

Serial 1032-5

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

HEARINGS
BEFORE THE
COMMITTEE ON LABOR
HOUSE OF REPRESENTATIVES
SEVENTY-EIGHTH CONGRESS
SECOND SESSION

ON

H. R. 3986, H. R. 4004
AND H. R. 4005

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

VOLUME 1

JUNE 1, 2, 6, 7, 8, 9, 13, 14, 15, AND 16, 1944

Printed for the use of the Committee on Labor



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TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

THURSDAY, JUNE 1, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. Members of the committee and guests, the Committee on Labor, at its last regular meeting on May 11, voted to hold hearings on what is known as the Scanlon-Dawson-LaFollette bills. They are identical.

The purpose of these bills is, as you know, to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry. These bills have been in committee for some time and have aroused a great deal of interest. The committee felt that it was the proper time to hold hearings and get at the facts. We are here this morning to start hearings and we hope we will be able to get the facts.

As most of you know, there has been some controversy about these bills. Of course, no problem of this kind fails to have its proponents and its opponents. But I do not believe that any problem has ever been solved by refusing to face it. So your Committee on Labor is very glad to have you with us this morning, and to hold these hearings, as I said before, to get at the facts.

At this point in the record we will insert copies of these three bills, H. R. 3986, H. R. 4004, and H. R. 4005.

(The bills referred to are as follows:)

[H. R. 3986, 78th Cong., 2d 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, foment 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.

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 any State.

PROHIBIT DISCRIMINATION IN EMPLOYMENT

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.

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

(1) to refuse membership 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 more than five persons, who is (1) engaged in interstate or foreign commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party.

(b) This Act shall apply to any labor union which has five or more members in the employ of one or more employers covered by the preceding paragraph.

(c) This Act shall apply to the employment practices in the United States and of every Territory, insular possession, agency, or instrumentality thereof, except that paragraphs (3) 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 Attorney General of the United States for the enforcement of such order, and it shall thereupon be the duty of the Attorney General to take such measures as may secure obedience to any such order. Every official 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 six 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 seven 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. Four 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 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 charged 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 all the testimony taken the Commission shall be of the opinion 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 hiring or reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If, upon all the testimony taken, the Commission shall be of the opinion 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 courts 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 or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures 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 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 subpoenas 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 subpoena 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 subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be 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 ten days after the submission of such regulations. Such regulations shall set forth the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for rules of evidence to be applied by 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 negotiated or renegotiated by them 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) Unless the Commission shall otherwise determine and state in its order, no contract shall be awarded 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, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

OFFENSES AND PENALTIES

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.

(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.

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

[H. R. 4004, 78th Cong., 2d 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 reasons 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 and defense, and burdens, hinders, and obstructs 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.

RIGHTS 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 a privilege, and freedom from such discrimination is declared to be an immunity, of all citizens

of the United States, which shall not be abridged by any State or by any instrumentality or creature 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.

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

- (1) to refuse membership 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 more than five persons, who is (1) engaged in interstate or foreign commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party.

(b) This Act shall apply to any labor union which has five or more members in the employ of one or more employers covered by the preceding paragraph.

(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 Attorney General of the United States for the enforcement of such order, and it shall thereupon be the duty of the Attorney General to take such measures as may secure obedience to any such order. Every official 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 six 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 seven 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. Four 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 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 charged 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 all the testimony taken the Commission shall be of the opinion 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 hiring or reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If, upon all the testimony taken, the Commission shall be of the opinion 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 courts 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 or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures 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 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 subpoenas 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 subpoena 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 subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty of 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 regulation 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 ten days after the submission of such regulations. Such regulations shall set forth the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for rules of evidence to be applied by 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 employers 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 negotiated or renegotiated by them 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) Unless the Commission shall otherwise determine and state in its order, no contract shall be awarded 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, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

OFFENSES AND PENALTIES

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. 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.

(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 any Territory or the District of Columbia or any foreign country.

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

[H. R. 4005, 78th Cong., 2d 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,

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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, fomented 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.

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RIGHT TO FREEDOM FROM DISCRIMINATION IN EMPLOYMENT

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UNFAIR EMPLOYMENT PRACTICES DEFINED

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(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.

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

(1) to refuse membership 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 more than five persons, who is (1) engaged in interstate or foreign commerce; (2) under contract with the United States or any agency thereof; or (3) performing work, under subcontract or otherwise, called for by a contract to which the United States or any agency thereof is a party.

(b) This Act shall apply to any labor union which has five or more members in the employ of one or more employers covered by the preceding paragraph.

(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 Attorney General of the United States for the enforcement of such order, and it shall thereupon be the duty of the Attorney General to take such measures as may secure obedience to any such order. Every official 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 six 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 seven 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. Four 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 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 charged 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 all the testimony taken the Commission shall be of the opinion 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 hiring or reinstatement of employees with or without back pay, as will effectuate the policies of this Act. If, upon all the testimony taken, the Commission shall be of the opinion 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 courts 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 or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon

such filing, the court to which petition is made shall conduct further proceedings in conformity with the procedures 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 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 subpoenas 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 subpoena 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 subpoena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be 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 ten days after the submission of such regulations. Such regulations shall set forth the procedure for service and amendment of complaints, for intervention in proceedings before the Commission, for rules of evidence to be applied by 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 negotiated or renegotiated by them 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) Unless the Commission shall otherwise determine and state in its order, no contract shall be awarded 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, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons.

OFFENSES AND PENALTIES

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.

(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 any Territory or the District of Columbia or any foreign country.

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

THE CHAIRMAN. This morning, for our first witness, I shall call on Mr. Scanlon, who is a member of the Labor Committee and whose bill we are considering along with the other two bills mentioned.

Mr. Scanlon, at this time I think it would be well for you to explain exactly the purpose of your bill.

**STATEMENT OF HON. THOMAS E. SCANLON, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF PENNSYLVANIA, AND A
MEMBER OF THE COMMITTEE ON LABOR**

Mr. SCANLON. Chairman Norton, gentlemen of the committee, I am appearing before you today in behalf of H. R. 3986, a bill which I introduced in the Congress. This bill prohibits discrimination in

employment because of race, creed, color, national origin, or ancestry. This is the first time the committee has had before it the unlimited opportunity to make plain to the American people that a man's race, creed, color, or where he came from has nothing to do with whether he will be allowed to earn a living.

There are nearly 1,000,000 Negroes in the Army, Navy, and Marines. The men on Bataan were largely of Mexican origin from Arizona and New Mexico. The first heroes of our war were of many religions, colors, and national origins. Their names tell the story dramatically. We all remember Kelly, Levin, Gentile, and Dorie Miller. If our returning servicemen, who fought side by side with these heroes, are barred from jobs because of color, religion, or national origin, what a hollow thing our victory will be.

If there is any more vicious denial of American democracy than discrimination in jobs because of a man's race, creed, or color, I cannot imagine what it is. Bad as it is, discrimination against a man because he belongs to a union is not nearly as evil as discrimination because a man is a Negro, a Jew, a Catholic, or because his ancestors came from another country. This gnawing evil is a slap in the face to every decent American who believes in American fair play. The Supreme Court, in the case of *New Negro Alliance v. Sanitary Grocery Co.* in 1938, 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 discrimination 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 man who spoke for the Supreme Court in those words was Mr. Justice Owen J. Roberts, who can certainly not be called a radical.

On 23 different occasions in the last 10 years the Congress of the United States has outlawed racial and religious discrimination in legislating for public-works projects, the Civilian Conservation Corps, unemployment relief, civil service classification acts, the training of civilian aircraft pilots, the National Youth Administration, the Selective Training and Service Act, the training of defense workers, the building of public works necessary to the defense program, and the Cadet Nurses Corps for Government and civilian hospital service.

This is the time for the Congress of the United States to say to the people of America that their Government guarantees their right to jobs, regardless of their color, race, or their form of divine worship. This is the time to say to the world that we in America mean what we say when we tell them that this is a land of opportunity in which a man can go as far as his ability can carry him. This is the way to show the people of the world that we practice what we preach. Unless and until we guarantee by law that a man's ability is his only restriction, just so long will everyone hold extreme reservations about our real democracy.

Everyone knows that today as in the past large groups of Americans are prevented from earning a decent living and improving themselves solely because their skin is dark, or their forefathers came from overseas, or they worship God in different ways. This is the situation my bill is designed to change.

My bill, H. R. 3986, has 16 sections. Section 1 sets forth its findings and declaration of policy; namely, that the Congress finds that discrimination in employment because of race, creed, color, national origin, or ancestry, foments domestic strife, prevents full use of manpower, and burdens interstate commerce; and that it is the national policy to eliminate such discrimination in employment relations, subject to the control of the Federal Government.

Section 2 provides that the right to work without discrimination is a constitutional privilege and immunity which cannot be abridged by any State.

Section 3 defines the unfair employment practices which are the heart of the bill. Employers are forbidden to discriminate against any person because of his race, creed, color, national origin, or ancestry with respect to the hire, tenure, or terms and conditions of his employment. Labor unions are likewise forbidden to refuse membership and otherwise to discriminate against any person because of his race, creed, color, national origin, or ancestry. Both employers and labor unions are forbidden to discriminate against any person because he has filed a charge, testified, or assisted in any proceeding or because he has opposed a discriminatory employment practice.

Section 4 defines the scope of the bill, the jurisdiction covered by the bill. This bill applies to any employer who employs more than five persons and who is engaged either in interstate commerce or in performing work under a contract or subcontract with a United States agency. It applies also to any labor union having five or more members in the employ of one or more employers subject to the act.

Section 5 of the bill creates the Fair Employment Practice Commission, composed of seven members appointed by the President, with the advice and consent of the Senate, for 7-year terms. The original seven members hold office for terms from 1 to 7 years. Each member receives \$10,000 annually.

Section 8 provides that the personnel, books, records, and funds of the President's Committee on Fair Employment Practice, created by Executive Order 9346, are transferred to the new Commission. And section 9 provides that the Commission may investigate cases and conduct hearings anywhere in the United States or any territory or insular possession thereof.

Section 10 sets forth the procedure by which the Commission handles cases. After a charge is filed alleging that an unfair employment practice has occurred, the Commission will begin an investigation. If the investigation reveals that the charge is substantially true, and an informal adjustment cannot be made, the Commission may hold hearings at which all parties may produce evidence, issue orders based on the record of the hearing, and petition a United States circuit court of appeals to enforce its orders.

In this respect, the Commission would function in the same manner as other administrative agencies, such as the Federal Trade Commission, the National Labor Relations Board, and the Securities and Exchange Commission. Any person aggrieved by a final order of the Commission may take an appeal to the circuit court. The Commission may award back pay and compel the reinstatement or hire of employees, in the same way as the National Labor Relations Board.

Section 11 gives the Commission the power to administer oaths and compel by subpoenas the attendance of witnesses or the production of evidence. These subpoenas are enforceable in the Federal district courts. Under section 12 the Commission may issue rules and regulations, including those further defining its procedures, which become effective 60 days after transmission to Congress, unless Congress amends or nullifies such rules by appropriate legislation or adjourns within 10 days after their submission.

Section 13 requires all firms contracting with the United States to include in all their contracts a provision obligating the contractor and his subcontractors not to discriminate in employment. Unless the Commission directs otherwise, no contract may be awarded to any person found by the Commission to have violated the act for 3 years from the date of such finding.

Section 14 prohibits willful interference with agents of the Commission. Such interference is punishable by a year in jail or \$5,000 fine, or both.

Section 15 sets forth the definitions of terms used in the act. Interstate commerce is defined to include commerce in the District of Columbia or any Territory.

Section 16 states that this act shall be known as the Fair Employment Practice Act.

This is a summary of my bill.

As you gentlemen know, there is presently in existence the President's Committee on Fair Employment Practice, which was created under Executive Order 9346, a year ago. The F. E. P. C. was first set up in June 1941, and for the past 3 years has been buffeted about from pillar to post. Since last August it has set up regional offices throughout the country. This marked the beginning of real operation of the agency. During the 10 months ending April 30, 1944, it has received 3,419 complaints, which, together with the 1,016 cases inherited from the former committee, made a total case load of 4,435 cases. During the 10-month period ending April 30, 1944, it has closed 2,286 cases. Of these, 879, or about 40 percent, have been closed as satisfactorily adjusted. Six hearings have been held. Its case load as of May 1, 1944, was 2,149.

All this represents a very creditable performance, for the agency has no power of any sort. Everything is done on the basis of persuasion. The F. E. P. C. has no subpoena power and no enforcement powers. It cannot go to a Federal court for the enforcement of its directives. As a matter of fact, its directives are simply recommendations to the parties. When the parties refuse to follow the recommendations, the F. E. P. C. has only two courses of action open. It can recommend to other Federal agencies that certain privileges be denied to the violating party, privileges such as priorities. This it has never done. Even if it so recommended, these other agencies could simply refuse to follow the recommendation. Lastly, the F. E. P. C. can certify the case to the President. This it has done once, in the famous *Southern Railroad case*. These were certified in December 1943. The matter was given by the President to a special commission to attempt to adjust the matter. This commission has held several meetings, but nothing has been announced in the way of adjustment.

Gentlemen, let's not deceive ourselves or the public. Without a statute carrying definite powers of investigation and enforcement, no agency can do much more than attempt informally to adjust ugly situations. If someone decides to ignore the Committee, there just isn't much that can be done about it.

What is needed to cope with this problem is a permanent agency backed up by a statute. It is the history of every administrative agency. Until the Congress passes such a statute, it is a mockery to say that the problem of discrimination in employment is really being tackled.

One word more. This bill has nothing to do with racial equality, or social equality. It simply says that all people must have an equal opportunity, according to their abilities, to work for their living regardless of their race, color, creed, national origin, or ancestry.

I ask you gentlemen to report this bill to the House with a recommendation that it be passed.

The CHAIRMAN. Thank you, Mr. Scanlon. We will defer questions for the present.

Mr. HOFFMAN. May I ask, Mr. Chairman, when will we be allowed to ask questions?

The CHAIRMAN. We have with us today the Director of Industrial Personnel Relations of the Army Service Forces. It is quite important for that gentleman to get away from here shortly, as he has another engagement to fill. So it gives me a great deal of pleasure, members of the committee, to present to you, Mr. W. A. Hughes, Director of Industrial Personnel Relations, Army Service Forces.

Mr. HOFFMAN. Mr. Chairman, will we given an opportunity to examine these various witnesses?

The CHAIRMAN. Of course.

Mr. HOFFMAN. You say that the gentleman must leave shortly. When will we have that opportunity to examine him?

The CHAIRMAN. Presently.

Mr. HOFFMAN. That is all right, but I intend to insist on my right, if I may, to cross-examine witnesses.

The CHAIRMAN. Every member of the committee will have the privilege of cross-examining any witness, Mr. Hoffman.

Mr. HOFFMAN. The House meets at 11 o'clock today.

The CHAIRMAN. I am aware of that.

Mr. SCANLON. Madam Chairman, in answer to the gentleman's request, may I say that I shall be here most of the time and the gentleman may ask me questions at any time.

The CHAIRMAN. Because of that, and since Mr. Hughes is pressed for time, I thought it better to defer questions, Mr. Scanlon, until later. I am sure Mr. Hoffman can see the reasonableness of that suggestion.

Mr. Hughes, we shall be glad to hear from you now.

STATEMENT OF WILLIAM A. HUGHES, DIRECTOR OF INDUSTRIAL PERSONNEL RELATIONS, ARMY SERVICE FORCES

Mr. HUGHES. Madam Chairman and members of the Committee on Labor, the views of the War Department on H. R. 3986, H. R. 4004, and H. R. 4005, Seventy-eighth Congress, each entitled "To

prohibit discrimination in employment because of race, creed, color, national origin, or ancestry," were given to the House of Representatives Committee on Labor in writing over the signature of the Secretary of War May 23, 1944. That, Mrs. Norton, was delivered to you, I believe?

The CHAIRMAN. Yes.

Mr. HUGHES. Since the bills are almost identical, the War Department's comments were directed specifically to H. R. 3986 and were sent to Chairman Mary T. Norton. My comments, therefore, on this bill at this time are merely supplementary to the official opinions of the War Department expressed in this letter.

The War Department does not feel qualified to express an opinion as to the general advisability of such a law, preferring to leave that to agencies better qualified in the fields of labor supply, labor relations, and social considerations. Our interest in the provisions of the proposed legislation is limited to two matters in which the War Department has a direct interest: First, the technical enforcement machinery as regards contractors with the United States, and second, the effect which this bill may have on the rate of production of war supplies. I shall comment briefly on both points.

First as to the technical machinery of compliance. All War Department contracts, including subcontracts and amended contracts, now contain antidiscrimination clauses in accordance with the Executive orders on this subject. Thus, so far as the War Department is concerned, no change would be required to effectuate the proposed bill. We should like, however, to suggest for consideration two changes in the enforcement procedures prescribed in H. R. 3986.

Section 13 (a), page 12, lines 2 and 3, refers to "all contracts hereafter negotiated or renegotiated." As the War Department understands the term, "renegotiated contracts" are completed contracts for which certain pricing changes are made and hence do not necessitate any employment by the contractor. Consequently, for the sake of clarity, the section might better read, "all contracts hereafter negotiated, amended, or modified."

We call attention also to the provision in section 13 (b), page 12, that no person, firm, corporation, partnership, or association found by the Commission to have been guilty of discrimination under this bill shall be eligible for award of a contract with the United States until 3 years after the violation of the law occurred, unless the Commission shall otherwise determine and state in its order. We have no objection to the operation of this provision as it would apply to normal government contracts; but we are concerned lest during this emergency such a procedure might result in slowing down, reducing, or even stopping essential production of war materials. There is a possibility that a company producing vital supplies needed at once would under this provision be prevented from or delayed in producing for the Government. It is true that the Department could ask the Commission to make an exception in such a case, but we believe it is important in the interest of efficiency and security for the departments prosecuting the war to have responsibility and authority for procuring war goods. We, therefore, suggest that the head of the procuring agency be given the right to make such exceptions where he certifies that such action is necessary for the prosecution of the war.

Secondly, the effect of the proposed bill on the rate of production is of primary interest to the War Department. We do not feel it is proper for this Department to attempt to forecast what this effect will be on labor supply, labor turnover, morale, and the other factors that are important in production. Our statistics indicate that 51 strikes, or 4 percent of the total number affecting production of materials in which the War Department is vitally interested, occurring since March 1943, were caused by disputes in which the utilization of minority groups was a factor, and that 190,000, or 5.5 percent, of the total man-days lost were attributable to the same situation. This record is not too bad.

The Executive orders as they stand now seem generally to be functioning successfully in war plants and have in all probability been a factor in increasing labor supplies, which has been helpful. However, the labor problem in war production now is not only that of supplying new workers but also that of insuring that labor already hired stays on the job with a minimum of unrest, turn-over, and absenteeism. We do not know whether or not the passage of an antidiscrimination bill would supply substantial quantities of new labor or the effects that it might have on the equilibrium of labor now employed. We believe that the agencies qualified to do so should thoroughly investigate these problems before action is taken on this bill. The agencies best qualified to make this determination we should think might be the Department of Labor, the War Labor Board, the War Manpower Commission, the War Production Board, and the F. E. P. C. itself. The War Department's interest is in the maintenance of war production, and it is not within our province to comment on the means of meeting general social and economic problems.

The CHAIRMAN. I may say to you, Mr. Hughes, that we have invited the different agencies that you have enumerated to come before the committee and I assume we shall hear from them.

Mr. HUGHES. I understand that.

The CHAIRMAN. I also want to say that the suggestions that you have made with regard to the bill, the committee will take under consideration. I think some of them are good suggestions and I am sure that the committee will be guided accordingly.

Are there any questions you would like to ask Mr. Hughes, Mr. Day?

Mr. DAY. No; I think he stated clearly what his position was, and in view of the limitation on his comments, I have nothing to ask.

The CHAIRMAN. Mr. Hughes, do you wish the letter addressed to the chairman of the committee to be included in the record?

Mr. HUGHES. Yes. It is our official statement over the signature of the Secretary of War.

The CHAIRMAN. It may be included in the record at this point.

(The letter referred to is as follows:)

MAY 23, 1944.

HON. MARY T. NORTON,
*Chairman, Committee on Labor,
 House of Representatives.*

DEAR MRS. NORTON: The War Department has considered H. R. 3986, H. R. 4004, and H. R. 4005, Seventy-eighth Congress, which are entitled "To prohibit discrimination in employment because of race, creed, color, national origin, or ancestry." Inasmuch as the provisions of those bills are substantially identical, the following comments are applicable to each of them.

The underlying purpose of the several bills is to eliminate discrimination against any person because of race, creed, color, national origin, or ancestry in all employment relations which fall within the jurisdiction or control of the Federal Government. It is stated in the bills that the practice of discriminating in employment against persons for the above-mentioned reasons deprives the Nation of the fullest utilization of its capacities for production and defense. The War Department is in accord with the general purpose of prohibiting discriminatory employment practices. However, whether the substitution of the proposed legislation for existing administrative procedure would have a favorable or unfavorable effect on production is a matter involving broad and complex social questions which are not considered to be within the province of the War Department to comment upon.

The only provision of the bills upon which the War Department believes it should comment is section 13. That section relates to the insertion of an anti-discrimination clause in Government contracts and subcontracts and contains a penalty clause.

The word "renegotiation" in section 13 (a) is confusing as it would ordinarily be construed to refer to statutory renegotiation under the Renegotiation Act. The antidiscrimination article is not normally appropriate in such renegotiation agreements as such contracts do not contemplate the employment of persons. It is suggested that section 13 (a) be revised to read as follows:

"Sec. 13. (a) All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated by them, and in all contracts hereafter amended or modified which do not already contain such a provision, 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. This section shall not be applicable to any contract which does not contemplate the employment of persons for its performance."

Subsection (b) of section 13 creates the possibility that a company furnishing necessary or irreplaceable commodities or services to the Government (for example, a utility serving an Army installation) may be debarred from performing any further work for the Government for a period of 3 years if it violates any provision of the bills. The action of the Fair Employment Practice Commission might thus prevent the carrying out of an essential war job. To obviate this possibility it is recommended that subsection (b) of section 13 be amended to read as follows:

"(b) Unless either (1) the Commission shall otherwise determine and state in its order, or (2) the head of the agency placing the contract shall certify in writing that it is necessary or expedient in the public interest that a contract be placed with such person notwithstanding such order, no contract shall be awarded 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, until three years have elapsed from the date when the Commission determines such violation to have occurred. The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of such persons."

The War Department is unable to estimate the fiscal effect of enactment of the proposed bills.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

The CHAIRMAN. Mr. Klein, have you any questions?

Mr. KLEIN. Mr. Hughes, do I understand you to say that it is the view of the War Department that you would like to amend section 13 (b) so as to leave to the head of the agency concerned, or the procurement division, the decision as to whether to continue to do business with somebody who has violated the provisions of this bill, if it becomes law?

Mr. HUGHES. We refer particularly to the War Department, the Navy Department, and the Maritime Commission. We could, of course, get an exception from the Commission, but we think, in the

interest of security, that these procuring agencies ought to be permitted in time of war to go ahead and make their procurement, provided, of course, they state that it is necessary in the interest of the prosecution of the war.

Mr. KLEIN. Would you go a step further—of course this really has no connection with this particular bill—and say that you would like to leave it to the head of the agency to determine whether to continue to do business with somebody that has violated the law?

Mr. HUGHES. That is what it amounts to, and that, of course—that is, continuing a contract with them—would have to be contingent upon the necessity of doing it.

The CHAIRMAN. Mr. Scanlon, have you any questions?

Mr. SCANLON. No; Mr. Klein asked the questions I had intended to ask.

The CHAIRMAN. Mr. Hughes, we are very grateful to you for taking time out of your busy day to present the views of the War Department to this committee. Thank you very much.

Mr. HUGHES. Thank you very much for the opportunity of appearing before the committee.

The CHAIRMAN. Our next witness is a gentleman whose bill is before the committee, Mr. Dawson.

Mr. Dawson, we shall be glad to have you tell us about your bill at this time.

STATEMENT OF HON. WILLIAM L. DAWSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. DAWSON. Madam Chairman and members of the committee, for one to understand clearly the necessity for such a bill, I do think we should have something of the background that caused the appointment of the present F. E. P. C. Prior to the war, when business was just beginning to speed up, and when the manpower shortage was first felt and labor became scarce in various industries, efforts were made by advertisements in the papers and by radio and public rallies to cure this situation. But Negroes were not called to work. They went to factories advertising for help and were turned down because they were Negroes.

After Pearl Harbor the situation became even graver. War production went into high gear. Labor was at a scarcity. Women were being called for jobs that women had never done before, even children of school age were urged to work part time because of this manpower shortage. And yet Negroes who were laborers, Negroes with skill, were turned down—because they were Negroes.

The labor situation got so acute that the war industries and the war movement were being retarded. The President, in his judgment, in order to meet a war situation, in order to cure or seek to cure a glaring wrong, appointed this Committee. Mr. Scanlon has told you that the Committee had no power of subpoena; they had no power to compel witnesses to come before them; they had no power to enforce their directives by any action against employers, against unions, or others. Their only powers were those of persuasion. If you could understand and have knowledge of the great work that has been done by this Committee, armed only with the power of persuasion; if you could

appreciate how they have gone to the management of various industries and laid the situation before them—the necessities of the country, the fairness and squareness of giving employment to all Americans—if you could see the results that they have gotten in thousands of cases causing many thousands of men and women to be called into war plants, you would appreciate the great work that has been done in the war effort by this Committee.

But that has not been all—the speeding up of the war work by the Committee. I wish I could convey to you something of the psychological attitude of millions of people, citizens of a country, who were denied the right to work simply because of the color of their skin; how they felt in the land of the free; what their attitude would be toward the Government of the country in which they were born, when they saw their boys were being called to the colors, and yet the mothers and fathers and brothers and sisters of those same boys were denied the right to work, at a time when every industry was advertising for men and women. In some instances industries went so far as to pay bonuses to employees who induced other people to come to work, and stay as long as 30 days on the job. A bonus was given to that employee who obtained a new employee, so grave was the situation.

There was great bitterness in this country among 13,000,000 Negro people. We might as well face this situation. Thirteen million people compose one-tenth of the population of this great Nation of ours. What shall be the attitude of America toward those 13,000,000? Are you going to relegate them to a position of serfdom? Are you going to be satisfied to see them grow in ignorance and poverty? Are you going to deny to them the opportunities that you proclaim to the world should be given to all men? No. There is not a fair-minded man or woman in this Nation who would not say that such a condition should not obtain. But we do need a lot of education in this country to bring sane, sensible people around to the knowledge that, after all, this question of race is not a thing to be afraid of.

This question of difference of color is not a thing to be afraid of. If our Christianity be right; if we believe in the fatherhood of God and the brotherhood of man; if our democracy means what it claims, the embracing of all human beings within its scope; then, for the sake of the Christianity that we claim, we have got to look the matter fairly and squarely in the face and do all we can to alleviate the unjust conditions and unfair problems of any people, regardless of race or origin or creed or religion. Sooner or later, here in this country, we have got to face the question and settle it right for all times in the minds of the people. And there is no better way to begin to face that problem than to assure to every people that they will have the opportunity to work, along with all other peoples in this Nation of ours.

The right to work is synonymous with the right to live. Take from me my opportunity to work, deny to me the opportunity to work because of my color, and you deny to me the opportunity to raise a family, you deny to me the opportunity to educate my children, and you deny to me the opportunity to build a home and to acquire those things which, according to all human standards, should be the minimum which any individual should have.

Certainly, in a land as rich and powerful as ours, there is plenty for everyone. The F. E. P. C. is a step to assure to the American public the consummation of a right, not the infliction of a wrong. There

is no wrong to be done to any human being within this country by assuring to any other human being the right to work if he or she has the skill and ability. That is not taking anything from any other man—to give to me the thing that I am entitled to as a man. And certainly within the confines of this great Nation of ours, there is enough for everybody, of work, of money, and of opportunity, if we will but lay the foundation for it.

And the F. E. P. C. is seeking to lay the foundation for something that is of vital importance to the ideals of this Nation.

You say, "What do we care about it?" I will tell you.

If our Nation is to assume its rightful place among the nations of the world as the champion of democracy, if we are to gain their confidence and obtain trade to keep our industries going, we have got to care. Just the other day I talked to natives from Puerto Rico. One walked into my office. He was surprised to see a Negro sitting in the Congress of the United States, because he had been in a certain section of our country where Negroes are not even permitted the ordinary opportunities that would come to the poorest of human beings in some other countries. He could not understand why white people and colored people could not work together and live together and build a great nation together without all this friction and racial bickering among one another. Certainly he could not understand how we could claim that we had a democracy. He said, "You do not have a democracy. You may have a republican form of government, but that is not a democracy. You do not have as much democracy here as we have in our own country."

Then take the countries of South America. If we are going to maintain our friendly relations with them, if we are going to maintain our neighborly policies with them, how can we do that and continue within our own country some of the habits and customs that we have been indulging in the past? We will be but the laughing stock of the members of those nations when after the war they come to this Nation in ever-increasing numbers and find that even the fundamental human right of the opportunity to work and earn a livelihood is denied to American citizens because of race or national origin. It will destroy the faith and confidence of other nations in the sincerity of the American people. Loss of faith and confidence in us is bound to retard our trade with those nations and thus destroy markets for our industries.

So when we come before you with this bill for a permanent F. E. P. C., we are asking for permission to do a job for national unity. We are asking for a committee to be charged with the responsibility of seeing that every American, regardless of race, creed, or color, gets an opportunity to work regardless of what his nationality, origin, race, creed, or color may be. That is no more than what our Constitution guarantees us.

If the Constitution guarantees us that in words, and we say in practice we are not getting that result, is it not then the fit and proper thing for the law-making body to do the thing which it thinks and believes will help make that Constitution a living reality?

It is all right to speak of the Constitution as a great document, but a document not based upon human service cannot survive. It will be a short-lived document and not the document that the forefathers intended the Constitution to be, and time has proven that

it can be what our forefathers wished it to be, if we but do the thing—as lawmakers—to shut up the gap, to pass those laws which will put in operation movements that will support the underlying principle of the Constitution.

I have listened to arguments against this committee, most of which were very unreasonable. For instance, some say it is dictatorial. How can any committee be dictatorial that does not have the power of punishment or arbitrary enforcement? How can any committee be dictatorial when the members of that committee must depend upon persuasion in order to achieve objectives?

I have heard others say that the working activities of the President's Fair Employment Practice Committee breed disunity within the Nation. Those who make that claim are the authors of or adherents to the philosophies which make the existence of a Fair Employment Practice Committee a necessity. Men and women who are denied the right to work within the country and who see their sons called to die for the country may have a just cause to be disgruntled, and when the class of those who are so rightfully disgruntled reaches the size of one-tenth of the population of the Nation, then you do have a situation which is bound to engender low morale which makes for national disunity in time of war. But those who would deny to other citizens the right to work when their Nation is at war, and when manpower is short, and when the very war effort itself is being hindered by lack of workers, and who would resist the efforts of the Government to use every bit of available manpower among its citizens, regardless of race, color, or national origin, are the breeders of national disunity.

I also heard some say that the majority of those who worked for the F. E. P. C. were Negroes. Yes, the Negroes of America are the largest minority group. They constitute the biggest problem of unemployment, and we must face that.

Then, if you are going to endeavor to obtain someone to go out and do this job, what better person could you find than a member of that very group itself? If a Negro can by the powers of persuasion, get other Americans to conform to the directives of the F. E. P. C., is there anything dictatorial about it, or is there anything unfair about it?

I am sure that there can never be any fear of anyone armed only with the power of persuasion, and who is better fitted to speak for any people than a member of those people? Nobody knows except a Negro what it means to be segregated and discriminated against because of race; what it means to be turned down on a job when you have seen their advertisements for men and then you walk up and ask for a job—you know how much depends upon a job—you have a family—and then they turn you down because of color.

So, take this problem from any angle you wish, and it appears to be a necessary thing, both in wartime, as a member of the War Department said, and also in time of peace, in order to assure fair play to other nations, in order to guarantee to other nations, that the Four Freedoms for which we fight will not be empty words but something that we will live up to. It will be an empty promise to them as long as we deny to those within the confines of our own country the Four Freedoms that we are claiming to be fighting for for other countries.

Therefore, it seems to me that any way we look at it, this F. E. P. C., both in time of war and in time of peace, is a matter that the Congress of the United States ought to do something about.

The President has set the pace. The results that have been obtained by this present committee, if looked at fairly and seen without bias, will be regarded as one of the greatest war efforts put forth by any committee during this entire emergency.

Madam Chairman and members of the committee, I do hope that this committee will report this matter out favorably to the House.

The CHAIRMAN. Thank you, Mr. Dawson. You have made a very fine and clear presentation of your case, and I take it from what you have said that your interest lies particularly in economic equality; is that right?

Mr. DAWSON. That is right.

Mr. KLEIN. I would like to add this one comment. I agree with the chairman, and we all commend you, Mr. Dawson, on the fine statement you have made. I agree that the Negroes today are the outstanding victims of economic persecution, but you will admit, I am sure, there are other minorities as well who are also subjected to the same sort of thing.

Mr. DAWSON. I do, sir, but I feel that when the day comes that we are broad enough to encompass the Negro within the confines of the Constitution all other minority problems will be solved.

Mr. KLEIN. I agree with you wholeheartedly. I simply wanted to point out that all other minorities would probably gain from an act such as this. Democracy is just a hollow word if we are going to permit discrimination to exist, as we have been doing in all parts of the country.

The CHAIRMAN. Again I want to thank you, Mr. Dawson, for the very clear and fine statement you have presented to the committee. I think that you have stated your case remarkably well, and we are very grateful to you for it.

Mr. DAWSON. Thank you.

The CHAIRMAN. As we have no other witnesses to appear this morning, we will stand adjourned until 10:30 o'clock tomorrow morning.

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

FRIDAY, JUNE 2, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10:30 o'clock a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The meeting will please come to order.

On yesterday, as you know, we started the hearings on H. R. 3986, H. R. 4004, H. R. 4005, the Scanlon-Dawson-LaFollette bills, and we recessed to 10:30 this morning.

This morning we have with us Mr. James B. Carey, secretary-treasurer of the C. I. O.

Mr. CAREY, we would like to have you tell us what you know about the conditions that we are trying to relieve, and whether or not you are in favor of these bills.

STATEMENT OF JAMES B. CAREY, SECRETARY-TREASURER, NATIONAL CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. CAREY. I appear before this committee to endorse the proposed bills designed to create a permanent commission to prevent unfair employment practices, for the purpose of eliminating discrimination because of national origin, race, creed, or color.

These bills declare it to be the policy of the United States that the right to work and seek work should be guaranteed without discrimination because of race, creed, color, national origin, or ancestry, and that this principle be embodied in United States Statutes, with enforcement machinery to insure that it will become more than a pious platitude.

The Congress of Industrial Organizations met this problem four-square in the early days of our organization. We realize that the strength of America does not rest on its ability to restrict the number of workers in any given occupation—but rather on its ability to extend opportunities to every citizen.

Organized labor has proved that it is one of the most powerful forces in the struggle to preserve the basic rights and privileges which American democracy guarantees. Labor's long and successful struggle to improve the economic standards of millions of wage earners and to secure for them some measure of security and humane consideration is ample evidence of the soundness and practicality of its objectives. That real progress has been achieved, no one will deny. But the ultimate goal has not been reached.

Today America is challenged to demonstrate its capacity and willingness to assume even larger responsibilities. In a world at war, free America must produce the supplies and equipment needed by the

United Nations' fighting forces, and the consumer materials necessary for minimum health and comfort.

America is rising to this responsibility. Labor's record of production is phenomenal. The C. I. O. has proved to thousands of new workers that the democratic process at work in the labor movement makes no distinction of race, religion, color, or nationality.

The C. I. O. felt when it originally demanded the present Fair Employment Practice Committee, that America could not afford to fail to utilize all the skills and strength of every American workman to shorten a bloody and destructive war.

We contended, and do contend for the postwar period, that if America refuses to rid herself completely of the blind prejudices that deny people who are "different" a fair deal, we undermine the strength of our country and threaten the hard-won gains achieved during the last few years. How America acquits herself under the pressure of post-war tension, may well be the yardstick by which is determined the prosperity and stability of the rest of the world.

The present Fair Employment Practice Committee is a war agency. When the war is over, it will be out of existence. What fair-minded person, after an objective examination of the record this agency has compiled, will deny that this agency has been of inestimable value to the war effort? A brief glance at the record will show that the present F. E. P. C. has closed more than 2,200 cases during the last year, with 879—approximately 40 percent—resulting in satisfactory adjustments eliminating the discriminatory practices involved.

It is also significant that more than 98 percent of the cases closed were settled by negotiation and mutual cooperation between field examiners and representatives of unions and management. Of the nearly 10,000 complaints received by the committee since its inception in 1941, only 11 public hearings have been held. This points up the highly laudable technique of persuasion rather than methods that smack of force and are irritants.

Because problems of minority workers have been involved in many labor disputes, F. E. P. C. examiners have been called upon by management and procurement officials to aid in the settlement of 23 strikes. Nearly all of these cases involved vital war production. Commendations have been received by the committee from the War Department and the Mexican Government for its work with the Mexican-Americans of the Southwest.

With the coming of peace, and all the attendant problems, America will be very much in need of a permanent Commission, with statutory enforcement powers to aid the transition from a wartime economy to a peacetime economy. Without the proper safeguards, job discrimination will not only continue in the post-war period, but in all probability will be even more serious in its effects than it is today.

There will be tremendous difficulties in the reconversion to peacetime production, in the transfer of workers from one industry to another, from one section of the country to another, in the placement in jobs of 10,000,000 returning servicemen. We must avoid the confusion and strife that would result from discharging workers in wholesale lots for no better reason than they are black, brown, Catholic, or Jewish.

In addition to being a violation of all standards of decency, this would be economically stupid. When we throw millions of minority workers and their families on relief, we have to pay for it in another coin. We pay for it in poor health standards - remember, slums and rickets are no respecter of race. We pay for it in a depressed economy where the purchasing power of millions is drastically lowered.

A permanent Fair Employment Practice Commission cannot alone stave off a depression. But it can insure in the post-war period of job transfers that minority workers get the same treatment as any other workers; that a man's seniority and ability are the yardstick of whether he holds a job or gets another, and not the fact that his skin is dark, his father came from the old country, or he worships God in a Catholic church or a Jewish synagogue.

No one knows to what extent a democracy can plan its future in advance. But we must at least make the effort. Today the C. I. O. is concerned with plans for the post-war. There is an ever-widening acceptance of the concept that all workers have a common interest in putting a solid economic foundation beneath the feet of all races. We realize that one group of people cannot keep another group of people in a ditch without staying there with them.

Our next step in planning must raise the least favored worker to a position of equality in order to secure the standards of the highest favored worker. The enlightened labor movement considers this a workers' problem, instead of a minority problem. Our thinking and techniques are changing accordingly.

President Philip Murray, in his report to the sixth constitutional convention in Philadelphia last November, said:

From the time of the establishment of the first Committee on Fair Employment Practice, the C. I. O. has given strong support to the work of eliminating discrimination. It was instrumental in obtaining the issuance of Executive Order 8802 (which was the first Executive order on this matter). It pressed for vigorous and consistent enforcement without fear or favor. It has urged full and prompt investigations and hearings in all situations where discriminatory practices have taken place.

President Murray urged, and the convention resolved, that the present F. E. P. C. should be continued and that there be set up by Congress—

a permanent statutory agency empowered to prevent discrimination of the kind being dealt with by the Committee.

In addition to serving as secretary-treasurer of the C. I. O., it is my privilege to be the chairman of the C. I. O. national committee to abolish racial discrimination. In that capacity I come in contact with the problems in the industrial life of America resulting from racial discrimination, and the 6,000,000 members of the C. I. O. represent all of the virtues and human frailties of the people of America. There, we have met our problem by abolishing racial discrimination, and the health and strength of the C. I. O., and its ever-growing influence I think properly demonstrates what a democracy can do if it sets out to abolish these discriminatory practices.

The CHAIRMAN. I want to commend you for that very fine statement. As I followed your statement, you are interested in economic equality; is that right?

Mr. CAREY. That is correct.

The CHAIRMAN. Economic equality for all races and creeds?

Mr. CAREY. That is right.

The CHAIRMAN. I think that you mentioned 10,000 complaints. It is interesting to note that out of 10,000 complaints there were a great many settled through persuasion?

Mr. CAREY. They settled 40 percent of their cases through discussion and conversation and persuasion.

The CHAIRMAN. A voluntary procedure?

Mr. CAREY. Yes. Those cases are on a satisfactory basis. There are a lot of cases being processed at the moment.

The CHAIRMAN. That is a very, very creditable record, I should say, and we are grateful to you for your comprehensive statement.

Mr. KLEIN. I want to clear up something in my own mind. Yesterday after the hearings had concluded, a representative of one of the unions sat down here and spoke to me. In your opinion, Mr. Carey, is it possible for this question of discrimination in industry and employment to be solved by the unions themselves?

Mr. CAREY. Where there is a willingness on the part of the unions to solve the problem, they can solve it. Where there is resistance in finding a solution to the problem, and barriers are established, those barriers must be removed. I do not think that you can rely entirely upon educational means to accomplish that, especially where you face a condition of too few jobs. In that case a struggle will take place among the people to secure positions in the American industrial life. If, in the transition period in our economy, or in a post-war period, when we have unemployment, we do not take steps today through the establishment of a Fair Employment Practice Committee on a permanent basis, the Negroes will be degraded to their former position of servitude. Whites will attempt to secure the positions. The same thing will be true of other groups.

Mr. KLEIN. That may be, but I do not believe that you are answering my question.

Take the case where you have a closed-shop agreement, and the policy of the union is what you have stated here to be the policy of the C. I. O.: Do you not feel that in that case the union could solve the problem of racial discrimination in that particular industry?

Mr. CAREY. Yes; I do believe they could.

Mr. KLEIN. Let me go a step further. That is not true in every industry and every union; is it?

Mr. CAREY. It is true of every union of the C. I. O.

Mr. KLEIN. I do not want to get involved in any inter-union feuds, but do you not feel that where the union has made its position felt, and strongly, that there shall be no discrimination in employment, and if there is a union shop, so far as that particular industry is concerned, that problem could be solved right there?

Mr. CAREY. It could be solved, and it was solved in the C. I. O. by the establishment of a committee which is perhaps comparable to the F. E. P. C. That is a committee, as I stated, of which I am the chairman, the committee to abolish racial discrimination. This committee is working effectively in the C. I. O. to eliminate any discriminatory practices.

Mr. KLEIN. To go a step further, however, where the shop is not unionized, where there is no closed-shop agreement, you would insist would you not, that we need an organization such as the F. E. P. C. to control any discrimination in industry?

Mr. CAREY. Yes.

Mr. SCANLON. Mr. Carey, have you found any complaint, or received any complaints of discrimination not only against the Negro but other minority groups in the country who have been refused employment because of their race and ancestors?

Mr. CAREY. Of course, most of the cases of discrimination would come as a result of their being more Negroes than other groups and because the color of their skin is more easily detectable. Because of easily detectable physical differences, discrimination will be directed more against the Negroes, against women, against Jews, or such other groups than against religious or other differences. Mexicans' characteristics are such that you can see that they are different from other people.

The Fair Employment Practice Committee, to my knowledge, has rendered yeoman service in the Southwest on the question of discrimination against Mexicans.

Mr. SCANLON. I wanted to try to point out the fact that this bill, to my mind, was not only for the purpose of eliminating the discrimination against Negroes, but the discrimination against all minority groups regardless of race, color, or creed. I was wondering if you had any specific case of discrimination against a person because of religion.

Mr. CAREY. Through the grievance procedure of the union, we have had hundreds of thousands of cases where the community pattern would be such that they would not serve to utilize all the manpower in that community. The prejudices might be based on religion or nationality. It might be based on any number of things. We are pleased to note that these bills being considered by this committee cover all the possibilities.

The CHAIRMAN. Mr. Kelley.

Mr. KELLEY. Have you had any notice of any religious discrimination?

Mr. CAREY. Yes; especially directed against Jews.

The CHAIRMAN. Mr. Carey, is it your opinion that when the war is over this question will become much more acute than it is at the present time because of the fact that so many of our young men are now working and fighting and dying all over the world with men of all colors and creeds? Do you not think that when they come back, as a result of that, we are going to face a very difficult time, and that we should be prepared for that?

Mr. CAREY. It will be more acute than it is today for many reasons. One reason is that tensions have grown up in our own society because our community facilities have been pushed beyond their capacity. Transportation facilities are crowded because of the moving in of workers, additional workers coming in to industrial fields. We have had our education facilities crowded. People have been moved about and patterns have been upset. That brought about the tensions we had in Detroit and Beaumont, Tex., and a lot of other places—the community facilities were not up to the requirements; we were moving to full employment, and our economy has never been geared for full employment.

As we move into the new period, we are going to have a condition that resembles warfare, if we are not able to plan a peaceful and sensible transition from the war economy to the peace economy.

There will be a scramble for jobs. There will be struggles regarding whether or not men in the armed services should be given preference in various communities. Negroes now serving in the armed forces will feel that they should be given the consideration they deserve because of the service they have rendered, and there will be any number of other questions that must be handled. If they are to be handled successfully there must be an agency that has had some experience, that has had some understanding of the problem. That is why we should not lose the experience that we have gained from the F. E. P. C. We think, since we deal so much in human beings who are rendering tremendous service, and have rendered a tremendous service during a very trying period, that this agency or a similar agency should be commissioned to do the job during the post-war period when we will have a great number of economic problems confronting the Nation.

The CHAIRMAN. You believe that this F. E. P. C. organization should be made a permanent one?

Mr. CAREY. It should be made permanent. It should also receive the thanks of this Nation because it brought about the utilization of people who would have been barred from contributing their utmost to the war effort. They helped to bring in Negro men and Negro women, and all the others to make it possible for this Nation to fight this war. I think it will be necessary for this Nation to continue its war against starvation and want and lend a helping hand to other nations in the world by providing a model for the rest of the world by having people living and prospering together with all their many differences.

Mr. KLEIN. Mr. Carey, I think that I know your views on this, but it might help to get them on the record. You made a statement, I believe in answer to a question by Mr. Kelley, with regard to discrimination because of a person's religion. Your answer was that you knew there was discrimination against Jews. Do you base your answer to that question on information that you obtained through the unions or information that you have received from nonunionized industries? Can you break it down in that way?

Mr. CAREY. It usually runs to community patterns, not to an industry, and I do not think it is because of one person's hatred of another person's religion. It might grow out of a lack of understanding, but it has an economic base, which is, that there are too few jobs, and there is a struggle as to who should get the job. There will be a struggle of whites against blacks and men against women. It will go as far as people saying, "I have priority on this job because my great grandfather came over on the boat a few months earlier than somebody else's great-grandfather came over. They will not feel that there is enough to go around. There will be a struggle as to why one should have a priority over someone else.

I think it would be well to understand that democracy is built upon the ground that all people are equal. We have found in overcoming the resistance to that in this war effort it was necessary for us to reeducate some of the members of the unions who did not want women to work on what they thought were men's jobs. It was not because they hated women, but because it was their feeling that women were moving into their territory.

The same thing is true of other groups, and I think for the same reasons. We do not have everybody in the C. I. O. feeling that they are without prejudice, by any means. We had officers of unions that felt sincerely that they had to resist what they considered an encroachment, on the part of people that were different, into their territory. The Committee to Abolish Racial Discrimination worked on the same basis as the F. E. P. C. We have been able to overcome that, and I think by so doing we have strengthened our own organization.

Mr. KLEIN. You have confined yourself to your own organization; is that so?

Mr. CAREY. That is correct. When we had the first race riots in Detroit, our concern was to prevent those fights from taking place inside the plant. The danger would have been greater than on the streets of Detroit. I am happy to say that through the efforts of the officers of the unions there was not a single fight in the industrial plants. They fought before they went to work and they fought at night, but they did not fight inside the plants. That would have endangered the Nation's war effort, as well as the tools and the machinery that were around, also, there would have been greater possibilities of bloodshed.

We have, through the work of a committee, learned to meet the problems, answer the questions of the people, eliminate their fears and have them work together and help one another. I think the unions are pretty good examples of how people can live together with their differences and work together and help each other.

The CHAIRMAN. Mr. Carey, this question has nothing to do with the F. E. P. C., but I am very interested in what you have said about women. Do you think that there is going to be a great deal of discrimination against women when the war is over?

Mr. CAREY. If we have too few jobs there will be discrimination against women.

The CHAIRMAN. Of course, it is nothing new. We have always been discriminated against. Has the C. I. O. done anything to break down that feeling, or do you still think that the women have been accepted only because the country needed manpower?

Mr. CAREY. I think that they have been accepted on the same basis as the Negroes in American industry; because there is a need for them. I think that is perhaps a sound basis. I will say this, if you scratch the surface of somebody that is antiwoman in industry, you will find that he is also anti-Negro in industry and anti-Semitic, so these things all run together. I think it is time that we recognize this fact and mobilize Negroes and women and all the others, in this constant struggle to make democracy work.

We all represent minority groups in one way or another. I am a Catholic and I am also Irish, and they are a minority group, as you know. We find sometimes that minority groups grow into majority groups. You will have a lot of shifting going on, especially during a period like the one we have gone through. I have seven sisters, so I am a little concerned about the status of women in American life.

The CHAIRMAN. There will be a lot of problems we shall have to solve. Perhaps 100 years from now they will still be unsolved, but I believe that we are making progress.

Mr. CAREY. We are making tremendous progress.

The CHAIRMAN. I believe your organization has done a great deal to break down prejudices. My experience has been that you have been working for workers, and regardless of any other consideration your first consideration has been whether or not they are workers. That means a great deal.

Mr. CAREY. If following that principle was not good for the organization, I do not suppose we would favor it, but we have found that it is good for the organization and we think the same principles apply to the Nation. You will find that it helps to strengthen the Nation. The more people who have complete citizenship in terms of job opportunity and in terms of voting opportunity and all the other rights, the stronger the Nation will be and the greater the contribution each worker can make in the interest of the whole Nation.

The CHAIRMAN. Do you not believe also that this is more or less an educational job; that we have got to educate our people to understand these problems? After all, I think that a great many people are prejudiced because they do not understand.

Mr. CAREY. Yes; but I do not look upon education as the whole answer; that is, if we think that education should not also have some compulsion. I think it is proper in a democracy to have compulsory education as we do have. We have certain educational requirements, and the Government accepts a responsibility in bringing that about. I think the same thing is true here where the Government should accept the responsibility in this field of eliminating these prejudices. I think the F. E. P. C. again is a good educational means for bringing this about. Sometimes you have to push people up against something before they realize it is good.

The CHAIRMAN. I believe it has already done a great deal of good, and I think that if we could make it a permanent organization we would be on our way to break down much foolish prejudice.

We thank you very much, Mr. Carey.

Now, I would like to present Mr. Ernesto Galarza, who is Chief of the Labor Section of the Pan American Union.

STATEMENT OF ERNESTO GALARZA, CHIEF, LABOR SECTION, PAN AMERICAN UNION

Mr. GALARZA. Madam Chairman and members of the committee, I am glad to have this opportunity to appear before this committee.

For more than 20 years I have been interested in the situation of Mexican workers in the United States in particular, and of the Spanish-speaking population of this country in general, especially in the Southwest. It was my privilege to complete very recently a trip through about eight States in the Southwest and on the Pacific coast. I was away about 6 weeks observing conditions, and I shall leave for your record a summary of the conclusions to which I came after finishing that trip.

The CHAIRMAN. Thank you. It will be included in the record.
(The material referred to is as follows:)

According to the 1940 census, more than 1,861,000 white persons residing in the United States claimed the Spanish language as their mother tongue. Of these some 428,000 were foreign-born, and 718,000 were of native American parentage. The rest were either of native white or of mixed native and foreign parentage.

Persons of Mexican birth or of Mexican descent represent a majority of the Spanish-speaking population of the United States.

Next to the Negroes, this group represents one of the largest so-called minorities in this country. It is probable that if all persons having some degree of identification with Hispanic and Indohispanic culture—economically, socially, linguistically—are included the total size of this group would not be far from 2,500,000.

Economic discrimination against workers who belong to this group has long been practiced in certain parts of this country. This is true especially of the Mexican worker, whether he be a citizen of Mexico or of the United States. Traditionally, the Mexican has been assigned to the heavy, dirty work in industry and agriculture. He is the typical representative of stoop labor of the West. In the shipyards, in the steel mills and on the railroads his work is characterized as extremely dirty and unpleasant, probably the most undesirable.

I want to make it very plain, at the outset, that this characteristic of Mexican labor in the United States is the result of economic and social conditions prevailing on both sides of the border, rather than a reflection of a born disposition for drudgery. Difficult, exhausting, and often dangerous work has been the only means of livelihood open to these people; and the withholding of opportunities for education, decent housing, and medical attention has closed the door of opportunity for all but a few fortunate ones.

In spite of his lowly social position, the contribution of the Mexican to the development of certain parts of this country, especially the Southwest, has been notable. Former Vice President John N. Garner recognized this fact in his testimony before a Senate committee in 1928, when he said: "The seasonal Mexicans in our territory do a kind of labor that no others are willing to do, at least, no white man will do * * * I can mention two counties down there on the border that have increased in taxing value in the past 2 decades from \$3,000,000 to \$88,000,000. That increase would not have been brought about if we had had an immigration quota to apply to Mexico."

The recognition of this considerable contribution of the Mexican workers, however, has not protected them from economic discrimination, such as is practiced against the Negro. This discrimination falls into four classifications: (1) Refusal of employment (2) withholding of opportunities for training for better jobs (3) refusal of promotions according to seniority and ability, and (4) payment of lower wages for the same work as that performed by Anglo-Americans.

To illustrate some of these types of discrimination I want to refer to the sworn statement of a Mexican worker, Gilbert E. Lujan, of Morenci, Ariz. Lujan was employed in May 1942, as a furnace helper and slag brakeman. He represented himself as of French-Italian extraction. When it was learned that he was a Mexican, his employers demoted him to a plain laborer and reduced his wages from \$6.08 a day to \$4.20. A few days later he quit in protest.

Alberto Santa Maria, a Mexican worker, was employed as a bulldozer's helper for 20 months by an Arizona firm. He hoped to become a bulldozer operator for which he felt himself competent. He was told frequently that he could never obtain his kind of work, since he was a Mexican. In July 1941, Santa Maria asked for a job as a bulldozer, but he was turned down in favor of an Anglo-American who had only 2 months' experience.

Another case which is typical of the thing these men are up against is that of Alfredo Serna, resident of Clifton County, Ariz. Serna, of Spanish-American ancestry, started to work as a laborer drawing \$4.20 a day. In May 1942, he was promoted to the copper-refining department of the plant in which he was working, where the wage rating was \$6.40. Serna, however, according to his testimony, continued receiving \$4.20. He was not able to get the increase due him, in spite of the fact that less skilled workers placed under his supervision were paid \$6.40 a day.

It is not an uncommon experience for Mexican workers to see younger and less experienced men move into the better jobs in spite of the principle of seniority. I have noted cases of Mexicans in oil refineries who receive 10 cents an hour less than Anglo-Americans doing the same kind of work. Such investigations as have been made, like a recent case in the nonferrous metals industry in the Southwest, reveal that being a Mexican, or being classified as such, is a distinct handicap.

The Mexican workers who are subject to these discriminatory practices have found little relief either through Government agencies or through established trade-union organizations. Economic discrimination is deeply rooted, and apparently the trade-unions have been as hesitant to tackle it as Government agencies.

To illustrate this point, I want to call attention to one of the rare instances of discrimination involving Mexicans of which there is a public record. This case involved Jesse Gonzalez and Philip Mercado, employees of the Union Pacific Railroad shops in Cheyenne. Gonzalez and Mercado brought their case to the attention of the Fair Employment Practice Committee with no assistance from their union. When they returned to their work, after testifying publicly in Washington, they were subjected to disciplinary action under circumstances which indicate that the union and the company were in closer agreement as to the merits of the case, than the union and its Mexican members.

The Mexican workers would find in this bill, I believe, a means for correcting discriminatory practices against them by employers as well as an incentive to the trade-unions of which they are members to take greater interest in their welfare.

Turning to another aspect of the economic and social condition of the Mexicans in the United States, I would like to call your attention to their effect on inter-American relations. In Mexico proper, public opinion is overalert to the treatment which Mexicans receive in this country. This subject is the most sensitive test of good neighborly relations between the two countries; and it is one on which high Government officials, Members of Congress, labor leaders, publicists, and the press have been in general agreement. Indicative of the importance which the Mexicans attach to this question is the fact that recently there has been set up a committee of the Chamber of Deputies, corresponding to the House of Representatives in this country, for the purpose of keeping the attention of the Mexican congress focused on discrimination against Mexicans in the United States. I refer to this merely to indicate how closely the Mexican people identify their national dignity with the treatment accorded Mexicans in the United States.

It will not surprise this committee, furthermore that Axis agents are constantly stressing discrimination against Mexicans as a means of stirring up ill feeling on the part of the peoples of Latin America toward the United States. That the Axis agents have done this adroitly and effectively is not to be denied. And the reason for this is that the existence of discrimination itself is not to be denied. The way to disarm totalitarian propaganda on this score is to extend to the Mexican workers the fullest protection against such discrimination.

Even within the limits marked out for the proposed permanent Fair Employment Practice Committee in the bills under consideration, much could be done to encourage the active interest of the Federal Government in bettering conditions of work and living among the Mexicans in this country. On at least one occasion the National Labor Relations Board has taken prompt action involving the protection of Mexican workers. The Children's Bureau of the Department of Labor has made some constructive and informative studies of conditions among miners of Mexican extraction in the Southwest. These instances suggest the possibility of a program of Federal assistance in the fields of education, housing, health nutrition, the protection of miners and the maintenance of decent working standards. Within such a program a permanent Fair Employment Practice Committee could play an important role.

I stress this point for two reasons: First, that such an agency as is proposed in the bills under discussion should not be considered merely as an instrument for the benefit and protection of the Negro worker. When it comes to discrimination, usually based on racial prejudices, no fine line of distinction is drawn between Negroes, Mexicans, Filipinos, Puerto Ricans and other minority groups. To make such a distinction in practice, if not in law, would in itself constitute discrimination.

I would further recommend that care be taken to make the provisions of the proposed bills applicable to all employers of persons of Mexican birth or extraction or of Indohispanic or of Hispanic descent, regardless of nationality status. All persons falling within these categories should have access to the protection afforded them by an agency such as the one proposed.

It might also be desirable to make the provisions of the bill apply to all employers who utilize the services or facilities of any Federal agency in recruiting labor or in maintaining standards of work under any Federal statute.

MR. GALARZA. The substance of that report, if I may summarize it in a few words, is this:

The Mexican communities are called colonias. They call themselves colonias or colonies, and there you have a very significant expression, or phrase; that is to say, these are groups of people who live within the national community but are apart from it. They

are colonies pretty much as a group of people might be a colony in some remote island in the Pacific. They have very little contact with the dynamic features of American society.

The second thing I observed on this trip was the lack of educational and vocational opportunities for young people. This you find everywhere. Boys or girls may be of American citizenship, or American birth, but because of Spanish parentage, or Mexican heritage, they find themselves prevented from taking advantage of the normal facilities that American democracy provides for its youth. This is a situation that prevails throughout the Southwest and in many parts outside the Southwest, so far as Mexicans are concerned.

I also found that the people in these communities are very keenly aware of the disabilities which they meet when they try to get into the war effort. I may say to you that these Spanish-speaking groups have this in common with their brothers in Latin America—they had been fighting this war a long time before Pearl Harbor.

I remember some 6 years ago I attended some meetings of these groups in the Southwest—and they did not know exactly why they felt this way—but their traditions and political history made them feel by intuition that here was a monstrosity taking place over in Europe and they wanted to get in and fight. This country is in the war. Mexico is at war. In spite of the will to participate, in spite of the undoubted ability of these Mexicans to do even skilled jobs, they are constantly facing the fact that they cannot get into schools as well as the Anglo-American children can for the purpose of training themselves for the war effort and for participation after the war in community life.

They find that on the job they are meeting some very serious obstacles, and that is what I want to come to now.

To anyone who knows the history of the Mexican population in the Southwest—and I am a Mexican and have lived with these people the greater part of my life—I say, to anyone who knows the situation in which these people find themselves, this is a self-evident fact, that discrimination is a tradition so far as these people are concerned; that is to say, it is not something that happened yesterday or started the week before. It is something that has been going on for years.

I remember, as a boy perhaps 6½ years old, I was a water-boy's helper with the Southern Pacific Co. in California, and because I was a Mexican boy I had to take scoldings and a kind of treatment from the Anglo-American straw boss which the other water boys who were Anglo-Americans did not have to take.

The result of this is a feeling on the part of the Mexican that he is constantly set aside as something different, as something lower, or something not quite as dignified as the Anglo-American worker. So I want to stress this fact, that economic discrimination is not anything new. It is something very deeply rooted, Madam Chairman, and this committee has before it not a question of remedying a temporary or a recently-established evil, but something that goes to the very subconsciousness of the Mexican people themselves.

I would like to give you an example of how that operates. If a Federal agent goes to a Mexican for the purpose of gathering information on the census, or if he goes to gather information on health, or if a representative of the Children's Bureau goes to a Mexican family to find out how the youngster is getting along, the immediate reaction

is one of inhibition and fear. Why? Because our people for 30 or 40 years, in contacts they have had with Federal agencies, no matter how beneficent that agency might be, have instinctively thought, "Perhaps this is someone from the Federal Government who is going to throw us out of the country."

From the standpoint of employers, discrimination is also a tradition. I want to cite to you a few cases of how this discrimination operates, but before that I want to give you a summary of the four types of discrimination that generally occur.

The first of those is the refusal of employment. A Mexican, because of his skin, may be refused employment. He will not be told why. I would say that in times like these, with a critical manpower shortage, this type of discrimination is much less frequent.

Then there is the second type, the refusal to extend training facilities. This is a very important matter, and I want to stress this before the committee.

I remember about 2 years ago I was in the city of San Antonio. I was visiting that part of the city in which the Mexican population is now largely located. It is a slum. It is the type of slum that you will find in the most blighted areas of America. The houses were built of tin cans. The holes in the roofs and in the walls were stopped up with gunnysacks. It was one of the most blighted areas that I have ever seen, and I have seen a great many in the Americas. But in the middle of that settlement, amidst the filth and degradation that one sees there, there was a small building in the process of construction. I asked one of the men there what it was and he said, "It is a school. We have several hundred boys around the community. Some of them want to be plumbers. Some want to be carpenters. Others want to learn different trades. We have no school around here that can give them these facilities, so we are going to build this little school."

I said, "Who is going to teach there?"

This man said, "Well, some plumber in the community will come in and teach one evening, and the next evening a carpenter will come. We will take turns."

I said, "What kind of equipment will you have?"

He said, "These men will bring their tools from their jobs."

Unfortunately that project collapsed because it had no economic support. That is just an instance of the kind of thing that these youngsters are up against. They are American citizens. They speak better English than they do Spanish. If they know anything about the history of Mexico, it is only because they have picked it up from their elders. They are in the process of assimilation, yet educational opportunity, particularly vocational education, is certainly not open to them, not to the same degree that it is open to the Anglo-American children.

The third type is refusal to promote according to seniority and ability, and the fourth is wage differentials.

In order to leave on the record one or two examples of this type of discrimination, I want to summarize for you some sworn statements I have before me, one of them by Gilbert E. Lujan, who was a furnace helper and slag brakeman working in a mill in Morenci, Ariz. This is what Lujan says:

On the 4th of May 1942, I was hired by the Phelps-Dodge Corporation under Foreman Kendall as a furnace helper and slag brakeman due to the fact that I gave my race as French-Italian.

Let us note that. There is a demonstration of the first type of discrimination. He presented himself as a French-Italian.

My wages were 76 cents an hour, or \$6.08 a day. On May 14, 1942, when it was discovered that I was of Mexican ancestry—

but, mind you, an American citizen—

and not a French-Italian, I was demoted to plain laborer and my wages were reduced to \$4.20 a day. A few days prior to my demotion I overheard Mr. Johnson say that the only ones who received \$4.20 and no one received more than \$4.20 were Mexicans.

I have here a sworn statement, signed by Alberto Santa Maria, who was employed as a bulldozer helper for approximately 20 months, also in Arizona. He was interested in becoming a bulldozer operator. He felt competent to do the job and one day he asked for it. He was told, however, that Mexicans could not become bulldozer operators, and after his request was turned down he saw that a man with only 2 months' experience in running a bulldozer was given a job.

Finally, another case is that of Alfredo Serna, also of Arizona, who started working in the smelting department as a laborer drawing wages of \$4.20 a day. On the 15th of May 1942, he was promoted to the copper-refining department of the plant, where the wage rate was \$6.40. At least, that was the rate paid for that work. But his rate of wage was to continue as that of a plain laborer. He asked for the raise to which he was entitled, but he was told that he would have to continue working at \$4.20 a day, obviously because of his Mexican nationality.

Mr. WELCH. How general is the discrimination against Mexicans on the west coast?

Mr. GALARZA. I should say that the discrimination practiced against Mexicans, or American citizens of Mexican extraction, affects every major occupational group; for example, mining. Also in agriculture, although there not to such a great extent, because almost exclusively all of the so-called stoop labor is Mexican and therefore the opportunities for discrimination in that occupation are not so great. I have found discrimination also in the food-handling industry; that is, waiters, cooks, and so forth.

Mr. WELCH. Are you not giving us a demonstration of individual cases, but not a situation that applies generally to Mexicans on the west coast?

Mr. GALARZA. I should say that the testimony I am giving you is material gathered out of my personal experience for 20 years and therefore does not represent a systematic record of discrimination as practiced against Mexicans in the Southwest. I can tell you this, from my experience, that these cases I am citing, I can assure you are typical of conditions existing in many communities. And one of the reasons we do not have more information is, first, that the Mexican, because of his fears and his inhibitions, does not volunteer this information. He does not bring it in. He has no will to make his rights, let us say, heard, or listened to. And, secondly, there are no agencies through which these facts may be determined. I would venture to say, if a systematic search were to be made of instances of this kind, what I am giving you today would be greatly multiplied.

Mr. WELCH. I am for this bill. I am supporting it. I think you are exaggerating the condition of the Mexicans, though, on the west coast. I happen to be from California. You speak of several years of experience. I have had the experience of nearly a lifetime. I have yet to observe general discrimination against Mexicans. We live with them, and have for years. And they have lived with us. Their children attend our schools. They attend the same church, in many instances, kneel at the same altar. There is no discrimination there.

I am fearful that you are building up a straw-man case, my boy. That condition does not prevail on the Pacific Coast.

Mr. FISHER. May I interpose an observation there, Madam Chairman? I represent a district in southwest Texas, on the Mexican border. I would certainly corroborate your statement, Mr. Welch, that that type of discrimination is not found in the section of the country I come from.

Mr. GALARZA. You mean economic discrimination?

Mr. WELCH. I do not think it is fair to come here and single out a few cases and attempt to make it appear that there is general discrimination against the Mexican race.

Mr. FISHER. I think you will find isolated instances of discrimination in any sphere of activity, where you are dealing with any class of people. You will certainly find it in isolated instances with any nationality. Of course, many cases are hearsay cases where there probably would be some good explanation that could be made if all of the facts were developed.

Mr. GALARZA. I should be willing to submit myself to the verdict of an extended and impartial investigation of the condition of the Mexican worker, not only in California, but in Texas. It exists also in other communities, such as Chicago and Detroit, where they are to be found in large numbers.

I should also recommend to this committee that it dig into the cases which are now of record in various agencies, of this type of discrimination. I agree thoroughly that, on the basis of such testimony as I am giving here, no generalizations should be set up. I am satisfied, however, that the experience which I have had for 20 or 25 years, living with these people, and the instances which have come to my attention, very strongly indicate that there is a general condition which ought to be taken into account, which ought to be regarded by a Federal agency such as the one that is being discussed in these bills.

For example, I do not know whether the gentleman on my left has had the opportunity of going through the records which have been accumulated during the last 15 years by the Mexican consulates in this country. Those records, so far as I know, have not been considered or studied. Those are important records, because they are mostly sworn statements. And I assure you that the cases which I have cited here are typical of that vast amount of testimony which has not yet been taken into consideration.

Mr. WELCH. You are just citing isolated cases. The condition is not general.

Mr. FISHER. I am interested in your statement, because I have many constituents who are Latin-Americans. They are among some of our very best citizens. For example, in my part of the country, we have a great deal of sheep production. That industry includes a

very skilled trade—shearing sheep. It is difficult to understand for those who are not familiar with it. But most of the sheep shearing is done down there by Latin-Americans and they are paid very high wages for it. Some of them make as high as \$20 a day for that kind of work.

Many citizens down there would refuse to hire an American as distinguished from a Latin-American to do that type of work. The discrimination would be in favor of the Latin-American, and not against him, for that type of work. If one who was not a Latin-American came to a ranchman and offered to shear his sheep, with a crew, he would probably be turned down, because they prefer, for that type of work, which is a highly skilled type of work, that it be done by these Latin-Americans as distinguished from other classes.

The CHAIRMAN. For the benefit of those members who have come in since this witness started his testimony, may I say that the gentleman who is giving testimony at the present time is Mr. Ernesto Galarza, who is Chief of the Labor Division and Office of Information of the Pan-American Union.

Mr. BALDWIN. Madam Chairman, may I apologize for being late, and say that I am also on a committee which is holding public hearings on low-cost housing. It is very difficult for me to be in two places at the same time.

The CHAIRMAN. I understand perfectly. This is a difficult time for most members. Most of us have hearings going on in more than one committee at the same time and I can understand why the gentleman would find it difficult to be in attendance at all times.

Will you proceed, Mr. Galarza?

Mr. WELCH. May I interrupt to say, Madam Chairman, that racial discrimination is not new in this country. About the time that my father arrived in this country, which was in 1847, during the famine years in Ireland, there were signs over factory doors, "No Irish need apply." Those are facts. And it happened in your State, too, Mr. Scanlon.

Mr. SCANLON. That is right.

Mr. WELCH. We have all read the history of the Molly Maguires. That organization was born on account of racial discrimination.

Mr. SCANLON. That is right, in the hard-coal regions of Pennsylvania.

Mr. WELCH. Exactly, where an Irishman could not get a day's work by reason of his race and religion.

The CHAIRMAN. Mr. Welch, you will have to admit that we have progressed since that time.

Mr. WELCH. Indeed we have.

The CHAIRMAN. And it may be that some of these fine days our dream of economic equality will be realized and we will be able to break down discrimination. That is why we are here today considering this very important problem.

Mr. WELCH. And that is why I am supporting this bill, to help them progress.

Mr. GALARZA. It may interest Mr. Welch that one of my first experiences as a workingman at the age of 5 years was with an Irish track hand down in the city of Mazatlan, who apparently had gone to Mexico and who was welcomed by my people and worked side by side with them, just for the very reasons that you have cited. One of the

first impressions I got of real comradeship on a job was the way this Irishman, who had very forbidding mustachios, used to take the small articles that I had to carry up and down the track because he saw that they were a little bit too heavy for me.

I want to add, also, that I am not here to make a case, or to draw a brief, to prove that the American people are innately race prejudiced. I would not be here testifying before you today if that were the case, because every opportunity which I have received to obtain an education—an education which could still be highly improved, I am sure—has been due to the fact that at some critical stage of my own struggle there has always been an Anglo-American ready to give me his money and his time and to share his home with me. I could very easily generalize from my own particular instance, but I want to tell you that that kind of case is a very exceptional one. The majority of our people do not have such an opportunity, and I am bringing these facts to your attention to ask you to take the Mexican people resident in your country as a part of your general program of breaking down these barriers to which Mr. Welch has referred.

Madam Chairman, if I may be permitted, I should like to proceed and finish my testimony.

The CHAIRMAN. Certainly.

Mr. GALARZA. I wanted to point out, in connection with what I have just said, that there is no end of testimonials such as those given by Mr. Fisher a few moments ago; that is, testimonials concerning the ability of the Mexican worker, his responsibility, his decency as a human being. Those are matters of record. I want to point out a few of them to you.

Here is the testimony of a man who apparently farms on it in the Imperial County in California. This is what he has to say:

War plants on the coast were draining away the cream of the agricultural labor, skilled crewmen, who had worked in the valley fields for many seasons. The men who remained were for the most part the less experienced or the less capable workers. The labor market showed alarmingly the effects of short supply and heavy demand.

On November 18, however, the first contingent of Mexican nationals arrived in the valley, nearly 600 of them. Within a week the labor situation had been stabilized. Farmers quit worrying and went back to planting crops. This settling of the whole labor situation was of vast benefit, not only to the farmers who joined the association and employed Mexican nationals but to all valley agriculture as well.

Incidentally, some years ago—I think it was in 1928—Mr. John N. Garner, former Vice President of the United States, testified before a Senate committee to the contribution of the Mexican workers to the economy of the Southwest. He pointed out that in the case of two counties in his own State, Texas, the taxing value of those two counties had increased from \$3,000,000 to \$88,000,000. He went on and specifically mentioned the role that the Mexican worker had played in the increase of the wealth and, as he said, the taxing value of those communities.

I want to read one other comment here concerning Mexican workers. This is made also by a farm operator in the Imperial Valley, who said this:

I shudder to think what the growers would have done without the Mexican workers. They fit into the citrus program very nicely. After the early stages of the game, when we got things lined up we found that the Mexican nationals were very satisfactory. They learned as well as any other labor group the technique of picking, and made very good hands.

Now, these were Mexican nationals; that is to say, workers who had been brought to the United States under contract with the Mexican Government. These were not Mexican workers long resident in the United States. But they belonged to the same stock and were people of the same economic level.

Consequently I think it is fair to adduce this testimony as an appreciation of Anglo-Americans of what the Mexican is as a worker and as a participant in the community.

Mr. WELCH. Do you not think that there is a better feeling existing now between Mexico and the United States than in all the history of the two Nations? You have made general statements to the effect that there is racial discrimination in this country against Mexicans, and I do not think it is fair to either Nation. I think you should be very careful before making such a statement. It may be true that there have been isolated cases of Mexicans who have been discriminated against, but that is not true in its general application, and I am here to testify, if need be, to that fact.

Mr. GALARZA. My association, sir, with the Mexican people has been a 24-hours-a-day association ever since I was born. I am not here to induce this committee to accept a generalized statement about discrimination against Mexicans. I am merely here to try to interest this committee in a situation which I have found to exist during the past 30 years. And if all you do is to set up a mechanism by which these Mexicans may come to a Federal agency and have their problems heard and have redress given to them according to the principles of law as laid down in your statutes, that is all any one of us would ask.

The CHAIRMAN. Would you say, right there, that since F. E. P. C. has been established by Executive order, these conditions have improved?

Mr. GALARZA. I would say that the F. E. P. C., Madam Chairman, is one of the few, rare instances where the Federal Government has actually set up machinery to which the Mexican people who suffer from these conditions may have recourse.

The CHAIRMAN. And have they benefited greatly from that?

Mr. GALARZA. They have in the individual cases which have been brought to the attention of the Federal authorities. They certainly have benefited from the operation of the Federal machinery. They get a feeling that they belong. They get a feeling that there is a mechanism to which they may have recourse.

The CHAIRMAN. And has the general condition improved? After all, we are not dealing with individual cases so much as we are with a general condition.

Mr. GALARZA. I would say that the operation of the F. E. P. C. with regard to the Mexican population in general has been very restricted, far too restricted for me to say that there has been a general improvement due to the operations of the F. E. P. C.

In the first place, I have already mentioned the fact that the Mexican workers themselves will not, for the most part, bring complaints to any agency. In one instance that I know of, they actually took the initiative and brought a case to the F. E. P. C., with very disastrous results economically to themselves. I mean, pressure upon them was increased, with the result that they were in danger of losing their jobs, and so forth. But the general effect on the community was very fine. They felt that they had the protection of the authorities in the hearing of their cases.

Now, Congressman Welch has referred to the good relations that exist between the two peoples now. With due deference to the seniority and the experience of Congressman Welch, I would like to say that during the major part of my life I, too, have been interested in this very important fact of the relations between the two peoples, because it happens that I belong to both, and I am very proud of that fact. I would say this, that the treatment that the Mexican people get in the United States is probably the outstanding and the most delicate test of the relations between the two Governments. I know, for example, that even isolated cases of discrimination, if brought to the attention of the Mexican press, bring about immediately a tremendous hullabaloo. I would also go further and say that people who are not at all interested in the Mexican workman, either in Mexico or in the United States, seize upon that as an opportunity to worsen relations between the two Republics, rather than to improve them.

One additional point. The sensitivity of, or the interest of Mexican people in the treatment that their fellow nationals get in the United States in transmitted to the rest of Latin America. And here is a point which Congressman Welch has perhaps also thought of, that in the southern part of the continent this question of how the Mexicans are treated, the economic discrimination to which they are subjected, becomes—whether sincerely or insincerely—a matter of public debate, very often to the detriment of the relations of the American people with Latin America.

Finally, on that point, I want to call your attention to the fact that it has been my hope that some day these conditions would be eliminated, even the isolated instances where they exist, so that the enemies of our democratic institutions would not be able to use them to belabor democracy as they have during the past 2 years on the Axis radio. And there are, of course, instances of public record, of that.

If I may have a few minutes, I would like to close my testimony by suggesting that the program of protection against economic discrimination, such as is contemplated in these two bills, should play a part within a larger program. That is to say, what we have at hand is not merely a case of economic discrimination against Mexicans or American citizens of Mexican descent, but we have in this country a population of about 2½ million people scattered in 12 or 15 States, who do not belong to the American community; not because they do not want to, but because they do not find it easy, because of language barriers, because of their economic status, to contribute something to the life of the community in which they live—to contribute as much as they can. That is the essential thing.

I heard, for example, within the last 2 days, of the cases of four families who live in an isolated community in the South. They are not able to send their children to school. I do not know the reasons for that, but the fact is that there are eight children in those families who are of school age and they cannot go to school.

The problem presented there is, can we not find some agency, or can we not envision a Federal program of assistance to these people so that when a problem like that is found, it can be resolved through coordinated action between these people and the public agency?

Other instances of the same type have come to my attention in the last few years. So I want to stress that I am convinced that the

F. E. P. C., in its attempt to break down or to eliminate economic discrimination, plays a role, or would play a role, within a major program which should include attention to housing, for example; attention to nutrition for the young children of these millions of Americans of Mexican extraction; attention to problems of health which are very serious. I know, because I have lived for months in these communities with these people, studying these questions.

So, within a general program of that kind, the F. E. P. C., I think, would undoubtedly make a very valuable contribution.

I, as an American citizen of Mexican extraction, would regard it as a form of discrimination if a permanent F. E. P. C. were to be set up without having due regard to the interest of the Mexican or Spanish-speaking population in this country, in connection with these problems that you are discussing.

The CHAIRMAN. Of course, they would come within the minority groups, would they not?

Mr. GALARZA. I should hope they would.

The CHAIRMAN. We are attempting to help all minority groups. Mr. Galarza, I believe if the F. E. P. C. becomes permanent by law, we can do this.

Are there any questions?

Mr. KELLEY. Madam Chairman, I would like to interpose this statement. I do not believe the difficulty with the Mexicans in this country is any different from that which we have experienced with other groups. As Congressman Welch has pointed out, we had the same difficulty with the Irish at one time; and we have had it with the Poles and the Slavs and the Russians and the Italians, and numerous of the central European peoples. We have had the same, identical difficulty. And we still have it with some of them.

The CHAIRMAN. If there are no further questions, thank you very much, Mr. Galarza. You have given us a great deal of valuable information.

Mr. GALARZA. Thank you, Madam Chairman, and gentlemen.

The CHAIRMAN. Congressman Scott is here and would like to make a statement to the committee.

STATEMENT OF HON. HUGH D. SCOTT, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

The CHAIRMAN. Mr. Scott, we are very glad to have you with us and I hope you are prepared to give us some information on these bills and how you feel about them.

Mr. SCOTT. Thank you, Madam Chairman. I appreciate the opportunity to be present. I was thinking, during the previous testimony, that reference had only been made to economic discrimination as far back as 1847. As a matter of fact, I believe that I am right in suspecting that at times, what has passed as racial or religious discrimination has frequently had an economic base. And I think that that perhaps had a great deal to do with the fact that when the Pilgrims landed in 1620, not long afterward competition developed from the Baptists, and if I may say it without offense to anyone, as I recall it, there were some stories that the Pilgrims chased the Baptists from Massachusetts into Rhode Island.

One of my own ancestors, as a matter of fact the first one in this country, came here as an indentured servant. He had to work for his freedom for 7 years. So that not all slavery was black slavery.

The CHAIRMAN. But we have been growing up, have we not?

Mr. SCOTT. We have been growing up, we have been advancing. But we have had this economic discrimination. We progress over a very long and very hard road.

I am in favor of setting up the F. E. P. C. as a permanent agency. I think that if it is good, it should have permanent status. If it is not good, it should not exist at all. I think that it is good. If it has made mistakes, that is a human fault and any mistakes or unfortunate errors that it might have made were far outnumbered by the good which it has accomplished and the good which it is capable of accomplishing.

It is an interesting fact that if you ask the average American citizen, regardless of his economic status, to what class he belongs, he is inclined to say that he belongs to the middle class. Surveys have established that almost all Americans say that they are middle-class Americans. Now, it seems to me that the great hope of minority groups—and I have particularly in mind the Negro group in this country—is to develop in actuality a real and prospering middle class, so that it is not subjected to the penalties which accrue to any group consisting very largely of persons condemned to a low-income status, that has at the top stratum a few able and brilliant leaders in the professions, such as medicine, law, journalism, engineering.

