hobble fastened by the unwritten law of prejudice and bigotry is a suffocating thing. It outrages the right-thinking businessman's sense of justice. But I know of instances where hard-fought attempts to break away have failed because it amounts to forcing one's ideas upon peoples whose prejudices have been unquestioned since their childhood. And what about the employer who has signed a closed-shop agreement with a powerful union which itself practices discrimination?

I feel absolutely confident that if S. 101 is passed, and the employer has the sanctity of the law to stand behind him, that he will be able to end discrimination in 9 cases out of 10 in his own plant.

I know of businessmen who have felt the impact of the President's Order No. 8802 to excellent effect in their plants. They report in many instances a better supply of manpower, better understanding between the various racial and religious groups, and a deep sense of satisfaction in seeing workers of these varying backgrounds and creeds working together in harmony. But I know of many another businessman who has been effectively stymied in his attempts to change hiring practices because he has been challenged with a "what can they do to you?" attitude. The present F. E. P. C., with its occasional use of sanctions exercised through the President's war powers, is not enough. In the post-war period and in areas of nonwar production that does not exist and will not exist at all unless S. 101 is passed. I know businessmen of substance who would welcome legal authority to back up their own decent instincts.

I want to close this very brief statement of mine by reading a paragraph out of a speech by Mr. Eric Johnson, which I think pertains to what is being said here. Mr. Johnson goes on to say:

> The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. You can't sell an electric refrigerator to a family that can't afford electricity. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole Nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the Nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

Thank you, sir, for letting me appear.

Senator CHAVEZ. I want to thank you very, very much, Mr. Wasserman.

We are going to have a recess for 10 minutes, and we will then conclude with Mr. Ross.

(Whereupon a 10-minute recess was taken.)

Senator CHAVEZ. Before we resume, I might state that anyone who has a statement which they desire to file with the committee will please give it to the reporter now.

Mr. MARSHALL. I am presenting one on behalf of the National Federation for Constitutional Liberties.

Mr. SHELDON. And I am presenting one for the New York Metropolitan Council on Fair Employment Practice.

Senator CHAVEZ. Thank you. They will both be incorporated in the record of these proceedings.

(The documents referred to are as follows:)

STATEMENT BY PROF. JAMES H. SHELDON, CHAIRMAN, NEW YORK METROPOLITAN COUNCIL ON FAIR EMPLOYMENT PRACTICE, NEW YORK, N. Y.

Mr. Chairman, I am appearing here on behalf of the New York Metropolitan Council on Fair Employment Practice, which consists of approximately 60 leading agencies, representing Protestant, Catholic, Jewish, Negro, labor, interfaith and civic organizations concerned with employment or placement problems in the greater New York area. The organizations comprising the council are strongly and unanimously behind Senate bill 101 for the creation of a permanent Federal Fair Employment Practice Commission to prevent discrimination in employment because of race, creed, color, national origin, or ancestry.

On September 7, last year, I appeared before your committee on this same subject and made a rather extended statement, which was printed in the proceedings of your committee for the last Congress, and I do not want to take up your time today by repeating the argument which I made on that occasion.

The state of affairs which I set forth last fall continues today, and the arguments are all the same, except that time has perhaps strengthened them.

I want, however, to reaffirm the simple fact that most responsible opinion in the State of New York feels that legislation of this sort is essential and must be passed at once, so as to be effective at the end of the war. It is to be emphasized that passage of this legislation now does not mean the introduction of any radical new principle. On the contrary, it merely means that we shall extend into the post-war period the principle which we have already established and tried to live up to during the war, under the leadership of the present emergency-based F. E. P. C. Let us not permit our soldiers to return home to a society from which safeguards against discrimination under which many of them worked at the time they left home have been removed. This bill does little more than perpetrate the gains already made, and its enactment is the least which our fighting men have the right to expect of us.

I want to list here some of the principal organizations which have gone on record on this matter in New York, through their affiliation with the council which I represent. Some of these groups are Greater New York Federation of Churches; American Jewish Congress; National Association for the Advancement of Colored People; Greater New York Congress of Industrial Organizations Council; Union for Democratic Action; New York Council of Church Women; Anti-Defamation League; National Federation for Constitutional Liberties; Women's Trade Union; Loyal Americans of German Descent; City-Wide Citizens' Committee on Harlem; Brotherhood of Painters, District Council 9, American Federation of Labor; New York Urban League; Jewish Occupational Council; Common Council for American Unity; Nonsectarian Anti-Nazi League; United Christian Council; Lily of the Valley Lodge 309 of the Brotherhood of Railway Car Men of America; Federation Employment Service; National Negro Congress; United Neighborhood Houses; National Council of Jewish Women; Federation of Architects, Engineers, Chemists, and Technicians; National Lawyers Guild; Transport Workers Union; Jewish People's Committee; Vocational Advisory Service for Juniors; Liberal Party; State American Labor Party; Young Men's Christian Association (various branches); Young Women's Christian Association (various branches); United Parents Associations; The Wives (wives of service men overseas); National Conference of Christians and Jews; Welfare Council of New York; various employment agencies; League of Women Shoppers; and various Italian, Spanish, Czechoslovakian, and other agencies.

There is just one other point which I want to make, because I know that you have before you a bill introduced by Senator Taft, S. 459, which is wrongly entitled "A bill to establish a Fair Employment Commission." Mr. Chairman, this bill is legislative double-talk of the worst order. One of the most mischievous of all legislative proposals is the proposal to pass statutes which are

meaningless because devoid of any enforcement machinery. I can conceive of no public attitude more cynical than that which says: "Let's pass a bill to put some comforting words on the statute book so as to please some people but let's be sure that there is no way to enforce this statute." I can think of no better way to bring the statutes and the Criminal Code of the United States into disrepute. I say, gentlemen, let us either pass Senate 101 or be honest and say that for some reason we are now going to go back on all of the promises contained in the platforms of all the major parties and pass nothing.

I have just come, Mr. Chairman, from one of the hardest fought and most illuminating legislative campaigns in the history of New York State, where we have just passed, and Governor Dewey has just signed, the Ives-Quinn Act creating a New York State agency very much along the lines laid down in Senate 101. I regret to tell you that certain elements in New York State made this same cynical proposal, to pass a bill which would be meaningless, and they were properly and finally rebuffed. Just before the matter came up for vote in the New York State Senate, a group of 31 outstanding lawyers in New York State, led by Charles Evans Hughes, Jr., joined in a flat-footed statement against this and other types of weasel-worded amendments which were then proposed by the bill's opponents in an effort to stop the tide of human progress. I want to put into the record a copy of this statement by these New York lawyers, and although the statement has to do with our local Ives-Quinn bill, the principle is exactly the same here.

Mr. Chairman, I understand that I am permitted to place various statements and editorials in the record, and rather than detain you further, I would like to submit them to you before the end of this week, because I believe that the experience of New York State may be useful to you. As a result of our recent discussion of this issue, the assembly voted by the overwhelming majority of 109 to 32 in favor of passing legislation along lines similar to S. 101. A few days later, the Senate passed the same legislation by an overwhelming vote of 49 to 6. I hope, Mr. Chairman, that when this matter comes before the Congress and Senate of the United States, it will be passed by an equally decisive majority, and that we may thus write into the laws of our whole Nation this legislation which the Governor of New York has properly described as "one of the great social advances of our time," and which the President of the United States has initiated as one of the major steps of progress achieved by America under the terrible stress of this war for a better world.

MARCH 13, 1945.

STATEMENT OF GEORGE MARSHALL, CHAIRMAN, NATIONAL FEDERATION FOR CONSTITUTIONAL LIBERTIES IN SUPPORT OF THE PASSAGE OF S. 101 FOR A PERMANENT FAIR EMPLOYMENT PRACTICES COMMISSION

(The National Federation for Constitutional Liberties is a national civil-rights organization having the cooperation of professional, church, trade union, farm, Negro, Jewish, and other civic organizations and leaders in some 46 States.)

The National Federation for Constitutional Liberties believes that the prompt passage of S. 101 is essential both to guarantee the objectives for which the war is being fought and to help assure a smooth transition from war production to full peacetime production.

We believe that this bill to establish a strong permanent Fair Employment Practices Commission is an essential reconversion and post-war measure. May we urge, therefore, that it be given a high priority on the Senate Calendar in order to assure that the strengthened and permanent Fair Employment Practices Commission, as created by this bill, be functioning before the war in Europe ends and the reconversion period gets into full swing.

The transition from war to peacetime employment will cause certain tensions in relation to various racial and religious groups resulting from the process of reemployment, reclassifying occupations and migrations from one part of the country to another. These tensions may result in discrimination or even violent outbreaks against minority groups unless there is an effective apparatus to swiftly and effectively handle all situations where discrimination in employment is practiced.

Discrimination in employment cannot be brushed aside as a secondary question just affecting a few minorities. We must constantly bear in mind that a majority of Americans belong to minority groups. Fifty-seven percent of the total population of our country are Negroes, members of other minority races, Jews,

Catholics, foreign-born, or persons having at least one foreign-born parent. Each of these groups has been seriously discriminated against in employment in various parts of the country. Discrimination against any person because of his race, creed, color, national origin, or ancestry undermines the whole fabric of our democracy.

Education alone cannot solve the problems of discrimination in employment any more than education alone can solve the problems of forgery, tax-evasion, or unfair labor practices. In each of these fields, legislation providing for effective enforcement agencies has been found necessary. Education and community activity must be a part of any campaign against discrimination in employment; but they must be supplemented by the continuous functioning of an agency which specializes in these problems and which has the power of enforcement where persuasion fails.

Prejudice, custom, and timidity must be overcome if progress against discrimination is to be rapid enough to assure interracial and interfaith unity in winning the war and in building a firm peace. Disastrous results will follow if this is left to chance, to long-time educational processes, or perpetual investigations.

The various dangers which our country face, unless discrimination in employment is rapidly terminated, are especially critical because discrimination at this time in world history is dynamic. Discrimination is not only a manifestation of undemocratic practices which are hold-overs from the past. Discrimination has been a major technique in Hitler's drive for world power. It is the life blood of nazism and of all its Fascist allies and sympathizers both abroad and in our own country.

Unfortunately, a considerable number of individuals and groups in our country have been playing Hitler's game by actively spreading the doctrine of race hatred for the purpose of fomenting racial and religious discrimination and cleavages. Some of these individuals and groups are now under Federal indictment for sedition. It is therefore fantastic to suppose that discrimination in employment can be terminated by education alone or even by investigation and persuasion.

The proposals of S. 459, introduced by Senator Taft, are wholly inadequate to meet these serious problems before us. This bill is nothing but a demagogic sham. It utterly fails to provide any apparatus for handling specific cases of discrimination in employment. It provides for a commission without powers to deal with the problem at hand. It merely establishes another fact-finding agency.

Another investigation of discrimination is unnecessary at this time. An effective administrative agency is necessary with powers to act. Libraries are full of investigations of race relations, including the recent several-million-dollar study of the Carnegie Corporation under the directorship of Dr. Gunnar Myrdal. A proposal for more investigation at this time without a program and apparatus for action is merely to evade the issue. It is tantamount to opposing the creation of an effective Fair Employment Practice Commission.

A law with good firm teeth is essential. An agency must be created with an adequate administrative set-up and with powers of enforcement. This is the position taken by all who seriously wish to terminate discrimination in employment. It is the position taken by the leadership of both the Democratic and Republican Parties who pledged, in the election campaign last fall, that they would work for the passage of the legislation for a permanent Fair Employment Practice Commission.

S. 101 affords a carefully considered, effective apparatus for this purpose. It was based on the experience of the excellent work of the limited President's Committee on Fair Employment Practice, and on the successful administrative experience of the National Labor Relations Board.

Legislation substantially the same as S. 101, providing for a permanent Fair Employment Practice Commission with powers to enforce its decisions, was carefully considered at both House and Senate hearings toward the end of the last session of Congress. The House Committee on Labor, both this year and last, reported this legislation favorably, as did also the Senate Committee on Education and Labor last year. Both at the hearings last year and at the current hearings before the Senate, there has been overwhelming support for this measure from every section of our country, from all major racial and religious groups, and from every major occupational group.

There was a similar outpouring of strong popular support from all sections of the population at the recent hearings before the joint legislative committee in New York State, held prior to the overwhelming passage by the New York

State Legislature of the Ives-Quinn bill for a State commission against discrimination. The growing sentiment for legislation of this type is also indicated by the six or seven other States which are considering similar measures. We believe it to be essential and in keeping with this growing sentiment throughout the country and with the election pledges of both the Democratic and Republican Parties, that S. 101, providing for a strong Federal agency to abolish discrimination in employment in the wide area of interstate commerce and of Government employment and contracting, be passed without further delay.

May we urge your prompt, favorable action on this necessary wartime, reconversion and peacetime bill.

Senator CHAVEZ. Now Mr. Ross, we are ready to hear from you.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, FAIR EMPLOYMENT PRACTICE COMMITTEE

Mr. Ross. My name is Malcolm Ross, Chairman of the Fair Employment Practice Committee.

Mr. Chairman, I have a statement which I would like permission to file with the committee.

Senator CHAVEZ.We will be glad to receive it, sir, and it will be inserted in the record in full at the conclusion of your oral remarks.

Mr. Ross. I will have to say that I did not have advance notice so that I had sufficient time for a formal clearance of this statement with the Bureau of the Budget. However, the F. E. P. C. has been informally advised that legislation to prevent discrimination in employment because of race, color, creed, national origin, or ancestry, would not be in conflict with the program of the President. This advice should not be construed as involving any commitment as to the relationship to the program of the President of any particular bill or of any of the provisions contained in that particular bill.

Senator CHAVEZ. That is understood.

Mr. Ross. Mr. Chairman, in view of the shortness of time I will try to highlight a few of the remarks made in my formal statement.

You may be interested to know that in the last 18 months the President's Committee has closed 4,801 cases, and that 36 percent of these were satisfactory adjustments. By that I mean that in our field offices, by the method of informal negotiation, we brought employers and unions around to the point of conformity with the Executive order.

Now the authority of the F. E. P. C. stems from the President as Commander in Chief of the Army and Navy, and as President. We are not an impotent committee in authority, if you will consider the fact that it is within the framework of wartime.

Executive Order 9346 applies equally to all the agencies and departments of Government, such as the contracting agencies—War, Navy, and Maritime Commission, which must perforce include in all their contracts a nondiscriminatory clause. It is a congeries of authorities that F. E. P. C. works with; those contracting agencies, and the Federal departments being duly responsible with us, add their authority and their persuasive powers to ours. The same is true with the War Manpower Commission with whom we have a very good working arrangement.

In spite of the prestige of the President's mandate, and of the assistance from all of these other obligated agencies and contracting agencies, of the 35 formal decisions that we have issued during the last 18 months, against employers, 26 remain unsettled. Of the 10

decisions against trade unions, 9 remain not in compliance. So that the persuasive powers that we have, which settle most of our cases at the bottom, have failed at the top where you have the tough cases and the significant cases.

That is not without a parallel in the National Labor Relations Board experience, where 90 percent of their cases are settled by informal means in the field, but they have the authority of congressional powers and sanctions which sifts down to the lower levels and makes persuasion much more easily accomplished.

I call your attention to the fact that when the war is over the F. E. P. C. is out of existence. Perhaps more importantly, with the collapse of Germany, with V–E day, we will have some industries reconverting to make consumer goods. In those instances the jurisdiction of the F. E. P. C. will be whittled away so that within perhaps, we hope, a few months you will have the dilemma of war industries being still subject to Order 9346, but the reconverted industries not—I think an unhealthy situation and one that will make for very difficult compliance within war industries.

I want to refer back briefly to some of the controls the Government set up in World War I. You will remember that collective bargaining by Government fiat was established during World War I, and that in 1918 that was relaxed with immediate and very bad effects.

I can speak with some knowledge of the coal industry. You had there, in the soft coal industry I mean, a situation which I think may find its parallel in the future unless legislation is passed. The operators north of the Ohio River remained under union organization. In West Virginia and Kentucky there was no union; it was immediately wiped out when Government protection of collective bargaining went at the end of the war. And the disparity of wages between those two regions, both of them competing in the same coal markets, was such that the operators north of the Ohio tried to get the United Mine Workers to help organize south of the Ohio, in Kentucky and West Virginia. And you had there bloody strikes; you had the spectacle, in 1920, of a regiment of soldiers who had fought Germany in that war, deploying across the West Virginia hills and shooting miners.

The comparison is not absolute, but I call your attention to the fact that the recent passage of the New York State law will leave a control there, where other States will not have it, and that too, I think, is a state of unbalance.

The same thing happened in the railroad industry after World War I. The Government gave up its controls and passed the Transportation Act of 1920. That Commission had no authority. For 6 years it struggled on, being flouted by the people it attempted to bring before it, and the Congress in 1926 passed an act with some teeth in it, but it was not until 1934 that the amendments to the Railway Labor Act finally made that a perfect instrument, and incidentally kept the railroads in a peaceful state during this current World War.

Now there you have a period of 14 years of dilly-dallying before the Congress got around to the point of making a perfect instrument.

In the case of collective bargaining, when the N. I. R. A. was formed in 1933 voluntary methods were tried with Senator Wagner's tripartite board. It failed of effectiveness. Congress passed resolution 44 and set up a temporary N. L. R. B. with no real powers. I call your attention to the fact that no employee election was able to be

held under that board because employers got injunctions agains it. The only penalty was the withdrawal of the Blue Eagle, and that was quite insufficient. So that Congress finally came around to the passage of the N. L. R. A. in 1935, which at long last has established collective bargaining and peaceful negotiations as national policy, after 17 years of dilly-dallying since 1920.

I think the comparison might very well be made to the long-range establishment of equal opportunities in employment for Americans.

I would like to make some comment, as I do in my formal statement, about the different conditions North and South. It involves a little discussion of the long swing shift of Negroes, and I speak about Negroes now, although the same thing applies in some degree to Mexican-Americans.

In World War I, 7 out of 10 Negroes were either in agriculture or domestic service at the beginning of that war, and that, in turn, was a decrease from 9 out of 10 Negroes in the first 1890 census who were in agriculture or domestic service. This isn't new, Mr. Chairman. It is the conclusion of a long swing of the Negro people into industry along with their white fellow workers.

In World War I there were 1,500,000 Negroes in war industry. Eight hundred thousand of those had come up from the South as a permanent migration, because once there they have stuck. In this war, from 1942 to 1944, 600,000 Negro workers have come North. All during the 1920's and the depression there were more than 1,000,000 other Negroes who came from the South, draining the South of manpower, to work in the North.

After World War I, with no controls whatsoever, the Negroes lost immediately all the gains in industry that they had made. Over the past 20 years a picture of what has happened to them in trade unions is significant.

In 1920 there were 10,000 Negro mechanics in this country; in 1940 there were only 4,000. In 1920 there were 1,300 Negro boilermakers; in 1940 there were less than 600. In 1920 there were more than 6,000 Negro firemen, and that had dwindled to 2,200 in 1940. So that in 1940 you had the Negro in a very disadvantageous place in industry, and when the defense period came the first people drawn into it were the white unemployed. The first training in the defense period was given to the white unemployed, and the Negro, with no standing as a war worker; with 11 percent of Negroes in mechanical pursuits as compared to 22 percent of whites in mechanical pursuits in 1940, fortunately the President of the United States, seeing that we were going to have an all-out suction of all manpower and womanpower into the war, passed 8802.

The F. E. P. C. alone didn't see that Mexican-Americans and Negroes and Jews and Catholics were drawn into the war effort. War Manpower and the contracting agencies all helped.

So that from 1942, with less than 3 percent of the Negroes in the war effort, they now stand at more than 8 percent.

I won't review, Senator, because I know other witnesses,—Dr. Will Alexander and others—have shown the dilemma that lies ahead of you, how the Negro has gone into war industries, especially the new ones such as shipbuilding, nonferrous metal fabricating, aircraft—where, after VE-day they are bound to be cut back quickest and

deepest. Then you have the picture of America beginning its consumer-goods program with a backlog of $75,000,000,000 that we have saved since 1942—great purchasing power—with 600 items of iron and steel that haven't been made since 1942. We are going to need those things. If Negroes are going to be pulled out of the prime war industries in great numbers, and if they are going to have the doors slammed in their face when these new reconverted industries start, and if, under our powers as a war agency we cannot protect minority groups in the newly converted industries, you are going to have, sir, hundreds of thousands of minority group workers whom the Government said they needed in wartime, suddenly finding themselves on the street and in competition with white workers.

No special privilege should be granted to any American, but equal opportunity must, unless we are going to get into the difficulties that we got into in 1919 when the man furthest down, insecure, lost his job and wanting to know where he was going caused 26 violent race riots, out of economic antagonism.

That, sir, is what we must avoid, and that is why I think a bill with enforcement powers is an essential to carry us over, not the dim distant future, but very soon after the fall of Germany and during the war with Japan.

Senator CHAVEZ. Mr. Ross, from the experience that you have had, both as a member and as the head of the F. E. P. C. organization now, do you think a voluntary cooperation is sufficient to eliminate the classes of discrimination that we are trying to eliminate?

Mr. ROSS. I do not, Senator. I was interested to see the officials of the Urban League here today. For more than 30 years that organization has tried voluntary cooperation, with great success, both whites and Negroes combining to try to eliminate discrimination—with great success, as I say—and yet they are here today to support S. 101.

I suppose the illustration that stands out most in my mind is the railroad cases. Under Monsignor Haas, then chairman, 4 days of public hearings were held in the case of the railroads. It would be supposed that public opinion, with the facts exposed there of collusion to keep Negro firemen out of their jobs, to limit their percentage, and so forth—that those facts would have appealed to the conscience of the public. But in point of fact it was education in reverse, because those facts were distorted and the final directives of F. E. P. C. which said that a collusive agreement—collusive in the sense of being discriminatory—of the brotherhood and the railroads, discriminated on its face and should be abrogated. We were berated for that, sir, but through private suit that case came to the Supreme Court of the United States who 1 year later found exactly the same thing. Now there public education was useless.

Senator CHAVEZ. How about publicity? Does publicity as to these wrongdoings help any in doing away with discrimination?

Mr. ROSS. Well, I hate to characterize it in some cases as wrongdoing. I have in mind eight cases that we have had in St. Louis where, in the defense period, the people of St. Louis got together and said, "Let's set quotas." That was a mistake, there should be no quotas in war industrial service. And gradually they shut out Negroes and Negro women from any skills, and sometimes from any employment.

We held hearings against eight of those companies last August, Senator. We issued our directives. The prevailing custom of St. Louis was to say "No" to us, but when the need for ammunition came, and when the War Department and ourselves—and the committee members and myself have gone through those plants—we have worked with those fellows and they are beginning to see light, not because hearings were held and the thing exposed, but because of the necessity to do it.

Senator CHAVEZ. Then you are fully determined, as far as your experience and observations are concerned, that it is necessary to have an F. E. P. C. bill with teeth?

Mr. Ross. I believe so, very sincerely.

Senator CHAVEZ. Thank you very much, Mr. Ross.

Mr. Ross. Thank you.

(The prepared statement submitted by Mr. Ross is as follows:)

MARCH 14, 1945.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, FAIR EMPLOYMENT PRACTICE COMMITTEE, BEFORE THE SENATE EDUCATION AND LABOR COMMITTEE

Mr. Chairman, I am here at your request to present the wartime experience of the President's Committee on Fair Employment Practice for whatever relevancy it may have to your consideration of Senate bills 101 and 459.

The Fair Employment Practice Committee has not, as a body, taken a position on the specific measures before you, but it has authorized me as Chairman to appear in response to any congressional invitation. The Committee as organized under Executive Order 9346 is composed of a Chairman, who serves full-time, and six part-time members, who meet at intervals to formulate policy and decide cases. Two of the present membership are drawn from industry, one from the bar, and three from organized labor. I propose to present for them, as well as I can, the basic facts on our administration of the Executive order designed to prevent discrimination in Government service and in war industry because of race, creed, color, or national origin. Any conclusions which I may base on Committee experience, or any comments on S. 101 and S. 459 which I may make in response to your questioning, must necessarily represent my views as one member of the Committee.

The Fair Employment Practice Committee under authority of its Executive order examines specific allegations of discrimination. Cases come to it on complaint. During the past 18 months, 5,803 such cases have been docketed. Of every 100 cases about 69 involve charges against war-industry employers, 25 involve Government agencies, and 6 involve trade-unions.

Of every 100 cases about 80 involve Negroes, 10 Jews, Seventh Day Adventists, Jehovah's Witnesses, and other religious groups, and the remaining 10 involve those who charged discrimination because of their national origin. American citizens of Latin-American origin figured largely in the last group, although there is a scattering of citizens of British, Canadian, and European ancestry.

Your committee, Mr. Chairman, approaches this problem at a time when victory in Europe seems imminent. The United States may soon be called on to shift gears in war production, cutting back on material no longer needed, emphasizing items required for fighting in the Pacific, gradually reconverting some productive capacity to fill depleted bins with consumers goods. Whenever this process begins it will mean readjustments among millions of workers who have uprooted themselves to crowd into war-industry centers.

Unlike World War I, when the armistice put an end to danger from foreign enemies, victory in Europe will likely leave us with a first-class Pacific war on our hands for some time to come. Upon how well we handle the necessary adjustments following VE-day will depend in large measure on our ability to supply the Pacific theater with everything needed for the quickest possible victory over Japan.

The general measures taken to make this transition a smooth one are not directly the concern of your committee. But the efficient use of minority-group workers during this gear-shifting process does lie directly within the scope of the legislation you are now considering. Let me point out that Executive Order

9346 is a war measure and that the jurisdiction of the Fair Employment Practice Committee, as my committee sees it, will not extend to plants wholly converted to peacetime production. This means that the first factory—and the second and all succeeding ones—which reconvert after the fall of Germany will no longer be called to account for discrimination in employment. You will then have reconverted producers exempt from the national policy and war producers still answerable for discrimination, an unhealthy situation from every viewpoint. For we shall still for a time be at war with Japan, and the uncertainties of the situation will create restlessness among employers and employees and be an embarrassment to those attempting to apply the wartime policy against discrimination with even-handed justice in the 48 States. For this reason, Mr. Chairman, I believe your committee has in hand not a theoretical problem but a practical and imminent one.

At the same time, the evil of racial and religious discrimination is so old and so deep-rooted that this need to face it suddenly has raised questions in many minds on the best methods of extirpating it. Are we at the stage, respecting equal work opportunity for all citizens as national policy, where we were when your committee 10 years ago considered whether or not to establish collective bargaining by statute as national policy? Or are we at the stage where discrimination can only be cured by public exposure and education?

We of the Fair Employment Practice Committee have felt a responsibility to examine the causes and cure of discrimination in order that we may recognize its symptoms in the daily course of administering Executive Order 9346. If you can spare me a few minutes, Mr. Chairman, I should like to present the findings of staff members on economic and historical background which underlies the present phenomenon of industrial discrimination against American workers who differ from other American workers in race, color, or creed. If I choose Negroes as the principal illustration it is because over 13,000,000 American Negroes comprise our largest minority group and because it is with Negroes that the bulk of Fair Employment Practice Committee experience lies. The industrial employment problems of our 3,000,000 citizens of Latin-American origin are not dissimilar. Discrimination because of religious belief or national origin is part of the same pattern, with local variations. An examination of the industrial employment problems which Negroes face may perhaps serve to illustrate the other dilemmas.