It seems to me that if the Negro race, for illustration, is to realize its fullest potentialities of full economic equality with any and all other groups of American citizens, it must have the opportunity to develop this middle class through advantages offered as skilled artisans, small businessmen, and larger businessmen as well. So that ultimately the Negro citizens of this country will be as well represented up and down the various economic strata as any other group of Americans.

It is my thought that if F. E. P. C. is wisely administered, with full recognition of the stresses and strains in this country, especially in wartime, that when we have this great problem facing us of the reemployment of all of the returning millions of the armed forces, the trail will have been blazed by such wisdom in administration as to make it possible for the minority groups to find not merely their old niche, because that was not enough; it was not economic justice—but to enable them to find a parallel status and a parallel opportunity in the various phases that go to make up the economic well-being of this country.

Therefore I believe that support should be given to the proposal to establish the F. E. P. C. as a permanent agency. I trust that it will be wisely administered and that it will receive cooperation and support from all sections of the country. Because if we are going to solve the tremendous problems that will face us after the war, we have got to approach them in a spirit of mutual tolerance and especially in a spirit of good will to all groups and members of the American body politic.

That is all, Madam Chairman.

Mr. WELCH. A very good statement, Mr. Scott.

Mr. SCOTT. Thank you.

The CHAIRMAN. Are there any questions?

Mr. FISHER. May I ask one question of Mr. Scott? You went back to 1620 and pointed out those little discriminations that popped up occasionally even back in those early Colonial days. Of course, there have been similar isolated instances here and there through our history for over 300 years.

Mr. SCOTT. Yes. I think that is the shame of it.

Mr. FISHER. Do you believe there has or has not been progress, in alleviating that situation that existed during those different periods?

Mr. SCOTT. Very definitely, Mr. Fisher. I, like yourself, am a southerner, and I have every reason to be gratified that there is progress.

Mr. FISHER. That is what I wanted you to say, Mr. Scott. How do you account for that progress? It has not been brought about by legislation such as F. E. P. C., has it?

Mr. SCOTT. I think all progress is the story of the broadening conscience of individuals, of their sense of mutual responsibility, whether it be emphasized through legislative processes or through economic recognition. I think legislation may well be an important attribute to that progress, wise legislation.

Mr. FISHER. With reference to what has been done in the past and the progress that has been made since then, that has not been the result of legislation, has it?

Mr. SCOTT. I would not go quite that far, because there has been legislation from time to time. Of course, the particular measure that the committee is considering has not been on the statute books.

Mr. FISHER. Generally speaking, do you not think it has been the result of a gradual adjustment, of mutual understanding, of education and general progress that results from these different forces operating together under our American system?

Mr. SCOTT. Generally speaking, perhaps so. But if you will open the statute books of any State in the Union, or of nearly every State in the Union, you will find, for instance, workmen's compensation laws. Those are laws to work economic justice.

Mr. FISHER. But they are not directed to any particular racial discrimination problem, are they?

Mr. SCOTT. I have addressed my remarks principally to the matter of economic discrimination. And in the absence of the Workmen's Compensation Act, for instance, there is grave danger of economic discrimination.

Mr. FISHER. Of course, but the law applies to every minority group and to every majority group, just as the Constitution does.

Mr. SCANLON. May I interrupt to say that the purpose of my bill is not to serve any minority group, or to cover the subject of racial discrimination. The purpose is economic freedom.

The CHAIRMAN. Economic security for all groups.

Mr. SCANLON. For all groups, all minorities, that is right.

Mr. SCOTT. I would like to add that when I used the Negro race as an illustration, I did so because it is a good illustration and an obvious illustration.

The CHAIRMAN. It is the largest minority.

Mr. SCOTT. That is correct.

Mr. SCANLON. It is the largest minority today.

Mr. SCOTT. My remarks had equal reference to Mexicans, concerning whom Mr. Galarza has testified, and to all minorities.

The CHAIRMAN. If there are no further questions, thank you very much, Mr. Scott. We are glad to have had you with us and are grateful for the contribution you have made to our hearings.

Mr. SCOTT. Thank you for calling me at this time, Madam Chairman.

The CHAIRMAN. The committee will stand adjourned until 10 o'clock on Tuesday, June 6.

(Whereupon an adjournment was taken until Tuesday, June 6, 1944, at 10 a. m.)

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

TUESDAY, JUNE 8, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The committee will be in order. We will resume hearings on H. R. 3986 and other related bills.

We have with us this morning David M. Grant, who represents the Mayors Inter-racial Conference, of St. Louis, Mo.

STATEMENT OF DAVID M. GRANT, REPRESENTING THE MAYORS INTER-RACIAL CONFERENCE, ST. LOUIS, MO.; ALSO THE NATIONAL COUNCIL FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMISSION, ST. LOUIS AND KANSAS CITY DIVISIONS; ALSO MARCH ON WASHINGTON, ST. LOUIS UNIT

The CHAIRMAN. Will you state your name and whom you represent, Mr. Grant?

Mr. GRANT. I represent the Mayors Inter-racial Conference of St. Louis, Mo.; also the March on Washington, St. Louis unit; and the National Council for a Permanent F. E. P. C., Kansas City and St. Louis divisions.

The CHAIRMAN. Will you please proceed?

Mr. GRANT. Madam Chairman and gentlemen, I did have a prepared statement. It has not come here yet, but I think I can give essentially the matter contained therein.

I wanted to give just briefly the picture that existed in St. Louis when the country began to emerge from the depression years, particularly as regards employment of Negro people of that area.

Following the depression years and when the made-work program started, and then the other programs which were designed to coax private capital from its various hiding places, a pattern began to take shape to the exclusion of the Negro as a factor in the labor field, in any capacity other than the meanest work at the lowest pay. When this changed to the defense program, the pattern had pretty well set to the exclusion of the Negro worker, and when this mushroomed, after Pearl Harbor, into the war effort, the Negro found himself just about completely outside when it came to the matter of having jobs of skilled or semiskilled capacities. He was practically off the production line in the various war industries that are located there. There are, I believe, over 200 war industries located in St.

Louis. The Negro was hired generally only as material handler, laborer, or floorman, which represent generally janitorial capacities.

Perhaps I can best explain the situation by describing it as it existed in the United States Cartridge Co. which is, I believe, the largest manufacturer of .50 and .30 caliber ammunition in the world. On June 20, 1942, some 6 months after Pearl Harbor, that plant employed about 23,500 people. The sum total of Negro employees was 300, and they were all, as I have stated, in the unskilled list, of janitors, material handlers, and floormen.

Of the total 23,500, 8,000 were women and there was not a single Negro woman employed in the United States Cartridge Co. in any capacity whatsoever on that day.

This plant, like others, was built by the Federal Government; salaries were paid by it. The Western Cartridge Co., of East Alton, Ill., operates it on a production-profit basis. So that these people, while they got their money from the Federal Government, found that the pattern had frozen out there to the exclusion of the Negro worker on the production line and to his exclusion practically altogether.

This was true despite the fact that during nearly a year some six to seven thousand Negroes had been screened supposedly for training and preliminary to going on the production line. But when management was approached—the various social agencies, such as the Urban League, the N. A. A. C. P., our own unit—it was found that it was evasive, adamant, and it would not state when the Negro employees were going to be trained for production work.

There was a restiveness in the city, definitely. Morale was very low, and because there was no effectively functioning agency at that time such as the F. E. P. C., so that we could feel that something or somebody was there to whom we could go, the only place we could go was to the streets. And so we organized about five or six hundred Negro people and we marched out to the United States Cartridge Co. for a public demonstration.

We carried banners along with us pointing out what we considered the justice of our cause. We showed that there were 8,000 women employed and not a single Negro woman. We posed the question, "Is this democracy?" We stated that, "We fight for the right to work as well as die in the name of democracy." We had slogans such as "Fight the Axis, don't fight us," "We are loyal Americans, too," "Fellow Americans, where is your conscience?" and similar slogans, in an attempt to arouse a public so that it would be aware of our effort to get work, so that we might be permitted to give our labor and our efforts in the war emergency.

We had a conference with management, I think 2 days before, and management had frankly told us that they had a program in mind whereby they were thinking about putting on 75 Negro women matrons, a matron being more or less a sort of female porter.

Now, the Negro people are the last in the world ever to want to do anything—certainly the thinking people, the leadership among the Negro people—to do anything that will cause a racial conflict, because we realize we are hopelessly outnumbered, and the history of all racial conflicts has shown that we come out on the losing end. The constabulary, the police departments, are never sympathetic. We just get it.

But in this particular situation, because there was no agency to which we could reliably look, we had to run the risk of possible trouble. We did everything we knew to take precautions against it. We notified our mayor that we were going to march and where we would assemble and how many there would be. We notified the police department and asked them to have ample protection.

It was one of my jobs, as the line moved off, to advise the people in the line of march not to carry on conversations with bystanders, with people who might be there to heckle; that they were not to make any answers, but to report any disturbance or insulting remarks, to the police; to report it to one of the march monitors that we had up and down the line.

Now, I go into a detailed explanation of that for the purpose of showing how far we have had to go to become employed, and the risks and the dangers that we have had to run, that we have been forced to run because—this was during a hiatus of the Committee—because there was no responsible agency with the authority of Congress, such as this bill would create, to which we could look with any degree of confidence and assurance that our condition, if exposed and improper, could be righted.

In that line of march, of course, there was a complete cross section. There were doctors and lawyers and teachers and preachers and fathers of boys who even then were in the armed forces, and the wives of those men and their children. And the thought occurs to me here now that unless we have some sort of legislation of this kind, the boys who this morning and last night began the invasion of France, will come back to the same closed-door labor policy that met them when they returned in 1918. This time we have four times as many Negroes in the armed forces. The war has been going on longer and we have, I believe, an over-all more intelligent type of soldier; because, in the 26 years that have elapsed since the last war, we have made strides in education of the mass of the public. And when these Negroes return this time, after going through what they are going through probably this very minute, they are not going to take the closed-door labor policy with the same hope and trust in some Divine Providence, or in some paternalistic view that was held out, perhaps, after 1918.

As a result of that march, within 4 weeks, Negroes were placed into training for production-line operations, for adjusters, for gagers, for weighers, for all of the jobs that are done in production in a small-arms plant.

I may say further that the attitude of management toward the leaders of the group that brought this demonstration about changed within 6 months from one of hostility toward our efforts, once they learned that we were sincere and that our cause was just and that we were there to help, to a point where, whenever they had any trouble in their plant involving Negro workers, they would call us in, along with the union; and Mr. Sentner is here, of the United Electrical Radio and Machine Operators of America, and knows that we worked hand in glove with management; and management was very happy to have our assistance. But this was an extremity to which we had been pushed, because we had no other course; we had no permanent F. E. P. C.; we had only this Committee that, even then, as I said,

was in a hiatus. And the confidence of the public, generally had not been inspired.

Later, eventually, there were around 5,000 Negroes employed in the United States Cartridge Co. They were employed in a unit. For comparative purposes there was a separate unit, at which we were not overhappy. But it was there and they made a record from September of 1942 to May of 1943 of being the lowest building of the plant in absenteeism and tardiness, being 20 percent under the next lowest building. Their over-all production of ammunition was 12 percent higher than any other unit in operation a similar length of time, and they made 6 percent more grade A ammunition.

In bringing to you that picture, that story, let me say further that since that time, up until the present F. E. P. C. really got going, we had to have two other marches. We had a public mass meeting, and we got 3,000 Negroes in front of the Soldiers Memorial in St. Louis, on a Sunday morning, and we got down on our knees and prayed for the opportunity to be American citizens in work, in fighting, and in every other thing.

Since the present Committee has been functioning under the President's order, we have sort of slaked off. We are not planning any more demonstrations immediately. I believe there are some hearings scheduled for St. Louis soon. The labor picture is a little better, but not too much better. There are still places where the Negro is absolutely barred.

There is a pool of 25,000 Negro women in St. Louis right now who have been screened by the War Manpower Commission and the United States Employment Service, who simply cannot be employed, purely on the basis of race. There has been a cut-back at the small-arms plant, resulting in the release of women who have shown their aptitude for machine work and for production work, who are now walking the streets, even though there is still a need for workers down there.

Over in Kansas City there are 30,000 Negroes, I understand—in that general area—who today have mops and brooms in their hands, who probably could be moved in and trained—a large portion of them—to relieve a critical situation over there, a need for semiskilled and skilled workers.

I think that the example at the United States Cartridge should explode that position concerning the Negro worker's capabilities, because you cannot laugh off three shifts of people, 3,600 people of the 5,000 I mentioned being on the production line. There were others, of course, in supervisory capacities and there were others in the lower scales of work. We had 3,600 people that made the record that I have just mentioned to you.

Certainly it seems to me that showed just how far the Negro worker will overcompensate, will attempt to make good and will make good if given the opportunity.

This is a highly mechanized war. Take the Negroes in the Ninety-ninth Pursuit Squadron who have given yeoman service in the establishment of the Anzio beachhead, and whose ground crews, I believe the Army will admit—I read it in Time magazine—are the best ground crews in the Army Air Corps. When these trained mechanics come back, after having given their service, and find industry closing its doors to them, I shudder to think of their resentment, their justifiable resentment, which must well up and will well up in their hearts,

unless there is some such piece of legislation as this that your committee is considering and under which they will feel that they have a court, they will have some governmental authority to which they can look to state their case.

The people in the street have great respect, fear, and confidence in the Federal Government. I cannot say that that is true with reference to the various State governments. But I know it is true with reference to the Federal Government. And if they feel that there is some Federal agency toward which they can look, that has Congress behind it, that has the full support of the people behind it, that will go a long way toward raising their morale and toward easing resentments that will come when they find a closed door in their face.

Certainly we will have to tell them of our efforts in behalf of trying to make things better, of trying to safeguard for them the right to live, which, as Congressman Dawson, I believe one of the cosponsors of this bill, so aptly put it, is merely the right to work.

Personally I have less venom in my heart for the man who lynches me than I do for the man who deprives me of my opportunity to work. Because, when I am lynched, that is all they can do to me; I am dead; I am gone. But when I am unable to work, I cannot train my daughters, I cannot train my sons, and I am in a position where I feel that the man who deprives me of my right to work makes prostitutes of my daughters and convicts and criminals of my sons.

I do hope that this committee can give serious and favorable attention to all of the implications that are behind this bill and that I have tried to touch.

We do not, in St. Louis, have any other minority problem; I mean by that, we do not have any Mexicans there, or South Americans, or Asiatics. There are many whose ancestors were foreigners, or are of recent foreign extraction. There is a large number of Jews. These groups suffer somewhat. But in the main it is the Negro group in St. Louis that has found itself on the economic fringe of our life.

There are hopeful signs down there. It is a city largely populated by Catholics. I believe nearly 60 percent of the people there are of that faith. There is the recent action of St. Louis University, which is the Catholic school, that previously had a closed-door policy toward Negroes. They have now accepted seven Negro matriculants. It is our belief that the doors are opening up.

Up until a month and a half ago, during all the time of its history, St. Louis was the only city in the major league baseball, which is our national pastime, that refused Negroes admission to the grandstand. That has changed. Those doors are now open. All of these are signs, as I see it, pointing toward a truly integrated democracy.

This bill here is the basis and the core of it all, because it safeguards to a man his right to work. I do hope and urge upon this committee to consider it favorably and present it to the House with the recommendation that it pass.

The CHAIRMAN. Mr. Grant, is it not a fact that St. Louis has the largest proportion of Negro population of any city of the first class in the country? Perhaps I should say outside of Washington.

Mr. GRANT. We are 12.4 percent of the population.

The CHAIRMAN. Not more than that? .

Mr. GRANT. No.

The CHAIRMAN. I thought it was 25 percent.

Mr. GRANT. No; it is not that much. It is perhaps 12.5 percent. I cannot give you accurate figures for the simple reason that there has been such a great influx in the last 18 months, of workers attracted to the war center that it is.

The CHAIRMAN. I was thinking, of course, of the stable population before the war. It seemed to me that it compared favorably with Washington.

Mr. GRANT. No; I think not. St. Louis is a city, in round figures, of 1,000,000 population. We have about 110,000 Negroes there. Washington and Baltimore, on a percentage basis, far outstrip St. Louis, having a much larger percentage of the population.

The CHAIRMAN. Mr. Grant, what you are seeking, I take it from what you said, is economic equality.

Mr. GRANT. Absolutely; the right to work. And I want to add this, that I believe many of the employer groups, because of the experiences that have come in this war effort, have found that a lot of the preconceived notions about the Negro worker are absolutely untrue; that he gets paid on Saturday night and gets drunk all day Sunday and does not show up Monday. The experience of the workers in building 202 of the U. S. Cartridge Co. certainly exploded that, when they came in with a 20-percent better percentage on absenteeism and tardiness than any other building. Those notions were exploded by the experience of management with that building.

I think that once the employer group begins to understand that here is a great source of labor that is efficient labor, that can do a job and will do it, if given the opportunity, maybe even a little bit better than the other fellow, because they have not had the opportunity, and when you deprive a man of the opportunity and then he does get it, he over compensates, he does a little bit better—and I think that is what is happening with the Ninety-ninth Pursuit Squadron. You take boys who have lived figuratively in the underground, who have lived in back alleys all of their lives, and put the uniform of their country on them, and give them a plane and put them up in the sky—it is going to take a little bit more to knock that fellow out of the sky, because he has been given a psychological lift, a feeling of strengthened morale that just makes him fight a little bit harder.

The CHAIRMAN. He thinks he is someone of real importance, then.

Mr. GRANT. Precisely.

The CHAIRMAN. Which is good for all of us.

Mr. Welch, have you any questions you would like to ask?

Mr. WELCH. No.

The CHAIRMAN. Mr. Hoffman, have you any questions?

Mr. HOFFMAN. My congressional district contains six counties, in the southwestern part of Michigan, bordered on the west by Lake Michigan and on the south by Indiana. It is approximately 150 miles from Chicago. Do you know, of your own knowledge, or have you ever heard of any case of discrimination in my district, either against the Negro or any other race, for any of the reasons set forth in this bill?

Mr. GRANT. I am pausing, because I am unfamiliar with the district, Mr. Hoffman. If I had perhaps 20 minutes I could probably find one.

Mr. HOFFMAN. If you can find any such case in my district I wish you would tell us; with the exception of one case to which I will call

your attention, and which was called to my attention by a white citizen of Cass County. Some company, needing employees, sent out a notice asking for employees, and the carrier did not deliver those notices to the rural boxes of Negroes in Cass County. You do not need to mention that one, because I investigated that and that was righted.

Now, in Cass County there are several townships where the majority of the population is made up of Negroes, who came up shortly after or before or during the Civil War. They own their own stores, they own their own farms, and in Benton Harbor and in St. Jo we have found that there are many Negroes employed. If you can find any case of discrimination there, I would be glad to have you put it on the record.

Mr. GRANT. I do not want to guess, Mr. Hoffman, but I would take this running leap of a guess, that probably if you examine the post office you will find that in the larger post offices in your district, Negroes do not get the preferred assignments; they do not get upgraded.

Mr. HOFFMAN. This was not in the post office. This was the case of a company that sent out notices to people of the district asking for laborers, for employees, and one carrier, I take it, did not deliver those notices to the rural boxes of those he served, knowing them to be Negroes.

Mr. GRANT. He just did that himself?

Mr. HOFFMAN. Yes; he did that himself.

Mr. GRANT. But if you examine the situation in the post office, you will find that discrimination rather national against the Negro worker. I know that that is very true in St. Louis.

Mr. HOFFMAN. Have you ever made any examination or compiled any figures to show the proportion of the national tax paid by Negroes, and made a comparison of the number of jobs held by them?

Mr. GRANT. No; I never have. It would be my thought that where you can put your finger on taxes—that is, in property owned and in businesses operated, and so forth—the Negro, because of these things that this bill is designed to correct, has been at the bottom of the economic scale. However, it is my feeling in that regard that the consumer, the fellow who pays the final price of the goods, really bears all of the taxes.

Mr. HOFFMAN. We do not need to argue that. I agree with you on that, and I think everybody does. I think the tax is paid by the poor man. It is conceded the tax is paid by the man who uses the goods.

The CHAIRMAN. Of course, Mr. Grant, you could not be expected to know of conditions as far away as Mr. Hoffman's district. You come from St. Louis and the surrounding country, which is quite far removed from Mr. Hoffman's district.

Mr. HOFFMAN. If these various racial groups—you are speaking especially for the Negro, but I am inquiring as to all of them—are given equal opportunity, or better than equal opportunity or facilities, would the organizations that you represent object to what may be termed segregation, or zoning?

Mr. GRANT. I suppose you are referring to what is generally called Jim Crow. Is that what you have in mind?

Mr. HOFFMAN. No. I do not know anything about the Jim Crow business. We do not have any Jim Crow laws in our district; any Jim Crow cars or restaurants or hotels, so far as I know.

Mr. GRANT. Do you mean a separation of employed groups?

Mr. HOFFMAN. Not exactly a separation. For instance, let me put it this way. Let us take any specific city, such as Washington. Would you, or the organizations you represent, object, or do you object, to a program by Congress—let us say that I represented Congress or that I was the Congress and I said to you, "You name the section of the city that you want, I do not care where it is, and you can have it." I suppose Georgetown is supposed to be that section—

The CHAIRMAN. Supposed to be what?

Mr. HOFFMAN. I do not know how you would put it; the "sniffy" section; the higher-up section—

The CHAIRMAN. You mean the aristocratic portion of the city?

Mr. DAY. "Ritzzy" is the word.

Mr. HOFFMAN. Ritzzy, Mr. Day says. Let me put it this way. Suppose Georgetown were supposed to be the best section of the town. And let us suppose that I said to you, "We will buy you Georgetown, and as much more as you want, and give it to the colored people, and then we will stay out of there except as we are asked in—the whites and the Jews and the Catholics—" I do not know whether you are a Methodist; most of mine are Methodists—"You stay out of this other part for purposes of residence." What would you say to that? Would you object to that?

Mr. GRANT. Yes, Mr. Hoffman. And the objection is based on this. First of all, we feel that that is un-American, for a number of reasons. And this comes from the abundance of our experience. Whenever separation legislation is passed, the facilities, the utilities, the various civic things that are given to the area usually in time are neglected. I would say first, if it was the best place, it would not be fair to you. We do not want any special treatment one way or the other. We do not want any unfair advantage over anybody.

Mr. HOFFMAN. Well, call it equal, I do not care.

Mr. GRANT. Yes. In the first place it is impractical. There are any number of forces that operate to make it practically unworkable. That is one thing. Secondly, we have a resentment to being—

Mr. HOFFMAN. Let us take one thing at a time. You say it is unworkable. It has never been tried in Washington, has it?

Mr. GRANT. Oh, it has been tried. There are Negro sections right now.

Mr. HOFFMAN. Yes; but not by law.

Mr. GRANT. Not by law. But, after all, law comes in many ways. Law is not only that which is on the statute books, as I am sure you well know. You have custom and usage. That probably is the most difficult law to break. That has grown up in the mores and in the norms of the community.

Mr. HOFFMAN. You do not think we can overcome that by statute law, do you? If I like whisky, you cannot keep me from drinking whisky by establishing prohibition by law.

Mr. GRANT. That is right. However, I do not believe statute law should be made the whole thing. I think if you examine a situation and find that it is bad; find that generally there is bad housing, or

that you have a bad moral situation, or that you have an area where vice flourishes—

Mr. HOFFMAN. I was asking a hypothetical question and assuming that these people were given equal facilities, or at least equal facilities. I would give them even more facilities, because they think, and perhaps correctly, that they have not had the opportunities they should have had. I am always for giving the underdog a little more than he asks.

Mr. GRANT. Here is the point. Species generally tend to have an affinity. In other words, it is the law of natural selection. My natural selection would be people of my own race, because I understand them. We have an affinity because we are of a similar species, whether it comes through color, or hair, or what not. But we would have a resentment in feeling that this was enforced. That is what it has been all the time, an enforced separation. We know that the only way that people can ever get along is to know each other better, and you cannot know each other better if you keep separated all the time.

Mr. HOFFMAN. If you force them together—

Mr. GRANT. You do not have to force them together.

Mr. HOFFMAN. That is what this bill does, in a way. Let us take this case. Suppose you owned a farm. You want to hire a man. Now, up in our country, the hired man lives in the house with the family. He is one of the family, or at least he used to be. Now, would you say that if a man applied for that job, and were a Mexican, or a Negro, and the farmer—making a violent assumption—were an Irishman; would you force him to employ anyone who just happened to apply? Even though he said, "No, I do not want to employ an Englishman," or, "I do not want to employ a Mexican," or, "I do not want to employ a Negro?" Under this bill he would have to take him, would he not?

Mr. GRANT. Not necessarily. You pose what probably might be considered an extreme case, and maybe that is the case that should be posed. First of all the bill, as I understand it, applies primarily to goods that are in interstate commerce. Of course, farm produce is. But I do not believe that the practical functioning of this bill would force any farmer to take any particular type of person that showed up.

Mr. HOFFMAN. Another question. You say a man has a right to work, which we all concede. Do you think that the man who creates the job should not be given the right to employ anyone he wishes, regardless of his reason?

Mr. GRANT. That is true today. You have child-labor legislation. We have put certain safeguards around that. The mere fact that employers have at times used up the best years of employees' lives, has brought about social-security legislation and unemployment compensation assistance, and all that sort of thing, in order to have safeguards against unscrupulous employers who use up the best years of their employees and then throw them over.

Mr. HOFFMAN. Yes; work them like a horse and then send them over to the fox farm.

Mr. GRANT. That is right. There have been safeguards put around that. I do think, definitely, that employers should have some control; they do have some control, not only of the type of worker, but of the conditions under which they work.

Mr. HOFFMAN. Under this bill, suppose you owned a store. Let us assume you had started with a pushcart and you had built up a business, as many a Negro has done, in a Negro section. It is your business. Your trade is with Negroes, just as is the case that there are Jewish merchants in the Jewish section. Do you not think the employer in that particular instance should have the right to employ a Negro in preference to a white worker who came along?

Mr. GRANT. He should be permitted to employ anybody within certain limits:

Mr. HOFFMAN. That is where we get into trouble, this "certain limits" business.

Mr. GRANT. Until you saw that there was a definite pattern that indicated discrimination against certain groups who just never got work.

The CHAIRMAN. May I say in answer to one of your questions, Mr. Hoffman, that this bill applies to any employer having in his employ more than five persons?

Mr. HOFFMAN. I understand that.

The CHAIRMAN. Who is engaged in interstate or foreign commerce, under contract with the United States or any agency thereof.

Mr. HOFFMAN. It applies to anyone who employs five persons and who is engaged in interstate or foreign commerce.

The CHAIRMAN. That would hardly apply to the farmer who wanted a hired man to live in his own home. That is what I intended to point out.

Mr. HOFFMAN. Sometimes we do employ more than five people on farms in my district; even on small farms.

The CHAIRMAN. But they are on farms, they are not engaged in interstate commerce.

Mr. HOFFMAN. Oh, well; under the decision of the Supreme Court, everything is in interstate commerce now.

The CHAIRMAN. Mr. Day, have you any questions?

Mr. DAY. I have no questions. I want to compliment the witness on his intelligent discussion of the subject. I think that what we find in the development of this great issue is that there is a certain prejudice that exists that will be broken down on the economic level, because it will be found that the beneficiaries of this legislation possess the skills necessary, or, after they have acquired the skill, naturally they will get increased pay and will move to a higher economic level. Then you will probably run into objections on a different basis, what might be called social objections. But that will not come until after this has been in operation for some time and after their economic status has been raised.

As I have said before, I am in sympathy with the purposes of this legislation and I compliment the witness on his statement here today.

Mr. GRANT. Thank you, sir.

The CHAIRMAN. Mr. Miller, have you any questions?

Mr. MILLER. I am sorry I was not here when the witness started his testimony. There are some questions that will come up later on, I am sure, to which I am trying to find the answer, and I might raise them tomorrow or the next day.

The CHAIRMAN. Mr. Fisher is recognized.

Mr. FISHER. The witness has described a condition existing in St. Louis. I would like to ask him what percentage of the employable Negroes in St. Louis are now gainfully employed, if he knows.

Mr. GRANT. About 10.6 percent, I think it is. But they are under-employed.

Mr. FISHER. Do you mean that 90 percent of the employable Negroes in St. Louis are without jobs now?

Mr. GRANT. No, I mean this—I do not mean that. I mean that about 10.6 percent of the total number of people in war jobs at the present time are Negroes, in the St. Louis area. If I may give it to you in another way, that the total population is 12 percent that is employed in war production work. But if we look into it we will find that there is terrific unemployment among Negroes. They are not being employed in their top skills.

Mr. FISHER. Ten percent of the Negro population in St. Louis is employed in war industries, is that your statement?

Mr. GRANT. No; that is not my statement.

Mr. O'KONSKI. I think what the witness means is that 10 percent of all the workers that are employed in war production are Negroes.

Mr. GRANT. That is right. I could not give you the exact figure on that.

Mr. FISHER. Are there any of your race that you know of in St. Louis who are unemployed now, who cannot get work?

Mr. GRANT. Yes, sir. There are, I believe, something like 25,000—I may be long on that figure; but I know that there is a great reservoir of Negro women who have shown their ability in mechanical work, who have been discharged in the cut-backs that have taken place, for instance, at the United States Cartridge Co.

Mr. FISHER. Are they unemployed?

Mr. GRANT. They are unemployed. There are other companies who just will not take them; there is the Carter Carburetor Co. They have a great need now for workers. They have no Negro women. There is the McDonald Aircraft Co. I could give you any number of places—the American Torpedo Co. There are any number of them that I could give you from memory that just simply will not employ these Negro women even though they would come to them with industrial experience.

Mr. FISHER. Have they sought other types of employment in St. Louis?

Mr. GRANT. They try to get what they can and they take what they can get. Take the telephone company, for instance. Following public demonstrations, and so forth, they now have in training some 25 or 30 Negro girls to work in the telephone company. But they employ no Negro women at all. I would say this to you, sir, that at present our major problem is getting these women employed, Negro women with proven skills.

Mr. FISHER. You spoke of segregation, and I gathered from what you told Mr. Hoffman that you believed in the general principle of segregation of races; is that correct?

Mr. GRANT. Well, no, sir; I cannot say that. I say that if it is voluntary—a voluntary thing is one that just comes naturally to people—it is all right. But if it is enforced, I know what happens. When you have an enforced policy of separation, then we know that we are discoverable; we are where you can put your finger on us, and when the time comes to fire, we are all there together and they know just where to go to get us. It happens over and over.

Mr. FISHER. In other words, if a man has a business and he employs some Negroes and some whites, your position is that they ought to be put to work together in the same room, regardless of the type of work involved, and that the employer should have no discretion in the matter of separating them into different shops or different parts of the same plant when he feels it wise to do so?

Mr. GRANT. I feel that is true for many reasons. It is to the advantage of the worker himself. There is a tendency to play groups against each other when trouble comes along. And it is true for a lot of reasons; for a better knowledge and understanding of each other as Americans, as all desiring the benefits of the "four freedoms"; for a better mutual understanding and better racial relations. I feel that if people understand each other better it explodes in their minds a lot of preconceived false notions about things.

Mr. FISHER. Let me ask you a hypothetical question. Suppose an employer invested money in his business. He goes into debt. Most businessmen do when they go into business. He is trying to pay the interest on his debt and he is trying to meet his pay roll each month and is having quite a struggle doing it. That is true of many in normal times, when we do not have war conditions to keep the pump primed all the time. Suppose he finds, from his own experience, that he would receive more profit from the operation of his particular business if he employed all whites rather than Negroes, where both are available. Would you deny to him his freedom of choice in hiring people, if he feels that it would be best for his purposes, to help pay his debts and keep his business going?

Mr. GRANT. No, I would not deny him that. But I would say this. I cannot think of a condition where that could obtain, because you make an artificial distinction, when you make a distinction purely on the basis of a man's skin color. That is what I am trying to say.

Mr. FISHER. You would deny to the employer a freedom of choice in the selection of his employees when he knows from his own experience that under his own circumstances he would get the best return on his investment by employing only whites?

Mr. GRANT. As I say, if it is an arbitrary distinction based on skin color alone—

Mr. FISHER. No; my hypothetical question is this: He makes his choice based on his experience, knowing that if he hires whites for his kind of business, he will be better able to stay in business and he will be able to get a better return on his investment. Let us assume that that is the case. Would you deny him the right to employ whites rather than Negroes?

Mr. GRANT. I would say no, but I want to say this. I do not want to beg your question, sir. But it is difficult for me to assume the truth of that statement, because the distinction, I feel, is arbitrary. Experience could not very well support it. I do not want to get away from your question, as I say. But certainly on any large scale I do not believe that those who are authorities in economics could show a situation where that would be true.

Mr. FISHER. But this bill does not apply only to large industry. It applies to small industry, too, to the minority group in business and industry, so to speak; those who employ five or more employees.

Mr. GRANT. May I give this demonstration of the U. S. Cartridge Co.? There is a plant that opened up—and it is a tremendous plant.

The perimeter is 4 or 5 miles. Here were people coming in. If, at the beginning of that plant, there could have been some integration of all the workers, nobody, I believe, would have complained about it. They would have been used to it. However, the separation system was established and later, after the bottom of the barrel had been scraped for white men workers, management wanted to introduce Negro workers in the positions of material handlers, Negro floormen, into several white units. They tried it one morning and, because the operation had run along all these months under the separation scheme, the workers' minds had been conditioned to the lack of Negroes. Floormen are those who carry the various supplies around to keep the production lines rolling. All that management tried to do was to introduce some 70 Negro floormen into a white building. The result was the whites quit working. They stopped. There was a work stoppage.

Now, management, mind you, could not get any white men. They were not available. In other words, they had created this situation. These women who had been working in this plant had had their minds set on the condition as it existed, and they would not work with these Negroes in there. So they quit work.

Later on, over in another building, the Negroes, remembering that, said that they would quit rather than work under white foremen. Their position was, "They would not work with us, so we will not work with them," and so eventually a work stoppage occurred which was disastrous all the way around, in their building.

Now, I just bring that out as an example to show that the whole thing is a process of mental conditioning. We are going to have to work together. We are going to have to fight together. We are going to have to sacrifice together.

Mr. HOFFMAN. Will the gentleman yield to me?

Mr. FISHER. Yes.

Mr. HOFFMAN. Do you think that the passage of such a law as is proposed here would have made those people work together? Do you think it could have been enforced?

Mr. GRANT. I think the passage of a law would do it, because here is the F. E. P. C. right now, that is practically impotent—

Mr. HOFFMAN. Now, just a moment. I asked just a short question. Will you please answer it?

Mr. GRANT. I will answer you by saying yes, for this reason, that the employment group right now, down in St. Louis, the mere fact that there is a working F. E. P. C. at the present time has been of terrific aid to us, because they do not even want to be cited, to be brought to a hearing.

Mr. HOFFMAN. That is, they are free—

Mr. GRANT. Free of wrong doing when exposed to them, after proper exposure. They do not want the searchlight of public opinion cast on them.

Mr. HOFFMAN. The effect of this law would be to put this committee, if it is created, in the place of the employer, insofar as the hiring or firing goes. If this goes through, the committee could tell the employer to take this man or that man, this woman or that woman, could it not?

Mr. GRANT. No, sir, I think not.

Mr. HOFFMAN. I am sorry; you had better read the law. That is what it says.

Mr. GRANT. I think it goes in the negative rather than the positive—what you shall not do.

Mr. HOFFMAN. No, no. Here is what they can do. I have the LaFollette bill, I think.

The CHAIRMAN. They are all the same.

Mr. HOFFMAN. Here is what it says, on page 7, beginning in line 13: an order requiring such person to cease and desist—
that is your theory, your idea—

from such unfair employment practice and to take such affirmative action, including hiring or reinstatement of employees with or without back pay.

Under that, this committee, if created, could compel an employer to hire this man or that woman.

Mr. GRANT. Is not that true today? Can you not do that under the N. L. R. B.?

Mr. HOFFMAN. No; the union tells you whom you may hire; not the N. L. R. B.

Mr. GRANT. They have hearings. The employer comes in, and the union is heard.

Mr. HOFFMAN. Then what it comes down to is this: The committee, or commission, whichever it is, is going to be in the place of management, insofar as hiring and firing are concerned.

Mr. GRANT. Where discrimination is involved on the basis of race or national origin.

Mr. HOFFMAN. Do you think that any man with property or with money sufficient to establish a business is going to carry on when the Government all the time tells him whom he can hire or fire and how he may run his business? That may be so during wartime, but will he not, when the war is over, say, "Well, I have all I need; I will just quit"? Then who is going to provide jobs?

Mr. GRANT. I think industry was pretty glad to have somebody tell it something in the period between 1929 and 1933.

Mr. HOFFMAN. Many of them got along very well. I noticed in the paper recently that it is claimed there will be some 19,000,000 people unemployed when the war is over. Is it your theory that the Government must provide them with jobs?

Mr. GRANT. No; I have no theory on that, because I doubt that there will be 19,000,000 unemployed. I think there is going to be a tremendous world market, a market we never dreamed of. We are destroying everything. We are the only untouched country.

The CHAIRMAN. Mr. Fisher, have you concluded your questioning?

Mr. FISHER. You subscribe to the proposition, then, as I understand you, that the Government, through this bureau that would be created, with its headquarters in Washington, should have the right to direct the hiring or firing of people where you say discrimination is involved?

Mr. GRANT. This bill, as I see it, goes a little further than N. L. R. B., in that it puts a further safeguard against any person being deprived of, or denied employment, purely on the basis of his race or national origin, and so forth.

Mr. FISHER. You would let this commission or its agents pass on the question of whether there was or was not discrimination, rather than let the employer himself pass on it; is that true?

Mr. GRANT. Yes, sir, because the bill frankly—Well, probably the person who is committing the most discrimination very frequently is the one who is least conscious of it.

Mr. FISHER. You would take from the employer, then, any freedom of action that he has enjoyed since the Constitution was written, during which time most people admit we have had a considerable amount of progress in this country. You would rob the employer of his traditional right of freedom of choice of those whom he wishes to employ on the basis of what he feels is best for his own business, and would leave the determination as to whether he exercised discrimination or did not do so in the hands of a bureau in Washington; is that correct?

Mr. GRANT. Well, discrimination, of course, is a fact that can be established or disestablished.

Mr. FISHER. Are you in favor of giving the employer a jury trial in a local court to determine whether or not the commission in Washington is correct when it holds that the employer discriminated and he claims that he did not?

Mr. GRANT. No. I think under this bill he has the right of appeal from the ruling of the commission to the district court.

Mr. FISHER. He has the right of appeal to the circuit court, which may be a thousand miles away.

Mr. HOFFMAN. But no jury trial.

Mr. GRANT. The Federal district court for his district. That is the way I understand it.

Mr. FISHER. Are you in favor of letting the local district court be the court of appeal for employers as well as employees?

Mr. GRANT. Surely; either side should have the right of review.

Mr. FISHER. The bill does not authorize that. I was just wondering what your opinion was.

Mr. GRANT. I understood it did. I think the right of review is lodged in the district court.

Mr. HOFFMAN. In case the circuit court is on vacation. That is what the bill says. If I may interrupt you here, I call attention to the fact that the practice is the same as under the national labor relations law. Under the national labor relations law, the finding of the local board is conclusive as to the facts.

Mr. FISHER. Page 8, line 16, H. R. 4005:

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.

You are in favor, then, as I understand it, of changing that and giving the right to appeal to the local Federal district courts; is that correct?

Mr. GRANT. Well, not necessarily, sir. I mean I am a lawyer and, of course, I have great confidence—

Mr. FISHER. You believe in the right by trial by jury, do you not?

Mr. GRANT. Certainly I believe in it.

Mr. FISHER. Then you would not object to giving the employer, the one against whom complaint is made, the right of trial by jury, would you?

Mr. GRANT. Well, you have just exposed that thought to me. I do not know that this takes that right away.

Mr. FISHER. If it does take it away, you would be in favor of restoring it, would you not?

Mr. GRANT. Well, I would prefer not to give an answer on that, if I may.

Mr. FISHER. Do you mean to say that you do not have any opinion now as to whether you believe in the use of the jury system under the Constitution in a case where an employer feels that a bureau or commission has found erroneously with reference to a question of fact?

Mr. GRANT. Well, sir, I may say this: that I am familiar with the jury system—fairly familiar with the jury system. In some instances I feel a jury should sit, and in some instances I feel that the ends of justice would not be reached by a jury sitting.

Mr. FISHER. Why do you say that?

Mr. GRANT. Well, we could lead on. Jurors are not always the best persons to test special legislation or, at least, to sit on involved and technical matters—not at all times. But I would want to study the bill, or have an opportunity to give it further study, before I would want to give you my considered reaction to your question.

Mr. FISHER. You stated the conditions in St. Louis, and you pointed to the fact that considerable progress had been made there to relieve the situation that you said had existed in the past; that is correct, is it not?

Mr. GRANT. Yes.

Mr. FISHER. In addition, you spoke of the fact that a university there was now permitting Negroes to matriculate. You told of how Negroes are permitted to go into the grandstands of the ball parks to attend baseball games, and things of that kind. All of that was done without the assistance of a Federal bureau of Fair Employment Practice Committee?

Mr. GRANT. Yes; they had nothing to do with that.

Mr. FISHER. In other words, the progress which you speak of, which you consider progress in the break-down of so-called discrimination, has been going on for a hundred years without any F. E. P. C., has it not?

Mr. GRANT. Well, no, sir. I feel that all of these things, including the war, have contributed toward the central matter. We are more conscious at the present time of our shortcomings where democracy is concerned. It has been pointed out, and we are more conscious of it. We have, I believe, a greater community desire to arrive at a democracy that is a real live and breathing one for all the people.

Mr. FISHER. That is your theory about it?

Mr. GRANT. That is my theory about it. I think the F. E. P. C., through publicity and the work that it has done, has had its effect and its imprint on the whole general picture.

Mr. FISHER. You spoke of situations in St. Louis. As I understand it, your position is that different localities and different States have different problems to deal with along these general lines.

Mr. GRANT. Oh, yes.

Mr. FISHER. Have you appealed to the legislature of Missouri for legislation, if you think legislation is needed to correct the situation existing in Missouri?

Mr. GRANT. Yes, sir; we have.

Mr. FISHER. Why did you go to the legislature there? Did you feel that it could solve the local problem or contribute toward its solution?

Mr. GRANT. No, sir. In other words, you exhaust your local remedies before you come to what you consider—

Mr. FISHER. I will ask you this: You say you are a lawyer. Do you not think that the legislature of the State of Missouri certainly knows a whole lot more about the local problems that exist in Missouri, that you have referred to, than this committee or the Congress of the United States or some Bureau in Washington could possibly know?

Mr. GRANT. No. I think we are all familiar with legislatures and how they work and how they operate. I will say this: that as far as I am concerned, I have very little confidence in legislatures. I have a lot of confidence in the Federal Government and in the Congress.

Mr. FISHER. The United States Congress is a legislature.

Mr. GRANT. I know that. But you have said State legislatures. I do not have much confidence in them; I will be honest with you.

Mr. FISHER. Well, they are supposed to represent the majority of the people of each State.

Mr. GRANT. They are supposed to. Right now down in Missouri there are four men under indictment for taking bribes. I know until a couple of years ago the Legislature of Missouri had \$5 a day for 70 days, and then after that it was \$1 a day. I guess the way they got the money—the way it came out—was to pass a bill and injure some interest, so that they would get some money together and come up and pay them to defeat the bill introduced for that purpose. I do not want to blacken the Legislature of the State of Missouri, but those men—several of them—are right now being tried for accepting bribes of one sort or another. I have been up there in the legislative halls, trying to get something done, and it is really rather hopeless.

The CHAIRMAN. Mr. Lesinski, have you any questions?

Mr. LESINSKI. I have not many questions to ask, but I should like to make this remark: In years gone by, when I was a kid, I remember many of our people up there complaining that they were unable to get a job in a factory because of their nationality. Of course, in our territory we have many aliens and we have different national groups. Unless you belong to the largest group, you are out of luck in getting a job. It has been that way for years. Now, in talking to the Negroes, I have found one thing about them, and that is—and they claim this themselves—that if a Negro marries a white woman, he is ostracized in his own community. They tell me that is a fact. Negroes do not want to live with the whites. They want their own communities, where they are free to do business among themselves. Up to now they have not had the opportunity.

The CHAIRMAN. In other words, they want economic quality and not social quality?

Mr. LESINSKI. That is right; that is what they are asking for. It is not a matter of a Negro wanting to live in a house where a white man lives, or a white man wanting to live where a Negro lives.

Mr. HOFFMAN. I want to ask you one more question; I became confused. I will say for the gentleman's information that we had one member of the legislature who served a year in the State prison, drew his per diem, and kicked because he did not get his mileage. He was a State senator all the time.

Mr. GRANT. I attended the University of Michigan, I might say.

Mr. HOFFMAN. You got your law degree there?

Mr. GRANT. No; I did not get my degree there; I took my pre-law work there.

Mr. HOFFMAN. My first business partner was a Negro, and we got along all right--and I did not skin him either.

The CHAIRMAN. Did he skin you?

Mr. HOFFMAN. No; he did not; and he belonged to my church, if you want to know, and I guess he was a better Christian than I was. I know he was a better ball player.

I understood you to say here that what you and those whom you represent want is economic equality and equality of opportunity, not social intermingling; am I right?

Mr. GRANT. Yes; you are right on that. In other words, we are indifferent to this social intermingling business; certainly I am. I feel that it will take care of itself.

Mr. HOFFMAN. I do, too. The only reason I asked that question was that in the hearings before the Smith committee there was some confusion about that.

Mr. LESINSKI. I happen to be white. We have an exclusive club in Detroit, but I cannot belong to it, although I am just as good as the other fellow.

Mr. HOFFMAN. Well, you are Polish.

Mr. LESINSKI. That is the reason.

The CHAIRMAN. Thank you very much, Mr. Grant. You have given us a great deal of very valuable information. We are very grateful to you for coming.

Mr. GRANT. Thank you, Madam Chairman.

STATEMENT OF MRS. BEULAH T. WHITBY, NATIONAL PRESIDENT, ALPHA KAPPA ALPHA SORORITY, DETROIT, MICH.

The CHAIRMAN. Mrs. Beulah T. Whitby is the next witness. Will she please come forward? Members of the committee, Mrs. Whitby is national president of the Alpha Kappa Alpha SorORITY. Mrs. Whitby, we shall be glad to have you give us your considered judgment on this bill.

Mrs. WHITBY. Thank you, Madam Chairman and gentlemen of the committee. As the chairman has said, I am Mrs. Beulah T. Whitby, national president of the Alpha Kappa Alpha SorORITY, which supports the National Non-Partisan Council on Public Affairs. I come from Detroit, Mich., where I am the assistant director of the City of Detroit Inter-Racial Commission and a member of the faculty of Wayne University. Today I am speaking as representative of the Alpha Kappa Alpha SorORITY in endorsement of the Dawson-Scanlon-La Follette bill for a permanent F. E. P. C. The Alpha Kappa Alpha SorORITY is a national organization of college women from 152 chapters in 46 States. As a women's organization and as members of a minority group, we have a special interest in a continuing program of fair employment practice.

I would like to call to your attention the meaning and value of a permanent Fair Employment Practice Committee in terms of our American creed and in terms of what it means to the economic future of the United States.

The creed of America has always been sacred to all Americans. We have said that we live in a country which is "conceived in liberty and dedicated to the proposition that all men are created equal." Throughout the years this creed has been restated by our great statesmen as the history of our Nation has unfolded. Particularly significant for our present consideration is the statement made in 1915 by Chief Justice Holmes, of the United States Supreme Court, in the case of *Truax v. Raich* in regard to immigrants:

The right to work for a living in the common occupations of the community is of the 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 entrance and abode, for in ordinary cases they cannot live where they cannot work.

Such is the character of the things we have believed and stated, and yet economic discrimination against minority groups is also as old and ingrained in the United States as the country's history. With its beginnings in the institution of slavery, it has continued past emancipation and has grown and spread to all of this country's racial as well as many other minorities. It is also at the root of one of the major social and economic problems in the United States today—the race problem. From its roots spring bad housing, health problems, and attitudes that divide and undermine the strength and unity of America at a time when we so desperately need to be a solid people.

This denial in practice of the beliefs we express in words puts America in a critical dilemma, for just as no individual personality can remain healthy when there is a prolonged cleavage between his words and his deeds, so no nation can remain strong and integrated when there is a gap between what it believes and what it does. The fact that in the United States we have built up a double standard of democracy is recognized as our weakest link in the cause which we are today fighting to defend. Likewise, our right to world leadership in the struggle to bring about and maintain a lasting peace is definitely challenged on this score. There are other nations who say that before America can take the lead in establishing the "four freedoms" she must first clear her own house of prejudices and practices which limit the freedom of Americans themselves.

During the war we made some progress in America in closing up the breach between our creed and our deeds through Executive Orders 8802 and 9346.

To us who are members of a minority group, these documents have had a meaning like the Emancipation Proclamation. It has given a new hope that freedom from want and fear will really come. The Emancipation Proclamation did not accomplish its high goal of truly freeing all the people of this country, but it was a mighty step in the right direction. So the Executive Orders 8802 and 9346 have meant great strides in the direction of freedom from fear and want. We now need to undergird this beginning and to establish this agency as an on-going peacetime organization.

A permanent F. E. P. C. has a meaning that not only concerns our American creed; there are other reasons of deep concern to all of us

as to why a permanent peacetime agency should be established to safeguard equitable economic opportunities for all. Outstanding among these reasons is the matter of the economic future of America. We have faced and mastered the great task of production for war. The Fair Employment Practice Committee was an instrument and an aid in doing this. In the days beyond the war we face an equally as important task in our country of reinforcing its economic structure and of taking the lead in rebuilding the economic and physical ruins of other countries which have been the theaters of combat. This task will again require the mobilization of all resources. One resource which has frequently been discounted is the buying power of minority groups under a system of full employment. Some years ago a study made by Dr. Charles S. Johnson revealed that if full employment were granted to Negroes alone, their buying power and practices would create a revenue greater than all the revenue from our exports, which is one of our most substantial sources of national income.

In order to get the greatest economic returns from our manpower resources, we need to take up the responsibility for building as many community channels as possible to create the right attitudes on the part of workers. This has been a neglected area which we must look to as we rebuild our economic fences after the war. Building a nation of good workers is building a free and secure nation. Our first mistake in this responsibility was made when, in instituting slavery, we set up free labor which gave to workers none of the incentives for developing into proficient workers with pride in a job well done, but instead developed habits of shiftlessness, evasion of work, and negative attitudes toward authority.

Our Federal Government sanctioned slavery to begin with and so created this mistake which has crippled the growth and progress of our Nation. Our Federal Government must now take the lead in correcting this mistake by establishing the sanctions that will result in developing a Nation of competent, creative workers. As a representative of a minority group and an organization which has in its membership many teachers and social workers, I can say that we are especially eager to participate in such a constructive enterprise, but we need the sanctions of Government and a governmental agency to undergird our efforts. We who have had some opportunities at education feel the call and challenge of interpreting and teaching the responsibilities of skillful, creative workers. We should like to engage in exploring the ways of helping people to become better workers; to have the right attitudes toward their jobs; and to take up the responsibilities of a good worker. To this task we would like to dedicate our best energies in the feeling that in such a way we would truly serve our own group and our Nation. We would need, however, the support of government to adequately accomplish such ends.

Since the F. E. P. C. is an agency dealing with both management and the worker, it could take leadership in building and training an army of good workers—the greatest bulwark not only of democracy but also of economic power.

I should now like to cite some incidents from Detroit which seem to me to forecast the future.

Detroit, the city from which I come, is known as the arsenal of democracy. There are some who believe that Detroit, one of the greatest industrial centers of the Nation, is frequently the economic

barometer of the Nation. Already in Detroit we see significant omens as reconversion is already getting under way. With the lay-offs which are even now occurring, there are already discriminatory lay-offs of Negro workers. An example of this may be seen in the Dodge Truck Co., where there have already been lay-offs of hundreds of women according to seniority. When the names of Negro women with seniority were reached they were offered jobs as sweepers in the sandblast rooms. They were warned that these jobs were hard, full of hazards to health, full of discomforts—the wearing of heavy masks while at work, the prevalence of dust that might cause respiratory infection. All the impossible characters of the job were pointed out and emphasized in order to get these Negro women workers to refuse these jobs. When they did refuse them, the company gave them a lay-off as having quit.

White women, who had the same amount of seniority, were not offered such jobs. They were laid off as their names were reached on the list of seniority and later recalled to work. The company acted, as you will see, within its rights. The F. E. P. C. in Detroit entered the situation and, through friendly negotiation with Local 140 and with the management of Dodge Truck Co., was able to get 30 or 40 of these women rehired out of the 75 who had been laid off in this fashion.

The L. A. Young Co., of Detroit, recently met with a situation of cutback in this fashion: L. A. Young operates three plants. Plant No. 1 had been manned entirely by colored workers. When they were ready to lay off by seniority, they transferred white workers with longer seniority to plant No. 1 and then began the lay-off. By the use of this process all of the lay-offs were of Negro workers.

Bad hiring practices, much discriminatory upgrading, and consequent under-use of manpower are also incidents that forecast a rather dark picture of the days beyond the war. At the De Soto and Lincoln plants of Detroit all Negro women are hired as sweepers, regardless of skills, with relatively little upgrading after being employed. Less than 5 percent of all who are hired are upgraded. Although the War Manpower Commission reports for Detroit a shortage of 30,000 workers, with an anticipated additional shortage of 25,000 by September, Negro women are being laid off in Detroit with these discriminatory practices which are within the law.

The oriental, the Jew, Seventh Day Adventists, Mexicans, and, in some instances, Catholics, to a less degree, also find themselves beginning to meet with these discriminatory experiences.

The fourth incident concerns a manager who called the War Manpower Commission office to ask for workers. He was told that the only workers that could be sent to him were Negro women. At first the manager said that he would close down his business before he would employ Negro workers. He was told by the Manpower Commission that they had no control of his business and that he would have to make the decision of keeping his business open or closing it, but they would be unable to send him workers unless he could take what they had to offer. He finally agreed to accept 10 or 12 Negro women workers. These workers were carefully selected. After a test period of 3 months the management called the War Manpower Commission and asked if they would send more Negro workers. He said that his production had definitely increased, that these workers

had a higher health standard, that their absenteeism was lower, and that in every respect they had proved themselves to be excellent and competent workers. This manager said:

I am not doing this out of love for the Negro. I am from the South, and I believe in white supremacy, but I am interested in increasing the production of my plant.

From Detroit I can offer another symptom which has dark forebodings. Here, as in many other communities over the Nation, we see the use of rumors about race to inflame popular feelings. These rumors are also used as an excuse for not continuing to grant the Negro continued economic opportunities. This is an old political trick in new dress.

An example of this exists in the fact that when one industrialist in Detroit, who is the chairman of the United Negro College fund, sought to secure the cooperation of two other of Detroit's largest managers of industrial firms, he was told that they would not help in this project because they had heard that a considerable amount of absenteeism in their plants was occasioned by Negro workers laying off to join in a "push-and-shove" movement. They would not participate in an endeavor to extend educational facilities for Negroes because they believed that it was the educated Negro who was responsible for inciting Negro workers to engage in "push-and-shove" clubs. At the present time they were placing Negro workers on the strictly defense jobs so that after the war is over they could be dispensed with without disturbing the major operations of a plant.

Although these rumors about the organized activity of a push-and-shove movement among Negroes, have persisted for some time and have been investigated by the F. B. I. and found to be without foundation, they are being given as an excuse for restricting economic opportunities. Despite these negative instances, we could also cite many examples which show that there is a growing current among ordinary people of interest in minority rights and in seeing that these rights are secured in the American system of government. These incidents prove that they expect their statesmen to provide the policy and machinery by which America can take up its responsibility to all of its people.

Aside from being the arsenal of democracy, Detroit is also one of the communities that was torn asunder last summer with a violent outburst on a racial basis. After Detroit had cleared up the debris from its looted streets and recovered somewhat from the shock of the riot, it found that one of the basic causes for such an upheaval rested in an old problem of economic insecurity—lack of economic opportunity and the resultant competition for jobs.

This insecurity exists, very tragically, not alone among the adults but also exists among the youth today. My contacts with the students of the schools in Detroit and the schools over the whole Great Lakes region give me a very keen experience with the insecurity that we have had. They say, "Why should we study? Why should we try? We hear people say in our classes and in other places that Negroes, Jews, Orientals; and others are going to be put back in their places after the war is over, and it will take almost a Ph. D. for a Negro to work as a domestic in those days." So there is a great deal of insecurity.

Today, despite the fact that jobs may be had, a great degree of economic insecurity exists among Negroes and other groups. They are fearful for the future—for the days beyond the war, when the Nation will go through the process of reconversion from a war economy to a peace economy.

So I say that if people like these, torn with feelings of uncertainty and insecurity, could have the assurance that their government is setting up an agency to safeguard and guarantee them at least an equal opportunity for a job along with their fellow-citizens, it would do a great deal to quiet the restlessness and tension which prevail not only in a city like Detroit, but also in many centers the nation over.

The incidents which I have cited seem to me to forecast the future and testify convincingly to the need for a permanent agency with a long-range program committed to the task of channeling all resources, so that we can build a peace and a world where all people can be free from want.

Detroit, as I have said before, found that one of the basic causes of the upheaval last summer was the old problem of economic insecurity. Detroit is working on that problem, and we believe that the creation of a permanent F. E. P. C. can be an effective reinforcement not only to Detroit but also to the whole nation.

In closing, I should like to add that today in Washington and in cities all over the nation we will be sending up our prayers for D-day. I should like to suggest another consideration to be made along with the prayers for our boys who are in combat—and those boys, incidentally, will be white Americans, some brown Americans, some Jews, and some of every part that makes up the complex character of the American population—today as we pray may we also ask ourselves, "What will our heroes come back to?" Will it be to long relief lines? Will it be to doors of opportunity closed in their faces? Will it be to a country which said, "You are good enough to fight for me, to go through muck and mire for the safety of America and its way of life, but you are not good enough to have an equal chance at a job?" As we say our prayers for D-day, it seems to me that we want also to pray for that kind of courage in our own hearts which will enable us to build the kind of a country for our boys to return to which is truly the home of the brave and the land for all people to be free.

THE CHAIRMAN. Thank you very much, Mrs. Whitby. You have given us very valuable information. I am very proud of the fact that a woman of your experience has taken this matter so seriously. Apparently your research has been very complete.

Mrs. WHITBY. Thank you.

THE CHAIRMAN. Do you believe that the establishment of F. E. P. C. by Executive order has already helped our war production?

Mrs. WHITBY. I think it has unquestionably helped, because before Executive Order 8802 was issued we found ourselves with a definite bottleneck that we simply could not get through. There were all sorts of appeals. There were all kinds of community actions. But it was not until after the Federal Government came onto the scene, changed the sanctions, and took definite, authoritative action that that bottleneck was broken.

The CHAIRMAN. It accomplished, in voluntary procedure, much more than you had any idea could be accomplished; is that right?

Mrs. WHITBY. That is right.

The CHAIRMAN. Also, Mrs. Whitby, I take it from all that you have said that what you are seeking is economic equality.

Mrs. WHITBY. Exactly. Definitely. That is a matter of very deep concern to Negroes and other minority groups today that transcends everything else at the moment.

The CHAIRMAN. Mr. Hoffman, have you any questions?

Mr. HOFFMAN. Oh, yes.

Mr. LESINSKI. Remember, it is still Detroit.

Mr. HOFFMAN. I gather from your testimony that there is considerable unemployment among the colored folks in Detroit.

Mrs. WHITBY. Well, there is beginning to be unemployment.

Mr. HOFFMAN. There is some?

Mrs. WHITBY. There is some, but it is at a lower ebb than ever before.

Mr. HOFFMAN. Is it a thousand, say, anyway?

Mrs. WHITBY. Yes.

Mr. HOFFMAN. Good, strong, healthy folks, capable of working?

Mrs. WHITBY. No; I would not say that.

Mr. HOFFMAN. Well, wait a moment. They are not capable of working?

Mrs. WHITBY. They are not capable of working. Most of the people who do not have jobs now could not hold them because of their disabilities. Maybe they could not pass a physical examination.

Mr. HOFFMAN. Then, you are making no complaint of unemployment among the colored folks of Detroit?

Mrs. WHITBY. Only as it is just now beginning—as reconversion is beginning.

Mr. HOFFMAN. About how many people in Detroit, men and women, say over the age of 17 and up to 65, are out of jobs because they cannot get them?

Mrs. WHITBY. I cannot give you the exact figure.

Mr. HOFFMAN. I do not care about the exact figure. Give it to me within 300 or 400.

Mrs. WHITBY. I would say perhaps no more than 1,000 or 1,500.

Mr. LESINSKI. May I correct the lady? There are 50,000, I happen to know.

Mrs. WHITBY. Do you mean who want jobs but cannot get them? I cannot tell you.

Mr. HOFFMAN. If you will, just write down the following names: Mr. Granger, of Benton Harbor, a fruit marketer; Mr. Herrick, Michigan Mushroom Co., Niles, Mich.; Mr. L. K. Boyd, New Troy, Mich.; the Hilltop Nurseries, Hartford; all in Berrien County, Mich. Speaking figuratively, they have all been on my neck for about 3 weeks, trying to get help in the canneries. That will soon come. But now in the planting, cultivating, and harvesting of vegetables and berries. Strawberries are coming on. Picking strawberries will be a delightful job.

Mrs. WHITBY. Thank you, sir. I will be very glad to take this information back.

Mr. HOFFMAN. On the tenth of this month we are getting in Michigan 500 Mexicans; on the twenty-fifth we get 250; and today

there are going from New York 800 German prisoners. But that will not even begin to supply the need for workers. These jobs are all out in the country. There will be no discrimination because of race, color, creed, or State of origin. There will be good, pure water, plenty of milk, eggs for only 23 cents a dozen, and lodging furnished. So there is an opportunity for some of your folks and other people in Detroit who are unemployed to get jobs, and we surely need them. You will help me out, personally, wonderfully if you will just get some of your folks to go to those places. I am not joking; I am stating the situation, which is acute and critical.

Now; something else: There has been some loose talk here about the right to work. You do not know of any case where anyone has been denied the right to work? The denial has been of opportunity to hold a job, has it not, speaking more accurately?

Mrs. WHITBY. I do not know how you could possibly separate opportunities and rights.

Mr. HOFFMAN. I have a right to work, but that will not get me a job. It does not do me any good. Do you see what I mean?

Mrs. WHITBY. Oh.

Mr. HOFFMAN. So it gets back to the question of denial of a job where there is a job; is not that right? That is what the people are complaining of.

Mrs. WHITBY. Yes; but, of course, your rights will exist only in words or as a theory unless you can translate them into an opportunity to work. So they are almost synonymous.

Mr. HOFFMAN. So what it gets back to is that these so-called minority groups demand that one section of the population create jobs and then dispose of those jobs as this Government agency, if it is created, determines it should. Is not that what it amounts to?

Mrs. WHITBY. Yes; I think it does amount to that.

Mr. HOFFMAN. Then, would it not be reasonable to ask that the minority groups create their share of jobs?

Mrs. WHITBY. No; because, you see, this is the situation: You cannot divide a thing up like that. This is a total American problem; it is not a minority problem. When you say one thing and do another, it is not the person to whom you have denied the right to whom you do the greatest harm; you do it to yourself, when you continually say something and do another thing. It will not be this other person's personality that will be split apart; it will be yours. In America, if we keep on doing things like that, it will be America that will be harmed. So we cannot handle this on the basis of how much one person creates. The jobs of America belong to all the people of America.

Mr. HOFFMAN. Do not the jobs belong to the person who creates them?

Mrs. WHITBY. No; because he could not handle them independently; he is dependent on workers. A manager could not operate a plant by himself.

Mr. HOFFMAN. What you are saying is that he must give those jobs, other things being equal, indiscriminately, regardless of race, color, and so on?

Mrs. WHITBY. That is it.

Mr. HOFFMAN. You do not know of anyone who was ever denied an opportunity to create a job, do you?

Mrs. WHITBY. Yes; I do.

Mr. HOFFMAN. You do? Where, I would like to know. I do not know of any Jew, for example, who was ever denied the right to establish a factory. I do not know of any Polish gentlemen or of any—

Mr. LESINSKI. Look out. I am an American.

Mr. HOFFMAN. You are an American, and one of the best.

But you do not know of anyone who was ever denied the opportunity to create a job or go into business?

Mrs. WHITBY. Yes; I do, sir.

Mr. HOFFMAN. Because of the race?

Mrs. WHITBY. Yes; I most certainly do, because the opportunity to create a job comes out of experience, and if you never get experience and the successive experiences that get you to the point where you could be the owner of a great business, then that will deny you a chance.

Mr. HOFFMAN. You had a half hour there, and that was all right; I just want to get a little of this in for my own information. What you mean, then, according to your last statement, is that a colored person—and we will confine it to the colored people rather than bring in all the other races—

Mrs. WHITBY. I would rather not.

Mr. HOFFMAN. But you belong to that race, and we will confine it to that. A colored person is denied the opportunity of establishing a business or factory because he or she has been denied the opportunity of getting experience of some kind?

Mrs. WHITBY. It is not important to me whom it is with; it is the fact that he gets experience. If he does not get experience, then he is blocked off from getting a chance.

Mr. HOFFMAN. Yes; and he does not get experience, because someone denied him the opportunity to work?

Mrs. WHITBY. That is right.

Mr. HOFFMAN. There has been no discrimination against anyone which prevented him from starting out and establishing his own business? For instance, there are hundreds of colored newsboys. Many white newsboys have come up and established businesses. There has not been any discrimination against anybody going into the business of peddling newspapers.

Mrs. WHITBY. No; but it takes capital to start a business with.

Mr. HOFFMAN. All right. Henry Ford did not have any capital.

Mrs. WHITBY. But he had there an opportunity to—

Mr. HOFFMAN. Do not all colored men have the same opportunity of going out in their own barns?

Mrs. WHITBY. Some do, and some use it. There is also George Washington Carver, who has made inventions.

Mr. HOFFMAN. What I am trying to make clear is that your complaint is against the assertion by the employer of his right to dispose of jobs which he has created as he wishes. That is your complaint?

Mrs. WHITBY. Yes; because that violates American principles.

Mr. LESINSKI. I think the biggest trouble I have found in the plants is in the man who is the foreman and who does the hiring. I happen to know a plant where there is one of the largest nationalistic groups, and the foreman, or superintendent, would naturally hire from among his own group and forget everybody else.

Mr. HOFFMAN. His own church or his own lodge.

Mr. LESINSKI. That is right. Of course, as the years go by, another nationalistic group will start up and will begin to do the same thing. Take out in Detroit. You will be surprised to learn that only 15 percent of the population is Polish, but 60 percent are in war industry.

Mr. HOFFMAN. I will say to the members of the committee, who may not know the gentleman as well as I do, that he probably knows more about employment than anyone else. He has been a strong C. I. O. man from the beginning right down to the present moment. He probably knows more about such matters than any witness who might come here.

You are at Wayne University, Mrs. Whitby?

Mrs. WHITBY. Yes.

Mr. HOFFMAN. You are an instructor there?

Mrs. WHITBY. Yes.

Mr. HOFFMAN. Do you advocate not only equality of opportunity but also social equality?

Mrs. WHITBY. I am not so concerned about that. My greatest concern—

Mr. HOFFMAN. There is equality between races at Wayne University? They attend social functions together?

Mrs. WHITBY. Yes.

Mr. HOFFMAN. Colored, white, and anybody who wants to?

Mrs. WHITBY. Yes.

Mr. HOFFMAN. That is the teaching of that university?

Mrs. WHITBY. No; the teaching of the university centers on the arts and sciences.

Mr. HOFFMAN. Well, then, they practice social equality?

Mrs. WHITBY. Yes.

The CHAIRMAN. Mr. Day, have you any questions?

Mr. DAY. No.

The CHAIRMAN. Mr. O'Konski?

Mr. O'KONSKI. No.

The CHAIRMAN. Mr. Fisher, have you any questions?

Mr. FISHER. Is Wayne University a Negro institution?

Mrs. WHITBY. No, it is not; it is a municipal college for Detroit and the State.

Mr. LESINSKI. It is a city school.

Mrs. WHITBY. Yes.

Mr. FISHER. Supported by the municipal government?

Mrs. WHITBY. Yes.

Mr. FISHER. How many students are there?

Mrs. WHITBY. In the entire school, including the colleges of medicine and law, there are probably 7,000 students.

Mr. FISHER. What percentage of them are Negroes?

Mrs. WHITBY. I do not know that, because records are not kept by race.

Mr. FISHER. Approximately?

Mrs. WHITBY. I do not know. It would be very difficult for me to say.

The CHAIRMAN. Would you say a third?

Mrs. WHITBY. I would think not that many.

Mr. LESINSKI. I think it is about 10 percent; maybe less.

Mrs. WHITBY. It will probably follow the population. It is about 10 percent.

Mr. FISHER. About 10 percent?

Mr. LESINSKI. Or less; not over.

The CHAIRMAN. Would you say that that was correct, Mrs. Whitby?

Mrs. WHITBY. I think so. It is difficult to say, because the records are not kept that way.

Mr. FISHER. You spoke of unemployment in Detroit among the Negro women. I have heard this said by people from that city: that they had found it extremely difficult to hire a Negro maid there. Do you know anything about whether there is a shortage of Negro maids or servants, or of work for employees of that type?

Mrs. WHITBY. Yes; there is. It is very difficult to get domestic help now.

Mr. FISHER. Even in view of the unemployment situation?

Mrs. WHITBY. Even in view of unemployment, because that is a field that has been long exploited. People have been working and been underpaid in that field for a long time, and now that greater opportunities are opening for decent wages, people are going into them.

Mr. FISHER. It is not a question of their not having work; it is a question of their not wanting to work?

Mrs. WHITBY. Well, everybody wants the best return for his efforts.

Mr. FISHER. Would they rather not work at all than work in that type of employment?

Mrs. WHITBY. I think the field has been so terribly exploited, there are some people who would rather not work at all. One time when I worked with the relief agency in the city, we frequently found some people who, rather than be exploited in the ways people exploit domestics—

Mr. FISHER. What do you mean by "exploit"?

Mrs. WHITBY. I mean having people do 12 to 15 hours of work for \$3 or \$4 a week and perhaps to sleep—

Mr. FISHER. Is that the present wage scale?

Mrs. WHITBY. No, no; it is not the present wage scale, but it was at one time.

Mr. FISHER. What do they now pay maids in the homes in Detroit on the average? Do you know?

Mrs. WHITBY. Well, it has been raised a great deal. I would think that the minimum low figure would be \$15.

Mrs. LESINSKI. It is \$5 a day.

Mrs. WHITBY. It is \$5 a day if they are paid by the day.

Mr. FISHER. Do they pay \$5 a day for maids in the homes in Detroit?

Mrs. WHITBY. Yes; but you cannot get them for that.

Mr. FISHER. Some of them would rather not work at all than have that employment?

Mrs. WHITBY. No; I would not say that. When I spoke of unemployment, that is a thing just beginning to occur. It is hardly measureable. The figures I got were of people working currently with the season, from day to day. I do not think you can tell yet because it is of such recent happening. You cannot tell whether

there will be extended employment or whether people would rather not work than take domestic jobs. They are laid off in one plant, and they will go to another plant to be hired.

Mr. FISHER. As a teacher, do you not think that that is a mighty bad state of mind for anybody to get into—to refuse to work if he or she cannot get the kind of work desired?

Mrs. WHITBY. I think it is a very tragic state of mind to get into.

Mr. FISHER. Do you not think, further, that the only ones who can best correct it are the people themselves?

Mrs. WHITBY. Well, no; not the people themselves. As I said, they have got to be bolstered also by government. There are a lot of different things that have to be done. The people themselves have got to work at it. Surely the Negroes themselves want to work at it. We are very much interested in becoming workers. But when you have to counteract something that went on for 200 years, you really have a problem on your hands that cannot be corrected overnight. For 200 years the Negroes worked for nothing in this country; they contributed their labor. They did not have the experience of developing into good workers.

Mr. FISHER. Do you mean to say that there has been no progress among the Negroes for 200 years?

Mrs. WHITBY. Oh, no; there has been definite progress. I think I would insult the intelligence of everybody present if I said there was no progress. There has been great progress; almost miraculous.

Mr. FISHER. That has occurred even though we have not had the F. E. P. C. during that time?

Mrs. WHITBY. We have come into greater progress during this period. We have skyrocketed upward, and I think one of the forces responsible is the F. E. P. C.

Mr. FISHER. Do you not know that about the time F. E. P. C. was created, the War Manpower Commission said that 7.2 percent of the Negroes in this country were employed in war industry?

Mrs. WHITBY. But that is a very low figure.

Mr. FISHER. Negroes comprise less than 10 percent.

Mrs. WHITBY. But you are saying 2 percent.

Mr. FISHER. No, I said 7.2 percent.

Mrs. WHITBY. Of Negroes or of all people?

Mr. FISHER. No; of all the Negroes in the United States, 7.2 percent are employed in war industries.

Mrs. WHITBY. But you are comparing that with the total situation. You are giving the percentage of Negroes and citing that they are 10 percent of the total population.

Mr. FISHER. That is right; a little less than 10 percent. Yet, between 7 and 8 percent of them are employed in war industry, which is probably as good a proportion as the Englishmen or any others have.

Mrs. WHITBY. But you are not saying 7 percent of all employed; you are saying 7 percent of all Negroes. That is not a fair analogy.

Mr. FISHER. That is right; 7.2 percent of all the war workers in the United States at about the time of the beginning of the F. E. P. C. were Negroes, a race that represented a ratio of less than 10 percent of the total population of the Nation.

The CHAIRMAN. Mr. Fisher, where did you get those figures?

Mr. FISHER. I got them from the hearings held by the Appropriations Committee, which I have right here. It is the testimony of Mr. Ross, Chairman of the F. E. P. C.

The CHAIRMAN. The reason I ask is that I understood that before F. E. P. C., the percentage was 3.0, not 7.2.

Mr. FISHER. Well, the testimony there showed it was 7.2 percent, according to the War Manpower Commission, which made a survey last summer.

The CHAIRMAN. That is since the establishment of F. E. P. C., not before.

Mr. FISHER. I do not know the exact date, but it was about a year ago.

I have heard several witnesses here talk about the boys who have gone over to fight this war, of whom, of course, we are all very proud, and that they are very fearful they will come back and find a changed America; that conditions are going to change. It is implied that when the war is over, everything is going to be contrary to what the returning veterans want. Where do you get the impression that this tremendous change is coming over this Nation, contrary to the great progress you have described, that has been made for 200 years? Where do you get the impression that after this war is over there is going to be any reaction to that progress and that they are coming back to an entirely different and changed America?

Mrs. WHITBY. Well, I think that the fear is that it will not change, for Negroes do not want to come back to the same thing; they do not want to come back to discrimination.

Mr. FISHER. They do not want to come back to the same America that has given them 200 years of progress?

Mrs. WHITBY. They do not want to come back to an America that has discriminated against them. They want to be given opportunities for good jobs.

The CHAIRMAN. Is it not a fact that there was very great discrimination after the last war; and now that there are probably four times as many Negroes in this war, is it not safe to assume that they would naturally think they may come back to the same conditions when they are released?

Mr. FISHER. Madam Chairman, of course, lots of argument could be made on that proposition, but I think yours is an erroneous one. That is my opinion about it. I doubt if there is a person in this room—a member of this committee—who cannot look back to a time in his life when he failed to get a job or a promotion and felt he had been discriminated against by some employer. The progress of the American people has been built on initiative of individuals to go out and solve their own problems. That is the way the Nation was built.

The CHAIRMAN. But you do think that everybody should be permitted to have the same privilege, regardless of color?

Mr. FISHER. I do not think that any Great White Father in Washington can solve that problem; I think it has got to be solved by the people themselves, by time-tested methods of orderly progress and never by force and compulsion.

Mrs. WHITBY. We believe it will take a number of things, not the Father in Washington or the people in the community, but it will take all of us working together.

Mr. FISHER. That is right; and no legislation will do it.

Mrs. WHITBY. Yes; legislation is necessary.

Mr. FISHER. Education, understanding, progress, developed over 200 years.

The CHAIRMAN. Now, Mr. Fisher, it took legislation to raise the wages of a great many people who were working for \$3 a week to \$11, not so long ago, when the wage-hour law was passed. It took legislation to do that. That actually happened. So I think legislation sometimes does help. Do you not think so?

Mr. FISHER. I fail to see the analogy.

The CHAIRMAN. I mention this because I happen to know a great deal about conditions previous to the time the wage-hour law was enacted. We found that there were people who were paying workers as little as \$2 and \$3 a week. They paid them \$11 a week because they were compelled to do so, and apparently they got along, and their business prospered.

Mr. LESINSKI. It did not happen only in the South; it was in New Jersey, Pennsylvania, and everywhere else.

The CHAIRMAN. I know of cases in my own State, so I am not accusing the South or any other part of the country. I say it took legislative enactment to really give some people a chance to live. So I think these legislative enactments are useful, and I do believe that years from now we will all find, if we put this law on the statute books, that we are all going to benefit from it—minorities and majorities.

Mr. FISHER. I think that some statutes are useful and helpful, and I think that some of them have the opposite effect.

The CHAIRMAN. I believe we have different opinions on that subject.

Mr. FISHER. In your enthusiasm, you are trying to deal with a big subject that cannot be solved by legislation. You are going in the wrong direction.

The CHAIRMAN. There is no simple solution to any problem.

Mr. FISHER. You are trying to make it simple, but it just cannot be solved in that way.

The CHAIRMAN. No; I do not agree with you there. There is no such thing as a simple solution to any great problem; in fact, to any small problem. But we are going to find a solution, I hope, and I am sure that you hope so too, Mr. Fisher.

Mr. FISHER. Well, I hope we will find a solution; in fact, I think we have found the solution already and it should not be interfered with.

The CHAIRMAN. If you mean the F. E. P. C., I entirely agree with you.

Mr. FISHER. I say we have found it through 200 years of progress in this country; and we did not find it with a Fair Employment Practice Committee.

The CHAIRMAN. I think we are finding it since the establishment of F. E. P. C.

Thank you very much, Mrs. Whitby. You have really given us a great deal of valuable information. We are grateful to you.

The committee will stand adjourned until tomorrow morning at 10 o'clock.

(At 12.10 p. m. an adjournment was taken until Wednesday, June 7, 1944, at 10 a. m.)



TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

WEDNESDAY, JUNE 7, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The committee will be in order.

Our first witness is Dr. Samuel McCrea Cavert, general secretary, Federal Council of the Churches of Christ in America. We shall be glad to hear you at this time, Doctor.

STATEMENT OF DR. SAMUEL MCCREA CAVERT, GENERAL SECRETARY, FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA

Dr. CAVERT. Madam Chairman, my name is Samuel McCrea Cavert. I am general secretary of the Federal Council of the Churches of Christ in America and appear to express its views, as stated in official action of its executive committee.

The Federal Council of the Churches of Christ in America is a federation of 25 national denominations, with a membership in excess of 25,000,000, in 150,000 local congregations in all parts of the Nation. These churches of the federal council have long had a keen interest in the welfare of minority groups in our population and are now deeply concerned over the issue of full justice for them in our economic life. The right of every citizen to work is so fundamental to human welfare and social justice that any discrimination against any worker on account of race, creed, color, or national origin, seems to us a matter of high moral and spiritual significance and a great concern of the churches. That is why I speak in favor of the proposed legislation on this subject, as a representative of the Protestant churches co-operating in the federal council.

The Federal Council of Churches has gone on record officially on three different occasions in support of the principle of governmental action to remove discrimination in the opportunity for employment.

On June 13, 1941, the executive committee of the council defined its position in part in the following words:

The executive committee of the Federal Council of the Churches of Christ in America has great concern about the grievous discriminations shown in the exclusion of Negro workers and workers of other minority groups from defense industries, with a few creditable exceptions, and from opportunities and facilities for training for employment in such industries. We consider this question of such paramount importance that we ask for the largest and fullest cooperation on the part of the churches in order that we may prevent a continuance of this injustice against Negroes and other minorities in defense industries and that the relations of these workers and employers may be improved.

Again, on September 16, 1943, in a message to the churches of the Nation, the executive committee of the council asserted that—

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

Finally, at its meeting on March 21, 1944, the executive committee passed the following resolution, definitely urging their Government to establish some permanent procedure for securing fair employment practice and against discrimination, 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 a worker to be employed and paid solely on the basis of this 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.

A resolution of similar tenor has recently been adopted by the executive committee of the Home Missions Council of North America, as follows:

The right and opportunity for any worker to be employed without discrimination on account of race, color, creed, or national origin are so just and so in harmony with Christian ethics that all Christians and church agencies have a deep responsibility to stand for that clear Christian and democratic principle. We believe that government should take such necessary legislative and administrative action as will protect the right to work from any such discrimination.

The positions thus set forth by action of these two interdenominational bodies, the Federal Council of Churches and the Home Missions Council, have been strongly supported by many of the major denominations meeting individually in their official plenary sessions. As typical of these denominational actions, I wish to put into the record the following resolutions.

First, the General Conference of the Methodist Church of Kansas City, Mo., last month, voted as follows:

We stand for equal opportunity in employment, upgrading and conditions of work, in exercise of the full rights of citizenship; in access to professional and business careers, in housing, in transportation, and in educational facilities. We endorse the principles underlying the Fair Employment Practice Committee and urge all agencies involved in the administration of the act to improve that administration.