In 1890, when the first separate census of whites and colored was taken, about 9 out of every 10 Negro workers were either on farms or in domestic service. Out of 3,000,000 Negro wage earners only 200,000 were in mechanical industries.

Twenty years later the trend away from farms and service became apparent. By 1910 more than half a million Negroes were in mechanical pursuits and another 300,000 in transportation and trade. The majority of Negro industrial workers were still unskilled—in sawmills, mines, and foundries—but they had a foothold in something other than plantation or household life.

World War I accelerated this process and began the great migrations of Negroes away from the South. It is estimated that 800,000 Negroes in 1916 and 1917 left North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, most of them winding up in Pennsylvania, New Jersey, Michigan, and Illinois. During that earlier World War more than a million Negro workers were employed in northern industrial plants. Already in that war Negroes on farms and in domestic service had dropped to 67 percent. Conversely, the census of 1920 (when war work was over and a recession had begun) shows nearly a million Negroes in manufacturing and mechanical industries and half a million more in trade and transportation.

Negro migration away from the South, begun in 1916, has never ceased. During the prosperous 1920's, 716,000 Negroes left the South. During the depression 317,000 more migrated North and began to drift to the west coast. The present war again has stimulated migration. Typically, Southern Negroes go from the farm to the southern city, and the southern urban Negro leaves for northern and western war centers.

The loss in southern manpower over the last 5 decades has been very considerable. In 1910, for example, 25 percent of Negro iron and steel workers were in southern mills. By 1930 this had reversed, so that 71.6 percent of Negro iron and steel workers were contributing their skills to the North.

Both North and South, the newly industrialized Negro worker suffered discrimination during the depression of the early 1930's. He was squeezed out of the desirable or higher wage jobs. He was even replaced by needy white workers in traditional Negro jobs such as waiters and cooks, and in general the Negro

worker lost during the depression most of the gains in industry which World War I provided. In 1933, 50 percent of all Negro families in the North were on Government relief. By 1940 Negro workers were fewer in mining, manufacturing, transportation, and communication than they had been in 1910.

Aside from geographical and war-industry factors, the Negro's position in trade unionism, or lack of it, served to diminish his opportunity to earn a living. Many white craft unions had deduced from sad experience with successive depressions that protection for their members lay in limiting work opportunities to the chosen few. This disbelief in full employment for all was certainly one of the reasons why these unions barred Negroes from membership. Upon Negro workers the effects were demonstrably devastating.

For example, in 1920 there were 6,505 Negro firemen, mostly on southern railroads where traditionally the majority of the firemen (working in team with white locomotive engineers) were Negroes. But 20 years later (at the end of a period when total employment had increased) there were only 2,263 Negro firemen. Similarly, the number of Negro boilermakers decreased during these two decades to 1940 from 1,338 to 506 and the number of Negro machinists from 10,286 to 4,400. None of this was by accident. A conscious limitation of job opportunities alone can explan it. During the later part of this period trade-unions gained strength from governmental protection of the right to organize and bargain collectively, but in the case of Negro workers this benefit remained unshared whereever the union carried over from its early days the tradition of barring Negroes from membership.

It may be of importance to your present inquiry, Mr. Chairman, to pause at the year 1940 and see where Negro industrial employment stood on this brink of American entrance into the present war.

In that year 55 percent of Negro labor was devoted to farming or domestic service, as opposed to 25 percent of white labor. Of Negro workers, 11 percent were in manufacturing; of white, 22 percent. In the year of 1940 the pull of war production centers in the North began to be exerted, and again the South was to lose manpower, both Negro and white. The first result of this suction was to draw in the unemployed whites. The first war production training programs were principally for white workers, particularly in the South which, with four-fifths of the Negro labor force, trained only one fifth of Negro participants while the other States, with only one-fifth of the available Negro workers, trained four-fifths of the Negro participants in the programs.

Looking back to the situation at the time of our declaration of war against Germany and Japan, it is apparent that an accelerated trend of Negro employment in war industry was inevitable. World War I set the pattern. Our manpower need this time was relatively greater. It is not surprising that 600,000 Negroes migrated to the principal war industry centers, North, North Central and West, since 1942.

The orderly utilization of Negro manpower in war industry has been the responsibilty of several agencies. When President Roosevelt issued Executive Order 8802, 6 months before Pearl Harbor, he laid a duty on all contracting agencies—Army, Navy, Maritime Commission, and all Federal agencies—to adhere to the practice of nondiscrimination. The War Manpower Commission was made primarily responsible that all needed and available labor would be trained, employed, and utilized at its highest available skill.

The President's Committee on Fair Employment Practice (under ideal conditions) would serve only to see that other agencies of a wartime Government lived up to their responsibilities. Actually it has had to act as spearhead in a difficult and controversial field which ought to be every patriotic American's business. Its effects, and the effects of war manpower, Government Departments, and the contracting agencies cannot be statistically separated.

The sum effect has been to break down the barriers which otherwise would have prevented Negro and other minority group workers from contributing to war industry. Considering the present tightness of the war manpower market, that has been a considerable contribution. At the beginning of 1942, nonwhites comprised only 2.5 percent of war workers. By November 1944 they were 8.3 percent of the 15 million workers in primary war industries reporting to the War Manpower Commission. It is obvious that our military position could not have been as favorable as it is today without the productive capacity of these million and a quarter Negro war workers. In that light the issuance of Executive Order 8802 in 1941 was a practical measure to insure the maximum availability of manpower for an all-out war. It still has the force of practicality when it is considered that today, when manpower reserves are almost nonexistant, an esti-

mated 400,000 Negro men and women are either unemployed or in nonessential pursuits, and so comprise an untapped pool of potential war workers.

The bringing into war industry or Government service of these under-utilized minority group workers is the present concern of the F. E. P. C. The over-all situation of racial and religious worker groups, and their continued service during the adjustment period ahead, must be the concern of the Congress.

In the months following the fall of Germany there will be cut-backs in shipbuilding, aircraft, ordnance, aluminum and magnesium. These are the war industries where Negroes have gained their greatest employment.

In these same months reconversion will begin for the production of washing machines, refrigerators, radios, clocks, and others of the 600 articles made from iron and steel products which have not been produced for civilian use since 1942. But in these consumer goods industries Negroes have very little foothold.

The net effect may very well be that displaced Negro war workers will face barriers to employment in the expanding consumer goods plants and that this double squeeze will leave a disproportionately large pool of unemployed Negroes. This could happen while we are still at war with Japan, and the effect on morale could be serious. It is well known that Japan picks up news of American racial disorders and sends it to Korea, China, and India. That is a propaganda weapon which we cannot afford to put into the hands of the desperately cornered Japanese.

I do not intend to say that Negroes or Mexican-Americans or Jews, or other minority group workers should be given special privilege during the reconversion adjustments. I do maintain that discrimination against them by employers or trade-unions in the fields of expanding job opportunities will place minority groups in special jeopardy, and that the patterns we establish in the next half year are bound to carry over into the deeper adjustment period following the defeat of Japan.

The general post-war prospect is by no means gloomy. The country's purchasing power increased by $75,000,000,000 from 1942 through 1944. The National Association of Manufacturers estimates employment for 15,000,000 workers in post-war manufacturing. The Nation has a great accumulated deficit of private dwellings and public construction projects. Wholesale and retail trade, and the service industries, are ripe for expansion.

But, withal, we shall need the sum of our American organization talents to effect a smooth transition from war employment to peacetime employment. The one element which we cannot afford is the disruptive effects of racial antagonism during the periods ahead.

We have for instructive example the transition year of 1919 when white and Negro workers, cut-back from war jobs and insecure about their futures, competed with each other for jobs under no rules except that of the jungle. Some reckless employers used race prejudice to break strikes. The net result was a total of 26 race riots in 1919. These were not only costly in lives and property. They left slow smoldering fires of prejudice which after a quarter of a century still eat away our security.

Federal Employment Practice Committee has confined its activities strictly to Government service and war industry, but we cannot remain blind to the implication of these activities. From committee experience and from travels North, West and South I am convinced that Government intervention to remove barriers against industrial employment of qualified and needed minority group workers has an over-all stabilizing effect on industry and that it serves as a healthy cure to prejudice. Moreover, I feel that attacking the problem on the industrial plane will have far-reaching effects for good on the post-war period.

What are the regional problems ahead?

In cities such as Chicago and Detroit, where great war in-migrations of Negroes have occurred, racial tensions are created by over-crowded housing, transportation and recreational facilities, for all of which Negroes and whites must compete against each other. Polls indicate that at least 60 percent of the in-migrants, both Negro and white, intend to stay in these war centers permanently. What is the proper method to make these teeming millions live peacefully together? Certainly the right to work is the core of a man's life, and certainly a man who is denied work—not because he cannot do it, but merely because of some irrelevant fact of race or creed—will harbor resentment. Perhaps no law you can write will eliminate all job discrimination, but the fact that it is written into national policy, that there is recourse to authority, can act as a very useful safety valve indeed.

The west coast cities of Seattle, Portland, San Francisco and Los Angeles have the special problem of being unaccustomed to having Negro workers in large numbers. They have come in by the tens of thousands. Not only will most of them want to stay there but their friends and relatives back home will be starting the same trek for years to come. If these cities deny post-war work to Negroes the alternates are to drive them away by force or put them on relief. Civic disturbance and pauperism are not what those cities want. The way out is to welcome the good Negro workers into the common prosperity of the city. But in the fact of the dilemma, and with small experience as guidance, it is doubtful whether general pleas to racial tolerance can accomplish this purely industrial job of integration.

What I have said of the Negroes equally applies to the tens of thousands of Mexicans—American workers who have been accepted as war workers on the west coast.

The South in general has a different problem, that of out-migration. Hundreds of thousands of Negro workers have left the South, together with 800,000 young white workers. Spot polls indicate that 65 percent of these, white and colored, will never return. Mark Ethridge, publisher of the Louisville Courier-Journal, who provides these figures, was led to comment that: "We have continued our custom of making our chief export crop our own people."

The use of the mechanical cotton picker after the war may further decrease Southern manpower by hundreds of thousands.

What kind of an economy it can develop lies directly before the South. The Federal Reserve Board of Atlanta advises against the region being tied "as a result of uneconomic conversion of war plants, to capacity designed for a totally different economic situation." It has been suggested that the South might concentrate on processing the varied products of its soil rather than exporting them as raw materials.

Whatever the new sources of income may be, the South will need skilled workers in order to complete with outside industries. Negroes comprise one-third of the South's labor supply. It would be economic folly to bottle up the potential skills of millions of southern Negro workers. Law or no law, persuasion or not, the fact is that many Southern Negroes will remain as farmhands or in domestic service. The chief question is whether the potential craft skills of able Negroes, many with war training, are to be tapped freely by plants who need them or whether the reluctance of white workers to accept them will be used as an actual or fictitious excuse by the employer to refuse Negroes any training or up-grading.

Acceptance of Negro skills will mean added production and a higher consumer purchasing power for the South. Rejection will result in driving North still more thousands of needed southern workers, and will continue to keep the per capita southern income far below the national average.

The choice before your committee is whether enforcement of a national policy against job discrimination would best aid the South in safe-guarding its dwindling manpower resources, or whether persuasive methods against prejudice would serve the purpose. I would like to discuss this choice in terms of Federal Employment Practice Committee experience.

Under its Executive order Federal Employment Practice Committee has no direct power to enforce its decisions by fines, imprisonment or other penalties. Yet the agency does exert an authority which stems from the war powers of the President and Commander-in-Chief. Under his authority the President has stated that nondiscrimination is binding policy on all Federal departments and agencies and in war industry employment. He has made mandatory the inclusion in all contracts a provision binding the parties not to discriminate because of race, creed, color or national origin. Thus all the contracting agencies—War, Navy, Maritime Commission, War Shipping Administration and others—are responsible for carrying out a nondiscrimination policy. The war Government's training, recruitment and utilization agency—the War Manpower Commission—is similarly obligated.

The President's committee is not impotent. An actual cancelation of the most urgent war contract is a possible weapon against recalcitrant employers, as is the cancelation of recruiting rights for recalcitrant trade unions. No such cancelation has been requested, but the existence of the possibility has a healthy effect. Authority is something to be exerted when persuasion fails, but I shall try to show you from some Federal Employment Practice Committee cases that the ultimate fact of authority must be present if persuasion is to have any value.

Under Executive Order 9346 the President's Committee "shall receive and investigate complaints of discrimination." This represents the informal side of our procedure. Through persuasive tactics more than 1,700 cases were satisfactorily adjusted during the past 18 months. More than twice as many cases—some 3,000 were dismissed during this period for lack of jurisdiction or because investigation showed the complaints to be lacking in merit. These dismissals provided an outlet for the airing of the complaints, and at least brought an end to the restlessness created when grievances are bottled up and without recourse.

What is a "satisfactory adjustment" of a Fair Employment Practice Committee case?

A first complaint involving a Midwest war plant alleged refusal to hire Negroes. A cooperative relationship was established between the company and the Committee's regional office, with the ultimate result that 3,000 Negroes found employment in 57 classifications throughout the plant.

An eastern explosive manufacturer claimed that Negroes could not be used in assembly operations because the skin of colored people made them susceptible to poison. Fair Employment Practice Committee pointed out that the real problem lay in exposing all employees, white or colored, to poisoning. The exposure was corrected and within a short time Negroes were hired for assembly work.

An eastern chemical company reported that an effort to use Negroes in jobs above the level of laborer had resulted in a walk-out. Suggestions by the Fair Employment Practice Committee regional office resulted in the firm's establishing a new industrial relations department through which it now hires and trains white and nonwhite workers. Negroes are now doing skilled work in this plant.

In a southern shipyard the problem included brutality toward Negroes on the part of company guards, refusal to upgrade Negro workers, and refusal to hire Negro welders. Through a process of patient negotiation over an extended period, these problems were eventually solved by a complete change in the company guard system, by the upgrading of Negroes to become painters and grinders, and by the eventual employment, without any disorders, of 200 Negro welders. A speed record for the launching of a ship has since been made in this yard where 2 years ago the skills of Negro employees were completely unutilized.

An eastern contracting company submitted an application to United States Employment Service for Christian applicants. Negotiation led to a reversal of the firm's discriminatory policy.

A Mexican oil worker in Texas complained that he was receiving a lower rate of pay for doing the same work as white workers. The end result was an equalization of pay for all workers in the same classification and a general improvement of worker morale.

A Midwest tractor plant had no colored employees in May 1942. A complaint of discriminatory refusal to employ stimulated a plan for integrating Negro workers. Two years later, with both Negro men and women freely employed at skilled positions, the company was proud to write that it makes no distinction between groups but treats each in exactly the same manner.

A guard at a New England plant took it upon himself to tell an applicant that the company did not hire Negroes. Through the Fair Employment Practice Committee intervention the company became conscious of the problem and responded to it by agreeing to accept qualified Negro applicants. On its bulletin board the company placed a statement to all workers in the plant announcing its nondiscriminatory policy and calling upon the white workers to "do our share to demonstrate that Americans can work together in factory and office in harmony and mutual confidence, just as they fight together with equal bravery and sacrifice on the battlefield."

Complaints were issued against a transcontinental railroad that no Negroes had been upgraded since 1927. The company, cooperating with the Fair Employment Practice Committee representatives, obtained promotion for seven Negroes within 2 weeks and has continued to upgrade qualified colored employees.

These random illustrations are intended to illustrate what we have found to be the fact—that an initial reluctance to hire minority group workers generally changes in time to their full acceptance, and that in the process hostility is transmuted into a friendly understanding. We have been careful in not pushing tense situations to the breaking point. Some strikes have occurred, a few of them serious. But it must be remembered that the war has created millions of new group contacts and that disorders would have resulted had Government never raised its voice or created an agency in the field. For example, the Army, the Navy, employers, and unions have on occasion appealed to Fair Employment Practice Committee for aid in ending wildcat strikes caused by group tensions.

The Fair Employment Practice Committee had no part in causing any of the 40 such stoppages in which its field representatives played a large part in restoring order and in settling the grievances which lay at the cause of the trouble.

I have been discussing adjustments through informal negotiation. Executive Order 9346 states the Fair Employment Practice Committee formal procedures in paragraph 5, giving the Committee authority to "conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination."

The Committee has only held public hearings when all persuasion had failed. In 18 months it has issued 35 decisions against employers and 10 against trade-unions. Of the employers 9 have complied and 3 have indicated attempts to comply. One union involved in a decision has complied.

Employers who have complied with Fair Employment Practice Committee directives, or promised compliance, include six railroads, one oil company, and two street railways. Two munitions makers and one shipyard have indicated compliance.

Negotiations looking toward compliance are proceeding with five munitions firms. Four shipyards and one labor union have decisions against them which have been subject to negotiations but without present success.

In the remaining cases of 14 railroads and their 7 labor organizations, the Fair Employment Practice Committee has cited its directives against them to the President.

Out of 4,800 cases, then, there have been only a few dozen requiring formal hearings and decisions. But this small group is the touchstone of the agency's ability to do its work. It is safe to say that compliance could not have been obtained in any of these formal cases had not the Presidential assertion of war powers been standing in the background. It follows that an absence of all authority, and the attendant demonstration by recalcitrant employers and unions that they could violate the national policy with impunity, would have fallen like a blight on all attempts to get results by persuasion at the first informal stage of negotiation.

In summation, Mr. Chairman, it is my opinion that the protection of equal work opportunities for minority group workers is essential to the smooth transition from war to peacetime employment. Executive Order 9346 has authority in this field so long as we are at war, but its jurisdiction will be whittled away from the very beginning of reconversion. The only hope to avert threatening dangers to the entire economy is, in my opinion, the passage by Congress of a statute containing adequate provision to enforce the national policy against discrimination in Government service and in activities affecting interstate commerce.

Senator CHAVEZ. Judge Hastie, I am going to make a suggestion to you. I know that you will have a very, very fine statement to submit to the committee; we know of your devotion to the proposed legislation and of the work that you have done, but I wonder if you would be patient enough with the committee if they ask you to put your statement into the record without reading it?

Mr. HASTIE. I would be glad to, of course.

Senator CHAVEZ. We would like to close for the day as we have had a very long session.

Mr. HASTIE. I would be glad to do so, and am glad of that opportunity. Thank you, Senator.

Senator CHAVEZ. Thank you.

(The document referred to is as follows:)

STATEMENT OF WILLIAM H. HASTIE, DEAN OF HOWARD UNIVERSITY LAW SCHOOL, WASHINGTON, D. C., CHAIRMAN, LEGAL COMMITTEE, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF THE COLORED PEOPLE, MARCH 14, 1945, ON THE PENDING SENATE FAIR EMPLOYMENT PRACTICE BILLS, BEFORE A SUBCOMMITTEE OF THE COMMITTEE OF EDUCATION AND LABOR

When the chairman of this subcommittee graciously invited me to testify at these hearings, my first thought was to tender some observations upon the constitutional aspects of the pending legislation. However, the authority of the Congress to enact legislation restraining discriminatory practices by employers and labor unions which adversely affect interstate commerce was so clearly and adequately

expounded by Senator Chavez on behalf of this committee at the last session of Congress in Senate Report No. 1109, analysing similar legislation, that no useful purpose would seem to be served by what would at best be a restatement of his argument. Beyond the field of interstate commerce, the pending proposals deal only with Federal employment and with provisions to be inserted in Federal contracts. No person has been so irrational as to doubt the full authority of Congress to regulate these matters. So, rather than framing this statement as a legal brief, I shall attempt to state and to answer what I believe to be the principal adverse criticisms which have been leveled at the bill, S. 101, and its prototypes.

The introduction of S. 459 by Senator Taft has brought into sharp focus the contention that Government should make investigations and seek voluntary adjustments and voluntary observances of fairness in employment rather than attempt to enforce fair employment practices on the part of industry and labor. It should be emphasized at the outset that education and persuasion on the one hand and the enforcement of sanctions on the other are not mutually exclusive approaches. To the contrary, both are necessary if either is to be largely effective. Indeed, one great advantage of the handling of industrial controversies in first instance by administrative tribunals rather than courts is to be found in the fact that administrative procedure has a flexibility and an informality which a lawsuit lacks. The history of the present Fair Employment Practice Committee, and of national administrative tribunals handling other difficult economic controversies, shows that it is not only possible but is general administrative practice that first, and very often successful, resort be had to the methods of amicable settlement and friendly and rational persuasion. Not a single case can be cited in which the present Fair Employment Practice Committee has failed to exhaust every reasonable resource in the area of persuasion before resorting to a formal hearing and a consequent order. Again, I say this is the great virtue of administrative tribunals as public instrumentalities in such a field. We all agree that education and persuasion are important and useful, and that they should be, and under S. 101 will be, employed in first instance. The real question, and the only question in this issue of persuasion and enforcement is, What shall we do in those cases where persuasion fails? Shall we give up? Or shall we authorize the administrative agency to appeal to the courts for judicial enforcement In this connection it cannot too often be repeated that under S. 101 it is the courts and the courts alone which have the power to compel an employer or a labor union to desist from discriminatory practices.

It is also important to point out that the effectiveness of any administrative body in obtaining informal settlements and adjustments is increased immeasurably by the knowledge of the other party that if no agreement is reached, a court is empowered to order compliance. It was one of our most distinguished Americans who gave the advice to "speak softly but carry a big stick." The administrative tribunal may speak softly, yet be effective, because the big stick of judicial action is available for dealing with the recalcitrant. The day may come when all men can be persuaded to act fairly in dealing with their fellowmen because it is the right thing to do, but I fear that will not be in our time. We must take into account that there are people who can be persuaded to decent and social behavior only when they are conscious of the existence of a law with sanctions which can and will be enforced against the persistent violator. It is only because the wartime powers of the President are behind it that the present Fair Employment Practice Committee has been significantly successful at informal and amicable adjustment of many complaints.

There is still another advantage of legislation with enforcement powers over a bill which relies solely upon voluntary compliance. It is at times argued by employers—more often speciously than not—that workers will quit their employment or trade will be lost if members of locally unpopular minorities are given nondiscriminatory consideration for employment. If that argument is made in good faith, then a uniform generally enforceable requirement of fair employment practices affords a protection to the employer of good will and intention which a law without sanctions cannot give him. When the law requires nondiscrimination uniformly and one's competitors must also comply, it cannot be argued that compliance places any individual in a position of competition disadvantage with others in dealing with prejudiced persons.

The plain fact is that the enactment of a bill without enforcement powers would accomplish no substantial good. For a generation such national organizations as the National Urban League and innumerable local groups have been working diligently and intelligently to educate employers and labor unions and to persuade them that the elimination of discriminatory practices is as sound economically

as it is fair. They have had some success. Yet with no intention of discrediting their efforts, it must be remembered that the failure of war industry to use Negro labor became such a serious deterrent to the full employment needed to keep war industry going that the President was compelled to invoke his extraordinary war powers in an effort to compel a cessation of such practices for the duration of the war. As a further illustration, it is not without significance that here in Washington 3 years of the most persistent effort to persuade the local street railway and bus company to employ Negroes to relieve the desperate shortage of public transportation in the Nation's Capital have been unavailing. From the west windows of this building vacant busses are to be seen on the company's parking lot at the height of the rush hour—busses which could be manned by Negro operators. Indeed, within the last few days the company has sought permission further to curtail its service because of the shortage of manpower.

As early as 1924 the National Association for the Advancement of Colored People had this to say in a friendly and persuasive letter to all great national labor groups:

"For many years the American Negro has been demanding admittance to the ranks of union labor.

"For many years your organizations have made public profession of your interest in Negro labor, of your desire to have it unionized, and of your hatred of the black 'scab.'

"Notwithstanding this apparent surface agreement, Negro labor in the main is outside the ranks of organized labor, and the reason is, first, that white union labor does not want black labor; and secondly, black labor has ceased to beg admission to union ranks because of its increasing value and efficiency outside the unions.

"We face a crisis in inter-racial labor conditions; the continued and determined race prejudice of white labor, together with the limitation of immigration, is giving black labor tremendous advantage. The Negro is entering the ranks of semiskilled and skilled labor and he is entering mainly and necessarily as a "scab." He broke the great steel strike. He will soon be in a position to break any strike when he can gain economic advantage for himself.

"On the other hand, intelligent Negroes know full well that a blow at organized labor is a blow at all labor, that black labor today profits by the blood and sweat of labor leaders in the past who have fought oppression and monoply by organization. If there is built up in America a great black bloc of nonunion laborers who have a right to hate the unions, all laborers, black and white, eventually must suffer.

"Is it not time then that black and white labor get together? Is it not time for white unions to stop bluffing and for black laborers to stop cutting off their noses to spite their faces?"

At every national convention the American Federation of Labor solemnly resolves that racial discrimination by unions is bad and should be discontinued. Yet, in spite of all persuasion, a substantial minority of labor unions persist in such irrational and self-injurious practices. There is no reason to believe that a Federal commission without power would be more persuasive than private organizations and individuals have been. But a commission with the power of the Federal courts to support it in proper cases would be effective. If Congress wants results this is the only way to get them.

One of the unfortunate consequences of the introduction of S. 101 and its prototypes has been to cause some people to have bad dreams. Whether allergic to social change, or constitutionally addicated to viewing with alarm, or just upset by their own prejudices, these people have nightmares in which their fevered imaginations conjure up dreadful consequences of a fair employment practice law. Perhaps it will be useful to try to identify and to lay at rest some of the specters with which they frighten themselves and may frighten others.

Specter No. 1 is the picture of the employer forced to hire members of minority groups in his business in the same ratio as these minorities are found in the local population. Of course, no pending bill says or means that. No commission appointed by the President and confirmed by the Senate would consist of men so uninformed or arbitrary as to believe that racial or religious discrimination is so measured. Certainly no court would sustain such an interpretation of the law. And note this would be a question of legal interpretation which would be settled by a court if it ever arose. It should also be pointed out that in the analogous situation of racial discrimination in jury service the courts have consistently held that the proportion of whites and Negroes on juries is of no moment. The question in each case is whether race rather than qualification has been

used as a basis of excluding competent persons from jury service. Under the proposed law it would be incumbent upon the complainant in every case to prove that he was refused employment because of race, religion, or origin. If he fails to prove that he is not entitled to relief. Again, referring to the present Fair Employment Practice Commission, in not one case has it even suggested that an employer should employ minorities in their population ratio. This whole notion that proportional employment would be required is in a very real sense just a bad dream.

Specter No. 2 is the picture of the blameless employer harrassed by groundless and malicious complaints, blackmailed by false charges of evil persons. The present Fair Employment Practice Committee has been in existence for nearly 5 years. Its work has been much publicized. Over a period of 2 years there have been hearings before this committee and the Labor Committee of the House of Representatives. The Special House Committee to Investigate Executive Agencies inquired particularly into the activities of the Fair Employment Commission. Business is vocal. Persons with grievances involving the functioning of a Federal agency are not reticent about making themselves heard. Yet no employer has come forward to cite any case of groundless claims advanced in bad faith to harrass employers. If such misconduct had occurred we may be sure that it would have been brought to light. We would not have mere prophecies of dire events to be anticipated in the future.