The General Assembly of the Presbyterian Church in the United States of America only last week passed the following resolution after full consideration:

That the General Assembly commend the essential purpose of the President's Fair Employment Practice Committee as being in keeping with Christian principles, and favor its receiving legislative sanction rather than remaining in its present status as an Executive order.

This resolution of the Presbyterian General Assembly is supported by a letter from Dr. Henry Sloane Coffin, the moderator of the Presbyterian General Assembly during the past year, which I should like to read.

Dr. GEORGE E. HAYNES,
New York, N. Y.

JUNE 6, 1944.

MY DEAR DR. HAYNES: I greatly regret my inability to appear in person before the Committee on Labor of the House of Representatives on Wednesday to testify in favor of Federal legislation in line with House bill 3986.

I believe that the principles of justice that are a part both of our Christian ethic and our democratic way of life make such legislation a moral necessity as an aid in removing the discriminations in industrial employment. Such discriminations should have been outlawed long ago.

With all the emphasis I can, I wish to add my voice in urging the Congress to enact such a law and remove the uncertainty that has hung over the very effective work now being done by Executive order under the President's war powers.

Yours sincerely,

HENRY SLOANE COFFIN.

There are several other resolutions along the same general line which I might read, but instead of quoting from them I will simply say for the record that such resolutions have been adopted by the Northern Baptist Convention meeting at Atlantic City last month; by the General Conference of the African Methodist Episcopal Church; by the General Conference of the African Methodist Episcopal Zion Church, and by a considerable number of local councils of churches and diocesan and other regional bodies in various denominations. Also the Social Action Council of the National Council of the Congregational Churches has specifically endorsed the principles underlying the bill which your committee is now considering.

Madam Chairman, in summary, I should like to emphasize the fact that there is an awakening conscience in the churches on the whole question of justice for minority peoples in our national life. When we are asking Negroes and other minorities equally with white to fight and die in defense of democracy on the battlefields of the world, we cannot, in good conscience, be indifferent to any denial of democratic rights in our life at home. And one of the most elementary aspects of interracial justice seems to us to be equal opportunity for all workers to earn their daily bread. That is why there is a widespread support throughout the churches for the objectives sought by the bill which you are now considering.

Thank you.

The CHAIRMAN. Thank you very much, Dr. Cavert. It is very encouraging to this committee to find that the Federal Council of Churches is so deeply interested in this problem. We have also found that all the other churches are interested in the problem; the Catholic Church and the Jewish congregations that we have heard from. In fact, I think everybody who believes in God is interested in this very serious problem and we hope that there will be some way found to bring about greater equity.

Certainly we must all admit that every man, regardless of his color or his creed, has the right to find a job. If we do not feel that way, Doctor, it seems to me that this whole war effort would be in vain. We are fighting for democracy—for equal opportunity to work and live—yet here in our own country we have certainly a great deal of discrimination. From all that you have said I gather that you do believe absolutely in equal economic opportunity, for all minority peoples, do you not?

Dr. CAVERT. That is the main point which I have been trying to emphasize in the testimony which I have brought here and which has been very effectively expressed, I think, in many actions by different church bodies.

The CHAIRMAN. You have done a splendid job. Do you not think, too, that when this war is over, there is going to be a very much greater need of this legislation?

Dr. CAVERT. I am sure that will be the case; that is when the real test will come, and that is one of the reasons why we, in the churches, are so much concerned. Because we want to be prepared for that situation we are in favor of legislation which will go as far as legislation can go in safeguarding these principles.

The CHAIRMAN. Doctor, are you willing to answer questions?

Dr. CAVERT. Yes, indeed; thank you.

Mr. FISHER. Dr. Cavern, you represent the Federal Council of Churches of Christ in America, as I understand it.

Dr. CAVERT. Yes.

Mr. FISHER. Just for the purpose of the record, how do you function at your conventions? Do you have one representative of each church in America that meets in convention? Or how do you arrive at your resolutions?

Dr. CAVERT. The council, as a whole, meets biennially in plenary session, made up of approximately 450 official delegates appointed by the 25 denominations in proportion to their numerical strength. In the interim, between the biennial meetings, an executive committee meets bimonthly. It is made up of approximately 90 members also representing the 25 denominations. Each denomination, whether large or small, has 2 members, and the larger ones have a proportionately greater number of representatives.

Mr. FISHER. That would be an average of about 2 for each State in the Union, representing all of the churches that you referred to?

Dr. CAVERT. That is right.

Mr. FISHER. But in your general assembly that you have referred to, you have 450 delegates.

Dr. CAVERT. Perhaps I ought to make clear that I am speaking in part for the Federal Council of Churches, which is the official organization for cooperative work among the churches, and in part I am speaking for certain major denominations as national bodies which have taken independent action quite regardless of the Federal Council, The Methodist General Conference, to which I have referred, for example, and whose resolution I read, when it met in Kansas City for 2 weeks at the end of April and beginning of May, had official delegates numbering 762, appointed by every local conference of the Methodist Church in every State of the Union.

The General Assembly of the Presbyterian Church, whose resolution I read, when it met in Chicago only last week and the week before, had approximately 600 members representing all of the presbyteries of that national body, from every State in the Union.

The Northern Baptist Convention had approximately 2,400 registered delegates. It is a much larger body.

I think when you consider that what I have reported to you is not actions of the Federal Council's Executive Committee alone, but reinforced by official resolutions during the last few months of the great national denominations—the Methodist Church alone, for example, has 8,000,000 members—you will see that I am reporting to you, as a matter of objective fact, a very widespread concern, expressing itself in a score of different ways and as more or less a spontaneous welling up of opinion on this subject. I would not ask you to take this very seriously if it were merely one resolution of an executive committee. It is not that. It is a great body of actions.

Mr. FISHER. I will ask you this question, then. Do you know of any particular church, of any local congregation, that has passed a resolution with reference to any one of the three bills now pending?

Dr. CAVERT. Local churches do not ordinarily pass resolutions on national legislation. They expect that to be done by the national representative bodies of their church.

Mr. FISHER. Then, as I understand your testimony, there is no local congregation in America that has had before it, or before the people of the congregation, the three bills that are now before this committee and with respect to which any action by that congregation alone has been taken?

Dr. CAVERT. I have no way of knowing how many such congregations there may be.

Mr. FISHER. Well, do you know of any?

Dr. CAVERT. I would not know of them probably, because local actions are not reported to us. We are a federation of 25 national bodies.

Mr. FISHER. Then if there has been any action by any local congregation in America, you do not know anything about it; is that correct?

Dr. CAVERT. I will reply, if I may, by taking as an illustration of local interest and action—

Mr. FISHER. I mean action of a local congregation meeting in one church house.

Dr. CAVERT. As I have already said, I would not know of them, because we make no effort to secure them. They would be reported to their national denominational bodies.

Mr. FISHER. I understand then, that if there has been anything of that kind, you do not know anything about it, or you have no information about it?

Dr. CAVERT. I have no information about it. But I would like to add that that really is rather irrelevant, because that is not the way in which churches express themselves on national legislation. They express themselves through their national bodies which, like the Methodist General Conference, are made up of local representatives from every State and every local conference throughout the Nation.

Mr. FISHER. I understand that. You mentioned 8,000,000 members of a church that you represent here indirectly, but I am wanting to know whether those 8,000,000 you are talking about have ever taken any formal action with reference to any of these bills before us.

Dr. CAVERT. Yes; they have, through the action of the General Conference of the Methodist Church, which is the body duly authorized to deal with such matters for the Methodist Church.

Mr. FISHER. In other words, every member of the Methodist Church, in every local congregation, is bound by the action taken by the national conference, is that correct?

Dr. CAVERT. Within our Protestant bodies nobody is bound by any formal authority. These statements are expressions of the considered judgment of these representatives of the church. They have no coercive authority over any member of the church.

Mr. FISHER. I understand. Then you do not know whether they represent the views of the majority of their individual congregations or not.

Dr. CAVERT. When the Congress of the United States votes unanimously for a measure, I assume there is good reason for believing that that action represents the people of the United States. When the Methodist General Conference, which is equally a delegated body representing all areas of this great denomination, votes for a proposal, I assume that action also represents that body.

Mr. FISHER. I see your analogy. In other words, you feel that it is a basis of representation.

Dr. CAVERT. It is a basis of representative government on which we have to go.

Mr. FISHER. Of course, you understand that in our political system we have issues that are presented to the people from time to time, and men are elected or defeated because they stand for this or for that; for the F. E. P. C., or against it, and so forth. That, of course, is not true with the delegates from the individual churches, is it?

Dr. CAVERT. I think that you have the equivalent in our delegated bodies, because a subsequent general conference can, and sometimes does, override the actions of preceding general conferences. You have the give and take of democratic procedures in our church bodies, as in our political bodies.

Mr. FISHER. Of course, the people elect their Representatives to Congress by individual vote on expressions of the public issues involved. But, as I understand in this case, the one that you have involved here, the people themselves never ratify and confirm the action of the delegates, never instruct them beforehand with reference to these issues?

Dr. CAVERT. They definitely elect those who are to represent them in these national governing bodies of the church.

Mr. FISHER. But, so far as you know, those local congregations have not taken formal action and conveyed their views directly and personally to the delegates that you have referred to, on an issue of this kind?

Dr. CAVERT. Normally they would not do so. They would send them uninstructed.

Mr. FISHER. Let them use their own judgment as to what they think is best?

Dr. CAVERT. Yes.

Mr. FISHER. Then they may or may not agree with what they do. That would naturally follow, would it not?

Dr. CAVERT. Yes. Of course, theoretically they may or may not agree, but when you find this action springing up in so many different bodies—

Mr. FISHER. I understand.

Dr. CAVERT. I think that it does not take any very great argument to persuade one that it represents a real current of public opinion.

Mr. FISHER. Dr. Cavert, do you believe that if an individual engaged in business, in which he has some money invested, and as a result of which he creates a few jobs—we will say five or more, to come within the scope of this bill—should have the right to select his employees, the employees who he believes would be the best to operate that business profitably? Do you believe in that?

Dr. CAVERT. He certainly should have the right to select those people who will be the most competent to fulfill the duties, but I do not think he should have the right to select people because they are white or black or Protestants or Catholics or Jews.

Mr. FISHER. You do not think he should have any choice; you think the Government should step in and tell him whom to hire?

Dr. CAVERT. I think that if we are going really to maintain a national life on a democratic basis, which permits us to pick up, let us say, Negroes out of their daily occupations and send them to Europe, or the Pacific islands, to fight for our Nation, we owe them something in the way of economic opportunity when they return; and that we ought to be ashamed of ourselves if we discriminate against them on account of their color or their religion, when we do not discriminate against them on that basis when it comes to asking people to fight and die for their country.

Mr. FISHER. I have heard that argument made several times.

Dr. CAVERT. Do you not feel that it is a pretty good argument?

The CHAIRMAN. It is an argument that cannot be answered.

Mr. FISHER. Do you believe in social equality of the races?

Dr. CAVERT. It seems to me that is, as the lawyers would say, irrelevant and immaterial to the question at hand.

Mr. SCANLON. Will the gentleman yield to me?

Mr. FISHER. Yes.

Mr. SCANLON. There is nothing in my bill about social equality.

The CHAIRMAN. Certainly; that is understood.

Mr. SCANLON. There is nothing in my bill that says that a man must hire certain people if he employs five or more. The provision has to do with discrimination against employment on account of race, color, creed, or national origin. That is the language of the bill.

Mr. FISHER. Madam Chairman, I shall not pursue the question, although I think it is relevant; because it is an indication of one's approach to the subject, whether you approach it from the standpoint of one who entertains that view, or otherwise.

The CHAIRMAN. The question is one of economic, not social, opportunity.

Dr. CAVERT. I would like to answer the question, if I may, in order not to seem to be evading it. One man may believe in what is ordinarily called social opportunity, and another man may not; but it seems to me that both Mr. A and Mr. B, in a country founded on our principles, must agree that, regardless of views about social equality, they should have equal opportunity to employment, and to lay the foundations of a decent life.

Mr. FISHER. Doctor, getting back to my question that I propounded to you a little while ago, do you believe that where a man has his own business and creates jobs as a result of his own investment—perhaps has borrowed money to do so—in the employment of five people, if he believes certain people would be most effective in that business and return him the most on his investment—do you believe that he should not be given the privilege of hiring all whites if he prefers that kind of employees, rather than mixing them with Negroes, or hiring all Negroes?

Dr. CAVERT. I think he must have the privilege of selecting people who, in his judgment, will be most competent to do the job. I do not think any American should be given the privilege of selecting people just because he happens to like the color of their skin, which has nothing to do whatever with their competence in the job.

Mr. FISHER. You would leave that up to the individual, then?

Dr. CAVERT. I am not willing to leave it up to the individual. I think we have to set a national pattern for such things.

Mr. FISHER. You think the Government should step in and tell him that he must hire Negroes even though he feels that in his particular business, if he did so, he would not make a profit in his business?

Dr. CAVERT. Certainly the Government must not tell him that he must hire Negroes. But I do think the Government has the right and the duty to set up certain safeguards to see to it that no minority group is deliberately discriminated against just because of the prejudice of an employer or a union.

Mr. FISHER. In other words, it is your view, as I understand it, that if a man goes into a business that comes within the scope of the provisions of these bills, and wants to hire 10 people to help operate that business—let us say it is a ladies' ready-to-wear establishment, and that it comes within the definition of interstate commerce, and within the scope of this bill—and let us assume that 10 Negro women apply, and 10 white women apply, and that he prefers whites because he feels that they would be best for his business, in the particular situation, knowing that from experience; and that he does not want Negroes because he does not want colored people for that particular work, he has that feeling about it—would you feel that he was discriminating against them because he arbitrarily refused to hire them, for that reason?

Dr. CAVERT. It seems to me so. I would only add that if all the other people took the same attitude, how would our Negro workers support themselves? They would be the victims of a prejudice which had nothing to do with their competence in the job, but a prejudice against the color of their skin which God gave them.

Mr. FISHER. In other words, if you were directing the matter, you would require them to hire either all or at least part of their employees from those who were Negroes; in this particular establishment, Negro women?

Dr. CAVERT. I would put it not quite that way. I would put it negatively. I would require him not to discriminate against any person merely because of race, creed, or color.

Mr. SCANLON. Madam Chairman, may I interpose this, that great stress is being laid on the Negro group, as though this bill were drawn specifically for them. It is not. There are many other races in this country who are being discriminated against when it comes to employment. The purpose of the bill is to prevent discrimination against any minority group, not the Negro group alone.

The CHAIRMAN. Do you not think Mr. Scanlon, everybody really knows that who has read the bill?

Mr. SCANLON. It would not seem so from the questions that are being asked.

Mr. FISHER. Will the gentleman yield?

Mr. SCANLON. Yes.

Mr. FISHER. Just for the information of the Chairman and Mr. Scanlon, the F. E. P. C. has reported that 78 percent of all the cases that they have handled have been cases involving Negroes. So that approximately 80 percent of the problem is a Negro problem.

The CHAIRMAN. They are the largest minority group and of necessity that must be so.

Mr. FISHER. Eight-tenths of the question before us has to do with Negroes. I will concede that the other 20 percent does not.

The CHAIRMAN. I think it is time for the committee to lay down some rules governing the hearings. I think it would be fair to say

that no member should take more than 5 minutes of a witness' time in asking questions, for the reason that there are many members who may have questions to ask and it would not be fair for the witness not to be given an opportunity to answer all of the questions.

In the future, if it is agreeable to the committee, I would suggest that we allow each member of the committee not more than 5 minutes on questions.

Mr. FISHER. Madam Chairman, I do not want by my silence to seem to acquiesce in that suggestion.

Mr. RANDOLPH. Madam Chairman, I have not been privileged to hear the formal statement of the witness.

Do I understand, Doctor, that you represent the Federal Council of Churches of Christ in America?

Dr. CAVERT. I am here officially representing the Federal Council of Churches and also, in connection with that assignment, reporting on the actions taken by several of the denominations in the council independently of the council's action.

Mr. RANDOLPH. I want to ask only one question; I do not want to be repetitious in what I am requesting, but is there any discrimination, as you understand it, in the over-all organization which you represent, against the colored people, from the standpoint of the usage of a church itself for the purposes of worship?

Dr. CAVERT. No. I know of no such discrimination. There are, of course, different patterns of procedure which vary according to customs of a community, but within the Federal Council I believe I can say without reservation there are no discriminations.

Mr. RANDOLPH. The reason I ask is that I think it is much more important theoretically, if not practically, that the churches living under the banner of Christ observe what you have been preaching, than that we do all at once in our economic system what you advocate.

Dr. CAVERT. Perhaps I ought to make it clear, if I have not already done so, that of the 25 national denominations comprised within the council, 4 of them are Negro bodies, on the same basis of membership and representation and service on committees as the 21 white denominations.

Mr. RANDOLPH. That is all.

The CHAIRMAN. Dr. Cavert, you have made a very fine contribution to this hearing and we are very grateful to you for coming here today. We expected you would take the position you have taken, and are glad we were not disappointed.

Dr. CAVERT. Thank you very much for the courtesy of the hearing, Madam Chairman.

The CHAIRMAN. Our next witness is Mr. Hubert Wyckoff, Assistant Deputy Administrator for Labor Relations, War Shipping Administration. Mr. Wyckoff, we will be pleased to hear from you at this time.

STATEMENT OF HUBERT WYCKOFF, ASSISTANT DEPUTY ADMINISTRATOR FOR LABOR RELATIONS, WAR SHIPPING ADMINISTRATION

The CHAIRMAN. I understand you are here representing the War Shipping Administration?

Mr. WYCKOFF. That is correct.

The CHAIRMAN. Will you be good enough to tell this committee why you think there is need for permanent legislation on this subject in the post-war era?

Mr. WYCKOFF. May I read the Administrator's communication?

The CHAIRMAN. We shall be very glad to have you do so.

(Mr. Wyckoff read the following letter:)

WAR SHIPPING ADMINISTRATION,
UNITED STATES MARITIME COMMISSION,
Washington, D. C., June 6, 1944.

Hon. MARY T. NORTON,
Chairman, Committee on Labor,
House of Representatives.

DEAR MISS NORTON: With reference to your letter of May 19, 1944, inviting me or my designated representatives to appear before your committee on Wednesday, June 7, at 10:30 a. m., I am sorry to advise you that because of prior engagements I will not be able to appear. Mr. Daniel S. Ring, Director, Division of Shipyard Labor Relations, Maritime Commission, and Mr. Hubert Wyckoff, Assistant Deputy Administrator for Labor Relations, War Shipping Administration, will appear at the designated time and place.

There are attached hereto factual statements with respect to the experience of the Commission and the Administration in connection with the Fair Employment Practice Committee. Those statements constitute in effect the material which I would present as my prepared statements if it were possible for me to appear. They present briefly the experiences of the Maritime Commission and the War Shipping Administration under the provisions of Executive Orders 8802 and 9346. With respect to the proposed permanent legislation, it is felt that these agencies are not the proper agencies to make recommendations concerning the legislative policy involved, and that comments thereon should more properly come from those agencies of the Government directly concerned with recommending and shaping labor economic policies.

Sincerely yours,

E. S. LAND,
Chairman, United States Maritime Commission,
Administrator, War Shipping Administration.

The CHAIRMAN. Have you found that there have been strikes because of the opposition of white employees to the hiring of Negro workers? Have you had that experience?

Mr. WYCKOFF. There have been no strikes on merchant ships since Pearl Harbor, for any cause.

The CHAIRMAN. Good. Will you tell the committee how you feel about the F. E. P. C.; whether or not you believe it has helped to spread employment and break down prejudice, and whether you think it should be continued as permanent legislation?

Mr. WYCKOFF. I do not feel I have any authority to make a statement in that regard, in view of the position that the Administrator has taken in his communication to the committee. I would be very happy to tell you how we operate, as the attached statements here describe, or to answer any questions.

The CHAIRMAN. We will be very glad to have you tell us just how you do operate.

Mr. WYCKOFF. Would you like me to read the statement that is attached to the Administrator's letter?

The CHAIRMAN. Read it or tell us in your own way, whichever you prefer.

Mr. WYCKOFF. I could summarize it, if you prefer.

The CHAIRMAN. Suppose you do that.

Mr. WYCKOFF. The War Shipping Administration takes delivery of vessels that are constructed by the Maritime Commission and

assigns them for operation to existing steamship companies. The shipping companies operate Government-owned vessels which are assigned to them as general agents of the War Shipping Administration.

In May of 1942, shortly after all private shipping was requisitioned, the Administrator agreed with the various maritime labor organizations that existing hiring practices and existing terms of employment in the industry would not be disturbed, so that, in effect, if a general agent of the War Shipping Administration, as a steamship company, had collective-bargaining agreements with maritime labor organizations, he continued operating under his collective-bargaining agreements. If he did not have collective-bargaining agreements, he continued operating in accordance with his usual and customary commercial practices.

The dry-cargo portion of the maritime industry was highly organized, from a labor standpoint. Practically all of the general agents of the War Shipping Administration who operate dry-cargo vessels hold collective-bargaining agreements with the various maritime labor organizations. Practically 98 percent of the dry-cargo vessels are covered by these agreements. The tanker trade is not so highly organized.

The War Shipping Administration, in view of the construction program and the expansion of the merchant fleet, stepped up the existing training program and now maintains training schools throughout the country. The men who are trained in these training schools are placed on ships in accordance with the customary commercial practices of the ship operators, through another organization in the War Shipping Administration, the Recruitment and Manning Organization.

This Organization is the placement organization for the War Shipping Administration, and it also recruits seamen.

With respect to these Executive Orders 8802 and 9346, the War Shipping Administration has taken the following action in order to get in compliance with those orders. In the first place, every general agency agreement with our general agents contains a clause to this effect: that in any act performed under the agency agreement the agent or any subcontractor shall not discriminate against any citizen of the United States on the ground of race, creed, color, or national origin.

There was also issued a general order affecting our training service which provides that in the selection of applicants for enrollment in the training schools, no discrimination shall be practiced because of the applicants' race or creed or because of membership or nonmembership in any organization.

Likewise, the Recruitment and Manning Organization has issued instructions to all of its field offices to the effect that there shall be no discrimination for these reasons in connection with their recruiting activities or their placement activities.

There is one factor in connection with the application of this order to the maritime industry that has given us difficulty, but, as I said a while ago, no strikes have resulted and I do not know of any serious difficulty. Liberty vessels were designed originally with crew's quarters for an expected complement of about 40 merchant seamen. All of these vessels now carry armament and there is a naval armed guard aboard. Therefore, the quarters of a Liberty vessel, originally designed for 40 men, now must accommodate in the neighborhood of

70 men or more. So we really have double the complement that we had anticipated and built for. In addition to that, these vessels are heavily loaded. They carry deck loads, so that there is not much room to move around on deck, as there was before. Furthermore, shore leave has been curtailed in foreign ports and voyages are uncertain and longer than they were under peacetime conditions. Over and above all that, seamen on our merchant ships are going into danger areas and are therefore subject to continuous strain.

Thus, the general problem of discipline aboard ship has been heightened by all these factors and severe strain has been put upon the masters of vessels.

Notwithstanding these complications, I think it is fair to say that we have experienced no serious difficulty as far as compliance with the Executive orders is concerned.

The CHAIRMAN. Have you very many Negroes and Mexicans in your employ?

Mr. WYCKOFF. Yes; but I cannot answer that question with figures. We do not keep any records indicating what a man's race or creed is. Merchant crews are not permanently attached to their ships. They sign ship's articles, or a new contract of employment, for each voyage. The Training Organization and the Recruitment and Manning Organization, although they maintain records of every one who enters the schools, and of all people they place, keep no record of a man's race or creed.

The CHAIRMAN. Have you had any trouble on the question of race?

Mr. WYCKOFF. Yes, we have had some; but it has not been serious.

Mr. O'KONSKI. Have these two Executive orders altered your policy or have they been in conformance with your past policies in the War Shipping Administration?

Mr. WYCKOFF. The War Shipping Administration was not created until February 1942. I think that first Order 8802, was already in effect at that time. We could not therefore have had any prior policy.

Mr. FISHER. Mr. Wyckoff, am I correct in the belief that the Maritime Commission and the War Shipping Administration have the power to set up regulations and rules with respect to the employment of any people they want to employ?

Mr. WYCKOFF. Yes.

Mr. FISHER. And you have that irrespective of any permanent F. E. P. C. set-up; is that correct?

Mr. WYCKOFF. The power to prescribe regulations about who shall be employed?

Mr. FISHER. Yes.

Mr. WYCKOFF. Yes.

Mr. FISHER. Do you know of any disposition on the part of any of those who prescribe those rules to set up a system of discrimination?

Mr. WYCKOFF. No, I do not.

Mr. FISHER. On the contrary, the disposition is otherwise, is it not?

Mr. WYCKOFF. That is correct.

Mr. FISHER. So, irrespective of this legislation, you do not anticipate any problem of discrimination that cannot be corrected by the action of those who make your rules and regulations in that respect; is that correct?

Mr. WYCKOFF. Yes; I suppose that is correct.

Mr. FISHER. That is all.

The CHAIRMAN. Of course, that question is taken care of in your contracts, too?

Mr. WYCKOFF. Yes; it is.

The CHAIRMAN. The question of discrimination.

Mr. WYCKOFF. That is correct.

The CHAIRMAN. Have you any questions, Mr. Scanlon?

Mr. SCANLON. I have no questions. I think the gentleman has already answered all the questions I had in mind.

The CHAIRMAN. If there are no further questions, thank you very much for coming here and giving us your very valuable statement of facts.

The statement, attached to the letter which you have already read into the record, will be made a part of the record at this point.

(The matter referred to is as follows:)

H. R. 3986, 4004, AND 4005—FACTUAL STATEMENT RE EXPERIENCE OF THE MARITIME COMMISSION UNDER PROVISIONS OF EXECUTIVE ORDERS 8802 AND 9346

JUNE 5, 1944.

The subject bills all contemplate a permanent organization within the Federal Government, which will generally continue the work of the Fair Employment Practice Committee, set up originally by the terms of Executive Order 8802.

One of the underlying reasons for the promulgation of Executive Order 8802 was to insure an adequate labor supply for our critical war production needs. Upon the promulgation of Executive Order 8802, the Maritime Commission joined with the War and Navy Departments in a letter to the President's Committee on Fair Employment Practice, outlining the specific policy to be followed with reference to the application of the order to matters coming within the operations of the Maritime Commission.

Subsequently, Shipyard Labor Relations Bulletin No. 2 was issued, which notified all of our shipyards of the terms of the Executive order and the manner in which they were expected to comply with its provisions. Copy of Shipyard Labor Relations Bulletin No. 2 and copy of supplement No. 1 thereto, issued September 22, 1943, are attached.

Supplement No. 1 sets forth the procedures which thereafter should be used in processing complaints alleging noncompliance with the President's Executive Order 8802.

As a means of making available to critical war industries the utmost utilization of available manpower, Executive Order 8802 has served its purpose. The Maritime Commission experienced, in the early days of the order, some difficulties with shipyards, particularly in the South, but for the most part, these have disappeared and there is no present record of any violations of its terms.

The Maritime Commission also required a clause inserted in all of its procurement contracts, requiring all contracts aside from shipyards to comply with the terms of the order. Very generally there have been no complaints for non-adherence on the part of our contractors.

Summing up, all of our contracts require the observance of the principles of nondiscrimination set forth in the Executive orders of the President. The Commission has informed all contractors that such observance is an essential element of the contractual obligations.

The joint letter of the Army, Navy, and Maritime Commission, dated July 2, 1942, says that in following out such policy "such instructions shall not be interpreted as an intrusion upon the contractor's responsibilities in handling personnel but rather as a definition of an obligation in the contract."

Executive Order 9346 did not extend the terms of Executive Order 8802. In its preamble, 9346 made it the duty of labor unions not to discriminate among members. It did not include labor unions in the directive portion of the order. The Committee held hearings at two yards on the west coast—Oregon Shipbuilding Corporation and California Shipbuilding Corporation. These cases centered around alleged discrimination by the boilermakers against Negroes by refusing autonomy of colored auxiliaries; by refusing such members a vote in

electing business agents; denying representation of auxiliary unions in conventions; and a differentiation in insurance benefits between white and colored members.

The companies pleaded their collective bargaining agreements, which required a closed shop and the discharge of any one (white or colored) for nonpayment of dues.

The Committee ordered the companies, as well as the unions, to reinstate Negroes fired for nonpayment of dues and the companies to cease and desist from discharging colored members. The matters have now found their way into the State courts of California, and at present the courts of initial jurisdiction have decided that the boilermaker's union is within its rights in setting up auxiliary local unions.

The boilermakers, at their recent convention, have rectified many of the things which inspired charges of discrimination. Auxiliary unions may now be represented at conventions and may elect their own business agents.

SHIPYARD LABOR RELATIONS BULLETIN 2

EMPLOYMENT PRACTICE WITH REFERENCE TO EXECUTIVE ORDER NO. 8802

1. Attached hereto please find copy of Executive Order No. 8802 which binds the Maritime Commission with respect to the construction of vessels.

2. The Chairman of the Maritime Commission has joined with the Secretary of War and the Secretary of Navy in a letter to the President's Committee on Fair Employment Practices outlining the specific policy to be followed with reference to the application of Executive Order No. 8802 to matters coming within the operations of the Maritime Commission.

3. In this letter a distinction was drawn between the different types of operations as follows:

- (a) Government establishments wholly under the control of Government agencies such as navy yards, Army arsenals, etc.
- (b) Government-owned but privately operated plants.
- (c) Privately owned and privately operated plants having Government contracts.

4. With respect to Government establishments, there is none engaged in shipbuilding for the Maritime Commission which falls under the category of (a) above.

5. With respect to Government-owned but privately operated plants, the Commission's policy is that through inspectors in charge, the contractor-operators will be instructed that their policies and procedure must conform to the principles of Executive Order No. 8802. This does not mean that the Government will itself take over the details of personnel administration for the contractors, but rather that it will hold the contractor-operator to his contractual obligation of providing satisfactory labor-management relationships. The Maritime Commission will concern itself with insuring that the policies followed in such plants will be consistent with:

- (a) Maximum production.
- (b) Good management.
- (c) Safety and health in the plant.
- (d) The principles of fair employment practices set forth in Executive Order No. 8802.

6. With respect to privately owned, privately operated plants, the Commission's policy recognizes that Government agencies do not have direction over personnel or other management procedures under such contract. In view of the fact that Government contracts now include a clause calling for compliance with Executive Order No. 8802, however, the Commission has stated that it will inform contractors, through customary channels, that the Commission regards it necessary for the contractor to carry out his contractual obligations regarding nondiscrimination and that the points enumerated in attachment B are deemed essential elements of contractual obligation.

The Commission's policy is clear on the fact that such instructions will not be interpreted as an intrusion on the contractor's responsibility in handling his own personnel. Such instructions will be regarded on the other hand as a definition of an obligation already existing by virtue of the nondiscrimination clause of the contract which the Commission expects the contractor to live up to in the performance of his contract.

7. It is recognized that methods of providing equal employment opportunities for all qualified persons regardless of race, creed, color or national origin will vary in different parts of the country and in different types of plants.

8. Recognizing the conditions set forth in paragraph 7 above, the following principles will be used as a general guide in handling minority group questions:

(a) Efforts will be continued particularly in cooperation with the War Manpower Commission to provide equal opportunities for employment, in-service training and advancement to all qualified citizens, regardless of race, creed, color, or national origin, to expedite maximum production.

(b) Such equal opportunities for minority groups may be provided either parallel to or integrated with the opportunities afforded majority groups, and thus may be arranged and provided for to conform to existing State laws and community customs.

(c) In the practical application of this policy every effort will be made to open available employment opportunities to minority groups in such numbers and in such classes of positions as will expedite maximum production and as governed by the available supply of qualified workers.

9. The Commission recognizes that success in carrying out these policies must depend on cooperation of all parties concerned. This includes minority groups, unions, State and local officials and the citizens of particular localities. The molding of public opinion in any given working force and in any given community, further more, is recognized to be of great importance and should be the concern of all who are interested in securing compliance not only with the word but with the spirit of the Executive order mentioned.

10. With respect to insuring application of this policy, the procedure will be that complaints as to nonobservance which are received by the President's Committee on Fair Employment Practices will be referred to the undersigned whenever shipyard relationships are involved. In turn, the undersigned will clear all such matters through the regional construction directors who, of course, are fully authorized to deal with any complaints in this respect coming directly to them. It would be appreciated if reports on complaints immediately directed to the regional construction directors and acted upon by them, will be given to the Division of Shipyard Labor Relations.

DANIEL S. RING,

Director, Division of Shipyard Labor Relations.

ATTACHMENT A

EXECUTIVE ORDER NO. 8802

REAFFIRMING POLICY OF FULL PARTICIPATION IN THE DEFENSE PROGRAM BY ALL PERSONS, REGARDLESS OF RACE, CREED, COLOR, OR NATIONAL ORIGIN, AND DIRECTING CERTAIN ACTION IN FURTHERANCE OF SAID POLICY

Whereas it is the policy of the United States to encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in defense production solely because of considerations of race, creed, color, or national origin, to the detriment of workers' morale and of national unity:

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes, and as a prerequisite to the successful conduct of our national defense production effort, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or Government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin;

And it is hereby ordered as follows:

1. All departments and agencies of the Government of the United States concerned with vocational and training programs for defense production shall take special measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin;

2. All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race, creed, color, or national origin;

3. There is established in the Office of Production Management a Committee on Fair Employment Practice, which shall consist of a chairman and four other members to be appointed by the President. The Chairman and members of the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to performance of their duties. The Committee shall receive and investigate complaints of discrimination in violation of the provisions of this order and shall take appropriate steps to redress grievances which it finds to be valid. The Committee shall also recommend to the several departments and agencies of the Government of the United States and to the President all measures which may be deemed by it necessary or proper to effectuate the provisions of this order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 25, 1941.

ATTACHMENT B

SPECIFIC REQUIREMENTS TO INSURE FULFILLMENT OF COMMISSION POLICY WITH RESPECT TO EXECUTIVE ORDER NO. 8802, AND OBSERVANCE OF CONTRACTUAL OBLIGATIONS WITH RESPECT TO THE CLAUSE INVOLVING OBSERVANCE OF THAT EXECUTIVE ORDER

1. Executive Order No. 8802 will be complied with generally and specific attention will be given to the following points:

(a) Recruitment, in-service training and upgrading of employees should conform to the requirements of the Executive order.

(b) References to race or religion should be deleted from employment forms if such exist.

(c) Recruitment should not be confined to any sources that result in discrimination against workers solely because of race, creed, color, or national origin, provided, of course, that the National Labor Relations Board Act and the laws regarding aliens must be complied with.

(d) The contractor should not in any other way discriminate against loyal applicants or employees solely because of race, creed, color, or national origin.

SHIPYARD LABOR RELATIONS BULLETIN 2—SUPPLEMENT 1

EMPLOYMENT PRACTICE WITH REFERENCE TO EXECUTIVE ORDER 8802

Recently proposed procedures of the President's Committee on Fair Employment Practice, which are reproduced below, have been the subject of discussion with, and have received the approval of, this Division.

Representatives of the President's Committee on Fair Employment Practice should be accorded full and prompt cooperation by Maritime Commission representatives, in accordance with agreed procedure. It will be noted that paragraph 8 of the procedures provides for action by the President's Committee independently of the Maritime Commission if participation by this agency's representatives is unduly delayed.

The approved procedures for the President's Committee are embodied in that Committee's Field Instructions No. 10, which incorporates both the full cooperative policy and the procedures respecting the Maritime Commission, as follows: "Attached hereto are copies of the following documents setting forth the policies the United States Maritime Commission has adopted to implement its obligations under Executive Orders 8802 and 9346:

"1. Letter to the Committee dated July 2, 1942.

"2. Shipyard Labor Relations Bulletin, issued August 1942 including memorandum on specific requirements.

"3. Joint statement by the Chairman of the Maritime Commission, etc., on the employment of aliens, issued June 7, 1943.

"The following procedures shall be used in processing complaints involving either Government-owned and privately operated plants or privately owned plants operating under contract with the Commission.

"1. Determine whether a prima facie case exists by questioning the complainant and analyzing pertinent documentary and statistical data, but do not communicate with the party charged.

"2. If in your opinion a prima facie case exists, advise the highest ranking regional representative for the Commission of the nature of the complaint, and request a conference and his cooperation in dealing with the party charged.

"3. Confer with such regional representative.

"4. If the regional representative is unsuccessful in obtaining compliance with the Executive order, confer with the party charged and such regional representative.

"5. If no compliance can be obtained, submit a request for further action to the Director of Field Operations.

"6. The Deputy Chairman and/or the Director of Field Operations will then confer with the Director of the Division of Shipyard Labor Relations in order to obtain compliance by the contractor.

"7. If no compliance can be obtained, the Deputy Chairman and/or the Director of Field Operations will report to the Committee.

"8. While the participation of the Commission's representative is definitely desired, if his participation is unduly delayed, proceed without him.

"9. If you disagree with the regional representative as to the merits of a case or the procedure to be followed in processing it, do not proceed further without instructions from the Director of Field Operations."

DANIEL S. RING,

Director, Division of Shipyard Labor Relations.

SEPTEMBER 22, 1943.

EXECUTIVE ORDER 9346

FURTHER AMENDING EXECUTIVE ORDER NO. 8802 BY ESTABLISHING A NEW COMMITTEE ON FAIR EMPLOYMENT PRACTICE AND DEFINING ITS POWERS AND DUTIES

In order to establish a new Committee on Fair Employment Practice, to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices, Executive Order No. 8802 of June 25, 1941, as amended by Executive Order No. 8823 of July 18, 1941, is hereby further amended to read as follows:

"Whereas the successful prosecution of the war demands the maximum employment of all available workers regardless of race, creed, color, or national origin; and

"Whereas it is the policy of the United States to encourage full participation in the war effort by all persons in the United States regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

"Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in war production solely by reason of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity:

"Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

"It is hereby ordered as follows:

"1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

"2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

"3. There is hereby established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice, hereinafter referred to as the Committee, which shall consist of a Chairman and not more than six other members to be appointed by the President. The Chairman shall receive such salary as shall be fixed by the President, not exceeding \$10,000 per year. The other members of the Committee shall receive necessary travelling expenses and, unless their compensation is otherwise prescribed by the President, a per diem allowance not exceeding twenty-five dollars per day and subsistence expenses on such days as they are actually engaged in the performance of duties pursuant to this order.

"4. The Committee shall formulate policies to achieve the purposes of this order and shall make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this order. The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

"5. The Committee shall receive and investigate complaints of discrimination forbidden by this order. It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination.

"6. Upon the appointment of the Committee and the designation of its Chairman, the Fair Employment Practice Committee established by Executive Order No. 8802 of June 25, 1941, hereinafter referred to as the old Committee, shall cease to exist. All records and property of the old Committee and such unexpended balances of allocations or other funds available for its use as the Director of the Bureau of the Budget shall determine shall be transferred to the Committee. The Committee shall assume jurisdiction over all complaints and matters pending before the old Committee and shall conduct such investigations and hearings as may be necessary in the performance of its duties under this order.

"7. Within the limits of the funds which may be made available for that purpose, the Chairman shall appoint and fix the compensation of such personnel and make provision for such supplies, facilities, and services as may be necessary to carry out this order. The Committee may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the services of State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this order through such officials and agencies and in such manner as it may determine.

"8. The Committee shall have the power to promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of this order.

"9. The provisions of any other pertinent Executive order inconsistent with this order are hereby superseded."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 27, 1943.

[INSERTION IN GOVERNMENT CONTRACTS OF PROVISION REGARDING
DISCRIMINATION]

[CONSTRUCTION OF EXECUTIVE ORDER 9346]

THE WHITE HOUSE,
Washington, November 5, 1943.

HON. FRANCIS BIDDLE,
The Attorney General,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: You have brought to my attention the Comptroller General's opinion holding that Executive Order 9346 is directive only and not mandatory in requiring insertion in all Government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment on account of race, creed, color, or national origin; and requiring the contractor to include similar contractual provisions in all subcontracts.

There is no need for me to reiterate the fundamental principles underlying the promulgation of the Executive order, namely, that the prosecution of the war demands that we utilize fully all available manpower, and that the discrimination by war industries against persons for any of the reasons named in the order is detrimental to the prosecution of the war and is opposed to our national democratic purposes.

I realize the hesitancy of the Comptroller General to withhold payments on Government contracts in which these provisions have not been included where there is doubt as to whether the order is mandatory. I therefore wish to make it perfectly clear that these provisions are mandatory and should be incorporated in all Government contracts. The order should be so construed by all Government contracting agencies.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

JULY 2, 1942.

HON. MALCOLM S. MCLEAN,

*Chairman, President's Committee on Fair Employment Practices,
Social Security Building, Washington, D. C.*

MY DEAR MR. MCLEAN: 1. This joint letter of the War Department, Navy Department, and Maritime Commission, which has been submitted to the War Manpower Commission, is in reply to your identical letter to us of May 26, 1942, regarding compliance with Executive Order No. 8802, Fair Employment Practices.

2. The responsibilities of the Army, Navy, and Maritime Commission for enforcing the nondiscrimination principles of Executive Order No. 8802 may properly be considered under three general categories:

- (a) Government establishments, i. e., navy yards, Army arsenals, etc.
- (b) Government-owned, privately operated plants.
- (c) Privately owned, privately operated plants having Government contracts.

3. In considering this subject it is desirable to discuss the matter in order that there may be a clear understanding and acceptance of our procedures by all interested parties.

4. *Government establishments.*—In regard to those Government establishments which are under our jurisdiction, we have directed compliance with Executive Order No. 8802.

5. *Government-owned, privately operated plants.*—In regard to the Government-owned, privately operated plants, operating for our account, we will, through our inspectors-in-charge, or commanding officers, instruct the contractor-operators that their policies and procedure must conform to the principles of Executive Order No. 8802. In this category, although the Government agency concerned has a vital interest in the matter, it should not itself take over any of the details of personnel matters but should hold the contractor-operator to his contractual obligations, including maintenance of satisfactory labor-management relationships. The Government agencies will concern themselves with insuring that the policies followed in such plants shall be consistent with maximum production, good management, safety and security of the plant, and with the principles of fair employment practices set forth in Executive Order No. 8802.

6. *Privately owned, privately operated plants.*—The situation regarding plants in this category is somewhat different. The Government agencies do not have direction over the personnel or other management procedures of such contractors, even though they may be working on Government contracts. However, such Government contracts now contain a nondiscrimination clause calling for compliance with Executive Order No. 8802. We are, therefore, prepared to inform our contractors through the customary channels that the Government agency concerned regards it as necessary that the contractor carry out his contractual obligations regarding nondiscrimination and that the points enumerated in paragraph 8 hereof are deemed essential elements of the contractual obligation. You will appreciate the point we are making in foregoing, namely, that such instructions shall not be interpreted as an intrusion upon the contractor's responsibilities in handling personnel, but rather as a definition of an obligation that already exists by virtue of the nondiscrimination clause in the contract. For the same reasons we cannot intrude upon labor unions, employment agencies, and vocational training schools outside of our jurisdiction.

7. Recognizing that the methods of providing equal employment opportunities for all qualified persons regardless of race, creed, color or national origin will vary in different parts of the country and in different types of plants, the following principles will be used as a general guide in handling minority group questions:

(a) Efforts will be continued particularly in cooperation with the War Manpower Commission to provide equal opportunities for employment, in-service training and advancement to all qualified citizens, regardless of race, creed, color, or national origin, to expedite maximum production.

(b) Such equal opportunities for minority groups may be provided either parallel to or integrated with the opportunities afforded majority groups, and thus may be arranged and provided for to conform to existing State laws and community customs.

(c) In the practical application of this policy every effort will be made to open available employment opportunities to minority groups in such numbers and in such classes of positions as will expedite maximum production and as governed by the available supply of qualified workers.

(c) In the event of any misunderstanding we will be glad to clarify our positions as set forth in this document with any specific agency or business concerned.

8: The letters which we are prepared to issue in conformity with the foregoing will include the following:

(a) That Executive Order No. 8802 should be complied with, and specifically,

(b) That recruitment, in-service training, and up-grading of employees should conform thereto.

(c) That any reference to race or religion should be deleted from employment forms if such exist.

(d) That recruitment should not be confined to any source that results in discrimination against workers solely because of race, creed, color, or national origin, provided, of course, that the National Labor Relations Act and the laws regarding aliens must be complied with.

(e) That the contractor should not in any other way discriminate against loyal qualified applicants or employees solely because of race, creed, color, or national origin.

9. Success in carrying out these policies must depend largely upon the cooperation of all parties concerned, including the War Manpower Commission, the Federal contracting agencies, your own committee and minority groups, unions, State and local officials, and the citizenry of particular localities. The molding of public opinion in any given working force and community is of great importance and should be the concern of all.

10. Notwithstanding the difficulty of this problem, we recognize the importance of securing compliance not only with the word but with the spirit of Executive Order No. 8802, and we will continue to cooperate with your committee in all practicable ways in reaching a satisfactory solution.

Very sincerely yours,

HENRY I. STIMSON,
The Secretary of War.

FRANK KNOX,
Secretary of the Navy.

E. S. LAND,
Chairman, United States Maritime Commission.

OFFICE OF WAR INFORMATION

Urging full use of all loyal aliens, the War, Navy, and Justice Departments, and the Maritime Commission today jointly announced shortening and simplification of the procedure whereby holders of Government airplane and "classified" contracts may obtain permission for hiring aliens within 2 weeks or less.

A statement signed by Secretary of War Stimson, Attorney General Biddle, Secretary of Navy, Knox, and Maritime Commission Chairman Land also emphasized that Government contractors may employ aliens as freely as citizens on all other types of work; and, in fact, such contractors are forbidden by Executive Order 8802 from discriminating in hiring because of a worker's race or national origin.

"Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment," the statement said. It went on to say that failure to employ such an alien is a breach of the contract antidiscrimination clause and contrary to national policy.

The shortened procedure whereby a contractor on aeronautical or classified (as secret, confidential, or restricted) Government contract can obtain consent to employ aliens is outlined in full in the statement, which supersedes previous regulations on the same subject. Either the employer or the alien may ask for reconsideration if consent is denied, and in case of final denial, the alien should be directed to the United States Employment Service for referral to other work.

Furthermore, the statement emphasizes that an employer is not subject to penalty resulting from loss or damage if he has obtained, in good faith, the permission of the Government department involved before permitting an alien to have access to the work, plans, or trial under aeronautical or classified contracts.

Major points of the alien employment policy stressed in the statement follows:

1. Full use should be made of all loyal and qualified workers irrespective of national origin or citizenship.
2. Contractors may employ aliens as freely as American citizens except on aeronautical or classified contracts.
3. Contractors may employ aliens on aeronautical and classified contracts if they obtain the written consent of the head of the Government department concerned.
4. The antidiscrimination clause applies equally to citizens and noncitizens.
5. The antidiscrimination clause applies to work under aeronautical and classified contracts.
6. The procedure for securing permission to employ an alien on aeronautical or classified contracts has been shortened so that the employer should now receive a decision on his request within less than 2 weeks.
7. An employer is not subject to any penalty, if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to have access to the work under aeronautical or classified contracts.
8. The contractor's responsibility for plant security applies to all persons regardless of their citizenship.

Full text of the statement is attached.

"JOINT STATEMENT BY THE SECRETARY OF WAR, THE ATTORNEY GENERAL, THE SECRETARY OF THE NAVY, AND THE CHAIRMAN OF THE MARITIME COMMISSION ON THE EMPLOYMENT OF ALIENS

"I. Introductory statement.

"1. The protection of the war effort against espionage, sabotage, and subversive activities is paramount to all other considerations. The Departments of War, Justice, and Navy, and the Maritime Commission recognize clearly the importance of meeting to the fullest possible extent the expanding military and industrial demands for manpower. The governmental agencies herein named are, therefore, making this joint statement with respect to the national policy to the end that the available manpower may be utilized by contractors and subcontractors to the maximum degree consistent with the paramount importance of internal security.

"2. The granting of full employment opportunities to all loyal and qualified workers irrespective of national origin or citizenship is urged upon and expected of all contractors and subcontractors of the Government agencies herein named. The applicable national policy was clearly stated by the President in his statement of July 11, 1942, in which he said:

"Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against and punish any subversive acts by disloyal persons, citizens as well as aliens."

"3. The policy and procedure herein outlined apply to the employment of aliens by Government contractors and subcontractors within the continental United States. Special regulations apply to the employment of aliens on shipboard and in Territories outside of the continental United States.

"II. Permission to employ an alien is required in only two classes of cases.

"4. Contractors and subcontractors are required to obtain the written consent of the head of the Government department concerned before employing aliens under the following conditions only:

"(a) Aeronautical contracts: Written consent is required before an alien employee may be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials under contracts involving aircraft, aircraft parts, or aeronautical accessories for the United States.

"(b) Classified contracts: Written consent is required before aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials.

"5. War and Navy Department and Maritime Commission contractors and subcontractors may employ aliens as freely as American citizens except under the specific conditions specified in paragraph 4 (a) and (b), above.

"III. Application of antidiscrimination clause.

"6. Pursuant to Executive Order No. 8802, dated June 25, 1941, and anti-discrimination clause (sometimes called 'nondiscrimination' clause) has been included in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and non-citizens. For contractors or subcontractors of the War or Navy Departments or of the Maritime Commission to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive order.

"7. Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed constitutes a breach of the anti-discrimination clause of the contract and is contrary to national policy as expressed in the Executive order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination.

"8. In no case, except those in which an individual alien is denied employment by the specific action of the War and Navy Departments or the Maritime Commission, is a contractor justified in informing an applicant that he is being refused employment because of Government regulations. The same considerations apply to removal from employment.

"IV. Procedure for requesting consent to employ aliens for work on aeronautical or classified contracts.

"9. In order to obtain consent of the head of the Government department concerned, for the employment of an alien on an aeronautical or classified contract, the alien and the contractor are required to fill out their respective parts of an alien questionnaire form. The procedure in this connection is as follows:

"(a) The alien may go to the nearest office of the United States Employment Service, which will furnish him with the application form and will assist him in filling out his portion of the questionnaire. However, if the contractor has forms and office facilities conveniently available, the alien may go directly to the contractor's plant and/may there fill out his portion of the questionnaire. The plant security officer is instructed to furnish to contractors the alien questionnaire forms. However, the form may also be secured from the local office of the United States Employment Service.

"(b) When the alien's portion of the questionnaire has been completed, the form will then be submitted to the employer who will fill out his portion of the questionnaire. Insofar as possible, statements made by the contractor or reported by him, regarding the loyalty of the alien, should be factual rather than simply expressions of opinion.

"(c) When the contractor has completed the alien questionnaire (seven copies), he will retain one copy and will deliver the other to the plant security officer. This officer will retain one copy and will forward the others to the authorized representative of the head of the department concerned.

"(d) This representative, after full investigation of the loyalty of the alien applicant, makes his recommendation, pursuant to which the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission grant or deny consent to employ the alien. Notice of such action is sent directly to the contractor. In the normal case, the employer should receive a decision on his request within less than 2 weeks from the date the application is filed with the plant security officer.

"V. Significance of, and appeals from, denial of consent.

"10. The denial of consent does not necessarily indicate a decision that the alien concerned has disloyal tendencies, but may merely mean that his loyalty to the United States has not yet been positively proved.

"11. If consent is denied, the contractor should promptly so inform the alien applicant, and at the same time advise him as to possible reconsideration.

"12. Reconsideration of a denial of consent may be requested by either the alien or the contractor and additional evidence of loyalty, and letters of recommendation may be sent direct to the office of the provost marshal general.

"13. Aliens whose applications for employment on aeronautical or classified contracts have been denied by the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission should be directed to the United States Employment Service for referral to other work.

"VI. No penalties apply if consent is obtained before employing aliens on aeronautical and classified contracts.

"14. Some contractors and subcontractors have hesitated to employ aliens because of a lack of clear understanding of the statutory restrictions, and concern as to the penalty for violation thereof. It is repeated and emphasized that the only restrictions are those set forth in paragraph 4 above, and that an employer is not subject to any penalty if, in good faith, he obtains the written consent of the head of the Government department concerned before an alien is permitted to have access to the work, plans, or trials under aeronautical or classified contracts.

"VII. Responsibilities for plant security.

"15. The contractor is responsible for the protection of the plant against all persons who might endanger its security, regardless of their citizenship. Contractors will comply with detailed regulations concerning plant security issued from time to time by the War and Navy Departments and the Maritime Commission, including:

- "(a) Complying with the provisions of their contracts respecting the safeguarding of all plans and specifications and all work under these contracts.
- "(b) In any case and at any time where there is definite indication that an employee is subversive or engaged in subversive activities, no investigation will be conducted by the employer, but the facts will be furnished to the Federal Bureau of Investigation for appropriate consideration. (Employees have the same duty of reporting in this regard as have employers.)

"VIII. Prior statements and contract provisions.

"16. This joint statement is applicable with equal force to the employment of alien under all existing contracts. If any clause of any existing contract prescribes greater restrictions on the employment of aliens than are hereby required or permitted, the Government will waive compliance with such clause, to the extent that it conflicts with this statement.

"17. All previous statements of the Department of War, Navy, Justice, and the Maritime Commission with respect to the policy and procedure in connection with the employment of aliens are hereby superseded insofar as they may be inconsistent with any statements contained herein.

Secretary of War.

Attorney General.

Secretary of the Navy.

Chairman, United States Maritime Commission.

H. R. 3986, 4004, AND 4005—FACTUAL STATEMENT RE EXPERIENCE OF THE WAR SHIPPING ADMINISTRATION UNDER PROVISIONS OF EXECUTIVE ORDERS 8802 AND 9346

JUNE 5, 1944.

MANNING OF VESSELS

Following the requisition of the American merchant marine, various questions arose with regard to the manning of vessels. After conferences between the Administrator and the representatives of the maritime unions in May 1942 it was agreed that the full utilization of seamen already in the industry, as well as seamen recruited for service in the war period, would be obtained through the use of prevailing hiring practices. As steamship operators were appointed as agents of the War Shipping Administration, their customary and usual practices of securing and dealing with personnel, whether by collective-bargaining agreements or otherwise, would not be disturbed. The agreement was recorded in documents known as the statements of policy.

In order to effectuate the statements of policy, the War Shipping Administration has made arrangements with the agents and unions which provide that the Training Organization and the Recruitment and Manning Organization will use the manpower which has been recruited and trained to supplement the manpower already in the industry only. The port offices of the Recruitment and Manning Organization assign seamen, as well as trainees, to agents and maritime trade-unions on the request of such agents or unions for manpower. Where, for example, a maritime union is unable to man the deck department fully, the procedures of the War Shipping Administration permit the union to call upon the Recruitment and Manning Organization to supply seamen in the vacant ratings.

EFFECT OF EXECUTIVE ORDERS 8802 AND 9346 ON WAR SHIPPING ADMINISTRATION

The War Shipping Administration is charged with the operation of the merchant marine. Agents, general agents, and employees of the War Shipping Administration are governed by the Executive orders.

In accordance with the Executive orders, the War Shipping Administration has inserted a clause in all service agreements under which agents and general agents of the War Shipping Administration operate vessels for the account of this Administration providing:

"In any act performed under this agreement, the agent and any subcontractor shall not discriminate against any citizen of the United States of America on the ground of race, creed, color, or national origin."

Employees.—The War Shipping Administration Administrative Order No. 40, supplement 2, page 2, section 4, paragraph .02, provides:

"In accordance with Civil Service Rule 1, Executive Order No. 8802 of June 25, 1941, and the President's letter of September 3, 1941, to the heads of all Federal establishments, there shall be no discrimination in employment."

Section 310.15 of General Order 27, dated September 23, 1943, which refers to United States Maritime Service, provides:

Enrollment and training.—Enrollment and training in the Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by these regulations and to American citizens who desire to train for service in the American merchant marine who qualify for training under these regulations. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or nonmembership in any organization. Eligibility for enrollment shall be determined by the commandant in accordance with these rules and regulations."

Recruitment and Manning Organization.—Section 1, instruction No. 42, issued by the Recruitment and Manning Organization on January 16, 1943, provides:

"Executive Order 8802 sets forth the policy of full participation in the defense program by all persons regardless of race, creed, color, or national origin. Representatives of the Recruitment and Manning Organization, in accordance with this policy, shall refer to operators or unions all qualified persons."

In June 1943 the instructions were amended:

"Your attention is called to section 1 of the above War Shipping Administration Directive No. 2, issued October 30, 1942, which was addressed to masters and officers of all vessels of the United States merchant marine.

"The master of a vessel has full discretion in signing on crew members and may reject any person seeking employment. This power carries with it both the legal and moral obligation to use it judiciously and only for proper cause.

"Records shall be kept of the names of those rejected and of the reason for rejection and shall be submitted to the port office of the Recruitment and Manning Organization of the War Shipping Administration in the port in which the rejection occurs."

Generally speaking the general agents' attitude toward this problem is reflected in the policy of the various maritime unions holding collective-bargaining agreements with such agent. If a union admits to membership and refers for employment all qualified persons without regard to race, creed, or color, the employer or master accepts such persons, except in isolated cases where the other crew members object to his presence on shipboard.

Unions which refuse membership to certain persons because of race, creed, or color obviously do not refer such persons to a general agent for employment. At times other crew members refuse to sail with individuals because of race, creed, or color.

Liberty vessels, which comprise most of the fleet, were originally designed to accommodate 40 merchant seamen and 4 members of the armed guard. Today those vessels are carrying 47 merchant seamen and 29 members of the armed

guard. Overcrowding of crews' quarters in these circumstances is inevitable. Length of voyages of ships now operated by the War Shipping Administration range from 3 to 12 months. Shore leave is restricted in many foreign ports, with the result that seamen have to work, berth, and mess together in crowded quarters over long periods of time without a break in their constant association with their shipmates. Utilization of deck space for cargo has further restricted their recreational facilities.

These two factors have a direct bearing on the maintenance of discipline so necessary to the efficient operation of the vessel; consequently, ships' masters must exercise good judgment in the selection of crew members so as to avoid so far as possible the mixing of personalities, which under the circumstances set forth above might clash and disrupt the entire working force of the vessel.

Under procedure established within the War Shipping Administration, any person who feels that he has been denied employment because of race, creed, or color may file his complaint with any port office of the Recruitment and Manning Organization. The port office then contacts the general agent responsible for the denial of employment to ascertain the facts and if the complaint appears to be well founded, to direct the attention of the employing officer to the Executive orders and the policy of the War Shipping Administration. If this action fails to bring about the employment of the individual concerned, a report is made to the Assistant Deputy Administrators for Recruitment and Manning and for Maritime Labor Relations. The matter is then officially brought to the attention of the employing agent with a view of obtaining compliance with the provisions of the Executive order.

The CHAIRMAN. The next witness is Mr. Daniel S. Ring, Director, Division of Shipyard Labor Relations, Maritime Commission.

STATEMENT OF DANIEL S. RING, DIRECTOR, DIVISION OF SHIPYARD LABOR RELATIONS, MARITIME COMMISSION

The CHAIRMAN. Mr. Ring, I understand you have a statement to present to the committee?

Mr. RING. The statement, Madam Chairman, is attached to Admiral Land's communication. It is a factual statement with respect to what has happened, in a general way, under the operation of the Executive orders. It deals with approximately the same subject matter as these bills pending before the committee.

The CHAIRMAN. It seems to be a comprehensive statement and it was put in the record in connection with Mr. Wyckoff's statement.

Mr. RING. We have gone through this for the purpose not only of stating what has happened, but also stating what our relationships with the F. E. P. C. have been; and with respect to policy, not only the Maritime Commission but also the Army and the Navy join in. And in addition to having presented what that policy is, we have also outlined the procedure which carries that out in operation and have included in the record the means whereby we have sought to take care of the adjective part or the procedural part in effectuating the policy. That is all in the record.

The CHAIRMAN. Do you believe permanent legislation will be necessary in the post-war era?

Mr. RING. Admiral Land has stated that he feels that the labor-economic side of this question can best be answered by other agencies principally interested in that. Our action thus far has been directed by war production needs and by the directive of the President in issuing the Executive order which was primarily based upon obtaining workers for the production program.

We have restricted ourselves to obedience of the Executive order and its directions.

With respect to a permanent set-up, the Maritime Commission, being basically a procurement agency of the Government and not directly engaged in the formulation of labor-economic policies, looking to other agencies of the Government for that, would prefer to allow those other agencies to comment upon the need for legislation along that line.

In other words, we are a production agency and when the President in his Executive order said, "This is the way to get production; we want everybody in the country working in view of the shortage of manpower, and this discrimination shall not be allowed to interfere with our production program," we said, "O. K., we go right along."

The CHAIRMAN. In other words, you are under orders?

Mr. RING. We are under orders, yes, ma'am.

The CHAIRMAN. Will you proceed with your testimony, Mr. Ring?

Mr. RING. Would you like me to read the methods whereby we put those orders into effect?

The CHAIRMAN. I think that would be very interesting.

Mr. RING. At the outset, after Executive Order 8802 came out, we wished to establish with the President's Committee a method whereby, first of all, we both would understand what was meant, and to that end prepared and presented to the President's Committee, about July 2, 1942, a joint letter, emanating from the War Department, the Navy Department, and the Maritime Commission, which was also submitted to the War Manpower Commission, with respect to our responsibilities. It was understood and agreed that we regard it an obligation to insure by a contractual clause, included in all of our contracts for shipbuilding, the requirement of nondiscrimination presented in the Executive order.

It was further made clear that those agencies recognized that methods of providing equal employment opportunities for all qualified persons, regardless of race, creed, color, or national origin, will vary in different parts of the country and in different types of plants, so that the following principles were outlined as a general guide in handling minority group questions:

(a) Efforts will be continued, particularly in cooperation with the War Manpower Commission, to provide equal opportunities for employment, in-service training, and advancement to all qualified citizens, regardless of race, creed, color, or national origin, to expedite maximum production.

I might interject here that the whole keynote of all this was to expedite production in the war in accordance with the President's directive.

(b) Such equal opportunities for minority groups may be provided either parallel to or integrated with the opportunities afforded majority groups, and thus may be arranged and provided for to conform to existing State laws and community customs.

(c) In the practical application of this policy every effort will be made to open available employment opportunities to minority groups in such numbers and in such classes of positions as will expedite maximum production and as governed by the available supply of qualified workers.

In the event of any misunderstanding we will be glad to clarify our positions as set forth in this document with any specific agency or business concerned.

Then we said that "we are prepared to issue, in conformity with the foregoing" the following letters to our contractors, and that the letters would include the following points:

- (a) That Executive Order No. 8802 should be complied with, and specifically.
- (b) That recruitment, in-service training, and upgrading of employees should conform thereto.
- (c) That any reference to race or religion should be deleted from employment forms if such exist.
- (d) That recruitment should not be confined to any source that results in discrimination against workers solely because of race, creed, color, or national origin, provided of course that the National Labor Relations Act and the laws regarding aliens must be complied with.
- (e) That the contractor should not in any other way discriminate against loyal qualified applicants or employees solely because of race, creed, color, or national origin.

It was pointed out at that time in a statement by Admiral Land, Secretary Knox, and Secretary Stimson that—

Success in carrying out these policies must depend largely upon the cooperation of all parties concerned, including the War Manpower Commission, the Federal contracting agencies, your own committee—

that is, the President's Committee—

and minority groups, unions, State and local officials, and the citizenry of particular localities. The molding of public opinion in any given working force and community is of great importance and should be the concern of all.

Notwithstanding the difficulty of this problem, we recognize the importance of securing compliance not only with the word but with the spirit of Executive Order No. 8802, and we will continue to cooperate with your committee in all practicable ways in reaching a satisfactory solution.

That letter was addressed to Mr. McLean, who was then Chairman of the President's Committee on Fair Employment Practices.

Following the issuance of that letter, and in order to insure that the policies laid down therein would be carried out so far as the Maritime Commission was concerned, we issued a labor relations bulletin, which is the method whereby we carry to the field to our contractors the requirements of the Commission insofar as policy is concerned. And here let me interject that the sole basis upon which we proceeded was our contractual relationships with the contractors that had contracts to build ships. We inserted in the contract the requirements that they should observe and operate under and in accordance with the Executive order on nondiscrimination.

We then, therefore, issued Shipyard Labor Relations Bulletin No. 2 outlining the employment practices that we expected to be followed as a contractual obligation with reference to Executive Order 8802. That is already in the record. We recited, in giving notice to our contractors, what the policy was that was agreed upon. It required them, after having this notice, to observe the same. It outlined what we believed to be the responsibilities of the contractors under the contracts that they had, with respect to nondiscrimination; and then we stated [reading]:

With respect to insuring application of this policy, the procedure will be that complaints as to nonobservance which are received by the President's Committee on Fair Employment Practice will be referred to the undersigned whenever shipyard relationships are involved. In turn, the undersigned will clear all such matters through the regional construction directors who, of course, are fully authorized to deal with any complaints in this respect coming directly to them. It would be appreciated if reports or complaints immediately directed to the regional construction directors and acted upon by them will be given to the Division of Shipyard Labor Relations.

That was signed by me.

For the information of the committee, the regional construction directors are those who are in control of the Maritime Commission's responsibilities for shipbuilding in the various zones. One is in San Francisco, one in New Orleans, one in Chicago, and one in Philadelphia, to take care of the east coast, Gulf, Great Lakes, and Pacific coast zones.

We attached to the Labor Relations Bulletin attachment A, which was a copy of the Executive order, and attachment B, containing specific requirements to insure fulfillment of Commission policy with respect to Executive Order 8802, and observance of contractual obligations with respect to the clause involving observance of that Executive order.

We recited the four points that I have previously covered, and which we stated would be carried to our contractors.

At a later time it became evident that there was need for a detailed method of processing complaints; and, after conference with the President's Committee, we issued Supplement 1 to Shipyard Labor Relations Bulletin No. 2 stating the procedure in detailed manner which would be gone through when any such complaints arose.

At the time 9346 was issued we transmitted that also to the field and have endeavored to maintain a source of information to our contractors with respect to the national policy regarding nondiscrimination.

I think that about completes the steps we have taken in order to insure that the Executive order would be carried out.

The CHAIRMAN. Your statement has been very interesting, Mr. Ring. Have you had very much difficulty with contractors in carrying out the conditions of Executive Order 8802?

Mr. RING. At the outset there was some difficulty, Madam Chairman. There was a lack of understanding of the purposes of the order. There was a feeling that it was primarily designed along social lines rather than upon war production lines; but after sufficient contacts with them, and in the face of a shortage of manpower, it became very generally recognized, as far as contractors were concerned, that regardless of what the pigment of a man's skin was, when we had to build ships we had to have men, and if they were available and had the qualifications, they were to be employed. The contractors themselves recognize that.

The CHAIRMAN. You believe that Executive Order 8802 has provided greater and badly needed employment in the Maritime Commission; do you not?

Mr. RING. I believe that Executive Order 8802, as far as the Maritime Commission is concerned, has paved the way for obtaining a broader field of employment in shipbuilding, and wherever we could expend the field of employment, our sources of employment, we could get in more man-hours; and the more man-hours we could get the more ships were built. The answer is self-explanatory.

The CHAIRMAN. Thank you very much, sir.

Have you any questions, Mr. Fisher?

Mr. FISHER. I have one question.

As I understand you, you are not here expressing any opinion as to the wisdom of a permanent Fair Employment Practice Committee set up as contemplated in the pending bill?

Mr. RING. That is correct; in line with Admiral Land's statement.

Mr. FISHER. That is all.

The CHAIRMAN. Mr. Scanlon?

Mr. SCANLON. No questions.

The CHAIRMAN. Mr. Randolph?

Mr. RANDOLPH. I would like to ask one question.

You may not be able to give us accurate figures, but approximate figures will suffice. How many shipyard workers are there in the country today?

Mr. RING. If you are including, sir, all of the navy yards, all of the repair yards, and all the new construction yards, my estimate would be between 1,300,000 and 1,400,000. It is likely to be the lower figure today, because of the reduction since the first of the year. As of the first of the year I should say it would be 1,400,000.

Mr. RANDOLPH. What percentage of these employees are colored?

Mr. RING. I would rather not say as to the whole country. I can give you an estimate as far as the Maritime Commission yards are concerned. Engaged in new construction the total number employed in Maritime Commission yards as of the first of the year would be approximately 649,000, of which it is estimated that between 45,000 and 62,000 were colored. That is a pretty broad proposition. It is between 8 and 10 percent.

Mr. RANDOLPH. Have the services of these workers been satisfactory in the production of our ships?

Mr. RING. At Alabama Dry Dock, a week or two ago, a yard which employs colored workers on one way, found that the colored workmen employed on the way in constructing a tanker had produced that tanker in less time than the yard had ever produced a ship before, as far as its man-hours were concerned.

The Sun Shipbuilding Co. reports that in a yard devoted to colored workers there has been a steady improvement in production; that the Negroes employed there are not as efficient as the whites, possibly because of the longer experience and greater time worked that the whites have had at that company in working at that yard, but satisfaction was expressed with the work that had been done.

On the west coast there has been a great deal of integration in most cases between the whites and the colored, and I have heard very little criticism as far as any criticism of the efficiency of the colored workmen in the shipyards is concerned.

Mr. RANDOLPH. The reason I asked the question particularly was that it was my privilege in August to visit, not as a member of the Labor Committee, but on my own individual responsibility, certain shipyards and aircraft factories on the west coast. I asked the particular question that I have presented to you and I found that the answers I received approximated your reply.

The CHAIRMAN. Thank you very much, Mr. Ring. We will include all your records. I believe they will make a fine contribution to our hearing on a permanent F. E. P. C.

Mr. RING. Thank you very much, Madam Chairman.

The CHAIRMAN. The hearing stands adjourned until 10 o'clock tomorrow morning.

(Whereupon at 11:15 a. m., the committee adjourned until tomorrow, Thursday, June 8, 1944, at 10 a. m.)



TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

THURSDAY, JUNE 8, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The committee will be in order. Our first witness is Mrs. Arthur J. Goldberg. We shall be glad to hear you at this time, Mrs. Goldberg.

STATEMENT OF MRS. ARTHUR J. GOLDBERG, LEGISLATIVE REPRESENTATIVE OF THE NATIONAL WOMEN'S TRADE UNION LEAGUE OF AMERICA

The CHAIRMAN. For the purpose of the record, please state your name and whom you represent.

Mrs. GOLDBERG. My name is Mrs. Arthur J. Goldberg. I speak as legislative representative of the National Women's Trade Union League.

The National Women's Trade Union League believes strongly that the proposed bill for a permanent F. E. P. C. is a part of the great American current of progress. Our organization, which for 40 years has lifted its voice and worked for much legislation that has since become matter of fact, is confident that this bill is of the essence of the American spirit.

Were these normal times, we could, perhaps, afford to be more patient about its progress, confident in our experience and knowledge that ultimately those changes for the better for which we, together with other women's groups, have worked, ultimately succeed and are accepted and integrated into the American nature of things. In our experience, there always has been contest over new progressive social legislation that soon becomes part of our everyday lives.

But if we have learned patience and confidence in the trend of American democracy, we also have acquired a sense of timing, and it is that which prompts us to say that this is the time, not later, to urge support for a permanent F. E. P. C.—which must not be considered as part of a post-war peace possibility but as part of the war effort now. It is an established fact that Axis propaganda uses race discrimination as a powerful psychological warfare weapon against us. Coming now, at this time, support of a permanent F. E. P. C. would give heart to millions awaiting the invasion in occupied countries that this is, indeed, an army of liberation.

The National Women's Trade Union League of America believes, too, that a permanent Fair Employment Practice Committee would

give assurance to the tremendous woman power that is determined to make this year significant together with her contribution to the war-production program. This year, above all, it is our responsibility as women workers, wives, mothers, to make this year count toward a change for the better.

As women trade-unionists, we too have felt the un-Americanism of discrimination. The whole story of women in industry is full of bitter discrimination on a sex-differentiation basis. We know how that discrimination arouses the will to work even more untiringly until such un-American practices are corrected to fit into the picture of democracy as Thomas Jefferson envisaged it.

You are aware, we know, of the deep hurt and resentment of the worker discriminated against because of his race, creed, color, or national origin. Our contacts with women workers have disclosed that there is a great unrest, an impatience on this score; and that women are resolved to effect changes for the better on the home front while their men are fighting overseas. They are asking how to make their votes count.

We are aware of the pressures behind the legislators, and in normal times we could afford to wait, confident that the innate rightness of a permanent Fair Employment Practice Committee would carry it through with the current of progress; but the time is too short now, and the times are different. There is impatience and an eagerness for action on the part of women workers.

I speak to you, also, as a mother of young children whose father is in the armed services at present overseas. It would feel rather good to be able to look them in the eye 20 years from now when they ask, "What did you do in 1944 on the home front to help soldiers on the battle fronts?"

We will be able to say: "Children, there was a hearing before the Committee on Labor of the Seventy-eighth Congress."

"And what did you tell them?"

And we will reply that we told the Committee on Labor of the Seventy-eighth Congress that the mothers of minority groups in America—the Negro, Jewish, Mexican, and Catholic mothers—are tired of teaching their children to practice fair play in all their games and relationships only to have those children grow up to find that someone changed the rules in the middle of the game.

If we are to teach fair play and common decency and elemental democracy in our schools and playgrounds to provide this country with healthy minded, stalwart citizens in 1964, then they have to find the same rules of the game in practice which we teach them now. A permanent F. E. P. C., outlawing once and for all discrimination because of race, creed, color, or national origin, makes that possible. It is just. It is right. It is essentially American.

Summing up, the National Women's Trade Union League of America wants a permanent Fair Employment Practice Committee, because we believe it would help the war effort now as a powerful lift to morale both at home and abroad.

Second, it is essentially American and a part of the democratic life.

Third, it provides our young people with a hope and a promise that this legislation is a part of the great current of continued American progress; that each in his maturity will have a fair chance to earn an honest living barred by no consideration of race, creed, color, or national origin.

The CHAIRMAN. Mrs. Goldberg, do you believe that discrimination is likely to increase after the war is won unless this proposed legislation is enacted?

Mrs. GOLDBERG. I believe it is. I believe it would tend to arouse a resentment which we, in our experience as women trade-unionists, have seen develop.

The CHAIRMAN. Then I take it your opinion is that permanent legislation in the post-war period is an absolute necessity; is that right?

Mrs. GOLDBERG. Yes, Madam Chairman. In the plank of the platform of the National Women's Trade Union League, long before there was a Fair Employment Practice Committee, there was a statement to the effect that they are working for fair treatment on the basis of the equality of citizens and their right to earn a livelihood. Would you like me to read that?

The CHAIRMAN. You may put it in the record, if you wish. What I would like to know is, what, if anything, are the unions themselves doing to eliminate discrimination against minorities in their own ranks?

Mrs. GOLDBERG. They are doing what they can on the job. People who are sitting on a factory bench know whether someone who should be upgraded is not because of her color and they know that it is not fair. They are aware of these things.

The CHAIRMAN. And they resent it?

Mrs. GOLDBERG. Indeed they do; yes. There is this feeling, that it is not fair; that women do want to help correct that injustice and there is that educational progress all the time.

The CHAIRMAN. Do you think that education alone, particularly in trade unions, can solve this problem?

Mrs. GOLDBERG. No. We feel that there must be a law; that it must be made permanent.

The CHAIRMAN. Do you believe that the Executive order issued by the President has tended to help materially in that direction?

Mrs. GOLDBERG. Indeed it has. But we feel it should be consolidated into law.

The Executive order issued by the President with regard to the F. E. P. C. should be incorporated into statutes with administrative agencies to enforce them like the National Labor Relations Board, the Securities and Exchange Commission or the Federal Trade Commission—all of which were as strongly contested as the proposed bill for a permanent Fair Employment Practice Committee.

The CHAIRMAN. We are very glad to have had your statement, Mrs. Goldberg. Perhaps you would not mind answering questions members of the committee may have to ask.

Mr. DAY. I would like to ask this question: It is your settled opinion now that the success of the persuasive action of the Fair Employment Practice Committee, created by Executive order, has resulted in the establishment of such a foundation that now you feel it should be made permanent by the passage of an act of this kind?

Mrs. GOLDBERG. Yes; Mr. Day.

Mr. DAY. When you referred to women, you were not necessarily implying that this act ought to be amended to include no discrimination against women?

Mrs. GOLDBERG. The point is well taken, Mr. Day. It would be an excellent idea.

Mr. DAY. What is your attitude with reference to the equal rights amendment to the Constitution?

Mrs. GOLDBERG. We are all for it. We are interested in equal pay—

Mr. DAY. You know what the amendment is?

Mrs. GOLDBERG. Yes, indeed.

Mr. DAY. You are not opposed to that; are you?

Mrs. GOLDBERG. We believe that women should be given equal pay for equal work.

Mr. DAY. That would be a part of it if it were a general principle in the Constitution. There would not be any lack of equality in any phase of women's activities.

Mrs. GOLDBERG. We want to see the men get the benefits, too, of that which women have obtained by virtue of progressive legislation in their behalf.

Mr. DAY. There is one other thing. There is a lot of subversive activity, more or less concealed; do you not think that if the progressive principle enunciated in the bill were made the law of the land, it would have a tendency to overcome much of the subversive activity that there is now?

Mrs. GOLDBERG. I do not think I understand what you mean by that, Mr. Day.

Mr. DAY. Agitators refer to these discriminations. If it were the settled policy of the country that those discriminations be prohibited by law, that would have a strong tendency to overcome many of these subversive charges?

Mrs. GOLDBERG. Mr. Day, we believe in economic equality for all people regardless of whether they are colored or Jewish or Catholic, or women. That always has been the policy of the National Women's Trade Union League. This morning I was speaking just for economic equality for all workers, the right to earn a living.

Mr. DAY. What I am saying is that these questions are agitated, and if the Government recognized such a salutary policy as this, would not that be an answer to many of the insinuations that are now made and suspicions that now exist?

Mrs. GOLDBERG. Yes.

Mr. DAY. That is all.

Mr. FISHER. Mrs. Goldberg, I was interested in one of your last comments, when you expressed the opinion that a permanent F. E. P. C. would be in keeping with the progress of American social legislation. Is that correct?

Mrs. GOLDBERG. Legislation that changes things for the better for all American citizens; yes, Mr. Fisher.

Mr. FISHER. I remember you used the words "social progress." You feel that the F. E. P. C. would help to promote social progress of the Nation?

Mrs. GOLDBERG. What I meant was the social good; that is, a change for the better that would give everybody a right to earn a living.

Mr. FISHER. Mr. Day pointed to the fact of sex discrimination, in which your organization is very much interested. Is that one of the primary functions of your legislative group, or your organization, to undertake to overcome sex discrimination?

Mrs. GOLDBERG. That is one of them; yes.

Mr. FISHER. Is that one of the reasons you are supporting this proposed legislation?

Mrs. GOLDBERG. Yes, indeed.

Mr. FISHER. One of the principal reasons?

Mrs. GOLDBERG. Because we have always been against discrimination. We believe that American citizens are entitled to earn a livelihood for their families.

Mr. FISHER. I was also interested in a statement that you made, that you did not want the boys to come back from this war and say that somebody changed the rules in the middle of the game.

Mrs. GOLDBERG. Not "somebody"; but after all, as mothers, we teach our children elementary democracy, the rules of common decency and fair play. We teach them not to hit below the belt, ordinary principles of good sportsmanship, things like that. Then they grow up and find that they do not really have a chance to get a job; that the want ads may say, "White, gentile, Protestant preferred." We want them to have a right to earn a living and be good American citizens.

Mr. FISHER. You would, of course, I assume, want to leave some discretion to an employer who creates jobs, to decide whom he employs, would you not? That is in accordance with the traditions of Americanism, is it not?

Mrs. GOLDBERG. As long as he does not bar anybody because of their race, creed, or color. I do not like to repeat that; you know it as well as I. But I want to be clear on that point.

Mr. FISHER. Perhaps I did not make my question clear. You certainly would not object to an employer, who makes an investment in a little business and hires a few people, having discretionary power to decide whom he wants to employ in order to make his business a success, would you?

Mrs. GOLDBERG. I would not want him to discriminate against anybody.

Mr. FISHER. Would you want to give him the discretion, the freedom of choice, or would you want to turn that over to a bureau in Washington to determine whom he should employ?

Mrs. GOLDBERG. I would like that to be determined by democratic concepts, that is all; that he should not bar anybody except on the ground of ability to do a good job for him. If they have equal experience and equal ability to hold the job—

Mr. FISHER. In other words, if an employee makes an application for a job and is able to do the work, you would give the employer the right to use his discretion as to whether he wanted to employ that person or not?

Mrs. GOLDBERG. If he were not barring that person because of any basis of discrimination. I am not sure that we are talking about the same thing.

Mr. FISHER. Would you leave the discretion to him to decide the reasons, or would you say that a bureau in Washington should be the one to decide?

Mrs. GOLDBERG. I think that if he is likely to discriminate, I would want him to know ahead of the time that he just could not, because of race, color, or creed.

Mr. FISHER. Of course, somebody has got to decide the reasons as to why he should not hire a particular person. Would you leave that up to him or would you delegate that authority to decide that question to some bureau in Washington?

Mrs. GOLDBERG. If it were a bureau like the President's Fair Employment Practice Committee, I think I would have confidence in what they were trying to do.

Mr. FISHER. In other words, you would prefer to let the F. E. P. C. in Washington decide the question of whether he is——

Mrs. GOLDBERG. Unfair.

Mr. FISHER. As to whether he is discriminating or not, unfairly, in the employment of his help?

Mrs. GOLDBERG. I think so.