But apart from all this, it is a strange argument which says that Government ought not prohibit antisocial conduct because some innocent person may be accused. That risk is inherent in the whole body of our criminal law. And certainly we do not close our courts to claims of broken contracts or negligent injury because at times groundless claims are filed. The protection which the laws give to all of us is necessarily attended by minimum risks of attempted abuse. But in the field now under consideration the picture of the Negro or Mexican or immigrant workman creating an intolerable condition for business with unfounded and malicious claims of discrimination just doesn't make sense. Indeed, the far more likely occurrence, the one which conforms to past experience, is that the little man who actually suffers discrimination is too timid or misinformed to present his grievances effectively or at all. With more than half of war industry admitting that its policy was against hiring Negroes, even after the labor situation had become critical, we have a much more serious problem of effectively dealing with a great group of wrongdoers than we have of protecting the righteous, who up to this time have not expressed or experienced any need for protection in connection with the activities of the Fair Employment Practice Committee.

Another specter is raised by the cry of "State rights." This whole matter, it is argued, should be left to the several States. The fatal weakness of this argument is that it comes more than 150 years too late. It should have been addressed to the framers of our Constitution in the 1780's and not to those who seek to legislate wisely under that Constitution in the 1940's. For the founders of this Nation, with prophetic wisdom, deliberately determined that matters in the field of interstate commerce were of national scope and significance and that they could be regulated uniformly and effectively only by the Federal Government. So in the Constitution the Federal Government was given express authority and control over this area of interstate commerce. S. 101, limited as it is to that area, is dealing with matters of Federal responsibility and authority under the Constitution, not with any right of the States. And with reference to the determination of employment practices of Federal Government or the terms of Federal contracts, I am sure that the most extreme exponents of State-right argument cannot contend that the States have any concern.

But the State-rights argument at times departs from challenge of actual authority of the Federal Government—which is so clear in this area—and challenges the wisdom of Federal rather than State regulation of employment and labor practices affecting interstate commerce. Of course, there is room and need for both Federal and State legislation, each in its constitutional sphere. As a practical matter, the employment practices of large enterprises which operate in many States cannot effectively or uniformly be regulated by 48 different laws. Such multiple regulation is unnecessarily burdensome and confusing If the burden of overlapping jurisdiction of Federal agencies is often a present-day complaint, how much more would diverse State fair employment practice laws be a source of complaint if applied to interstate business? This is not to say that State regulation of discrimination does not have its place,

its very important place, in reference to those enterprises of exclusively local significance which are beyond Federal concern and control. But important areas remain which are controlled by the legislation now proposed and cannot otherwise be reached.

I wish to conclude by discussing a contention which is not fanciful, but rather represents a fundamental issue as to the functions and responsibilities of government. It is said that insofar as S. 101 restrict employers in the choice of employees, it is a departure from the American system of free enterprise. But it is not the American doctrine of free enterprise that an employer can do anything he wishes in his business, however injurious it may be to workmen or to the general public. Happily, we have long passed the day when the extreme exponents of laissez faire could successfully argue that free enterprise means the right of business to be free from constructive regulation. We require safety devices in mines and on trains. Fake claims in advertising are prohibited. Employers are compelled to protect employees by workmen's compensation. Employers are not permitted to employ very young children or to require women to work excessive hours. They must bargain with their employees collectively on wage and hour disputes. None of these things have destroyed free enterprise. They have strengthened the institution by making its operation more decent and just and beneficial to all of us. The proposed legislation is similarly constructive and helpful.

Government cannot control the prejudices of an employer or of the members of a labor union. But when those prejudices are translated into action which deprives hundreds of thousands of people of a chance to earn a decent livelihood, the matter becomes one of the large and urgent public concern. When people must live in slums and subsist on public relief because employers don't like their skin color or their religion or their ancestry, the time has come for organized society to provide a remedy. Fortunately, the remedy now proposed does great good without injuring anyone. No employer is required to hire or retain a single incompetent employee. Labor is required merely to benefit itself by adding to its strength. We are fortunate that the sponsors of this legislation have devised a form of regulation so obviously beneficial to all concerned. It is to be hoped and urged that the Congress shall speedily enact S. 101.

Senator CHAVEZ. If there are any additional statements, as I mentioned before, I would request that they be given to the reporter for inclusion in the record.

(A statement was submitted on behalf of the Reverend Richard Morford, and is as follows:)

STATEMENT BY REVEREND RICHARD MORFORD, EXECUTIVE SECRETARY, UNITED CHRISTIAN COUNCIL FOR DEMOCRACY, SUBMITTED TO THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON EDUCATION AND LABOR

NEW YORK CITY, *March 14, 1945.*

The United Christian Council for Democracy is a national federation of six national unofficial denominational organizations. These are: Methodist Federation for Social Service, Church League for Industrial Democracy (Episcopal), Presbyterian Fellowship for Social Action, Rauschenbusch Fellowship of Baptists, Unitarian Fellowship for Social Justice, Evangelical and Reformed Council for Social Reconstruction.

As the titles imply these groups are devoted to the business of implementing the imperatives of their religious faith through appropriate legislation or other measures of action directed toward the maintenance and extension of democracy at home and abroad. We do not claim a large constituency; we are in regular contact with approximately 10,000 churchmen over the country. However, by their identification with the organizations named these churchmen are marked as the progressives in the church who may be counted on in their respective sections of the Nation to be in the vanguard of action to support sound social legislation. On behalf of each of these organizations and in the name of the United Christian Council for Democracy, I come here to speak favorably of resolution S. 101 and in opposition to resolution S. 459, the measures now under consideration by your committee.

Perhaps the question that committee members would put to church leaders is this: Cannot the ultimate aims of this proposed legislation be better achieved by education—particularly the moral education provided by the churches? The answer of liberal churchmen is this: We stand for both education and legislation;

one is an essential complement of the other. The church will yield to no group in society in the recognition of the need for education against discrimination. The church will accept its share of responsibility in providing that education. But liberal churchmen will say that the education against discrimination has now proceeded to the point where the majority of the people of the country are ready to have their convictions written into specific public policy and under law to hold accountable the minority unwilling to accept the policy. They are convinced we are ready for a law prohibiting discrimination in employment.

Quite true, manpower demands in this war period have tremendously stepped up the tempo of education against discrimination. Employers have been taking the men and women who could do the work without discriminating as to race, creed, color, or national origin. Many employers have testified, as shown in the records of the War Council of the State of New York, to their appreciation of the employees from minority groups at work in their plants, that employees of minority groups have been accepted by other employees, that they have worked shoulder to shoulder in harmony. That is to say, employers have become educated. Prejudices they may have possessed have given way as the result of the compulsory measures of war. What has happened to employers has also happened to many workers. In the comradeship of the bench they have learned wholesome respect and have grown in good feelings.

Democratically minded employers, whom we think to be in the majority, are willing that the wartime nondiscriminatory practice should be made permanent public policy. By the same token, however, they insist that the policy be practiced by all alike. The minority of employers who insist upon the absolute right to hire and fire irrespective of public interest should under law be held responsible and accept the penalty of their unfair employment practice. The same thing goes for labor unions. The majority have opened their ranks without discrimination; they don't like to see a few unions continue segregation or auxiliary set-ups and get away with it. As the temporary commission on this subject in New York State recently pointed out, legislation is essential in "protecting the well-disposed from exploitation by the conscienceless."

The measure S. 459 voices sound policy and establishes the goal of eliminating discrimination in employment. But the bill is far too content with an indefinite time table for reaching the goal, tokened in one of its sections by the phrase "as rapidly as possible." Moreover, study and investigation, even recommendations, do not make a policy effective. What do you do if persons—employers or labor bodies or any other—refuse to follow recommendations?

The case for the removal of discrimination in S. 459 is rested all too much on the first four specified duties of the Commission which include "making comprehensive studies," "formulating * * * comprehensive plans," "publishing and disseminating reports," "conferring, cooperating with, and furnishing technical assistance to employers, labor unions." This is commendable educational procedure; it is not enough. Complaints of discrimination having been found true, there must be an enforcement procedure to back up recommendations. At this point S. 459 carefully refrains from putting teeth into the business. Churchmen have no desire to see prejudice, openly manifested by acts of discrimination, go its way unmolested and so spread the infection. There is a place for quarantine.

We turn then to support S. 101 because it is a carefully limited but determined plan to prohibit unfair employment practices. Its procedure demands thoroughgoing proof of discrimination. Full recourse for the persons complained against, including court review of the Commission's decisions, is made explicit. These safeguards we like. On the other hand, orders to cease and desist will have the backing of the courts also. There will be appropriate penalty for failure to abide decisions. These provisions we like also.

Surely it is to be expected on the basis of experience in the temporary Fair Employment Practice Committee that the great majority of the cases investigated where discrimination is proved are going to be settled without court fights. When cited for discrimination some employers will revise their practice willingly. Others will conform reluctantly. But the fact of enforcement and penalty provisions will prove a spur to the reluctant and a necessary weapon to bring the small minority of recalcitrant die-hards to time. This arrangement appeals to liberal churchmen as bringing the whole matter in line with good sense and good morals.

The principle of equality of opportunity for all men is basic Christian teaching. It is also basic American doctrine which we have enshrined in the word "democracy." From these two fundamental points of view the progressive churchmen of the country (for a number of whom the United Christian Council for Democracy ventures to speak) believe that practice should carry out conviction. And

that practice ought to begin at that vital and vulnerable point where a man or woman seeks an opportunity to earn the daily bread for the family.

Senator CHAVEZ. The committee will now stand adjourned subject to the call of the Chair.

(Whereupon, at 4:45 p. m., the committee adjourned, subject to call.)

(The following was submitted for the record:)

MARCH 16, 1945.

Hon. DENNIS CHAVEZ,
Chairman, Senate Subcommittee on Education and Labor,
Washington, D. C.

DEAR MR. CHAIRMAN: On behalf of the People's Lobby, I want to urge most strongly that your committee report out promptly and favorably the bill sponsored by several Senators (S. 101), to create a permanent Fair Employment Practices Commission.

This is an important war and peace measures, which should not be postponed.

The bill introduced by Senator Taft, allegedly for the same purpose but lacking enforcement powers, can be characterized only as having the form of Godliness but denying the power thereof.

Yours sincerely

BENJAMIN C. MARSH,
Executive Secretary, Peoples' Lobby, Inc.

NATIONAL WOMEN'S TRADE UNION LEAGUE OF AMERICA,
Washington, D. C., March 13, 1945.

The Honorable DENNIS CHAVEZ,
Chairman, Subcommittee, Senate Committee on Education and Labor,
Washington, D. C.

DEAR SENATOR CHAVEZ: The National Women's Trade Union League has always held the firm conviction that no one should be denied the right to work and earn a living by reason of race, creed, color, or national origin. Because of this conviction, we have consistently and actively supported legislation intended to eliminate discrimination which will deprive men and women of employment opportunities.

We are actively supporting S. 101, the bipartisan bill for a permanent Fair Employment Practice Commission, with full enforcement powers. We believe the time has come when we can no longer delay legislation which will give to all people the right to earn a living. I need not tell you, Mr. Senator, that discrimination against Negroes especially is widespread and that passage of S. 101 will mean justice to all people in this free land of ours.

Very sincerely yours,

ELISABETH CHRISTMAN, *Secretary-Treasurer.*

STATEMENT ON S. 101, FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, SUBMITTED TO CHAIRMAN CHAVEZ, OF THE SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR

WASHINGTON, D. C.

The legislative committee of the Council for Social Action of the Congregational Christian Churches desires once again to record its unanimous endorsement of legislation permanently establishing a Fair Employment Practice Commission.

Specifically do we wish to approve S. 101, which provides for a Fair Employment Practice Commission with enforcement powers, and to urge its passage at once. A full statement of our views is contained in the hearings of August 29, 1944, before the Senate subcommittee, of which Senator Chavez was chairman.

We wish to emphasize the necessity of legislation which carries enforcement powers. "The right to work," as we have previously declared, "is the least common denominator of democracy." Education and research alone are wholly inadequate tools for protecting the right of all citizens to equal opportunity for employment, without regard to race, color, creed, or national origin or ancestry.

A Fair Employment Practice Commission must have enforcement powers if it is to carry out its mandate effectively.

Because it gives the Fair Employment Practice Commission no enforcement powers whatsoever, we consider that S. 459, the so-called "alternative" the Fair Employment Practice Commission bill, is impracticable as a guaranty of democratic freedom in employment and of questionable value in other respects as well.

The imminent expiration of the temporary authorization of the present Committee on Fair Employment Practice indicates the need of immediate favorable action by the Congress on S. 101. In addition, we feel that it is essential to set up a permanent Fair Employment Practice Commission without delay in order to help prevent a wave of discriminatory lay-offs of minority workers in war industries during the reconversion period.

Members of the legislative committee and of the Council for Social Action will do their best to secure public understanding and support for the permanent Fair Employment Practice Commission when it is set up, both in our own church agencies and in the communities which we reach.

Respectfully submitted on behalf of the Legislative Committee of the Council for Social Action.

FRANCIS W. MCPEEK, *Chairman.*

MEMORANDUM OF THE LIBERAL PARTY OF THE STATE OF NEW YORK TO THE UNITED STATES SENATE COMMITTEE ON LABOR AND EDUCATION, SENATOR DENNIS CHAVEZ, CHAIRMAN, ON A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, CONSIDERING S. 101 AND S. 459, MARCH 14, 1945

Two days ago the Ives-Quinn bill against discrimination in employment was signed by Governor Dewey and became law in New York State. This climaxed several years of study and discussion on the subject. It was, as Governor Dewey said, "an historic event."