Mr. FISHER. And you would take from him the traditional American method of doing those things, that has existed now for 300 years, and change our system entirely, change the rules, as you call it, during the middle of the game, and turn that over to some people operating out of the F. E. P. C. in Washington?

Mrs. GOLDBERG. I do not think, and our organization does not think, that that is un-American. We feel that all legislation that is a change for the better has always been contested, and it is right, it is democratic, that it should be; that the pros and cons should be analyzed in this way. But we feel that this proposed bill is part of a great current of progress. In other times we could afford to be more patient about this progress, but now we feel and we know that women want to do something about it.

Mr. FISHER. You recognize, of course, that the passage of this legislation which would permit the F. E. P. C. to decide whom an employer may employ and whom he may not employ would be a change from the traditional American way of operating private enterprise, that has been in operation now for 300 years, and as a result of which tremendous progress has been made?

Mrs. GOLDBERG. Mr. Fisher, we feel it is also important that each American citizen—these five people whom the employer may hire—have a chance, an equally fair chance, to earn a living for his family.

Mr. FISHER. You would be opposed, would you not, Mrs. Goldberg, to the passage of any law that would be calculated to promote disunity, or would be calculated to retard the normal progress that has been made in the settlement of our interracial problems?

Mrs. GOLDBERG. But, is this such a law?

Mr. FISHER. I say, if it is, you would be opposed to it, would you not?

Mrs. GOLDBERG. It is not such a law to our understanding, Mr. Fisher.

Mr. FISHER. Of course, just by way of comparison, under the system that they have had in Russia, there is no discrimination against any employees, is there?

Mrs. GOLDBERG. I do not know.

Mr. FISHER. Everyone may have a job and everybody makes approximately the same amount, under the Russian system, as I understand it. But under the American system they do not all make the same amount, and discretion is given to employers in the employment of their workers.

Mrs. GOLDBERG. If people do not make the same amount, Mr. Fisher, because of a difference in their ability to earn a living, then it is fair that some people should earn less than others. But the National Women's Trade Union League, long before the F. E. P. C.—this was in 1903—came out with the essential fact of Americanism,

that every individual should have a right to earn a living, and not be barred by any other consideration except his ability to hold the job.

Mr. FISHER. I think that is a fair objective.

The CHAIRMAN. I am sorry to interrupt the gentleman, but yesterday there was an agreement that each member was not to question a witness for more than 5 minutes. We have quite a few other members to be heard from.

Mr. FISHER. Madam Chairman, I had one or two other questions.

The CHAIRMAN. Can you come back to them later on?

Mr. FISHER. I shall be forced to make a point of order, of no quorum, if I am not permitted to finish my questions.

The CHAIRMAN. That will simply prevent us from going on with our hearing, Mr. Fisher. I hope the gentleman will not insist on his point of order. I think we have been very fair. I am trying to be fair, and the gentleman must understand that if we continue to ask the same questions over and over, it is going to take quite a long time to hear all the witnesses. If the gentleman has any other important question to ask, I would be glad to extend his time another minute.

Mr. FISHER. Madam Chairman, I had two or three questions and I think I would have been through by this time if the chairman had permitted me to proceed.

The CHAIRMAN. Then will the gentleman please proceed with his questions?

Mr. FISHER. Well, I have now forgotten what I was about to ask the witness, and I shall come back after a little while.

The CHAIRMAN. Mr. Scanlon, have you any questions?

Mr. SCANLON. I have no questions.

The CHAIRMAN. Then, Mrs. Goldberg, will you be ready to answer Mr. Fisher's questions later on, when he is ready to ask them?

Mr. FISHER. Madam Chairman, irrespective of our colloquy, if I am interrupted again when I am asking questions, I shall have to insist on making my point of order.

The CHAIRMAN. It is nice to know that in advance; thank you.

Mr. FISHER. I just wanted to make it clear.

The CHAIRMAN. Our next witness is the President of the Civil Service Commission, Mr. Harry B. Mitchell.

STATEMENT OF HARRY B. MITCHELL, PRESIDENT, CIVIL SERVICE COMMISSION

The CHAIRMAN. Mr. Mitchell, I know that you have much valuable information to give us with respect to the continuation of the Fair Employment Practice Committee, and making it a permanent organization. We are glad to have you here to give us the benefit of your experience.

Mr. MITCHELL. I might make a brief statement about the position of the Commission, if I may.

The CHAIRMAN. We shall be glad to hear it, Mr. Mitchell.

Mr. MITCHELL. The Commission, under the law and under the rules promulgated under the civil-service law, provides for equality of the right to employment on the basis of ability, or experience, that enables one to do the job. We are, under the regulations, forbidden to discriminate in any way, or pay any attention to matters of race, creed, or politics.

We are interested in several features of this bill. We are not expressing an opinion and the Commission has not expressed an opinion at any time—we were not asked to before—as to the desirability of this legislation one way or another. However, there are certain features that we are concerned about in one of these bills.

The CHAIRMAN. They are all alike.

Mr. MITCHELL. I understand there are some slight differences.

The CHAIRMAN. There may be some word differences, but the principle involved is the same. In fact, I think the bills are practically identical.

Mr. MITCHELL. I understand there is a difference as to some of them.

Turning to H. R. 3986, I call your attention to page 4. The word "in" at the beginning of line 2, should be "of", I think.

The CHAIRMAN. Of course, those are—

Mr. MITCHELL. Typographical errors; yes.

The CHAIRMAN. They will be corrected when the bill is before the full committee for consideration. You understand that, of course, Mr. Mitchell.

Mr. MITCHELL. Yes.

The CHAIRMAN. And there probably will be amendments suggested that will make them better bills. All amendments will be presented to the committee when we are considering the bills in executive session. At the present time we are hearing witnesses for and against the bills trying to determine whether they will prevent discrimination not only now, while the war is in progress, but after the war is over, when we shall probably have greater need of such legislation.

Mr. MITCHELL. On page 4 of the Dawson bill, lines 7 to 14, there is no provision made for any discretion in the Attorney General. No appeal is provided from a decision of the Fair Employment Practice Committee, to be established by section 5 of the proposed act. In other words, when the Fair Employment Practice Committee issues a finding and order under the act, and calls on the Attorney General to take such measures to secure obedience to such order, the head of the agency involved is given no right of appeal. And if they do not obey the order of the Attorney General, they shall be summarily discharged from the Government agency.

The CHAIRMAN. As I have said, Mr. Mitchell, these are not perfect bills. They will be perfected in committee. If you have any amendments you would like to present to the committee, we would be glad to consider them.

Mr. MITCHELL. We shall be glad to submit them. On page 7, section 10 (d); this has to do with the Fair Employment Practice Commission, to issue a finding and order, as I referred to above. There is no appeal from this finding. There is no appeal provided in the bill. We think there should be a right of appeal.

The CHAIRMAN. On page 8, line 14, there is a provision that—

Any person aggrieved by a final order of the Commission * * * may obtain a review of such order in any circuit court of appeals of the United States.

Mr. MITCHELL. That refers to private industry, not to employees of the Government.

I have with me, Mr. Chairman, Mr. Ryder, who has been in charge of these matters that have come up before the Fair Employment Practice Committee.

Mr. RYDER. On that particular point, Madam Chairman, the earlier section of the bill excludes sections (e) and (f) from application in the Federal Government. That is on page 4, where it reads---

except that paragraphs (e) and (f) of section 10 * * * shall not apply in any case in which an order has been issued against any department or independent agency of the United States.

Therefore, the appeal to the courts does not apply to the Federal Government, as we understand the language of the bill.

The CHAIRMAN. As I have already stated, these hearings are being held for the purpose of finding out the reasons why this would be a good activity to continue and make permanent. When we consider the bills in committee, there will be quite a number of changes no doubt. We would like, then, to have the benefit of your suggestions, if you will send them to us in writing so that we may take them up in their proper sequence when we are considering the bills.

What we would like to know now, Mr. Mitchell, is the extent of your jurisdiction and what your policy is with regard to discrimination.

Mr. MITCHELL. As I stated, the Commission is forbidden by law to show any discrimination in the matter of race or creed.

The CHAIRMAN. When such complaints are received by the Commission, how do you handle them?

Mr. MITCHELL. Complaints of discrimination?

The CHAIRMAN. Yes.

Mr. MITCHELL. We make an investigation. Of course, lately, they have been handled by the Commission in cooperation with the F. E. P. C.

The CHAIRMAN. Successfully?

Mr. MITCHELL. Successfully. And, as I said, Mr. Ryder has been handling those particular questions. Of course, you must realize that the larger proportion of the complaints that come to us are beyond our province. We have to certify three names from a register, and we certify those three names regardless of race.

The CHAIRMAN. I understand that.

Mr. MITCHELL. And selection has to be made from these three names and the position is filled from that register. There is no violation of law, so far as we are concerned, if the agency takes No. 1, No. 2, or No. 3. They could pass over a colored man who was No. 1 and we could not do anything about it unless discrimination is proven.

The CHAIRMAN. Of course, that is understood. Any one of the three may be selected.

Mr. MITCHELL. That is right.

The CHAIRMAN. When complaints about discrimination are received by the Commission, how do you usually handle them?

Mr. MITCHELL. We make an investigation to see whether there has been any violation of Civil Service rules.

The CHAIRMAN. You do not go any further than that?

Mr. MITCHELL. We do not go any further than that. We cannot determine whether the head of the agency that has selected a person, has been influenced by the question of race in making that selection.

The CHAIRMAN. Does your Commission ever handle complaints of discrimination concerning working conditions?

Mr. MITCHELL. We have nothing to do with working conditions, except in our own agency.

The CHAIRMAN. So you are limited merely to submitting three names, one of which is selected by the agency involved?

Mr. MITCHELL. Certifying three names to the agency, and they may select any one of the three that they wish.

There is one other point that I wanted to call your attention to, and that is with regard to section 11, page 9. That provides for investigative powers, and it provides that the Commission shall at all reasonable times have access to, for the purpose of examination, any evidence of any person being investigated or proceeded against, and so forth.

We make investigations as to the suitability of persons for service in the Federal Government. We make those investigations on a confidential basis and we feel that we cannot turn that evidence, particularly as to the persons who gave the evidence, over to anybody. That is entirely confidential. If we had to turn it over to anyone else, it would destroy our ability, our power, to get that information that we want concerning the suitability of a person for Government service.

Mr. SCANLON. The intent of the bill is not to reveal anything of a confidential nature. As I understand it, the Civil Service Commission now makes a confidential investigation of an applicant for a job; is not that true?

Mr. MITCHELL. We do as to their qualifications for the job and also as to the suitability of the person for Government service; that is, whether the person is a person of good character and whether his reputation is such that we would be warranted in certifying him for an appointment to a Government position.

Mr. SCANLON. In the case of discrimination against an applicant for a job, there would not have to be a private investigation, a confidential investigation, would there? That would be public property.

Mr. MITCHELL. I think it would apply in all our investigations. I do not know just where you could draw the line.

Mr. SCANLON. It was not the intent, in drawing up this bill, to have a confidential investigation of those seeking employment.

Mr. MITCHELL. Of course, we do not investigate the employing agent, who would be the person who would be discriminating against an applicant for a job, except that where discrimination is alleged we investigate the complaint.

Mr. SCANLON. I think that is why you are misinterpreting the language in this section.

Mr. MITCHELL. You may be right. I had a comment here that I was going to submit. It is:

except where compliance with such regulations would be incompatible with the public interest.

Mr. SCANLON. That suggestion would be satisfactory to me.

The CHAIRMAN. Do you know of any Government agency which refuses to hire Negroes in jobs other than jobs that are considered menial?

Mr. MITCHELL. No; personally I do not. Could you answer that question, Mr. Ryder?

Mr. RYDER. Madam Chairman, I might go back to an earlier point as to the relationships with the F. E. P. C., which might help to clarify this particular point. Upon the receipt of any complaint

in the Commission, or its field offices, alleging discrimination on account of race, creed, color, or national origin, we immediately furnish a copy of that to the F. E. P. C. and simultaneously proceed with whatever inquiry or investigation may be necessary. Upon the closing out of the inquiry in those cases which fall within our jurisdiction, we furnish to the F. E. P. C. a report, giving the basic facts pertaining to the case. We do not turn over a complete investigation file to them, as it is obtained under pledge of confidence but we give them every necessary bit of information in connection with the case. Now, during the course of our investigation of hundreds of cases during the last 3 or 4 years, there have been a very few instances where a particular appointing officer in a particular agency may have, contrary to the department's general policy, applied such a procedure, that is, of not having hired a person because of race, creed, color, or national origin, for a particular job. But in going back to the departments in Washington, that is the headquarters of the agency, in a case of that sort, it has always been held by the head of the agency that that is contrary to the policy of the agency and of the President's Executive order on the same subject. The cases involving the individual appointing officers have then been corrected, insofar as the application of the particular policy is concerned. We have not always been able to work out an individual case to the satisfaction of all parties concerned because, as Mr. Mitchell has already pointed out, our jurisdiction has certain limitations under our act and under our rules, and we do not have the power to correct all types of situations which may have come about. Some of them are not under our jurisdiction at all, and some of them are. But our rules fall short of enabling us to take final action in some cases other than to report the facts.

The CHAIRMAN. I take it from what you have said that the F. E. P. C. has been helpful in cooperating with the Commission.

Mr. RYDER. We have worked very closely with them ever since the F. E. P. C. was established, on the general basis that I have just indicated.

The CHAIRMAN. What does the Commission do with agencies which it knows have a well-settled practice of not hiring Negroes in jobs other than menial or custodial jobs, if anything?

Mr. RYDER. I do not know of any agency as a whole which has such a practice. I do, as I have indicated, know— at least we have found a few cases of certain appointing officers who have on occasion followed such a practice, but on bringing that to the attention of the head of the agency, that practice of the particular appointing officer has been changed.

Mr. LANDIS. I would like to ask one question. We understand how these individual appointments are made, from a list of 3 that is submitted. But when you submit a list of 50 to 1 agency, would they have the right to reject any portion of the 50, or would they have to give you reasons therefor?

Mr. MITCHELL. They would have to give no reasons other than this. They would go down the list and take one of three.

Mr. LANDIS. You would submit three names for each position?

Mr. MITCHELL. It is not three names for each position. They have a selection from three, all the way down through the list. There is

not required three certifications for each vacancy. But they always have three to select from.

The CHAIRMAN. Mr. Mitchell, have you found that the establishment of the Fair Employment Practice Committee has aided in eliminating unfair discrimination in Government agencies?

Mr. MITCHELL. Yes. I would say "yes" to that question.

The CHAIRMAN. Mr. Day, have you any questions?

Mr. DAY. I just want to make an observation because of the suggestion made by Mr. Mitchell. As I read this proposed statute, it is perfectly clear that the new Commission on Fair Employment Practices is to be supreme or authoritative in making a decision on a case of discrimination. You cannot have two different Government agencies deciding the same question. The very fact that these exceptions are made us to paragraphs (e) and (f) of section 10 shows that that was put in for a purpose so that, if the question arose, this Commission would settle the question. There cannot be a conflict between the Civil Service Commission and the F. E. P. C. on the same function. I believe that is why they put that in there. If you make a reservation to preserve the integrity of the Civil Service Commission to decide that issue, then you will run straight up against the authority of the F. E. P. C. on that question.

Mr. MITCHELL. We do not believe the F. E. P. C. should have authority to force us to change our rules, if that is what you mean.

Mr. DAY. If you take that stand, then you would not be in favor of the bill as written. That would be a matter of Government policy. But I can see that an issue of this kind cannot be decided by a decision in one body of the Government and then have another decision in another agency of the Government. It would have to be determined authoritatively in one commission, in one agency. And this bill evidently makes this new Commission the one to make that decision.

The CHAIRMAN. That apparently is its purpose.

Mr. DAY. Yes. It would have to be that, because if a question arose and they tried to take an appeal from it, you could not take an appeal, if the Civil Service Commission holds one way and the F. E. P. C. holds the other way on the same question.

Mr. MITCHELL. Of course, it is not appealed to the Civil Service Commission. The F. E. P. C. would not appeal to us.

Mr. DAY. I did not say they would, but I was thinking of the right of the party involved. There would not be two decisions from different Government agencies. Evidently F. E. P. C. is made absolute by this bill, and you would have to abide by it, because that is the position of the United States Government.

The CHAIRMAN. Is not that true of all agencies?

Mr. DAY. Yes; you could not make reservations on that. You would not have a day in court on that. You would not have the right of appeal.

Mr. MITCHELL. Let me give you a concrete illustration of what I mean. F. E. P. C. did ask us to amend our rules so that we could consolidate the clerk and carrier registers in the Post Office. We now hold examinations for these positions at the same time, but the applicant must designate whether he wishes a position as clerk or a position as carrier. In certain southern cities the practice, apparently by local agreement, is to give preference where possible to colored

people for carrier positions, and to white people for clerk positions in the post office. That practice seems to be followed in quite a number of southern cities. The F. E. P. C. suggested to us—of course, they had no power at that time—that we consolidate and certify indiscriminately to the positions of clerk and carrier from the top of a combined register. We refused to agree to that proposal. These combined examinations are country wide, and experience indicates that it is better to have a selection made in advance as to whether the applicant prefers the position of clerk or carrier. To combine these certifications would also affect the opportunities for women, as, generally speaking, carrier positions are not regarded as suitable for women. The Civil Service Commission would not like to have another agency, interested in only one phase of employment, given the power to direct us to change our examinations when years of experience and study, with consideration of all factors entering into that examination and the resultant employment, had convinced the Civil Service Commission that it was a mistake to change. I am using this clerk-carrier examination as an illustration but it can be applied generally to our examinations. Years of experience and study have gone into the sort of examinations we hold, and the manner of holding them, and we would not like to have another agency given the power to force us to make what we regarded as inadvisable changes.

Mr. DAY. I can see your viewpoint, but if this is to be a law of universal application, as it would have to be in all sections of the country and in all States of the country, as a national statute, any local preference of that kind necessarily would have to yield to the position of the Commission here.

Mr. MITCHELL. Under the bill as it is written, we would have to do that. I imagine any agency would object to that.

The CHAIRMAN. Is it not true, though, that we have that regulation or provision in almost all the bills that have to do with agencies? Is it not a fact that most of them have to yield on those points?

Mr. DAY. It would be a process of gradually whittling down the intent of this act if they had to defer to such different agencies and commissions.

The CHAIRMAN. I think that is true.

Mr. MITCHELL, as the Civil Service Commission is presently set up, you have many functions. Do you believe you are able to handle this problem of discrimination?

Mr. MITCHELL. No; I do not think we have the power to handle it now, and I do not think we should be given that power. I do not think it is our job.

The CHAIRMAN. Mr. Fisher?

Mr. FISHER. I believe you stated that the civil service procedure with reference to the selection of employees, that you just referred to, is the result of years of experience in dealing with these problems and that you have found it to be the best; is that correct?

Mr. MITCHELL. Yes; in the particular instance that I spoke of.

Mr. FISHER. How many cases has the Civil Service Commission referred to the F. E. P. C.?

Mr. MITCHELL. Well, we have considered something over a thousand cases. Perhaps Mr. Ryder can speak more accurately on that.

Mr. RYDER. I have certain figures here, if they would be of interest to the committee.

THE CHAIRMAN. Yes; we would be very glad to have them for the record.

MR. RYDER. Recently the Fair Employment Practice Commission asked the Civil Service Commission to make a review or analysis of the cases which had been handled over a period of the last couple of years, since the Committee had been set up, functioning and working cooperatively with us. During the period from October 1941 to January 31, 1944, there were a total of 1,174 allegations of discrimination on account of race, creed, color, or national origin. In all those cases we, of course, worked with the F. E. P. C. on the basis which I earlier described. Of those cases, 1,031 were on grounds of race, 70 on grounds of creed, 62 on grounds of national origin, and 11 of them not very clearly specified as to what the basis was. That has been, generally, the number of cases involved.

MR. FISHER. You say 1,031 were on account of race. Were they Negro cases?

MR. RYDER. They were primarily Negroes. There were a few Mexicans and one or two others, though they would be more on the ground of nationality, I imagine, than race.

MR. FISHER. You refer to those as instances where that number of people made some form of complaint because they did not get a job or something to do with their work?

MR. RYDER. Either they did not get an appointment or were not selected by the appointing officer, or they objected to some condition or other of employment or to other matters. They made complaints to us frequently on matters not within our jurisdiction, and in those instances we advised the complainants to that effect and also furnished copies to the F. E. P. C. for whatever disposition they might wish to make.

MR. FISHER. During the period of 2 years, when you had 1,174 cases, how many cases of all kinds have you processed in civil service?

MR. RYDER. Those were all processed in the sense that they were closed out from our standpoint.

MR. FISHER. I understand. I am talking about your total number of applications for jobs of all classes during that 2-year period.

MR. RYDER. I do not have that. It would run into several million.

MR. FISHER. Out of several million you have had only 1,174 complaints from people who had their feelings hurt because they did not get a job and complained because they were discriminated against?

MR. RYDER. Yes.

MR. FISHER. That is all.

THE CHAIRMAN. Have you any questions, Mr. Scanlon?

MR. SCANLON. I have no questions.

THE CHAIRMAN. Is there anything else you would like to bring to the attention of the committee, Mr. Mitchell?

MR. MITCHELL. We will get the suggested amendments.

MR. LANDIS. Mr. Mitchell, if your Commission were forced to take these recommendations, you would not like that very well; would you?

MR. MITCHELL. For an outside body to tell us how to hold examinations?

MR. LANDIS. This commission that it is proposed to set up.

MR. MITCHELL. I do not know that I understand your question.

Mr. LANDIS. These 1,174 cases were processed. Suppose they had told you: "Put these 1,174 to work. That is our recommendation. You will have to accept it." What would you think about that?

Mr. MITCHELL. Well, the other agencies would put them to work. They would have to direct the agency that was employing these people to put them to work.

Mr. SCANLON. As I understand the situation, the Civil Service Commission just holds the examinations and certifies three names to each agency; thereafter the agency selects one of those three persons.

Mr. LANDIS. As long as it does not interfere with that, that agency is all right?

Mr. SCANLON. The F. E. P. C., as set up in this bill, would carry on an investigation as to whether or not they were discriminated against because of race, creed, or national origin, and the Civil Service Commission would not be authorized to take any action; the action would be against the agency that discriminated or that the person thought was discriminating for some reason other than his qualifications.

Mr. LANDIS. I was just wondering.

The CHAIRMAN. Mr. Mitchell, since the establishment of the Fair Employment Practice Committee have you found a relaxation or an improvement in the policies of Government agencies with relation to discrimination against Negroes?

Mr. MITCHELL. Well, there is certainly a larger proportion of colored persons being employed today than there were 2 to 3 years ago.

The CHAIRMAN. Of course, the war would naturally cause that.

Mr. MITCHELL. The war would naturally bring that about. But I cannot answer your question; I do not think we have any figures that would give that.

Mr. RYDER. I know there is no comparative basis that we have to relate our practice now to the situation at an earlier period of time.

The CHAIRMAN. But, Mr. Mitchell, you do think—you do not have to answer this question if you do not wish to—that we are going to be faced with this discrimination problem seriously when the war is over, when these men who are now fighting all over the world, regardless of race, color, creed, or any other consideration than service, come back? Do you not believe that there is then going to be a very serious problem to be faced by Government agencies?

Mr. MITCHELL. A problem of reduction in force, undoubtedly.

The CHAIRMAN. Definitely.

Mr. MITCHELL. Undoubtedly serious from the Government's standpoint and very serious for the employees. I do not know that I understand your point beyond that.

The CHAIRMAN. My point is this: Do you not think that the establishment of a permanent Fair Employment Practice Committee will be very helpful when our soldiers return and there will be, evidently, a very much tighter labor market?

Mr. MITCHELL. I do not think I can intelligently answer that question, because it is all a matter of speculation. A great many employees now in the Government are going to be discharged from Government service, undoubtedly. I imagine that the veterans are going to have practically a monopoly of the new positions that are

created. A very large proportion of colored persons in the Government service now are under wartime appointments. These appointments will end 6 months after the war closes.

The CHAIRMAN. Will that not be true of white persons, too?

Mr. MITCHELL. I say a large proportion of colored employees because of the increase in the employment of colored persons. They are undoubtedly in that position. Of course, they will have to go if they have war-service appointments. So will the white persons who have war appointments.

The CHAIRMAN. There is going to be a great deal of discrimination, of necessity, if there is nothing on the statute books to prevent it.

Mr. MITCHELL. I think it is a matter of speculation.

The CHAIRMAN. Well, probably it is.

Mr. LANDIS. No matter what the color is, the veterans will have the same preference.

The CHAIRMAN. I am thinking of the other groups that will be discriminated against—and there will be many of them.

Mr. DAY. If a man is a veteran, he will not be discriminated against because of race, color, or creed.

The CHAIRMAN. I wonder.

Mr. DAY. That would bring it up straight. That would put it straight up, if it came to that.

Mr. MITCHELL. If we certified three names and a veteran was No. 1 on the list, he could not be passed over, provided the Starnes-Scrugham bill goes through. The agency has to select No. 1 if he is a veteran or give its reasons why it does not. I can say that the reasons will have to be really bona fide good reasons. We will not decide against a veteran unless the reasons are good.

The CHAIRMAN. We are very grateful to you for coming here this morning, Mr. Mitchell. If you will submit in writing your suggestions covering the points you discussed in the bills, we shall be very glad to consider them. Thank you very much.

Mr. Fisher, do you wish to ask Mrs. Goldberg any further questions before we adjourn?

Mr. FISHER. I think not, Madam Chairman.

The CHAIRMAN. Then, the meeting will stand adjourned until 10 o'clock tomorrow morning.

(At 11:15 a. m. an adjournment was taken until Friday, June 9, 1944, at 10 a. m.)

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

FRIDAY, JUNE 9, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The meeting will come to order and the hearings on H. R. 3986, 4004, and 4005 will be resumed.

I have quite a few reports here that I think should be included in the record at this time.

I have one here that is not very long and I think I would like to read it, because it seems to me that it is very important. It is from the chancery office of the Most Reverend Robert E. Lucey, archbishop of San Antonio, Tex., and with your permission, I will read it into the record.

STATEMENT ON BILL TO PROVIDE A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE BY MOST REV. ROBERT E. LUCEY, S. T. D., ARCHBISHOP OF SAN ANTONIO, TEX.

It has been my privilege to observe at close hand the working of the Fair Employment Practice Committee in this part of Texas. I am convinced that this work is necessary and eminently constructive. It is a work of justice and therefore of peace and democracy. It is an adventure in good government that ought to be made permanent. Any citizen who is opposed to the perpetuation of this great work automatically takes a stand against peaceful labor relations, against the practice of justice in economic life, against honest working people who will stand defenseless before the ruthless power of unscrupulous employers. For such employers the appeal to conscience, to honesty, to the law of God, is futile. The appeal must be to the majesty of civil law. Many employers in this country do not need this legislation to make them honest; many others need it badly. For them hell has no terrors, but the penitentiary is a recognized reality.

If the people of the United States are glad to pour out their treasure and their blood in defense of justice and the human spirit everywhere in the world they must also be glad to practice justice at home. It is inconceivable that we should willingly deny to our own citizens that measure of justice which we purchase for others with our blood.

The working people of our country are not so docile, patient, and inarticulate as they once were in the matter of unemployment, low wages, and unfair discrimination. Our economic system now faces a vigorous challenge to give fair employment and decent incomes to all honest wage earners. We can no longer dodge the issue or deny its existence. The working people have a right to fair employment and are demanding it. If capitalism does not give them justice they will look for something else—and something worse.

A permanent Fair Employment Practice Committee will give meaning to that hallowed phrase "Land of the free."

We also have a letter here from the Columbus Metropolitan Fair Employment Practice Committee of Columbus, Ohio, which I will have included in the record at this point.

(The letter referred to is as follows:)

THE COLUMBUS METROPOLITAN FAIR
EMPLOYMENT PRACTICE COMMITTEE,
Columbus, Ohio, June 3, 1944.

HON. MARY T. NORTON,
Chairman, Labor Committee,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN NORTON: The Columbus Metropolitan Fair Employment Practice Committee has learned with genuine satisfaction that the Labor Committee of the House of Representatives has scheduled public hearings on the Scanlon-Dawson-LaFollette permanent Fair Employment Practice Committee bill. While we cannot be represented personally at this hearing, we wish to express our emphatic endorsement of this bill.

The Columbus Metropolitan Fair Employment Practice Committee is a civic body composed of official representatives of 38 labor, civic, welfare, and religious organizations representing an aggregate membership of some 50,000 citizens. It is our considered judgment that passage of this bill is imperative at this time. The experience of the President's Committee on Fair Employment Practice has demonstrated conclusively the continuing activity of the Government on behalf of minority group workers. We would be pleased to have this endorsement entered in the record of the Labor Committee hearings.

Yours very truly,

J. S. HIMES, JR.,
Executive Secretary.

We have here a telegram from the Vallejo Committee for Interracial Affairs of Vallejo, Calif., which we will have included in the record at this point.

(The telegram referred to is as follows:)

VALLEJO, CALIF., June 9, 1944.

Representative MARY NORTON,
Chairman, House Labor Committee, Washington, D. C.

Urge you militantly strive for passage of Scanlon-La Follette-Dawson bill for permanent Fair Employment Practice Committee. Present policy against discrimination must be permanent and extended to cover all employment. Any discrimination in employment because of race, religion, nationality is violation of constitutional guaranties and represents threat to democracy.

THE VALLEJO COMMITTEE FOR INTERRACIAL AFFAIRS,
JACK WERCHICK, Chairman.

We also have a letter from the Executive Office of the President, Committee for Congested Production Areas, and I would like to have that letter included at this point; also the statement.

(The letter and statement referred to are as follows:)

EXECUTIVE OFFICE OF THE PRESIDENT,
COMMITTEE FOR CONGESTED PRODUCTION AREAS,
Washington, D. C., May 24, 1944.

HON. MARY T. NORTON,
Chairman, Committee on Labor,
House of Representatives, Washington, D. C.

MY DEAR MRS. NORTON: I have received your letter of May 19, 1944, enclosing copies of H. R. 3986, 4004, and 4005 to establish a Fair Employment Practice Commission to make permanent the present Committee on Fair Employment Practice.

After a review of the proposed act in the light of our activities during the past year, I do not feel that I could make a contribution to the hearings. As you will note in the enclosed letter to the Chairman of the Committee for Congested Production Areas of May 10, 1944, our activities have been directed toward providing needed community facilities and services in certain congested production areas. Our objective is to improve living conditions for war workers so as to lower absenteeism and turnover in the war industries in these areas.

Since, as you can see, the activities of my staff are only indirectly related to the problems for which the proposed Fair Employment Practice Commission is to be

established, I believe that a statement from me would take up valuable time and contribute relatively little to a thorough examination of the proposed act.

Sincerely yours,

CORRINGTON GILL, *Director.*

EXECUTIVE OFFICE OF THE PRESIDENT,
COMMITTEE FOR CONGESTED PRODUCTION AREAS,
May 10, 1944.

Hon. HAROLD D. SMITH,
*Chairman, Committee for Congested Production Areas,
State Department Building, Washington, D. C.*

DEAR MR. CHAIRMAN: The Committee for Congested Production Areas was established 1 year ago to assist and supplement the work of Federal agencies, and local and State governments, in providing community facilities and services in war-congested production areas. It is generally agreed that these inadequate facilities caused excessive absenteeism and turn-over and hindered recruiting the additional workers necessary to produce airplanes, ships, and munitions needed by our armed forces and our allies.

As the staff of the Committee started its work, the types of facilities needed became clear. Housing was fundamental and with the need for housing came the auxiliary facilities such as water supply, sewage disposal, sewerage systems, streets, roads, and garbage and refuse collection and disposal. Transportation was needed both to and from work and from home to shopping and recreation facilities. Schools were needed for the workers' children; child care was necessary to enable mothers to work; hospitals and physicians were needed to meet the demands of a rapidly expanded population; and recreation was essential to make these areas livable. In many areas, the demands of the war caused extreme shortages in fuel supplies and some foods. Additional restaurants, laundries, groceries, and other stores were badly needed. Local governments and service trades were losing their manpower both to the armed services and to higher paying war industries, and replacements were extremely difficult to maintain. These were the conditions that the Committee's staff found.

During the year, the staff has worked in 18 areas, all classified as "acute labor shortage areas." The last areas to be designated as congested by the Committee were Key West, Fla.; Muskegon, Mich.; and Knoxville, Tenn., all on April 12, 1944. Staff work has been completed in 4 areas because living conditions had been brought up to minimum war standards. These areas are Portland-South Portland, Maine; Newport, R. I.; St. Mary's County, Md.; and Brunswick, Ga. In Pascagoula, Miss., the office of the Committee in the area has been closed and the projects initiated are being followed up by the Mobile area office. In addition to the areas designed on April 12, the staff is now working in Puget Sound, Portland-Vancouver, San Francisco, Los Angeles, San Diego, Beaumont-Orange, Detroit-Willow Run, Mobile, Charleston, and Hampton Roads, Va. It is interesting to note that although these areas have only about 10 percent of the population, they have about 30 percent of all airplane contracts, and about 41 percent of all shipbuilding contracts.

Some high lights of recent work by the staff of the Committee will be of interest. At the request of the Committee's staff, funds were made available in January 1944 to the Bureau of the Census to take sample censuses of population in nine congested areas. This information was needed by Federal, State, and local agencies as a guide to distribution of civilian commodities as well as for local planning to meet war needs. Population shifts of the defense and war periods made an up-to-date census of population necessary. Preliminary figures have been announced by the Census Bureau for three areas. The remainder will be available before June 30, 1944. The table below shows these data, together with the 1940 census.

	Population census, April 1940	Population census, March 1944	Percent increase since 1940	Population increase since 1940	Visitors in addition to population, March 1944
Mobile.....	141,974	233,000	64	91,000	5,000
San Diego.....	289,348	410,000	42	120,000	14,000
Charleston.....	121,105	167,000	38	46,000	3,000

The Census Bureau will soon prepare and publish tabulations of population by age, sex, race, employment, and family status for these areas.

The Navy Department requested the staff's assistance in providing commercial air service between Key West, the location of a naval base, and Miami. Other forms of transportation did not meet the needs of the Navy and the increased population of Key West. The staff of the Committee requested the Civil Aeronautics Board to authorize National Airlines to start operation. Three round trips each day are now being provided. This is the first new civilian route inaugurated since Pearl Harbor.

Congestion on the west coast has been intensified as a result of nonwar workers coming to stay in the region for both long and short visits. These visitors were using housing, eating, transportation, recreation, and laundry facilities, which were inadequate for essential war workers producing vitally needed ships and planes. The Director issued a public request through the newspapers asking persons to stay away from the west coast unless they had war-connected business there. Full-page advertisements which appeared in Life and the Saturday Evening Post sponsored by local groups repeated the same message.

The 400-percent increase in population in Orange, Tex., as a result of the shipbuilding program led to the construction of large public housing projects. The Federal Public Housing Authority provided stores to serve the needs of war workers. An operator was obtained for these stores, but food supplies were not locally available. Shipyard officials reported that the workers were taking time off to go to adjacent cities to shop because of the lack of food in Orange. Immediately after his appointment in January, the area representative brought together the food-store operator and representatives of the appropriate Federal agencies. The problem was identified as being one requiring transport of additional perishable food to Orange. After discussion of the problem with Office of Defense Transportation, approval was given, and the food stores are now operating.

Fuel shortages were a problem in many congested areas during the past winter. In Mobile there were difficulties in obtaining all types of fuels, including butane gas, fuel oil, kerosene, and coal. Workers at the shipyards were requesting releases because of lack of fuel. The area representative determined the extent of need for butane gas, and the Petroleum Administration for War obtained a supply for Mobile at the request of the Washington staff. Transportation was holding up the distribution of kerosene. The area representative first obtained use of an Army truck to bring kerosene into the area and later the Office of Defense Transportation approved the use of a truck of a private dealer for this purpose. The area representative worked out with the United States Employment Service a special campaign to obtain drivers for fuel-oil trucks and the manager of a housing project agreed to buy oil in bulk and then resell it to the tenants to save distribution time. The area representative obtained clearance from the State highway department so that there would be no delay in carrying fuel oil across the State lines from New Orleans to Mobile.

In the Charleston, S. C., area, the use of septic tanks for new private housing projects had resulted in insanitary conditions which prevented the use of many of these dwelling units. A Navy inspection report of these septic tanks showed that "127 of 600 were overflowing, 44 grease traps were overflowing, and 99 houses had water in the yard." Sanitary conditions became so bad that the county health officer considered condemning the housing. The need for enactment of special legislation by the South Carolina Legislature prevented Federal Works Agency action. This act to create a special sanitary sewer district was passed in February and district commissioners were appointed. The area and Washington staffs of the committee helped Federal Works Agency, Federal Housing Administration, and the Navy in expediting the necessary arrangements for approval. The commissioners applied to Federal Works Agency in March for the necessary funds. The project has been approved by Federal Works Agency and priorities granted by War Production Board.

Fire fighting equipment was needed for the war housing projects in the Detroit-Willow Run area, especially for those projects outside the city of Detroit. Both Federal Public Housing Authority and the Detroit Housing Commission indicated an immediate need for this equipment. The area representative of this committee assisted in obtaining release of Office of Civilian Defense equipment for this purpose. On April 17, 1944, through a request to the Detroit fire commissioner, all of the Office of Civilian Defense equipment requested by Federal Public Housing Authority was obtained. In addition, the State fire marshal agreed to provide one pumper for the city of Inkster, the location of a number of war housing units.

The Maritime Commission secured lumber and other materials to build a large dormitory in the Portland-Vancouver area. However, before the project was completed, the dormitory's size was reduced by 2,500 units. As a result, about 500,000 feet of lumber, which at present is the scarcest of all materials commonly used for the war effort, became available for other uses. The area representative arranged for the release of this lumber, chiefly to Federal Public Housing Authority.

In 1943 in the Brunswick, Ga., area the laboratory records of the board of health revealed that 26 cases of typhus fever were positively identified. It is the opinion of the Glynn County Medical Society that this number could be multiplied a number of times to arrive at the actual number of cases. Typhus is a disease which is spread by fleas from infected rats. The most effective method of combating the disease is to control the rodent population. Since this was a problem in Brunswick, the staff representative of the committee called a meeting attended by the mayor, the city manager, the county health officer, two representatives of the Typhus Control Unit of the United States Public Health Service, and representative citizens of the county to work out a program for rodent control. As a result of the meeting, the city of Brunswick has agreed to pass an ordinance making rat-proofing of buildings mandatory and to raise sufficient funds to start the program. The United States Public Health Service plans to send 2 rodent-control experts to Brunswick to help the city start the program.

These examples are illustrative of the hundreds of problems that are currently being worked on by area representatives of the committee.

The adequacy and trend of community facilities in certain designated congested areas, as rated by the area representatives, is shown on the attached table. These ratings are based on the scores of individual projects which are in various stages of completion in each area.

Attached also is a chart showing the present staff organization of the committee, and a list showing the names, addresses, and telephone numbers of the area representatives.

* * * * *

The staff has had the full cooperation of Federal agencies and local and State governments in working out the problems of congested production areas. I feel that highly satisfactory results have been obtained during this year and that it will be possible to continue to provide speedy action on the problems of congestion in these areas.

Sincerely yours,

CORRINGTON GILL, *Director.*

Executive Office of the President
COMMITTEE FOR CONGESTED PRODUCTION AREAS

May 1, 1944

RATING OF ADEQUACY OF COMMUNITY FACILITIES AND SERVICES
IN DESIGNATED CONGESTED AREAS

Facility or Service	Puget Sound	Portland-Vancouver	San Francisco	Los Angeles	San Diego
Water Supply	↑	→	→	→	→
Sewers and Sewage Disposal	→	→	→	↓	↑
Garbage and Refuse	↓	→	↓	↓	→
Streets	→	↑	→	↓	↑
Police Equipment and Structures	↑	↑	↑	→	↓
Fire Equipment and Structures	↓	→	→	→	↓
Housing	→	↑	↑	↑	→
Rents	→	→	→	↑	→
Manpower	↓	→	↓	→	↓
Commercial Facilities	→	↑	→	↓	↑
Medical Care	→	→	↓	↑	↑
V. D. Control	↑	↑	↑	→	↑
Child Care	↑	→	↑	↑	↑
Education	↑	↑	↑	↑	↑
Recreation	↑	↑	→	↑	↑
Disease Control	→	↑	→	→	→
Food	↑	↑	→	↑	↓
Fuel	→	↑	→	→	→
Transportation	→	→	↑	↑	↓
Over-all Situation	↑	↑	→	↑	→

The type of arrow indicates whether the facility is adequate, fair, or inadequate; the direction of the arrow indicates whether the situation is getting better, remaining about the same, or getting worse.

	BETTER	SAME	WORSE
ADEQUATE	↑	→	↓
FAIR	↑	→	↓
INADEQUATE	↑	→	↓

**RATING OF ADEQUACY OF COMMUNITY FACILITIES AND SERVICES
IN DESIGNATED CONGESTED AREAS**

Facility or Service	Detroit-Willow Run	Beaumont-Orange	Mobile	Key West	Charleston	Hampton Roads
Water Supply	↑	↑	↑	↓	↑	↑
Sewers and Sewage Disposal	→	→	↑	↓	↑	↑
Garbage and Refuse	→	→	→	→	→	→
Streets	→	→	↑	→	↑	→
Police Equipment and Structures	→	↑	↓	→	↑	→
Fire Equipment and Structures	↑	↑	↑	→	→	→
Housing	↑	↑	↑	↓	→	→
Ranks	→	→	→	↑	↑	→
Manpower	→	↓	↓	↓	→	↓
Commercial Facilities	→	→	↓	→	→	↑
Medical Care	↑	→	↑	↓	↑	→
V. D. Control	↑	→	→	→	→	↑
Child Care	→	→	→	↑	→	↑
Education	↑	↑	↑	→	→	↑
Recreation	↑	↑	→	↑	→	↑
Disease Control	→	↑	↑	→	→	→
Food	→	→	→	→	→	↑
Fuel	→	→	↑	↓	→	→
Transportation	→	→	↑	↑	↑	↑
Over-all Situation	→	↑	↑	↓	↑	↑

The type of arrow indicates whether the facility is adequate, fair, or inadequate; the direction of the arrow indicates whether the situation is getting better remaining about the same, or getting worse.

	BETTER	SAME	WORSE
ADEQUATE	↑	→	↓
FAIR	↑	→	↓
INADEQUATE	↑	→	↓

EXECUTIVE OFFICE OF THE PRESIDENT

COMMITTEE FOR CONGESTED PRODUCTION AREAS, WASHINGTON 25, D. C.

Names, addresses, and telephone numbers of area representatives

Beaumont-Orange, Tex.: John D. Howard, 705 San Jacinto Building, Beaumont, Tex.; phone, 827 and 828.

Charleston, S. C.: J. Clark Johnstone, 1024 Candler Building, P. O. Box 1322, Atlanta 1, Ga.; phone, Walnut 4121, extension 282.

Detroit-Willow Run, Mich.: Frank M. McLaury, 1048 Penobscot Building, Detroit 26; Mich.; phone, Randolph 4892.

Hampton Roads, Va.: Russell S. Hummel, 302 Royster Building, Norfolk 10, Va.; phone, 5-4910.

Key West, Fla.: Paul A. Martin, 210 Post Office Building, Key West, Fla.; phone, 493.

Knoxville, Tenn.: G. P. Reynolds, 901 Burwell Building, Knoxville 3, Tenn.; phone, 41342.

Los Angeles, Calif.: Herbert C. Legg, 326 Western Pacific Building, 1031 South Broadway, Los Angeles 15, Calif.; phone, Prospect 4711, extension 320.

Mobile, Ala.: Cecil F. Bates, 409 First National Bank Building, Mobile 13, Ala.; phone, 2-5684 and 2-5685.

Muskegon, Mich.: Leroy Peterson, 404 Muskegon Building, Muskegon, Mich.; phone, 27661.

Portland, Oreg.-Vancouver, Wash.: F. Tom Humphrey, 220 Federal Court House, Portland, 5 Oreg.; phone, Atwater 6171, extension 530 and 531.

Puget Sound, Wash.: J. Frank Ward, 439 White-Henry-Stuart Building, Seattle 1, Wash.; phone, Seneca 2536 or Elliott 0200, extension 484.

San Diego, Calif.: Charles A. Taylor, 1250 San Diego Trust and Savings Building, San Diego 1, Calif.; phone, Maine 3076.

San Francisco Bay, Calif.: Randall M. Dorton, 643 Merchandise Mart, 1355 Market Street, San Francisco 3, Calif.; phone, Hemlock 8535 and 8536.

We also have a report from the War Manpower Commission which I would like included in the record at this point.

(The report referred to is as follows:)

WAR MANPOWER COMMISSION,
Washington, D. C., June 6, 1944.

HON. MARY T. NORTON,
*Chairman, Committee on Labor,
House of Representatives, Washington, D. C.*

DEAR MRS. NORTON: A brief statement supplementing my letter of June 1, in which I advised you of my endorsement of H. R. 3986, H. R. 4004, and H. R. 4005, is transmitted herewith for the consideration of your committee.

Sincerely yours,

PAUL V. McNUTT, *Chairman.*

STATEMENT ON DISCRIMINATORY EMPLOYMENT PRACTICES SUBMITTED TO THE HOUSE COMMITTEE ON LABOR BY THE WAR MANPOWER COMMISSION JUNE 6, 1944

The War Manpower Commission recommends passage of legislation which will prevent discrimination because of race, creed, color, or national origin. Specifically, the Commission endorses H. R. 3986, H. R. 4004, and H. R. 4005, which would prohibit certain unfair employment practices and establish a Fair Employment Practices Commission to supersede the present Fair Employment Practices Committee.

The War Manpower Commission endorses the intent of these measures because it is vitally interested in discouraging and removing discriminatory employment practices which interfere with the full and free use of all the Nation's manpower.

DISCRIMINATION AND THE MANPOWER PROBLEM

Inability to place occupationally qualified workers because of barriers imposed by race feeling and discriminatory hiring specifications has on occasion intensified or even created labor shortage situations which might otherwise have been



COMMITTEE FOR CONGESTED PRODUCTION AREAS

Committee

MARLUD D. SMITH, Director of the Bureau of the Budget, Chairman
 ROBERT P. PATTERSON, Under Secretary of War
 RALPH A. BARD, Assistant Secretary of the Navy
 DONALD M. NELSON, Chairman, War Production Board
 Maj. Gen. PHILLIP B. FLEMING, Administrator, Federal Works Agency
 JOHN S. BLANDFORD, JR., Administrator, National Housing Agency
 PAUL V. McMUTT, Chairman, War Manpower Commission

Special Assistant
 LOUIS P. BIRK

Director
 CORRINGTON GILL
 Liaison with Army, Navy
 and Maritime Commission

Reports - Analysis
 ROBERT F. LENHART

CREATION AND PURPOSE

The Committee for Congested Production Areas was established by Executive Order 9227 on April 7, 1949, to provide an effective means of coordinating Federal, State, and local governmental activities in congested production areas. The Committee has the authority to designate any community or section as a congested area and to assign area representatives to work in communities so designated.

The Committee is responsible for coordination of the activities of all Federal agencies in so far as they affect problems arising out of congestion in the area. In order to attain quick and effective action, every effort is made to secure coordination locally.

The Committee assists local, State, and Federal agencies to get necessary facilities constructed and needed services initiated or expanded. It coordinates by making programs explicit and by assisting agencies in finishing on schedule their plans to relieve congestion.

The policies and decisions of the Committee with respect to any designated congested production area are controlling upon all Federal agencies to which they apply. When quick and effective action on problems cannot be secured locally, the area representative reports to the Director of the Committee who advises with the Federal agencies concerned to the end that coordination may be secured.

Facilities, Construction, Health and Welfare Liaison

War Production Board (except Office of Labor Production and Manpower Requirements)
 Federal Works Agency
 Federal Security Agency
 Procurement and Assignment Service of the War Manpower Commission
 Federal Board of Hospitalization
 Childrens Bureau of the Labor Department
 Office of Civilian Defense
 Post Office Department

WILLARD F. DAY
 MRS. HELEN D. DAVIS

Manpower and Housing Liaison

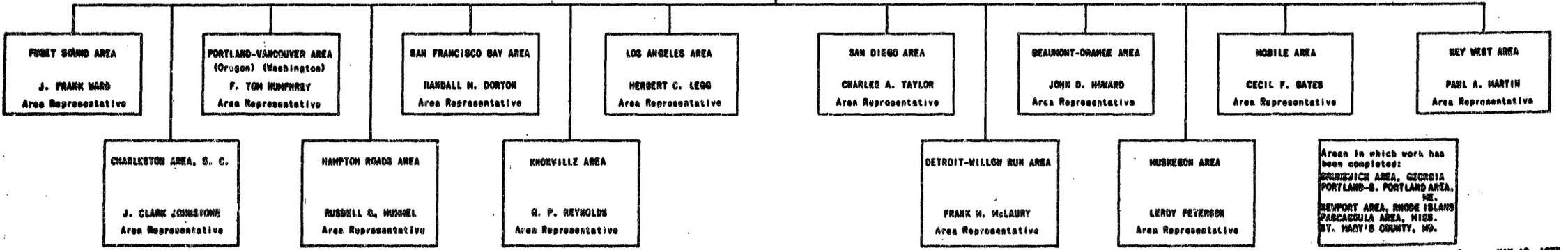
National Housing Agency
 War Manpower Commission (except Procurement and Assignment Service)
 Labor Department (except Childrens Bureau)
 National War Labor Board
 Civil Service Commission
 Committee on Fair Employment Practice
 Labor Production and Manpower Requirements
 Offices of the War Production Board
 Treasury Department

CHARLES B. LAWRENCE, JR.

Economic and Distribution Liaison

Office of Price Administration
 Office of Defense Transportation
 War Food Administration
 Agriculture Department
 Interior Department
 Solid Fuels Administration for War
 Petroleum Administration for War
 Commerce Department
 Office of War Information
 Federal Power Commission

FRANK UPHAM, JR.



obviated. It has been the source of many difficulties involving unwarranted immigration, congested housing conditions, and related problems.

The knowledge of continued industrial discrimination against nonwhites has led to the exclusion of nonwhite workers from training opportunities, despite congressional mandate prohibiting discrimination in publicly financed training programs. These exclusions have followed the assumption that, despite the great national need for skilled workers, it would be useless to train nonwhite workers for jobs they would never be permitted to take. This assumption has become considerably less true as war mobilization has progressed and as gains have been made in placing skilled workers from minority groups.

WAR MANPOWER COMMISSION POLICY ON DISCRIMINATION

The War Manpower Commission is cooperating in the effort to use existing machinery for discouraging discriminatory employment practices under Executive Order 8802 and Executive Order 9346.

On August 2, 1943, the War Manpower Commission and the President's Committee on Fair Employment Practice signed a joint working agreement. This agreement has served to prevent duplication of activities in the field of manpower utilization and training. It has also assisted in the expeditious handling of complaints of discrimination involving large numbers of workers from minority groups. The agreement specifies that the Fair Employment Practices Committee shall formulate policies to achieve the purposes of Executive Order 9346 and that the Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

In order to implement this agreement, the War Manpower Commission has issued specific instructions to its field offices providing that programs of training or labor utilization shall be carried on in a nondiscriminatory manner. If such programs are in violation of Executive Order 9346, the War Manpower Commission makes an effort to correct the discriminatory practices. If it is unsuccessful in doing so, the cases are referred to the Fair Employment Practices Committee for further handling.

The Commission will not place into clearance any order for workers which is discriminatory. The Commission also attempts to persuade employers to make full use of all workers in local labor markets before seeking manpower from outside communities.

When the United States Employment Service receives a discriminatory order for workers, an effort is made to correct the practice. If it is not corrected, a report is submitted to the Fair Employment Practices Committee. During the period between January 1, 1944, and April 1, 1944, the New York, Philadelphia, Cleveland, and San Francisco regional offices of the War Manpower Commission found it necessary to file 195 such reports. One must keep in mind that such reports were filed only when the United States Employment Service received orders from an employer. The discrimination practiced against individuals who make direct applications for jobs at the employer's office would not be included in the reports. Neither would the reports reflect failure to upgrade qualified persons solely because of race, creed, color, or national origin.

TREND IN EMPLOYMENT OF NONWHITE WORKERS

In 1941, nonwhites, who constitute 10 percent of the Nation's population, held only 3 percent of the Nation's war jobs.

One month after Pearl Harbor, more than half of 282,245 job openings filed with the United States Employment Service were closed to nonwhites as a matter of industrial personnel policy. Occupationally qualified nonwhites were not accepted for skilled jobs and many (33,000 out of 83,000) unskilled jobs also carried discriminatory specifications.

Because of the pressure of wartime labor needs and also because of the efforts of the Committee on Fair Employment Practices and other governmental agencies, the proportion of nonwhite to white workers in war establishments gradually rose. In January 1944, the ratio stood at 7.2 percent. This increase, while salutary, does not mean that the problem of discriminatory hiring practices which impede economical allocation of our manpower resources has as yet been solved,

REASONS FOR LEGISLATION

Congressional affirmation of a national policy of equal employment opportunity without regard to race, creed, color, or national origin would aid the War Manpower Commission in its efforts to obtain full utilization of all qualified workers in the prosecution of the war.

At present, local offices of the United States Employment Service sometimes are reluctant to refrain from filling discriminatory orders, because they know the urgency of the employer's need. A national policy, expressed by law, would greatly aid United States Employment Service offices in persuading employers that qualified workers from a minority group should be hired.

Such congressional action would serve also to guarantee returning nonwhite veterans equal protection with respect to reemployment and job placement. The need for such a guarantee is borne out by the growing number of military discharges. In February and March of this year, the United States Employment Service placed 108,318 veterans, of whom nearly 70 percent were veterans of the current war. It is not known how many of these veterans were from minority groups, but certainly the Nation should not countenance discrimination which would bar any veteran from taking his well-earned place in a job for which he is qualified.

APPENDIX E. RESOLUTION OF THE MANAGEMENT-LABOR POLICY COMMITTEE
PERTAINING TO RACIAL CONFLICTS

The following motion, designed to point up citizens' responsibility to deal forthrightly and to eliminate causes for racial conflicts injurious to the Nation's war effort, was passed by the Management-Labor Policy Committee at its meeting on Tuesday, July 6, 1943:

"Whereas it is the declared policy of the Government to encourage full participation in the war effort by all citizens of the United States, regardless of race, creed, color, or national origin; and

"Whereas racial disturbances have occurred recently in a number of industrial cities; and

"Whereas the occurrence of such disturbances is injurious to the Nation's war effort, disruptive of good feeling in national relationships and reflects upon the principles of democratic government and the freedoms for which our Nation stands: Therefore be it

"Resolved, That the National Management-Labor Policy Committee of the War Manpower Commission hereby vigorously condemns any form of racial disturbances or conflict and hereby recommends:

"1. That management, labor, and agriculture work to the end that misunderstandings or discrimination be reconciled in their incipient stages to the end that racial disturbances may be eliminated;

"2. That regional and area management-labor War Manpower committees accept responsibility to assure that management, labor and agriculture in the respective regions and areas take appropriate action to the same end;

"3. That these committees in their respective communities cooperate with local authorities so all may have equal opportunity regardless of race, creed, color, or national origin;

"4. That the War Manpower Commission through its regional and area offices in each community pursue such policies consistent with its authority to prevent future racial disturbances."

APPENDIX F.—OPERATING AGREEMENT BETWEEN F. E. P. C. AND W. M. C. ON
NONDISCRIMINATION PROGRAM

Enforcement of policies promulgated by Executive Order No. 9346 of May 27, 1943, hereinafter called the Nondiscrimination Order, calls for the closest possible cooperation between F. E. P. C., which is responsible for the formulation and execution of policies under the nondiscrimination order, and W. M. C., which is responsible for full utilization of the Nation's manpower in the prosecution of the war.

As the administrative machinery of W. M. C. embraces the fields of training, placement, and utilization of manpower, where discriminatory employment practices are directly reachable in the course of the agency's daily operations, it is imperative that full utilization of the staff and facilities of W. M. C. be made in the administration of Executive Order No. 9346.

It is the purpose of this agreement between F. E. P. C. and W. M. C. to define the respective responsibilities of the two agencies and to establish operating procedures which will assure the most harmonious and expeditious enforcement of nondiscrimination policies.

A. RESPONSIBILITIES OF F. E. P. C.

1. The Nondiscrimination Order provides that:

(a) F. E. P. C. "shall formulate policies to achieve the purposes of this Order and shall make recommendations to the various Federal departments and agencies, and to the President, which it deems necessary and proper to make effective the provisions of this Order."

(b) "The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin."

(c) "All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin."

(d) "The Committee shall receive and investigate complaints of discrimination forbidden by this Order. It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination."

(e) F. E. P. C. "may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the services of the State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this Order through such officials and agencies and in such manner as it may determine."

2. Pursuant to these requirements of the Executive Order, it is the duty of F. E. P. C. to recommend to the Chairman of W. M. C. specific measures to enforce nondiscrimination. Such measures shall be carried out after agreement with F. E. P. C. on matters pertaining solely to such enforcement of the Nondiscrimination Order.

3. It is the duty of the staff of F. E. P. C. to cooperate with and assist the staff of W. M. C. in the handling and investigation of cases involving discrimination.

4. It is the duty of F. E. P. C. to cooperate with and assist the staff of W. M. C. in the preparation and development of educational programs and materials relating to nondiscrimination in the training, placement, and utilization programs of W. M. C.

B. RESPONSIBILITIES OF W. M. C.

1. W. M. C. has the over-all responsibility for the utilization of manpower.

2. The functions of W. M. C. are in three general fields: training, placement, and utilization.

3. Executive Order No. 9139, establishing W. M. C., provides that the Chairman of W. M. C. shall "formulate plans and programs and establish basic national policies to assure the most effective mobilization and maximum utilization of the Nation's manpower in the prosecution of the war; and issue such policy and operating directives as may be necessary thereto."

4. After agreement with F. E. P. C., the Chairman of W. M. C. shall establish administrative machinery and issue administrative directives to the regional, State, area, and local offices with regard to their respective duties in securing full utilization and training of manpower without discrimination.

5. It shall be the duty of W. M. C. personnel at all operating levels to cooperate fully with the personnel of F. E. P. C. in the enforcement of the Nondiscrimination Order, in the carrying out of F. E. P. C. policies, and in the promulgation of such measures and programs on nondiscrimination as the Chairman of W. M. C. may authorize, with the agreement of F. E. P. C. on matters pertaining solely to enforcement of the Nondiscrimination Order in such measures and programs.

6. In the central office of W. M. C. and in each of its regional offices an official shall be designated to be responsible for the coordination of procedures and responsibilities under the Nondiscrimination Order within W. M. C. and for cooperation with the related regional or central office of F. E. P. C.

C. ADJUSTMENT OF INTERAGENCY RELATIONS

1. It is expected by the Chairman of F. E. P. C. and W. M. C. that the spirit of teamwork on the part of the personnel of the two agencies will make it possible to attain maximum efficiency and economy in the administration of the Non-discrimination Order, to avoid all duplication of effort, and to prevent all overlapping of jurisdiction.

2. If any interagency difference arises in any regional office of either agency and such difference cannot be promptly settled by joint action of the respective regional directors, it shall be referred immediately to the designated officer in the central office of W. M. C. by the W. M. C. Regional Director, and the designated officer in the central office of F. E. P. C. by the F. E. P. C. Regional Director for adjustment between the two agencies.

3. If any interagency difference involving questions of procedures cannot be so adjusted, it shall be referred to the Chairman of W. M. C. and F. E. P. C. for final disposition.

4. If any unadjusted interagency difference involves the questions of policy on which no agreement can be reached by the Chairman of W. M. C. and F. E. P. C., it shall be jointly submitted by them to the President of the United States for final disposition.

5. If any such unadjusted difference involves questions of interpretation of the Executive Orders under which the two agencies are operating, it shall be jointly referred by the Chairmen of W. M. C. and F. E. P. C. to the Attorney General for a ruling by which the two agencies shall be bound.

D. PERSONNEL

In order to achieve maximum administrative economy in the use of personnel of the two agencies and to give the nondiscrimination policies and programs of F. E. P. C. the widest possible scope of application, full use of available personnel of W. M. C. shall be made for the handling of complaints and evidence of discrimination received originally by W. M. C. in the normal course of its operations in the fields of training, placement, and utilization of manpower.

At the same time, it is essential to the effective administration of the Non-discrimination Order that the staff of W. M. C. be fully informed of the complaints and evidence of discrimination in the locality area or region concerned, which have been received and handled directly by F. E. P. C.

For the purpose of cooperative administration and clearly defined jurisdiction, two general procedures are hereby presented: (1) Complaints of violation of Nondiscrimination Order received or evidence obtained by W. M. C. in the course of that agency's activity in the fields of training, placement, and utilization of manpower; and (2) complaints of violation of Nondiscrimination Order received or evidence obtained directly by F. E. P. C.

1. Complaints and evidence originating in and initially investigated by W. M. C.

(a) Each Regional Office of W. M. C. shall have ten days after receipt of complaint or knowledge of evidence of violation of Nondiscrimination Order to adjust the same in accordance with agreed and prescribed procedure, provided, however, that additional time may be allowed after consultation between the Regional Offices of F. E. P. C. and W. M. C. Where there is no adjustment within the time specified or allowed, or where, in the opinion of the Regional Office of F. E. P. C., the adjustment is not satisfactory, the Regional Office of F. E. P. C. shall take appropriate steps to make the proper adjustment. The files and records of W. M. C. on cases under investigation shall be available to F. E. P. C. and W. M. C. shall within the prescribed and agreed policies and procedures cooperate with F. E. P. C. in making a proper adjustment.

(b) With agreement of and in cooperation with F. E. P. C., W. M. C. shall establish procedures relating to the effectuation of the Nondiscrimination Order in its training, placement, and recruiting programs to facilitate action to be taken by W. M. C. with respect to matters falling within this category. Until such procedures are agreed upon and put in operation, existing procedures shall be continued.

(c) *Training.*—Procedures shall be established to assure that equal training facilities and opportunities are available to all trainees and prospective trainees without regard to race, creed, color, or national origin. Special procedure shall be established where, because of State or local laws, special training facilities are required for trainees solely because of race.

(d) *Placement and utilization.*—Procedures shall be established to assure that all workers have equal opportunity for referral to and employment in all classifications of employment regardless of race, creed, color, or national origin. Special

procedures shall be established where special U. S. E. S. office facilities are provided for persons solely because of their race. USES 510 reports and the procedures with respect to their preparation and referral shall be revised so as to cover all cases contemplated by the use of such reports.

2. Complaints and evidence originating in F. E. P. C.

(a) Upon receipt of each complaint or evidence of violation of the Nondiscrimination Order, F. E. P. C. shall investigate the same in accordance with the following procedure:

First, examine the files and records of F. E. P. C. and obtain from other sources, including W. M. C., all pertinent information relative to the training or employment practices of the party charged or against whom the evidence exists.

Second, interview the complainant to determine whether there is a prima facie case of violation of the provisions of Executive Order 9346.

Third, make contact with the party charged or the party against whom evidence exists, except where, upon clearance with the Regional Office of W. M. C., it appears that W. M. C. is at that time conducting or negotiating a training, placement, or utilization program. If such a program is being conducted or negotiated, the F. E. P. C. Regional Office shall prepare a report, summarizing its investigation together with a request for specific action, which shall be transmitted to the Regional Office of W. M. C. The Regional Office of W. M. C. shall report thereon and transmit such report to the Regional Office of F. E. P. C. within ten days from the time of the receipt of the F. E. P. C. report, unless by agreement such period is either increased or decreased. Personnel of F. E. P. C. and W. M. C. shall cooperate in fulfilling their obligations under this agreement. Where, however, in the opinion of the Regional Director of F. E. P. C. after consultation with the Regional Director of W. M. C. the urgency of the case requires it, or where the report of W. M. C. described above is not received by the Regional Office of F. E. P. C. within a ten-day period, or other period mutually agreed upon, or, where after the submission of the report, in the opinion of the Regional Office of F. E. P. C., such action is deemed warranted, F. E. P. C., may make direct contact with the party charged, or the party against whom evidence exists, without following the above-described procedure.

Fourth, whenever the Regional Office of F. E. P. C. determines that specific action on a complaint or evidence shall be taken by W. M. C., the Regional Office of F. E. P. C. shall transmit a report, summarizing its investigation and requesting such action, to the Regional Office of W. M. C. The Regional Office of W. M. C. shall report thereon and transmit such report to the Regional Office of F. E. P. C. within ten days of the receipt of the F. E. P. C. report, unless by agreement with the Regional Office of F. E. P. C. such period of time is either increased or decreased.

W. M. C. shall, in cooperation with F. E. P. C., establish procedures for complying with the requests for action referred to in steps Three and Four above. Until such procedures are agreed upon and put into operation, existing procedures shall be continued.

E. INTERCHANGE OF INFORMATION AND REPORTS ON OPERATIONS

In order to carry out effective enforcement of the Nondiscrimination Order, it is essential that F. E. P. C. and W. M. C. maintain an interchange of operating reports and information relevant to the effectuation of nondiscrimination programs and policies. Such mutual interchange on a definitely prescribed time schedule shall be maintained in each region as well as between the central offices of the two agencies. Such exchange shall be carried out in accordance with the following procedures:

1. Reports on complaints and evidence originating in and initially investigated by W. M. C.

(a) Each Regional Director of W. M. C. shall prepare weekly summary reports of each such complaint or evidence of violation of the Nondiscrimination Order and furnish the Regional Office of F. E. P. C. each week with two copies of such reports, except that in cases of an emergency character an immediate, full report shall be made to the Regional Office of F. E. P. C. Each such report shall include the name, sex, and address of the complainant, the name, address, and type of and alleged reason for discrimination, the date of the alleged discrimination, the name of the W. M. C. agent to whom the complaint has been assigned, and the date of referral to F. E. P. C. Forms and procedures for this purpose shall be prescribed by W. M. C. by agreement with F. E. P. C.

2. *Reports on complaints and evidence originating in and initially investigated by F. E. P. C.*

Each Regional Director of F. E. P. C. shall make a record of each such complaint or evidence and action taken thereon and shall make a weekly report to the Washington office of F. E. P. C. A copy of each such report shall be furnished to the Regional Office of W. M. C.

3. *Unified forms.*

Complaint, docket and report forms mutually satisfactory to F. E. P. C. and W. M. C. shall be prepared and shall be used at all stages of enforcement of the Nondiscrimination Order.

F. EFFECTIVE DATE

This agreement shall become effective on the date it is signed by the Chairman of F. E. P. C. and the Chairman of W. M. C., and the operating procedures prescribed thereby shall be put in operation as soon thereafter as feasible.

FRANCIS J. HAAS,
Chairman, Fair Employment Practice Committee.

PAUL V. McNUTT,
Chairman, War Manpower Commission.

WASHINGTON, August 2, 1943.

MANUAL OF OPERATIONS

WAR MANPOWER COMMISSION

Date: September 3, 1943.

Title: VI
Section: 30

Designation: Operating Instruction—Field No. 21.

Subject: Responsibility of the War Manpower Commission in the Utilization of Minority Groups.

I. PURPOSE

The transfer of the President's Committee on Fair Employment Practice from the War Manpower Commission to the Executive Office of the President has occasioned an Operating Agreement between the two agencies. The responsibilities of the War Manpower Commission under this agreement, a copy of which is attached, require a statement of the definition of discrimination, the action to be taken by the War Manpower Commission to secure full utilization of minority groups, and the procedures for handling cases of discrimination.

II. DEFINITION OF DISCRIMINATION

The following definitions shall be used in implementing the procedures established in this instruction:

A. Discrimination by an employer or anyone acting as his agent or on his behalf, including a labor organization, is defined as—

1. The submission of hiring specifications which exclude from employment, limit employment of, or restrict employment to levels below their best skills or abilities of, occupationally qualified aliens or workers of a certain race, color, creed, or national origin.

2. The refusal to classify properly or to refer or hire, the limitation of upgrading opportunities, or the exclusion from in-plant training programs of, available occupationally qualified aliens or workers of a certain race, color, creed, or national origin; except that the refusal to hire available occupationally qualified workers because of lack of citizenship, in instances where an employer is engaged in production under "classified" or aeronautical government contracts, and where the Government contracting agency has refused approval for the employment of such workers, shall not be considered discrimination if an effort to secure written consent for such employment has been denied by the head of the Government department concerned.

B. Discrimination by a war production training agency is defined as the failure to admit to training courses available qualified persons because of race, creed, color, national origin, or lack of citizenship. Where separate training facilities for white persons and Negroes are required by State law, the failure to provide training courses for qualified Negro applicants in any occupation which is open to white trainees and for which there are Negro applicants shall be discriminatory.

In the event that there are facilities for training Negroes in such occupations but the number of training stations available to Negroes is inadequate to absorb a proportion of qualified Negro applicants equal to that of qualified white applicants, the situation shall be considered discriminatory.

III. ACTION TO BE TAKEN BY THE WAR MANPOWER COMMISSION TO SECURE FULL UTILIZATION OF MINORITY GROUPS

A. Regional, State, area, and local offices shall take specific action to insure that Negroes and other minority groups are reached in all recruitment programs. Because of past employment practices in the community, these groups may not respond readily to recruitment campaigns unless they are assured that their participation is not only desired but imperative to the war effort.

B. Current data shall be maintained reflecting the degree of placement and utilization and the extent of training among nonwhite workers. These data shall be obtained from local office operating reports, labor market information, and reports of training agencies.

C. In certifying housing needs, consideration shall be given to the existence of a supply of occupationally qualified but unemployed or under utilized aliens or members of a particular race, color, creed, or national origin and to the need for adequate housing for Negro and other minority group war workers, particularly in those areas where their importation has occurred or is imminent.

D. Each employment stabilization program shall contain a specific provision for full utilization of all sources of labor. In the execution of this policy, it shall be the responsibility of the Area and Regional Directors to eliminate any real or imaginary difficulties with respect to the employment of certain minority groups involved in the operation of the stabilization program. Area and Regional Directors shall call upon their Management-Labor Committees, and, when necessary, upon the Regional Director of the Committee on Fair Employment Practice for assistance in handling problems of this type.

E. Care shall be taken to apprise the parties concerned that in cases of alleged discrimination, the ultimate responsibility for determining the adequacy of the adjustment made rests with the Committee on Fair Employment Practice, although the War Manpower Commission assumes the initial responsibility for obtaining the elimination of discrimination.

F. Adequate liaison shall be established to coordinate the activities of the Commission and the Committee, since it is essential to effective operating relationships and sound public relations between the two agencies that there should not be uncoordinated simultaneous contacts with employers, labor unions, or training agencies on the part of the Commission and the Committee on the same case.

G. There shall be in each region competent staff personnel to establish the liaison mentioned above and to assure adequate attention to problems of minority groups' utilization in the region. Wherever the work load may require it, the state, area and local offices shall assign staff personnel to coordinate programs for minority groups' utilization at the various levels of operation.

IV. PROCEDURE FOR HANDLING CASES OF DISCRIMINATION

A. Action to Be Taken When Discriminatory Orders or Training Requisitions Are Received by Local Employment Offices.

1. The local office shall file USES 510 reports for cases in this category. In relation to such cases the local office shall:

a. Receive and record all specifications stated by an employer or anyone acting on his behalf, or a training agency, including specifications based on race, color, creed, national origin or citizenship. Where there are separate United States Employment Service office facilities provided for persons solely because of their race, administrative procedures will be adopted to ensure the simultaneous receipt of placement orders by placement officers in the office serving white applicants and in the office serving colored applicants, and an administrative officer responsible for the placement function shall see that items b through g of this section are carried out.

b. When an employer or anyone acting in his behalf or a training agency places an order which includes specifications as to race, color, creed, national origin, or citizenship of the applicant to be referred and such specifications are discriminatory as defined above, the United States Employment Service representative shall make definite effort to persuade the employer or anyone acting

on his behalf or the training agency or anyone acting in its behalf to eliminate such restrictive hiring or training practice.

c. In some instances it may be possible to have the discriminatory specifications eliminated at the time of order-taking. In other cases it may be necessary for the appropriate representative of the United States Employment Service to negotiate with the official of the company, or anyone acting on its behalf, or the training agency which established the policy. Frequently this will not be the individual who initially placed the order with the local office. The employer, or anyone acting on his behalf, or the agency should be fully informed concerning the local labor market situation. The qualifications of local persons excluded by discriminatory specifications should be brought to their attention. The policy of the Federal Government as expressed in the President's Executive Order 9346 and the aggravation of community problems such as housing, transportation, and sanitation which would result from importation of labor might be cited to influence the decision.

d. Occupationally qualified workers shall be referred to a job or training opening without discrimination because of race, creed, color, national origin or lack of citizenship and without regard to discriminatory specification.

e. No order which limits or precludes the employment of occupationally qualified workers because of their race, creed, color, national origin or lack of citizenship shall be placed in clearance for recruitment outside the local employment office area.

f. When an employer, or anyone acting on his behalf, or a training agency fails to eliminate discriminatory specifications, or, when no discriminatory specifications are included in the order, but where there is evidence that the employer, or anyone acting on his behalf, or the training agency has discriminated on the basis of race, color, creed, national origin, or lack of citizenship in accepting occupationally qualified persons referred by the United States Employment Service, an immediate report shall be made on Form USES 510. The report shall be prepared and submitted within three days after the effort to obtain elimination of discriminatory practices has been made, and in no case later than ten days after receipt of the order.

g. A separate report will be prepared for each case of discrimination. An original and six copies of this report shall be prepared and distributed as follows: the original to the employer; one copy to the local office files; one copy to the Area Director of the War Manpower Commission if the area has been established; one copy to the State Director; and three copies to the Regional Director of the War Manpower Commission.

2. The Regional Director of the War Manpower Commission shall immediately transmit two copies of the Form USES 510 to the Regional Office of the Committee on Fair Employment Practice. The Regional Director of the War Manpower Commission shall then take specific action to obtain elimination of discriminatory practices through the operations of the area, state, and regional organizations, including the Management-Labor Policy Committees, and shall submit a full report to the appropriate Regional Director of the Committee on Fair Employment Practice on each case.

In instances where satisfactory adjustments cannot be completed within ten days after receipt of the USES 510 report by the Regional Director of the War Manpower Commission, he shall indicate to the Regional Director of the Committee on Fair Employment Practice the period in which he believes such adjustment can be made and arrange with the Regional Office of the Committee for additional time to make such adjustment. If no request for additional time is made, or if the request for additional time is denied, the case shall automatically come under the jurisdiction of the Committee ten days after it has been referred to the Regional Office of the War Manpower Commission.

B. Action To Be Taken on Complaints or Evidences of Discrimination Arising in Vocational Training for War Production Workers.

1. The Regional Office of the War Manpower Commission may receive reports of discrimination on the part of training agencies from sources other than the local employment offices. It shall immediately investigate all reports of discrimination and take steps to have the discriminatory features eliminated.

2. Where separate training facilities for white persons and Negroes are required by state law, the Regional Office of the War Manpower Commission shall take the following action:

a. Review state plans and examine local and state programs to determine whether discrimination as defined in item B of Section II above is permitted or exists.

b. If a state plan does permit such discrimination, or if discrimination exists in the program, prepare a report on Form 42, and take steps to have the discriminatory features eliminated.

3. A separate report for each instance of discrimination described above which affects an individual or group shall be prepared in the Regional Office of the War Manpower Commission on Form 42. Form 42 shall be prepared in five copies, to be distributed as follows: one copy to the files of the Regional Chief of Training; one copy to the State Director; and three copies to the Regional Director of the War Manpower Commission.

4. After a report on Form 42 indicating that an agency training program contains discriminatory features has been filed with the Regional Director of the War Manpower Commission, no like courses in the community affected shall be approved until the Regional Director confirms that adequate training facilities for Negroes have been established.

5. The Regional Director of the War Manpower Commission shall follow the same procedures in processing and in transmitting copies of Form 42 to the Regional Office of the Committee on Fair Employment Practice as were specified under item A 2 in this section for Form USES 510.

C. Action To Be Taken on Complaints or Evidences of Discrimination Originating from Sources Other Than USES Offices of the MWC Training Program.

1. If an employee of the War Manpower Commission encounters discrimination or evidences of discrimination by an employer in connection with any WMC utilization program, the Regional Office of the War Manpower Commission shall initially investigate the situation and thereafter act in conformity to the procedures set forth in IV A and B.

2. If a complaint is received from the general public charging discrimination by an employer with whom the War Manpower Commission is not negotiating or conducting any training or utilization program, the complaint shall be referred at once to the Regional Director of Fair Employment Practice Committee. If such a program is being conducted or negotiated, the Regional Director of the War Manpower Commission shall proceed in accordance with Section D 2 of the attached Operating Agreement.

D. Action To Be Taken When Complaints or Evidences of Discrimination Are Received from the Committee on Fair Employment Practice.

1. Whenever required by Section D 2 of the attached Operating Agreement between the Committee and the Commission, initial contact with the employer or labor union will be made through the Regional Office of the War Manpower Commission after a request for action has been made by the Regional Director of the Committee on Fair Employment Practice.

2. Upon receipt of such a request for specific action, the Regional Director of the War Manpower Commission shall establish a record of the case and refer it to the proper operating official for action. The Regional Director shall, through appropriate staff officers, keep abreast of the developments in the case and shall, when necessary, inform the Regional Director of the Committee on Fair Employment Practice of difficulties encountered in obtaining elimination of the discriminatory practice. Within ten days after receipt of such a request for specific action, the Regional Director of the War Manpower Commission shall submit a report of the action taken to the Regional Director of the Committee. If the facts warrant, the Regional Director may request additional time to secure a satisfactory adjustment of the case. If no request for additional time is made or if the request for additional time is denied, the case shall automatically revert to the Committee ten days after it has been referred to the Regional Office of the War Manpower Commission.

3. When a case has reverted to the Committee, the Regional Office of the War Manpower Commission shall offer every possible assistance to the Committee in its efforts to secure an adjustment.

V. ACTION TO BE TAKEN BY EMPLOYEES OF THE WAR MANPOWER COMMISSION

A. Employees of the War Manpower Commission shall:

1. Make a positive effort to obtain the elimination of discriminatory specifications and discrimination, and report all instances of discriminatory specifications which they have not been able to eliminate.

2. Refer a qualified worker to a job or training opening without discrimination because of his race, creed, color, national origin, or lack of citizenship and without regard to any discriminatory specifications. (Where separate training facilities

for white and Negro applicants are provided, the filling of requisitions for separate classes of trainees shall not be considered discriminatory.)

3. Classify properly occupationally qualified applicants without discrimination because of race, color, creed, national origin or lack of citizenship.

4. Adhere to and enforce all of the policies and procedures in this instruction.

Approved:

J. H. BOND,
Acting Executive Director.

Effective date: September 3, 1943.

Original filed in office of Chief, Administrative Service.

WAR MANPOWER COMMISSION

Washington 25, D. C.

WMC Field Instruction No. 3
Bureau of Placement No. 75
September 18, 1943

To: All Regional Manpower Directors.

Subject: Revisions in Part II of USES Manual—Sections on Orders Containing Discriminatory Specifications.

Attached are revised pages to be inserted in Part II of the United States Employment Service Manual. The pages are indicated by the following section numbers:

3240 -3244
3244 -3246
3246 -3246.02
3246.03-3246.18
3430

Sections which have been revised are indicated by an asterisk following the code.

These sections have been revised to conform with the policy stated in Operating Instructions—Field No. 21 on the handling by local officers of orders containing discriminatory specifications concerning race, color, creed, national origin, or citizenship.

The instructions contained in these Manual pages should be issued to all local offices without change in meaning unless a State law concerning discrimination in employment requires changes in, or additions to, these instructions. Please advise Headquarters of the nature of any changes or additions made, and the reasons for them.

Each Regional Director should requisition from Headquarters sufficient copies of these revised sections of the Manual to meet the needs of his Region.

Initiated by:

A. J. WICKERSON,
Director, Bureau of Placement.

J. H. BOND,
Deputy Executive Director.

UNITED STATES EMPLOYMENT SERVICE MANUAL

UNUSUAL ORDER TAKING SITUATIONS

3240 *Substandard Orders:* (See section 3062, Placement Policy.) When the interviewer receives an order offering wages, hours, or working conditions clearly below the standard in the community for that type of work, the interviewer shall accept the order but shall inform the employer of the fact that it is substandard by tactfully indicating where the order falls below the community standards. If the employer refuses to change the order the interviewer shall inform him that there is very little chance of filling it. If further discussion with the employer fails to alter the order, it shall be marked "Substandard" across the face of the order form.

The interviewer may mention this opening to an applicant who happens to be in the office and who might be interested in the job. However, the interviewer shall not seek applicants for substandard jobs or urge applicants to take substandard jobs, shall not call in any applicants, or take any other of the normal actions of preliminary selection. If an order is thought to be substandard, the

interviewer shall make a determination by reference to any records of community standards on wages, hours, and working conditions maintained by the office. If the office does not maintain such records the interviewer shall refer to previous orders for similar jobs, and apply his knowledge of community standards, in determining whether the order is substandard. If he is not sufficiently well-informed on the standards in the community to make this determination, he shall refer the order to the appropriate supervisor or manager for a decision. Decisions made by interviewers shall be reviewed by the placement supervisor or the office manager to insure that uniform decisions are being made. Immediately after accepting it, the interviewer may cancel and route to the placement supervisor or manager any substandard order. The reason for cancellation must be indicated under "Closing Summary" on the order card.