The New York law provides in substance that it is unlawful for an employer to refuse to hire an individual or to discharge him or discriminate against him in his wages or conditions of employment because of race, creed, color, or national origin. Other provisions make it unlawful for a labor union to discriminate in its membership and for an employment agency to make any inquiry which indicates an intention to discriminate on these grounds. The law establishes a State commission against discrimination to operate as a new and separate State agency, with its own offices, staff, and counsel to enforce the provisions of the law. The administrative procedure of this commission and its enforcement powers are patterned closely after that of other administrative commissions which are familiar to us, such as the National Labor Relations Board. On the whole, the administrative and enforcement procedure of the New York law is similar to that proposed in the bipartisan bill S. 101.

It should be of interest to the Nation to know that the New York State law was not partisan legislation. Governor Lehman, a Democratic Governor, originally appointed a commission to make a study of the subject, and this commission made recommendations for legislation which went even further in its scope than the present law. Later Governor Dewey, a Republican Governor and, as you know, Republican Presidential candidate in 1944, appointed a new commission, which was succeeded by a second commission also appointed by Governor Dewey, and it was this second commission which made the study and report on which the New York law is based. This commission included, among others, 4 Republican legislators and 4 Democratic legislators, and all 8 of these men supported the bill. The bill was introduced in the assembly by Republican Majority Leader Irving Ives, and in the Senate by Democratic Minority Leader Elmer Quinn. Our State assembly is made up of 94 Republicans and 56 Democrats, and our State senate is made up of 35 Republicans and 21 Democrats. The bill passed the State assembly by a vote of 132 to 9 and the State senate by a vote of 49 to 6. You can readily see that the vote did not go on party lines. Indeed, it is to the credit of both major parties that both came out strongly favoring the bill, and throughout the period of study and debate insisted that partisanship must be laid aside. This bill was a people's bill, and its enactment represents a people's victory in New York State.

The example set by New York in passing this law against discrimination is being used by some people as an argument against the enactment of a permanent Fair Employment Practice Commission by Congress. It is argued that

since New York, the leading industrial State in the Union, has passed its own antidiscrimination law, and since six or seven other large industrial States are considering similar legislation, we ought therefore to leave the States to deal with the problem and the Federal Government should do nothing about it.

This argument neglects two important considerations.

The first, though less important, point was brought out strongly at the hearing of the joint legislative committee of the Senate and Assembly of New York, held on February 20, 1945, at which a score of representatives of various chambers of commerce and boards of trade within the State urged the defeat of the Ives-Quinn antidiscrimination bill. All of them emphasized that it would be a great mistake for New York to enact such a State law, because it would impose certain burdens and restrictions upon employers of New York, putting them at a competitive disadvantage, and would result in driving business out of New York State. This argument of driving business out of the State was repeated in one form or another by every one of the opponents of the New York bill.

Whatever substance there may be to this reasoning, it is an argument in favor of a uniform national law which can only be obtained by Federal legislation.

But there is a second and more important aspect to the question of State laws versus a Federal law. The problem of discrimination and its effect upon the general welfare of the people is not a local problem within New York State or any group of States of the Union. It is a national problem. It is a national policy that is at stake, not a State or community policy. The right to life, liberty, and the pursuit of happiness, and the right of equal opportunity of employment are fundamental in the law of the land and explicit in our Constitution and Bill of Rights. It is therefore a congressional responsibility to adopt legislation which will put these principles into practice. Furthermore, there are broad implications which are apparent on the national level for which only Federal legislation is adequate. We refer specifically, first, to the need to utilize our manpower more fully and more effectively in the war effort; and second, to the need to demonstrate our sincerity in solving some of our national minority problems as an indication of our ability and willingness to reach solutions of international problems with other countries.

The proponents of the so-called voluntary bill S. 459 agree that discrimination as such should not exist; but, they say, it is impossible to remove prejudice by passing a law. The way to deal with this problem, they say, is not by a law prohibiting discrimination but by means of education.

But those of us who favor S. 101, the so-called bipartisan bill, do not wish to see only an educational program. To us it is not a question of education versus legislation. The two are not mutually exclusive, and it is a matter of properly combining both. In fact, enforcement of the legislation will in itself be a powerful educational instrument. Experience in this field indicates that a great majority of such cases can be settled by conciliation and mediation, which is education in practice. Bringing the employer face to face with the problem and having him deal with the real facts is the surest way to dispel his prejudices. This has been proven by the experience of the National and State labor relations acts. Many employers who originally were violently opposed to unions and to the process of collective bargaining as revolutionary have nevertheless dealt successfully with unions. The actual experience serves to break down the prejudice more than any amount of discussion, since prejudice is usually based upon imaginary or exaggerated fears.

Moreover, it is important to understand that the bipartisan bill does not legislate against any prejudices, thoughts, or mental attitudes of an employer. What it does is to make it unlawful for an employer to discriminate against any person in his employment because of race, creed, or color. Only the act of discrimination is made unlawful. The bill does not regulate or attempt to regulate the state of mind of the employer—it controls his conduct only. In this respect the proposed law is not essentially different from any other piece of social legislation on our statute books. For example, when we passed the law prohibiting child labor in New York State, we did not make the unscrupulous employer a socially minded employer. But we did successfully control his conduct and thereby eliminated a serious evil. So, too, with the vast body of our laws regulating employment of women in industry. And today, a decade later, it is worth noting that practically all employers not only abide by these laws but accept them in principle as well.

Further, when Congress passed a Labor Relations Act we did not make the union-hating, union-busting employer suddenly become a union lover. But we did control his actions. That law put a stop to discrimination of employers

against their employees because of union affiliation, and we believe this law, the bipartisan law, can put a stop to discrimination of employers against their employees because of race, creed, or color.

The process of education alone and voluntary enforcement is today too little and too late. If a bill such as S. 459 had been proposed some 20 to 30 years ago, it might have been adequate. But by this date the practices of discrimination have become so widespread and so deep rooted in our national life that we need a more thoroughgoing method of dealing with it. The overwhelming majority of our people recognize the problem and support the effort to abolish discrimination. The bipartisan bill, S. 101, is not ahead of public opinion. It is overdue.

The Liberal Party records its wholehearted support for the bipartisan bill. It is not a perfect law, but it goes a long way in recognizing the scope of economic discrimination and setting up the administrative and enforcement procedure that gives us a fair chance of eliminating this social crime from our national life.

The bill represents a great step forward in the practice of genuine democracy. It is also an expression of public confidence that the democratic way of life is workable and that democratic government is capable of meeting the important problem with which this legislation deals.

Respectfully submitted.

JOHN BRAUN, *Legislative Counsel.*

RESOLUTION ADOPTED AT THE TWENTY-SECOND NATIONAL CONVENTION OF THE NATIONAL COUNCIL OF CATHOLIC WOMEN, TOLEDO, OHIO, OCTOBER 21–25, 1944, ON THE FAIR EMPLOYMENT PRACTICE COMMITTEE

The Fair Employment Practice Committee has done remarkable service for the racial minorities of the country during the war. Its need will extend beyond the war. Then, even more than now, it may be needed for a still higher service in behalf of justice. For evident reasons the Fair Employment Practice Commission should in all its essentials be made a permanent part not only of the activities of the Federal Government but of the States. It will be of unbounded help especially in the protection of Negroes and of the Spanish-speaking peoples of the Southwest and West.

In the interest of better understanding and good will, we urge the continuance of this program.

STATEMENT BY DR. HOMER A. JACK, EXECUTIVE SECRETARY, CHICAGO COUNCIL AGAINST RACIAL AND RELIGIOUS DISCRIMINATION, BEFORE THE COMMITTEE ON EDUCATION AND LABOR, UNITED STATES SENATE, AT THE HEARINGS ON S. 101 AND S. 459, BILLS TO CREATE A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

The Chicago Council Against Racial and Religious Discrimination, which coordinates the work of more than 40 racial, religious, and civic groups in greater Chicago, had the pleasure to submit a statement in favor of a permanent Fair Employment Practice Commission at a hearing of this committee during the Seventy-eighth Congress. We reaffirm everything we stated at that time but would like to reemphasize certain points in connection with our total disapproval of S. 459.

THE NEED FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION

We note four strong arguments for the need of a permanent Fair Employment Practice Commission:

1. The authority of the present Committee on Fair Employment Practice should be more adequately defined. The power of the present Committee on Fair Employment Practice to subpena witnesses needs to be strengthened. A brochure issued by the present Committee indicates that "the Committee may request the party charged to present material, but it has no power to subpena witnesses or records." This is shown by the experience of the present Committee on Fair Employment Practice in its investigation of discriminatory practices in certain railroad unions. In September 1943 they were summoned to Washington for a hearing. Instead, they merely sent "observers," and to this day they have not answered the charges of the Committee on Fair Employment Practice.

The power of the present Committee on Fair Employment Practice to enforce its orders needs to be strengthened.—After public hearings, the present Committee on Fair Employment Practice in 1942 issued a directive to the Chicago Journey-

men Plumbers Association, American Federation of Labor, urging them to accept Negro members. To this date, the union has refused to acknowledge this directive. Also the southern railroads defied the Committee on Fair Employment Practice directives in 1943, and to the present they also have continued to ignore them.

2. The jurisdiction of the present Committee on Fair Employment Practices should be extended to all employers (and the unions of their employees) affecting interstate commerce. As a brochure issued by the present Committee on Fair Employment Practice indicates, "contrary to popular belief, the Committee does not have jurisdiction in a case merely because the party charged is engaged in interstate activities. The Fair Employment Practice Committee has no power to deal with privately owned, privately operated plants which do not hold Government contracts or subcontracts and which are not engaged in activities essential to the war effort, even though they may be engaged in interstate and foreign commerce. Also excluded from the Committee's jurisdiction are retail stores and local enterprises such as beauty parlors, law offices, specialty shops, etc., which do not hold Government contracts * * *."

3. The life of the present Fair Employment Practice Committee might be cut off at the end of the current fiscal year (June 1945) and will, in any case, terminate at the end of the war—just when it will especially be needed. The appropriation for the present Fair Employment Practice Committee might not be renewed. In June 1944, the Fair Employment Practice Committee came up for congressional appropriations and thus congressional approval for the first time in its 3 years of operation. It was then that some Representatives saw their opportunity to abolish the agency. The Fair Employment Practice Committee appropriations cleared the House by a margin of only 4 votes. And when it reached the floor of the Senate 3 weeks later, the appropriation was approved 38 to 21. Will the life of this agency be similarly jeopardized again in June?

The reconversion and post-war era will need such an agency even more than the war production period.—Bishop Francis J. Haas, former chairman of the Fair Employment Practice Committee, recently indicated, "The present Fair Employment Practice Committee is only a war agency. It will expire with the ending of the war period, which gave it its birth and existence. In the post-war world, other problems will arise and some present ones will be carried over. Discrimination in employment against Negroes and other minority groups will survive the war in a more complex and aggravated form." Malcolm Ross, chairman of the Fair Employment Practice Committee also indicated, "This Committee was established under Executive order as an emergency measure. (This bill), on the contrary, looks forward to the post-war adjustment period when more than a million Negroes in the armed services will return to civilian life, when Mexican-Americans (including 25 percent of the prisoners of war taken by the Japanese at Bataan) will be mustered out, and when the million and a half Negro workers now in prime war industry and the other uncounted minority group members have to shift the manner of their earning a living."

Tension in Illinois will be great after the war.—Discrimination in employment will create serious tensions in the reconversion and post-war periods. Discrimination by management and labor was widespread in Chicago and throughout Illinois a few years ago. The wartime needs for manpower and the present Fair Employment Practice Committee have given the Negro, the Jew, and members of other minority groups status in industry and labor which they have never enjoyed before. Any lessening of these gains will not be acceptable by the workers from minority groups now working in Illinois or who will return to Illinois from the world battle fronts. And yet members of many minority groups, being the last hired for war production, will be among the first to laid off, because of lack of seniority, during the dislocation which is bound to occur during the reconversion period. After the first World War, discriminations produced tensions both in northern and southern Illinois which broke into serious race riots. Similar riots are predicted by qualified students of race relations unless some of the basic causes for tensions are alleviated—and of these causes, employment ranks with housing as fundamental.

4. Laws can reduce discrimination, if not prejudice, and thus legislation to create a permanent Fair Employment Practice Commission should be enacted to reduce discrimination in employment. To the objection that "stateways cannot change folkways," recent social history has shown that discrimination can be reduced by legislation—as discrimination has been enforced by legislation in some sections of the country. Prejudice should not be confused with discrimination. Prejudice is an emotion, a feeling, and is, unfortunately, lawful even in a democracy. But discrimination is a practice, an overt prejudice, which

infringes on the rights of others in a democracy. And increasingly in our democratic society, discrimination is being recognized as not only unlawful but capable of being reduced and even eliminated by law. This is no longer a theoretical question, for experience has shown that during the past decade antiunion discrimination in hiring and tenure of employment has been greatly reduced in industry through the administration of the National Labor Relations Act. Undoubtedly, there still are a number of employers who have retained their antiunion prejudices, but this legislation has effectively stopped such prejudice to take the form of discriminatory acts. Thus legislation can prevent discrimination, if not overcome prejudice. This has also been substantiated by the experience of the present Fair Employment Practice Committee. In the several years of its existence, many employers and unions in war production have ceased their discriminatory practices, if not their discriminatory desires. And in many cases, the elimination of discrimination has paved the way for at least a reduction of prejudice on the part of employers and employees toward members of minority groups.