3241 Orders Pre-designating the Applicants to be Referred: When an employer requests that certain workers be referred to him on any basis except occupational specifications (for example, when he gives the names of certain individuals he wants referred, or when he specifies these workers by type, such as all former employees), the interviewer shall tactfully inform the employer that this order cannot be accepted. The employer shall be informed that the "call-back" service formerly provided by the Employment Service has been eliminated because of the demands of the war program. The employer shall, however, be given the address of the former employee if he requests it and it is available in the local office records. When the order is placed as a test of an unemployment compensation claimant's availability for work, the interviewer shall suggest that the employer offer the work directly to the claimant, notifying the local office of the results.

3242 Orders With Union Membership Requirements: When an employer lists an order in which membership in a labor organization is one requirement for hiring or employment, the interviewer shall determine whether an understanding exists between the Employment Service and the designated labor organization concerning the referral of the requested workers. If the interviewer does not know of such an understanding, he shall request the appropriate supervisor or manager to obtain this information. If the interviewer knows that no such understanding exists, he (or the placement supervisor or manager) shall inform the representative of the labor organization of the receipt of the order. Subsequent actions shall depend upon arrangements effected with the labor organization, as detailed in section 4000 of this manual.

When an order is received from a labor organization requesting the referral of workers through the labor organization to an employer, the interviewer shall determine that an understanding exists for such referral, as detailed in section 4000. If no such understanding exists, the interviewer shall refer the order to the supervisor or manager to obtain an understanding with the labor organization and the employer before further actions are taken on the order. When an understanding does exist between the Employment Service, the labor organization, and the employer, the order shall be taken in accordance with this understanding and placement actions shall be taken accordingly. However, when the labor organization is placing the order, the interviewer shall inquire whether the labor organization has specific openings corresponding to the openings on the order, and the order shall be accepted and acted upon only when such specific job openings exist.

3243 Orders With Nonunion Specifications: An order which specifies that applicants referred shall not be union members shall not be accepted. The interviewer should explain to the employer that acceptance of such orders is against the policy of the United States Employment Service.

3244 Orders in Which Openings Are Vacant Because of a Labor Dispute: It is the policy of the United States Employment Service not to refer, except when directed to do so by the War Manpower Commission, any persons to any positions left vacant by reason of a labor dispute at any place of employment by a person belonging to a grade or class of workers participating in, or directly interested in, such labor dispute at such place of employment. The War Manpower Commission, however, will direct local employment offices to make referrals to such vacancies in specific situations if it determines that (1) in a designated establishment, facility or portion thereof, work which contributes to the effective prosecution of the war has been interrupted by such labor dispute and (2) referrals by public employment offices to positions left vacant by reason of such dispute are not inconsistent with the policies and purposes of Executive Order 9017, of January 12, 1942, creating the National War Labor Board and prescribing procedures for the peaceful adjustment and settlement of labor disputes.

For the purpose of this section, the term "labor dispute" shall include any controversy concerning terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment regardless of whether or not the disputants stand in the proximate relation of employer and employee. In carrying out the policy stated in the preceding paragraph, the Employment Service shall under no circumstances make any referral which will aid, directly or indirectly, in filling any vacancy existing or created by reason of a labor dispute, except following specific direction by the War Manpower Commission to do so as required by the war program.

In carrying out this policy, arrangements should be made so that local offices will receive prompt notification of all labor disputes. Such information may be received from the State agency which receives notice of labor disputes, and from local and higher bodies of labor organizations. All such notices should be in writing and should set forth the details of the dispute.

If information is received from any other source as to the existence of any labor dispute, the State Director and the local office managers shall immediately verify the existence of such labor dispute by contact with the parties involved.

If an order is received for positions which, according to written notice received by the local office, are vacant because of a labor dispute, the interviewer shall inform the employer that no referrals can be made unless the War Manpower Commission, after investigation, directs the local office to fill such vacancies. A memorandum, signed by the local office manager, giving details of the request to make referrals to the positions vacant because of a labor dispute, shall be forwarded, via the State and regional offices, to the Director of Operations, War Manpower Commission, Washington, D. C. A notation shall be made on the order showing the date on which the memorandum was sent, and the order shall be filed in the pending section of the interviewer's desk file.

If the War Manpower Commission directs that referrals be made the interviewer shall check with the employer to ascertain the status of the openings. If the openings still exist, the order shall be acted upon in the same manner as other orders. Any applicants referred to the job shall be required to sign Form USES-503, as explained in Section 3424.

If the War Manpower Commission directs that referrals shall not be made, the order shall be cancelled, and the date and reason for cancellation entered on the reverse of the order form. The interviewer shall inform the employer of the reason for cancellation.

Referrals may be made if the Employment Service receives notice from both of the parties involved that the dispute no longer exists, or if there is evidence permitting the Employment Service to make an independent determination that the labor dispute no longer exists.

3245 Orders Which Are in Violation of Law: An order in which the employment, the nature of the services, or any of the employer's specifications are contrary to Federal, State, or local laws shall not be accepted. When the interviewer receives such an order, he shall explain to the employer wherein the order is contrary to law, and inform him that it cannot be accepted. If the employer modifies the order so that it meets all legal requirements (for example, if he raises the wages to meet the requirements of a State minimum wage law), the order shall be accepted. If the order is not modified so that it meets all legal requirements, the order form shall be voided, if entries have been made on it.

3246* Orders Which Contain Discriminatory Specifications Concerning Race, Creed, Color, National Origin, or Citizenship: For the purpose of this section, an "employer" shall be interpreted to include a union or anyone else who acts as the recruiting agent for an employer and from whom employer orders are received by the local employment office.

When there are separate United States Employment Service Office facilities provided for persons solely because of their race, administrative procedures shall be adopted to insure the simultaneous receipt of orders by placement personnel in the office serving white applicants and in the office serving colored applicants.

When an employer or training agency includes specifications concerning race, color, creed, national origin, or citizenship in an order, the interviewer shall record those specifications, except in States which have laws forbidding such discrimination in employment. If an order is in violation of a State law, it shall not be accepted. (See section 3245 for handling of orders which contain provisions contrary to law.)

When the local office receives an order containing such discriminatory specifications, an attempt shall be made to persuade the employer or agency to eliminate

the discriminatory specifications. In some cases, this may be done by the interviewer at the time of order-taking. He should fully inform the employer or agency regarding the local labor market situation. This requires that the interviewer have a complete knowledge of the local labor market, even though the employment offices in the community may be separated on the basis of race, occupations, or geographic location. The interviewer should also discuss with the employer or representative of the training agency the occupational skills of qualified local persons excluded by discriminatory specifications. The policy of the Federal Government as expressed in the President's Executive Order should be called to his attention. It should be made clear to him that the discriminatory specifications will aggravate his own difficulties in obtaining workers. Under certain circumstances, the aggravation of community problems such as housing, transportation, and sanitation which would result from importation of labor might be cited to influence the employer's decision.

When it is not possible or advisable for the interviewer to persuade the employer or agency to remove discriminatory specifications, it may be necessary for the appropriate representative of the Employment Service to negotiate with the official who establishes hiring or training policy.

It should be made clear to an employer or agency which refuses to eliminate discriminatory specifications that it is the policy of the United States Employment Service to make referrals solely on the basis of occupational qualifications, and that the discriminatory specifications must be ignored in filling his order. In addition, it should be explained that no order which contains discriminatory specifications concerning race, color, creed, national origin or citizenship may be placed in clearance for recruitment outside the local employment office area. These policies shall be adhered to in filling the order.

When an employer or training agency fails to eliminate discriminatory specifications from an order, the local office shall prepare immediately a report on Form USES-510. A separate report shall be prepared for each case of discrimination and submitted within three days after the effort to obtain elimination of discriminatory practices has been made, and in no case later than ten days after receipt of the order. An original and six copies of each Form USES-510 shall be prepared and distributed as follows: the original to the employer, one copy to the local office files; one copy to the Area Director of the War Manpower Commission if the area has been established; one copy to the State Director; and three copies to the Regional Director of the War Manpower Commission.

Form USES-510 shall also be used to report each instance in which there is evidence that an employer or training agency discriminated on the basis of race, color, creed, national origin or lack of citizenship in accepting occupationally qualified persons referred by the United States Employment Service, even though the order contained no discriminatory specifications. It shall be prepared and distributed in the manner described in the preceding paragraph.

Instructions for the preparation of Form USES-510 follow. The form is shown in section 3246.19.

3246.01 Address of Local Office: Enter the address of the local employment office immediately below the heading, "United States Employment Service."

3246.02 Date: Enter date the report is prepared.

3246.03 Employer: Enter the full firm or business name of the employer. (Enter the employer's name even though the order is placed by a union.) Use this space also to enter the name of the training agency.

3246.04 Address: Enter the address to which applicants were referred.

3246.05 Head of Firm: Enter the full name of the individual who is head of the firm.

3246.06 Titles: Enter the title of the head of the firm.

3246.07 Official Interviewed to Secure Relaxation: Enter the name of the individual (either a representative of the employer, union or training agency) with whom the representative of the Employment Service conducted negotiations to secure relaxation of discriminatory specifications.

3246.08 Title: Enter the title of the person interviewed.

3246.09 Date of Order: Enter date the order was received.

3246.10 Industry: Enter the industrial title and code for the business in which the job openings existed. Check to indicate whether the employment was in essential or less essential production. If training agency, so indicate.

3246.11 Order Placed By: Enter the name of the company representative who placed the order. If the order was placed by a union, enter the name of the union and its representative.

3246.12 *Order Received By*: Enter the name of the local office representative who received the order.

3246.13 *Number of Openings*: Enter the number of jobs or training stations to be filled.

3246.14 *Occupational Title and Code*: Enter the dictionary title and code for the occupation.

3246.15 *Discriminatory Hiring Practices*: Indicate whether the discriminatory practice was refusal to eliminate discriminatory specifications or failure to hire occupationally qualified workers referred by the Employment Service. If discriminatory specifications were included on the order, give the nature of the specifications. If the discriminatory practice is failure to hire, indicate the number of applicants referred and a summary of the results of the referrals, the qualifications of those hired and those rejected. Include enough detail to indicate the basis for the decision that the employer was discriminating against applicants of a particular race, color, creed, national origin, or citizenship. The reverse side of the form of supplementary sheets may be used, if necessary.

3246.16 *Action Taken to Secure Relaxation*: Describe briefly the facts presented to the employer to induce him to eliminate the discriminatory specifications.

3246.17 *Result*: State the employer's final instructions concerning his specifications and the reason, if given, for failure to eliminate the discriminatory specifications or failure to hire occupationally qualified applicants referred by the Employment Service. If applicants of a particular race, color, creed, national origin, or citizenship are excluded from employment because of restrictive union regulation, this fact should be indicated.

3246.18 *By*: Enter the name of the local office manager.

3430* *Selecting Applicants on Orders Restricting Employment of Aliens* (continued): If an employer (whether or not he is operating under restrictive War or Navy contracts) refuses to eliminate discriminatory specifications concerning aliens on an order, referrals shall be made without reference to the discriminatory specification and the local office shall prepare a report on Form USES-510. This report shall be prepared in the manner and within the time limits described in section 3246. Form USES-510 shall also be used to report each instance in which there is evidence that an employer has discriminated against occupationally qualified applicants because of lack of citizenship, even though his order did not contain discriminatory specifications.

I have here a letter from the Fraternal Council of Negro Churches of America, from Bishop James Albert Bray, Chicago, Ill. The letter will be inserted in the record.

(The letter referred to is as follows:)

FRATERNAL COUNCIL OF NEGRO CHURCHES IN AMERICA,
Chicago 15, Ill., May 26, 1944.

Congresswoman MARY NORTON,
Chairman, House Committee on Labor,
Washington, D. C.

HONORABLE MADAM: Representing the Fraternal Council of Negro Churches in America, an organization composed of the leading church denominations among our people, 40,000 churches and more than 6,000,000 members and adherents, I am herein expressing to you the attitude of this organization toward the establishment of the Fair Employment Practice Committee as a permanent organization.

In its short life, the Fair Employment Practice Committee has accomplished much in the way of removing barriers that shut Negro people out from many industries, occupations, and opportunities for advancement and equality of wage. What the Fair Employment Practice Committee had done in its brief period of service is but a token of what this Committee can do.

There are concrete evidences in the advancement of Negroes and other minority groups in transportation, shops and factories, in private and public establishments, that give rich promise of emancipation from fetters that bind the Negro and other minority groups in economic and industrial slavery to low ideals of living, education, culture, and health.

With the Fair Employment Practice Committee made permanent that it may prosecute through the years the program already begun, there will be a bright hope for a democracy never before achieved in our American Nation.

We urge that your Committee in its conduct of hearings will permit this statement to go to record as indicating our earnest desire for the establishment and

maintenance of the Fair Employment Practice Committee as a permanent organization in our American Government. I have the honor to be,

Most respectfully,

BISHOP JAMES ALBERT GRAY,
President, Fraternal Council of Negro Churches in America.

We have also a telegram from Evelyn Linden, chairman, committee on social legislation, Detroit section, National Council of Jewish Women, and we will have this telegram included in the record.

(The telegram referred to is as follows:)

DETROIT, MICH., May 26, 1944.

Mrs. MARY NORTON,
House Office Building, Washington, D. C.

At an institute on race relations sponsored by the Council of Jewish Women and attended by 300 representatives Detroit Clubwomen the following resolution was unanimously passed "Discrimination in industry on the basis of race, creed, or national origin is un-American and a violation of the freedoms for which we are fighting. Recognizing that such discrimination is widespread and deeply entrenched, we believe in the establishment of an effective governmental agency with power to prosecute individuals for such discriminations, such as is recommended in H. R. 3986. We deeply urge your support of this bill and we trust you will use your good offices in convincing your colleagues to do likewise. We further urge your support of the requested budget for the present Fair Employment Practices Committee.

EVELYN LINDEN,
*Chairman Committee on Social Legislation,
Detroit Section, National Council
of Jewish Women.*

May I present Mr. Malcolm Ross, chairman, President's Committee on Fair Employment Practice? We will be glad to hear from you now, Mr. Ross.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Mr. Ross. We consider this inquiry of yours a question of great national importance, and we in the F. E. P. C. have had some experience in it. I have given careful thought to the situation as a whole. I have formulated those thoughts in a written statement which I hope you will permit me to read.

The CHAIRMAN. We shall be glad to hear it, Mr. Ross.

Mr. Ross. Madam Chairman, in response to your request for the opinion of the Committee on Fair Employment Practice on H. R. 3986, I wrote you on behalf of my Committee that its members were acutely aware of the far-reaching importance of implementing the policy of nondiscrimination in employment. I expressed the Committee's gratification that your committee has begun consideration of permanent statutory policy dealing with what, in our judgment, is one of the foremost domestic issues. There was presented to you the considered judgment of the President's Committee that after the war mass demobilization of our armed forces and mass displacement of workers from their war jobs are bound to develop new stresses which will place the quality of work opportunity under even greater strain than war is now imposing upon it.

The Committee considered at length how it might best aid your committee by bringing out of F. E. P. C. experience facts which bear on the post-war adjustment period conditions which, I take it, the Scanlon-Dawson-La Follette bill proposes to anticipate and provide

for their solution and orderly procedure. I am here at my Committee's request to provide you with all the help I can. Members of the F. E. P. C. staff are here with me and with your permission I will refer to them questions on which they have more specific knowledge than myself.

In my letter to you I expressed the Committee's belief that the shaping of permanent legislative policy in this matter is solely within the province of Congress. I shall therefore not attempt an analysis of the proposed measure but rather will attempt to give you facts which may aid you in arriving at your own judgments.

I think that your committee has had the courage to tackle a problem which requires the broadest possible view of our national destiny. It does not involve all citizens nor all sections of our country. It involves principally industrial areas.

What the bill does do is to attempt to eliminate discrimination because of race, creed, color, national origin or ancestry in the industrial field and in Government service. The main problem before you, therefore, lies in industrial relationships, a field in which the House Committee on Labor has had immense experience during the past decade. I am expressing a personal opinion, and the judgment in the matter lies solely with yourselves, but I would suppose that this problem of discrimination against minority group members is apiece with all the problems of wages and hours and workers organization upon which you have legislated in recognition that the working relationships of modern mass production require the intervention of Government as a friendly third party. I make the point now in the hope that we need not waste time considering this problem as one on the social plane. This, it would seem to me, no more involves social relationships than does the wages and hours law and the National Labor Relations Act. The mass of the American people can do as they please in their private lives but when it comes to earning a living, someone else with the-hire-and fire power offers the terms and conditions under which a man can earn his bread. It is the same with these minority group problems. The Negro, the Mexican-American, the Jew, or the Jehovah's Witness may get along as well as they individually can in their private lives but when it comes to that basic consideration—to live and raise a family—he must take what job chances the market offers. It is with any possible unfair barriers to a worker—because of the color of his skin or religious belief or national origin—that this bill is addressed.

The parallel between F. E. P. C. experience and what this bill contemplates is similar but not exact. The President's Committee is attacking a war production problem, in that specialized phase which tries to take down barriers which keep an available worker away from a needed war job simply because of some minority group involvement which has nothing to do with his ability. This Committee was established under Executive order as an emergency measure. H. R. 3986, 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 may have to shift the manner of their earning a living. Nevertheless,

what F. E. P. C. is attempting to do now is similar enough to those still greater problems ahead to justify our offering you some of our specific experiences. We have found for instance that 90 percent of our closed cases originated in the North, East, Midwest and the west coast, with only 10 percent in the eight States of the Deep South. One explanation of this is the difficult adjustments which Northern and Western cities make when the war brings in great migrations of workers to which the communities are not accustomed.

San Francisco Negro population increased nearly 300 percent in the last 3 years. Detroit has 185,000 Negroes; Los Angeles, 91,000; Chicago, 350,000, and Philadelphia a quarter of a million. Aside from the tensions created by crowded war conditions, there is an age-old instinct of men to fight for jobs and for better jobs which is exercised whenever any stranger group appears as a competitor. The human race has always been barbaric in this respect and we may expect it to continue so for a while. But we need not despair about finding solutions to keep barbarism under decent restraints. The United States is composed of people who came here in successive waves from far countries and each one met its own special brand of discrimination. There was a time within the memory of man when to be fresh from Ireland was a signal for having the handle of a spade put in your hands with the injunction not to aspire to anything beyond your place. The steel districts during the last World War were made up of workers who spoke in foreign tongues and read newspapers in foreign languages. Their sons are indistinguishable today from *Mayflower* descendants in the Army and Navy of the United States. Minority problems have disappeared one by one in the great stream of democracy but I point out to you that the races easily identified by color or racial characteristics, such as the Negro, the Spanish-American, the Oriental, and even the American Indian, cannot escape whatever prejudice there may exist. In addition, after the war, we are going to have many workers whose national origins or ancestry lay in countries which fought against us. Immigration laws and national security laws are not within the scope of this inquiry, but I would suppose that we are not ready to deny equal economic opportunity to the worker of foreign origin who proves himself otherwise a loyal American.

Those cases which F. E. P. C. has handled in the Deep South, and we have closed some 200 of them during the past 10 months of this fiscal year, largely concerned employment in shipyards and aircraft factories. The Negro is the traditional worker of the South and it is not surprising that F. E. P. C. has not had many complaints of actual denial of war employment to him there. Nevertheless, there are problems of training for skilled jobs and placement in skilled jobs which the President's Committee, out of war need, has attempted to handle where they arose. In respect to this question in the post-war period, I would suppose it worth the thought of serious-minded Southerners whether their future industrial good health, and the general level of consumer prosperity would not urge upon them the fullest possible use of all the craft skills the region owns.

With whom would such a commission as is proposed here have to deal? If F. E. P. C. experiences are any guide, the Committee docketed 3,419 cases in the last 10 months with 80 percent involving discrimination because of race (almost all Negro) 8.8 percent involving creed (Jews and minor sects), 6 percent involving national origin,

and 5 percent involving discrimination against aliens. F. E. P. C. has hardly touched the problem of equal work opportunities for Mexican-Americans, but if we accept the fact that how a man earns his living is the most important thing about him in his own eyes, I would suppose that there is much to be done to make workers of Spanish ancestry, now American citizens, feel that the country of their adoption is giving them full and equal opportunity.

The 13,000,000 Negroes who are American citizens comprise the largest minority group and it is proper that they receive your special consideration. In any long range view you may well look back to estimate past conditions Negroes have faced, where they stand now in industry, and what they may expect. It is, then, clear that the depression placed an unequal burden on the Negro worker and it is also a fact that the Negro was not considered equal for employment when war industry began.

According to the U. S. Public Health Survey for 1935-36, 36 percent of the colored males and 28 percent of the colored females in the urban labor force were unemployed and seeking work or were on Government projects. Corresponding figures for white urban labor were 21 and 19 percent, respectively.

The depression resulted in Negroes losing out in jobs which they had formerly held. In 1940 according to the Census, Negroes constituted an even smaller proportion of workers in mining, manufacturing, transportation, and communication than they had in 1910. Some idea of the resistance to the hiring and upgrading of Negroes which had developed during the depression can be seen from a study by the Bureau of Employment Security of the Social Security Board in 1941. The report issued in September of that year revealed that Negroes would not be considered by industry for 51 percent of the 282,245 job openings expected to occur in February 1942. The Tolan committee in 1941 found a dozen great trade-unions with constitutional provisions barring Negroes from membership. In addition, numerous unions continued to discriminate against Negro workers, excluding them by tacit consent, constitutional ritual, and by segregating them into auxiliaries. The presence of such unions in new wartime and war boom industries such as the aircraft and shipbuilding industries clearly indicated that there would be difficulty in achieving the full use of the labor of this minority group.

War industries have in fact opened up large opportunities to Negro workers. From a 3-percent participation at the end of 1942 the Negro workers have reached a 7.2 percent participation in the vital war industries employing some 14,000,000 industrial workers. The need for war manpower is largely responsible for this, with perhaps some credit to be given to the W. M. C. and F. E. P. C. Today we are looking forward to what may happen, and it is part of good sense to see what did happen after the last war during the cut-backs from war production. Gunnar Myrdal in his *American Dilemma* states "After the [first world] war the homecoming Negro soldier met the suspicion and fears of the Southern whites. In the North, their new footholds in industry were contested by anxious white job seekers in the post-war depression. A wave of lynchings swept the South and even more bloody race riots swept the North (page 745) * * *. According to WEB, Du Bois, there were riots in 26 American cities in 1919. The most notorious was the Chicago

riot in which 15 whites and 23 Negroes were killed, and 178 whites and 342 Negroes were injured. The riot in Phillips County, Ark. in the same year saw from 25 to 50 persons killed" (page 567).

I do not say the stage is set for economic dislocations which may prepare the way for similar outbreaks after this war. I do say that we ought, out of experience, fear the worst and to anticipate it. We know we must relocate or absorb hundreds of thousands of workers who have migrated to war production areas. We know that the well being of minority groups will largely be tied up with the adjustments they can make with the majority group and that the basic relationship is on the industrial plane. We know that the Negro has won his highest occupational advancement in war industries which cannot be expected to maintain their wartime level of production during peace. We know that the Negro is generally the last hired and therefore has the least seniority. It would seem, then, the part of wisdom not to leave the solution of these inevitable problems to prejudice stimulated by economic rivalry. Trade-unions and management have gone a long way in working out grievance machinery and seniority rules. The public interest in having such orderly relationships lies in the knowledge that disputes breed where the rules of the game are chaotic or nonexistent. Government, I think, will have to keep an eye on the specialized kind of dispute growing out of minority group work relationships.

To conclude this brief summary of possible Negro work opportunities in the post-war period, I point out that the new fields in which the Negro has achieved his heaviest war employment are aircraft, aluminum and magnesium products, ammunition of all kinds, guns and ordnance of all kinds, petroleum refining, and shipbuilding. Of course, the Negro has held his own in such industries as iron and steel foundry products, blast furnaces, steel works and rolling mills, smelting and refining. But as far as new war employment is concerned, it can be seen that the Negro has made practically no advance in any industry which is basic to the peacetime economy. The real problem is to see that the Negro finds employment in the new peacetime industries which will arise from the conversion from those industries in which he now enjoys employment opportunities.

I think there are specific and practical reasons, aside from the common decency, of not condemning any group of citizens to menial labor, why minority group members should be given specialized assistance in these limited respects. I cite you the post-war danger of pushing minority groups out of employment to the point where they are conscious of themselves as groups instead of as integrated members of American industry. The stability between management and trade-unions can be seriously threatened by artificially set up pools of potential strikebreakers. Moreover, it is axiomatic that the Nation which over the past century has created clipper ships like the Flying Cloud and war clippers such as the Flying Fortress must make its future industrial advances as one nation, with no one or two groups industrially despised and industrially weak. I will only touch on the fact that the recent International Labor Organization meeting in Philadelphia pledged itself, the United States included, to equal work opportunities for all peoples of the earth without discrimination. We have a great stake in our relationships with the colored peoples of the whole world.

The policy of nondiscrimination contained in Executive Orders 8802 and 9346 is not a new one. During the past 10 years, the Congress itself has outlawed discrimination because of race, creed, or color in legislating for unemployment relief, public works projects, the Civilian Conservation Corps, civil-service classification acts, the training of civilian aircraft pilots, the National Youth Administration, the Selective Service and Training Act, the training of defense workers, the building of public works necessary to the defense program, and the Cadet Nurse Corps for Government and civilian hospital service.

Other Government agencies have likewise adopted principles and practices of nondiscrimination. The National War Labor Board a year ago announced in the *Southport Petroleum Company case* the principle of "equal pay for equal work." It directed the elimination of a "colored" wage rate which was lower than the "white" rate for identical work.

On several occasions, the Supreme Court has spoken out against discrimination. In *New Negro Alliance v. Sanitary Grocery Co.*, Mr. Justice Roberts, speaking for 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 discrimination 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.

And in *Hirabayashi v. United States*, Chief Justice Stone stated:

Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality. For that reason, legislative classification of discrimination based on race alone has often been held to be a denial of equal protection.

Mr. Justice Murphy, concurring in the same case, said:

Distinction based on color and ancestry are utterly inconsistent with our traditions and ideals. They are at variance with the principles for which we are now waging war. We cannot close our eyes to the fact that for centuries the Old World has been torn by racial and religious conflicts and has suffered the worst kind of anguish because of inequality of treatment for different groups. There was one law for one and a different law for another. Nothing is written more firmly into our laws than the compact of the Plymouth voyagers to have just and equal laws.

The CHAIRMAN. Mr. Ross, your statement has given us a very clear picture of this whole problem, and I take it from what you say that you believe that after the war there may well be many efforts made to dislodge Negroes and other minority groups despite seniority rights; is that correct?

Mr. Ross. Seniority rules do exist and ought to be respected. It is part of the orderly procedure of relationships between management and labor. I have no thought to disturb those rules.

I think the dilemma is this: We will have, as I said, 1,000,000 returned Negroes, veterans, who would come under the various classifications of H. R. 3986, and their proper integration back into industry, along with other servicemen, is going to be a tremendous problem.

I view this as a specialized problem which experts should handle, of course, under proper review. I point out to you that we are

already having cut-backs in some industries where we have a sufficiency of war supplies while other plants require new employment because of changing needs for strategic materials.

At every one of those cut-backs a minority problem may be involved. We already have a case where seniority rules do exist but the employer saw fit not to live up to them. The result was that when several thousand people were laid off, a higher proportion of Negroes were laid off than of whites. That same employer subsequently had occasion to hire back people. Again, on the rehiring the Negroes fared worse than the whites.

I think it is proven by English experience that after full employment, that is, getting every possible worker into industry, they call it stabilization. Yet their troubles just begin because of these necessary shifts. When a plant is forced to cut back in one city there is temporary unemployment there. You cannot shift great numbers of human beings from here to fit a need for employment over there [indicating]. This cut-back and rehire process is certain to continue throughout the war, and it is just a preview of the kinds of problems we will have in integrating all workers after the war.

I would suppose that the Government ought to look at this specialized problem of minority groups during that adjustment period.

The CHAIRMAN. Have you found that, generally speaking, F. E. P. C. has been accepted?

Mr. ROSS. Madam Chairman, we have only persuasive powers. We have 11 field offices, and most of our cases are settled informally at the field-office level.

The CHAIRMAN. You have only 11 field offices?

Mr. ROSS. Yes.

The CHAIRMAN. Covering how many States?

Mr. ROSS. Covering the entire country. Our experience is that the voluntary settlement of cases, or the dismissal for lack of merit, or lack of jurisdiction, takes place at the regional level, and that only a few difficult cases come up to the committee in Washington.

Now, our persuasive powers may get good results between employers and the unions and the workers in the field, but if anyone chooses to be completely recalcitrant, then the committee itself goes into a full public hearing, hears witnesses on both sides, and tries to get at the facts. If it finds that there is discrimination which the employer or the union will not remedy, we issue what we have called directives. The directives carry no penalties. If the parties choose to disobey them, our only recourse is to cite the case to the President. I am describing wartime situations which are similar, but not directly applicable, to what this bill would cover.

We, of course, are reluctant to pass on problems of this kind to the President, whose time and energy are too valuable, and we have tried very hard to settle our cases ourselves, but in answer to your question, pure persuasiveness is not completely effective. I would think that some accepted form of authority is necessary, certainly to handle the post-war problems.

The CHAIRMAN. Do you believe that it would be of very great advantage to make the F. E. P. C. a permanent organization, and that it would be practically necessary when we go into the post-war period?

Mr. Ross. I would rather say that I think some arm of the Government ought to be established to handle the problem. I do not wish to put myself in the position of saying that F. E. P. C. should be perpetuated.

The CHAIRMAN. You are very modest. I can understand your position.

Mr. Ross. I am quite serious. The suggestion in this bill is for a commission to be appointed by the President. That would automatically put the F. E. P. C., per se, out of the picture, except for what experience it could offer.

It would be in the hands of seven people who, chosen by the President himself, would administer it. It would not be a straight-line continuation of F. E. P. C. Of course, these members would be appointed with the advice and consent of the Senate.

The CHAIRMAN. That is understood.

Now, do you think there has been an improvement in the attitude of white workers toward minority groups since the F. E. P. C. was first established?

Mr. Ross. We can speak only from experience where we find it. We are not a general investigatory body. We act upon complaints, and we have found that with the war need for workers, there has been some initial resistance against the employment of Negroes by the people who are going to work at the benches beside them, but that with proper care, when the Negroes have been introduced, the situation has vastly improved and the initial prejudice has been relieved.

I think it is familiar to you that during the Detroit race riots when some very brutal events were happening on the streets, the Negroes and whites working side by side in the Detroit factories created no disturbance whatsoever, and, in fact, helped each other, so I think the relationship on the whole has proved to be one that works itself out.

I may give you an example from a committee member's own experience. Mr. Charles L. Horn is a member of the committee and is head of the Federal Cartridge Co., in Minneapolis, employing some 13,000 people. There years ago there were no Negroes working for him. He did not bring in hundreds of Negroes at once. He brought in a few Negroes. The workers, white and Negro, became accustomed to each other. It worked very well. He now has 1,600 Negroes working for him under the best conditions and friendliness.

The CHAIRMAN. That was the point I was trying to make—that there has been an improvement in the relationship.

I have been told that by a great many people who have been observing the situation, and I thought probably you would know something about it also.

Mr. Day, have you any questions you would like to ask?

Mr. Day. I would like to ask you about the success of the F. E. P. C. from the standpoint of persuasion. It is undoubtedly an advanced step. Of course, if anything should happen so that there would be a legislative scramble and this commission is not created, you favor the continuation of F. E. P. C. in its present status, do you not?

Mr. Ross. Mr. Day, someone, I suppose, should take care of these matters. Since we are in that business now, my answer would be "Yes."

Mr. DAY. Do you feel that there would be any difficulty caused by an objection from a union to such a commission? I think you said that there are 12 unions that had some form of discrimination.

Mr. ROSS. Five percent of our cases have involved unions. The A. F. of L. and the C. I. O., at their national conventions, have both very firmly upheld the principles of nondiscrimination. Wherever difficulties have been encountered in a local union, the top union officials have, I am certain, tried their best to straighten it out. The long stream of history influences these varying situations, and I think you will have, from now on out, some difficulty somewhere in this relationship of getting people to work with each other. Historically, some unions originally adopted many years ago a clause against Negro membership. I think the trend is to wipe out that distinction and to admit all workers freely, but there is no doubt that the problem still exists.

Mr. DAY. What would you say, then, if it came to a point where the statute was enacted, as we all hope it will be, and the unions, for instance, proved to be recalcitrant and still engaged in discrimination? Under those circumstances, would you say that it was the function of the Government to compel the union to cease its discrimination in membership?

Mr. ROSS. I can only say that my committee now has taken the attitude that the national policy against discrimination should be applied even-handedly, and that where discrimination occurs—and we have found in some cases it has in unions—it should be moved against. I think, Mr. Day, the problem will be different under a statute than under our persuasive powers now. I think it is worth very close study. I do not have any categorical ideas on how that should be worked out.

Mr. DAY. That is what I had in mind. At any time it would come to that stage, your good offices, in the way of persuasion, would be very constructive.

Mr. ROSS. I would hope so. I think the unions themselves—the top organizations—are very conscious of this problem, and I would suppose that it lies within their power to advance it, and that consultation with them would be very worth while.

Mr. DAY. I do not think there is any doubt that under the equal protection of the laws, as you referred to it in the opinion of Chief Justice Stone, if a statute of this kind were adopted a man would have a right, under the fourteenth amendment to the Constitution, to assert the full protection of his rights under that statute. If he did that, and that came into conflict with some regulations of union organizations, it would seem that the union would have to yield, would it not?

Mr. ROSS. I would think so. There are some interesting cases before the Supreme Court this term. In fact, a couple of weeks ago, the Supreme Court accepted a writ of certiorari in the *Tunstall case* and the *Steele case*, which involve the rights of minority groups where a majority representation has the over-all bargaining right, and the question is, Are there responsibilities laid upon the Government-protected majority representation compelling it to give equal status in employment terms to the minority? The Supreme Court has taken up that question.

Mr. DAY. Yes. If there is going to be a representation of labor, it would have to come from that majority union, and if the question of

discrimination came into the picture, they would have to protect the rights of all the employees and prevent discrimination.

Mr. ROSS. I think that would be equitable.

Mr. O'KONSKI. Do you know of any States that have enacted legislation on this subject?

Mr. ROSS. Mr. Maslow has rather made himself a specialist on that question. May I ask him to answer your question?

Mr. MASLOW. Seven States have recently enacted legislation forbidding discrimination in employment based upon race, color, creed, or national origin. These States are New York, New Jersey, Illinois, Pennsylvania, Minnesota, Kansas, and Nebraska.

None of these States, however, have enacted a comprehensive statute; thus the laws in Pennsylvania and Kansas apply to trade unions alone.

The laws in New Jersey, Nebraska, and Illinois are purely wartime measures; that is, by their terms they apply to war contractors alone, or war industries.

The Minnesota statute applies only to Government contracts.

The New York law is the most comprehensive. It forbids discriminatory employment practices by labor unions, public utilities, Government contractors, and industries engaged in defense contracts.

The New York statutes are administered by a nonstatutory committee appointed by the Governor. That committee, however, does have the use of the subpoena powers of the industrial commission.

Mr. O'KONSKI. Were these laws enacted recently by these States?

Mr. MASLOW. All within the last 3 or 4 years.

Mr. O'KONSKI. Do you have any statistics on the break-down of the cases? How many of the cases come within the category of private business, Government agencies, and unions? Do you have a break-down of those?

Mr. ROSS. Yes; 68 percent involve private employers; 25 percent Government, and the rest involve unions.

Mr. O'KONSKI. Do you think that after the war this problem of fair employment practices will be more serious than it is now, or less serious, particularly regarding the Negroes? What is your judgment on that?

Mr. ROSS. I would say, Mr. O'Konski, it would be more serious. We need manpower now, and the general fervor to get on with the war makes the topping of these barriers an easier job now than it will be after the war is over. I do not think it will be a national problem in the sense that it will appear everywhere. I have tried to indicate to you that the in-migrations of Negroes and Mexicans into communities where they were not accustomed to each other, during the war, have caused difficulties, and after the war I think the chances are that it will be an even more serious problem.

Mr. O'KONSKI. We are employing a lot of these people now because we have to. If we did not have to, we would probably have more discrimination.

Mr. ROSS. That is true.

Mr. MILLER. How many cases have you found it necessary to refer to the President?

Mr. ROSS. Two. The Committee, before its reorganization in 1943, sent one case up to the President. It was the case of a union which had regulations against admitting any Negro to membership, and

that was actually barring Negroes from war employment. The former committee failed to settle the case and sent it to the President. He used his own persuasive powers to settle it, and it was satisfactorily adjusted.

The one case that the present Committee has sent up is the railroad case, and that is now in the hands of a committee which the President set up as his personal representatives. It is a very complex case. I assume he did it with the feeling that he could not devote his time to the details of it, and he put it into the hands of three eminent citizens to try to narrow the field of controversy down to the point where, I presume the President himself, would feel that he could adjust it.

Mr. MILLER. You spoke about the problems after the war. I think you are absolutely correct, but the problems will be far more acute after the soldiers come back. As you said so well in your prepared paper, the Negro has been perhaps the last man put on the pay roll. He does not have seniority rating. When these several million servicemen come back, they are supposed to have some preference in jobs, and naturally we are going to bump the fellow that does not have the service record and the seniority rights. Do you think that passing a law such as we might contemplate here would change the human equation problem in this picture so that people would employ Negroes, or any other races, any more than they do without the law?

Mr. ROSS. I think that it would advance tolerance between people and in that way advance the human equation somewhat.

Mr. MILLER. Do you think you can pass a law that will cause people to be tolerant?

Mr. ROSS. No. It does not appear in those terms. You yourself, suggested that we are going to have a lot of complex problems. We had to get on with the war quickly. We passed regulations that a man who enters the service can have his job when he comes back. We have, under the necessity for speedy production, thrown everything to the winds except the job at hand, so as to get that production done. Now, that has created situations where the reintegration of these people after the war is going to need somebody's very specialized attention.

Mr. MILLER. I think you have done a great deal in overcoming the prejudices that exist, because we have been employing Mexicans and Negroes in and others industry and at places where they have never been employed before, and if they get along well now, there will be a tolerance existing that will permit their employment after the war. There will not be that prejudice that has always existed in many places against the employment of the Negro.

Mr. ROSS. And we have the concrete fact to face that intolerance and prejudice do exist and that this on the industrial plane affects a man's living. That is why I think Congress should devote its attention to the matter.

I do want to point out that there have been many misconceptions about the operations of the F. E. P. C. generally. We are not an employment bureau to force any workers on any industry. We act only on complaint, and any permanent legislation would probably attack the problem on the same basis. We do not say that a particular worker must be taken. We approach it from the standpoint that if

the worker is available and if the employer needs him, the one thing that he must not say is, "I will not take you because you have a certain religious belief, or your skin is of a certain shade."

The CHAIRMAN. Is it not a fact that we had a lot of abuses in commerce, and because of the Federal Trade Commission they were corrected?

Mr. ROSS. If I may make the observation, the way the Government has tried to handle the growing problems of relationships in mass production and mass transportation has been through the administrative agency. It goes back as far as 1887, when the Interstate Commerce Commission was first set up, against violent opposition, and its first years were very ineffective because of the opposition. Since then the pattern has been set up of experts who give their specialized attention to problems in hand under proper rules of due process and under eventual court review. I think we have established that pattern in Government as the proper way to handle questions of this kind, and there are certainly a half dozen successful operating administrative agencies which began in controversial fields and in a narrow area of controversy, by simply getting down to the cold facts in the case and confronting one man with the other man, and that across-the-table method, I would think, is the way to go after these things.

Mr. FISHER. Mr. Ross, you have read this bill, I am sure, and have studied it?

Mr. ROSS. Yes.

Mr. FISHER. Do you approve the bill as it is written?

Mr. ROSS. Mr. Fisher, my committee considered the question of our over-all attitude toward the bill, and I read in my prepared statement the committee's own conclusions, that we would rather approach the basic situation, and out of our experience aid your committee in determining what the problem is rather than go into the specific clause-by-clause analysis of the bill.

Mr. FISHER. Is there any provision in the bill that you and your committee object to?

Mr. ROSS. I think that I would be precluded from commenting on that by my Committee asking me to appear under the conditions which I have stated. You must understand that we are a commission form of agency. I am the Chairman and the only permanent member of the Committee, permanent in the sense of full time. The other six members are following their own vocations and appear every 2 weeks for policy meetings, but I am bound by a full vote of the Committee.

Mr. FISHER. Are you at liberty to express your personal opinion on some provisions in here, outside of your official position?

Mr. ROSS. I think that anything I might say would be considered as speaking for the Committee. I would rather say that the Committee has reached no definite or specific conclusions as to the adequacy of this bill to meet the problem. We have a very firm position that the problem exists, and that the Congress should take it in hand.

Mr. FISHER. You have no suggestion as to what kind of bill Congress ought to prepare to meet the situation you are talking about?

Mr. ROSS. Except along the broad lines I think I outlined when I spoke of the commission form of government with proper court review, with trained experts to try to settle these things where they

arise and pass the tough ones on up to the Committee, or to the courts.

Mr. FISHER. In that connection, assuming there would be a case where there is a very strong dissent between the man who is charged and the employee who is making the complaint as to whether he is dismissed or is not up-graded, or other alleged practices of discrimination, and it becomes an issue of fact as to whether the employer is guilty of discrimination or not guilty of discrimination, would you be willing to submit that to a jury trial in the Federal court in the area where this occurred and let them resolve the question of fact?

Mr. ROSS. I think every administrative agency has gone into that basic question. It is a very good question, and they have come to the conclusion that you could not get any uniformity of administration by submitting to the numerous courts which might take the cases in hand. That is one point.

The other point is that the dockets of the courts would be cluttered, and you would also have it in the hands of people who would approach the problem for the first time. Now, if you have the congressional authority, you have your permanent experts to tackle it and you have top court of review which can look at the findings and make perfectly certain that no harm had been done to the interests of any party. Every agency of this kind lives in just fear of court review. That prevents people from going off the deep end by being unfair in the first instance.

One final point I want to make is that any cause of this kind is a public right that is being violated. It is not a private right, so that the litigants in the jury trial would have to hire lawyers. It would be fine for the lawyers because it would give them a great deal of work, but the litigant would have to hire a lawyer, pay his own expenses, whereas if it is a public right, the Government itself ought to take the responsibility of carrying on the case.

Mr. FISHER. You do not recognize the rights of the employer, then, as a public right, but you do recognize the rights of the employees as public rights?

Mr. ROSS. Mr. Fisher, if the Congress, in whose hands this matter lies, should say it is not the right of an employer to discriminate because of race, creed, and ancestry, and what not, then it does seem to become a public right of the employee not to suffer discrimination. In the same way, the employer, under the National Labor Relations Board Act, is told it is not his public right to discriminate against a man because of a union activity. The area is narrow. The whole thing has been fought out in the Supreme Court in the *Associated Press case*.

In that national labor relations case, on April 12, 1937, the Court said that the employer is free to act in any other relationship with his employee except this one thing of discriminating against him for union activity, and there it ceased to be the employer's public right. I think the same thing would be applicable here.

Mr. FISHER. In other words, if I understand your views on this subject, you would be opposed to allowing the question of fact as to whether there is or is not discrimination in a given case to be resolved by a jury?

Mr. ROSS. For the reasons stated, I think that it would be unwise to submit it to juries.

Mr. FISHER. The bill proposes that if an employer is not satisfied with any order or finding of the F. E. P. C., he may appeal to the circuit court of appeals, the Federal court, for review. You are in favor of that provision, are you?

Mr. ROSS. Yes; I have tried to indicate that I think that is the way to handle these matters. That is by a court sitting right under the Supreme Court. It has worked out extremely well. I think you will agree that it has worked well in most administrative procedures.

Mr. FISHER. You would prefer to leave that up to the circuit courts, of which there are only a few in the Nation, rather than the Federal district courts?

Mr. ROSS. Yes. I think that you have to look at the history of this kind of act. At first, there is a good deal of litigation. Then gradually, after the thing has shaken down into its shoes, it results in very few cases coming up to the circuit courts. You have to establish precedents, and there is a great deal of litigation, but at that top level, and a great deal less than if you had it all at the bottom under jury trials.

Mr. FISHER. You recognize, of course, in questions of fact there never is uniformity because every situation is different. You cannot have a hard and fast rule to decide whether this is discriminatory or that is not. It is a question of fact. Every one is different. It is like burglary trials or damage suits—every one is different.

Mr. ROSS. But hearings would be held and witnesses would confront each other.

Mr. FISHER. But it would be determined by representatives of the F. E. P. C. or the commission in Washington.

Mr. ROSS. No. Let us put it this way, both parties have the full right to put on witnesses.

Mr. FISHER. I understand.

Mr. ROSS. A record is made of the proceedings, and that is subject to scanning, first by the committee or, in this instance, a commission. The record is kept and goes on up with the commission's finding, and then it is subject to the scrutiny of the circuit court.

Mr. FISHER. Would you be in favor of the same procedure in disposing of a damage suit involving a tort?

Mr. ROSS. I am not a lawyer. I am afraid I shall have to duck that.

Mr. FISHER. I have a number of questions that I would like to ask Mr. Ross if he can come back tomorrow.

Mr. ROSS. I would like a full discussion of this. I would be very pleased to return.

Mr. BALDWIN. Do you find that most of your cases of discrimination originate in the South, or do you have just as many in the West?

Mr. ROSS. That question has been answered, Mr. Baldwin. For your information, in the last 10 months we have closed 2,200 cases. Only 10 percent of them originated in the eight deep south States where we have our regional offices at Atlanta and Dallas.

The CHAIRMAN. We are very grateful to you Mr. Ross, and hope you will return on Friday.

We will stand adjourned until 10 o'clock Tuesday morning.

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

TUESDAY, JUNE 13, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The committee will please be in order. May I present to the committee Mr. Walter White, secretary of the National Association for the Advancement of Colored People?

STATEMENT OF WALTER WHITE, SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

The CHAIRMAN. Mr. White, have you a statement for the record that you would like to submit?

Mr. WHITE. I have a brief statement, Madam Chairman, that I would like to read, if I may.

The CHAIRMAN. We will be glad to hear it.

Mr. WHITE. I speak today specifically for 763 branches, youth councils, and college chapters of the National Association for the Advancement of Colored People with a paid membership of 350,000 in warm approval of H. R. 3936, H. R. 4004, and H. R. 4305 to make the President's Fair Employment Practice Committee a permanent Government agency. I voice as well the earnest wish of many other Americans, both white and Negro, including 700,000 Negroes serving in the armed forces—some of them now fighting desperately on the beachheads of Europe—who ask the Congress to arm with permanent authority and adequate funds this agency to eliminate employment discrimination in the United States Government and so-called war agencies.

In testifying, I do so on behalf of the principle inherent in these measures. Undoubtedly beneficial changes can be made in the form and substance of the bills. But out of these deliberations can come, and we trust will come, an unemasculated, uncompromising measure which will do the job of eliminating discrimination on account of race, creed, color, or national origin both during the war years and in the possibly crucial and troubled post-war period.

The National Association for the Advancement of Colored People is proud of having played a part in the establishment of the present Fair Employment Practice Committee. When in 1940 we joined in a conference at the White House with the President and certain members of his Cabinet to ask that some means be found to check the flagrant discrimination from which loyal, skilled Negro Americans were suffering in what were then called defense plants the situation was critical. The morale of 13,000,000 American Negroes, one-tenth

of the Nation's population, was at a tragically low ebb. Though they were taxed at the same rate as other Americans to pay for the products being manufactured by these plants, the overwhelming majority bluntly refused to employ Negroes. Establishment of the F. E. P. C. checked the descending spiral of the Negro's morale more as a symbol that his Government was willing to take this wise step than in the actual results accomplished by the F. E. P. C.

I do not underestimate what the F. E. P. C. has done. When one studies the persistent sabotage of its efforts and the insistent struggle it has had to make for survival in the face of hostile attacks upon it, its accomplishments are phenomenal.

It is our contention, however, that the F. E. P. C. has only scratched the outer surface. Woefully understaffed, and with neither adequate funds nor sufficient authority, it is tackling courageously what is probably the most complex problem of democracy we face today. It is complex because prejudices and greed are deep-rooted, evasive, and unscrupulous. They are foes it is not easy to combat.

As this committee and the country well know, the problem of discrimination on account of race, creed, color, or national origin is threefold. There is, first, the unwillingness of employers to hire members of the minorities for which the F. E. P. C. fights. Second, there is the prejudice of some of the craft unions. Third, there is discrimination by the Federal Government itself. It is out of the practices of these three groups that the situation arises where 78 percent of the F. E. P. C. case load deals with discrimination against America's largest minority—the Negro. That this is true is America's fault, not the Negro's.

I wish to present a few figures to give this committee a partial picture of the causes of unemployment and underemployment of Negroes. The Negro has traditionally been confined to unskilled, low-paid, unattractive, and insecure jobs. This is almost as true today as it was many years ago, which is the reason why the F. E. P. C. must be made a permanent agency of the Government until these conditions are corrected. Up to 1910, 58 percent of all Negro men gainfully employed were engaged in agriculture; another one-third was in domestic and personal service. Less than 9 percent were employed in manufacturing and mechanical industries, trade, or transportation. During the past 33 years these conditions have caused a steady exodus of Negroes from the South and the farm in efforts to escape such poverty. Between 1910 and 1930 the Negro had thereby gained 480,000 nonagriculture jobs in the North and West. Today the Negro is an industrial worker and he is in northern industrial centers to stay. It is therefore imperative that we recognize this fact and develop a national program of sufficient scope to meet this problem.

Even to achieve this modest gain, the Negro has had to make an unremitting struggle. As the most marginal of American workers the Negro is the last to be hired and first to be fired, and usually the poorest paid and underemployed when employed. The 1937 unemployment census revealed that 42 to 46 percent of the colored males in urban cities with 25,000 population or more were designated as fully employed, while 60 to 63 percent of white males were so designated. As recently as 1940, 41 percent of colored men over 14 years of age were unemployed. Even while public hearings were being

held by the Congress last year on compulsory national service legislation, the War Manpower Commission released figures showing that more than 600,000 Negroes who were begging for employment at their proper skills were unemployed, while other millions of Negroes were working at jobs below their maximum skills.

This was not solely a question of skin color. Many short-sighted employers have deliberately sought to preserve the concept of the Negro as industriously inferior for the purpose of paying the Negro a lower wage even when he did the same work as a white man by designating certain jobs as "Negro jobs," by declaring the Negro generally to be nonpromotable, and by utilization of this large reservoir of cheap Negro labor as a club over the heads of organized labor to depress wages for all workers. Holding up the Negro as a potential competitor or strike breaker, these employers deliberately capitalized on an aggravated fear of Negro labor among white fellow workers. Unintelligent unions accepted this concept based upon prejudice particularly during times of low employment. Constitutional employment, ritualistic practices, and other devices were conceived to keep Negroes out of unions and out of jobs. Fortune magazine recently showed one of the results. Five thousand ranking business executives were queried showing that 86.1 percent of them employed no Negroes, or Negroes constituted less than 10 percent of their personnel. Even after the first year of war, 82.3 percent employed no Negroes, although 64.7 percent admit that they could employ Negroes efficiently.

One of the most vital of war- as well as peace-time industries is shipbuilding. In this industry the Negro has actually lost ground since World War I. At that time 20 percent of the Negroes employed in shipbuilding were skilled; in 1942 only 3.1 percent of Negroes employed are skilled. Twenty percent are semiskilled, and 75.2 percent are working at unskilled jobs whatever their training or experience. In large measure this serious decline is due directly to the A. F. L. Metal Trade Union which has contracts with most of the major shipyards in the country. This union, along with the machinists, the electrical workers, and the plumbers union of the A. F. L. exclude the Negro by ritual or other means. The Boilermakers Union, A. F. L., which has 65 percent of the shipyard workers under its jurisdiction has relaxed its rule slightly but only to the extent of organizing Negroes in so-called auxiliary lodges to be composed of "colored male persons." The Negroes are barred from membership in the regular local lodges by racial restrictions embodied in their ritual. The following requirements are pertinent:

1. Article II, section 14 of the auxiliary bylaws provides that the business agent appointed by and acting for the local white lodge "supervising" the colored auxiliary "shall perform the same duties for the auxiliary lodge as are performed for the supervising lodges, including the dispatching and assigning of members to jobs." Thus Negro members of auxiliary lodges have no voice or vote in the selection, control, or dismissal of the man who is arbitrarily set up as their representative in the most important and fundamental contracts with the employer.

2. The shop committee of the supervising white lodge established under article XIV of the subordinate lodge constitution to handle shop disputes and grievances is designated in article XIII of the

auxiliary bylaws to exercise the same functions for the auxiliary lodge. The members of the auxiliary lodge have no voice or vote in selecting or controlling such shop committees.

3. Article VIII of the auxiliary bylaws prohibits the change of classification of the Negro member of an auxiliary lodge from helper to the higher paying grade of mechanic, unless such classification shall be approved by the white "supervising" lodge. Thus, the Negro worker, unlike the white worker, has no voice or vote in the body which exercises a veto power over his upgrading.

4. Article II, section 13 of the auxiliary bylaws provides that the grievance committee of the supervising lodge shall act for the auxiliary lodge as well, yet limits the auxiliary lodge to one member who may function with the committee regardless of the relative size and membership of the auxiliary and supervising lodges.

5. An auxiliary lodge has no voice or vote in the quadrennial convention which is the ultimate legislative authority of the International Brotherhood of Boilermakers, Iron Shipbuilders, and Helpers of America. In contrast, at each such convention, each white local lodge is entitled to voting representation proportional to the number of its members. See article II, section 2, international constitution.

Moreover, Negro workmen and their auxiliary lodges have no security even in their nominal status. Article I, section 4, of the auxiliary bylaws authorizes the international president within his uncontrolled discretion to suspend any auxiliary lodge or any officer or member of an auxiliary lodge, thus arbitrarily depriving the Negro even of limited status within the union. In contrast, the international constitution contains no provision for the suspension of a white local lodge but provides for revocation of the charter of a subordinate lodge only by the international president, in conjunction with the executive council and only after such lodge shall have been proved guilty of violation of the said constitution. Members of white local lodges can be suspended or otherwise disciplined only after formal trial following the procedure prescribed in detail in article XIV of said international constitution.

The next effect of this scheme is to make it lawful for a white local lodge and its business and other bargaining agents at their whim and caprice to permit Negroes to work on union jobs, reserving arbitrary control over their status, upgrading, and even their continuation in nominal good standing. All significant rights of union membership, including all participation in collective bargaining, are denied to the Negro. In substance he pays his dues and gets in return only a work permit revocable at will.

That there is necessity for the F. E. P. C. to tackle this problem may be seen, however, in the following list of unions which, by one means or another, draw the color line. This information is taken from Organized Labor and the Negro, by Herbert R. Northrup, published by Harper & Bros. in 1944.

1. Union which excludes Negroes by provision in ritual: Machinists, International Association of (American Federation of Labor).
2. Unions which exclude Negroes by provision in constitution:
 - A. American Federation of Labor affiliates:
 - Airline Pilots' Association.
 - Masters, Mates, and Pilots, national organization.
 - Railroad Telegraphers, Order of.
 - Railway Mail Association.
 - Switchmen's Union of North America.
 - Wire Weavers' Protective Association, American.

- B. Unaffiliated organizations:
 - Locomotive Engineers, Brotherhood of.
 - Locomotive Firemen and Enginemen, Brotherhood of.
 - Railroad Trainmen, Brotherhood of.
 - Railroad Yardmasters of America.
 - Railway Conductors, Order of.
 - Train Dispatchers' Association, American.
- 3. Unions which habitually exclude Negroes by tacit consent:
 - A. American Federation of Labor affiliates:
 - Asbestos Workers, Heat and Frost Insulators.
 - Electrical Workers, International Brotherhood of.
 - Flint Glass Workers' Union, American.
 - Granite Cutters' International Association.
 - Plumbers and Steamfitters, United Association of Journeymen.
 - Seafarer' International Union.
 - B. Unaffiliated organizations:
 - Marine Firemen, Oilers, Watertenders, and Wipers Association, Pacific coast.
 - Railroad Shop Crafts, Brotherhood of.
- 4. Unions which afford Negroes only segregated auxiliary status:
 - A. American Federation of Labor affiliates:
 - Blacksmiths, Drop Forgers, and Helpers, Brotherhood of.
 - Boilermakers, Iron Shipbuilders, Welders, and Helpers, Brotherhood of.
 - Maintenance of Way Employees, Brotherhood of.
 - Railway Carmen of America, Brotherhood of.
 - Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Brotherhood of.
 - Rural Letter Carriers, Federation of.
 - Sheet Metal Workers' International Association.
 - B. Unaffiliated organizations:
 - Railroad Workers, American Federation of.
 - Rural Letter Carriers' Association.

Fortunately for the Negro and for America, not all trade-unions are as vicious in their prejudice against the Negro as those enumerated above. Virtually all of the industrial unions affiliated with the Congress of Industrial Organizations not only do not bar the Negro from membership but welcome him to nonsegregated unions. That is also true of some American Federation of Labor unions and some independent ones, as is indicated by the constitutions of the many unions which contain specific provisions prohibiting discrimination on account of race and color, or which provide that race shall not constitute a bar to union membership. These unions are—

- International Airline Mechanics Association, independent.
- International Federation of Architects, Engineers, Chemists, and Technicians, Congress of Industrial Organizations.
- United Automobile, Aircraft, and Agricultural Implement Workers of America, Congress of Industrial Organizations.
- Barbers and Beauty Culturists Union of America, Congress of Industrial Organizations.
- United Cannery, Agricultural Packing, and Allied Workers of America, Congress of Industrial Organizations.
- Cigar Makers International Union of America, American Federation of Labor.
- United Electrical Radio and Machine Workers of America, Congress of Industrial Organizations.
- United Farm Equipment and Metal Workers of America, Congress of Industrial Organizations.
- Foremen's Association of America, independent.
- International Fur and Leather Workers Union, Congress of Industrial Organizations.
- United Furniture Workers of America, Congress of Industrial Organizations.
- United Gas, Coke, and Chemical Workers of America, Congress of Industrial Organizations.
- Federation of Glass, Ceramic, and Silica Sand Workers of America, Congress of Industrial Organizations.
- Hotel and Restaurant Employees International Alliance and Bartenders International League, American Federation of Labor.
- Inlandboatmen's Union of the Pacific, Congress of Industrial Organizations.

International Longshoremen's and Warehousemen's Union, Congress of Industrial Organizations.
 National Maritime Union of America, Congress of Industrial Organizations.
 International Union of Mine, Mill, and Smelter Workers, Congress of Industrial Organizations.
 United Mine Workers of America, independent.
 United Cement, Lime, and Gypsum Workers International Union, American Federation of Labor.
 United Hatters, Cap, and Millinery Workers International Union, American Federation of Labor.
 American Newspaper Guild, Congress of Industrial Organizations.
 International Union of Wood, Wire, and Metal Lathers, American Federation of Labor.
 Progressive Mine Workers, American Federation of Labor.
 United Office and Professional Workers of America, Congress of Industrial Organizations.
 American Federation of State, County, and Municipal Employees, American Federation of Labor.
 United Packinghouse Workers of America, Congress of Industrial Organizations.
 United Retail, Wholesale, and Department Store Employees of America, Congress of Industrial Organizations.
 United Wallpaper, Craftmen, and Workers of North America, American Federation of Labor.
 United Shoe Workers of America, Congress of Industrial Organizations.
 Brotherhood of Sleeping Car Porters, American Federation of Labor.
 State, County, and Municipal Workers of America, Congress of Industrial Organizations.
 United Steel Workers of America, Congress of Industrial Organizations.
 United Stone and Allied Products Workers of America, Congress of Industrial Organizations.
 American Federation of Teachers, American Federation of Labor.
 United Transport Service Employees of America, Congress of Industrial Organizations.
 Transport Workers Union of America, Congress of Industrial Organizations.
 Utility Workers Organizing Committee, Congress of Industrial Organizations.
 United Aircraft Welders of America, independent.
 International Woodworkers of America, Congress of Industrial Organizations.

Moreover, there are many unions whose policy with respect to the Negro is eminently fair even though their constitutions are silent on the matter of race. But until the discriminatory policies and practices of all labor unions—as well as those of employers—have been banished from American life there is a real and pressing need for a permanent Fair Employment Practice Committee.

DISCRIMINATION BY THE GOVERNMENT

If there is one area of employment in which the Negro, along with all other Americans, has a right to expect and ask that there be no discrimination it is in the matter of employment by the Federal Government. That is, however, far from being the case. There is no single Federal department in Washington in which cases could not be found of educated, efficient Negroes who have been kept in lower brackets of employment while white Americans with less training and experience have been promoted repeatedly. Thus here in the Nation's Capital and in other parts of the country the Federal Government has contributed toward keeping the Negro in a fixed economic inferiority.

Only a Federal agency armed with authority to investigate and correct such conditions can do the job. This job must be done not only now while war rages but even more acute will be the situation when war production is no more.

It has been my privilege during recent months to visit various war fronts where Negro combat and service troops are stationed. Wherever I went the most frequently asked question by Negro

soldiers—some of them now storming the beachheads of France as this committee sits—is whether or not Negroes on returning home will continue to be confined to bootblack jobs. We ask this committee and the Congress to send word to 700,000 Negro American fighting men on battle fronts around the world that they are not fighting in vain. One of the surest ways of giving such assurance is the passage of legislation to create a strong agency to wipe out this triple discrimination.

But this is asked not alone for the Negro. It is asked for all minorities—racial, religious, and national. The forces of bigotry are industriously at work in this country to increase schisms among the American people. Many of these subversive organizations are following the pattern which Adolf Hitler used with such tragic success in the early days of the Nazi Party in Germany—play race against race, creed against creed. Some of these groups are deliberately fomenting race and other riots after the war is over. It is heart-breaking to me to return from seeing men die on foreign battle fronts to find here a terrifying acceptance of the inevitability of post-war disorder. If this Congress has the courage to face the facts and to take now remedial steps which will wipe out the causes of such riots, it can save us from this terror. If it fails to act, it virtually invites such terror. Should it come, we will have lost the war even though we win it on the battle front. We will have lost it because we have not only left untouched but we will have nourished the seeds of disunity in our own country. And we will thereby say to millions of colored peoples now our allies that we are hypocrites when we say that we are fighting this war for freedom of all men everywhere.

I, therefore, most earnestly urge upon this committee that it speedily recommend to the Congress the enactment of legislation for a permanent, adequately staffed, adequately financed, and an adequately armed Fair Employment Practice Committee to the end that job justice be accorded to every man on the basis of his ability.

The CHAIRMAN. Thank you very much, Mr. White. Do you believe the improvement that has been made—and I take it you believe there has been some improvement—will be lost if we do not establish a permanent F. E. P. C. as an agency of the Government?

Mr. WHITE. Madam Chairman, I am certain not only that it will be lost but that it is conceivable that conditions, as bad as they were when the F. E. P. C. was established, might even be worsened when the period of low employment comes after the war.

The CHAIRMAN. Mr. Fisher, have you any questions you would like to ask Mr. White?

Mr. FISHER. Only one or two, Madam Chairman.

Mr. WHITE, as I understand, you feel that if we do not create this permanent Federal bureau known as the F. E. P. C., this war will have been in vain; is that correct?

Mr. WHITE. Yes, I do, Mr. Fisher.

Mr. FISHER. In other words, we might just as well capitulate and draw our soldiers back unless we pass this bill?

Mr. WHITE. That, if I may say so, is an amplification of my statement which I did not intend. I was attempting, before you came in, Mr. Fisher, to state the facts with regard to unemployment among minorities, and particularly the Negro, and underemployment. I happen to have had experience in various countries where many of our

colored allies are having preached to them by the Japanese and German radios, that the United States is not sincere when it says that it is fighting a war for the freedom of everybody, because there is discrimination, there is lynching, there is disfranchisement, there are race riots, and all of the other ills which are perpetrated upon people because of race or color. The point that I made is this. If we have a post-war period of racial friction, of riots, growing out of injustices in the matter of jobs, and the like, it will mean simply that while we will have won the war in a purely military sense, we are going to continue to spread suspicion of ourselves as a nation and virtually have to prepare for another war. That is what I meant.

Mr. FISHER. You would, then, be opposed to any form of legislation, or any other activity, that might be calculated to promote the very thing you are talking about; would you not?

Mr. WHITE. I would oppose legislation that might be calculated to do what?

Mr. FISHER. To promote disunity, and so forth, that you have just been describing.

Mr. WHITE. I think I see the purport of your question, Mr. Fisher. I think we perhaps disagree on what will promote unity and what will promote disunity.

Mr. FISHER. Apparently so.

Mr. WHITE. I am quite certain of that. I believe that the Federal Government, taking a stand that the Constitution of the United States means what it says—namely, that all men, irrespective of race, creed, color, or national origin, are entitled to opportunity to work, and to justice under the Constitution and under the laws of our country, will promote unity, rather than disunity, because it will correct basic and long-standing ills.

Mr. FISHER. I do not think you could pick an argument with anyone on the application of the Constitution.

Mr. WHITE. I trust I cannot.

The CHAIRMAN. If there are no further questions, thank you, Mr. White. I am sorry that we have not had more time to develop your argument, which is an excellent one. You have been most helpful in presenting facts for our record.

Mr. WHITE. Thank you, Madam Chairman.

The CHAIRMAN. Gentlemen, I take great pleasure in presenting Rabbi Stephen S. Wise to the committee. As you no doubt know, Dr. Wise is the president of the American Jewish Congress, and we are very glad to have him here this morning.

STATEMENT OF DR. STEPHEN S. WISE, NEW YORK CITY

Dr. WISE. It is very kind of you to give me this opportunity, Madam Chairman and gentlemen.

The CHAIRMAN. I know that you will make a very valuable contribution to our hearings.

Dr. WISE. I thank you and your associates of the committee. My own statement is very simple, and I would have it understood, that, while I am the president of the American Jewish Congress, and Co-chairman of the American Zionist Emergency Committee, I come here not as a member of the Jewish faith or race; I come to you, Madam Chairman, and to this committee, as an American—an American, irrespective of race or faith, concerned with the fundamental problem

which is before you. That is, as you best know, Shall the Fair Employment Practice Committee be made permanent, or shall it be permitted to go when the victory shall have been won and the war shall have been ended?

I rest my case for the permanence of the Fair Employment Practice Committee on one basic truth: Racial, religious discrimination in the field of employment is a denial of democracy and is of the essence of fascism. Race discrimination is one of the most easily available and one of the most effective weapons of fascism, that fascism which is the enemy of democracy everywhere, in all lands, which, alas, has shown signs of a certain measure, happily limited of acceptance, even in our own country. And any measure which fascism supports as against the basic truth and the basic justice of democracy, must be resisted. You, Madam Chairman, and your associates on this committee of the House of Representatives, have a rare opportunity to say to the Congress and to the Nation that the F. E. P. C. shall be made a permanent organization unless, of course, the battle for democracy is to be limited to the war period and forgotten once the war period is ended and our military triumph shall have been secured.

Shall our earnest American attempt, not only to secure political democracy but to guarantee its basic economic implications—shall that be safeguarded, or shall it be permitted to go through failure, if such failure be conceivable—and I hope it is not—to make permanent the F. E. P. C.? That would mean that you would multiply the difficulties of post-war employment and reemployment. I need hardly point out to you, an expert in the field of industrial employment, the post-war difficulties, which are going to be grave enough without being gratuitously multiplied by reason of the failure of Congress to make this committee permanent. I watched its rise. I have studied its results. And, as an American citizen, apart from faith or race, I wish to register the view of one who, after all, is a veteran American, although I spent the first year of my life, and only the first year, happily, in a foreign land, that the F. E. P. C. has done a great deal rightfully to limit the injustices of employment discrimination, whether on the ground of race or religion or color or national origin.

Here you have made an experiment, an admirable experiment, even with insufficient funds and inadequate staffing, and yet, with every manner of dubiety on the part of some members of this committee and more Members of both Houses of Congress, this F. E. P. C. has done a most worth-while work. It has allayed fears; it has resolved distrust; it has made millions of Americans feel that our Government means it, that our Government is not only fighting for democracy in Yugoslavia, but is prepared to battle, morally and politically, for democracy at home. And nothing can be more heartening to our own men, fighting on the front lines everywhere, almost everywhere, in the world, then to tell them, "Unhappily we have permitted racial and religious discrimination in other days; that period is ended; it will not come again."

I have only to add, Madam Chairman, that, as you and your distinguished associates well know, this is not a struggle in relation to other aspects of the problem of racial relationships. We are not dealing with racial equality. We are not dealing with cognate problems. We are dealing with a simple, unmistakable problem: Shall our Government do what it can in the name and in the spirit

of democracy, to make permanent an instrument of government which has proved itself to be of high value in limiting the evils of any manner of discrimination in the field of employment?

That is all, Madam Chairman, I would say, excepting, inasmuch as you were kind enough to allude to my presidency of the America Jewish Congress, I think I ought to add that I represent several million Jews of America. And although we Jews are divided on many questions, we are one in believing—and I think I speak for the millions of Jews in America today without having been granted authorization; I know their mind and their spirit—we are one in urging you with all earnestness to continue to make permanent, and adequately to staff and to guarantee the authoritativeness of the Fair Employment Practice Committee.

Thank you, Madam Chairman. I shall be very glad to answer questions.

The CHAIRMAN. Doctor, you have made a very comprehensive and a very fine statement in support of a permanent F. E. P. C., and we are very grateful to you. I wonder if you could give us any idea of the part that private employment agencies play in discriminatory employment practices against Jews. Do you know anything about that?

Dr. WISE. Against Jews, did you say?

The CHAIRMAN. Yes.

Dr. WISE. I know that employment agencies, after all, are the instruments of the employing groups. They do not act on their own. They are under orders. They do as they are bidden to do. I think sometimes they lean overmuch backward, and perhaps are more royalist than the king. I find occasionally there is a super-gratuitous readiness on the part of employment agencies to practice discrimination against one race, say the Negro race, or against another racial group, let us say my own, in order to curry favor and win the gratitude of those who are imagined to be fundamentally discriminatory in their employment practices. That is often true. The underlings are worse than the overlings, and they can usually be trusted to be more royalist than the king; but for you, Madam Chairman, I might say, more Papist than the Pope.

The CHAIRMAN. Does economic discrimination against the Jew take a different form from that against the Negro, in your estimation?

Dr. WISE. I think the discrimination against the Negro race is more widely practiced, is more ruthless. There is an attempt to conceal the effects of anti-Semitic, or, as I prefer to say, anti-Jewish employment discrimination. Employers have not quite the courage of their depravity as against the Jewish people. They have absolutely the courage of their unfairness and their injustice, for the most part, in dealing with the Negro race, imagining that it is safe to do so, particularly because of proscriptions that obtain in a goodly part of our country against Negro employment. But we, as Jews, fight that when we can. I am not speaking for Jews today. I am speaking for the right of an American to full equality of opportunity, irrespective of race, creed, or national origin.

The CHAIRMAN. Would you classify the reasons for discrimination against Jews? Is it discrimination because of race or creed or national origin, in your opinion?

Dr. WISE. Madam, I wish I were wise enough, as you probably are, to know what are the causes of discrimination. For example, I

might flatter myself and my people that we are too clever, seem too clever in the eyes of others, to be given employment; just as it is alleged, not without some slight degree of justice, or we are said to be, in favor of labor organizations, believe in them, as I believe in them firmly and have for a generation, virtually the whole of my manhood life, believed in them. It is taken for granted by employers that the Jews are unpleasantly resistant against injustice. And that is something that employers do not like. They prefer to deal with people who take everything lying down and who seem to take it for granted that injustice and unfairness are necessary concomitants of the industrial life of our country.

The CHAIRMAN. I think that is very true, Doctor.

Dr. MILLER, have you any questions?

Mr. MILLER. I did not hear all of the witness' statement, but I wondered if there were any statistics available which would show the number of Jewish people employed in certain Government offices compared to the colored race or the gentile race, that is in proportion to the population of the United States.

Dr. WISE. I should not presume to offer you such statistics. I know those things are talked about unduly in Washington and other places in the country, as if only Jews were employed governmentally in Washington, which, of course, is an absurd and grotesque exaggeration. I cannot give the relative figures of Jews, gentiles, Negroes. I think I could easily get the figures, but I need not point out to you, Mr. Representative, or Doctor, as the Chairman referred to you—

The CHAIRMAN. The gentleman is Dr. Miller of Nebraska.

Dr. WISE. Dr. Miller, I do not think that is really of the essence of the problem, except for those who wish to limit employment in the Government and outside of the Government to white Christians, and to such people that is a very real question. To those who believe that the Jews, as well as Christians, black men as well as white men, have a right to enjoy justice through equality of labor employment, that is no problem at all.

Mr. MILLER. I presume it is true, Doctor, that the Jewish race has a tendency to migrate to certain occupations or industries. You find a rather large proportion of Jewish people dominating a particular industry. Is that true?

Dr. WISE. I think it is true, Mr. Representative, that Jews, by reason of economic circumstance and political conditions in the lands whence they came, have been forced into certain employment areas. For example, I presume you would have believed, up to 10 years ago, that a Jew cannot be a farmer. If you will read Dr. Walter Clay Loudermilk's recent book on Palestine, you will find that Jews who did not know the difference between a hoe and a plowshare 50 years ago have wrought a miracle in the way of agriculture, agricultural re-creation in Palestine—have, I say, wrought a miracle. But, of course, Jews have been ghettoed in other lands and have been forced into narrow, restricted areas of employment; for example, the needle trades. And they remain, many of them, in the needle trades, but not permanently. Their sons become lawyers and doctors and rabbis.

Mr. MILLER. I did not want any long dissertation, but—

Dr. WISE. I am afraid that a minister cannot avoid long dissertations.

Mr. MILLER. I happened to be in Germany on a couple of different occasions?

Dr. WISE. Not recently?

Mr. MILLER. No; not recently; 1937 was the last time.

Dr. WISE. I was there in 1933.

Mr. MILLER. And I was there in 1927. The troubles that developed in Germany, which became so acute and that have caused the death of so many Jewish people—

Dr. WISE. Four million.

Mr. MILLER. —started apparently from their control of the economic machinery of Germany. When I was there, they owned about 70 percent of the best property in all of the large cities. Of course, out of that came a Hitler, who said, "The Jew is the trouble in Germany. He has caused all of your economic disturbances." And that has resulted in a catastrophe that has involved the world. It does seem to me that your race, of course being a little keener than the gentiles in money matters—

Dr. WISE. No; we simply have to work harder than the gentiles in order to survive.

Mr. MILLER. You work harder and save your money; you controlled the economic and political machinery that caused the difficulty in Germany. I am wondering if we do not face some potential possibility of difficulty in this country from similar conditions. Have you anything to offer on that?

Dr. WISE. Yes; I have two things to say to you. In the first place I am sure you, as an educated American gentleman, and a physician, do not accept the hideous and grotesque lies of Hitler, that the Jews were persecuted by him because they were in control of 70 percent of the realty of, say, Berlin and Munich. I would like to have those figures carefully studied. And your mention of them moves me to resolve that I shall try to get at the figures, because I am sure that they are utterly, utterly false. If you were to ask me what was the reason for Hitler's persecution of the Jews, I am sorry I would be under the necessity of saying to you that Hitler was shrewd enough to turn to the so-called Christians, who were not Christians or they would never have responded to him—and said, "We will get the Jews out; you can have their property; you can have their possessions; you can have their jobs; you can have their stores." And he offered so-called Christians, who were Christless Christians, an opportunity for looting, and for booty, which they were not decent and Christian enough to resist. The position of the Jew had nothing to do with that.

You asked a further question, whether there was not the potential danger, the possibility, of a similar condition of affairs in this country. Yes; provided we recede from the democratic ideal and the democratic point of view. If America ceases to be democratic, Jewish life in America will become insecure. But if America remains a democracy—and some of us believe it will—then my position as a Jew will be as secure as your position as a Christian and a midwesterner. The status of the Jew is bound up with the degree of adherence to democratic idealism in this and in every country. And I believe, as you look at me, that you agree with me, sir.

The CHAIRMAN. Mr. Fisher, have you any questions?

Mr. FISHER. Dr. Wise, as I understand your answer to Dr. Miller, you do not take the position that members of your faith are being discriminated against in Government employment; is that true?

Dr. WISE. I am not equal to dealing with anyone who is as keen at questioning as you are, Mr. Fisher, so I must watch my step. I dare say there is some discrimination against Jews even governmentally. I think there are certain places in Government which shut out Jews. Prior to the war, for example, I think Jews found it very difficult to gain places at Annapolis and West Point. Places were not quite open to them as they would have been open to them if they had been Methodists or Baptists or Presbyterians or Episcopalians. I think there is some measure of discrimination, but not serious enough to move me to come here today to speak about it. I deal with the whole large problem of discrimination which it is the business of a Government agency such as a permanent F. E. P. C. to limit and ultimately to help abolish.

Mr. FISHER. Do you feel that could be corrected or alleviated through the creation of a permanent F. E. P. C.?

Dr. WISE. I believe it has already been lessened by the F. E. P. C. The F. E. P. C., imperfect as it is, without authority, without adequate funds, shot at, pestered and embarrassed, as it too often is, in many ways, still has been effective in limiting discrimination in employment. And I believe most earnestly, Mr. Fisher, that if you were to give authority and funds, and the authority which resides only in permanence, to the Fair Employment Practice Committee, you will make a real impact upon the injustices and inequalities of employment discrimination everywhere in our country. You will not have utopia overnight. It will take years to bring about a complete correction and an ultimate abolition of the wrongs of discrimination. But you will make a real dent in the problem.

Mr. FISHER. Dr. Wise, do you think there has not been progress through the years in correcting the situation which you describe?

Dr. WISE. I do not take the position that there has not been progress, sir. But I maintain—and I know the facts, that there has been insufficient progress. After all, democracy is not a relative thing; it is an absolute thing. Democracy deals with problems gradually but, at the same time, it cannot assent to compromise of fundamental ethical and spiritual principles; namely, that we be satisfied with a very slow rate of progress. There are things that our Government ought to do, ought to deal with fundamentally and basically, and this is one of the things. And you can do it, gentlemen, at a minimum of expense.

Mr. FISHER. You referred to fascism that exists in American economic life, or under our system.

Dr. WISE. In American life? Forgive me—I did not say economic life particularly.

Mr. FISHER. What did you refer to?

Dr. WISE. I referred to that of which you know better than I, because you are a Congressman. You, as a Congressman, must know that there are multiplying signs of the rise of antidemocratic fascism in America.

Mr. FISHER. Where is that, Doctor?

Dr. WISE. Everywhere. It has not the courage to raise its head—

Mr. FISHER. How long has it been in existence?

Dr. WISE. I think it felt itself free to operate without too much peril beginning with 1931, 1932, and 1933, during the years of the rise of Hitler. Since that time, as evidenced by hundreds of Fascist

organizations which use anti-Semitism as their first and most easily available weapon, I think every intelligent American must know, as I do, that there is a real Fascist peril in America. It takes the form of basic discrimination in the field of employment.

It takes the form, as evidenced by this trial now current in Washington, of the bitterest and filthiest anti-Semitism. My own name was dragged into the trial in Washington as if I were a Communist. I am as much of a Communist, sir, as you are, or as every member of the committee. I am an American. I am a believer in democracy. And yet someone in that trial dared to speak of me as if I were identified with communism, which I have opposed since the day of its founding. I give you that as an example of Fascist filth, of the lying, which obtains in American Fascist groups. You know some of them in Texas. I know some of them in Illinois. I know some of them in New York. We must not assume for a moment that every American, native or foreign-born, is satisfied to have our democracy go on.

For example, you happen to know, I am sure, the name of Edw. Holt James, nephew of the great William James, nephew of Henry James. He is as truly a sworn foe of the democratic ideal as Hitler himself. He does not believe in democracy. I think he ought to be in jail. I think Mr. Biddle ought to go after him, or Mr. Hoover. He lives in Boston. He is the brains of those wretched little bundists who seek to overthrow democracy.

Forgive me if I speak with some passion. After all, I have lost three to four million fellow Jews, my brothers all over the world, because fascism was not suppressed and crushed when it could have been suppressed and crushed, when it should have been suppressed and crushed. But the Christians of the European lands, beginning with Germany—Germany divided between 20,000,000 Catholics and 40,000,000 Protestants—should have said to Hitler, "How dare you offer us the bribe of Jewish booty! We are Christians and we desire to live as Christians with our Jewish neighbors."

Mr. FISHER. I do not think anyone can question your position on the way things were carried on in Europe, Doctor. I do not think there is any disagreement among any of us about that.

Dr. WISE. I should hope not.

Mr. FISHER. You believe, I am certain, in the American system, that gives every person the opportunity to go into a business for himself and to create jobs; do you not?

Dr. WISE. Yes; by all means.

Mr. FISHER. Suppose a man goes into a business where he employs five people, within the scope of this proposed permanent organization. And he feels that in order to make a success of his business and make secure his investment, he should have the privilege of choosing the particular employees whom he knows from his experience will better produce and make a profit for him. Do you not believe that he should have that right, since he has created the jobs that he is to fill?

Dr. WISE. He should have that right within this limitation, that in choosing five employees he has not the right to deny employment to any man because he be a Negro or a Jew or a Catholic or a member of any racial or religious group. And as a master of men, hiring and firing men, he should come within the supervision of an F. E. P. C. which will say to him, "Hire whom you please, fire whom you please, but you may not hire and fire because of race, religion, color, and so forth, and so forth."

Mr. FISHER. One other question. Suppose this man refuses to hire a Negro applicant for a job, let us say; suppose that Negro files a complaint with the F. E. P. C. on the ground of discrimination. Who, would you think, should have the right to pass on the issue of whether the employer acted in a spirit of discrimination or acted out of good business judgment?