ORGANIZATIONS SUPPORTING A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION WITH ENFORCEMENT POWERS

The following national organizations, with branches in Greater Chicago, have gone on record in favor of this legislation: Alpha Kappa Alpha Sorority, American Friends Service Committee, American Jewish Committee, American Jewish Congress, American Unitarian Association, American Unitarian Youth, B'nai B'rith, Council for Social Action of the Congregational-Christian Churches, Congress of Industrial Organizations, Delta Sigma Theta Sorority, Federal Council of the Churches of Christ in America, Fraternal Council of Negro Churches of America, International Ladies Garment Workers Union of America, International Brotherhood of Sleeping Car Porters, Jewish Labor Committee, Jewish War Veterans of the United States, March on Washington Movement, General Conference of the Methodist Church, National Association for the Advancement of Colored People, National Conference of Christians and Jews, National Council of Jewish Women, National Council of Student Christian Associations, National Farmers Union, National Federation for Constitutional Liberties, National Urban League, Post-war World Council, Presbyterian General Assembly, Union of American Hebrew Congregations, Union for Democratic Action, Women's International League for Peace and Freedom, Workers Defense League, national board of the Young Women's Christian Association, national board of the Young Men's Christian Association.

The following Chicago organizations have gone on record in favor of this legislation: City Club of Chicago, Association for Family Living, Back of the Yards Neighborhood Council, Chicago Council Against Racial and Religious Discrimination, Illinois State Federation of Labor, Chicago Branch of the National Lawyers Guild, Independent Voters of Illinois, Catholic Labor Alliance, and the Illinois Interracial Commission.

WE OPPOSE THE TAFT BILL (S. 459)

We should like to express our firm opposition to the innocuous measure proposed by Senator Taft as a substitute for Senate bill 101. Even today, in the face of the most critical war in our Nation's history, in the fact of the most acute manpower shortage, and in the face of the President's Executive order prohibiting discrimination, countless Americans throughout the country and here in Illinois are still being denied an opportunity of contributing their full skills toward producing the tools of victory solely because of their skin color, manner of worship, or national origin. Indeed, Senator Taft himself has attested to the fact that "Negroes do not have the opportunities for employment enjoyed by white men." If further evidence be required that the blight of discrimination is still rampant, one need only refer to the volume of the complaints still pending before the present Fair Employment Practice Committee.

Discrimination is a hard fact. To set up a commission, as Senator Taft proposes, empowered to investigate the existence of this fact, but impotent to combat it, is to make a mockery of our professions of faith in equality of opportunity. In introducing the bill, Senator Taft stated that progress against discrimination must be made by education. As a legislator of long standing, he should be among the first to recognize the educational value of declaring those practices which are inimical to the public welfare to be illegal. Progressive educators everywhere subscribe to the thesis of learning by doing.

In arguing the merits of a voluntary Commission, Senator Taft admits that "there may be a few recalcitrant employers * * * but I believe they will be a few indeed." At the same time he states categorically that a commission with enforcement powers will invite "thousands of lawsuits." This latter statement seems to belie the Senator's own faith in the efficacy of the voluntary method since under the provisions of S. 101 lawsuits, such as he fears, would be filed only after voluntary methods had been tried and failed.

The defiance certain employers and labor unions have shown to the directives of the present Fair Employment Practice Committee at a time when manpower shortages make discrimination a luxury that can ill be afforded, makes it abundantly clear that we can no longer afford to leave the solution of this problem to chance or magnanimity. Necessitous men are not free men. The opportunity of making a living must no longer be considered an act of impulsive generosity that can be withdrawn at the will or whim of the benefactor, but must become firmly established by law as an inalienable right of each individual regardless of race, creed, color, or national origin.

The Chicago Council Against Racial and Religious Discrimination, therefore, strongly urges the speedy establishment of a permanent statutory Fair Employment Practice Commission with adequate powers of enforcement as provided for in Senate bill 101.

POST-WAR WORLD COUNCIL,
New York, N. Y.

The Post-war World Council records its unqualified opposition to any measure like the Taft bill (S. 429) which, under guise of creating a Fair Employment Practices Commission, actually proposes an exceedingly hollow substitute for it. The danger inherent in its introduction, moreover, goes far beyond its own essential weakness. It actually jeopardizes the passage of a real Fair Employment Practice Commission bill with effective powers of enforcement.

Senator Taft has himself concurred in the widespread realization that economic discrimination exists and must be removed. He has said that a Fair Employment Practice Commission "is justified by the fact that Negroes do not have the opportunities for employment enjoyed by white men. In many places they are the last to be employed and the first to be laid off." It is difficult to believe that he thinks such discrimination will be abolished by passage of his emasculated bill which has no enforcement powers and relies entirely on investigation and voluntary cooperation.

Post-war America faces grave problems of which the most immediate and important is full employment. Social and racial tensions may be expected to increase with economic tensions. Now is the time in which to prepare for removal of unnatural and unnecessary crises by congressional action making it illegal to discriminate in employment. Now is the time to pass S. 101, the bipartisan Fair Employment Practice Commission bill which creates a commission whose directives may be enforced through the courts. Only by making this a statute of the United States, will we implement the oft repeated doctrine that all Americans have an equal right to jobs.

NORMAN THOMAS,
ELSIE ELFENBEIN.

SOUTHWESTERN CONNECTICUT COMMITTEE
TO PROMOTE FAIR EMPLOYMENT PRACTICES,
Stamford, Conn., February 17, 1945.

The Southwestern Connecticut Committee to Promote Fair Employment Practices, an interracial group of citizens with representatives from a number of civic organizations and also interested individuals, is supporting S. 101, a bill to set up a permanent Fair Employment Practice Commission with enforcement powers. It is opposed to Senator Robert Taft's bill calling for a voluntary Fair Employment Practice Commission with only investigatory and advisory duties. It feels such a bill would be ineffective in accomplishing the results needed to eliminate discrimination. This committee has expressed its opinion to its own Senators and to Senator Taft.

MILDRED D. WILCOX, *Secretary.*

STATEMENT ON THE TAFT BILL

The National Council of Jewish Women strongly supports S. 101 to establish a permanent Commission on Fair Employment Practice. We believe that this bill carries out the pledges made by both the Republican and Democratic Parties in their platforms adopted prior to the last election. Congressmen and Senators of both parties have endorsed this legislation.

We believe that S. 459 introduced by Senator Taft neither fulfills the pre-election pledges made by the two political parties nor does it provide an effective means of combating discrimination in employment.

One of the most important provisions of S. 101 is that it enables the Fair Employment Practice Commission to appeal to the courts to enforce its decisions. S. 459 merely authorizes the Commission to make recommendations for the elimination of employment discrimination. It has no way of implementing its findings.

It has been charged that S. 101 will not eliminate discrimination because an attitude of mind fostered by centuries of habit cannot be wiped out by the stroke of a lawmaker's pen. We are well aware of the fact that all traces of prejudice cannot be eradicated without many years of patient education and understanding. Discrimination in employment, however, is a direct threat to the economic well-being of Americans who are members of minority groups. We firmly believe that this country in fulfilling its obligation of providing equality of opportunity to all its people must protect them by law against this kind of discrimination. Only an agency with powers to enrforce its decisions can do this. Therefore, the National Council of Jewish Women, with its membership of 65,000 women, supports S. 101.

MRS. JOSEPH M. WELT,
National Council of Jewish Women, Inc.

STATEMENT

The Denver Council for a Permanent Fair Employment Practice Committee will definitely support the bipartisan bill, S. 101, which provides for a Permanent Fair Employment Practice Commission with enforcement powers, and not the Taft, S. 459, recently introduced by Senator Taft, of Ohio, which does not provide for enforcement powers.

We do not want and will not support a bill for regional voluntary committees of five members each, whose powers will be limited to investigating, advising, and making recommendations. We now have a Fair Employment Practice Committee, functioning without enforcement powers, but they do have the privilege of referring emergency cases to President Roosevelt for enforcement through his wartime powers.

We want a permanent Fair Employment Practice Commission, with enforcement powers, that can give their full time to the receiving and investigating of complaints, conduct hearings, issue cease and desist orders where discrimination is found to exist, and to enforce these orders, subject to judicial review, through the United States circuit courts.

We are supporting the bipartisan bill, S. 101, because it covers both management and labor and will provide protection for all Americans from discrimination, regardless of race, color, creed, national origin, or ancentry, which is so necessary in keeping down mass unemployment, and establishing economic stability during the reconversion and post-war period.

Whereas, the Taft bill only provides for race, color, creed, and excludes national origin or ancestry, we are requesting our Senators and Congressmen from Colorado, through our organization with the aid of other organizations and individuals, to support Senate bill 101, and to disregard and not support bill S. 459, which is something that the people back home do not want.

(Mrs.) THELMA S. FREEMAN,
Secretary, Denver Council for a Permanent Fair Employment Practice Commission.

[Telegram]

BREWSTER, MASS., *February 17, 1945.*

American Unitarian Youth at national convention July 6, 1944, unanimously voted: Be it resolved that this convention go on record as strongly in favor of a permanent Fair Employment Practice Commission. We urge our members to work for legislation establishing and strengthening such a body. Taft bill would weaken rather than strengthen what is already being done. We want no mere investigation committee but a body with enforcement powers to eliminate discrimination on grounds of race, creed, color, national origin, or ancestry. We urge passage of bipartisan measure, S. 101.

ARNOLD WESTWOOD, *Chairman, Social Action Committee.*

THE FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
New York, N. Y., February 16, 1945.

As one who has been intensely interested in the establishment of a permanent Fair Employment Practice Commission, I am gravely disappointed in the bill which has been introduced by Senator Taft. I cannot believe that a bill which does not actually make discrimination in employment illegal and which has no enforcement provisions will adequately serve the purpose of securing justice for minority groups. What we need, it seems to me, is not more study of discrimination, but more action with regard to it.

Very sincerely yours,

G. BROMLEY OXNAM, *President.*

AMERICAN CIVIL LIBERTIES UNION,
New York, N. Y., March 1, 1945.

MEMORANDUM IN SUPPORT OF LEGISLATION PROHIBITING DISCRIMINATION BY EMPLOYERS AND TRADE UNIONS ON GROUNDS OF RACE, CREED, COLOR, OR RELIGION

1. The American Civil Liberties Union, of course, has supported the principle that there should be no discrimination on such grounds in public employment or among contractors working for Federal agencies. The President's Fair Employment Practice Committee goes no further than that. The union has supported legislation and court proceedings aimed at discrimination by trade unions in admission to membership on the ground that unions have come to have such large control over employment in many industries that their regulation is necessary. The union has also supported civil rights laws in many States prohibiting interference on these grounds with the right of persons to service in places of public accommodation.

2. The new principle involved in the permanent Fair Employment Practice Committee bill and in similar legislation in the State concerns discrimination by private employers. The union has taken the position that private employers should be prevented from discriminating on the same basis as trade unions, controlling between them as they do the means of livelihood. The proposed bills, both Federal and State, exempt from their operations small establishments. (The number fixed varies, as in wages and hours, and social-security laws up to some 10 to 15 employees). This exemption is based on the fact that these employers affect only slightly the labor market, and that the difficulty of enforcing policies affecting these small units is too great. The American Civil Liberties Union has approved exemption in the case of race discrimination statutes up to 100, but the figure might be fixed at any arbitrary small number.

3. It is contended by some who oppose the extension of these statutes to private employers that they violate their right to choose their own employees. That argument, it seems to the American Civil Liberties Union, has been effectively answered by the National Labor Relations Act and many State laws prohibiting discrimination against members of unions. The same principle of regulation is involved where the right to work is at stake regardless of race or religion. The comments of the New York State Commission Against Discrimination in drafting a bill for the current legislature are in point. The commission first cites the 1938 constitutional provision:

"No person shall, because of race, color, creed, or religion, be subjected to any discrimination in his civil rights by any other person or by any firm, corporation, or institution, or by the State or any agency or subdivision of the State."

"The debates in the constitutional convention of 1938 conclusively show that uppermost in the convention's conception of 'civil rights' was the right to justice in the field of employment.

"The right to life, the most primary of all civil rights, can have no fulfillment without the right to work. Denial or curtailment of the right to work by reason of race, creed, color, or national origin, deprives minorities 'of their constitutional right to earn a livelihood' (*Carroll* v. *Local 269*, 133 N. J. Eq. 144, 147 and cases cited); 'menaces the institutions and foundation of a free democratic State (L. 1944, ch. 692, sec. 1); and draws the Nation toward the shattering abyss of racism and intolerance.

"In the *Carroll* case just cited, the court said (p. 146):

"The right to earn a livelihood is a property right which is guaranteed in our country by the fifth and fourteenth amendments of the Federal Constitution, and by the State constitution."

"In the recognition of this right to work without discrimination there is no inadmissible invasion of the right to employ and to contract. Freedom of contract is not absolute. Like all other rights of person and of property, it is subject to reasonable regulations and prohibitions in the interest of the common welfare and of a sound and consistent democracy. As said by the Supreme Court of the United States in *Nebbia* v. *People of the State of New York*, 291 U. S. 502, 527:

"The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases."

"Hence the courts have steadily upheld legislative authority to regulate labor conditions and relations, and to prevent the right to hire and discharge from being used to impair 'the countervailing right' of employees. (*Phelps Dodge Corp.* v. *N. L. R. B.*, 313 U. S. 177; *N. L. R. B.* v. *Jones & Laughlin*, 301 U. S. 1; *U. S.* v. *Darby*, 313 U. S. 100). The phrase 'affected with a public interest' is no longer accepted judicially as the determining characteristic of business which can be subjected to 'the economic and social program of the States." (*Olsen* v. *Nebraska*, 313 U. S. 236, 246.)