Dr. WISE. The F. E. P. C. should have the case before it and may be trusted to render a fair decision, taking into account all the circumstances, including the record and the quality of the employer.

Mr. FISHER. You would take from the employer, the man who perhaps borrowed money to make an investment and create these jobs, the right to hire his own employees, those whom he felt would be more likely to make his business a success, and you would transfer that right in the final determination to the F. E. P. C., a bureau in Washington?

Dr. WISE. Mr. Fisher, you will forgive me for saying that yours is not a fair statement of the case. But if I had to answer the question as you put it to me, I would say that I would rather take from a so-called employer the right to hire and fire, than to take from any group of Americans the right to remain alive, to survive, which right they would lose if men were permitted to hire and fire irrespective of the provisions of the bill with reference to the permanent establishment of the F. E. P. C., to be made permanent if you, Madam Chairman and gentlemen, do your duty to the whole American people.

Mr. FISHER. Then you would take from that employer his freedom of choice, his right to determine that question for himself?

Dr. WISE. Life constantly limits our freedom of choice; you may put it that way. It is a very clever bit of rhetoric, but, after all, I am denied my freedom of choice. I cannot go to London. I would love to go to London just now; I have an important thing to do. But I cannot go.

Mr. FISHER. Doctor, I had not quite finished my question, and this is the last question I have to ask.

Dr. WISE. I am sorry; I did not mean to interrupt you.

Mr. FISHER. You would take from the employer, then, the traditional freedom of choice that employers have had in this country for 300 years, of selecting their employees, those whom they feel, on the basis of their own business experience, as a result of their own business acumen and good judgment, would be more likely to make their investment a success; and you would leave the final determination of whether he denied a particular applicant a job on the ground of discrimination, to the F. E. P. C., a bureau sitting in Washington; is that correct?

Mr. MILLER. Would not that be fascism?

Mr. FISHER. Would not that be fascism of the first order?

Dr. WISE. It would be fascism—

Mr. FISHER. First answer the question, please.

Dr. WISE. It would be fascism to place success in industrial investment above life and equality of industrial opportunity for Americans irrespective of race. You will forgive me for saying—one speaks with very great respect to a Member of the House of Representatives—but I do not feel that your question is fairly put. You assume that the supremely important thing in America is to give to the employer the right of choice, of discrimination in the matter of choosing employees. My own position as an American, although I am not a Member of Congress—is that no fundamental right of that

employer is violated because the Government steps in and says, "You shall not deny opportunity of employment to a man because he happens to be of the race of Jesus Christ and Peter and Paul and John and Mary, or because he happens to have a skin the color of which is different from your own." The American democracy, which I take seriously, perhaps because I am not a native American, because I lived the first year of my life in another land—the American democracy is not concerned primarily with the right of a man to exercise an arbitrary and capricious choice among the people whom he seeks to employ; but is concerned with the right of every American to have equality of opportunity in order that he may live and labor, in order that he may labor so that he may live.

The CHAIRMAN. Mr. Kelley, have you any questions?

Mr. KELLEY. No, Madam Chairman. I want to compliment the Doctor on the clarity with which he expressed basic and fundamental principles.

Dr. WISE. Thank you, sir.

The CHAIRMAN. Mr. Scanlon, have you any questions?

Mr. SCANLON. No, Madam Chairman. I want to congratulate the Doctor on his fine contribution to the hearings on this legislation. I believe all of the questions that I might have asked have been asked already and have been answered by the Doctor.

Dr. WISE. I should be delighted to answer questions of yours, as the author of the bill.

Mr. SCANLON. I do not believe I have any questions at this time.

The CHAIRMAN. Mr. Lesinski, have you any questions?

Mr. LESINSKI. Dr. Wise, the question of discrimination is older than 50 years in this country. I remember as a youngster away back in 1888 that my dad could not get a job because he came from Poland.

Dr. WISE. In what part of the country was he denied employment?

Mr. LESINSKI. In Detroit; because industry at the time had certain nationals who were at the head of that industry and they naturally denied employment to other groups. But that has gone on for more than 50 years. One thing struck me, in what you said, and that was a remark you made about attempting to help the Yugoslavian Government to form a democracy. Do you think this Government has been fair to Yugoslavia?

Dr. WISE. Do you think it quite fair to ask me a question which is completely irrelevant to the problem before the committee?

Mr. LESINSKI. Well, you made the comment; that is the reason I am asking the question.

Dr. WISE. I am willing to answer it, but I think it would be wholly irrelevant to the discussion; don't you, Madam Chairman?

The CHAIRMAN. I think so. It is wholly irrelevant.

Mr. LESINSKI. Then I would like to ask one more question. Is there any difference between fascism, nazi-ism, or communism?

Dr. WISE. Is there any difference? You might ask the question, Is there any difference between a Democrat and a Republican? Do you really want an answer?

Mr. LESINSKI. I should love an answer.

Dr. WISE. Nazi-ism is the German brand of fascism, a little more dangerous, a little more frankly violent, a little more atrociously terroristic than fascism ordinarily dares to be.

Communism is at the other end of the scale. Communism is, I think, as I read about it—I have never been in Russia and the Czar

of Russia never invited me to come and I never was particularly eager to go to Russia while there was an international Communist organization—communism is still in a state of flux. I do not believe that the Soviet Union quite knows what its ultimate objective is; 2 or 3 years ago it seemed as though the Soviet Union were bound to bring about the sovietization of all the world. I believe, although I may be mistaken, that that has been banished from the purpose of the Soviet Union and that they are now quite satisfied to be left alone provided they can be helped to overcome and overwhelm their Fascist enemies.

We are against every form of fascism. Fascism cannot endure, cannot survive, as long as it is threatened in the world by the political and moral superiorities of democracy. Therefore it must war against democracy.

I do not believe, although I may be in error, that communism finds it necessary to oppose democracy, because I believe that communism means, in the end, to adopt some manner of democracy within its own area of life and conduct.

Have I made myself clear?

Mr. LESINSKI. I agree with the gentleman. That is all.

The CHAIRMAN. Dr. Wise, you have made a very great contribution to our hearings.

Dr. WISE. It is very kind of you to say so, Madam Chairman.

The CHAIRMAN. It is the kind of discussion we should hear more of. It is good for the soul.

Dr. WISE. Gentlemen of the committee, I thank you for your kindness in bearing with me. I hope, Mr. Fisher, you did not think I was too prolix in my answers to you. I was told you were a very keen and dangerous questioner, so that my mind was half prepared.

Mr. FISHER. I was wondering what company you have been keeping.

Dr. WISE. I have been keeping the company of people who hope, as I hope you do, that the F. E. P. C. will become permanently established by law.

The CHAIRMAN. I really think you have made a convert of Mr. Fisher, and if you have, that would be a real achievement.

Dr. WISE. Thank you, Madam Chairman.

The CHAIRMAN. The committee will stand adjourned until 10 o'clock tomorrow morning.

(Whereupon an adjournment was taken until Wednesday, June 14, 1944, at 10 a. m.)

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

WEDNESDAY, JUNE 14, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Jennings Randolph presiding.

Mr. RANDOLPH. The Committee on Labor of the House of Representatives will continue its hearings on H. R. 3986, H. R. 4004, and H. R. 4005.

We have with us our colleague Representative LaFollette, of Indiana, author of the last bill mentioned, one of the companion measures to the Scanlon bill, the subject matter for what we hope will be a very thorough discussion by this committee. The benefit of the testimony of witnesses who have given us, and who will give us valuable information on legislation of this type, forms a basis for future action.

Mr. LaFollette, we should be glad to have your statement at this time.

STATEMENT OF HON. CHARLES M. LAFOLLETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. LAFOLLETTE. Mr. Chairman and members of the committee, I appear here as the sponsor of H. R. 4005, a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry, and in behalf of that bill and H. R. 3986, introduced by Representative Scanlon, of Pennsylvania, which the committee is presently considering, and H. R. 4004, previously introduced by Representative Dawson, of Illinois. These bills are, for all practical purposes, similar in their language and similar in their purposes.

The committee has previously had the benefit of much legal, technical, and factual testimony in support of this legislation designed to establish a permanent Fair Employment Practice Commission by act of Congress to supplant and give congressional sanction to the principles and purposes which led to the establishment of the present Committee on Fair Employment Practice, heretofore established by Executive Order No. 9346, on May 27, 1943.

I hope that I may be able to bring to the committee certain points of view in connection with this legislation which have not been heretofore presented to the committee, or which, in any event, may constitute an expansion of or a supplementing of ideas and points of view heretofore presented. To my mind so many arguments could be advanced and elaborated upon in support of this legislation that, considering the necessity for brevity in my present approach to this question, I should like to preface my statement by saying that I am offering at this time the most meager sketch or outline of certain

approaches to the questions involved in this legislation, which by no means exhaust my thinking upon the question, but which are primarily offered for the purpose of stimulating thought and discussion by the members of the committee, and possibly by the Members of the House, when, as, and if the committee reports any of the bills now pending before it.

I shall, therefore, treat upon but three subdivisions of my fundamental thinking on the questions involved in this legislation: First, the fundamental ethics behind the legislation; second, constitutional approaches to the legislation; and, third, suggested improvements or amendments to the legislation.

I. THE FUNDAMENTAL ETHIC BEHIND THE LEGISLATION

I believe that intellectual honesty and moral courage demand the passage of this legislation and its support by all of the Members of the Congress who profess their belief in the fundamental democratic ethic which underlies the thinking of the citizens of this country and which is the same ethic for the preservation and advancement of which we claim to be fighting this war.

Because in the balance of my remarks on this subject I shall often use the word "democracy" in referring to the ethic, I wish to distinguish my use of the term "democracy" in the ethical sense from the limited use of the term which we customarily use, viz., as descriptive of a form of government. A democracy or a democratic form of government, used in its political sense, I think has reference only to a form of government in which the people to be governed directly vote and participate in the decisions which are to be made for the purpose of governing their conduct. In other words, the old New England town meetings were pure democracies in a political sense; and, used in the political sense, our Government, of course, is not a democracy but it is a republican or representative form of government. Nevertheless, the ethic under which this representative government is to work, and must work, is the democratic ethic, if it is to permit us to develop in America the sort of civilization to which all people of good will in this country inherently aspire.

Democracy, then, in this broad sense is an ethic and a philosophy arising out of Hebraic-Christian thinking and centered upon the belief that man is spiritual and the most dignified being on earth. Democracy in this sense is not capable of being divided or stratified. There is but one democracy, which is a philosophy based upon a complete application of the injunction of Christ, "Thou shall love thy neighbor as thyself," which He called the second commandment. And this commandment and this ethic must be practiced by man exclusively in all fields of man's efforts and endeavors and operations on earth. Thus conceived, it is true that democracy operates and has rules which we must still unfold, discover, and develop in the field of economics and in the field of racial relationships, as well as in the field of political science; but it is self-evident to me, nevertheless, that there is but one democracy. It is a faith, a hope, and an ethic which requires our unswerving devotion to and practice of a set of principles in every field in which man comes in contact with his fellow man.

If we accept the above concept of democracy as sound, then it follows that the application of this philosophy and ethic in the field

of economics demands of us that we believe that nothing shall interfere with a man's opportunity to occupy any position or hold any job, except his own lack of ability to hold the job or lack of emotional balance or character qualities which permit him to work in conjunction with others harmoniously and without disrupting the work of those with whom he is working and associating himself.

But it is fundamental that this question of the development of abilities and skills and the development of self-discipline and character qualities is an individual characteristic and that the individual's capacity is neither biologically nor psychologically based upon the color of a man's skin or his racial origin.

It follows, therefore, that any limitations upon any individual's opportunity to hold a job or to make economic advancements which are based upon racial considerations or so-called racial qualities are false limitations which are inconsistent with the democratic ethic as I have defined it, and consequently have no right to exist in a democratic society and civilization.

And it finally follows that if such limitations exist in a republic, which is operating as a government for the purpose of advancing the democratic ethic, then they are not only contrary to the principles upon which that government is founded and operated but they are anti-social limitations which it is not only the right, but the obligation and the duty of such a government, operating under such a philosophy, to remove through the enactment of positive and definitive legislation at any time when it clearly appears that these limitations have existed for such a long time and are so firmly entrenched that they cannot be removed except by positive legislative action.

Therefore, since I believe that such limitations exist in our society; that they are false limitations, as measured by the ethic and philosophy in which we, as a people, profess a belief, I must conclude, if I am to be logical, intellectually honest, and morally courageous, that I must support such legislation as is calculated to remove these impediments against full economic opportunity to any member of that society. It is for these reasons that I not only support this legislation, but that I also find it impossible to oppose it.

II. CONSTITUTIONAL APPROACHES TO THE LEGISLATION

In discussing the question of constitutional approaches I shall again divide it into a very broad discussion of inherent constitutional power of the Congress as such and, secondly, present a discussion of my personal thinking upon the obligations which a Member of Congress' oath of office places upon him in casting his vote upon legislation in which it is asserted that constitutional questions are involved.

The many decisions which have been handed down by the Supreme Court in discussing the constitutionality of the Wagner Act, in my opinion, have clearly established the constitutionality of this legislation. In a sense also the opinions of the Federal courts in construing the Fair Labor Standards Act and the Walsh-Healy Act have clearly established that this legislation is drawn to operate in a field in which the Congress clearly has the power to act.

But more than that, the Supreme Court, in upholding the provisions of the Wagner Act, which permits an employee wrongfully discharged for union activities to recover from his employer the difference

between the wage which he was receiving at the time he was discharged and the wage which he received or might have received in reasonably similar employment during the time that he was unemployed, establishes a measure of damages which the English common law had previously established as the method of measuring damages for the loss of a comparable property right. For instance, if a tenant breaks his lease before the end of the term, the landlord, under proper pleadings under proper provisions in the lease, is entitled to recover the difference between the rent fixed in the lease and the rent which he actually received or which he might reasonably have received from the same property from another tenant during the unexpired term. This right was given to the landlord because his ownership of real estate was recognized as a form of property. Is it not logical to infer that the measure of damages used in the Wagner Act and the method of measuring damages establishes the proposition that a job is a form of property?

By the same token, the provisions of the Wagner Act which, under certain circumstances, entitled the employee to be reinstated in his job over the protest of the employer is rather analogous to the right of a person in possession of real property to resist wrongful removal by the owner, and likewise, somewhat analogous to the right of replevin by the person entitled to possession in the case of personal property. From which, I think it is again proper to infer that a job or the right of employment in industry, or the right to work, if you choose to use that expression, under the rulings of the Supreme Court in construing the Wagner Act, has clearly advanced from the concept of a commodity and has reached the dignity of at least a quasi property right in the eyes of the Supreme Court of the United States. It is true that this job cannot yet be sold and transferred and it is not capable of being inherited, which are other attributes of things which we have always understood to be property, but nevertheless, it is certainly proper to say that the right to work and the right to hold a job is at least a quasi property right.

If this is true, does it not follow that the Congress fundamentally has the same right to adopt this legislation for the purpose of regulating this quasi property, at least the right to acquire and to hold a job, as fully as it has the right to regulate with reference to those things which we have always recognized as property and which we have always recognized the power of Congress to regulate and control by Federal legislation?

What I am trying to point out is this: that whether many of us realize it or not, the effect of the rulings of the Supreme Court, particularly in upholding the provisions of the Wagner Act, is to take a step forward to the creation of a new concept of property, which is the right to work at a gainful employment; and if the fundamental effects of the Supreme Court decisions are what I believe they are, it must clearly follow that we are proposing, in effect, legislation with reference to property in the bills now under consideration by this committee.

Again I can only speak for myself with reference to my understanding of my obligations under my own oath of office in voting for legislation in which a constitutional question is involved. I do not believe, particularly with reference to those questions as to which the law of the land is at present in a state of flux, that a man need have a conviction, beyond a reasonable doubt, that legislation is constitutional in

order to support such legislation and at the same time not violate his oath of office. I think that he must conclude for himself that there are reasonable grounds to believe that legislation comes within the provisions of the Constitution. In order to reach his reasonable conclusion as to the constitutionality of legislation he is, of course, not entitled to engage in speculation or wishful thinking but his conclusions must be based upon and his thinking must be measured by standards which require the exercise of correct and common modes of reasoning in fitting the law into or under the Constitution. However, if a Member of the Congress of the United States concludes by reasoning processes which are neither specious nor speculative that there is a reasonable ground to believe that legislation is constitutional, then he is entitled to vote for it, upon constitutional grounds, because, under our system of government, the final determination of that question is left to the judiciary.

Perhaps I can best explain my thinking by illustrations. I am a member of the Protestant Episcopal Church of America. Under my oath of office as a Member of the Congress, I clearly could not vote for legislation which proposed to establish the Protestant Episcopal Church of America as the compulsory faith to be adhered to by every citizen of the United States. This is true because I could not by any common or accepted modes of reasoning rationalize the constitutionality of such legislation.

On the other hand, I cannot only vote for but propose legislation such as that now under consideration because I have reason to believe, by the exercise of common and accepted modes of reasoning, that if the Wagner Act is constitutional and the Fair Labor Standards Act is constitutional, that this legislation in its purposes and its language so clearly parallels those acts, whose constitutionality has already been upheld, that I have reasonable grounds to believe that this legislation is constitutional, even though its constitutionality has not been presented to a court for review—until which time, of course, I can have no positive conviction as to its constitutionality.

I have laid bare my own mental processes with reference to my understanding of the limitations placed upon me by my oath, not gratuitously for the purpose of binding any other member of this committee or of the Congress, but with the thought that perhaps it might establish a standard to which other members of this committee or of the Congress might choose to adhere. I have no thought of setting out a standard by which anyone else but myself might be judged.

III. SUGGESTED IMPROVEMENTS OR AMENDMENTS TO THE LEGISLATION

In discussing the third subdivision I shall not point out specific amendments or specific language. However, I think it is proper to point out that the legislation needs tightening particularly with reference to bringing the Federal Government and its agencies clearly within the provisions of the act so that the Federal Government will be honest with its citizens and clearly demonstrate that it intends to apply the same standards to its own employment practices as it fixes for other employers and labor unions and employee associations.

It also occurs to me that the sanction with reference to Government contracts in section 13 (b) on page 12 in lines 9 and 10 should certainly be modified to conform with the standards for offenses and

penalties fixed in section 14; namely, that the prohibition against a Government contract should in any event be made to read "not to exceed 3 years" so as to make the sanction flexible and permit the Commission to exercise discretion in imposing these sanctions.

I also want to point out that section 12 contains a very commendable provision, which is included for the first time in any Federal legislation dealing with the power of commissions to adopt rules and regulations; namely, that the requirement that these regulations be transmitted to the Congress for their consideration and with the right of the Congress to amend or nullify them by appropriate legislation, if it considers them not within the scope of the act or within the powers delegated to the Commission. The language in its present form is probably not as carefully drawn as it might be in order to guarantee to the Congress this power. However, the act does propose a method by which the Congress can exercise continuing control over the regulations promulgated by commissions and it is clearly a step in the right direction.

The inclusion of this section in this bill of itself is evidence of the good faith of the proponents in advancing it.

If there are any questions, Mr. Chairman, by yourself or by members of the committee, I shall be glad to try to answer them.

Mr. RANDOLPH. Before members of the committee question you on a very splendid and thought-provoking statement, I want to say for the record that the absence of our distinguished chairwoman, Mrs. Norton, is explained by the fact that she had an important appointment this morning at the White House. Mrs. Norton and many other members of the committee have given very careful attention to these hearings. I myself have been unable to be present as much as I should have desired, because of other conflicting duties.

Mr. LaFollette. I was very interested in the observation which you made as to the church membership which you hold, and your strong opposition to any legislative pronouncement which would establish that religious denomination as the church of the United States. That is correct, is it not?

Mr. LaFOLLETTE. Yes. Of course, that is clearly prohibited by the Constitution.

Mr. RANDOLPH. That is prohibited, as you say, by the Constitution. I wanted to comment on that subject at this point because I am a member of a denomination, the Seventh Day Baptist Church, which has but 10,000 members in the entire world. We are a very small minority group in the Council of Churches. Yet there has been a movement on foot, presented to State legislatures—not, to my knowledge, to the Federal Government—to set up by law the observance of a certain day for worship, called the Lord's Day. That would be Sunday; whereas the church in which I hold membership believes, as do the orthodox Jews and the Adventists, that there is a Sabbath which is on a Saturday, rather than a Sunday. I think it is very fundamental, as we think through this legislation, that minority groups must be protected in this country.

I have no further questions to ask.

Mr. Scanlon, have you any questions?

Mr. SCANLON. I have no questions, Mr. Chairman.

Mr. RANDOLPH. Mr. Day?

Mr. DAY. I have no questions, thank you, Mr. Chairman.

Mr. RANDOLPH. Mr. Kelley, have you any questions?

Mr. KELLEY. No, Mr. Chairman.

Mr. RANDOLPH. Mr. Fisher, have you any questions?

Mr. FISHER. I have no questions.

Mr. RANDOLPH. Mr. LaFollette, we appreciate the statement which you have made to the committee and we are certain that it was based on very careful study. Were the conclusions which you reached and which you presented in your brief to the committee reached over a period of years, or did you come to your conclusions rather quickly?

Mr. LAFOLLETTE. No. This has been a development of my own thinking and my mind was forced to a conclusion in favor of the propriety of this legislation 2 or 3 years ago.

Mr. RANDOLPH. Thank you, Mr. LaFollette.

Mr. LAFOLLETTE. Thank you for allowing me to appear, Mr. Chairman.

Mr. RANDOLPH. According to our calendar of witnesses, the next witness to be heard is Mr. Clarence Pickett. I know him personally and have worked with him for many years. He is not in the room at the moment. So we will ask Father La Farge if he will take the witness chair at this time.

STATEMENT OF REV. JOHN LA FARGE EXECUTIVE EDITOR OF AMERICA; SPIRITUAL DIRECTOR OF THE CATHOLIC INTER-RACIAL COUNCIL, NEW YORK CITY.

Mr. RANDOLPH. Father La Farge, if you will proceed by first giving, for the purpose of the record, your name and the position or positions which you hold which might be pertinent as a basis for any remarks which you are about to make.

Father LA FARGE. I am Rev. John La Farge. I am executive editor of the national Catholic weekly, America; I am also the spiritual director of the Catholic Interracial Council in New York City, which is an organization of Catholic laymen particularly interested in questions of racial relations. That is how I have had this contact, besides the fact that I have worked for a great many years of my life in pastoral work among the Negro people in southern Maryland; as well as educational work. I have been interested in various educational projects for the Negroes, which has brought me into close contact with many of the problems covered in this legislation that is proposed.

My residence is New York City, 329 West One Hundred and Eighth Street.

Mr. RANDOLPH. We shall be very glad to have your statement at this time, Father La Farge.

Father LA FARGE. Honorable chairman and members of the committee, I should like to preface my remarks, if I may be permitted to do so, by saying that behind the philosophy of what I am about to say here, is the idea just expressed by the Honorable Mr. LaFollette, of the ethical nature of democracy, or rather the concept of ethical democracy as distinguished from that of political democracy. I believe that is a fundamental concept and it is one particularly fundamental in my own thinking on this matter.

I am speaking to your committee in favor of the bills for the establishment of congressional Commission on Fair Employment Practice.

The position I take with regard to the pending bills is similar to that on which I have frequently expressed myself, in words on various public occasions, and in my writings, with regard to the President's Executive Order No. 8802 and the committee established by Executive Order No. 9346, namely, I am guided by considerations not of favor or altruistic sympathy toward any particular racial group or groups, but by the conviction that proper legislative safeguards in the matter of employment discrimination is a matter of public policy and of the general good.

My approach to this matter may be somewhat different from that of most of the others who have spoken or will yet speak before this committee. I am looking at this matter as a clergyman, and more particularly as a clergyman who has devoted a good part of his life to direct work in the field of pastoral ministration and of educational work for America's largest racial minority group. I do not speak here in a solitary capacity, but the point of view I present is that shared by a great number of other clergymen of my own religious body who are engaged in like occupation. Though the principles I propound relate specifically to the Negroes, they apply equally to all other racial or religious minorities.

The Catholic priests in the United States who are engaged in missionary and educational work for the Negro are, for the most part, an exceptional body of men. They have been entrusted with this type of ministry by their church because of their strength of character, their breadth of view, and their solid and prudent judgment. The question of employment opportunity for the Negro is one which is today most constantly mooted when these men confer with one another upon their common problems. These men are not enthusiasts, nor utopian idealists, nor revolutionaries, nor seekers of position and political influence: They are hard, sober realists, in daily contact with the sordid facts of human existence. They are constant witnesses of the disorder created by mass migrations during and even preceding the present war effort. They are keenly alive to the havoc which disordered group relations are bound to effect in our large cities in every part of the country. In certain cases their parish rectories have had to serve as actual sanctuaries of refuge for members of their own flock, in personal danger from lawless mobs or lawless reputed officers of the law. They are not interested in any proposition, legislative or otherwise, which serves merely ulterior ends. Their position is too responsible, and their general philosophy of life and government is much too realistic to permit of any such leanings.

The sober and settled conclusions of most of these clergymen, certainly of all whom I know who have given any careful thought to current social problems, may be summed up in the following three simple propositions:

1. The question of racial discrimination in employment opportunity is a national question and must be treated on a national basis, particularly where it concerns employment which has a national affectation.

2. Some type of legislation, such as is herein proposed, is necessary for our general social stability now; but enormously more necessary in view of the impending post-war situation.

3. If such legislation is not provided, such as is now laid before Congress, the door will be laid wide open for the worst type of revolutionary agitation.

The preceding propositions are not matters of profound or subtle philosophy; they are not special pleading for any preconceived cause; they are simply the common-sense conclusions of common-sense, practical men who have learned by hard experience some of the lessons of cause and effect in public affairs.

If you ask me the reasons for such conclusions, I may briefly explain them as follows:

1. It is impossible to isolate the entire question of racial or religious discrimination and confine it to certain areas or regions of the United States. No body of men are less favorable to the idea of extending needlessly the regulatory powers of the Central Government than are the Catholic clergymen of the United States, and I believe the same applies to a great proportion of the clergymen of other denominations as well. Certainly matters which concern only local conditions should be handled locally, and I personally, as a friend of an intelligent application of the sound doctrine of States' rights, would consider it a misfortune if the National Government were to be burdened, or were to burden itself, with the onerous task of providing for all types or areas of racial or religious discrimination those legislative safeguards which are properly the office of the individual States.

The phases, however, of the unemployment problem which are contemplated by these bills are matters which it is utterly impossible to handle adequately on a merely local basis. Regional and State lines are broken down when it comes to employment in Government concerns or great national industries which are subject to Government contract or control. The policies set in any one part of the country have an immediate and direct influence upon those of every other part. We may not wish this, approve of it, or like it, but such is the fact, through the intercommunication of every part of the Nation with every other part today.

A policy of racial or religious employment discrimination is like a contagious disease, it leaps from one region or city to another. Families of migrants are spread from coast to coast, and people of the same local community are scattered over the entire country. One need but page through the findings of the Tolson committee, especially where it dealt with the problems of Negro and other minority migrants, to see how fruitless and futile is the effort to confine to one region the example and influence of unfair employment practice in any one unit of a national labor organization, a nationally known industry, or a Government enterprise.

Catholic clergymen have come to learn that it is impossible to confuse or bluff not only the more alert and educated but even the ordinary masses of the Negro people on these points. They clearly see through the sophistries which would try to deny such patent matters of common daily experience. They clearly see the contradiction which exists between the total neglect of State lines and regional lines in the thinking of the majority group in the matter of business or governmental enterprise, and the artificial importance attached to the same lines when it comes to the vindication of elementary human rights.

2. The social stability of the Nation is, in the last analysis, the social stability of its individual families. The reason why Catholic clergymen, like many of their brethren among the clergy of other religious groups, feel so strongly upon the need of proper safeguards

in the matter of equal employment opportunities is that their pastoral labors are immediately and constantly concerned with the welfare of individual families. These employment discriminations on racial or religious grounds poison family life in its very foundation. They are inimical to the measure of economic security to which every family is entitled and which is necessary for the support of its physical existence and the proper upbringing of its children in order, decency, and morality.

The unfair practices which these bills attack are abuses which are laid squarely upon the threshold of the clergyman who attempts to grapple with the vast mass of disorder, crime, religious and literary illiteracy, and inward spirit of discontent and revolt which are the grim fruit of a seamy, undemocratic side of our democracy, which are the effects of racial and religious prejudice.

The only way by which still greater disorder can be averted and a path traced toward the stabilization of our rapidly changing centers of population is through the development of sound family living in soundly organized neighborhoods. The elimination of job insecurity on racial and religious grounds is not a panacea; it is not a cure-all for moral or social ills. But it clearly is a removal of the principal obstacle to such sound family living and the stable employment upon which any healthy neighborhood policy is based.

Again, neither I myself nor any of those in whose name I presume to speak regard any type of legislative action as an automatically operative force for good. Obviously, legislation is powerless unless supported by some degree of healthy public opinion. But public opinion, on the other hand, is weak and ineffective unless legislation backs it up in those matters which are obviously the law's own province. Legislation of the type proposed in these bills is itself of an educative character. The administration of this proposed commission from its very nature implies the investigation, discussion, and resolution of those problems which would otherwise rest confined to the studies of a few experts. It means the laying before the general public of the real facts, it means a brake on rumors and unfounded allegations, for the proposal works against unfounded accusations quite as much as it works for the vindication of justice where the allegations are true.

3. Some may fear this proposed legislation on the ground that it would, they say, open the door to the raising of issues which would otherwise lie dormant. My comment upon such an objection is that the Commission, if conducted according to the spirit of the bills which are before the House, would have the contrary effect.

If no such commission is provided, in the present state of our domestic society, there is no adequate means at hand for tracking down and investigating the rumors or accusations of employment discriminations which are bound to occur. Since such discrimination is, as has been pointed out by testimony from other sources, a frequent fact; since it arouses profound and lasting resentment among industrious and patriotic citizens; since its very existence is in violent conflict with all that the United Nations stand for in their combat with European racialism, no amount of ignoring can stifle that overwhelming demand for action to be taken that will have a restraining effect upon so manifest an abuse.

The demand for this Commission is not going to cease with the possible defeat of legislation in its behalf. That demand, I feel sure from all that I have observed of the progress of the popular interest in the F. E. P. C., will continue to increase. If no outlet is provided for this legitimate demand, the fuel is thereby afforded for the continued maintenance of a state of racial discontent, veering on racial despair, which is the unhealthy breeding ground of any and every type of destructive and disintegrating movement.

I consider the issue of whether or not this legislation shall be passed as no ordinary issue. The continuance and development, on more constructive and on more solidly authorized lines, of the safeguards provided by the President's Committee on Fair Employment Practice, has become, for millions of members of minority groups in the United States, the acid test of whether or not these same groups are to be formally and officially assigned to a second-class citizenship in our Republic. The cause which the present F. E. P. C. and the future congressional Commission represent is not a matter of racial patriotism or group solidarity, however meritorious or justified such group sentiments may be. It is a matter which concerns not the welfare of this or that group, but of the social stability of the Nation as a whole. We are all interested in this matter of safeguarding equal opportunities. When it is denied to any one group, it is denied to all the Nation, it is sooner or later to move, with inexorable force, in the direction of our own homes, our own children, our own personal security.

It is for these and for many other pertinent reasons that I think the Committee on Labor for this opportunity to express before them those beliefs and sentiments which are those of so many leaders among the clergy of my own group, of disinterested, conservative, prudent men and women of every group, racial and religious, minority and majority. It is my conviction that these reasons will prevail, and my confidence that our Congress will in this, as in so many other matters, fully prove its fidelity to its trust with the American people.

Mr. RANDOLPH. I am turning over the chairmanship of this meeting at this time to Mr. Scanlon, the author of one of the bills we have under consideration. I find it necessary to leave in order to attend another meeting. I am sorry it will not be possible for me to hear Mr. Pickett, but I should like to say to the members of the committee that I know of few individuals who have done more to bring about assistance to those who need it and have been unable to supply it themselves, than Mr. Pickett and his organization.

Mr. SCANLON. Father La Farge, you have probably had about as large an acquaintanceship among the Negro minority as any white person in this country. Therefore may I ask you, what effect do you think the F. E. P. C. has had on the Negro population in our country?

Father LA FARGE. I think it has had a very stabilizing effect. I think it has had a very beneficial effect particularly on the younger people, giving them the hope of an adequate reward for their education and particularly their training in skilled labor. It has given them a feeling that if a young man trains himself for an occupation, he will be able to get employment in that occupation, which is a very necessary thing. In other words, it has given them a stimulus, an ambition to perfect themselves in the skills and technical trades.

Mr. SCANLON. And an opportunity which they have never had before?

Father LA FARGE. Yes.

Mr. SCANLON. Do you think the F. E. P. C. has gone about stirring up the Negro, agitating them and obstructing the war effort?

Father LA FARGE. No; very definitely I think quite to the contrary. I think that the work of the F. E. P. C. has had a very alleviating effect on a great deal of that agitation, and if the F. E. P. C. had not been carried on, that agitation would have been much more dangerous and violent than it has been.

Mr. SCANLON. What do you think would be the effect on the minority groups, not only the Negro but other minority groups in this country, if Congress were to fail to establish a permanent F. E. P. C.?

Father LA FARGE. I think it would be very deleterious. I think it would be taken, since the matter has been so widely mooted and has become a matter of national debate and discussion, as a sign that discrimination would be more or less sanctioned. I think it would have a very dangerous reaction.

Mr. SCANLON. Mr. Day, have you any questions?

Mr. DAY. I would just like to ask the father this, somewhat provoked by what Representative LaFollette said. We may be in a process of evolution in fixing the function of the Federal Government as to the job in private enterprise. I take it from what you say that in this process of evolution you would be inclined to have the State exercise its proper function as to that which is purely within the State; and it is only when you recognize that commerce becomes interstate that there is any function of the Federal Government?

Father LA FARGE. Very strongly so; yes. I am very much opposed to the Federal Government's exercising any functions that can possibly be exercised by the States.

Mr. DAY. But in the changed aspect of modern industry, where workers move readily from one State to another, even across the continent, you feel that we would not have adequate fair employment practices if the Federal Government neglected its duty in this regard?

Father LA FARGE. Yes; that is my idea.

Mr. DAY. That is all.

Mr. SCANLON. Mr. Fisher, have you any questions?

Mr. FISHER. Father La Farge, I was interested in your last statement, to the effect that you feel, as I do, that the Federal Government should not exercise powers that may be properly exercised by the individual States.

Father LA FARGE. Yes.

Mr. FISHER. I think that is a commendable position to take and one that I believe is shared by most American people. It was developed here a few days ago that within the past 2 or 3 years as many as nine different States have passed laws dealing with their individual State problems pertaining to various phases of alleged discrimination, which indicates that the individual States are taking a hand in those problems that are peculiar to their own localities.

Father LA FARGE. Yes.

Mr. FISHER. I am sure you will agree with me that alleged discrimination is a problem that may be more pronounced in one State or in one locality under some conditions, than it would be in another State or another locality. That is correct, is it not?

Father LA FARGE. I would say this, Mr. Fisher. It is very hard to make that statement general, because we never know what part of the country these problems may occur in. Especially as we are dealing with a variety of different minorities. It may occur in almost any part of the country now. There are certain parts of the country, for instance, where discrimination is quiescent for the moment but may break out in a very violent or marked form in the immediate future under post-war conditions. So the country is more or less fluid in that regard.

Mr. FISHER. I assume, though, that since, as I understand it, the purpose of these measures, their announced objective, is to relieve situations where a minority group or minority groups are involved and it is claimed they may be discriminated against —

Father LA FARGE. Yes.

Mr. FISHER. It is contended the purpose of the pending bills is to undertake to correct something that has always heretofore been handled, and with respect to which progress has been made, by education and understanding; therefore, since the existence of minority groups varies in different parts of the country, naturally the problem would be more pronounced in those places where those particular minority groups may be found and where discrimination is in fact practiced. That would be true, would it not?

Father LA FARGE. I would say this, the problem is found in different places.

Mr. FISHER. I will put it this way. I understand that in the State of North Dakota there are only a few hundred Negroes in the entire State.

Father LA FARGE. Yes.

Mr. FISHER. Whereas in the State of Mississippi more than 50 percent of the people are Negroes. You would not say that the racial problem is identical in those States, would you?

Father LA FARGE. No; possibly not quantitatively, but a similar problem might arise, exactly the same problem might arise, in one of the Northern or Western States, which could arise in Mississippi. The same difficulties may occur. Our industries, after all, are so national in their scope, and there is so much of an interchange of population, it is difficult to localize problems. I do not mean that you might not have a preponderance of the problems in certain parts of the country, although that might be exaggerated. I think at the present time that our industries and our Government agencies are so widespread in their operations that it is much more difficult to confine things to one section than it was before.

Mr. FISHER. But don't you agree that a problem that exists in one State or in one part of the country is a problem that is best known to the people who live in that section or in that State, far better known than it would be to people living in Washington, for example? That would naturally follow, would it not?

Father LA FARGE. I will put it this way, that in general where things concern local conditions and local matters, yes; but where they are matters of national affectation, the full bearing of it may be known better to the people of the whole country.

Mr. FISHER. I mean, the solution of a problem may be better attempted by local people in local communities and in individual States than by someone perhaps 2,000 miles away. That would naturally follow, would it not?

Father LA FARGE. It would be advantageous if we could so constitute the country; that would be the ideal situation. I would like to see, as far as possible, each section of the country govern its own problems. Thus those problems would be localized. On the other hand, there are often matters representing problems which, although they may exist locally, may have repercussions all over the country. There is a variety of different factors. Some things may not be known locally as well as they are nationally; they may not know the repercussions or the difficulties that they produce in other parts of the country. Things may happen in Mississippi or Alabama which would have repercussions in other parts of the country that the people down there might not be so conscious of. Take, for instance, those people who migrate from one section of the country to the other. We have in New York and Brooklyn people who have migrated from other parts of the country because of conditions there and we have experienced sometimes very disagreeable local problems that were unsolved.

Mr. FISHER. Would you not agree with me that a problem such as you have described is evidently in the nature of things better known to the people and the authorities of an individual State or locality than to people in a Government bureau 2,000 miles away?

Father LA FARGE. I do not know whether I fully grant that. I think in certain aspects, yes; but not necessarily in all aspects. In other words, there are matters which are of a national character, such as the type of things covered by this proposed legislation. I think things that concern purely local conditions would be better judged by the locality. But where things concern national business, or, for instance, trade-unions—the situation in the unions, of discrimination in the unions—the full bearing of that may be better known in other areas of the country than where the actual situation takes place.

Of course, locally, one knows certain aspects rather intimately and therefore very careful consideration must be given to the feelings and the experiences of people locally. All of that would go into the administration of such a commission. The Commission would, if it is intelligently conducted, if it is run on a constructive basis, have full representation and articulation of the feelings of local people. They should be able to present their views. They should be represented on the Commission and due consideration given to their experiences. But at the same time it would not necessarily follow that they would know all, or be the most competent to speak on all the aspects of the whole question.

Mr. FISHER. You spoke of the Commission being responsive to local sentiment and feelings and experiences. As I understand this bill, it would create a commission composed of seven members. Of course, they could not very well represent 48 States. Necessarily they would come from a limited area. Then your view is, as I understand, that in undertaking to solve problems which arise locally, dealing with interracial relations, the Nation could better trust this Commission in Washington to pass judgment on the solution of those problems and on the wisdom of the employment or discharge of an employee, than the people in an individual State, or the individual employer?

Father LA FARGE. I would not put it quite that way, Mr. Fisher. I think the Commission would be able to pass on the general issues

involved which have to be considered locally. There are questions which concern the whole country. I am interested only in matters where the employment question touches our whole situation, the Nation as a whole, which I think is precisely the thing that would be dealt with by this Commission. I should think that a congressional commission, under the auspices of Congress, which has the supervision of the whole country and is responsible to the whole country, would be in a better position to judge of a national matter than a purely local body would be.

Mr. FISHER. Of course, the Commission, as I understand, under this bill, would be appointed by the President subject to confirmation by the Senate. Each member would serve 6-year terms. That would be the extent of congressional control over them under the terms of this proposed legislation.

You also spoke, Father La Farge, of discrimination which you referred to as being like a contagious disease that spreads and increases. Did I get the correct impression from your statement on that?

Father LA FARGE. Yes.

Mr. FISHER. Do you feel that during the past 100 years progress has been made in this country in the removal of hindrances to the economic progress of minority groups? From your studies do you feel that there has been progress?

Father LA FARGE. I think there has been very definite progress, very remarkable progress. I think there has been very remarkable progress in the South, in particular, which has been very admirable. I also strongly believe that the whole attitude and temperament of the people in the southern part of the country is such as will gradually eliminate all forms of discrimination. I am very hopeful. I do think, nevertheless, that at the present moment, in the present condition of the world, there is a very serious danger that the existing discrimination produces a danger spot under the circumstances of our war situation and our unsettled post-war situation and the unrest in the world—which danger spot may become very much more dangerous than we imagine. Although, as I say, there is progress and very continuous progress. Nevertheless, I think it is a very dangerous thing in itself, both nationally and internationally; very dangerous and very risky at the present time.

The existence of discrimination against minority groups in this country is a very dangerous thing for our country from the international point of view. I do not think it puts us in the most advantageous or the safest position.

Mr. FISHER. Do you feel, Father La Farge, that the passage of any law would solve a problem like that?

Father LA FARGE. No. I expressly said in my statement that I do not think any problem is solved by legislation.

Mr. FISHER. I think you are right.

Father LA FARGE. But I think the passing of a law is a very necessary element in the solution. It is part of a process. I am a strong believer in the educational process. It is fundamental. I consider the passing of a law is, in itself, educational. It has an educational effect. It is both a supplement to education and at the same time a stimulus to investigation, and a help in the diffusion of knowledge among the people.

Mr. FISHER. Of course, if legislation were to have an adverse effect on the solution of a problem, it would be unfortunate to pass such a law.

Father LA FARGE. That is correct, but I do not think it would.

Mr. FISHER. During the past year, have you traveled over the Nation very much?

Father LA FARGE. I have traveled over the Nation a good deal; yes.

Mr. FISHER. Have you been in the South?

Father LA FARGE. Yes; I have been in the South.

Mr. FISHER. What did you find in the South?

Father LA FARGE. I found a considerable difference of views among people in the South.

Mr. FISHER. Have you been on the Pacific coast?

Father LA FARGE. I just came from the Pacific coast and my views are partly colored by what I saw on the Pacific coast; the feeling there that this is particularly timely, and it was urged on me by a considerable number of very conservative people out there, that it is very important that something of this sort should be done in view of the possibly explosive situation on the Pacific coast.

Mr. SCANLON. On behalf of the committee, Father, we want to thank you for your very fine and comprehensive statement. I believe you have contributed a great deal to our education on this bill, and that of the country at large. We are grateful for your appearance.

Father LA FARGE. Thank you, Mr. Chairman.

Mr. SCANLON. Our next witness is Mr. Clarence Pickett, president of the National Council on Race Relations. Mr. Pickett, for the purpose of the record, will you state your name and whom you represent?

STATEMENT OF CLARENCE E. PICKETT, EXECUTIVE SECRETARY OF THE AMERICAN FRIENDS SERVICE COMMITTEE, CHAIRMAN OF THE AMERICAN COUNCIL ON RACE RELATIONS, CHICAGO, ILL.

Mr. PICKETT. Mr. Chairman and gentlemen, my name is Clarence E. Pickett. I think perhaps I should be recorded as executive secretary of the American Friends Service Committee and also chairman of the American Council on Race Relations with offices in Chicago.

I am sorry I have not been able to attend these hearings, but I am not unacquainted with what has already been presented by various witnesses; and in view of my own background of experience I thought I might bring a point of view which is somewhat similar, but has not been I think presented fully.

It has been my responsibility officially over the past 10 years or more to deal with the refugee problem presented by the attitude of Germany toward racial minorities. Before Germany entered the war, beginning as far back as 1933, we were assisting first in trying to prevent the necessity for minorities leaving Germany. When that became inevitable, we were assisting people to leave and later on assisting them in their resettlement in this country. I wanted to say a few words about how this thing rolled up in Germany. Of course, there was a great deal of surface discussion about the superiority of the blood of the German. The social issues were discussed a great deal. But fundamentally what happened was, lawyers were

allowed only in certain restricted proportions to the total number of people practicing law in a given community. The same applied to doctors and all of the professions.

Gradually all people with Jewish blood were eliminated from the teaching profession. Industries that employed Jews were required to reduce them to lower ranks in employment as a means of proving, I suppose, the superiority of German blood, probably even more as a means of encouraging them to get out of the country.

Basically it was an economic struggle for jobs in which the minorities lost.

As one saw that development and saw people coming to this country, some of them finding useful employment, some of them bringing skills to this country which have proved of extremely great value under present conditions and as one has seen Germany having to import 12,000,000 workers during the war period from all of the countries around, of course not just to take the place of those who left, but partly because of the skills that were taken away, it makes one feel that what we are dealing with here is something that has very wide repercussions and is the kind of thing also at this point that we do not want in this country; we have no intention of any such treatment of minorities in this country. But we do feel, in order to get our house in order, not simply on a temporary basis as at the present time, but on a permanent basis, that we have to deal with what seems to me to be basically the thing we can more nearly agree upon than any other thing with regard to minorities, and that is that they shall have equal job opportunity.

It was the removal of equal job opportunity that was the fundamental thing that forced minorities in central Europe to leave. That caused us and other countries a great deal of anxiety. We cannot receive them all. No country wants to receive even as many as want to come to it. It is not a healthy condition when the problem of a minority group gets to the state to which it got in central Europe. But I think we do fail to recognize that it roots back in the economic life, what we here call the equal job opportunity of any minority.

I would like to pass for a moment to another subject. For 2 or 3 years now we have had, together with the British Quakers, a small ambulance unit, dealing with the transport of medical supplies, and also ambulance or medical service, for civilians and to some extent for men in the armed forces, in China. The Health Department of China does not discriminate very much between the two types of patients. The thing that has been said to us over and over again about that unit is that it is welcome, because they have treated the Chinese certainly as equals; they have gone in to do the job that they could do better than other people in China, because those people have not had the opportunity for training that these men have had. But over and over again, workers as they have come back have expressed the anxiety of the Chinese people over the treatment of people of color, not just Negroes, but orientals, as well, in this country. It has been a matter of profound concern on which they have expressed themselves to these young men of ours who are working in China.

In connection with this I assume that many of you have seen the advantage that the Japanese have taken in their propaganda of situations which come up in this country. I have collected a few of these. There are multitudes of them available to anyone. And I think it

may not be amiss for me to put into the record a few of those statements which are common to Japanese propaganda.

The Japanese propaganda system says over and over again that "Colored people have no hope of justice and equality from the white peoples because of their unalterable race prejudice against us."

Another one: "The colored people have known that for them the war for freedom may have to go on against the very white men at whose side they are now fighting."

I am quoting here from statements from short-wave broadcasts picked up in this country.

Mr. SCANLON. Mr. Pickett, I wonder if you could give us the dates of any of those broadcasts? The reason I ask that is this. In the Immigration and Naturalization Committee we were considering a bill last year to permit the admittance of 107 Chinese, to become citizens of this country. We found a lot of propaganda being carried on among the Chinese by the Japanese, quoting from our hearings, to make it appear that our attitude was against the Chinese. I was wondering if you had those dates, so that I could connect them up perhaps with that hearing.

Mr. PICKETT. I have some dates here and some I do not have. I think I can get those dates and I would be very glad to do it so far as it is possible.

Another quotation goes like this:

Can the United States provide the necessary leadership?

That is in this field of equal opportunity for people of various races. Japan is busy declaring that she cannot. She is declaring it in the Philippines and in India and in the Malay Peninsula and even to some extent in Russia, that there is no basis for hope that colored peoples can expect any justice from the people who rule the United States, namely, the white people. The Japanese point to our treatment of our own colored people. They point to what has happened in this country; and especially on the 25th of January 1942, the Japanese broadcast made a great deal out of the death of Cleo Wright, a Negro, who was burned to death at Sikeston, Mo. For months the Japanese radio propaganda, aimed primarily at South America, capitalized on the Negro situation in the United States. The Japanese spokesman said:

Democracy as preached by the Anglo-Americans may be an ideal and a noble system of life; but democracy as practiced by Anglo-Americans is stained with the bloody guilt of racial persecution and exploitation.

I want to say in that connection that I think it is eternally to the credit of the Negro group that, although this propaganda has gone on in the past and continues to go on at the present time, so far as I am aware, it has had a relatively small response on the part of the Negro group, or on the part of any of the other minorities. It has been a problem in some of the Japanese-American groups; that is, Americans of Japanese ancestry.

And perhaps, since I have had something to do with that problem, I may be permitted to say a word about that problem and also to comment on the usefulness of a Federal agency taking an interest in these matters of racial discrimination.

Early after the relocation took place, the agency of which I am the secretary was asked by the Director of War Relocation Authority,

Mr. Milton Eisenhower, if we would undertake to relocate from these relocation centers, the young men and young women who wanted to continue their college education. There were about 2,000 young men and young women of Japanese ancestry, American citizens, in the universities on the west coast at that time.

Mr. SCANLON. Mr. Pickett, I am sorry to have to interrupt you. We have just had a call of the House and I am sure, after you have finished your statement, the committee will want to ask you some questions. We have a program for Thursday already set out. Would it be agreeable for you to come back at 10 o'clock Friday morning? If you find that inconvenient, if agreeable to the committee, you may submit the balance of your statement for the record.

Mr. PICKETT. I want to come back if I can. If not, I shall be glad to furnish the rest of my statement for the record.

Mr. SCANLON. It is agreed then that you will return on Friday if you can, and if not, you have permission to extend your remarks in the record.

Before we adjourn, if there is no objection on the part of the committee, I would like to insert a short statement from Congressman Fitzpatrick, of New York, and also a letter from Congressman Marcantonio, of New York.

(The statement referred to is as follows:)

REMARKS OF HON. JAMES M. FITZPATRICK, OF NEW YORK, IN FAVOR OF THE SCANLON BILL, H. R. 3986, BEFORE THE HOUSE COMMITTEE ON LABOR, JUNE 14, 1944

Mr. Chairman and members of the committee, I am in favor of the Scanlon bill, H. R. 3986, which your committee now has under consideration. I believe that there should be no discrimination in employment because of nationality, creed, or race.

Our boys are now fighting and dying all over the world to save this great democratic Government of our. We on the home front should do everything possible to carry out the intentions of the framers of the Constitution that there should not be any discrimination, and the bill now proposed is a step in the right direction.

I trust that you will report this bill out favorably and that it will be approved by Congress during the present session.

(The letter referred to is as follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1944.

HON. MARY T. NORTON,
Chairman, House Committee on Labor,
House Office Building, Washington, D. C.

DEAR CONGRESSWOMAN NORTON: I had hoped to be able to appear at hearings of your committee on legislation for a permanent Fair Employment Practice Committee in support of the identical bills now pending in Congress introduced by Representatives Thomas E. Scanlon, William L. Dawson, and Charles M. LaFollette. With your kind permission I should like to have this letter serve that purpose and become a part of the record of the hearings on these bills.

In a period of critical manpower shortage there remains the serious under-employment and underutilization of a vast reservoir of manpower because of discriminations based on race, creed, color, and national origin. The bigoted restrictions on employment and upgrading in industry are costing the lives of American soldiers. The un-American exclusion of tens of thousands of Negroes, Mexicans, Puerto Ricans, Jews, Italians, Catholics, and other similar groups from the democratic opportunity to full participation in the job life of our country is repugnant to the concepts of democracy for which we fight, divisive of our national unity, and disruptive to the high fighting morale so vital to victory.

In the post-war period, no less than now, there will be need for an agency of the Federal Government with full enforcement powers to guarantee full employment at a guaranteed annual wage to every man and woman in America, irrespective of race, creed, color, or national origin. A permanent Fair Employment Practice Committee can and should be such an agency. It can and should be established to bring to the industrial life of America that spirit of fair play in employment and promotion policies which is best suited to breed genuine democracy.

It is of deepest consequence to the future progress and prosperity of our country that we restore the concept of America as a "Land of opportunity for all peoples." America is big enough, rich enough, and democratic enough to realize this truly American concept in the immediate future. And it is for this reason that I urge the membership of your committee to take swift and favorable action on the pending legislation for a permanent Fair Employment Practice Committee.

As one of your colleagues I pledge my full support to such legislation.

Sincerely,

VITO MARCANTONIO.

Mr. SCANLON. I want to thank you, Mr. Pickett, for your very fine and comprehensive statement and say that we are very sorry that we have to conclude this morning's session before you had finished.

Mr. PICKETT. Thank you, Mr. Chairman.

Mr. SCANLON. The committee will adjourn at this time until tomorrow morning at 10 o'clock.

(Whereupon, an adjournment was taken until Thursday, June 15, 1944, at 10 a. m.)

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

THURSDAY, JUNE 15, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The committee will be in order. This morning we have three witnesses, so we shall have to try to hurry along as fast as possible, as we have only 2 days more of hearings and several witnesses scheduled. We expect to conclude our hearings on Tuesday next. We had intended to conclude tomorrow, as you know, but Mr. Fisher asked Mr. Ross to return for questions on Friday.

On Tuesday next Mr. Pickett will return. He was here yesterday but had not completed his statement, and some members of the committee suggested that he return. In order to get all of the evidence we can for our first volume of hearings, Mr. Pickett will return on Tuesday to finish his statement and reply to questions. Our hearings will then close until we reassemble after the recess. The date of reassembling is uncertain. We shall have to be guided by events.

Mr. FISHER. You do anticipate continuing the hearings after the recess?

The CHAIRMAN. Yes, Mr. Fisher. As you know, we have heard only the proponents up to date and still have a long list requesting time. Then of course we shall give the opponents their day in court.

This morning, we are glad to present Mr. E. Vincent Suitt. Mr. Suitt is the industrial relations secretary of the Kansas City Urban League and also represents the Public Affairs Committee of the Paseo branch of the Y. W. C. A. of Kansas City, Mo. We shall be glad to hear you at this time, Mr. Suitt.

STATEMENT OF E. VINCENT SUITT, INDUSTRIAL RELATIONS SECRETARY, KANSAS CITY URBAN LEAGUE; ALSO REPRESENTING PUBLIC AFFAIRS COMMITTEE OF THE PASEO BRANCH OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION, KANSAS CITY, MO.

Mr. SUITT. Madam Chairman and members of the House Labor Committee:

My name is E. Vincent Suitt, industrial relations secretary of the Kansas City Urban League and a representative of the public affairs committee of the Paseo branch of the Y. W. C. A. of Kansas City, Mo. Mrs. Frances F. Hayden, employees relations secretary for the Paseo Y. W. C. A. and I are here representing this public affairs committee. This committee comprises a membership of the leading

civic, religious, business, and educational organizations of Kansas City and it has authorized me to express to this committee its full support of the Scanlon-Dawson-LaFollette bill which is now under consideration. H. R. 3986 which has as its purpose the establishment of a permanent F. E. P. C. is consistent with the highest ideals upon which our Government is founded. This bill means simply that opportunities for employment shall not be limited or restricted because of an individual's race, creed, color, or national origin.

• It is fundamental that, so long as any portion of the population is denied the right of fair practice in employment there is a proportionate loss in the production and distribution of those goods and services needed by a nation, State, or community. For a sound economic structure our country must make full use of the instruments and skills of all its citizens, thereby increasing production on the one hand and the buying power of its workers on the other. If those responsible for the growth of the Nation think in terms of its economic aim of procuring a maximum amount of goods and services with a minimum amount of effort, it must use and protect those who have the capacity, training or experience to do the job. A permanent F. E. P. C. will be the instrument to perpetuate the opportunity for minorities which the present F. E. P. C. has initiated.

In the Greater Kansas City area, which includes, mainly, Kansas City, Mo., Kansas City, Kans., and Independence, Mo., although unemployment among Negroes has been materially reduced because of industrial expansion due to the war program there is far from effective utilization of this source of labor. Negro workers in essential industries are still, for the most part employed below their maximum or potential skills. They are limited in the opportunity to accept in-plant training and to secure up-grading except in small numbers.

After the issuance of Executive Order 8802 marked progress in Negro employment was made and these gains were attributable to the work of the F. E. P. C. implemented by the activities of the Social Security Board and W. M. C. in the effectuation of Executive Orders 8802 and 9346.

The improvement and continuation of this progress necessitates a permanent F. E. P. C. With Executive Orders 8802 and 9346 many representatives from management in the Kansas City area are accepting the philosophy of the American Management Association, "Today's urgent need for manpower effectively removes Negro employment in industry from the realm of social reform." Many labor unions responding to the executive orders are relaxing their exclusionary policies.

In months to come these trends can be made to continue at an increasing tempo if America recognizes the necessity of planning now to direct them in an orderly manner. A permanent F. E. P. C. will lend much to the orderliness of direction.

Since opening the Kansas City regional office of the President's Committee, November last, and including the cases transferred from the national office in Washington, there have been 77 cases of discrimination filed from Greater Kansas City. With no exception the complaints have been filed by Negroes. Of the 77 cases, 39 have been filed by women and 38 by men. Complaints have been filed against 28 different industrial concerns, including small as well as

the largest of employers. Nine cases have been filed against Government agencies. Among the complaints filed by women, 39 in number, almost half, or 18, alleged refusal to hire; 5 cases alleged to train, 6 discriminatory discharges; 6 refusal to up-grade; 2 refusal to refer; 1 demotion and 1 discriminatory work assignment; of the 38 cases filed by men, 17 alleged refusal to hire, 8 refusal to up-grade; 6 discriminatory discharge; 2 refusal to refer; and 1 each refusal to release, discriminatory work assignment, and intimidation. Disposition has been made of 40 of the 77 cases filed through the F. E. P. C., of these, 22 have been adjusted satisfactorily. This means that complainants have been hired, reemployed in case of discharge, given training, up-graded, in other words, have had their complaint adjusted to their satisfaction and the satisfaction of employer and union where involved. Eleven cases have been dismissed on merit, that is, the case has been investigated and the alleged discrimination has not been substantiated. Five have been dismissed because of insufficient evidence to conduct an investigation; one had been withdrawn by the complainant and one because the company went out of business. The number of complaints now being received from the Kansas City area is increasing, which would indicate either that more people are seeking employment, that discrimination is still widespread in the area or that the work of the President's Committee is becoming better known and resulting in more people presenting their complaints to it. The Kansas City office serves 4 States, Arkansas, Kansas, Missouri, and Oklahoma. In addition it has another region comprising the States of Colorado, Montana, Wyoming, Idaho, and Utah. The great bulk of its complaints, however, emanate from the Kansas City office from the whole region, more than half of which are still active.

Typical among the cases of discrimination are these:

I am working at the Kansas City quartermaster depot. I tried to get a release, transfer, or availability slip on the grounds that I have had 2 years as an apprentice in the Lincoln High School trade shop (1921-23) as a lathe machine operator and drill press operator, but I had no success.

On May 4, 1944, I filled out Civil Service papers for a machine operator. I asked to be given an efficiency test on the lathe machine or drill press, but my request was not granted. I was then told there was one job open in the transfer department. However, it was in Nevada, although they are employing thousands of whites in the same capacity every day during the present manpower drive in Kansas City.

On May 22, 1944, I talked with a personnel worker who is in charge of the transfer department. He told me he had an opening at the quartermaster depot in the Chemical Warfare Department. I went to the Chemical Warfare plant. There I talked with a lieutenant, who told me that it was the policy of an officer there not to hire any Negroes on any of the machines in the plant. When I asked if that was an official statement, he told me he would check and see if the policy had been changed and promised to call and let me know, but he never did.

On May 23, 1944, I talked to the commanding officer of the quartermaster depot. I told him I had been trying to get a release, transfer, or an availability slip on the grounds of my apprentice work in the trade shop in 1921-23. He asked if I had done that type of work since 1923. I told him that Negroes had not been hired to do that type of work in Kansas City, so I did not have the opportunity to follow up my training. He told me that where he had his car serviced Negroes worked and he preferred them to the white mechanics. I told him that I had done that type of work in a Chevrolet plant, but I did not want that type of work now. He then offered me a job in the garage as a greaser, but I refused.

The next person I talked to was a major, who is in charge of the relationship office. He tried to persuade me to take a job in the garage. When I refused,

he told me he would "black" all" me so I could not get another Government job, because I had not given them 2 weeks notice before I resigned. This was on May 26, 1944, and I had been trying to get a release since May 2, 1944.

I telephoned a lieutenant on May 29, 1944, and asked if the policy affecting Negroes had been changed. He would not talk to me. He told the major "here was that man inquiring about that machine job again. I will not talk to him, so I won't be responsible for his action." He left the receiver so I could hear every word that he said. Then a second lieutenant talked with me. He told me that they had no opening now, but he would see what he could do by next week. Yet, the same day they employed a white man to run the machine in the chemical plant.

I went to the Fair Employment Practice Committee and they took my case because it was of a discriminatory nature and secured my release.

An applicant whose husband is in the Navy, feeling the need for employment went to a plant, Friday, May 12, 1944, about 8:30 a. m. After quite a wait, she was sent to room 3 to be interviewed, only to be told, "No Negroes would be hired for 2 weeks." The interviewer gave no other explanation of what she was to do, then called the next applicant.

An applicant was referred through the Citizens Manpower Commission, 1015 Walnut, as clerk-typist at one of our largest plants. She was informed that no jobs were available except in the cafeteria, and because of her high qualifications the interviewer was reluctant to offer her such work. She states that on the following day radio stations made urgent appeals for the same jobs as clerk-typist.

A school teacher, seeking summer employment in a war industry, was interviewed at the board of education office and referred to a manufacturing company, for summer work as a machine operator. Although this person was refused employment, the next day through the daily press the plant advertised for white employees. This pattern of discrimination in hiring is also being followed in the cut-backs that are taking place now.

The Negro woman has been particularly hard hit because of her accentuated need to work, due to the insecurity of the Negro man. It is assumed by many that she, regardless of ability or training, should accept jobs as domestic servants and be satisfied. Those persons deny her inner urge for self-expression through the development of and doing of those things for which she has ability, both by gift and inclination. By freedom of choice in that expression she finds that thing she likes to do and does best, thereby giving to the world her best contribution. The world profits thereby and she becomes a contented individual and a good citizen. If she chooses domestic service, well and good. If she is denied any other means of livelihood and is forced into domestic service, her sense of frustration will nullify her value in this field.

It cannot be said that discrimination against minority groups is practiced only on the part of the employer, but also on the part of some labor organizations. No longer than a week ago an owner of several plants and an employee relations secretary of another plant stated that they approved of the policies H. R. 3986 embraces because of the protection plant management was given in resisting discriminations by some unions in the matter of hiring and up-grading, and representatives of organized labor have made similar representations.

The Kansas City area needs 30,000 workers today. The W. M. C. and the citizens war manpower committee are exerting every effort to secure this labor force which must of necessity include members of

minority groups. In the interest of production it is an absolute need that the discriminatory practices now prevailing in certain plants be done away with today.

Under the most recent pronouncement of the W. M. C. a program has developed to become effective July 1, 1944, under which workers throughout the entire United States will be referred to jobs on basis of priorities established for firms engaged in war production. In addition thereto specific efforts will be made to divert the flow of workers from less essential industries to essential industries. The manpower needs of the Nation for production in war plants demand, not simply require, that all individuals now employed in less essential industries be channeled to war plants. The Chairman of W. M. C. has urged that workers now residing in communities of little or less important war production migrate to centers which are now engaged in vital production, to meet the needs of our armed forces. The expressed needs for the military are not theoretical computations, nor are they unrealistic pipe dreams; these needs are established by the procurement agencies of Government responsible for the successful prosecution of the war and are based on naked cold facts. There is no requirement that ships, planes, tanks, ammunition, gasoline, or other components be manufactured by white or black hands. If some provision is not made to remove the discriminatory practices known to exist in the economic life of America, it may reasonably be expected that the schedule of these war necessities will be retarded to the detriment of our Nation, your brother, your father, and your son—my father, my brother, my son.

A permanent F. E. P. C. representing the will of the people, and the interest of this Nation's future and the protection of the rights of all liberty loving people, will supply the assurance and guarantee that every pair of hands will be a useful pair of hands.

The invasion is on. During this emergency period we have need of every pair of hands. Our President's Fair Employment Practice Committee is helping make it possible for every man to produce for our great army of liberation. We believe that America owes it to every man in the armed forces and to every citizen, who has helped arm those men that jobs be available for all Americans without regard to race, color, creed, or national origin. The Dawson-Scanlon-LaFollette bill through the establishment of a permanent F. E. P. C. will accomplish this end.

I would like also to present this resolution from the Kansas-Missouri Local Council for a Permanent F. E. P. C., accompanied by a statement.

The CHAIRMAN. They may be included in the record at this point. (The matter referred to is as follows:)

A RESOLUTION

Whereas it has come to the attention of our organization that the President's Committee on Fair Employment Practice will be terminated at the end of the war, and

Whereas we are of the opinion that it is possible for this committee to do a splendid piece of work in utilizing all possible manpower behind the war effort and in maintaining our high production record in peacetime as well as in wartime on the basis of equity, fairness, and equality of opportunity by calling to the attention of such agencies as may be guilty of violating the spirit of this committee as well as its regulations, the existence of and objectives of the Committee on Fair Employment Practice, we therefore urge that the Congress of the United

States accord this committee a fair and impartial consideration in the light of its objectives.

And in the light of the above and foregoing facts; be it

Resolved, That the sentiment here expressed be conveyed to the President of the United States and the House of Representatives at Washington, urging the support of Fair Employment Practice Committee by the establishment of the Fair Employment Practice Committee. That we urge the passage of House bill 3986.

Be it further resolved that a copy of this resolution be submitted to the House Labor Committee.

KANSAS-MISSOURI LOCAL COUNCIL FOR A
PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE,
Kansas City, Mo.

FAIR EMPLOYMENT PRACTICE COMMITTEE IN THE KANSAS CITY AREA

While we are unable to submit herein a record of the achievements of the Agency, due to restrictions on publicity of its work, we do have certain information gleaned from persons who have taken their problems to the committee and have had satisfactory adjustments of the same to give us some indication of its work and service to the community.

We list the following as samples:

1. Employment of minorities in industries where they have not previously had work privileges.

Manufacturing.
Distribution.

2. Employment of women in industries previously closed to the sex.

3. The effective placing of workers in jobs for which their training and capabilities have fitted them.

Railroads.
Manufacturing.
Transportation.
War industries.

4. Introducing management to a labor supply of which they were uninformed. Possibilities for future service:

1. Greater integration of labor supply for higher efficiency.
2. Adjustment of problems arising when introducing people to new situations—both on the part of the incoming workers and those already on the job.
3. Education of employers and workers alike on how to eliminate friction and improve production.

We have several cases which point to the value of the service rendered in these several fields and we feel they indicate what is yet to be done in each. Your committee, no doubt, has access to the reports which will support the position we have taken in the matter.

We, the local council for a Permanent Fair Employment Practice Committee, have made many contacts with the citizens of Missouri and Kansas and find there is a great deal of interest in the work of this agency.

While people's information has been, in some cases, limited, there interest has been active.

We have enlisted active support of this measure among individuals and organization in the following fields:

Religions:

Catholic.
Protestant.
Jewish.

Labor:

Congress of Industrial Organizations.
American Federation of Labor.
Unorganized.

Civic—Leaders and organizations.

Educational—Local and State organizations.

Professional—Business, medical, nurses, etc.

Social—Leaders and clubs.

In all the above, the response has been very good and they are participating in the efforts of our communities to express to you our belief that this agency is doing and can continue to do a much needed job in the field of human relations.

We believe that underlying all that men may aspire to is the fundamental necessity, in American society, of a steady income which is the results of one's labor. In our endeavor to bring a greater measure of economic and political security to the peoples of the world, we believe our first obligation is to increase these benefits to all Americans. The work of the Committee on Fair Employment Practice will contribute much to the achievement of this purpose.

For these and many reasons which we do not list because of the familiarity, we urge your support of House bill 3986.

Respectfully submitted.

KANSAS-MISSOURI LOCAL COUNCIL
FOR A PERMANENT FAIR EMPLOYMENT PRACTICE COMMITTEE,
R. F. ARNOLD, *Chairman*.

The CHAIRMAN. Do you anticipate there will be great difficulty on the part of Negroes obtaining employment, or keeping their jobs, when the war is over and peace is established?

Mr. SUIT. Yes, there will be great difficulty, Madam Chairman.

The CHAIRMAN. Do you think the States can take care of the matter or do you believe that it is important to have national legislation on the subject?

Mr. SUIT. I very definitely believe it is important to have national legislation on the subject.

The CHAIRMAN. There are many other questions I should like to ask, but lack of time will prevent.

Mr. Day, have you any questions?

Mr. DAY. No. I just want to compliment the witness on a very intelligent statement.

Mr. SUIT. Thank you very much, sir.

The CHAIRMAN. Dr. Miller, have you any questions?

Mr. MILLER. I think the witness' statement was very fine. I am wondering whether, if Congress does establish a permanent F. E. P. C., they will not experience more difficulty in the future than they are now, because of unemployment problems. When we begin to lay off people, the minority groups frequently are the first ones affected. Would not such a committee have their duties and difficulties multiplied during times of unemployment?

Mr. SUIT. I do not think the committee would have any more difficulty if it were a permanent F. E. P. C. than it has had; nor any more than was had with legislation for wages and hours and working conditions of employees. We did have management objecting to the wages-and-hours bill, but after finding that it could be worked out, they were willing to and have been complying with those rules and regulations.

Mr. MILLER. That is all.

The CHAIRMAN. Mr. Fisher?

Mr. FISHER. I have one or two questions, Madam Chairman. For the purpose of the record, you are a member of the Negro race, are you not?

Mr. SUIT. I definitely am.

Mr. FISHER. You spoke of the situation in Kansas City. I understand that is where you come from?

Mr. SUIT. That is correct.

Mr. FISHER. Do you have any statistics showing the number of Negroes employed in war industries in Kansas City?

Mr. SUIT. I think I can get those statistics for you, and if you desire, I shall be glad to send them to you.

Mr. FISHER. Do you know now, approximately?

Mr. SUITT. I would not dare to attempt to quote figures.

Mr. FISHER. So you do not know what proportion of the employees in war industries in Kansas City are Negroes?

Mr. SUITT. I might say that in industries they have been trying to conform to a proportion of the population, which has been a rather unsuccessful method. This committee that I referred to, which is an appointed committee by the mayor, on which I am serving along with Mrs. Hayden, who is with me, found that they needed 30,000 workers in the area, and if they were going to employ persons on a basis of population, I do not think they would ever reach the point where they could meet the demand that they have now for labor.

Mr. FISHER. Do you know what proportion of the employees in war industries in this Nation are Negroes at this time?

Mr. SUITT. I would like to refer you to the records of the War Manpower Commission, which could give you these figures.

Mr. FISHER. I was wondering if you knew.

Mr. SUITT. I would not dare to attempt to give you the figure.

Mr. FISHER. You do not know about that?

Mr. SUITT. It varies. I think the last report showed approximately 7.3 percent.

Mr. FISHER. And what percentage of the total population of the Nation are Negroes?

Mr. SUITT. About 10 percent.

Mr. FISHER. A little less, perhaps?

Mr. SUITT. I would say, in round figures, 10 percent.

Mr. FISHER. So approximately a proportionate share of industrial employment in war industries is now had by Negroes, according to those figures?

Mr. SUITT. I might say this, Mr. Fisher, with regard to my experience in industrial relations with management and organized labor, that at one time plants wanted to conform to a percentage quota, but they found that they were not able to produce the goods and services needed for their purposes or for the armed forces by yielding to a particular percentage quota; and that by relaxing that policy and utilizing the people that had the skills and the training and the experience, they found that their business was increasing on the side of production and they were actually satisfying the community and the State, or the area in which they were.

Mr. FISHER. The total number of Negroes employed in war industries and in industrial occupations in greater Kansas City would reach a considerable figure at the present time, would it not?

Mr. SUITT. Yes. I might answer that by saying this, that this bill is concerned with employment opportunities. Of course, due to the war situation, Negroes are in plants all over the country in large numbers. But they are not being utilized according to their skills. The percentage of Negroes in plants is much higher today than it was in 1940.

Mr. FISHER. Of course, the total number of all people in war plants is higher today than it was in 1940, too.

Mr. SUITT. Yes. But the percentage of Negro workers on jobs for which they are better fitted, is much lower than it was in 1940.

Mr. FISHER. Do you have that information from managers of business, or is that just your opinion?

Mr. SUITT. No; I have that from managers of business.

Mr. FISHER. How many different managers have you talked to about that?

Mr. SUITT. I have contacted approximately 284 or 285 plants, official contacts, in the greater Kansas City area, and some 15 or 20 plants out from Kansas City, down at Parsons, Kans., out at the De Soto plant, the ordnance plant.

Mr. FISHER. That is the conclusion that you arrived at after talking with those people?

Mr. SUITT. It was not merely a conclusion. They were statements coming from management.

Mr. FISHER. That is all.

Mr. SCANLON. Have you ever run into a condition, or has anybody ever called your attention to the fact that F. E. P. C. has attempted to force a pro rata employment of Negroes or Mexicans on any particular concern?

Mr. SUITT. No.

Mr. SCANLON. You never heard of any such pro rata enforcement?

Mr. SUITT. No orders like that were handed down by the F. E. P. C.

Mr. SCANLON. Have you known of any management that undertook to try to inaugurate such a policy?

Mr. SUITT. Yes.

Mr. SCANLON. How has that worked out, if you know?

Mr. SUITT. You mean with regard to employing a percentage of Negroes according to the population?

Mr. SCANLON. A percentage of, not merely Negroes, but of any other minority group, such as Mexicans or Slavs. It used to be the Irish in our State, for a long time, but they have overcome that obstacle and we are not abused so much any more.

Mr. SUITT. Yes. In one particular plant, in the early days of its beginning, they attempted to prorrate the employees, according to their race, with relation to the population; not only Negroes, but Mexicans, Catholics, and Jews. Even today it is a rather difficult problem, especially when we have a cut-back or leveling-off program in the plants, where they are attempting to cut back according to certain percentages. But this particular plant found, after holding many conferences, that the people that they were prejudiced against and that they were discriminating against had the longest line of seniority. That was because, as new plants opened up, and with higher wages being offered, the older white workers moved from the original plant to the new plants, while turn-over among Negroes was small, thereby giving them seniority over white women. Seniority is a very important factor in this bill.

Mr. SCANLON. In other words, those that had had more experience in a plant, went to a new plant because there was more opportunity for them to receive higher wages than there was if they stayed on their old jobs?

Mr. SUITT. That is right.

Mr. SCANLON. Therefore you believe, as to seniority rights, this bill will be needed to protect those people in those seniority rights?

Mr. SUITT. Yes. I might add, too, that when we find industries that are in an economic constant, the Negro worker, even though he has the longest line of seniority in the plant and has, as we say in labor, stuck by the employer, when things begin to taper off, the

Negro is going to be the first one that is going to be fired. That has happened in some plants in the area already.

Mr. SCANLON. Do you know of any labor organization in the last few years that has been discriminating against any person on account of race, color, or creed?

Mr. SUITT. I would not want to mention the name of any particular labor organization—

Mr. SCANLON. No; but do you know if any labor organizations have?

Mr. SUITT. Quite a number, yes.

Mr. SCANLON. I thought that had been eradicated in the last few years.

Mr. SUITT. What they did was this. They said they were conforming to the Executive Order 8802 by allowing the Negro to come into industry by way of a work permit, which is unfair, which is a type of exploitation, or separating him by means of an auxiliary union which does not allow him the privilege of membership in a parent body.

Mr. SCANLON. I understand you are from Kansas City.

Mr. SUITT. Kansas City, Mo.

Mr. SCANLON. Perhaps this is repetition of a question of Mr. Fisher's, but could you tell the committee how the local government in Kansas City has treated the Negro, so far as city or county jobs are concerned? Have they given them a pro rata share of those jobs? Of course, we know that most of those jobs are political, but I was wondering whether they were being given consideration.

Mr. SUITT. Yes. I think that is mixed up with politics. However, the city government has, to a small extent, given Negroes positions in the city government, and they have gotten positions in the county government, too. We have Negroes working in the county court house, due to political connections.

Mr. SCANLON. That is all.

The CHAIRMAN. Thank you, Mr. Suitt. You have made a very fine contribution to our hearings.

Mr. SUITT. Thank you.

The CHAIRMAN. Now, I have a real pleasure in presenting to the committee Dr. Emily Hickman, who is general secretary of the Y. W. C. A. and professor of history at New Jersey College.

Dr. Hickman, you are the first witness we have had who has come from my State, so I am very proud to present you to the committee.

Have you a statement, or do you just wish to talk to the committee?

STATEMENT OF DR. EMILY HICKMAN, GENERAL SECRETARY OF THE YOUNG WOMENS' CHRISTIAN ASSOCIATION

Dr. HICKMAN. We have a general statement, and I would like to comment on one or two paragraphs in it. The first paragraph deals with the make-up of the Young Women's Christian Associations of America. We have a very composite membership. Our membership includes, of course, many of the white Americans and protestant Americans. In addition to that, we have something like 7,500 foreign-born whites; 49,202 Negro members; 4,505 American Indian and oriental members. We number 5,219 Jewish-Americans and 59,407 Roman Catholics, so that we have a very composite membership.

In addition to that, our constituency which is much larger than the membership, is likewise composite in much the same proportion.

The national Y. W. C. A., when it speaks, must speak for these people as well as for the majority groups which are also, of course, represented in its membership.

The Y. W. C. A. is a Christian organization and is therefore deeply concerned with the welfare of all the women and girls of the United States, both those who are members and those who are nonmembers.

From our own experience we know that there are many 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. We believe that the safeguard which is suggested in this Fair Employment Practice Commission will aid the country in the time which is ahead of us when, with the hostilities over we will revert to a problem of transfer in our industry from war to peace activities, during which time, unless we have safeguards, it is pretty certain that the minority groups will suffer, although they will be the last to be engaged in the war employment and they will unquestionably be the first to be dismissed unless we can provide some security for them.

In addition to that, the national Y. W. C. A. is greatly concerned about American democracy with equal opportunities for all. Theoretically and academically we believe in democracy, and we are trying to teach as well as to practice it. We do not think that it is a sensible policy for America to create a low-standard group of peoples inside the country with the inevitable results of inadequate food, inadequate clothing, bad housing, bad schools, which result sooner or later in delinquency, even in criminal conditions and in the possibility of race riots.

We think there is no reason why we have to continue that kind of thing in American life. America is well set up to provide opportunity for people to care for themselves if we are careful not to discriminate against people in the use of these opportunities.

The national Y. W. C. A. has a public-affairs program, a program which is adopted by its convention, and for years we have been working for the nondiscrimination of all minorities in the country. It was the Public Affairs Committee of the Y. W. C. A. in Kansas City that Mr. Suitt was speaking for in part as he testified here.

The CHAIRMAN. I assume from what you have said that you are of the opinion that the enactment of these pending bills would be of great benefit in solving these racial problems.

Dr. HICKMAN. I think it would be a great help indeed.

The CHAIRMAN. And you also think, I assume, that there will be much greater need of such help when the war is over.

Dr. HICKMAN. As we see it, an emergency is coming with the close of the war, and an emergency in industry, so without these measures we expect to see great trouble for our minority groups.

The CHAIRMAN. Thank you, Doctor.

Mr. Day, have you anything to say?

Mr. DAY. I have no questions.

The CHAIRMAN. Mr. O'Konski?

Mr. O'KONSKI. I have no questions.

The CHAIRMAN. Dr. Miller?

Mr. MILLER. I would like to ask Dr. Hickman about her work with the Y. W. C. A.

You have spoken about equal opportunities. Your Y. W. C. A. makes no distinction in its social activities between the Negro, the Malayan, the Chinese, or the Japanese?

Dr. HICKMAN. I am speaking for the national Y. W. C. A. Its program makes no distinction whatever.

Mr. MILLER. I notice that New Jersey is one of the States that permits marriage between Chinese and whites and Negroes and whites and the Japanese and whites. There are 30 States that prohibit such intermarriage. Can you give us any information about the extent of marriages between the different racial groups in New Jersey?

Dr. HICKMAN. No; I cannot give you any information about it. I simply know that it is negligible enough that it is not a matter of comment.

Mr. MILLER. Does the Y. W. C. A., in its equal-opportunities program, frown upon intermarriage of Malayans, Chinese, Indians, and Negroes with the white population?

Dr. HICKMAN. No; I would not say that we frown upon it, because I think that it is a thing we do not find in our membership anywhere, so we have never had to consider the problem. Also, we have not had to consider the problem in our constituency group.

Mr. MILLER. In 1920 there was about 16 percent of the colored population that had other than Negro blood, in the United States. I think in New Jersey it is much higher. I have the figures from the United States Census Bureau for all the States. I was interested in the 30 States that prohibited intermarriage and in the 18 States that did permit intermarriage. I have not received all the statistics from the Census Bureau—they are getting them for me—but I am somewhat concerned about the intermarriage of the Negroes with the whites. Would that be included in the equal-opportunities program of the Y. W. C. A.?

Dr. HICKMAN. Do you mean whether we have a program asking for interracial marriage?

Mr. MILLER. You do not have a program that would frown upon it.

Dr. HICKMAN. Well, I do not know what you mean. We do not frown upon gambling, but we certainly would not expect our constituency to engage in it.

Mr. MILLER. You would think it would be all right for the intermarriage of Negroes and whites?

Dr. HICKMAN. Are you asking for the attitude of the Y. W. C. A.?

Mr. MILLER. Yes.

Dr. HICKMAN. The Y. W. C. A. has taken no position upon that issue at all. It is not in our public-affairs program at all.

Mr. MILLER. It would hardly be an equal-opportunities program then.

Dr. HICKMAN. Well, I am not sure whether it would be or not. It does not seem to me that is an issue of equal opportunity. Certainly here, we are speaking about equal economic opportunity, are we not?

Mr. MILLER. That is what we are talking about, yes; but it includes also equal social opportunities.

The CHAIRMAN. The bills do not.

Mr. MILLER. I think they will eventually.

The CHAIRMAN. They have nothing whatever to do with social equality, not at all. It is clearly economic opportunity.

Mr. MILLER. Well, then, social equality is the next step.

The CHAIRMAN. Let us hurdle this step first.

Mr. MILLER. The intermingling of races brings on social discrimination, which is the thing that is greatly resented in some sections of the country.

The CHAIRMAN. We are not considering social relations in these bills. It is a subject entirely foreign.

Mr. MILLER. You may not think so, but it is there just the same whether it is mentioned or not.

Mr. SCANLON. I beg to differ with you. There is nothing in my mind like that. This is just for economic standards.

The CHAIRMAN. Further than that, as you will recall, there has hardly been a witness that has come to this seat that I have not asked that particular question of, and not one witness has sought social opportunity. As a matter of fact, what is social opportunity. You make that yourself. That is something within yourself. That is not anything that you can do by law.

Mr. MILLER. You can hardly make economic or social equality by law. Some 30 States now prohibit intermarriage of certain races. There is a move now in some States to take off marriage restrictions. Certain races do not want the restriction of not being able to intermarry with other blood. The Y. W. C. A. is interested in social problems not economic so I say they deal with the social aspects of this bill. I think the principle of the legislation is right—I am favorable to the thing that you want to do—but I think the next step is that of equal social opportunities with all its ramifications.

The CHAIRMAN. Suppose we cross that bridge when we come to it. We have a long hurdle before we come to that. These bills are concerned with economic equality only.

Mr. MILLER. I know that. Perhaps I should not have brought up this social discussion. It concerns me. It may not belong here. It is something for the Congress to think about. The Y. W. C. A. seems to be promoting social equality if the testimony is right.

The statistics that will be given to you by the Census Bureau are rather surprising. They shocked me a little. I might want to put a portion of that in the record.

The CHAIRMAN. Mr. Fisher.

Mr. FISHER. Doctor, in connection with the intermingling of the races involved in this equality of opportunity you have referred to, where segregation practices are not adhered to, that situation will naturally involve a certain number of social problems, in the very nature of things, will it not?

Dr. HICKMAN. Well, I do not know how we can all live together without having some social problems. You have them now, do you not, Mr. Fisher?

Mr. FISHER. That is exactly correct, and of course very satisfactory methods and means of dealing with those problems have been devised in the different States that have those problems and have had them in the past.

Would you not feel, in connection with handling such problems, that the people in the various States who are faced with them every day would be in a better position to determine the segregation policies which they should follow to better meet the social problems?

Dr. HICKMAN. Not as to this question of economic problems; no, I would not feel so at all.

Mr. FISHER. Do you feel that there should or should not be segregation of the races in industrial employment anywhere?

Dr. HICKMAN. I would say that there better not be.

Mr. FISHER. Not at all?

Dr. HICKMAN. No, sir. The right of economic employment is a general democratic right.

Mr. FISHER. Does your organization practice segregation?

Dr. HICKMAN. The national organization does not practice it anywhere.

Mr. FISHER. In other words, the Y. W. C. A. over this Nation has Negroes and whites in the same organizations?

Dr. HICKMAN. The local organizations are entirely autonomous. They join in convention in determining the program of the national organization, and the local associations decide for themselves.

Mr. FISHER. You give to those local organizations, then, the privilege of exercising their own freedom of choice as to whether they practice segregation or not, do you?

Dr. HICKMAN. Yes; I suppose as far as freedom of choice goes, but we do make a study of the racial practices and do recommend practices very strongly to them.

Mr. FISHER. Do you recommend to them, then, that they do not practice segregation in their social affairs?

Dr. HICKMAN. I think that we do recommend that there shall be a freedom of intercourse in all social affairs; yes.

Mr. FISHER. And that is the policy of your national organization?

Dr. HICKMAN. Yes, it is.

Mr. FISHER. Then it is the policy of your organization that arbitrary segregation lines be not followed, and that there be racial commingling between the races in the different local units.

Dr. HICKMAN. That would be a matter of recommendation; yes.

Mr. FISHER. That has been done in the past?

Dr. HICKMAN. Yes; that is our recommendation.

The Chairman. May I say again, Mr. Fisher, that this bill does not deal with social conditions at all, but purely economic conditions.

Mr. FISHER. I understand that, Madam Chairman, but I would certainly disagree with you that social problems are not involved in this bill. I cannot conceive of intermingling of the races and the breaking down of segregation policies that have been followed for a hundred years not involving very acute and serious social problems. It is inconceivable that it could be otherwise.

Dr. HICKMAN. Would that mean, then, that you would recommend that all industry should be segregated?

Mr. FISHER. I would say this: I would leave it up to the local States and communities as to which would be the best way from the standpoint of the solution of their own immediate problems.

Dr. HICKMAN. Of course, we have found practically everywhere that the present system of employing Negroes in industry is from that point of view working, working very well.

Mr. FISHER. It is?

Dr. HICKMAN. So far as I know, it is.

Mr. FISHER. I am not quite sure that I understand your point.

Dr. HICKMAN. My point is that at present, under the general war contracts, you are having Negroes employed in many of our war industries.

Mr. FISHER. That is true.

Dr. HICKMAN. Not in one locality alone, but in all localities.

Mr. FISHER. That is true.

Dr. HICKMAN. So far as I know, it is working.

Mr. FISHER. Have you made a study of the problems that have been involved in connection with that?

Dr. HICKMAN. It is dependent upon what you mean by "making a study" of it. I have read a number of reports in connection with it, but I cannot say that I have made a minute study of it.

Mr. FISHER. Do you understand they do practice segregation in many of the plants where they employ Negroes?

Dr. HICKMAN. I know that they do in some, but I also know that in many others they do not.

Mr. FISHER. Do you know that in many of those where they do not they have had many strikes resulting from the problems, inter-racial problems, that have occurred because of that?

Dr. HICKMAN. I know of some differences. I do not know that you would call them riots.

Mr. FISHER. I said strikes.

Dr. HICKMAN. I beg your pardon, strikes. On the other hand, you have the labor organizations certainly increasing rapidly in their attitude of willingness to include the Negro.

Mr. SCANLON. I would like to ask the witness a few questions. Doctor, in your industrial relations work in the Y. W. C. A., what have you found to be the attitude of the women employee workers toward the employment in their shops or offices of Negroes and other minorities?

Dr. HICKMAN. Inside the Y. W. C. A.?

Mr. SCANLON. In general, in your contact with the people who come into your Y. W. C. A.

Dr. HICKMAN. It differs somewhat in the different localities, but on the whole we find that the women workers do not object.

Mr. SCANLON. On the basis of your educational experience, as a teacher and in the Y. W. C. A., do you think that legislation against purges will aggravate existing conditions and retard any progress we may be making through educational experience?

Dr. HICKMAN. After the education has been going on as it has in this country on this matter for many, many years, I think the only way we can crystallize the result of our experience and really make progress is through legislation.

Mr. SCANLON. In one particular field I am quite familiar with, the newspaper industry, years ago we had no women reporters whatsoever. We may have had one or two feature writers for syndicates all over the country, but do you not believe that the women have been given a better opportunity in the last 20 years since the equal rights bill came in giving the women the right to vote? I do not know how long ago that was.

Mr. DAY. That was in 1920.

Mr. SCANLON. Do you attribute that to the passage of the equal rights bill for women? I think it was the women's suffrage bill.

Dr. HICKMAN. That had a very great deal to do with it.

I think all professional women, and women who are not professional women, realize that they have been a part of a minority group and they know something about what the political and economic discrimination against them meant, and in some cases still means; so that we have great sympathy for other minority groups.

Mr. FISHER. Dr. Hickman, you do recognize, do you not, that progress with reference to the relationship between the races in an economic sense, we will say, has been made in the past.

Dr. HICKMAN. Yes.

Mr. FISHER. That is true; is it not?

Dr. HICKMAN. Yes, indeed; it is.

Mr. FISHER. Under our American system, this old fundamental method of education and understanding and trial and error and progress based on that type of action has worked pretty well; has it not?

Dr. HICKMAN. Indeed, it has.

Mr. FISHER. I am in favor of keeping it; are you not?

Dr. HICKMAN. I certainly am, but I would like to point out, Mr. Fisher, that we also have at the present time some legislation which has helped a great deal, and we are looking ahead to an emergency period when we shall need legislation, but in the mind of the Y. W. C. A., it is not an "either or." We have no idea of stopping our education at all, but we do feel that we must have support for this particular period that we are coming into.

Mr. FISHER. You spoke of the fact that your organization believes in democracy.

Dr. HICKMAN. Yes, it does; indeed.

Mr. FISHER. Well, one of the cornerstones of democracy, as it has been practiced in this country for 300 years, has been the freedom of choice that the individual employer has in looking a person in the face and deciding whether he wants that person to work for him or not. Do you think that we ought to change that part of our democratic system?

Dr. HICKMAN. I think it was changed a long time ago. We are through with that.

Mr. FISHER. You think that we have passed through that stage?

Dr. HICKMAN. I certainly do.

Mr. FISHER. We do not need any legislation to correct that, then?

Dr. HICKMAN. Yes; we do. We need legislation to guide it in a number of ways.

Mr. FISHER. When did we change from that democratic system?

Dr. HICKMAN. I do not know that it is a nondemocratic system that we have gone into. I would not say that it is.

Mr. FISHER. You do not think that it is democratic to deny an employer freedom of choice in the selection of his employees?

Dr. HICKMAN. I would not say any freedom of choice, but certainly in our right of the labor unions to act with management, and in this question of discrimination against minorities, if that happens, then we have to correct it or we are not making democratic progress.

Mr. FISHER. You referred to the labor union practices, the methods of representation through union membership, but with respect to the original employment of an employee when an employee first comes

into an industry to work, somebody has to hire him, even the management has something to do with that. That is the general policy that has always been followed.

Dr. HICKMAN. Yes.

Mr. FISHER. Would you now change that system and deprive that management of discretion and freedom of choice that has always been enjoyed in deciding whether a particular applicant be the type of person he wanted to work for him or not?

Dr. HICKMAN. Wherever I found management discriminating on the ground of race, sex, or religion, or birthplace, I would certainly restrict it.

Mr. FISHER. All right. Who are you going to have pass on the question of whether the management discriminates or not?

Dr. HICKMAN. I would have such agencies as the Government sets up to deal with that problem.

Mr. FISHER. In other words, to give you a hypothetical case, if an employer has as many as five employees and comes within the purview of this act, and needs one additional employee, and a Negro and a white apply, we will say, and the employer looks the two over and decides to employ the white person, and we will say that that employer has borrowed the money to make an investment and has created this job as a result of that investment, and the Negro claims he was discriminated against because of race and the employer claims he was not, the Negro files a complaint with the F. E. P. C. and it is heard by the F. E. P. C., not by a jury, not by any local fact-finding group. As I understand your theory, we should change this system we have always followed and transfer the discretionary powers of the individual employer, the final determination of whether he should or should not employ this Negro involved, and leave that up to the F. E. P. C. sitting in Washington; is that your view?

Dr. HICKMAN. I should say that what we would leave up to the F. E. P. C. sitting in Washington would be the question of whether or not the management had discriminated.

Mr. FISHER. That is what I mean.

Dr. HICKMAN. That does not mean the F. E. P. C. will say to him in every case that he will have to take the Negro.

Mr. FISHER. Suppose the manager says that he did not discriminate and suppose that the applicant says he did?

Dr. HICKMAN. Yes.

Mr. FISHER. Then, the F. E. P. C. in Washington would eventually pass upon it; would it not?

Dr. HICKMAN. Provided the case was a question of interstate commerce.

Mr. FISHER. My hypothetical question was that it came within that purview.

Dr. HICKMAN. Yes.

Mr. FISHER. You would change the system that we have had for 300 years, which gives the employer the right to decide that, and you would leave it up to the F. E. P. C. in Washington?

Dr. HICKMAN. Wherever there was a question of discrimination involved.

Mr. FISHER. Of course, that question could be raised any time that a complaint is made by a disappointed applicant.

Dr. HICKMAN. Then it has to be heard by an agency and decided.

Mr. FISHER. You would leave the final determination of that up to the F. E. P. C. in Washington?

Dr. HICKMAN. Yes; I would.

Mr. FISHER. Even though, if by their action in forcing the employer to hire the Negro, it might result in the failure of his business, you would still leave that final determination up to the agency in Washington?

Dr. HICKMAN. I think if they could prove any such result as that, the F. E. P. C. would take it into consideration, but I cannot believe that any such result would follow.

Mr. FISHER. It is conceivable that it could.

Dr. HICKMAN. The F. E. P. C. would take into consideration the testimony and would make their decisions as any deciding body would.

Mr. DAY. Do you think that they will have discretion as broad as that? Under this statute, they could hear the facts.

Dr. HICKMAN. I think the statute establishes definitely where there is discrimination the Commission will have power.

Mr. FISHER. And the statute establishes definitely that the F. E. P. C. sitting in Washington settles that issue.

Dr. HICKMAN. Yes; I should say so.

Mr. FISHER. And that the employer himself does not settle it?

Dr. HICKMAN. I should say so.

The CHAIRMAN. Thank you very much, Dr. Hickman.

We are very proud to have had you here today, and I think the organization of the Y. W. C. A., which I thoroughly and entirely approve, has made a great contribution toward breaking down racial discrimination through all the years it has been in existence. Thank you very much. I know that New Jersey is as proud of you as I am.

Mr. DAY. We are all proud of her.

The CHAIRMAN. We will now hear from Mr. Reginald Johnson, who is the industrial relations secretary of the National Urban League.

STATEMENT OF REGINALD A. JOHNSON, FIELD SECRETARY, NATIONAL URBAN LEAGUE

Mr. JOHNSON. I come from our national office in New York City. I have a statement I will read. I am here to present the following testimony in behalf of H. R. 3986, a bill to provide for permanent machinery for the prohibition of discrimination in employment because of race, creed, or color. It is the league's interest to stress the need for the enactment of this legislation and point out to the House Labor Committee certain factors it should consider in the enactment of fair employment practice legislation.

The traditional industrial relations experience of Negro labor in this country has been that of being "the last hired and the first fired." Because of this practice, Negroes have been forced to rely on public relief far beyond their ratio to the total population when jobs are scarce. An example of this is shown by data released by the American Federation of Labor and the Works Progress Administration for 1936 and 1937. The A. F. of L. reported a job increase of 1,531,591 from September 1936 to September 1937, bringing the total employed up to 44,915,112—the highest point reached in employment since 1929.

The W. P. A. showed a reduction of 2,004,516 from its rolls for the period September 1936 to September 1937, a new low of 1,477,000 persons on its records. The number of Negroes on W. P. A. dropped from 420,000 in 1936 to 225,000 in 1937, though their percentage on W. P. A. increased from 12 percent for 1936 to 15.2 percent for 1937. This indicates that Negroes, less than 10 percent of the Nation's population, had an absolute increase in employment but a relative decrease in employment opportunity.

Prior to the establishment of machinery within government to negotiate the use of Negro labor in what was known as defense employment, we found this group well on the outside of the employment picture during 1940 and 1941. A congressional committee investigating migration in Baltimore, July 1 and 2, 1941, revealed that approximately 15,000 workers would be needed in Maryland by November 1941. Though there were 6,000 Negroes available for employment in the Baltimore Employment Service files, discrimination was so acute that other testimony at these hearings showed only 27 Negroes employed out of 5,700 persons in machine shops. The aircraft industry in Baltimore at that time had 20,000 persons and no Negroes, and in the shipbuilding field Negroes were confined mainly to unskilled jobs. On April 14, 1942, the Baltimore Evening Sun observed that though there was ever-increasing demand for war industry labor, there was an acute housing shortage due to in-migration of workers. The city's water and sewerage system was unequal to the task of serving the swollen population, and practically no attempt had been made to hire Negroes, though the city had a Negro population of 167,000. In 1942 it was reported there was a shortage of 59,000 workers in Baltimore to fill their needs to the end of the year. At that time, Negroes were 20 percent of the population and 7 percent of those actually employed in war industry.

On January 1942 the United States Employment Service reported that of 282,245 job openings, 144,538 or 51 percent were closed to Negroes and out of 83,000 unskilled jobs, 33,000 were closed to Negroes.

Prior to 1942 few aircraft plants in the entire country accepted Negroes in production jobs. About half of the large concerns in Kansas City, Mo., with Government contracts in 1941 did not employ Negroes. Reasons for this discrimination ranged from a 26-year-old exclusion policy of management to labor-union opposition.

Today much of the foregoing has changed because of the over-all activity of the Fair Employment Practice Committee, the basic negotiation activity of the War Manpower Commission and the cooperation of organized labor, management, representative civic organizations, and a serious manpower shortage that forced certain unwilling management and labor groups to do more realistic thinking and planning so as to get needed war goods out on schedule. According to the War Manpower Commission, 7.2 percent nonwhites were employed in war industry January 1944 in contrast to 3 percent non-white employment in 1941. Negroes are now used extensively in the aircraft industry, shipbuilding, and so forth, in all production job categories.

But the improvement in job opportunity must not end with successes achieved to date. There are still many essential establishments that are in need of manpower and have failed to adequately use

existing and available Negro manpower. There are still many individual instances of unfair labor practices that are based entirely on race, creed, color, and national origin. There are still many instances of lags in service and production due to failure to adopt and carry out in practice a realistic industrial relations program that will use available labor without regard to race. The transportation industry, both city and interstate systems, is an outstanding example in this field.

It is necessary that the House Labor Committee think about minority group problems that must be faced when this tremendous industrial army is partially demobilized. It must be sure that fair employment practices are applied to lay-offs so that we will not again have social ghettos of racial unemployment and relief. This committee must keep in mind the eventual demobilization of our armed force which will return more than 1,000,000 Negroes who will be expecting to secure employment in accordance with their qualifications. We cannot afford to permit them to be denied employment opportunity because of race.

Within the War Manpower Commission and its predecessors there has been developed a machinery designed to negotiate with management and labor the utilization of available and qualified minority groups. When the Commission is unable to successfully and satisfactorily complete such type of negotiation, it is supposed to pass jurisdiction over to the Fair Employment Practice Committee, the latter serving as an appeal body, with its entire machinery designed to work on cases of this sort. This basic negotiating machinery of the War Manpower Commission has been an important source through which the present Fair Employment Practice Committee has been able to function in a highly effective manner.

⁴ In setting up a permanent fair employment practice program, it is essential that the House Labor Committee consider the administrative machinery whereby adequate safeguards may be incorporated into the structure of the United States Employment Service, or its successor. The return of the U. S. E. S. to the States after the war must not permit relapse into the diversified and discriminatory hiring practices this agency and its State affiliates followed prior to the establishment of the War Manpower Commission. These safeguards should provide for adequate negotiative, and protective machinery within the U. S. E. S., so that the new Fair Employment Practice Committee may have a source through which it may receive cases that have had local, State, regional, and national basic consideration. This is one of the serious omissions of the present bill that must be provided for within the permanent organization that will serve as an employment service. Failure to provide for these safeguards now will necessitate establishment of such facilities within the new Committee. Without this basic source for negotiation, the new Fair Employment Practice Committee will have a difficult time operating as this bill is now written.

Another matter of importance that the House Labor Committee should consider is an amendment to the proposed bill to provide more severe penalties for those unions that have membership policies that

deny full membership and protection because of race. Demobilization of our industrial force and reemployment opportunities will work a particular hardship on Negro labor in those instances where it is denied full membership and full labor union protection. Today tens of thousands of Negro workers are employed in plants where they are confined to temporary work permits and auxiliary union status. Such types of labor union practices should not have the protection of Government and organizations pursuing such membership policies should be denied the services of the National Labor Relations Board and the National Mediation Board. So that this committee may know how extensive these practices are, we have included in our testimony a list of these unions and the type of discriminatory membership policy they follow:

I. The following 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 separate lodges).
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-ship Builders and Helpers of America (without constitutional or ritualistic provision. Negroes are expected to be members of auxiliary locals expressly organized for them).

The CHAIRMAN. Mr. JOHNSON, what do you think the attitude of the labor unions will be toward Negroes after the war? Have you anything that you would like to say on that subject?

Mr. JOHNSON. Yes. In October 1940 the old Office of Production Management had a signed agreement with the key A. F. of L. and C. I. O. unions that were functioning in war production that whether or not they had restrictive membership policies they would not let those policies stand in the way of securing labor in the war effort. That is only a wartime understanding or agreement. Certain unions have very definitely geared their machinery to having labor placed on a seniority basis where they will get every protection that organized labor can give them, working with management, on lay-offs. There are other unions that have permitted Negroes to work in plants where they had previously closed-shop agreements. They work under temporary permits and auxiliary membership status. Those are temporary jobs that have no seniority status. Then it seems that by and large many of those people with no seniority status will be dropped out of the picture, and that would be in fairly large numbers in certain sections of the country. I assume that answers your question.

The CHAIRMAN. I assume from what you have said that you believe discrimination in employment is the No. 1 evil affecting Negroes in America; is that right?

Mr. JOHNSON. That is right.

The CHAIRMAN. Something was said today about strikes. Is it not a fact that strikes have occurred in plants where there is segregation?

Mr. JOHNSON. Yes. Strikes have occurred in plants where there is segregation, that is true.

The CHAIRMAN. Was there not a strike at the Wright plant because of that?

Mr. JOHNSON. That is not a good case in point. I would say that possibly a better case in point would be the Alabama drydock situation in Mobile, Ala., which happened some time ago. It was one of the most severe we have had in the Nation, and there was quite marked segregation in that plant. You asked about a plant that has had strikes and racial conflicts. That was one that had segregation and a conflict.

The CHAIRMAN. I think there are figures to prove that many strikes have occurred in plants where there is segregation.

Mr. JOHNSON. That is right.

The CHAIRMAN. From your knowledge and background, can you tell us in general what the experiences of Negroes were after the last World War, so far as getting places in peacetime industry is concerned? Do you recall anything about that period?

Mr. JOHNSON. Yes. There was quite a migration of Negro labor to the northern industrial communities in the last World War that was used mostly in unskilled and semiskilled operations. During the lay-off period, they were laid off in large numbers. There was some holding of gains made—and when I say “gains made,” I mean that industry did continue to use Negro labor—but Negro labor was laid off in large numbers and consequently became an unusually large number on the relief rolls at that time.

The CHAIRMAN. And presented a very grave problem.

Mr. JOHNSON. That is right.

The CHAIRMAN. Mr. Fisher.

Mr. FISHER. For the purpose of the record, you are a member of the Negro race?

Mr. JOHNSON. That is right.

Mr. FISHER. You have given us some statistics on urban employment of Negroes in various industries in the past. Have you collected any statistics at all on the percentage or the proportion of Negroes employed in farming operations over the Nation in the past?

Mr. JOHNSON. Farming operations?

Mr. FISHER. Yes.

Mr. JOHNSON. No; because we are an urban organization.

Mr. FISHER. You confine your inquiries to urban problems?

Mr. JOHNSON. That is right.

Mr. FISHER. You do not know what the percent is, or how the ratio would run with reference to farm employment?

Mr. JOHNSON. I have no record here with me on that.

The CHAIRMAN. Do you think that the States could take care of this matter themselves, or do you believe that legislation is absolutely necessary?

Mr. JOHNSON. I think that there can be cooperative relationships between the States and the National Government, but past experience has indicated that very few of the States have attempted to do much about this type of thing.

The CHAIRMAN. From your experience, would you say that discrimination against the Negro in employment is confined to any particular State or areas in the country, or is it a Nation-wide problem in scope?

Mr. JOHNSON. I would say the denial of employment opportunity is a Nation-wide problem as far as Negroes are concerned.

The CHAIRMAN. Not confined to any particular section of the country.

Mr. JOHNSON. With greater emphasis in some areas than others.

Mr. FISHER. You were just referring to the question whether the States could properly legislate on this subject. Of course, there is nothing to keep the States from legislating on it if, in the wisdom of the State legislators of the various States coming from the local communities, they should feel that it would be wise and proper to so legislate.

Mr. JOHNSON. That is right.

The CHAIRMAN. I assume that you believe a permanent F. E. P. C. would aid the Negro in getting a job after the war is over.

Mr. JOHNSON. I will carry it further and say that it would assist all minority groups as well as Negroes.

The CHAIRMAN. But being the largest minority group, it would help the Negroes more than any other race; is that right?

Mr. JOHNSON. That is right.

Mr. FISHER. Of course, the United States Employment Service will continue after the war, presumably, do you not think?

Mr. JOHNSON. I judge so; yes.

Mr. FISHER. The United States Employment Service is a job-getting agency, is it not?

Mr. JOHNSON. It is a job exchange.

Mr. FISHER. Yes. The F. E. P. C. is not a job-seeking agency, is it?

Mr. JOHNSON. That is right.

The CHAIRMAN. Thank you very much, Mr. Johnson. We are grateful to you for your splendid contribution to this hearing.

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

TO PROHIBIT DISCRIMINATION IN EMPLOYMENT

FRIDAY, JUNE 16, 1944

HOUSE OF REPRESENTATIVES,
COMMITTEE ON LABOR,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Mary T. Norton (chairman) presiding.

The CHAIRMAN. The meeting will come to order.

Mr. Ross, we appreciate your coming here today to answer questions and give us the benefit of your knowledge of this very important subject.

Mr. Fisher, when we adjourned the other day, you asked Mr. Ross to return for some questions, so he is here now to reply to any questions you may ask. Before proceeding with questions, I have a letter here that I would like to read. It comes from Bishop Haas, who was formerly the Chairman of F. E. P. C. It is dated Grand Rapids, Mich., and addressed to the chairman. I will read it.

(The letter was read, as follows:)

DIocese of Grand Rapids,
Grand Rapids, Mich., June 16, 1944.

HON. MARY T. NORTON,
*Chairman, House Committee on Labor,
Washington, D. C.*

DEAR MRS. NORTON: I regret that my duties will make it impossible for me to appear in person to testify before your committee in connection with the pending bills (H. R. 3986, H. R. 4004, H. R. 4005) outlawing discrimination in employment based on race, color, creed, or national origin, and setting up a permanent Fair Employment Practice Committee. Since the subject of these bills evokes my deepest interest and concern, I am desirous of filing the following statement of my position with the committee for its consideration.

Recently, I had the honor to be appointed a member of the American delegation at the International Labor Congress held at Philadelphia, Pa., as an adviser to the workers' representative from the United States. I participated in the deliberations of this body at the plenary session and had occasion to state: "* * * We, in the United States, have, within our boundaries, and mind you, not in distant colonial lands, a tenth of our whole population to whom the other nine-tenths of us deny in varying degrees the exercise of their full rights as human beings. The vast majority of us subject some 13,000,000 Negroes, endowed by Almighty God with an origin and destiny no less sacred than our own, to various forms of discrimination, all ending in the same result—that these oppressed people are treated less than men and women. One indicated remedy for this intolerable condition within our country is congressional action, establishing an agency which would assure as a minimum, economic equality. Further, I am happy to say that growing sentiment manifests itself for the creation of such an agency—that is, a permanent Fair Employment Practice Committee. I mention it only to illustrate the awkward position in which a citizen of the United States finds himself when he supports any measure urging other nations than the United States to abolish such evils as forced labor in their territorial possessions" (provisional record, sixteenth sitting, Thursday, May 11, 1944).

As I restate these words, I am again conscious of the embarrassing facts which motivated this utterance—embarrassed as a citizen of the United States, embarrassed as a prelate, embarrassed as a former Chairman of the Fair Employment Practice Committee set up by Presidential Executive Order 9346.

We are witnessing in this world-wide war that sacrifice and death are not drawing any color or religious line. In the test of fire and battle, all people are alike before their Creator. Common suffering has bound us together in our common destiny.

The freeing of Rome, the spiritual center of Christianity, presages that victory and peace for which we all aspire and pray. The doom of our enemies approaches with our invasion of the French coast. While the fires of war rage highest, the glimmer of peace already appears. Post-war problems intrude themselves in our national consciousness, thinking, and planning.

During this war emergency, implacable necessity dictated the establishment of some Federal agency to deal with the issue of discrimination in employment against our minority groups. Manpower was desperately required. We could not afford exclusion or underutilization of the skills of a single segment of our able-bodied working force. We likewise acknowledged the adverse effect of discrimination on morale, knowing well that this discrimination became a subject of exploitation by the Japanese and German propaganda machines with the object of causing disaffection among our colored minority groups.

Unequal treatment of Negroes and other minority groups represents the great paradox and dilemma in American life. The American principle of equal opportunity is repudiated whenever discrimination is practiced; the resultant condition leads to a cleavage and confusion in our national thought. The contradiction demands solution now. Postponement is no longer possible.

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.

I can pose the challenge in no sharper form than by submitting a few questions. Shall we permit the doors of industry to be closed to returning Negro soldiers because of their color? How will they react? Will the returning veterans be satisfied to have the restoration of the status quo ante with its inequalities in denying employment and advancement to them because they are of minority groups? Who will regulate the disputes during the period of reconversion where racial issues are involved? Who will answer the challenge presented in employing the shifting minority group working population on a fair basis? Is the competition for jobs to be relegated to the unrestricted play of jungle ethics and age-old prejudices? And in the post-war world, after the period of reconversion, will the same problems which existed unresolved in the pre-war period intrude themselves and press for an answer?

These and a host of related inquiries indicate the complexity of the crucial issues and persuade me to the conclusion that the tasks ahead are formidable and national in scope.

The present existence of racial and religious discrimination is witnessed by the 4,000 complaints received by the present Fair Employment Practice Committee during the last year. The spade work of the Fair Employment Practice Committee has introduced patterns of fair employment practices, paving the way for attitudes which will resist any reverse process. The probable rise of racial tensions in an emerging unsettled economy presents the specter of race riots and bloodshed. The inevitable pressures of minority groups for fair employment treatment, involving the fundamental right to make a livelihood, and the release of the democratic impulses of the war will stand to combat any expected assault to turn back the clock of progress.

The promotion of a world reconstruction of nations, envisaging the full enjoyment of rights of all nations, great and small, is inconsistent with nonrecognition of equality of opportunity in our domestic life. The precepts of Christian morality prod the conscience of America to eradicate the blot of discrimination and to reassert the dignity of men.

America bespeaks the desire and need for stability. The urgency of a discipline to create peaceful and harmonious relationships between all our working groups cries out for the solution of supervision in a delicate and specialized field.

Both management and labor will gain by the enactment of a bill proscribing discrimination in employment against minority groups. The advantages to employers stem from the extrusion of interracial industrial conflict with its consequent destruction of production and the weakening of our social fabric. Unions

will gain in the integration of minority group workers within their ranks, setting at rest the threat of a cheap reservoir of labor whose competition endangers the standard of living of all workers.

Managements and unions will benefit in another and a very important way. Men in management and men in unions will have the blessings of a good conscience that comes from doing what is right, especially in the face of obstacles and opposition. And the same applies even in greater measure to the whole American people.

My experience as Chairman of the Fair Employment Practice Committee convinces me that responsibility must carry with it authority. Recalcitrant antisocial behavior in this field can be checked only by the intervention of the Federal Government buttressed by the Committee's ability to make complete investigations and fortified with the power of court mandate. This entails the right to subpoena witnesses and records and to conduct hearings with proper safeguards of court review before enforcement.

The subject of these bills touches the core of American democracy. The opportunity to work according to one's skill, regardless of race, creed, color, or national origin, is a fundamental American right which should be written into our laws by Congress. Denial of this right to any man or woman is un-American, un-democratic, and un-Christian.

I therefore urge that the bills before your committee for its deliberation and consideration receive favorable disposition.

Sincerely yours,

FRANCIS J. HAAS,
Bishop of Grand Rapids.

STATEMENT OF MALCOLM ROSS, CHAIRMAN, FAIR EMPLOYMENT PRACTICE COMMITTEE—(Resumed)

Mr. ROSS. Mr. Fisher, I shall be glad to answer any questions I can.

Mr. FISHER. Mr. Ross, you have been Chairman of the F. E. P. C. since its inception, have you not?

Mr. ROSS. No, Mr. Fisher. Bishop Haas, who just sent the letter that has been read, was appointed last May to be Chairman under the new Executive Order 9346, issued by the President on May 27, 1943. Bishop Haas resigned—he was then Monsignor Haas—to become Bishop of Grand Rapids, and I became Chairman on October 19, 1943.

Mr. FISHER. The F. E. P. C., as it is now known, was set up in May of 1943?

Mr. ROSS. May 27, by Executive Order 9346.

Mr. FISHER. Have you been connected with the organization from its inception?

Mr. ROSS. No, I joined in July 1943, as Deputy Chairman, at the request of Monsignor Haas.

Mr. FISHER. And about 2 months after it was organized, you became Assistant Director?

Mr. ROSS. Accurately speaking, the new committee members under 9346 were not appointed until July 6. Those are the six members who came in as policy makers, but have their own vocations.

Mr. FISHER. As I understand it, the F. E. P. C. has not been functioning as a job placement agency such as the United States Employment Service.

Mr. ROSS. No. The prime responsibility for training, recruiting, and placing of all war workers lies with War Manpower; the United States Office of Employment being a part of War Manpower. That agency acts in the first instance in all placing of workers. We only come into the picture if a complaint originates with War Manpower, in which case, under our agreement, they notify us that the complaint is there, but they have 10 days, or perhaps a longer period of time, in which to see if they can relieve the discrimination. If not, they

then turn it over to us to begin negotiations with the employer or the union.

If the complaint comes to us, we notify War Manpower, but ourselves process the complaint.

Mr. FISHER. Mr. Ross, you stated in your testimony the other day, as I recall, that about 80 percent of all the complaints that your organization has handled since its creation have pertained to race problems.

Mr. ROSS. And I said mostly Negroes.

Mr. FISHER. What percent Negroes, would you say?

Mr. ROSS. I would say practically all of this 80 percent are Negroes. There are a few other cases, but nothing to affect the percentage.

Mr. FISHER. In other words, you say then that in round numbers about 80 percent of all of your complaints have been from Negroes?

Mr. ROSS. Right.

Mr. FISHER. Do you know what percent of the people employed in war industries are members of the Negro race?

Mr. ROSS. The figures have been gathered for about 14,000,000 war industry workers. The percentage of Negroes now is about 7.2 percent.

Mr. FISHER. Of course, you are not in position to say, I assume, that approximately the same percentage of employment would not exist if F. E. P. C. had never been in existence.

Mr. ROSS. No. That is a fact which you cannot document.

Mr. FISHER. You are not an employment agency?

Mr. ROSS. That is right. I did state in my opening remarks that War Manpower certainly deserved a part of the credit for seeing that Negro workers were available to war industries, and I was certain that we assisted. You cannot document that, Mr. Fisher, and say what slice of the pie was whose.

Mr. FISHER. Well, what percent of the total population of the country is Negroes?

Mr. ROSS. A little less than 10 percent.

Mr. FISHER. So, 7.2 percent is in the neighborhood of a relative proportion of total employment in industry, is it not?

Mr. ROSS. That is correct. That percentage came up from 3 percent in the last part of 1942, so that the Negro has made considerable gain in war industries.

The CHAIRMAN. Is that since F. E. P. C.?

Mr. ROSS. Well, F. E. P. C. was originally established June 25, 1941, as a defense industry before we declared war.

Mr. FISHER. Of course, there has been a considerable increase in all types of employment during that same period.

Mr. ROSS. Of course.

Mr. FISHER. You would say then from these figures that there is no apparent discrimination against Negroes in war industries.

Mr. ROSS. No; I would not draw that deduction from those over-all figures. I think the need for war manpower is such that there are very few Negroes who cannot get some sort of job in war industries. The problem has shifted from seeing to it that no Negro is turned away from the factory gate to one which sees to it that if he is trained he gets the job in war industry at the proper skill; that is, the skill to

which he has been trained. A reluctance to up-grade Negroes exists in most war employment, and in that sense the war is losing a great deal of skills very badly needed because of that reluctance.

Mr. FISHER. In connection with that, you realize there is a higher degree of physical and mental deficiency among the Negro race than among the white race.

Mr. ROSS. I do not feel qualified to pass judgment on that. I think it is up to the individual man. You are dealing with a needed worker for a needed job; not a theoretical job, but a man who has the capacity to be a chipper in a shipyard either has that capacity or he does not have it. If he has the capacity and he is a Negro, he should be put there.

Mr. FISHER. In that connection, I should like to point out that the national headquarters of the Selective Service System has compiled some statistics on that proposition that I just mentioned which show that of the first 3,000,000 men examined for Selective Service in this country, that out of each 1,000 Negroes so examined, 176.7 had an affliction of syphilis which made them unacceptable for military service; and that out of that same thousand only 11.7 of the whites were similarly afflicted; that out of the same 1,000 examined, gonorrhea and other types of venereal diseases affected 36.5 of the Negroes who were examined, whereas only 3.4 of the whites were so afflicted. In other words, a total of 213.2 out of every 1,000 Negroes examined could not qualify for military service because of venereal diseases, as compared with 15.1 of the whites in the same category.

Then, under the head of "mental and educational deficiency, and mental disease," the Selective Service reports that out of each 1,000 examined, 108.9 of the Negroes were disqualified for that reason, in addition to the venereal diseases that I referred to, while 53.8 out of a similar number of whites were disqualified because of mental and educational deficiencies and mental diseases.

From that would you not conclude that the problem of placing Negroes in different forms of employment and work that you have referred to is complicated because of the physical handicaps and the mental deficiencies as found by the Selective Service, and so forth?

Mr. ROSS. Well, since you ask, I think it is very sad commentary nationally that one group should be afflicted in that way. I think perhaps it is a reflection of a lack of proper medical care and housing and nutrition which a bill to give better economic status to the Negro might in time alleviate.

As to the specific employment problem, no employer is forbidden from making his own rules. There are rules as to syphilitics in war industries that I am conscious of, so I really do not think that the question enters into the problem very concretely.

Mr. FISHER. In connection with the administration of the F. E. P. C., do your orders and directives and the like ever conflict with the segregation laws that are in force in the various States?

Mr. ROSS. That issue has come up very recently. I have a letter from the Governor of Texas requesting specifically to know that, and I have answered him. I would like very much to put that in the record.

The CHAIRMAN. We will be very glad to have it included in the record.

(The matter referred to is as follows:)

(The following letter was addressed to Mr. Leonard M. Brin, regional director, President's Committee on Fair Employment Practice, Suite 1001 Mercantile Bank Building, Ervay and Main Streets, Dallas, Tex., by the Honorable Coke Stevenson, Governor of Texas:)

JUNE 8, 1944.

DEAR SIR: Section 10 of article IV of the Constitution of Texas, imposes a duty upon the Governor to cause the laws to be faithfully executed. This, obviously, refers to the laws of this State.

We have in this State at least 15 laws providing for segregation of white and colored races. The penal code provides penalties for the violation of a number of these laws. The Supreme Court of the United States has upheld these segregation laws wherever they have been attacked or challenged.

Reports have been made to me to the effect that you are engaged in activities which countenance an open defiance of some of these laws; that you are engaged in a conspiracy to violate some of these laws; that the policies you are advocating, if generally adopted, would result in nullification of several such laws. Realizing that reports are sometimes inaccurate, I consider it proper to obtain from you direct answers to the following inquiries:

1. By what authority do you conduct your activities in Texas?
 2. What is the scope of your operations and what is the objective sought?
 3. Do the purposes of your activities include the violation of any of the segregation laws of this State?
 4. Is it the purpose to establish policies which are in violation of State laws?
- Your very early reply will be appreciated.

Very truly yours,

COKE STEVENSON.

JUNE 14, 1944.

HON. COKE R. STEVENSON,
Governor of the State of Texas, Austin, Tex.

MY DEAR GOVERNOR STEVENSON: Mr. Leonard Brin, regional director of the President's Committee on Fair Employment Practice in Dallas, Tex., has informed me of your letter addressed to him making certain inquiries concerning the policies of the President's Committee on Fair Employment Practice with particular reference to the operations of the Committee's Dallas office. Inasmuch as these inquiries relate directly to the policies and practices of the Committee, they have been referred to the Committee's headquarters in Washington for reply.

The Committee appreciates the opportunity to present the following answers to your specific questions:

1. You ask, "By what authority do you conduct your activities in Texas?"

The President's Committee on Fair Employment Practice conducts its activities throughout the Nation by virtue of the authority vested in it by Presidential Executive Order No. 8802 dated June 25, 1941, and Executive Order No. 9346, dated May 27, 1943. (Copies of these orders are attached.)

The Presidential order provides:

"By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in *war industries* or in *Government* by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all *labor organizations*, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms, or conditions of employment, or union membership because of race, creed, color, or national origin." [Emphasis supplied.]

2. You ask, "What is the scope of your operations and what is the objective sought?"

The scope of the committee's operations is clearly defined by Executive Order No. 9346 wherein the President orders that "The committee shall receive and investigate complaints of discrimination forbidden by this order," and authorizes it to "conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination." The committee also is directed to "formulate policies to achieve the purposes of this order," "make recommenda-

tions to the various Federal departments and agencies and to the President," which the committee deems necessary and proper to make effective the provisions of the order, "and recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin."

The objective sought by the President when he issued the Executive order and established the Committee on Fair Employment Practice was "to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices" based upon race, creed, color, or national origin, which discrimination the President found to be "to the detriment of the prosecution of the war, the workers' morale, and national unity."

The committee operates through regional offices in 11 cities of the country, manned by representatives who are familiar with local conditions. Complaints of discrimination, if found valid, are informally brought to the attention of the employer, labor union, or governmental agency involved and its version of the facts sought. Forty percent of our cases are settled in this informal, amicable way around a conference table. Only as a last resort, and after all efforts at the regional level have failed, are cases of discrimination which the regional director cannot adjust referred to the entire committee in Washington, D. C.

3 and 4. Your third and fourth questions, "Do the purposes of your activities include the violation of any of the segregation laws of this State?" and "Is it the purpose to establish policies which are in violation of State laws?" are two aspects of one question.

In May 1944, at the request of our Dallas office, the office of the attorney general of the State of Texas listed the various Texas segregation laws. None of these statutes requires or countenances any discrimination in employment. They relate to such matters as intermarriage, separate coaches on railroads, separate schools for the races, etc.; i. e., they relate to problems over which the President's committee has no jurisdiction. The President's committee has never established any policies in violation of these Texas laws nor does it intend to. The President's committee has only one purpose and all its policies are directed to that purpose: namely, to obtain the maximum utilization of manpower in war industries and in Federal Government service by the elimination of discrimination in employment practices based upon race, color, creed, or national origin.

That these objectives conform to the policies of the State of Texas appears through your Excellency's expressed concern over discriminatory employment practices based upon "race distinction." I have in mind your letter of July 12, 1943, to the Honorable Ezequiel Padilla, Secretary of Foreign Affairs of Mexico, in which you commended the actions of State and Federal officials who "successfully ironed out" cases of discrimination in employment against American citizens of Mexican origin.

While it is certain that progress is being made against discrimination which retards war production, there is sufficient evidence of still existing barriers to warrant remedial action.

Thus, we regret to inform your Excellency that we have reports that industries located in Texas have recently barred Negroes from work which traditionally they have done for years. We have reports that in Texas employers have placed white and Negro workers on the same job, requiring the same skill and experience yet paid them different wage scales. We have reports that in one city of Texas, Negro welders trained at the expense of the Government have been denied an opportunity to use their skill in Texas so that it has been necessary to refer them to other States for employment. We have reports that in Texas there are in effect union contracts which forbid the use of Negroes or Latin Americans above a certain skill level, regardless of their qualifications.

These are the issues the President's committee deals with and we are sure that every patriotic Texan will agree that these issues must be disposed of in a manner that will facilitate the maximum utilization of the Nation's manpower.

In view of the concern you have expressed publicly about discriminatory employment practices, we welcome your cooperation in our efforts to adjust these matters. Our representatives in Texas would be glad to discuss these matters further with you at any time or place you may determine.

We welcome this opportunity to explain our program and we hope that this exposition will remove any misunderstanding that may have arisen. If questions arise in the future about the purpose or scope of our activities, please feel free to call upon us for any information in our possession.

Sincerely yours,

MALCOLM ROSS, *Chairman.*

Mr. ROSS. The short answer is, No, they do not. We, as you will see from this letter, asked the attorney general of Texas for an analysis of the law so that we might answer the Governor, and we do not cut across any State laws.

Mr. FISHER. In other words, you would not undertake to circumvent any State law dealing with segregation?

Mr. ROSS. That appears as my answer in this letter.

Mr. FISHER. Under the pending bill, H. R. 3986, if it should be enacted into law, would you then have the authority to circumvent or to override or to go contrary to any State law dealing with segregation?

Mr. ROSS. I do not think there is any necessary conflict. I confess that I have not studied that phase of it particularly. I think that it is something you gentlemen ought to analyze very closely. I am not prepared with any analysis of the bill on that particular point.

Mr. FISHER. You have read the bill through, have you not?

Mr. ROSS. Yes.

Mr. FISHER. You have studied it?

Mr. ROSS. Yes.

Mr. FISHER. Did you see the bill before it was introduced?

Mr. ROSS. No.

Mr. FISHER. You did not help prepare it?

Mr. ROSS. No; I did not help prepare it.

Mr. FISHER. You were not conferred with by anyone in connection with the preparation of it?

Mr. ROSS. No.

Mr. FISHER. You now decline to express any opinion?

Mr. ROSS. I did express an opinion. I said that I cannot give you a detailed analysis. I do not think there is any necessary conflict between the segregation laws of the States and the bill.

Mr. FISHER. Suppose that there should be a conflict between State laws pertaining to segregation and the bill. Would you then say that the existing bill would circumvent and override any State laws in conflict with it?

Mr. ROSS. You are posing an impossible question. If there is no conflict, you are making a supposition that does not exist in fact.

Mr. FISHER. All right. I will ask you this one other question on that point: Can you conceive of any State laws pertaining to the segregation of races that would be in conflict with the provisions of H. R. 3986, as it is now written?

Mr. ROSS. Mr. Fisher, that would require an intimate knowledge of the segregation laws. If I made a flat answer to that, I would be answering without knowledge.

Mr. DAY. Is there any particular provision in the statute as written that you think does conflict with State segregation laws?

Mr. FISHER. I think the entire bill would certainly have that effect.

Mr. DAY. You are just asking for a conclusion?

Mr. FISHER. Yes. I want his opinion. He is the witness.

Mr. SCANLON. May I be permitted to ask Mr. Fisher to yield to me for a moment?

You asked Mr. Ross a moment ago whether or not he had helped to prepare the bill. I want to say most emphatically that Mr. Ross did not help me, or any other member from the F. E. P. C. I do not think that I knew, at the time the bill was written, any members of the F. E. P. C., and the first time I met Mr. Ross was when he appeared

last week. Furthermore, I do not know the committee, I have not met the committee, and I do not know any of their personnel. I think that I should have the opportunity to put that in the record at this time.

Mr. FISHER. I want to ask you a question or two about the operation of your organization, and with particular reference to the case of the labor union against the Western Electric Co. at Baltimore, that originated last fall.

In that case, as I understand, there was a demand made by the union there that separate toilet facilities and eating arrangements be prepared for the whites and the colored who were working in the same plant. Do you recall that case?

Mr. ROSS. I am very familiar with it. Senator Tydings and I had a colloquy about it in the Senate appropriations hearing, which is available now. It is printed on page 159. We went all over the matter.

Mr. FISHER. In that case your organization issued a directive as follows—

Mr. ROSS. Pardon me, Mr. Fisher. No directive was ever issued in that case. It was never a case that the F. E. P. C. formally undertook. I can give you a brief report on what did happen.

Mr. FISHER. I will ask you if you made the following statement in connection with it:

The committee takes the position that in the circumstances of this case where there are frequent and temporary transfers of workers from one department to another, the installation of duplicate facilities cannot but lead to discriminatory employment practices and would be in violation of Executive Order No. 9346.

Mr. ROSS. That is a committee statement made at the request of the Regional War Labor Board in Philadelphia, which had the strike under consideration.

Mr. FISHER. A strike did occur, did it not?

Mr. ROSS. It did.

Mr. FISHER. And finally resulted in the plant being taken over by the United States Army?

Mr. ROSS. Correct.

Mr. FISHER. I believe that plant was engaged in the manufacture of wire and cable and employed around 7,200 employees. Is that statement that I just read consistent with the policy of your organization, that where separate toilet and eating facilities or others are requested by the employees, you would hold that to comply would be discriminatory?

Mr. ROSS. You are not correctly interpreting the statement, Mr. Fisher. It is a rather long story. I want to read to you a very studied paragraph which my committee put together after Senator Tydings brought this matter up. In the first place, the company itself, some two years ago, when the Baltimore ordinance was rescinded—that ordinance had provided for separate facilities and it was rescinded about 2 years ago, and the company itself, with no intervention from F. E. P. C. in any form, decided to have common facilities—washing, toilets, and cafeteria. They pursued that policy until a union in the plant filed for a strike under the Smith-Connally Act with the National Labor Relations Board, saying that the company had refused to put up separate facilities which the unions were demanding. Mind you, the company was resisting this strike and

the union was the one which struck in wartime. I quite agree with you that the radar that company makes is important and any interruption in its production is criminal. The union struck because they insisted that separate facilities be put up. Still F. E. P. C. does not enter this picture.

Later, when the regional War Labor Board at Philadelphia undertook the case and asked us our opinion, we sent that statement which you have read, and I ask you to analyze that statement to see that we did not say one way or the other whether separate facilities or nonseparate facilities were within our jurisdiction. We merely said that in the circumstances in that case—and you must understand there are several units, big units of this plant—the company had taken the position that to put up separate facilities would make it inconvenient for them to transfer workers around the plant.

Now, when the transfer of workers comes, you have a bottleneck that may prevent the efficient use of war employees, and then F. E. P. C. may be involved because, as you know, Mr. Fisher, we have said again and again that it is the interference with the proper use of war manpower that concerns us and nothing else.

That statement tells the company what the company itself has been maintaining, that the putting in of separate facilities might so block their free flow of labor from place to place that people would not get up-graded, they could not put them on the production where they needed them at the time. After that was fully explained in this hearing, we summed up the committee's position in this paragraph:

The committee has never taken the position that segregation per se is contrary to the provisions of Executive Orders 8802 and 9346. It recognizes, as it must, that its jurisdiction is limited to obtaining the elimination of discrimination in regard to hire, tenure, terms or conditions of employment, or union membership, and, in this case, where the issue of segregation is involved, as in all cases, the committee's action will depend upon the existence or absence of evidence of practiced discrimination.

Mr. FISHER. Mr. Ross, would you hold, then, that where Negroes and whites are employed in the same plant, a requirement that they be segregated would constitute discrimination?

Mr. ROSS. We have said that segregation per se is not a committee concern. This is the border line where the committee may touch the problem. There is nothing new about this. I have made this position clear many times. Let me give you the case of a plant where they have an all-Negro unit here and an all-white unit there. They need workers in the white unit. The Negro unit is filled. Properly trained Negro workers apply for work in that plant. They cannot put them into the white unit because of segregation. There I think flatly there is a putative violation of the Executive order, because there is a flat and distinct barrier to war employment. I can cite you, not a case that we have handled, but a possible area where segregation would result in the loss of manpower.

Mr. FISHER. I want to read to you a very brief newsstory dated June the 6th, from Danville, Va., Associated Press:

Spinners at the Riverside and Dan River cotton mills, who are members of the Textile Workers Union, voted Monday to return to work after being informed by the mill management that it would abandon the employment of Negro operatives in the spinning rooms.

Approximately 400 spinners struck May 22 in protest against employment of the Negro spinners in the same plant as white spinners, and the action forced stoppage of work by an estimated 2,000 other workers.

Did your organization intervene in that case?

Mr. ROSS. No. I think it is very sad that they should put the production of textiles for the war below their prejudice.

Mr. FISHER. Well, I think it is very sad that the management should bring about a situation like that which obviously was very unnecessary and which was corrected finally and the people went back to work.

Mr. ROSS. At the same time you will be glad to learn, Mr. Fisher, that there are many cases where that initial resistance was overcome and where, after the Negroes were integrated into a war plant, they got on beautifully with their fellow white employees.

Mr. FISHER. I was informed by the Labor Department this week that during the year 1943 alone there were 50 strikes in this country caused by interracial problems obviously resulting from an attempt to break down proper segregation standards in those different plants.

Mr. ROSS. I do not think all of those 50 were caused exactly by any—

Mr. FISHER. Those are among the stated causes.

Mr. ROSS. If there were no F. E. P. C. in existence you do not mean that there would be no strikes for racial causes.

Mr. FISHER. I am pointing to the fact that an attempt to go contrary to the traditional segregation laws does bring about unrest, disunity, and stoppage of war production in many instances.

Mr. ROSS. I hope you will remember, Mr. Fisher, that I put in the record the other day the fact that F. E. P. C. has settled 25 war employment strikes, some of them very large ones, none of which we were involved in; the strikes were there, somebody had to handle them. And I may say that I have no reticence about stating that our experts were the only people who could handle them.

Mr. FISHER. The War Labor Board and the National Labor Relations Board do not have facilities to work on matters of that kind?

Mr. ROSS. None. The National Labor Relations Board does not touch such problems. The Conciliation Service was in these, as were also the Army and Navy, and they were unable to settle them by themselves.

Mr. FISHER. I want to ask you a question about the Dallas News case, since I come from Texas. In the Dallas News case the following advertisement appeared in the classified advertisement section of the Dallas News:

Wanted—Colored man to work at night as paper handler, essential industry.

Your regional director, Mr. Leonard Brin, of Dallas, addressed a letter to the Dallas News and said that since the advertisement used the word "colored," he described it as discriminatory and directed that they discontinue any such type of advertising. Later, your organization in a letter to the Dallas News, concluded that the Dallas News was not a war industry and therefore you did not have jurisdiction.

Mr. ROSS. That is correct.

Mr. FISHER. And withdrew the directive contained in the letter that Mr. Brin had written. Now, if that had been a war industry,

would you have withdrawn, would you have taken the position you did on it?

Mr. ROSS. No. I should like to introduce, Madam Chairman, the text of my letter to Mr. Dealy, the president of the Dallas News.

The CHAIRMAN. The letter may be incorporated in the record at this point.

(The matter referred to is as follows:)

MAY 31, 1944.

Mr. E. M. DEALY,
President, Dallas Morning News,
Dallas, Tex.

DEAR SIR: Mr. Leonard M. Brin, regional director of the Dallas office of the President's Committee on Fair Employment Practice, has advised the Committee of the circumstances surrounding the position which he took in connection with an advertisement appearing in the Dallas Morning News, in which the newspaper advertised for a "colored man" to work at night as one of its paper handlers.

The Committee desires to make it clear that it recognizes that its jurisdiction under Executive Order 9346 is limited to obtaining elimination of discriminatory employment practices in war industries and in Federal Government services based upon race, creed, color, or national origin. The Committee recognizes, moreover, that it has the responsibility to determine what are "war industries" as that term is used in Executive Order 9346, and that there may be honest differences of opinion as to whether a particular enterprise should be classified as a war industry.

The Committee's regional directors have in the past been advised that the War Manpower Commission's list of essential activities might be used as a guide to determine whether an activity is a war industry and so subject to the provisions of Executive Order 9346. For the past several weeks the Committee itself has been attempting to compile a list of its own, in order that its regional directors might have instructions directly applicable to Fair Employment Practice Committee jurisdiction. Mr. Brin, however, had before him the War Manpower list which cites newspapers as essential activities, and it was on this basis that Mr. Brin drew the conclusion that the employment practices of the Dallas Morning News were subject to the provisions of Executive Order 9346.

The Committee itself, while finding that Mr. Brin acted in good faith on evidence before him, does not hold that newspapers of general circulation are war industries subject to the provisions of Executive Order 9346. The Committee therefore dismissed the complaint lodged against the Dallas Morning News, and, in its behalf, I wish to express regret that the difficulty of precisely defining war industries caused the Dallas regional director erroneously to process the complaint.

The Dallas Morning News case was the first one involving employment policies of a newspaper to reach the Committee itself. It was discussed at the Committee's meeting on May 27, 1944, and was the occasion for the formulation of a statement of policy covering jurisdiction over newspapers. The full text of this statement is attached.

Apart from the issue as it concerns newspapers as employers, there is also the question of the use of advertising columns by war-industry employers as a recruiting medium for needed manpower. To illustrate, we may assume that an aircraft factory in war industry needs production workers and advertises for whites only. This is clearly a discriminatory denial of war employment to available workers, as much so as though the employer stands at the plant gate with one arm raised for the entrance of white workers and his other arm barring the way to Negro workers.

The dilemma is stated to you in these terms because the Dallas Morning News has said editorially that "There is a legitimate field for operations by the President's Committee on Fair Employment Practice in the war industries." The Committee has vigorously confined itself to that legitimate field which, as described in Executive Order 9346, is "to promote the fullest utilization of available manpower, and to eliminate discriminatory employment practices."

I am not unaware of a prevailing supposition that the Fair Employment Practice Committee somehow concerns itself with social relationships between Negro Americans, or Mexican Americans, and those other Americans among whom they live. This is not so. The Committee was established to act against employment discrimination in war industries and it has stuck to that job.

The Committee has consistently lived up to its position that under the Executive order a war industry employer, needing workers, may not deny employment to an available worker solely because of race, creed, color, or national origin, nor may the employer refuse to utilize such workers at the skills to which they have been trained. The Committee has never urged that a war employer take any quota of minority workers. Moreover, these limited and definite objectives are well known to other departments and agencies of the Government with whom the Fair Employment Practice Committee works in close contact and with many of whom it has mutually satisfactory written agreements on the procedures of eliminating discrimination.

During the last year, and in strict conformity with these procedures, the Committee has received 3,000 complaints, obtained satisfactory adjustment of nearly 900 cases, and has dismissed as many or more cases for lack of jurisdiction or because the complaints did not stand up as valid under Committee examination.

Before this issue arose respecting newspapers as such, the Committee consistently made it clear that war industries which insert advertisements in any medium for war workers on a discriminatory basis are acting contrary to the provisions of Executive order 9346. The Committee still holds that a war employer, in the face of stringent employment needs, should not arbitrarily deny employment to any American.

Whether in any particular case the advertisement for war workers is discriminatory, is a question which must be decided upon the facts.

In extenuation of this rather lengthy letter may I add that my personal feelings are engaged because the Dallas News and the Journal gave me my first reportorial experience.

With personal regards,
Sincerely yours,

MALCOLM ROSS, *Chairman.*

(Following statement attached to foregoing letter:)

COMMITTEE STATEMENT OF POLICY IN RE JURISDICTION OVER NEWSPAPERS

The Committee has given careful consideration to the question whether activities of newspapers are such that they should be classified as war industries as that term is used in Executive order 9346. In drawing a line between war industries and nonwar industries the Committee recognizes that even though an industry may be engaged in an activity listed by the War Manpower Commission as essential, it does not necessarily follow that the industry is a war industry within the meaning of Executive Order 9346. The Committee has concluded that the term "war industry" is limited to enterprises engaged in (1) activities involved in the production of war materials, and (2) activities necessary for the maintenance of the production of war materials.

For the purpose of discharging its obligations under Executive order 9346, the Committee holds that the publication and circulation of newspapers of general circulation are not activities necessary for the maintenance of the production of war materials. Accordingly, it holds that newspapers of general circulation are not war industries.

Mr. Ross. In the last part of the letter I tried to rationalize, and explain to Mr. Dealy why the stoppage of employment by a discriminatory ad should properly be a subject of interest under our Executive order.

Let me cite you a case where Senator Chavez, of New Mexico, pointed out to the Committee that Mexican-Americans were being denied employment because the ad said, "No Mexicans need apply." We intervened there and requested them to stop that advertising, and it was stopped. These Mexican girls got jobs and everybody was happy about it.

I point out that before the Dallas News undertook a campaign in this matter, many requests had been made to war industries in that locality not to advertise discriminatorily, and they had all withdrawn their ads except in one case, that of the Beauty Cover Co., who had withdrawn their ad but subsequently objected to the procedure in its

entirety. And there, too, we found that they were not in war industry and I withdrew the proceedings.

Mr. FISHER. In other words, under the terms of the pending bill that we are now studying, which does not deal with war industries as such, but deals with those industries which would come within the purview of the bill, you would have jurisdiction over a similar situation with respect to the Dallas News, would you not?

Mr. ROSS. Mr. Maslow, you are a lawyer; would you answer that?

Mr. MASLOW. That would depend on whether the Dallas News would be interpreted as being engaged in interstate commerce.

Mr. FISHER. Let us assume that it is.

Mr. MASLOW. If the Dallas News, by hypothesis, was engaged in interstate commerce, I assume that would be a violation of the terms of the bill; if it is a violation of the bill to discriminate against a person because of his race, it is a violation of the bill to announce publicly that you are discriminating.

Mr. FISHER. In other words, anyone in this country engaged in interstate commerce under the terms of the pending bill would not be allowed to run a classified ad for colored people, white people, or any other particular kind?

Mr. MASLOW. That does not follow, sir, because the particular advertisement would have to be an advertisement of an employer who was subject to the jurisdiction of the new Commission. But if an employer were forbidden by the terms of the bill to discriminate, it would seem to me under the bill he likewise would be forbidden to advertise in a discriminatory fashion.

Mr. FISHER. In other words, you call it discrimination to designate the color of the people you want to work for you for a particular job?

Mr. MASLOW. Well, wouldn't you?

Mr. FISHER. No, sir; I would not.

Mr. MASLOW. If it is discrimination to hire a person because of his race, or refuse to hire him, is it not discrimination to announce publicly that you will refuse to hire him because of his race?

Mr. FISHER. I begin to understand the slant you people have on this whole problem. There are lots of jobs for which Negroes would not be suitable and there are jobs that a white person would not be suitable for at all; and I would not want to annoy the prospective applicant with answering the advertisement, if he should not be suitable for the job, and I would not want to trespass on the freedom of the press.

Mr. MASLOW. If there are certain situations where a white man would not be qualified, it would not be a violation of the act, because the issue is qualification alone.

Mr. FISHER. I understand, but who passes upon that?

Mr. MASLOW. It would be passed upon at a hearing conducted under the traditional American system, where both sides are given an opportunity to appear.

Mr. FISHER. It would be passed upon by the F. E. P. C., would it not?

Mr. MASLOW. Initially, subject to court review.

Mr. ROSS. Mr. Fisher, we have studied the problem of the South. I do not wish to be put in the role of one who is unsympathetic to the South. I have lived there for 15 years. I have worked there. It is

a matter of great concern to me. I put before you the fact that segregation in industry is not really the normal pattern of the South. I think you are exaggerating the problem by your intense interest in this subject.

Mr. FISHER. Let me ask you one or two other questions, as there is now a quorum call in the House. Your organization has been operating a little more than a year under the present set-up?

Mr. ROSS. That is correct.

Mr. FISHER. How many employees do you have?

Mr. ROSS. About 110.

Mr. FISHER. How many of those are Negro and how many are white?

Mr. ROSS. The proportion runs about 68 to 45. I have been asked this question many times and I recall those as the approximate figures.

Mr. FISHER. What is the average salary paid to the personnel of the present F. E. P. C.?

Mr. ROSS. I have submitted that for the record.

Mr. FISHER. That is fine; I did not know that.

Mr. SCANLON. That is contained in the Senate hearings, too, is it not?

Mr. ROSS. Yes, it is.

Mr. FISHER. How many regional offices do you have?

Mr. ROSS. We have 11; 9 of those are actually regional offices and 2 of them are suboffices.

Mr. FISHER. Of those 11, how many of the regional directors are Negroes?

Mr. ROSS. Five Negroes and six whites.

Mr. FISHER. Five Negroes and six whites at the present time?

Mr. ROSS. Yes.

Mr. FISHER. On your committee, the Committee on Fair Employment Practice, there are four white and two colored?

Mr. ROSS. Five whites and two colored, appointed by the President of the United States.

Mr. FISHER. I wonder if you would insert in the record, if you have not already done so, a break-down showing the number of white and colored and the salaries paid to them in the various branches; for instance, the Chairman's office, the Administrative office, the operations Section, Review and Analysis, and so forth.

Mr. ROSS. It is already in exactly that detail, but I will check on that.

The CHAIRMAN. It is in the Congressional Record, too, is it not?

Mr. ROSS. It is in the Congressional Record, but not in quite accurate form. Mr. Rankin erred in one or two particulars.

Madam Chairman, may I have leave to file one or two other statements for the record?

The CHAIRMAN. We shall be very glad to have any statements you wish to include in the record, Mr. Ross.

Mr. ROSS. They are in rather rough form and I had hoped we would have an opportunity to give them verbally. But may I have permission to put them in later?

The CHAIRMAN. Yes.

Mr. Ross. There are some exhibits having to do with the work of the F. E. P. C. that I think are pertinent to the long-range view of the problem.

(The matter referred to is as follows:)

EXECUTIVE ORDER NO. 8802

REAFFIRMING POLICY OF FULL PARTICIPATION IN THE DEFENSE PROGRAM BY ALL PERSONS, REGARDLESS OF RACE, CREED, COLOR, OR NATIONAL ORIGIN, AND DIRECTING CERTAIN ACTION IN FURTHERANCE OF SAID POLICY

WHEREAS it is the policy of the United States to encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

WHEREAS there is evidence that available and needed workers have been barred from employment in industries engaged in defense production solely because of consideration of race, creed, color, or national origin, to the detriment of workers morale and of national unity:

Now, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes, and as a prerequisite to the successful conduct of our national defense production effort, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin;

And it is hereby ordered as follows:

1. All departments and agencies of the Government of the United States concerned with vocational and training programs for defense production shall take special measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin;

2. All contracting agencies of the Government of the United States shall include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race, creed, color, or national origin;

3. There is established in the Office of Production Management a Committee on Fair Employment Practice, which shall consist of a chairman and four other members to be appointed by the President. The Chairman and members of the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to performance of their duties. The Committee shall receive and investigate complaints of discrimination in violation of the provisions of this order and shall take appropriate steps to redress grievances which it finds to be valid. The Committee shall also recommend to the several departments and agencies of the Government of the United States and to the President all measures which may be deemed by it necessary or proper to effectuate the provisions of this order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 25, 1941.

[F. R. Doc. 41-4644; Filed, June 25, 1941; 12:17 p. m.]

EXECUTIVE ORDER

AMENDMENT OF SECTION 3 OF EXECUTIVE ORDER NO. 8802 OF JUNE 25, 1941, ESTABLISHING THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE

By virtue of the authority vested in me by the Constitution and the statutes, section 3 of Executive Order No. 8802 of June 25, 1941, establishing the Committee on Fair Employment Practice, as amended by Executive Order No. 8823 of July 18, 1941, is hereby further amended to provide that the Committee shall consist of a chairman and six other members.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, March 25, 1942.

EXECUTIVE ORDER NO. 9346

FURTHER AMENDING EXECUTIVE ORDER NO. 8802 BY ESTABLISHING A NEW COMMITTEE ON FAIR EMPLOYMENT PRACTICE AND DEFINING ITS POWERS AND DUTIES

In order to establish a new Committee on Fair Employment Practice, to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices, Executive Order No. 8802 of June 25, 1941, as amended by Executive Order No. 8823 of July 18, 1941, is hereby further amended to read as follows:

"WHEREAS the successful prosecution of the war demands the maximum employment of all available workers regardless of race, creed, color, or national origin; and

"WHEREAS it is the policy of the United States to encourage full participation in the war effort by all persons in the United States regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

"WHEREAS there is evidence that available and needed workers have been barred from employment in industries engaged in war production solely by reason of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity:

"NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this Order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

"It is hereby ordered as follows:

"1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

"2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

"3. There is hereby established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice, hereinafter referred to as the Committee, which shall consist of a Chairman and not more than six other members to be appointed by the President. The Chairman shall receive such salary as shall be fixed by the President not exceeding \$10,000 per year. The other members of the Committee shall receive necessary traveling expenses and, unless their compensation is otherwise prescribed by the President, a per diem allowance not exceeding twenty-five dollars per day and subsistence expenses on such days as they are actually engaged in the performance of duties pursuant to this Order.

"4. The Committee shall formulate policies to achieve the purposes of this Order and shall make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this Order. The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

"5. The Committee shall receive and investigate complaints of discrimination forbidden by this Order. It may conduct hearings, make findings of fact, and take appropriate steps to obtain elimination of such discrimination.

"6. Upon the appointment of the Committee and the designation of its Chairman, the Fair Employment Practice Committee established by Executive Order No. 8802 of June 25, 1941, hereinafter referred to as the old Committee, shall cease to exist. All records and property of the old Committee and such unexpended balances of allocations or other funds available for its use as the Director

of the Bureau of the Budget shall determine shall be transferred to the Committee. The Committee shall assume jurisdiction over all complaints and matters pending before the old Committee and shall conduct such investigations and hearings as may be necessary in the performance of its duties under this Order.

"7. Within the limits of the funds which may be made available for that purpose, the Chairman shall appoint and fix the compensation of such personnel and make provision for such supplies, facilities, and services as may be necessary to carry out this Order. The Committee may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the services of State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this Order through such officials and agencies and in such manner as it may determine.

"8. The Committee shall have the power to promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of this Order.

"9. The provisions of any other pertinent Executive order inconsistent with this Order are hereby superseded."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 27, 1943.

THE NATIONAL POLICY AGAINST RACIAL OR RELIGIOUS DISCRIMINATION

(President's Committee on Fair Employment Practice, Division of Field Operations, February 8, 1944)

The national policy of equality without regard to race, color, or creed, is rooted in the Constitution of the United States and a score of Federal statutes.

The first amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *." The fourteenth amendment gives all inhabitants "the equal protection of the laws." The fifteenth amendment gives all citizens the right to vote without regard to "race, color, or previous condition of servitude."

The civil rights law (8 U. S. C. secs. 41, 42, 43, 44) confers upon all persons equal rights under the law, including the right to make and enforce contracts, to sue and be sued, to testify, to enjoy property, and to serve on juries.

In 1890 the Agricultural College Act (U. S. Stat. vol. 26, p. 418) applied public lands to the endowment of agricultural and other colleges. The act forbids "distinction of race or color" in the "admission of students."

Since 1935, no less than 23 statutes have been enacted forbidding discrimination because of race, color, or creed. The 1933 act for the relief of employment (U. S. Stat. vol. 48, p. 23) provided that "in employing citizens for the purposes of this act, no discrimination shall be made on account of race, color, or creed."

The Civilian Conservation Corps Act of 1937 (U. S. Stat. vol. 50, p. 320) provides that "no person shall be excluded on account of race, color, or creed * * *"

The Emergency Relief Appropriation Act of 1937 (U. S. Stat. vol. 50, p. 357) forbade exclusion of persons because of race or religion.

Similar provisions were contained in the Emergency Relief Appropriation Acts of 1938, 1939, 1940, 1941, 1942, and 1943.

The Civilian Pilot Training Act of 1939 (U. S. Stat. vol. 53, p. 856) provided that "none of the benefits of training or programs shall be denied on account of race, creed, or color."

The act of November 20, 1940, extending the Civil Service Classification Act (U. S. Stat. vol. 54, p. 1214) forbade discrimination "against any person or with respect to the position held by any person, on account of race, creed, or color."

The Appropriation Acts of 1940, 1941, and 1942 for the National Youth Administration forbade discrimination by reason of race, color, or creed (U. S. Stat. vol. 54, p. 593, etc.)

The Selective Service Training Act of 1940 (U. S. Stat. vol. 54, p. 885) gave all persons "regardless of race or color" an opportunity to volunteer and provided further that in the selection and training of men there shall be no discrimination against any person on account of race or color.

The Appropriation Acts for the Federal Security Agency for the years 1941, 1942, 1943, and 1944 (U. S. Stat. vol. 54, p. 1035, etc.) appropriated moneys for the training of defense workers but forbade discrimination because of sex, race, or color.

The Lanham or Defense Housing Appropriation Act of 1941 (U. S. Stat. vol. 55, p. 363) provides that in determining the need for public works "no discrimination shall be made on account of race, creed, or color."

The Nurses Training Act of 1943 (U. S. Stat. vol. 57, p. 153) forbade discrimination in its administration on account of race, creed, or color.

STATE LEGISLATION FORBIDDING DISCRIMINATORY EMPLOYMENT PRACTICES

(President's Committee on Fair Employment Practice, Division of Field Operations, February 8, 1944)

The following seven States have enacted legislation forbidding discrimination in employment or in union membership based upon race, creed, or color:

New York.—New York State has in recent years enacted several statutes forbidding discriminatory employment practices.

Chapter 9 of the Laws of 1940 (civil-rights law, sec. 43) makes it a misdemeanor punishable by fine or imprisonment for an officer or member of a labor organization to deny a person membership because of race, color, or creed, or to discriminate against a member because of race, color, or creed, in designating members to employers for employment, promotion, or dismissal. In addition, the person aggrieved is entitled to a minimum penalty of \$100 recoverable in a civil suit.

Chapter 676 of the Laws of 1942 (penal law, sec. 514) makes it a misdemeanor punishable by the minimum fine of \$50 for any "industries engaged in defense contracts" to exclude a citizen of New York State from employment because of race, color, creed, national origin, or previous condition of servitude. (See also civil-rights law, sec. 44.) The same chapter likewise makes it a misdemeanor to exclude a citizen of the State from any public employment, because of race, color, creed, national origin, or previous condition of servitude.

In addition, chapter 511 of the Laws of 1933 (sec. 42 of the civil-rights law) makes it a misdemeanor for any public utility to refuse to employ a person because of his race, color, or religion.

Chapter 158 of the Laws of 1935 (labor law, sec. 220, e) requires each contract on behalf of the State or a municipality for public work to contain provisions obligating the contractor and his subcontractors not to discriminate in the hiring of employees for the performance of work under the contract by reason of race or color. A penalty is provided of \$5 per day for each person so discriminated against.

Finally, the administrative code of the city of New York makes it unlawful for any employment agency to publish a help-wanted advertisement restricted to persons of any race, creed, or color, unless the advertisement carries the name of the prospective employer.

New Jersey.—Chapter 114 of the Laws of 1942 makes it a misdemeanor for any war contractor to exclude a citizen from employment by reason of race, color, or creed, or previous condition of servitude. Persons who aid or incite in the violation are likewise guilty. The chapter likewise applies to public employment.

Illinois.—The act of July 21, 1941 (Laws 1941, vol. 1, p. 557), makes it a misdemeanor for any war defense contractor to discriminate against any citizen of the State because of his race or color in hiring employees or in training for skilled or semiskilled employment.

Nebraska.—Chapter 114 of the Laws of 1943 makes it a misdemeanor for any person who supplies war supplies to the State or to the Federal Government to refuse to employ a qualified citizen because of his race, color, creed, religion, or national origin.

Minnesota.—Chapter 238 of the Laws of 1941 requires each contract on behalf of the State or any of its political subdivisions to contain a provision obligating the contractor and his subcontractors not to discriminate against citizens of the United States in the hiring of common or skilled labor in the performance of such contracts by reason of race, creed, or color.

Kansas.—Chapter 265 of the Laws of 1941 forbids any labor organization (except those subject to the Railway Labor Act) which discriminates against any person or excludes him from membership because of his race or color to act as a collective-bargaining representative in the State.

Pennsylvania.—The Pennsylvania State Labor Relations Act (ch. 294 of the Laws of 1937) contains a provision which in effect denies the benefit of the act to any labor organization which denies a person membership because of race, creed, or color. The Pennsylvania State Labor Relations Act is modeled upon the National Labor Relations Act.

MEMBERSHIP REQUIREMENTS OF LABOR ORGANIZATIONS

The Handbook of Labor Unions, by Florence Peterson, just published by the American Council on Public Affairs, Washington, D. C., contains references to the membership requirements of 182 labor organizations. The tables below based on information contained in the Handbook list those unions whose constitutions either set up requirements of race, color, creed, national origin, or citizenship as prerequisites to membership, or else forbid discrimination based on such grounds. The omission of a labor organization from one of the tables merely means that its constitution contains no reference to minority status. Note that these tables are based upon constitutional provisions only, not upon actual practice.

I. UNIONS WHOSE CONSTITUTIONS FORBID DISCRIMINATION BECAUSE OF RACE, COLOR, CREED, OR NATIONAL ORIGIN (38)

A. C. I. O. unions (25).

Automobile, Aircraft, and Agricultural Implement Workers of America, United: Any worker within jurisdiction of union may become a member regardless of religion, race, creed, color, political affiliation, or nationality.

Cannery, Agricultural, Packing, and Allied Workers of America, United: All persons in the trade are eligible for membership regardless of skill, age, sex, nationality, color, religious or political belief or affiliation.

Electrical, Radio, and Machine Workers of America, United: All persons working within jurisdiction are eligible for membership regardless of skill, age, sex, nationality, color, religious or political belief or affiliation.

Farm Equipment and Metal Workers of America, United: All workers within the union's jurisdiction regardless of skill, age, sex, nationality, color, religious or political belief or affiliation are eligible for membership.

Fur and Leather Workers Union, International: All workers are eligible regardless of sex, race, creed, color, nationality, or political belief or affiliation.

Furniture Workers of America, United: All workers in the industry are eligible regardless of craft, age, sex, nationality, race, creed, and political belief.

Gas, Coke, and Chemical Workers of America, United: All men and women working under jurisdiction regardless of race, creed, color, or nationality are eligible.

Glass, Ceramic, and Silica Sand Workers of America, Federation of: All workers within the union's jurisdiction are eligible regardless of creed or nationality.

Hosiery Workers, American Federation of: Anyone working within jurisdiction without regard to political or religious belief or affiliation is eligible.

Inlandboatman's Union of the Pacific: There are no restrictions of race, creed, color, or nationality.

Longshoremen's and Warehousemen's Union, International: All workers within the union's jurisdiction regardless of religion, race, creed, color, political affiliation or nationality are eligible for membership.

Marine Cooks' and Steward's Association of the Pacific Coast: Applicant must be eligible for American citizenship, but no member may be discriminated against because of race, color, or creed.

Maritime Union of America, National: No person shall be excluded from membership by reason of race, color, religious belief, sex, or political affiliation.

Mine, Mill, and Smelter Workers, International Union of: There may be no discrimination because of race, color, religious or political beliefs.

Newspaper Guild, American: No one may be barred * * * or penalized by reason of sex, race, or religious or political convictions * * *.

Office and Professional Workers of America, United: Any employee working within the union's jurisdiction, without regard to race, color, or religious or political beliefs is eligible for membership.

Retail, Wholesale, and Department Store Employees of America, United: No eligible worker may be discriminated against or denied membership by reason of race, color, religion, or political affiliation.

Shoe Workers of America, United: Discrimination in regard to race or religious beliefs is prohibited.

State, County, and Municipal Workers of America: Membership shall not be denied because of sex, race, color, religion, or political belief.

Steelworkers of America, United: Anyone working within jurisdiction is eligible, regardless of race, creed, color, or nationality.

Stone and Allied Products Workers of America, United: All workers within the union's jurisdiction are eligible regardless of sex, race, creed, color, religion, political affiliation, or nationality.

Transport Service Employees of America, United: All employees within the union's jurisdiction are eligible regardless of race, religion, creed, color, political affiliation, or nationality.

Transport Workers Union of America: Any employee within union's jurisdiction is eligible regardless of race, color, religious or political beliefs.

Utility Workers Organizing Committee: Any man or woman within the committee's jurisdiction regardless of race, color, and creed, is eligible.

Woodworkers of America, International: No workers, otherwise eligible to membership in this union, shall be discriminated against or denied membership by reason of race, color, or religion.

B. A. F. of L. unions (9).

Cement, Lime, and Gypsum Workers International Union, United: Workers within the union's jurisdiction regardless of creed, color, nationality, or sex, are eligible for membership.

Hatters, Cap, and Millinery Workers International Union, United: Any worker within the union's jurisdiction, male or female, irrespective of creed, color, or nationality is eligible for membership.

Jewelry Workers' Union, International: No one is barred because of color, race, nationality, creed, or political affiliations.

Lathers, International Union of Wood, Wire, and Metal: No one shall be discriminated against for race or color.

Mine Workers of America, Progressive: All workers within jurisdiction are eligible regardless of creed, color, or nationality, or political affiliation.

Sleeping Car Porters, Brotherhood of: Anyone working within the union's jurisdiction regardless of race, sex, creed, color, or nationality is eligible for membership.

State, County, and Municipal Employees, American Federation of: All persons within jurisdiction are eligible without regard to color, race, or creed.

Teamsters, Chauffeurs, Warehousemen, and Helpers of America, International: Qualified Negro workers are eligible for membership.

Wall Paper Craftsmen and Workers of North America, United: Anyone working under the union's jurisdiction * * * irrespective of creed, color, or nationality * * * is eligible for membership.

C. Independent unions (4).

Air Line Mechanics Association, International: All in jurisdiction eligible regardless of religion, race, creed or color, political affiliation or nationality.

Foreman's Association of America: No person shall be disqualified for membership on account of race, religion, nationality, sex, or political views or opinions.

Mine Workers of America, United: Workers within jurisdiction are eligible for membership regardless of creed, color, or nationality.

Welders of America, United Aircraft: Any employee working within the union's jurisdiction, regardless of race, creed, color, religion; or political affiliation, is eligible for membership.