The League of Women Shoppers is a national organization of consumers with branches in Chicago, Columbus, Denver, Minneapolis, Miami, New Jersey, New York, and Washington. We made a statement before your committee last September in support of S. 2048 and as you have the printed record of those hearings, there is no need to repeat in full in support of S. 101 the arguments advanced then in favor of the former bill. However, as you now have under consideration another bill purporting to establish a permanent Fair Employment Practice Committee, we wish to point out why we consider it inadequate.

In our statement last fall we emphasized the need for an agency with enforcement powers. We also stressed the need for prompt establishment of a permanent Fair Employment Practice Committee to take over the work of the President's committee, which is a war agency with a limited life and dwindling power. The Taft bill (S. 459) provides for a commission which will be even less effective than the wartime Fair Employment Practice Committee. It is weaker in the provisions applying to discrimination in Federal employment and it does not require the insertion in Government contracts with private employers of a clause forbidding racial and religious discrimination. Thus the Federal Government would lose its present position of leadership in making nondiscrimination in employment the national policy.

The greatest weakness of the Taft bill is the omission of enforcement powers. We pointed out in our previous statement that full power to compel compliance would need to be invoked only occasionally, but that the Commission must be able to make its decisions respected. It is true that the President's Fair Employment Practice Committee has been functioning without enforcement provisions except for the rarely invoked power of certifying a case to the President. During the war a patriotic desire to cooperate with the Government has impelled many employers to drop restrictive employment policies. This tendency has been reinforced by the acute manpower shortage. Both of these influences will drop out of the industrial picture in the critical days of reconversion to civilian production. And as industries change over to nonmilitary production they no longer are subject to the jurisdiction of the President's committee. Its effectiveness is thus dwindling even before the close of the war sets the date when its existence will come to an end.

It is therefore urgent to establish by act of Congress a permanent Fair Employment Practice Committee with enforcement powers as provided for in S. 101. We hope your committee will do its utmost to get the Committee on Education and labor to report this bill favorably to the Senate so that legislative action will not be delayed.

NATIONAL LEAGUE OF WOMEN SHOPPERS,
HELEN LOEFFLER, *Labor Chairman, Washington Branch.*

UPHOLSTERERS' INTERNATIONAL UNION OF NORTH AMERICA,
Philadelphia, Pa., March 15, 1945.

The Upholsterers' International Union of North America, American Federation of Labor, is formally on record in support of the enactment by Congress of a fair-employment practice bill with sufficient enforcement powers to make it possible to eliminate discrimination in employment on account of race, color, creed, or national origin. We have made a study of the legislation to this end now before Congress and are giving our complete support to H. R. 2232 and S. 101. The passage of these bills and the creation of a Fair Employment Practice Commission, as provided for in this legislation, will do much to alleviate the evil of employment discrimination.

We are much concerned with this problem as it will develop in the period following the war. Today it is true that there is much less discrimination in employment than ever before, at least with respect to the possibility of a member of a minority group finding employment. There is little or no unemployment now, but that is because the rate of production has been stepped up to so high a pitch that there is a continuing demand for labor. However, those of us who are interested in the right of every person needing a job to have employment at his highest skill, are concerned about what will occur when the pressure of wartime production is no longer present. It is to meet this situation that we feel it is so important for a fair-employment practices bill to become the law of the land.

A House committee has under consideration a bill introduced by Senator Taft, of Ohio, which, in our opinion, must fail to accomplish the purposes in which we are interested because it sets up voluntary control of the problem. Our experience has taught us that discrimination in employment cannot be eliminated by voluntary means. Even during this war, at a time when continued production has been so necessary, there have been many instances where the force of the present temporary Fair Employment Practice Commission has been needed to make recalcitrant employers abide by the principles of fair employment practice.

The interests of the people of this country who want to live in a real democracy necessitate the rejection of this voluntary measure proposed by Senator Taft and the enactment of a bill which can put into effect the principles in which we are interested.

Sincerely yours,

SAL. B. HOFFMANN,
International President.

STATEMENT OF LOUIS T. WRIGHT, M. D., CHAIRMAN, BOARD OF DIRECTORS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, SUBMITTED TO THE SENATE EDUCATION AND LABOR COMMITTEE, IN SUPPORT OF S. 101, MARCH 23, 1945

The National Association for the Advancement of Colored People takes pleasure in endorsing the basic principle of S. 191, a bill to amend the Public Health Service Act so as to authorize grants to States for surveying their hospital and public-health centers, and appropriating $100,000,000 for the planning and construction of additional hospital facilities. Such a program is badly needed in the United States, and is long overdue.

I believe all authorities agree that at least one-third of the entire population of the United States is without proper medical care. This urgently needed medical service can be supplied only through a positive and permanent program of Federal aid to existing public hospitals, and the speedy construction of desperately needed hospitals and health centers. It is not necessary to make an extended examination of the effect on national health which flows from the failure of the United States to meet the crying need by a broad and constructive program. It suffices to say that in 1943 the Selective Service reported that 3,000,-

000 men between the ages of 18 and 44 had been rejected for military service because of physical, educational, and moral defects. The exact number of men rejected for physical deficiencies is not a matter of official information, however, current estimates put that figure at 2,000,000.

I want, however, to address myself particularly to the health problem of Negroes in the United States. For the overwhelming majority of the colored race in this country, clinical and hospital care is, for all practical purposes, nonexistent. The few exceptions where good care can be had, found chiefly in nothern urban centers, merely balance off the situation in southern rural communities where, for the most part, there is a total absence of medical facilities of any kind. For example, the Negro population of Mississippi is 1,074,578, yet in 1938 there were only 0.7 beds per thousand for Negroes. In this connection, after a careful study of hospital facilities for Negro patients for the years 1940–42, a responsible organization concluded that " * * * in some areas where the population is heavily Negro, there are as few as 75 beds set aside for over a million Negroes."

A great number of private hospitals completely exclude Negro patients. This is true even in many northern urban communities. Such private and public medical institutions that admit Negroes place heavy restrictions on the number of beds for Negro use. Moreover, they are invariably placed in segregated quarters inferior to those obtaining elsewhere in the same facility. With this overview, I advert to the situation obtaining in Mississippi. According to Harold F. Dorn, the beds per 1,000 whites were 2.1 as compared with 0.7 for Negroes. Although the number of beds required will vary with the type and prevalence of the disease, modern medical authorities set four beds per thousand as the minimum requirement for a well cared for community.

The Negro not only suffers with the general population from the lack of a broad and adequate Federal health program but, as has been indicated, he is further victimized by practices of segregation and discrimination. How does this reflect itself in the general health of the Negro? By and large, it can be safely said that he suffers more from all sorts of diseases than white citizens. Current figures show that infant mortality for Negroes is 69 percent higher than for whites; that a Negro child born alive has an average life expectancy of 53 years as compared with a white child who may, in the normal course of things, expect to reach the age of 65.

I am satisfied, from a medical standpoint, that these differentials in nowise reflect any innate susceptibility of the Negro to disease, but rather show the combined impact of discrimination in economic life and the aforesaid discriminations in obtaining medical assistance. As one authority has put it, "a white person who is ill, under existing racial provisions, has 14 time better a chance of recovering than a Negro."

In any discussion of the health of the Negro, it would be remiss not to touch on the status of the Negro physician, technician, and nurse. In 1944 there were 3,500 physicians in private practice and 7,500 nurses. Because of race discrimination, a qualified Negro physician is denied staff and in-patient privileges in practically every non-Negro hospitals in the United States. This limitation applies equally to Negro nurses and technicians. The net result is that in many Southern hospitals, I regret to say, the attitude of white physicians toward Negro patients is one of indifference bordering on criminal neglect. Moreover, the denial of staff privileges to the Negro medical profession considerably lowers opportunities for training and specialization.

In these circumstances, I am deeply concerned by the fact that S. 101 provides for State control over medical facilities constructed with Federal funds without any safeguards whatsoever to protect Negro patients and Negro members of the medical profession. The inequitable manner in which certain States allocate their own general funds affords ample justification for my concern. I believe, therefore, that this bill should be amended so as to provide such safeguards and recommend that—

1. Page 3, line 6 be amended to read as follows: "Council, shall be fairly representative of trade or industry, labor, farm, consumer, and minority racial groups, and State agencies," etc.

2. Page 3, line 14 to read: "Council shall be representative of trade or industry, labor, farm, consumer, and minority racial groups; and".

3. Page 7 following line 10 shall be added a new section as follows: "Assure that all services and physical accommodations of such hospitals shall be available to persons without regard to religion, sex, race, national origin, or degree of indigency; that all physicians licensed in the State shall be eligible to the

various levels of staff appointments according to their training, experience and demonstrated professional qualifications; that professional training opportunities shall be open to all qualified persons in such manner as to obtain trainees of the highest ability, character, and professional promise; that all of the other professional and service personnel shall be recruited and employed solely on the basis of ability, training, experience, and character."

With the incorporation of these changes, the National Association for the Advancement of Colored People endorses, without reservation, S. 101.

STATEMENT OF AMERICAN JEWISH COMMITTEE

(Submitted by Marcus Cohn, Washington representative, American Jewish Committee, Washington, D. C.)

There is nothing more fundamental to a democratic society than equality of economic opportunity. Yet anyone who has watched the efforts of our democracy to man its machines and guns knows that large numbers of our population are denied that opportunity solely because they are the victims of racial or religious prejudice.

The people of this country, aware of the origins of this war, and conscious of the principles for which we are fighting, now look to our own Government to root out of American soil any counterpart of the Nazi doctrine of racial superiority. The withholding of economic opportunity from certain racial or religious groups was Hitler's first step in creating the climate for aggression between peoples whose common interest normally lay together. We must not allow that climate to persist here and to expand, as it inevitably would unless checked, in the post-war scramble for jobs.

Your committee has before it two Fair Employment Practice Committee bills. One provides the new agency with enforcement powers; the other limits it to education and persuasion. The experiences of the wartime Fair Employment Practice Committee have demonstrated that education and persuasion are important, but not enough. Even the spectacle of war plants where some people who have hitherto been denied work have proven themselves, has not always been educational enough. Even the pleas of our military leaders for more material have not always proved persuasive enough.

In peacetime, such a Fair Employment Practice Committee would be helpless to prevent a reconversion to discrimination. The American Jewish Committee believes that the enactment of S. 101, which would establish a permanent Fair Employment Practice Committee with enforcement powers, is the minimum obligation of a democratic government to all its citizens.

Senator CHAVEZ. I wish to have incorporated in this record a list of names of groups from whom the subcommittee has received telegrams and letters in support of S. 101, providing for the establishment of a permanent F. E. P. C.

(The list referred to is as follows:)

American Civil Liberties Union.
American Friends Service Committee.
Amy Mollison Chapter of the W. I. V. E. S., Brooklyn, N. Y.
Avondale Synagogue Women's Auxiliary, Cincinnati, Ohio.
Belen Local Council for a Permanent Fair Employment Practice Committee, New Mexico.
Cincinnati Branch, National Association for the Advancement of Colored People.
Citizen's Committee of Dayton, Ohio.
Cleveland Section Council of Jewish Women.
Columbus Council for Democracy.
Committee on Race Relations, Philadelphia, Pa.
Congregation Ahavath Israel and Talmud Torah of East Midwood, Inc., Brooklyn, N. Y.
Consumers League.
Council for Equal Job Opportunity, Philadelphia, Pa.
Council of Churches, Cincinnati.
Council of Jewish Women of Cincinnati.

Crew of steamship *Robert Henri.*
Delta Sigma Theta Sorority, Grand Chapter, Sewell, N. J.
Fellowship of Reconciliation, Columbus, Ohio.
Frontier's Club of Dayton, Ohio.
International Alliance of Hotel and Restaurants Employees and Bartenders League of America, Cincinnati, Ohio.
International Ladies Garment Workers, Local 63 and Local 204, Cincinnati, Ohio.
Jewish Vocational Service Chapter of United Office Workers of America, Local 87, Cleveland.
Kansas-Missouri Council for a Permanent Fair Employment Practice Committee.
King Hiram Grand Lodge, Ancient Free and Accepted Masons, Inc., Vauxhall, N. J.
Mayor's Interracial Committee of New Rochelle.
Methodist Men's Organization, Mount Zion Church, Cincinnati, Ohio.
National Alliance Postal Employees, District 6, Cincinnati, Ohio.
National Association of Colored Graduate Nurses.
Catholic National Commission on Interracial Justice, Manhattanville, N. Y.
New Orleans citizens—petition of organizations, educators, and community leaders.
Ohio Anti-Defamation League.
Ohio Conferences of Urban League.
Ohio Congress of Industrial Organizations War Relief.
Ohio Congress of Parent-Teachers, Inc.
Ohio Council of Church Women.
Ohio Council of Young Men's Christian Association.
Ohio National Association for the Advancement of Colored People.
Philadelphia Federation of Churches.
Progressive Citizen's Committee, Cincinnati, Ohio.
San Diego Council for a Permanent Fair Employment Practice Committee.
Servicemen's Wives for Democratic Action, Minneapolis, Minn.
Temple on the Heights, 450 members of Men's Club, Cleveland, Ohio.
United Auto Workers, Local 647, Cincinnati, Ohio.
United Automobile Workers, Congress of Industrial Organizations, Local 659, Flint, Mich.
United Automobile Workers, Congress of Industrial Organizations, Local 685, Kokomo, Ind.
United Office and Professional Workers of America, New York.
United Transport Service Employees of America, Local 809, Cincinnati, Ohio.
Vanguard Leagues, Columbus, Ohio.
Warehouse Workers International Union, Cincinnati, Ohio.
Women's City Club Division of Negro's Welfare, Cincinnati, Ohio.
Women's Social Christian Service of the Mosince Methodist Church, Wisconsin.
Workers Defense League.
Yonkers Federation of Churches.
Young Women's Christian Association, Cincinnati.

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