II. UNIONS WHOSE CONSTITUTIONS RESTRICT MEMBERSHIP BECAUSE OF RACE, COLOR, CREED, OR NATIONAL ORIGIN (16)

A. C. I. O. unions.

None.

B. A. F. of L. unions (8).

Blacksmiths, Drop Forgers, and Helpers, International Brotherhood of: Negro helpers are admitted only to auxiliary locals which are under jurisdiction of white local. They cannot transfer to other locals except one composed of colored members. They are not eligible for promotion to blacksmiths or helper apprentice and may not be admitted to shops where white helpers are now employed.

Boilermakers, Iron Shipbuilders, and Helpers of America: Negro members are organized into auxiliary locals which are under the jurisdiction of the nearest white locals.

Broom and Whisk Makers Union, International: No applicant is to be barred on account of creed, color, or nationality, except Asiatic labor.

Maintenance of Way Employees, Brotherhood of: Negroes are admitted under the direct control of the system's division or federation where employed and are entitled to all benefits and protection. They are represented at conventions by delegates of their own choice from white locals on their system division although they may maintain separate locals for social purposes.

Railway Carmen of America, Brotherhood of: Any white person * * * who believes in the existence of a supreme being * * * employed within the union's jurisdiction is eligible for membership.

Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Brotherhood of: All white persons * * * working within union's jurisdiction are eligible.

Railway Mail Association: Any male postal clerk working in jurisdiction who is of the Caucasian race, or a native American Indian, is eligible.

Sheet Metal Workers International Association: Negro applicants are organized with the consent of the affiliated white local union as an auxiliary * * * and shall be represented by said white local union at all conferences and conventions, including the international convention.

Switchmen's Union of North America: Any white male person is eligible for membership.

C. *Independent unions (6).*

Letter Carriers' Association, National Rural: Only white delegates are eligible to seats in the national convention.

Locomotive Engineers, Grand International Brotherhood of: Membership is restricted to white men who can read and write the language where employed.

Locomotive Firemen and Enginemen, Brotherhood of: Any employee working within the union's jurisdiction who is white born is eligible for membership. Mexicans, Indians, or those of Indian or Spanish-Mexican extraction are not eligible, except that international president may grant special dispensation to a local requesting the admittance of an American Indian.

Railroad Trainmen, Brotherhood of: Any white male, working within jurisdiction is eligible * * *.

Railway Conductors of America, Order of: Any white man working within its jurisdiction is eligible.

Train Dispatchers, American Association of: Any white person who is working within the union's jurisdiction is eligible.

III. UNIONS WHOSE CONSTITUTIONS RESTRICT MEMBERSHIP TO CITIZENS OR THOSE WITH FIRST PAPERS OR CITIZENS OF CANADA (24)

A. *C. I. O. unions (2).*

Marine Cooks' and Stewards' Association of the Pacific Coast: Applicant must be eligible for American citizenship.

Marine Engineers' Beneficial Association, National: Citizenship a requirement for membership.

B. *A. F. of L. unions (20).*

Asbestos Workers, International Association of Heat and Frost Insulators: Citizenship is a requirement for membership.

Brick and Clay Workers of America, United: Citizenship or first papers a requirement for membership.

Bricklayers, Masons, and Plasterers International Union of America: Citizenship or declaration of citizenship a requirement for membership.

Building Service Employees' International Union: Citizenship a requirement for membership.

Carpenters and Joiners of America, United Brotherhood of: Citizenship requirement for membership.

Coopers International Union of North America: Citizenship a requirement for membership.

Glass Cutters' League of America, Window: Citizenship a requirement for membership.

Glass Workers' Union of North America, American Flint: Citizenship a requirement for membership.

Hod Carriers', Building and Common Laborers' Union of America, International: Citizenship or declaration of citizenship a requirement for membership.

Lathers, International Union of Wood, Wire and Metal: Citizenship of the United States or Canada, or declaration of citizenship is a requirement for membership.

Longshoremen's Association, International: Citizenship or declaration of citizenship a requirement for membership.

Marble, Slate, and Stone Polishers, Rubbers, and Sawyers, Tile and Marble Setters Helpers, and Terrazzo Helpers, International Association: Citizenship or declaration of citizenship of the United States or Canada a requirement for membership.

Musicians, American Federation of: Applicants must be citizens or have filed first citizenship papers.

Roofers, Damp and Waterproof Workers Association, United Slate, Tile and Composition: Members must be citizens or have declared intentions of becoming citizens.

Stereotypers' and Electrotypers' Union of North America, International: Citizenship or declaration of citizenship a requirement for membership.

Stonecutters Association of North America, Journeymen: Citizenship of the United States or Canada or declaration of citizenship is a requirement for membership.

Teamsters, Chauffeurs, Warehousemen, and Helpers of America, International Brotherhood: Citizenship of the United States or Canada or declaration of citizenship is a requirement for membership.

Wall Paper Craftsmen and Workers of North America, United: Declaration of citizenship is required for membership.

Wire Weavers Protective Association, American: Declaration of citizenship is necessary if foreign-born.

Sheet Metal Workers International Association: Citizenship or declaration of citizenship a requirement for membership.

C. Independent unions (2).

Marine Firemen, Oilers, Watertenders, and Wipers Association, Pacific Coast: Citizenship or declaration of citizenship a requirement for membership.

Welders of America, United Aircraft: Citizenship a requirement for membership.

[The Reader's Digest, March 1944]

MANY EMPLOYERS, AND SOME UNIONS, STILL DISCRIMINATE AGAINST NEGROES, YET—WHITES AND BLACKS CAN WORK TOGETHER

(By William Hard)

Nothing makes more world-wide woe than the poisonous pride of race. It is the true taproot of the beastliness of Naziism and Nipponism, and it defies even democratic political institutions. In our own United States, where every politician talks himself into office by screaming about democracy, we have to give first place as a troublemaker to what whites call the Negro problem. Negroes could with equal accuracy call it the white problem.

Both races suffer from it. Here I discuss what I believe to be its first and basic phase. I do not speak of poll taxes, of segregation in railroad trains and residential districts, of intermarriage, or of any other kind of "social equality." I speak of the bare right of a man to earn his living.

Shall a black be allowed to have a job? Shall he be allowed to grow into a better job if he is fitted for it? Shall he get a fair chance to sweat for his bread and butter and to feed his wife and children according to the merit of his brain and brawn?

I say that the answer in this democracy must be "yes." At present it is too often "no."

Year before last the Federal Government addressed a question to war-goods manufacturers: How many of your new jobs will be open to Negroes? The replies showed that 51 percent of those new jobs, skilled or unskilled, would be closed to Negroes. Why? Just curtly and brutally: "Employment policy."

Important unions join important employers in that "policy."

Organized labor claims to be "the voice of humanity." Let us look at it on our railroads.

All five of the great unions which operate our railroad trains—engineers, firemen, conductors, trainmen, switchmen—deny membership to Negroes. They sometimes go further. The railroad unions have no "closed shops," and thousands of Negroes work as firemen and trainmen on railroads in the South without being union members. They have done it for a long, long time. Now the white "brothers," representing "humanity," are trying to drive those Negroes out of their jobs.

This campaign has been completely exposed in hearings before the Federal Fair Employment Practice Committee. Early in this century the unionized white

trainmen and firemen in the South began to negotiate collective-bargaining agreements with railroad managements, confining Negroes to certain percentages of the total number of trainmen and firemen employed. They have continuously and ruthlessly reduced those percentages.

In 1910, 30 percent of all trainmen in the South were Negroes; in 1940, only 15 percent. In 1910, 41 percent of all firemen in the South were Negroes; in 1940, only 29 percent. At the present pace there will be no Negro trainmen or firemen left in the South by 1960. The whites will have robbed the southern blacks of one of their most ancient industrial occupational heritages.

Nothing is—or, in my opinion, should be—more sacred in railroad employment than “seniority.” The “senior” fireman, for instance, as he gets on in years, should be promoted from a hand-stoked locomotive to an easier and faster run on an automatically stoked locomotive or a Diesel. But the white unions in the South have brought it about that a Negro fireman, no matter how great his “seniority,” no matter how great his efficiency, is not “promotable.” In fact, he is demotable. Elderly Negro firemen are actually taken down from automatically stoked locomotives and from Diesels and sent back to hand-stoked switch engines, to do once more, at 50 and 60, the backbreaking shovel work of their youth.

I deny that the mass of the whites of the South take any pride in that kind of “white supremacy.”

Some American Federation of Labor unions confine Negroes to “auxiliary locals.” An “auxiliary” is a deplorable institution. The Negroes who belong to it are under the “supervision” of a local union of whites. They pay dues but get no voting rights as to their own jobs and grievances and promotions or as to the managing of the union. They are more or less in peonage.

I deny that the American people want that kind of use made of favors granted to unions by the Railway Labor Act and the National Labor Relations Law.

I contend that all this trouble about Negro employment is made for us by a sincere but overheated minority. The people as a whole, no matter what they may think about “social equality,” are overwhelmingly in favor of economic equality for Negroes. I contend that they think:

“Let a man work. Then we will see from there.”

Let us look at Detroit, our most publicized city for race disturbances. It has had bloody race riots. It has had numerous work stoppages due to the employment of Negroes or to the upgrading of Negroes from jobs less skilled to jobs more skilled. But what is the actual history of those stoppages?

All of them were very short. Many of them lasted only a few hours. Thereafter whites and blacks settled down to work together in an amity continuously increasing. Today there are few cities where our war industries employ a larger percentage of Negroes than Detroit employs—or where the relations between the races in industrial plants are more orderly and peaceful.

This happy outcome is due, above all, to a certain union, the largest union in the world, the United Automobile Workers, C. I. O. This union says explicitly in its constitution that it aims to “unite” all workers within its jurisdiction “into one organization, regardless of religion, race, creed, color, political affiliation or nationality.” And it lives up to that pledge.

When there were stoppages at the Packard plant because of some transfers of Negroes, the union’s national president, Mr. R. J. Thomas, announced:

“Negroes pay a dollar a month dues, the same as other members of this union. Negroes have the same right as other members to be upgraded. I have given an ultimatum to the Packard workers that they must go back to work. If it means that some white workers are going to get fired from their jobs, then that’s exactly what is going to happen.”

Similarly, when there was a stoppage at the Hudson plant, the Hudson local posted a notice saying:

“Hudson Local 154 warns all members who feel disposed to violate the principle of ‘no racial discrimination’ that they cannot expect to get the support of Local 154 in any discipline they may suffer from the company.”

Such resolute measures finally stilled the storms in Detroit’s auto plants, even though many white members of the union were but recently from the deep South. In Local 50, which embraces Ford’s immense Willow Run bomber plant, two Negroes were elected officers despite the fact that less than 5 percent of the workers in this plant are Negroes.

The final proof of good race relations in Detroit’s auto plants came at the time of the race-riot hysteria. The two races fought in the streets, but there was no conflict at all in the plants. Quite to the contrary. Whites would come into the plants, after fighting with blacks whom they did not know, and go

quietly and peacefully to work side by side with their black fellow members of the U. A. W. whom they did know.

I venture upon a generalization. The soundest cure for race riots is mutual acquaintanceship between the races in work.

Most unions realize this. True, some 30 unions openly and officially discriminate against Negroes. But some 170 do not.

Many unions, such as the painters and the hodcarriers, both A. F. of L., have been very zealous in organizing Negroes. Two A. F. L. unions, the bricklayers and the operative plasterers, promise in their constitutions to fine any member \$100 if he refuses to work alongside another member because of race. Some unions, running from the hodcarriers to the teachers, A. F. L., have Negro national vice presidents.

All C. I. O. unions are committed to a fight to the finish against race discrimination in C. I. O. jobs. Two Negroes sit on C. I. O.'s executive board.

The C. I. O. thoroughly understands that Negroes, as they gain in education and skill, will either be members of unions or they will be called in by employers as strike-breakers to destroy unions. And in that fact lies the most solid reason for believing that equality of economic opportunity for Negroes will some day be a vital point in the social program of the whole American labor movement. When that day comes the Negro's economic problem will be half solved.

The other half of the solution lies in the hands of employers. Many employers have been extremely adventurous in production methods and sales methods but extremely timid in the field of social human relations. They were not employing Negroes. Why seek trouble by taking them on? It required the war and the acute shortage of manpower to persuade such employers to put Negroes on their pay rolls. And now what do they find?

In 9 cases out of 10 they find little or no trouble; and they find their new Negro employes much more efficient than they had anticipated. Fortune magazine conducted a poll among 102 important industrial firms as to their experience with Negro employes. Only 12 firms said that Negroes were inferior to whites in productivity; 85 said they were equal to whites, and 5 actually said they were superior.

A striking experiment in Negro employment has been made by the Sun Shipbuilding Co. in Chester, Pa. Sun Ship has four building-and-launching yards. In three of them whites and blacks work intermingled. In the fourth the working force is almost wholly black.

Employment in this fourth yard is under the supervision of Dr. Emmett J. Scott, one of our most distinguished and respected Negro educators. He is assisted by "Bud" Holland, former Negro All-America football star at Cornell. Some 6,000 Negroes are employed—welders, machinists, drivers of gigantic cranes, operators of all sorts of lathes and drills, draftsmen, "leaders" or subforemen. In the absence of white workers they get a complete chance to rise rapidly into skilled posts. Only the very top of the supervisory force is white.

This Sun experiment is new, but the National Smelting Co. of Cleveland has been conducting a similar experiment for 25 years. It has Negroes who have the high responsibility of being head operators of open-hearth furnaces. The chairman of its executive shop committee is a Negro. It has Negro foremen who have white men working under them. Its baseball teams are of whites and blacks together. Whites and blacks sit together for industrial instruction.

Such results are solid proofs of Negro effectiveness. I do not want to give a Negro anything just because he is a Negro. All I want to give him is everything he can prove he can get as a man.

And with that I come back to the South. As much as any southerner, I resent the promiscuous attacks made by left-wing agitators on the race situation in the Southern States. Those agitators seem to remember nothing about the reconstruction era in the South and the sad consequences then of excessive haste in Negro advancement. Progress in Negro employment and in the unionizing of Negroes in the South has to be gradual. But, in spite of its being only gradual, and in spite of the setbacks occasionally given to it by certain unions and certain managements, it is coming to be a quite considerable progress. Observe it in the union field.

Forty-two years ago John P. Frey, valorous veteran head of the metal trades department of the American Federation of Labor, went to Chattanooga, Tenn., and there undertook to organize black molders into a union. His local fellow white molders thoughtfully considered lynching him.

Today there are hundreds of thousands of black unionists in the South. And more and more their white fellow unionists are bringing them into their counsels. Sometimes 15 to 30 percent of the delegates to conventions of Southern State

Federations of Labor are Negroes. Some Southern State Federations of Labor have Negro vice-presidents.

I subscribe to a statement made by George Googe, long the top A. F. L. organizer south of the Potomac. He says:

"Race discrimination in our unions in the South has decreased 50 percent in the last 12 years. Give us 12 years more and there won't be any."

I do not believe that the mass of southern whites want to prevent Uncle Tom from welding if he can weld. For their own self-interest it is better that he should weld in the South than to the North to weld. In the Negro the South has this country's greatest reservoir of teachable skilled labor.

Already race discrimination has been almost totally overcome on many of the ships that sail from our ocean ports, northern or southern. On those ships whites and blacks, as coequal members of the National Maritime Union, stand the same watches, sleep in the same fo'c'sles, eat in the same messrooms, endure danger side by side, and even begin to move side by side toward the chance of advancement to command.

Southerners have always recognized the strange deep, psychological insight of the Negro. They often speak of "that wise old Negro." And it is upon that patient "wisdom" of the mass of Negroes that I rely principally for a happy ending to the present occupational tension between the races. Almost all Negroes, for instance, have been 100 percent proof against the crafty German and Japanese radio propaganda regarding race oppression in the United States. And, indeed, why not?

There has been no large immigration of Negroes into the United States for more than 100 years. The average Negro family has been here longer than the average white family. What the Negroes want from this country is not foreign deliverance but just more Americanism.

There are two schools of thought among those who believe Negroes should have full opportunity to earn their living. One school would promote Negro employment only by voluntary experiment. The other would use also the force of public laws forbidding race discrimination by employers and unions. Some States already have laws that move toward that end. Often it has been found extremely difficult to enforce them upon hesitant employers and reluctant unions.

The Fair Employment Practice Committee has been operating less on law than on vague Presidential war powers and on patriotic persuasion. It has had many successes. There will be a big drive to make the Committee permanent under a statute outlawing all race discrimination in interstate commerce.

I think that no such statute can be effectively enforced without two preliminary steps.

One is to educate people to know that the theory that whites and blacks cannot work together without turmoil and disaster is flatly contrary to ever-increasing fact.

The other is to educate people to know that in the competitive world after this war we are going to need all the working energy, whether white or black, that we can assemble. Every ounce of such energy used is a national gain. Every ounce of it not used is a national loss.

Our 13,000,000 American Negroes are not today the national economic asset that they could be. To develop them into being that asset, to the utmost of their capacity, is not only an expression of the Americanism that derives from Christianity, but a matter of solid economic sense.

THE PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE—ITS BEGINNING AND GROWTH AND HOW IT OPERATES

(The President's Committee on Fair Employment Practice, Division of Review and Analysis, Washington, D. C., March, 1944)

Early in the defense program it became evident that full mobilization of American manpower was going to be a major problem. An important aspect of the over-all manpower picture concerned the integration of minority groups into the war effort and, in July 1940, there began a series of measures to prevent discrimination in essential industry.

The National Defense Advisory Commission established an office in its Labor Division to facilitate the utilization and training of Negro workers and later reached an agreement with the American Federation of Labor and the Congress of Industrial Organizations by which they accepted responsibility for removing

barriers against such workers. This was followed by announcement by the United States Office of Education of a nondiscrimination policy in the expenditure of Federal funds for vocational training for defense. In October 1940, Congress, in appropriating money for defense training, forbade discrimination against trainees because of sex, race, or color.

Special letters and instructions were issued by various Government officials during the next 6 months. For example, in January 1941, the Administrator of the Federal Works Agency established a regulation prohibiting discrimination in employment in the construction of defense housing projects. In a memorandum on June 12, 1941, to William S. Knudsen and Sidney Hillman, codirectors of the Office of Production Management, President Roosevelt emphasized the need for unity. "No nation combating the increasing threat of totalitarianism can afford arbitrarily to exclude huge segments of its population from its defense industries," he said. "Even more important is it for us to strengthen our unity and morale by refuting at home the very theories which we are fighting abroad."

On June 25, 1941, in response to growing protest that the steps taken had not proved adequate, the President issued Executive Order 8802 and appointed the Committee on Fair Employment Practice to enforce it. The order stated that it was the duty of employers and of labor organizations "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin." According to 8802, the Committee was to "receive and investigate complaints of discrimination in violation of the provisions of this order and * * * take appropriate steps to redress grievances which it finds to be valid." It was also empowered to make recommendations to Government agencies and to the President.

The first Chairman, Mark Ethridge, publisher of the Louisville Courier-Journal, and five other members, serving without compensation, were appointed by President Roosevelt on July 18, 1941. Lawrence Cramer, former Governor of the Virgin Islands, was called from teaching at Harvard University to become executive secretary. Originally the Committee functioned within the Labor Division of the Office of Production Management. On January 26, 1942, when the Office of Production Management was abolished, the Committee was transferred to the War Production Board. Dr. Malcolm McLean, president of Hampton Institute, became Chairman in March 1942, and in July of the same year, the Committee was transferred as an "organizational entity" to the War Manpower Commission.

By the beginning of 1943, it was apparent that a reorganization was necessary to enable the Committee on Fair Employment Practice effectively to carry on its duties. The staff, at maximum, had consisted of 13 officers and 21 clerical and stenographic employees, a number far too small to investigate thoroughly the numerous complaints being received by the Committee. Under Executive Order 9346, issued on May 27, 1943, a new Committee, with a full-time Chairman, was set up as an organizationally independent agency.

The new order enlarged upon 8802, while repeating its basic principles. It stated clearly that it was the duty of all employers, including Federal agencies and labor organizations, "to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin." Contracting agencies of the Government were required specifically to include a nondiscrimination provision in all subcontracts, as well as in all contracts as required by 8802. The Committee's powers to "conduct hearings and make findings of fact," to promulgate "rules and regulations" and to "take appropriate steps to obtain elimination of such discrimination" were mentioned in detail. Monsignor Francis J. Haas, dean of the school of social sciences at Catholic University and well-known labor mediator, was appointed Chairman of the new Committee and served until nominated Bishop of Grand Rapids on October 7, 1943. Malcolm Ross, author and former Director of Information of the National Labor Relations Board, who had been Deputy Chairman, was named his successor by President Roosevelt on October 18, 1943.

At the present time, the President's Committee on Fair Employment Practice has, exclusive of the Chairman, 6 members who represent labor and management equally. The paid staff numbers 113 workers, 60 of whom are in the field. The national office in Washington, D. C., has four Divisions: Field Operations, Administrative, Legal, and Review and Analysis. In addition, there are 9 regional offices, each with a director in charge, and 2 additional suboffices, 1 in Detroit in region V and 1 in Los Angeles in region XII.

DUTIES AND JURISDICTION

Responsibility for fair employment practice rests, actually, with the individual employer, union, or Government agency. In interpreting and enforcing Executive Order 9346 the Committee, which is an administrative agency, first must determine how, when, and by whom discrimination is practiced, and second, must take appropriate steps to eliminate such discrimination.

Definition of Complaints and Complainants.—The Fair Employment Practice Committee has jurisdiction over complaints of discrimination because of race, creed, color, national origin, or alienage. The category of noncitizens was not included in Executive Order 8802. A statement by the President in January 1942, however, brought aliens within the scope of the Committee's responsibilities.

Whether because of race, creed, color, national origin, or alienage, discrimination may take many different forms. It may be direct by the employer against an employee, as in the case of refusal to hire. A member of a minority group may be employed and later subjected to inferior working conditions. Failure to utilize the minority workers at their highest skill level, early and unwarranted dismissal, and unequal pay for equal work are additional types of direct discrimination.

Less direct discrimination in employment may be practiced by unions, training institutions, and employment agencies. Most of the complaints against unions charge refusal to accept for membership, to issue work permits, or to handle grievances, including disputes over seniority and upgrading. There also may be segregation into local auxiliaries in which the Negro worker is denied the right to vote, to bargain collectively or to participate equally in business negotiations. Complete denial of training and, in addition, unequal facilities where segregated schools exist are the chief charges against training institutions. Discriminatory want ads and job specifications sent to employment agencies frequently prevent nonwhite, Jewish, and alien complainants from obtaining war jobs.

Basis of the Committee's authority.—The functions performed by the Committee are carried out for and in the name of the President. The authority delegated to the Committee stems from two Presidential prerogatives: First, the constitutional power of the President, as administrative head of the executive branch of the Government, to direct the operation and administration of all Federal agencies; and second, his power as Commander-in-Chief to take all administrative action necessary to assure adequate supplies for the armed forces of the United States. Pursuant to his authority under the former, the President has empowered the Committee to investigate discrimination on the part of Government agencies, Government-sponsored training programs and private industries involved in the performance of Government contracts. The President's power as Commander-in-Chief underlies his delegation of authority to the Committee to investigate discrimination in all essential war industries.

Agencies within the jurisdiction of the Committee.—Thus, the jurisdiction of the Committee under Executive Order 9346 extends to three categories of complaints alleging discriminatory employment practices:

1. Complaints against all agencies of the Federal Government;
2. Complaints against all employers (and the unions of their employees) having contractual relations with the Federal Government, regardless of whether such contracts pertain to the war effort, and
3. Complaints against all employers (and the unions of their employees) engaged in industries essential to the war effort, whether or not they have contractual relations with the Government.

The Committee's jurisdiction over complaints against Federal agencies has never been challenged. But questions have been raised regarding the kinds of Government contracts contemplated by the order and as to whether or not the inclusion of the order's "nondiscrimination clause" in such contracts is mandatory. The latter question has been answered in the affirmative by the President. In defining the kinds of Government contracts contemplated by the order, the Committee has ruled that the "nondiscrimination clause" must be included in all contracts made, amended or modified which call for the employment of persons. Such inclusion does not depend upon the amount of money involved, and is required even though the contract does not involve war activity.

The Committee's jurisdiction over "war industries" where no contract is involved, has been challenged in several cases. The Committee has issued no comprehensive definition of what it regards as "war industries." It accepts as a general guide the War Manpower Commission's List of Essential War Industries, but it reserves to itself the right to determine in each case whether the party

charged is an "essential war industry" within the meaning of the order. The Committee has ruled that steamship lines, railroads, telephone and telegraph companies and local street railway systems in vital industrial areas are essential "war industries" within the meaning of the order.

The Committee also has ruled that its jurisdiction extends to all private educational institutions which receive Federal funds for the support and maintenance of their war training programs.

Agencies not within the jurisdiction of the Committee.—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 and which are not engaged in services essential to the war effort.

The Committee has no jurisdiction over the armed forces.

PROCEDURE

A case requiring investigation by the President's Committee on Fair Employment Practice is: (a) a signed complaint (b) against a named employer, union, or Government agency (c) alleging discrimination (d) relating to employment, placement, or training (e) because of race, color, creed, national origin, or alienage. Information pertaining to discriminatory advertisements, placement orders, or application forms may be acted upon by a staff member upon his own cognizance. In addition, evidence of violation of Executive Order 9346, referred to the Committee by another Government agency, may constitute a case.

Method of investigation: customary steps.—All cases are docketed in the regional office of the area in which the alleged discrimination has occurred. If a complaint comes under the jurisdiction of the Committee, investigation of its validity is begun. Further information from the complainant may be obtained and collateral investigations undertaken, after which contact is made with the party charged by a fair-practice examiner. If an employer or union official, thus reminded of his responsibilities under Executive Order 9346, acts to eliminate discriminatory practices in accordance with the recommendations of the examiner and the regional director, the case is closed. Most of the 359 cases satisfactorily adjusted in the 6 months' period from July 1 to December 31, 1943, represent this kind of disposition.

Should a case prove unadjustable at the regional level, the regional office can refer it to the Director of Field Operations in Washington. At both the regional and national levels, there is frequent negotiation with the War Manpower Commission or with the contracting agencies of the Government. In some troublesome situations a senior fair practice examiner is sent from the Washington office to effect a satisfactory disposition of the case. Referral to the full Committee and the scheduling of a public hearing result only after all other methods of settlement have been employed unsuccessfully.

Hearings.—The decision to hold a hearing is not automatic. It is made only after the members of the Committee have agreed upon such action. The purpose of public hearings is to determine the existence of discrimination, the duties of employers, and the rights of employees under Executive Order 9346.

Hearings conducted by the President's Committee on Fair Employment Practice are informal, fact-finding proceedings. They are not limited by the legal rules of evidence and procedure. The full Committee, sitting as an impartial body, may hear the case or may authorize its Chairman to appoint a hearing commissioner for the purpose of conducting the hearing. In other instances, a panel of Committee members may be designated. A number of concerns from the same industry or local area may be investigated at one time. In the majority of the 11 public hearings held by the Committee since its inception, more than one company or one union has been involved.

Ample notice of the hearing and of the specific charges is given to the party charged. Parties may appear in person or be represented by counsel and may examine and cross-examine the witnesses. The Committee may request the party charged to present material, but it has no power to subpoena witnesses or records.

The full Committee reviews the stenographic record of the proceeding before rendering its final decision and entering its findings. At this time it takes corrective measures, which include recommendations and directives to the parties charged and recommendations to Federal agencies and to the President of the United States to eliminate whatever discriminatory practices have been revealed.

The elimination of discrimination.—In most instances, Fair Employment Practice Committee staff members are able to bring about the adjustment of specific complaints without formal reference to the Committee. Satisfactory disposition is achieved when the party charged complies with the requests of these executives that it take certain positive steps to correct present discriminatory practices or to guard against their future occurrence. Beyond the settlement of the immediate grievance, such implementation usually consists of written notices and instructions to personnel officers, placement agencies, training institutions, and labor unions that the party charged will employ persons solely on the basis of their qualifications and without regard to their race, creed, color, or national origin.

The Committee's directives usually advise the parties charged to issue formal instructions to their own personnel officers and employment agencies that the recruitment, training, and placement of workers will be carried on without discrimination.

In addition, the Committee has at times directed companies to hire persons who have been discriminated against or to reinstate workers who have been dismissed for discriminatory reasons. One such instance occurred in December 1942, following a hearing which involved charges brought by seven members of Jehovah's Witnesses. The Committee directed that "the company take immediate steps to offer reinstatement to the seven complainants and to offer them reemployment with full seniority rights they would have enjoyed had they been continuously employed."

The Committee consistently has expressed its conclusions regarding methods of carrying out the purposes of the Executive orders by means of the well-known administrative procedure of issuing directives. Power to issue directives is implied in Executive Orders 8802 and 9346. Under Executive Order 8802 the Committee "shall take appropriate steps to redress grievances." The corresponding clause in Executive Order 9346 authorizes it to "take appropriate steps to obtain elimination of * * * discrimination." The Committee's authority to issue directives springs from these phrases.

Should the Committee's directives be defied, such violation can be referred to the proper contracting agency, including the War Department, the Navy Department, or the Maritime Commission. The contracting agencies may cancel or refuse to renew war contracts. Ultimately, noncompliance is certified to the President of the United States.

The Committee can also bring such cases to the attention of the Chairman of the War Manpower Commission. A formal agreement, executed by the two agencies in August 1943, defines the respective responsibilities of Fair Employment Practice Committee and War Manpower Commission in enforcing the Government's nondiscrimination policies concerning the training, placement, and utilization of manpower. In addition, the War Manpower Commission, in carrying out its employment stabilization program, may penalize violators of the program's clause prohibiting discriminatory hiring and referral practices. Sanctions may be invoked at both the regional and national level. Most of them are available at any stage of negotiations when the intent of the party charged not to comply becomes clear.

The War Manpower Commission, through the United States Employment Service, may refuse to service noncomplying employers, or may issue certificates of availability to workers against whom discriminatory policies have been practiced. It may refuse the employer clearance for the recruitment of workers outside of his labor market if he imposes discriminatory hiring specifications. It may issue certificates of availability to the workers of a noncomplying employer. Also, in accordance with War Manpower Commission's policy, employees who quit in protest over the employment of minority workers may be denied certificates of availability to other employment.

Finally, the President may act under his dual authority as administrative head of the executive branch of the Government or as Commander in Chief of the armed forces to enforce Committee directives.

SCOPE OF ACTIVITIES

Complaints received and investigated.—As of July 1, 1943, Fair Employment Practice Committee had pending 1,016 cases. During the 6-month period between that date and January 1, 1944, 1,930 new cases were docketed. During the same period 989 cases were closed, leaving the Committee's January 1 case load at 1,957. More than one-third of the cases closed represented satisfactory adjustments. Dismissal because of lack on jurisdiction over the complaint or because of insufficient evidence accounted for 244 of the closings. In addition, 256 cases were closed on merits, 123 were withdrawn by the complainant, and 7 were dismissed for other reasons. The 630 cases in these last 4 categories represent allegations of discrimination which would have remained as continuing disputes had they not been subjected to a careful examination by a third party.

Fair Employment Practice Committee public hearings number only 11. Of these, 6 were held under the auspices of the old Committee, before the issuance of Executive Order 9346. A number of companies and unions were involved, and compliance has been largely good. Certain companies have been especially cooperative. At this writing, the new Committee has conducted 5 public hearings; 2 were based upon charges of discrimination because of creed and involved the Dow Chemical Co. in Midland, Mich. and the Northwest Mining & Exchange Co. in Du Bois, Pa. The railroad hearings in Washington, D. C., the boilermaker hearings in Portland, Oreg., and Los Angeles, Calif., and the case of the Philadelphia Transportation Co. in Philadelphia involved charges of racial discrimination.

Distribution of complaints by race, creed, color, national origin, alienage, race, and color.—For the most part in the United States, Negro labor has been disproportionately concentrated in unskilled, domestic, and agricultural occupations. According to the 1940 census, Negro men comprised 60.2 percent of all males in domestic service and Negro women constituted 46.6 percent of all women employed in this field. Colored men formed 21 percent of the males employed as laborers; colored women composed 26.9 percent of such laborers. (Farms and mines not included.) Negro men were 21 percent of all farm laborers and foremen. It can be seen how disproportionately the Negro is concentrated in the lower work brackets, when it is considered that Negro males constitute 10.3 percent of the total male working population, and that women form 18.9 percent of the total female working population.¹

During World War I, and for a decade thereafter, Negroes made significant occupational gains in such industries as iron, steel, meat packing, shipbuilding, and automobile manufacturing. The depression seriously hampered these gains and in 1940, Negroes constituted a smaller proportion of the workers in mining, manufacturing, transportation, and communication, than they had in 1910.² A survey by the Bureau of Employment Security of the Social Security Board issued in September 1941, revealed that Negroes would not be considered by industry for 51 percent of 282,245 job openings expected to occur by February 1942.³

The Tolson committee, in 1941, found that 9 American Federation of Labor unions still had constitutional provisions barring Negroes from membership, along with the railway brotherhoods. In addition, numerous unions continued to discriminate against Negro workers excluding them by tacit consent and constitutional ritual, and by segregating them into auxiliaries.

Since 1941 the Negro has made considerable advances in the field of industrial employment. In January 1944, according to the War Manpower Commission, nonwhite workers now constitute 7.2 percent of the total 15,000,000 war workers in firms reporting to the United States Employment Service. This shows a good trend. In the beginning of 1942, it was estimated that nonwhite workers constituted only 3 percent of the employees in war industries. By September 1942, the figure was 5.7 percent; in January 1943, 6.4 percent, and in March 1943, 6.7 percent.⁴ Negroes have secured significant employment opportunities in ship-

¹ U. S. census, Population, the Labor Force, vol. III, Washington, D. C.; U. S. Government Printing Office, pp. 86 and 89.

² Weaver, R. C., *The Employment of Negroes in War Industries*, Journal of Negro Education, Washington, D. C., Howard University Press, Summer 1943, pp. 386-387.

³ Bureau of Employment Security, *Social Security Board, Labor Supply and Demand in Selected Defense Occupations Through the Period May-November 1941*, Washington, D. C., Federal Security Agency, September 1941.

⁴ Weaver, R. C., *op. cit.*, p. 391.

building, aircraft, blast furnaces, steel works, rolling mills, tanks, communication equipment, explosives, and ammunition.

No reliable data is available on the utilization of nonwhite workers in skilled and semiskilled occupations. Most observers agree that Negroes are being both placed and upgraded to skilled and semiskilled operations in many plants at a startling rate. The War Manpower Commission has revealed that for the last quarter of 1943 14.8 percent of nonwhite placements were in other than unskilled occupations. The number of Negroes in operations other than unskilled in industry is perhaps much higher than this figure would indicate, since the usual tendency is to upgrade Negroes from unskilled jobs, rather than to take newcomers from the outside at the high levels of employment.⁵

Negroes have also made considerable gains in the Federal Civil Service. The 1938 report by L. J. W. Hayes showed that Negroes composed 8.4 percent of Federal employees in Washington, and that 90 percent were in custodial jobs.⁶ In contrast, a study by the Division of Review and Analysis of Fair Employment Practice Committee, involving a sample which covered 1,957,858 Government employees, showed that 12.5 percent of these workers were colored. According to this study, in the departmental service Negroes composed 18 percent of the total personnel. A large number, 50 percent or more in some agencies, were employed in the clerical, administrative, fiscal category, although in the field service most Negroes were still in custodial classifications.

In general, however, the better utilization of the Negro is spotty and is concentrated in certain industries, in certain areas, and even in some cases, is limited to specific corporations. There are many industries where the full utilization of nonwhite workers is of critical importance to the war production effort. Among these are the local transit industry, the air frame industry, the cotton textile industry in the South, the jute-spinning industry, the rayon fiber and rayon textile industry, the antifriction bearing industry, and the shipbuilding industry where they are already highly utilized.

The practices of organized labor have not kept pace with the increased employment of the Negro. Today, 13 unions exclude Negroes by constitutional provision, 5 exclude by tacit consent, one by ritual, and 9 afford only segregated auxiliary status to Negroes.⁷

Creed.—Charges of discrimination because of creed comprised nearly 10 percent of the complaints received by the Committee during the July–December 1943 period. Most of them came from Jews. Members of this group frequently have been barred from employment through discriminatory want ads or specifications to employment agencies. Application forms on which religion must be designated further such discrimination. Training schools, realizing that Jewish graduates may be hard to place, in many cases have refused to admit them.

Orthodox Jews, Seventh Day Adventists, and others who regard Saturday as their Sabbath constitute a problem because of the working schedules to which most industries geared to the demands of war production now adhere. Absenteeism related to such practices often has led to dismissal, although many plants and agencies have managed to work out satisfactory arrangements for Sabbatarians.

National origin and alienage.—Discrimination because of national origin alone accounted for 5 percent of the complaints docketed by the Committee between July 1 and December 31, 1943. Some foreign-born citizens have been denied employment simply because an employer doubts their loyalty. On the other hand, certain groups, largely Spanish-American in origin, have to contend with discrimination of the same type which faces American Negroes. This is especially true in sections of the far West and Southwest.

The problem of placing noncitizens in war jobs is a troublesome one. During the 6-month period mentioned above, discriminatory acts against aliens constituted almost 7 percent of Fair Employment Practice Committee's docketed cases. Most discrimination of this kind arises from overcautiousness in employers

⁵ Reports and Analysis Service, Placement Activities, Washington, D. C., War Manpower Commission, December 1943.

⁶ Hayes, L. J. W., *The Negro Federal Government Worker*, Washington, D. C., Masters Thesis, Howard University, 1941.

⁷ Northrup, H. R., *Organized Labor and Negro Workers*, the *Journal of Political Economy*, Chicago, University of Chicago Press, June 1943, p. 206.

engaged in war production. Sections in two acts of Congress, passed in 1926 and 1940, forbade the employment of aliens in the performance of aeronautical, secret, restricted, or confidential contracts without the written consent of the Secretary of the Department concerned. Although the latter act has expired and the 1926 act covers only aeronautical contracts, the War and Navy Departments and the Maritime Commission continue to require written consent for the employment of aliens on such classified contracts.

Any employer not engaged in work of this kind violates Order 9346 when he refuses to employ qualified and available aliens. It is also a violation for a contractor engaged in the execution of a secret, restricted, confidential, or aeronautical contract to neglect or refuse to apply to the Secretary of War or Navy for permission to employ needed and qualified aliens.

The number of complaints received by the former Committee from aliens proved the existence of confusion among employers and applicants alike. In March 1943 discrimination against aliens still comprised Fair Employment Practice Committee's second largest group of complaints. A series of steps has served to alleviate the situation. On July 11, 1942, President Roosevelt issued a clarifying statement setting forth the official position on the employment of noncitizens and outlining procedures to be followed in hiring them. This was reaffirmed on June 7, 1943, in a joint statement by the Secretary of War, the Secretary of the Navy, the Attorney General, and the Chairman of the Maritime Commission.

According to section 205 of the Independent Office Appropriations Act, approved June 26, 1943, aliens who are nationals of any of the United Nations may now be employed by the Government agencies whose appropriations are provided by this act.

In recent months the paper work and the time needed for clearance of applications have served as the chief obstacles to the employment of aliens. The President's Committee has made recommendations toward the simplification and shortening of application forms. At this time the Provost Marshal General has brought about decentralization of the investigation and clearance of alien applications. This process should reduce considerably the time required for clearance

* * * * *

As a war agency, the President's Committee on Fair Employment Practice is concerned with bringing about the fullest utilization of all available manpower for the fight against the Axis. Its functions are the direct expression of Government policy and are aimed at eliminating discriminatory practices, which, in the present emergency, tend seriously to impair workers' morale and national unity. The current need for labor does not allow for the continuance of habits which bar qualified workers from employment and prolong the day of victory.

ADDENDA

Since the mimeographing of this pamphlet, Fair Employment Practice Committee has suspended its investigation of alienage cases pending a clarification of its jurisdiction.

On page 4, item 2 with regard to Fair Employment Practice Committee's jurisdiction refers to contracts where the nondiscrimination clause has been specifically included or indicated by implication.

The attached pamphlet is now 4 months old. From July 1, 1943, to April 30, 1944, Fair Employment Practice Committee handled 4,435 cases including among these the 1,016 which were pending as of July 1, 1943, when the new Committee was formed. During this period it has received 3,419 new cases and has closed 2,286. Almost 40 percent of these have been closed in a satisfactory manner. The others were closed for lack of jurisdiction, insufficient evidence, lack of merit, or withdrawal by complainant. These last four categories, nevertheless, represent allegations of discrimination which would have remained as continuing disputes had they not been subjected to a careful examination by a third party. In spite of a large number of closings, Fair Employment Practice Committee's case load has continued to grow and now stands at 2,149 pending cases. It is also interesting to note that during 1943 and 1944 Fair Employment Practice Committee has participated in the settlement of 25 work stoppages which occurred for racial reasons.

President's Committee on Fair Employment Practice, schedule of personnel, Dec. 27, 1943

Name	Title	Grade	Race	Base pay
Departmental:				
Ross, Malcolm	Chairman	CAF-16	White	\$10,000
Johnson, George M	Deputy chairman	CAF-14	Colored	6,600
Bourne, St. Clair T.	Information specialist	CAF-9	do	3,200
Wright, Barbara H.	Report reviewer	CAF-7	White	2,600
Alexander, Dorothy E.	Secretary	CAF-7	Colored	2,600
Clifton, N. Jeanne	Clerk-stenographer	CAF-5	do	2,000
Brooks, Mary E.	do	CAF-3	do	1,620
Whiting, Margaret B.	do	CAF-3	do	1,620
Administrative:				
Jones, Theodore A.	Administrative officer	CAF-13	do	5,600
Douglas, Lela M.	Chief, mail and files	CAF-5	do	2,000
Fogglo, Harriet A.	Clerk-stenographer	CAF-4	do	1,800
Welch, Selena E.	Clerk, file	CAF-3	do	1,620
Hollomon, Irving B.	do	CAF-2	do	1,440
Pinn, S. Pauline	do	CAF-2	do	1,440
House, Marguerite H.	do	CAF-2	Colored	1,440
Holland, Edna E. (temporary)	do	CAF-2	do	1,440
Gamble, Jessie G.	do	CAF-2	Colored	1,500
Sturdivant, Evelyn	Clerk-stenographer	CAF-3	White	1,620
Mitchell, Regina B.	Clerk, file	CAF-2	Colored	1,440
Vashti, R. Curlin	Clerk-typist	CAF-3	do	1,620
Operations:				
Maslow, Will	Chief, operations (field)	CAF-13	White	5,600
Mitchell, Clarence M.	Associate director	CAF-12	Colored	4,600
Davidson, Eugene	Assistant director	CAF-12	do	4,600
Bloch, Emanuel	Senior fair practice examiner	CAF-12	White	4,600
Metzger, Stanley D.	do	CAF-12	do	4,600
Gregory, Robert H.	do	CAF-11	do	3,800
Houston, Theophilus J.	Assistant fair practice examiner	CAF-7	Colored	2,600
Blanche, Vida G.	Clerk-stenographer	CAF-4	do	1,800
Rogers, Eleanor	do	CAF-3	do	1,620
McMillan, Lucille S.	do	CAF-3	White	1,620
Smith, Delphia	do	CAF-3	Colored	1,620
Review and analysis:				
Davis, John A.	Director, review and analysis	CAF-13	do	5,600
Lawson, Marjorie M.	Associate director	CAF-9	do	3,200
Golightly, Cornelius	Associate compliance analyst	CAF-7	do	2,600
Davis, Joy P.	Report reviewer	CAF-7	do	2,600
Hoffman, Cella B.	Clerk-stenographer	CAF-4	White	1,800
Shamons, Walter L.	do	CAF-3	do	1,620
Hemphill, India W.	Junior professional assistant	CAF-5	Colored	2,000
Coan, Carol	do	CAF-5	White	2,000
Dumas, Joan S.	Clerk-stenographer	CAF-3	Colored	1,620
Consultants:				
Marvin C. Harrison (term)	Consultant	CAF-14	do	8,000
George E. Hayes (term)	do	CAF-14	do	8,000
Legal:				
Hubbard, Maceo W.	Hearing examiner	CAF-13	Colored	5,600
Trimble, Ernest G.	do	CAF-13	White	5,600
Crockett, George W., Jr.	do	CAF-13	Colored	5,600
Reeves, Frank D.	Attorney	CAF-9	do	3,200
Bass, Dorothy C.	Clerk-stenographer	CAF-3	do	1,620
Gordon, Jernevieve M.	do	CAF-3	Colored	1,620

REGIONAL OFFICES

New York, N. Y.:				
Lawson, Edward	Regional director	CAF-13	Colored	\$5,600
Jones, Robert:				
Morand, Edward V.	Associate fair practice examiner	CAF-9	do	3,200
Madison Sumner Jones, Jr.	do	CAF-9	White	3,200
Risk, Samuel	Assistant fair practice examiner	CAF-9	Colored	3,200
Souffrent, Dennis	Clerk-stenographer	CAF-4	Colored	1,800
Irish, Miriam	do	CAF-4	do	1,800
Abeha, Tillie	do	CAF-3	White	1,620
Lewis, Alfred Baker	Consultant	(1)	do	do
Frisch, Ephraim	do	(1)	do	do
Philadelphia, Pa.:				
Fleming, G. James	Regional director	CAF-12	Colored	4,600
Manly, Milo A.	Fair practice examiner	CAF-9	do	3,200
Greenblatt, Mildred	do	CAF-11	White	3,900
Gargas, Helen P.	Clerk-stenographer	CAF-3	do	1,620
Weitzman, Shirley	do	CAF-2	do	1,440

¹ Without compensation.

*President's Committee on Fair Employment Practice, schedule of personnel, Dec.
27, 1943—Continued*

REGIONAL OFFICES—continued

Name	Title	Grade	Race	Base pay
Washington, D. C.:				
Hook, Frank E.	Regional director	CAF-13	White	\$5,600
Evans, Joseph H.	Fair-practice examiner	CAF-12	Colored	4,600
Huggins, Buell D.	Clerk-stenographer	CAF-3		1,620
Chisolm, Ruby F.	do	CAF-3	Colored	1,620
Cleveland, Ohio:				
McKnight, William Thomas	Regional director	CAF-11	do	3,800
Clore, Lethia	Associate fair practice examiner	CAF-9	do	3,200
Bressman, Mildred	Clerk-stenographer	CAF-4	White	1,800
Walker, Lillian B.	do	CAF-3	Colored	1,620
Nobleman, Bernice	Clerk-typist	CAF-2		1,440
King, Hortense M.	do	CAF-2		1,440
Detroit, Mich. (sub):				
Swann, Edward McCallan	Fair practice examiner	CAF-10	Colored	3,800
Donovan, Daniel R.	do	CAF-11	White	3,800
McClure, Catherine E.	Clerk-stenographer	CAF-2	do	1,440
Chicago, Ill.:				
Henderson, Elmer W.	Regional director	CAF-12	Colored	4,600
Gibson, Harry H. C.	Fair practice examiner	CAF-9	do	3,200
Schultz, Joy	do	CAF-9	White	3,200
Zeldman, Penny M.	Clerk-stenographer	CAF-3	do	1,620
Bell, Minnie L.	do	CAF-3	Colored	1,620
Atlanta, Ga.:				
Hunt, Bruce	Regional director	CAF-12	White	4,600
Hope, John H.	Fair practice examiner	CAF-9	Colored	3,200
Bunting, Myra	Clerk-stenographer	CAF-4	White	1,800
Kansas City, Mo.:				
Hoglund, Roy A.	Regional director	CAF-12	do	4,600
Brown, Theodore E.	Fair practice examiner	CAF-9	Colored	3,200
Anderson, Clara O.	Clerk-stenographer	CAF-3	White	1,620
Groves, Lonnetta A.	Clerk-typist	CAF-2	Colored	1,440
Dallas, Tex.:				
Brin, Leonard	Regional director	CAF-12	White	4,600
Castenada, Carlos E.	Fair practice examiner	CAF-12	do	4,600
Williams, LeRoy V.	do	CAF-9	Colored	3,200
Guttenben, Willetta G.	Clerk-stenographer	CAF-3	White	1,620
Dubose, Helen H.	do	CAF-2	do	1,440
San Francisco, Calif.:				
Kingman, Harry	Regional director	CAF-13	White	5,600
Rutledge, Edward	Fair practice examiner	CAF 11	Colored	3,800
Rogers, Jewell E.	Clerk-stenographer	CAF-3	White	1,620
Seymour, Virginia R.	do	CAF-4	do	1,800
Los Angeles, Calif. (sub):				
Brown, Robert E.	Fair practice examiner	CAF-11	Colored	4,000
Burke, Jack B.	do	CAF-11	White	3,800
Calvaruso, Helen	Clerk-stenographer	CAF-4	do	1,800
Vetter, Vera G.	do	CAF-2	do	1,440

The CHAIRMAN. Due to a call of the House, the committee is obliged to adjourn at this time. Mr. Ross, we are very grateful to you for coming here this morning and giving us so much of your time and so much valuable information.

Mr. ROSS. Thank you.

The CHAIRMAN. The committee will adjourn until next Tuesday at 10:30 a. m.

(Whereupon an adjournment was taken until Tuesday, June 20, 1944, at 10:30 a. m.)

On Tuesday June 20, 1944, the committee met and adjourned immediately due to the House meeting on that day at 10 a. m.

The next meeting of the committee will be held at the call of the chairman following the expected recess of Congress.

(The following communications were received by the committee

with the request that they be included in the printed record of the hearings:)

JERSEY CITY, May 31, 1944.

We, the Jersey City Division of Women's Division of the American Jewish Congress, herein gathered in assembly, submit the following resolution:

"Whereas the sad plight of refugees made homeless all over Europe by Hitler and his minions in Germany and throughout the world; and

"Whereas no land or people have offered or extended help or sanctuary even temporarily to these blameless unfortunate people: Therefore be it

Resolved, That we earnestly ask our Government to set the example and instruct our War Refugee Board to take immediate action to establish in the United States of America, refugee rescue camps or 'free ports' now, wherein these 'poor huddled masses' can find haven from persecution, oppression, and sadistic extermination; and be it further

Resolved, That as we have space and place, we must not lack the will, and thereby deny the fundamental principles for which our Nation was created and for which we mothers and our beloved sons are sacrificing our all.

We, the Jersey City Chapter of the Women's Division of the American Jewish Congress, hereto set out seal.

Thank you.

Respectfully submitted.

CECILE J. TREUHART,
*Chairman of Education of Jersey City
Division of Women's Division
of American Jewish Congress.*

CHICAGO, June 9, 1944.

HON. MARY NORTON,
*Chairman, House Labor Committee,
House Office Building, Washington, D. C.*

DEAR MADAM: May I call to your attention an excerpt from a resolution adopted by the General Conference of the African Methodist Episcopal Church, assembled in Philadelphia, Pa., in May of 1944, at which were gathered 1,500 clerical and lay delegates representing 1,000,000 members, as follows:

"Whereas the practice of race prejudice in employment is un-American, and in the present crisis is stupid and unpatriotic in that it prevents utilization of the maximum manpower of the Nation: Therefore be it

Resolved, That we petition the Congress of the United States to provide an adequate appropriation for the President's Committee on Fair Employment Practice as it is now established, and, further, that Congress provide for the establishment of a permanent agency to eliminate discrimination, such agency to have the power of subpoena."

We, therefore, urge that your committee act favorably upon the legislation now under consideration by you for the creation of a permanent Fair Employment Practice Committee, and that this letter be made a part of your official record.

We would appreciate a reply.

Very truly yours,

ARCHIBALD JAMES CAREY, Jr.,
*Chairman on National Affairs and Post-war Planning, Thirty-second
Quadrennial Conference, African Methodist Episcopal Church.*

EAST BAY CHAPTER, NATIONAL
COUNCIL FOR A PERMANENT
FAIR EMPLOYMENT PRACTICE COMMITTEE,
Oakland, Calif., June 14, 1944.

HON. MARY T. NORTON,
*Chairman, House Committee on Labor,
House Office Building, Washington, D. C.*

DEAR MRS. NORTON: The following statement was approved and ordered sent to you for inclusion in the hearings which your committee is now holding on the bill for a permanent Fair Employment Practice Committee by citizens of Oak-

land and Berkeley, Calif., at a public meeting held last night under the auspices of the East Bay Chapter of the National Council for a Permanent Fair Employment Practice Committee:

"The Fair Employment Practice Committee has done a magnificent job in California which has been reflected in the splendid production records of our war plants. The continued effectiveness of the Fair Employment Practice Committee must be guaranteed. Discrimination in work opportunities because of race, religion, or national origin undermines the national morale of minority groups and nullifies the basis of democracy. The Fair Employment Practice Committee has worked against intolerance and race hatred and has done much to forestall interracial tension and strife.

"Nothing is more fundamental to the democratic process than the right to work without discrimination. Therefore, the continuance of the Fair Employment Practice Committee is absolutely essential for the adjustments of the post-war period. We most sincerely urge your committee to report the Dawson-Seanon-LaFollette bill favorably to the House of Representatives."

Very truly yours,

H. T. S. JOHNSON, *Secretary.*

STATEMENTS IN SUPPORT OF FAIR EMPLOYMENT PRACTICE COMMITTEE SECURED
BY NATIONAL FEDERATION FOR CONSTITUTIONAL LIBERTIES

(Submitted by Mr. George Marshall, chairman of the National Federation for Constitutional Liberties, New York, N. Y.)

Raymond Pace Alexander, lawyer, Philadelphia: "America cannot afford to lose the Fair Employment Practice Committee, the only truly democratic agency under Federal sponsorship that practices the great and glorious precepts of American ideals of democracy, liberty, and equality to which principles paradoxically enough America is already pledged by its own Constitution. We must keep Fair Employment Practice Committee alive to combat all forms of bigotry, hate, and Fascist influences if America is to be saved from itself."

Dr. Robert G. Armstrong, New Hampshire Congregation, Christian Conference: "Record me heartily in favor Fair Employment Practice Committee appropriation."

James Egert Allen, president, New York State Conference of National Association for the Advancement of Colored People branches: "Rochester meeting of New York State conference endorsed necessity of continuing Fair Employment Practice Committee May 27. Each branch was urged to contact Senators to request favorable vote on appropriations as passed by House. Personally I believe that the fight for freedom is not won until economic discrimination is wiped out. The fate of the effectiveness of this Committee is a responsibility that rests on all Americans who desire economic peace and employment stabilization at a time when military victory seems nearer each day."

The Reverend Joseph Barth, First Unitarian Church, Miami, Fla.: "Continuance of Fair Employment Practice Committee absolutely essential to sustain morale in Nation's war effort as instrument of effecting minimum justice in fair employment practices and employee training programs; continuing appropriations imperative. Retreat now from the purposes our young men of all faiths and races were enlisted in war to advance is betrayal of this war's dead. Copy sent to Senator Pepper."

Bishop James L. Baker, San Francisco, Calif.: "Consider Fair Employment Practice Committee very important for advancement of good relations within racial groups and thus an aid to realization of true democracy as well as essential to war effort. The agency should by all means be continued and adequately supported."

Mrs. Mary R. Beard, coauthor, historical works, New Milford, Conn.: "In my opinion Fair Employment Practice Committee needs full support, including its requested appropriation. I am asking Connecticut Senators to give their support."

Justice Jane M. Bolin, New York City: "Wholly in support of continuance Fair Employment Practice Committee. While billions being spent and rightly to wage war abroad, this must be total war with equal attention given injustices and discriminations against minorities at home. Appropriation requested extremely modest and affirmative vote imperative if morale of minority groups not to be further undermined."

John S. R. Bourne, chairman, Eastern New England Congress for Equal Opportunities, Boston, Mass.: "The Eastern New England Congress for Equal Opportunities has written to Senator Walsh and Senator Weeks of Massachusetts requesting, and urging, each of them respectively to support actively and vote for the appropriation for the continuance of the Fair Employment Practice Committee now to come before the Senate; and also asking that both these Senators seek to enlist other Senators to vote for the appropriation for the Fair Employment Practice Committee. This appropriation is vitally necessary to the war effort, to morale, and to basic and constitutional rights of citizens. We will continue to do what we can to help arouse widespread public interest in favor and active effort to get this appropriation through."

Mrs. Louis D. Brandeis, Washington, D. C.: "Am in full accord with your aims in program and trust Senate will vote appropriations to continue your important work."

Dean E. N. Comfort, Oklahoma School of Religion, Norman, Okla.: "As southerners we regard the Fair Employment Practice Committee as essential instrument to aid expression majority will to use full manpower for war effort and to keep faith with our democratic war aims. Job discrimination based on race, creed, or color denies people's war aims and spreads contempt for law and democratic government."

The Very Reverend John Warren Day, dean, Grace Cathedral, Topeka, Kans.: "Fair Employment Practice Committee a dependable means for overcoming racial and religious discrimination in industry. Should be kept in operation as agency to reduce the larger festering sores of race riots and fractions between religious groups. Am requesting both Kansas Senators to support the appropriation for the Fair Employment Practice Committee."

Judge Hubert T. Delaney, New York City: "There is no legislation presently pending that would stimulate the morale of citizens of this country both Negro and white who believe in democracy as a living thing rather than giving lip service to democracy than the passing of the appropriations bill pending before Congress providing for the continuation of the Fair Employment Practice Committee. I urge its passage not only because it is right, but because it is vital and will stimulate the war effort."

Earl B. Dickerson, lawyer, Chicago, Ill.: "Failure of Senate to pass favorably on President's request for \$585,000 for continuation of the Fair Employment Practice Committee would be an irreparable blow against national unity and would seriously hamper the all-out effort to crush our Fascist foes. The Fair Employment Practice Committee with opposition aimed at it by protagonists of white supremacy theory has done a good job and is entitled to support of all who believe that democracy should extend equality of opportunity to all citizens regardless of race or color. The Federal Government owes an inescapable duty to minority groups to see that the Fair Employment Practice Committee continues."

Roscoe Dungee, editor, the Black Dispatch, Oklahoma City, Okla.: "The Constitution of the United States should be amended as in Russia to prohibit discrimination against minorities and races. In the absence of such an amendment a permanent Fair Employment Practice Committee is imperative. Congress should give the President's Committee adequate financial support and statutory authority."

Frederick May Eliot, president, American Unitarian Association: "American Unitarian Association has declared its support of all steps which have been taken toward the goal of racial democracy and resolved its support of the continued and strengthened activity of the Fair Employment Practice Committee and favors establishment by act of Congress of a permanent Fair Employment Practice Committee."

The Department of Christian Social Relations of the Episcopal Diocese of Long Island, Brooklyn, N. Y.: "Our department has heard with great concern of the threat to the existence of the Fair Employment Practice Committee. We have as Christians been greatly encouraged by the work of the Committee in its attempt to uphold the rights of all men to equal opportunity for employment. We feel its continuance is absolutely essential to the preservation of our democracy at home."

Bishop J. S. Flipper, Atlanta, Ga.: "As senior bishop of the African Methodist Episcopal Church comprising 1,000,000 members, I voice their sentiment in asking that the appropriation be granted for the great work of the Fair Employment Practice Committee in combating racial and religious discrimination in war industries. To terminate now will mean an inevitable national blunder."

Father George B. Ford, New York City: "The approval or denial by Congress of the Fair Employment Practice Committee appropriation request will prove for the democracy of this country is fact or fiction. There are a hundred genuine reasons why this Committee should continue. There is not one genuine reason to the contrary."

Rabbi Israel Goldstein, Temple B'nai Jeshurun, New York City: "Fair Employment Practice Committee tries translate on home front one of 'four freedoms' which we are fighting to preserve in the world, namely, freedom from want. Fair Employment Practice Committee in protecting equal rights to jobs safeguards and validates our democracy, otherwise our military victory abroad will be vitiated by moral deceit at home. Therefore, I strongly urge Senate appropriation of funds required for continuance adequately functioning Fair Employment Practice Committee."

Dr. John C. Granbery, publisher and editor, the Emancipator, San Antonio, Tex.: "The enemy on the home front in race and religious prejudice discrimination and persecution is arrogant defiant and insulting every effective agency for maintaining our democratic faith must be fostered. Appropriation for Fair Employment Practice Committee is as much a patriotic duty as maintaining our armed forces."

The Reverend Dana McLean Greeley, Arlington Street Church, Boston, Mass.: "Let me urge continuance of Fair Employment Practice Committee because of its great importance at present time and its indispensability in furthering racial and religious justice and tolerance. This is a crucial issue in our fight for democracy."

William Green, president, American Federation of Labor: "Legislative representative of American Federation of Labor will appear before Appropriations Committee of United States Senate urging favorable action upon appropriation for Fair Employment Practice Committee. We will do all we can to secure favorable action by Congress of United States."

Harrison Hires, manufacturer, Philadelphia: "Most important both for war effort and future of our country in continuance of Fair Employment Practice Committee. For the sake of simple decency and elementary justice we cannot continue to allow discrimination against minorities."

Thomas B. Keehn, legislative secretary, the Council for Social Action of the Congregational Christian Churches of the United States of America: "The Council for Social Action has gone on record many times in support of the important work of the Fair Employment Practice Committee. It has contributed largely to the extension of racial democracy in America. We have recently acted in support of the Dawson-Scanlon-LaFollette bill to establish Fair Employment Practice Committee on permanent basis. It would be a serious blow to this proposed permanent legislation if the current appropriation for Fair Employment Practice Committee were not granted. We strongly urge the Senate to act favorably upon the request for \$585,000 to continue the present work of Fair Employment Practice Committee until a permanent agency can be established."

Dr. John Howland Lathrop, Church of Our Saviour, Brooklyn, N. Y.: "Appropriation to continue Fair Employment Practice Committee highly important as evidence Government concerned that all Americans have employment and full labor supply utilized regardless of race. Also, hearings make citizens aware of problem. Example: Plight of Negro on railroad. Must attack problem, not hedge, if principle on which Nation founded is actually realized."

Harold A. Lett, executive, New Jersey Urban League: "Have written Senators Hawkes and Walsh that economic security and morale of minority groups depend on passage of Fair Employment Practice Committee appropriation measure and urging full and unqualified support. Our local league found valuable aid in joint efforts with Fair Employment Practice Committee to secure amicable and efficient integration of minority group workers in North Jersey industry."

Father L. G. Ligutti, National Catholic Rural Life Conference, Des Moines, Iowa: "Continuation Fair Employment Practice Committee necessary. We must prove our national honesty and sincerity to all our citizens and we who are blessed with and believe in democratic ideals must show to our enemies and to the world that democracy is not a bluff and a mockery."

Eduard C. Lindeman, New York School of Social Work: "In my opinion defeat or curtailment of Fair Employment Practice Committee would constitute betrayal of the central aim of this war which is to establish freedom. Those citizens who do not realize this are misconstruing the mood and temper of our fighting men."

Archbishop Robert Lucey, San Antonio, Tex.: "Fair Employment Practice Committee has done magnificent work in south Texas by every standard of

decency, democracy, and justice. It should be continued with adequate appropriation. If we do not stand for justice and fair play here let us stop talking about a world-wide conflict to defend the human spirit everywhere. If the Senate kills Fair Employment Practice Committee it represents the forces of evil by that action."

Isaac E. Marcusson, secretary, Central Conference of American Rabbis, Macon, Ga.: "Fair Employment Practice Committee should be continued by all means. It has been a strong force toward democracy in America."

The Reverend H. P. Marley, Unitarian, Dayton, Ohio: "Fair Employment Committee work must continue. Victory for human rights on home front essential to winning the war if Senate can allot billions to firms for canceled contracts as in George-Murray bill it can and must provide a half million for safeguarding rights of workers."

Carey McWilliams, Los Angeles, Calif.: "Continuation Fair Employment Practice Committee absolutely essential. This agency has done more in brief period of its existence to eliminate racial discrimination than any measure yet taken by Federal Government."

Bishop Walter Mitchell, Prescott, Ariz.: "Fair Employment Practice Committee is spearhead of effort here at home to make effective very things we are fighting for. Failure to continue Committee might confuse our allies as it would certainly confuse those all over United States working against intolerance and race hatred and seriously weaken our efforts."

James G. Patton, president, Farmers Union: "National Farmers Union has indicated its support of appropriations for Fair Employment Practice Committee to the House of Representatives. The appropriation of \$585,000 for Fair Employment Practice Committee is a minimum amount. We are of the conviction that the Fair Employment Practice Committee should by all means be continued and enlarged. It has a most outstanding record of achievement to date."

Lillie M. Peck, secretary, National Federation of Settlements, Inc.: "The National Federation of Settlements passed the following resolution at its thirty-first conference in Cleveland, May 1944. 'The industrial and employment problems of minorities have been safeguarded through the machinery set up by the President's Fair Employment Practice Committee. We are aware of its limitations and functional weaknesses. We firmly believe that it should be strengthened and made permanent for safeguarding the employment problems of minorities through legislative action. It has been valuable during the period of industrial and military mobilization for war. Its need is made urgent during the period of demobilization and reconversion to peacetime operations and more than that for the tremendously strained period which will inevitably follow.' I am sending copies of the resolution to the New York Senators and urging our members to do so as well."

Edward D. Porter, chairman, Subcommittee on Legislation, Pittsburgh: "Thanks for your message. We are wiring the following to our Senators: 'The citizens coordinating committee, comprising 67 different organizations in Allegheny County, asks that you vote in favor of appropriations to continue Fair Employment Practice Committee.'"

C. B. Powell, editor and publisher, New York Amsterdam News: "The appropriation for the continuation of the truly democratic work should be granted. When this issue comes before the Senate for a vote it will not be an ordinary debate over expenditures but one to decide whether the march toward the democratic ideal is to continue or be detoured."

A. L. Sachar, national director, B'nai B'rith Hillel Foundation Commission: "War brings with it so many tensions that prejudice and discrimination flourish all the more. It would be tragic therefore to have Fair Employment Practice Committee crippled by loss of its budget. Hope there will be wider public pressure to retain it as one of most effective sentinels of American way."

Robert W. Searle, general secretary, the Greater New York Federation of Churches: "The Fair Employment Practice Committee represents an important effort to advance the fundamental American ideal of justice. By all means its financial support should be continued by Congress."

Ferdinand C. Smith, secretary, National Maritime Union: "The President's Fair Employment Practice Committee renders invaluable service in combating racial and religious discrimination in war industries expediting President Roosevelt's full employment program so necessary to our war effort. It is vitally important that the Fair Employment Practice Committee's request for appropriations be granted by Congress so that it may continue its antidiscrimination and full employment program so essential to national unity and the war effort."

The Reverend John B. Thompson, Norman, Okla.: "As southerners we regard the Fair Employment Practice Committee as essential instrument to aid expression majority will to use full manpower for war effort and to keep faith with our democratic war aims. Job discrimination based on race, creed, or color denies people's war aims and spreads contempt for law and democratic government."

Dr. Harry F. Ward, professor emeritus, Union Theological Seminary: "Consider appropriation to continue work of Fair Employment Practice Committee absolutely necessary for maximum pre- and post-war production."

Ruth Mougey Worrell, executive secretary, United Council of Church Women: "United Council Church Women believe racial discrimination in employment opportunities barrier in building a world Christian community. Our confidence in Fair Employment Practice Committee has led us to keep church women informed that they may urge their Congressmen to its support."

The Reverend Paul Wright, First Presbyterian Church, Portland, Oreg.: "Fair Employment Practice Committee indispensable, particularly in present situation, but not less so during period of post-war tensions. Its work must be strengthened, not curtailed."

The Reverend Seaton E. Humphrey, New Haven Council of Churches, Connecticut: "We have wired Senators Maloney and Danaher, Directors of the New Haven Council of Churches, have endorsed supporting Senate Appropriation of \$585,000 for Fair Employment Practice Committee and urge your support of it."

Dr. Simson A. Smith, West Virginia State Association of the Independent Benevolent Protective Order of Elks of the World: "After having read the telegram sent to our grand exalted ruler, by the members of the West Virginia State Association of the Independent Benevolent Protective Order of Elks of the World, went on record as to their willingness to support the Fair Employment Practice Committee 100 percent as we already know that it is the leading national organization that has done much to combat racial and religious discrimination in war industries. We will be glad to contact the Senators of our State that they may lend their influence in seeing that the agency be continued through the money needed."

Rev. Albert C. Dieffenbach, Civil Liberties Union of Massachusetts: "Please urge upon Congress the voting of the full yet moderate appropriation of \$585,000 for the Fair Employment Practice Committee which will thus be able to continue its profoundly American labors by making effectual the equality treatment of workers without any discrimination whatever because of race, color, or creed."

Rev. Chester E. Hodges, Newark, N. J.: "It is imperative that the Fair Employment Practice Committee be continued. If the Senate undermines the work of the Committee through refusing continuance of the appropriation it strikes a hard blow at the progress that is being made to overcome discrimination in war plants. I urge its continuance."

Dr. David de Sola Pool, Spanish and Portuguese Synagogue, New York: "When our country is engaged in life and death struggle against evil powers making principle of racial discrimination and right of privileged peoples to exploit others continuation of Fair Employment Practice Committee both essential reality of ideals human oneness and human justice for which we are battling."

E. C. Farnham, executive secretary, Church Federation of Los Angeles, Calif.: "Believe Fair Employment Practice Committee is most hopeful attempt to provide right of democracy to minority element. Continuance of work of Committee absolutely essential to correct faults in social and economic relations and to forestall future serious trouble. Strongly urge continued maintenance of committee."

Charles S. Johnson, Fisk University, Nashville, Tenn.: "I believe it is vital to the effective prosecution of the war and to the preservation of national morale now and after the war that the Fair Employment Practice Committee should continue to function with an adequate appropriation for carrying on its excellent and essential work for full and nondiscriminatory use of the Nation's manpower."

Judge Nathan D. Perlman, vice president, American Jewish Congress: "Discrimination in employment on account race, color, or religion violates American principle of equality of opportunity and must be eliminated. Nazis publicize existence of these practices in United States in propaganda to destroy faith in democracy. Fair Employment Practice Committee efficiently performs most constructive and essential work and should receive maximum appropriation."

Rose Schneiderman, president, Women's Trade Union League: "National Women's Trade Union League representing affiliated membership of million and a half strongly urges appropriation of \$585,000 to Fair Employment Practice

Committee. Committee's unparalleled work in combating racial discrimination and religious bigotry in industry must continue. It is vital to war effort today and peace of tomorrow."

Young Women's Christian Association, National Student Council: "Fair Employment Practice Committee required since only Government agency protecting basic rights of racial and religious minority in war industries. Prevents slow-down in war production. Advances made must be safeguarded or whole fight lost. Adequate appropriation would save country in crucial period preventing conflict, manpower waste, lowering of morale. Just work arrangements for future need establishing now."

Mrs. Samuel Goldstein, national president, Mizrahi Women's Organization of America: "We, the Mizrahi Women's Organization of America, women's religious Zionist movement, counting a membership of more than 35,000 throughout the country are strongly in favor of the Fair Employment Practice Committee. In the name of common justice and our democratic principles the Fair Employment Practice Committee which has distinguished itself in combating religious and racial discrimination in war industry, must be permitted to continue its brilliant work. We urge you to use your authority and influence for the purpose of securing the necessary appropriation for the continuance of the Fair Employment Practice Committee."

Rabbi William H. Fineshriber, D. D., Philadelphia, Pa.: "Regret delay in answering your telegram because of absence from city. Am happy to join representatives of all faiths in supporting Fair Employment Practice Committee budget request for \$585,000. It seems incredible that at a time like this when the civilized world is spending billions of dollars and sacrificing millions of human lives in order to destroy injustice and intolerance throughout the world that there should be any hesitancy on the part of Congress to expend so small an amount to insure a fair employment practice throughout the country. I feel that the common sense and consciousness of justice on the part of our legislators in our National Congress will compel them to grant this small sum to insure that there be no discrimination in the matter of employment against any American on the ground of differences of religion or origin."

Dr. Max Yergan, president, National Negro Congress: "The Negro people have hailed the Fair Employment Practice Committee as the basis for a vastly improved economic status. The establishment of this Committee by President Roosevelt is one of the great gains which have come to American democracy. The value of the Fair Employment Practice Committee has been proved beyond doubt and the American people who are opposed to poll-tax and other discrimination are equally as desirous to see this gain retained. It is my strongest hope that the Senate will vote the full appropriation required and that to this end the American people will make known their desire."

Mrs. Milly Brandt, legislative chairman, Women's Division, American Jewish Congress: "Women's Division, American Jewish Congress, fully endorses maximum appropriation President's Fair Employment Practice Committee. Best personnel essential for our war industries and government. Our returning soldiers want assurance of economic security. We cannot allow racial and religious prejudice in employment to impede our war effort."

Philip Murray, president, Congress of Industrial Organizations: Congress of Industrial Organizations views on need for continuance Fair Employment Practice Committee and giving it permanent form expressed my letter June 2 to Senate and testimony James B. Carey before House Labor Committee. All fair-minded citizens concerned for national unity as liberation reaches Europe agree job discrimination on grounds race nationality, etc., must end as matter of justice and of aid to war. Fair Employment Practice Committee competent and logical agency to continue this work and should be supported with funds and permanent status by Congress."

W. Russell Bowie, Union Theological Seminary, New York (copy of letter to Senator Wagner): "I earnestly hope that you will use your best influence to provide for the continuation of the Fair Employment Practice Committee and for an adequate appropriation to maintain its work. Now, when we are fighting a war to preserve liberty and fair dealing, it surely is of critical importance that there be right provisions made in America for just treatment of our minority groups."

Bishop W. Y. Bell, Augusta, Ga.: "Fair Employment Practice Committee continuance and appropriations of adequate funds for its works urgently indicated both in simple American justice to its minorities and as essentially conducive to maximum national war production spiritual unity and morale needed to

assure victory at least possible cost in American lives and guarantee ultimate peace with security."

Naomi Chertoff, president, Junior Hadassah: "Representing a membership of 20,000 young women we urge the Senate's approval of the appropriation request for the Fair Employment Practice Committee. It is imperative that the excellent and necessary work of this committee shall continue."

Norman Corwin, Radio: "I think it is as important to combat racial and religious discrimination in war industries as it is to combat Nazis and Japs in the arenas of war. The two battles are inextricably related and it seems to me that denial of an appropriation to an organization like Fair Employment Practice Committee is tantamount to denying ammunition to an infantry division."

Rabbi Abraham Cronbach, Cincinnati, Ohio: "Compliant with your telegram of June 3, I have written to Senator Taft and to Senator Burton in favor of continuing the appropriation for the Fair Employment Practice Committee."

The Reverend W. J. Jernagin, Washington, D. C.: "The successful prosecution of the war demands maximum employment of all available workers regardless of race, creed, color, or national origin. The President's Committee on Fair Employment Practice has succeeded in increasing employment among minority groups and fostering a democratic ideal upon which rests our Nation's destiny. The Washington Bureau, Fraternal Council of Negro Churches in America, heartily approve the work of the Committee and endorse it as one of the greatest instruments for creating, a just and enduring peace that this Government has created. We respectfully urge the passage and approval of the Fair Employment Practice Committee budget by the United States Senate."

Mrs. J. Borden Harriman, New York City: "The President's Fair Employment Practice Committee has been one of the most valuable war agencies retained. Any possibility of discontinuing the work of this Committee at the present time would be a serious blow to the morale of war workers as well as to their brothers in arms."

Faye Stephenson, president, Congress of Women's Auxiliaries of the Congress of Industrial Organizations: "Regard continuance Fair Employment Practice Committee as vital to our war effort. Invasion makes morale of our people matter of vital concern and defeat of the Fair Employment Practice Committee would undermine morale of large group of our citizens. Equal job opportunities for all our people is basic to democracy we are fighting for."

Rex Stout, chairman, Writers' War Board: "The Fair Employment Practice Committee is a beachhead held precariously in the struggle against unfair discrimination by many employers and many labor unions. To be driven from that beachhead, back into the sea of prejudice, by congressional failure to vote an appropriation for the Fair Employment Practice Committee would be a serious defeat for democratic doctrines and ideals."

Hon. Hulan E. Jack, assemblyman, New York: "It is imperative that the President's Committee on Fair Employment Practice be continued to guarantee the minorities full equality in employment regardless of race, creed, color, or national origin. The attempt by Republican and southern Democratic reactionaries in an unholy alliance to prevent the Fair Employment Practice Committee from obtaining the appropriation is anti-American and playing the game of domestic fascists."

W. A. Fountain, chairman; M. H. Davis, secretary; bishops council of the African Methodist Episcopal Church: "Your telegram to the bishops council of the African Methodist Episcopal Church June 3, 1944, was approved by a substantial vote and compliance with your request was urged."

Hon. Benjamin J. Davis, Jr., councilman, New York City: "Since the beginning of the second front in western Europe, every available man and woman, irrespective of race, color, creed, or political affiliation, is necessary for all-out production to supply our boys and their intrepid comrades in arms. It is treasonous—not to mention the abysmal stupidity—for any partisan clique or coalition in the United States Senate to knife the appropriation for the Fair Employment Practice Committee, President Roosevelt's committee for guaranteeing that religious and racial discrimination does not limit production. The Fair Employment Practice Committee symbolizes the economic democracy our Negro and white boys are fighting for in France and all over the world. Not only is it indispensable to a speedy and total victory now, it must be made a permanent agency of our Federal Government in post-war America. All patriotic Americans have an obligation to see that the Senate passes the Fair Employment Practice Committee appropriation at all costs."

Henty Monsky, president, B'nai B'rith: "Responsive to your request for an expression of my views in respect to the Fair Employment Practice Committee, I am glad to express my complete and full accord with your efforts to obtain the necessary appropriation for the continuance of the work of this committee.

"It is not only the symbol of the concept of better relations between the various groups that make up the citizenship of the United States, but it has achieved much to avoid and to reduce discriminations that might otherwise have resulted from the tensions prevalent during the war period.

"I do hope your efforts to obtain continued financial support from Congress will meet with success."

Halena Wilson, international president, the Ladies Auxiliary to the Brotherhood of Sleeping Car Porters: "Contacts have been made with Members in both branches of Congress relative to the continuation of the wartime Fair Employment Practice Committee and relative to the creation of a permanent Federal post-war Fair Employment Practice Committee. The accomplishments of the Committee to date remove all doubt of its effectiveness."

Sara Pelham Speaks, lawyer, New York City.

Rev. A. Clayton Powell, Jr., former councilman, New York City.

Bertha J. Diggs, New York City.

J. Finley Wilson, president, National Voters League, grand exalted ruler, Independent Benevolent Protective Order of Elks of the World.

SOCIALIST PARTY,
New York, N. Y., June 21, 1944.

Hon. MARY T. NORTON,
House Labor Committee,
House Office Building, Washington, D. C.

DEAR MRS. NORTON: I was sorry to learn from your letter that it would be impossible for me to testify at this time before your committee in favor of the permanent Fair Employment Practice Committee. Although I am planning to testify when the hearings reopen, I would like to take this opportunity of giving the committee my views on the Dawson-Scanlon-LaFollette bill.

Too many of us white Americans who are right in denouncing the monstrous Nazi doctrine of the master race, then turn around and practice this same doctrine toward our colored neighbors. It is a doctrine with no more scientific support in America than in Germany.

"Victory" is the slogan around which a majority of the people of the world have been massed into service and sacrifice and suffering. But the army of this fight for Victory is a Jim-Crow army. The land of the four freedoms is the home of the poll tax and other devices for preventing colored Americans from voting.

The victory which democratic Americans strive for is that which brings emancipation of all peoples, and the establishment of peace, plenty, and freedom for all. Such an America will not have room for "second class" citizens. The 13,000,000 Negroes whose ancestors have fought in every war since the United States was founded, who have given of their sweat and blood to build this land, must also share in its rewards.

But neither freedom nor peace nor plenty can be won on the simple basis of a Negro rights movement. It will take a vigorous and intelligent human rights movement to conquer war, poverty, and unemployment. It means establishing economic security, with equal opportunity for all to advance themselves, regardless of race or color. It means true political, social, and economic democracy for Negro and white.

The establishment of a permanent Fair Employment Practice Committee will not bring all of these benefits about, of course, but it will assure to Negroes some of their elementary American rights, and as such is long overdue. Economic equality of opportunity is basic. For myself, and for the Socialist Party, I urge that your committee give unanimous approval to the Dawson-Scanlon-LaFollette bill.

Very truly yours,

NORMAN THOMAS.

PROCLAMATION

Whereas, on June 25, 1941, President Roosevelt issued the now historic Executive Order No. 8802, declaring it to be the policy of the United States that "there shall be no discrimination in the employment of workers in defense industries or Government because of race, creed, color, or national origin;" and

Whereas the highly critical demands of our country's war economy, combined with the accomplishments of the President's Committee on Fair Employment Practice and various other organizations, have resulted in the employment of thousands of workers in jobs which previously had been closed to them; and

Whereas this additional employment has greatly expedited and increased the production of a wide variety of materials urgently needed for the success of our country's war effort; and

Whereas, because the war industries of today are the peace industries of tomorrow, it is our common task to lay the foundation for the permanent integration of minority groups to assure that the gains now being achieved will not be limited "for the duration;" now, therefore,

I, Edward J. Kelly, mayor of the city of Chicago, do hereby designate Sunday, June 25, 1944, as Fair Employment Practices Day in Chicago in order that management, labor, and all other segments of our population shall be stimulated to establish in our factories and places of business the democratic principle of equality of opportunity for which our fighting men of all races and creeds are at this time bravely sacrificing their lives.

Dated at Chicago this 14th day of June, A. D. 1944.

(Signed) EDWARD J. KELLY, *Mayor*.
(Chicago)

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